

AI INDEX: EUR 45/28/98
25 November 1998

Pinochet ruling: an historic step towards ending impunity

Today's decision by the UK House of Lords to reverse the High Court ruling which granted immunity to Augusto Pinochet is a landmark breakthrough against impunity, Amnesty International said.

The decision -- which could open the way to Augusto Pinochet's extradition to Spain -- could eventually lead to the former General having to face a court of justice to determine his guilt or innocence on the thousands of cases of torture, killing and "disappearance" that took place during Augusto Pinochet's time in power.

"The next crucial step is for Jack Straw, UK Home Secretary, to stand by the request to issue an extradition warrant, and not to take any steps which could prevent the competent courts of justice to render a decision on the charges against the former General," the organization stressed.

In addition to its historic importance, the Lords' ruling is a welcomed development for the families of the thousands of people who were tortured, killed or "disappeared" during the military government in Chile.

"Unlike Augusto Pinochet, the victims and their relatives have not enjoyed the benefit of a proper judicial process. This is why more than 25 years after the tragic events, the international community has become the only recourse for those affected."

Amnesty International is now calling for reforms of UK legislation which could be interpreted as a bar to the obligation under international law to try any person suspected of crimes against humanity. The organization also asks that the UK authorities cooperate with any state that has decided to prosecute people responsible for crimes against humanity.

"Today's ruling -- just a few weeks away from the 50th Anniversary of the Universal Declaration of Human Rights, on 10 December -- reaffirms the international community's commitment towards the fulfilment of basic human rights for all."

Background

Augusto Pinochet's arrest in London on 17 October 1998 was the result of a *commissio rogatoire* (official petition) to question him filed by judge Baltazar Garzón of the Spanish National High Court (*Audiencia Nacional*). Judge Garzón had been investigating cases of human rights violations constituting crimes against humanity committed in Chile under Augusto Pinochet's regime.

On 28 October 1998 the UK High Court declared his detention unlawful on the grounds that he enjoyed immunity from prosecution as a former head of state. An appeal of the High Court judgement was subsequently brought before the House of Lords to address the legal concerns surrounding the arrest.

The armed forces under Augusto Pinochet's command implemented a policy based in systematic and massive human rights violations 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

opponents, 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.

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