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Pinochet case: let justice take its course

Torture is an international crime and a court of justice should be allowed to determine whether Augusto Pinochet is guilty or innocent of this crime, Amnesty International said today reacting to the former general's lawyers' application seeking a judicial review of the decision to allow the extradition proceedings to continue.

Amongst the reported arguments for the request is the reduction in the number of charges resulting from the House of Lords' ruling, which according to the former general's defence would make the case no longer fit for extradition.

"Arguments related to the reduction of charges should be dismissed as contrary to the word and spirit of the UN Convention Against Torture and to the House of Lords ruling," Amnesty International said.

"According to the Convention Against Torture, even one case of torture would be sufficient to permit extradition to a state able and willing to try the person accused," the organization continued.

Despite this reduction, in their 24 March ruling the law lords made it clear that former general Pinochet could be extradited for the crimes of torture and conspiracy to torture committed after December 1988, when the United Kingdom ratified the Convention Against Torture.

"This will be the only way to give a chance to justice, to prove that international law goes beyond the signing of treaties and to offer to victims and relatives of human rights violations in Chile an opportunity to have their claim answered after 25 years of waiting."

"Victims include 1,198 'disappeared' people and their families, who have been subjected to a form of torture that will continue until the fate of the 'disappeared' is resolved," Amnesty International said, adding that international law has long established that forced disappearances on a widespread or systematic basis are crimes against humanity.

"All states have the obligation to exercise universal jurisdiction to prosecute these crimes," Amnesty International stressed.

"The need to protect individuals against acts which go against basic human rights, like the right not to be tortured, has led to the establishment of mechanisms which allow for perpetrators to be brought to justice by the international community," Amnesty International said.

A general rule of international law which prohibits torture and obliges all States to punish acts of torture, has been established by the principles set down by the Nuremberg International Tribunal and in the Universal Declaration of Human Rights.

Spanish criminal law codifies and punishes murder, torture and abduction. Spanish courts are empowered to exercise universal jurisdiction under domestic and international legislation to pursue the crime of torture.

Background

On 24 March 1999 the appeals committee of the House of Lords confirmed that a former head of state cannot show that to commit an international crime is to perform a function which international law protects by giving immunity. Six of the seven members of the panel agreed on the principle that torture is an international crime over which international law -- and in particular the UN Convention against Torture -- recognizes universal jurisdiction to all courts, regardless of where the torture occurs.

On 15 April 1999 the UK Home Secretary Jack Straw issued a second authority to proceed with the application for extradition of former general Augusto Pinochet. ENDS.../

