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**UK: Whatever the decision in the House of Lords, the UK has a duty to ensure Pinochet's guilt or innocence is determined by a court of law**

Whatever the outcome of the House of Lords' ruling, the United Kingdom (UK) must not take any steps that could prevent other courts from rendering a decision on Augusto Pinochet's case, Amnesty International said in a letter sent today to the UK Home Secretary, Jack Straw.

In its letter, the human rights organization recalls the commitment expressed only four months ago when, as a leading representative of the 120 countries that voted in Rome for the establishment of a permanent international criminal court, the UK declared that crimes against humanity, war crimes and genocide "must not go unpunished."

The representatives of those 120 countries also stressed that effective prosecution of these crimes "must be ensured by taking measures at the national level and by enhancing international cooperation", and accepted "the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes" and the need to "put an end to impunity for the perpetrators of these crimes".

"The UK must now fulfill that commitment," Amnesty International stressed. "We urge Mr Straw to ensure that -- should the House of Lords reverse the High Court judgment -- any decision by the magistrate to issue an extradition warrant be respected by the executive, so that the guilt or innocence of General Pinochet can be determined by a court of law."

If the House of Lords were to affirm the judgment of the High Court, the victims who have made an application to the European Court of Human Rights -- in the case of *Jaccard-Veloso v. the United Kingdom and Aguilar Diaz v. The United Kingdom* -- plan to renew their application.

"Amnesty International urges the UK to give an undertaking not to take any step which could defeat the ability of the European Court of Human Rights to render a prompt a meaningful decision," the organization said.

"In addition, if the House of Lords were to affirm the High Court judgment, the UK government should amend or repeal any legislation which could be interpreted as a bar to fulfilling its obligations under international law to try any person -- regardless of rank and official position -- suspected of crimes against humanity."

The systematic nature, scale, and gravity of human rights violations -- disappearances, killings, torture, arbitrary detentions -- committed under the military government of Augusto Pinochet constitute crimes against humanity under international law. Any state can exercise jurisdiction over them.

The Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment -- as well as customary international law -- dictate that those suspected of such crimes should either be tried, extradited to another state for trial, or surrendered to an international criminal court.

Representatives of the Associations of Families of the Detained-Disappeared and of the Detained and Politically Executed in Chile have also written to Mr Straw expressing dismay at the idea that Augusto Pinochet could enjoy sovereign immunity, which they describe as "an affront not only to the Chilean people but also to humanity as a whole".

The Associations stressed that accepting that torture and other violations of fundamental human rights are legitimate acts of the State, "constitutes a judicial aberration and is morally unacceptable".

For a quarter of a century relatives of the victims of human rights violations in Chile have been campaigning for full truth and justice, which have so far been denied to them. Amnesty International fully supports their endeavours.

"Only the uncovering of the truth and the recognition of the atrocities committed and their perpetrators can heal the wounds of the past and allow the Chilean society to look forward to a stable future," Amnesty International said.

"If General Pinochet is returned to Chile, there will be no determination of his guilt or innocence with respect to any of the charges listed in the extradition requests of Spain, France or Switzerland or in any of the legal proceedings in Chile," the organization stressed. "He has sought protection from any Chilean criminal or civil proceedings through the amnesty law and constitutional provisions passed during his time in power."

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