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UK/Chile: Legal procedures into Augusto Pinochet's crimes against humanity must not become a political issue

The arrest of Chile's former general, Augusto Pinochet, is a positive step in ensuring justice for the families of victims of gross human rights violations committed under his regime, but it is crucial that investigations are not hampered by political considerations, Amnesty International said today.

The human rights organization is today re-issuing a report on the international community's responsibility regarding crimes against humanity which examines the question of universal jurisdiction.

As a result of the initiative taken by the Spanish courts (*Audiencia Nacional*) to investigate human rights violations against Spaniards in Chile during the 1973 to 1990 military government of General Augusto Pinochet, the report released last May highlighted the international legislation which reinforces the Spanish Court's initiative; it sets out the principles of universal jurisdiction; and the international obligation to investigate and to impart justice to those found guilty of crimes against humanity.

"In the name of those principles we welcome the legal initiatives by the Spanish judges -- and the steps taken by the UK authorities -- to cooperate with this vital initiative which sets an important precedent in the fight against impunity," Amnesty International said.

"It is only when Augusto Pinochet answers for the thousands of "disappearances", executions, torture and arbitrary detentions committed under his regime that a clear message will be sent to all those who abuse their position: gross human rights violations will not be tolerated under any circumstances."

International cooperation must be coupled by other governments seeking clarification from the Chilean authorities on their own nationals that might have been victims of human rights violation. In addition, governments should facilitate efforts by their own citizens in their search for justice. International cooperation must not be marred by political considerations.

"Action by the international community against impunity is critical. Investigation of human rights violations and prosecution of those responsible have been seriously hindered in Chile because of the application of the Amnesty Law of 1978 -- in reality a self-amnesty law -- passed by the military government of General Pinochet," Amnesty International said.

"This breakthrough against impunity is not just a bilateral issue -- it concerns the international community as a whole."

“The crimes investigated in the case against Augusto Pinochet constitute crimes against humanity, and as such are subjected to the principles of universal jurisdiction. Furthermore, in the light of the seriousness of these crimes, the issue of the diplomatic immunity of Augusto Pinochet is irrelevant,” the organization added.

The armed forces under Augusto Pinochet’s command implemented systematic and large-scale repression, exerting absolute control over the resources of the State and using these to commit human rights violations, passing repressive laws, denying victims judicial remedies, using the judicial system to persecute oponents, placing society in a situation of total defencelessness and generating an atmosphere of terror among the population.

These crimes against humanity committed through State terrorism activities, according to international law, are subjected to the principles of universal jurisdiction. Also, the Organic Law of the Judiciary and the Spanish Penal Code contain provisions granting jurisdiction to the Spanish judges to try these crimes.

The UK victims of Augusto Pinochet’s military regime are also awaiting justice. "Now is the time for the UK government to make a public commitment on the cases involving its own citizens. Equally, the Spanish government should continue supporting the Spanish judges in their legal proceedings," Amnesty International said.

Background

The human rights violations recorded in Chile during the government of General Augusto Pinochet (1973 to 1990) – which include thousands of cases of torture, extrajudicial execution and "disappearance" -- constitute crimes against humanity. These crimes were committed by the intelligence services – Directorate of National Intelligence (DINA) and the National Information Centre (CNI) – which reported to President Augusto Pinochet.

The Truth and Reconciliation Commission (*Comisión Rettig*) – which has extensively documented the human rights violations committed during the dictatorship – stated that these crimes were committed through the practice of State terrorism.

The judges from the Spanish National High Court (*Audiencia Nacional*), Baltazar Garzón and Manuel García-Castellón, have been investigating human rights violations against Spaniards in Chile during the 1973 to 1990 military government of Augusto Pinochet. In mid-October 1998 the judges filed a *commission rogatoire* (official petition) with the UK authorities to question former General Augusto Pinochet. On 17 October the UK authorities ordered his arrest.

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For further information, please refer to Amnesty International report:
*The international community’s responsibility regarding crimes against humanity:
Trials in Spain for crimes against humanity under military regimes in Argentina and Chile*
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