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NEWS FLASH

Pinochet case: Amnesty International is studying the appeal of the lawyers

Amnesty International has no information as to what the “habeas corpus” says. It was filed today by the lawyers of Augusto Pinochet as an appeal against a British magistrate’s decision to allow his extradition to Spain on torture charges.

The human rights organization takes notice of the “habeas corpus” submitted today by Augusto Pinochet’s lawyers regarding Judge Bartle’s decision of 8 October 1999.

Amnesty International will study carefully the contents of the “habeas corpus” to see which arguments in it touch upon Amnesty International’s concerns about impunity and the importance of the international crimes which motivated the decision to extradite.

“We are confident that the High Court will support the magistrates’ ruling in favour of extradition. Torture is an international crime and as such it must be punished”, Amnesty International said.

Background

Following the *Habeas Corpus* petition, the High Court has up to two weeks to decide whether the legal arguments presented justify a judicial hearing. A *Habeas Corpus* is the correct form to file an appeal in an extradition process. One High Court judge will give the decision on the application of the *Habeas Corpus* in what is known as ‘directions hearing’. This will be done either in a short court hearing or in ‘Chambers’.

If the application is accepted by the judge, a date will be set for the judicial hearing which will be heard by three High Court judges. It could be up to a month between the directions hearing and the judicial hearing. If the High Court judges’ decision is against extradition, Augusto Pinochet will be free, unless the Crown Prosecution Service -representing the Spanish Government- appeals the decision.

If the High Court Judges uphold Magistrate Ronald Bartle’s ruling (i.e. yes for extradition), the defence lawyers can request a leave to appeal to the House of Lords. If such appeal is not filed or leave is not granted, the whole issue passes to the UK Secretary of State for Home Affairs, Jack Straw, for a final decision. Mr. Jack Straw has up to 15 days to receive representations for and against extradition and up to two months to consider such representations and deliver his decision.

Jack Straw can either annul the judicial decision in favour of extradition on humanitarian or other grounds or uphold the extradition decision for Augusto Pinochet to be extradited to Spain.

In both case the interested party can appeal for a Judicial Review of Mr. Straw’s decision.

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