

FOR RESPONSE

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Public Statement

Pinochet Case

Clarification of Amnesty International's Position on the Case

In the light of recent press reports indicating that groups that have campaigned for Pinochet to stand trial "privately admit that they can do little more to prevent his departure," Amnesty International would like to clarify its position on the case at this point:*

Amnesty International's goal in this case is to achieve justice for the victims – not to prevent Augusto Pinochet's departure from England at all costs. This is why we want to ensure that any decision relating to his extradition and trial is made according to international standards of fairness and it is free from political interference.

Amnesty International believes that in determining whether to extradite Augusto Pinochet the UK Home Secretary should not rely solely on the medical examinations already done, but allow the case to proceed to a hearing in the High Court, where the issue of health is expected to be raised.

Augusto Pinochet's lawyer has indicated that Pinochet's medical condition would be raised in proceedings pending before the High Court if Jack Straw did not decide to halt the extradition proceedings. It is Amnesty International's view that the High Court is the appropriate forum for this in order to ensure justice is not only done but seen to be done.

No decisions have been made at this point on whether Amnesty International would be taking further legal steps should UK Home Secretary decide to stop extradition proceedings against Augusto Pinochet on the basis of the medical tests carried out in January. The organization is waiting to hear what the

Home Secretary's decision is, how he has reached that decision, and how the four countries requesting extradition will react to it. Amnesty International will then decide its course of action on the basis of that information, continuing to be guided by the principles of fairness and justice.

Background

Following a legal challenge by Amnesty International five other non-governmental organizations and Belgium, the High Court ruled on 15 February 2000 that fairness required the UK Home Secretary to disclose the medical report he had commissioned on Augusto Pinochet to Spain, Belgium, France and Switzerland -- the four states which had requested his extradition -- and to provide them with an opportunity to comment.

Meeting a deadline for comments of 5pm on 22 February imposed by the UK Home Secretary, it is reported that the four states have expressed reservations and asked questions about the medical report which formed that basis of Jack Straw's view that he was "minded" not to extradite Augusto Pinochet.

Augusto Pinochet's lawyer indicated on 15 February that Augusto Pinochet's medical condition would be raised in the *habeas corpus* proceedings currently pending before the UK High Court if the Home Secretary decides at this time to let the extradition proceedings continue.

Amnesty International has consistently urged, in the context of the current extradition proceedings, that Augusto Pinochet's fitness to participate in judicial proceedings should be decided not through a political process but through a judicial one, where -- as UK Lord Justice Simon Brown pointed out -- the issue is ordinarily resolved.

ENDS.../

*The Sunday Times, 28 February 2000, "Pinochet set for return to Chile this week" ..*****Fo
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