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Pinochet case: extradition proceedings for torture charges must go ahead

Jack Straw should stand by his previous decision to allow extradition proceedings to continue against former general Augusto Pinochet, Amnesty International said today as the UK Home Secretary prepares to deliver his decision before an April 15 deadline.

In a letter sent today to Mr Straw, the organization argues that even with the 1988 watershed indicated by the House of Lords to allow Pinochet to be extradited on torture-related charges only, Mr Straw is morally and legally bound to reach the same decision he took on 9 December last year.

“The current Spanish extradition request includes eight cases of torture after 1988, the horrific details of just one of which should be enough to convince Jack Straw that the extradition proceedings must continue,” Amnesty International said.

“Under the United Nations Convention against Torture, a single case of torture is enough to trigger international criminal responsibility,” the organization added.

“The victims and their families have waited many years for the truth. Their struggle should not be hindered at this late stage when justice is almost in their grasp.”

Among the cases documented by Spanish Judge Baltasar Garzón is that of Marcos Quezada Yañez, a 17-year-old student active in the Pro-Democracy party, arrested by security forces on 24 June 1989. Within hours of his arrest, Marcos was dead. The autopsy report identified the cause of his death as “shock, probably from an electric current”.

“Marcos’s case is just one example of how the Chilean military government continued to systematically torture men, women and children well after 1988 and indeed until the end of its rule,” Amnesty International said.

“According to international law, military and civilian leaders are accountable for this type of gross and systematic human rights violation.”

In addition to the cases in the extradition request, Amnesty International has documented a number of other cases between 1988 and 1990.

Testimony from José Luis Donoso Cáceres -- arrested on 26 October 1988 -- describes how he was beaten, handcuffed, thrown to the ground, kicked, and attacked by specially trained dogs that bit him wounding his arms, legs and the upper part of his body. He was made to walk barefoot up a hill, while being punched, hit with the butts of guns and bitten by dogs. His head was repeatedly submerged in a stream until he nearly suffocated, his eyes were poked and his head stuck into a beehive.

Amnesty International also called on Jack Straw to take into account the over 1,000 people who “disappeared” in Chile during Pinochet’s rule, and whose fate is still unknown. According to international law, forced “disappearance” amounts to torture for both the victims and their families.

“ ‘Disappearance’ is a continuing crime, which can be resolved only when the fate of the victims has been clarified,” Amnesty International said.

“Disappearances” are recognized as torture -- both for the victims and their families -- in several international treaties and declarations -- including the United Nations Declaration on the Protection of All Persons from Enforced Disappearance and the Inter-American Convention on the Forced Disappearance of Persons -- as well as in the jurisprudence of the European Court of Human Rights.

“We must not forget that these ‘disappeared’ people had families -- mothers, fathers, sons and daughters,” the organization continued. “Keeping them in the dark about what happened to their loved ones has long been recognised as being tantamount to torture too.”

The record of 1,198 “disappeared” people has been included by Judge Baltasar Garzón in his supplement to the extradition request -- submitted on 26 March 1999 -- which also contains details of a further 42 cases of victims of torture or conspiracy to torture after 29 September 1988.

Background

Article 1(2) of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance states: “Any act of enforced disappearance ...inflicts severe suffering on [the victims] and their families. It constitutes a violation of the rules of international law guaranteeing, *inter alia*, ... the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment”.

Amnesty International’s submission to Mr Straw was made through its solicitor, Geoffrey Bindman, together with the *Medical Foundation for the Care of the Victims of Torture*, the *Redress Trust*, *Mary Ann and Juana Francisca Beausire*, *Dr Sheila Cassidy* and the *Association of Relatives of Disappeared Prisoners*.

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A paper with individual cases exemplifying instances of torture after 1988 and the legal points made in Amnesty International’s submission -- Chile: Torture, an international crime -- is available through the Amnesty International press Office: +44 171 413 5808/5810/5562