

26 November 1998

Further information on EXTRA 87/98 (EUR 45/26/98, 19 November 1998) - Impunity / Legal concern**UNITED KINGDOM Augusto Pinochet, former President of Chile**

The House of Lords ruled yesterday, by a majority of three to two, that Augusto Pinochet is not immune from prosecution as a former head of state. The lawyer Geoffrey Bindman, who represented Amnesty International, Redress, the Medical Foundation for the Care of Victims of Torture, and some of the general's victims, said the ruling was the "most important case in human rights law this century."

The decision by the House of Lords left the way open for the former Chilean President, army commander and life senator to be extradited to Spain on charges of mass murder, terrorism and torture.

The judgment places the final decision in the hands of UK Home Secretary Jack Straw who will have to decide whether to let the extradition proceed. He has, however, stated in parliament that he would consider whether the offences are extradition crimes; whether the request for extradition was properly authenticated; whether the offences are of a political character and whether there are compassionate circumstances.

The courts have already decided that the crimes are extradition crimes. There has been no challenge to the authenticity of the request. It is settled law that torture, genocide and other crimes against humanity are not political offences. Amnesty International has written to Jack Straw to say that any questions concerning the competency of a person whose extradition is sought for these crimes should be decided by a court on judicial criteria in a transparent process where the evidence can be tested by all parties, not by an executive official based on political considerations.

The fight to keep Augusto Pinochet from standing trial on charges of genocide, terrorism and torture will be continued by his lawyers. The former general is at present on police bail, under which he has to stay under police guard in Grovelands Hospital, in north London.

FURTHER RECOMMENDED ACTION

- urging the UK Home Secretary to allow the UK Magistrate responsible for the extradition order of Augusto Pinochet to go ahead with the extradition procedure;
- urging the Home Secretary not to take any steps which could prevent the competent courts of justice to render a decision on the charges against the former General;
- stating that, under international law, there cannot be immunity for those implicated in or responsible for crimes against humanity;
- reminding the Government of the long struggle by relatives of victims of human rights abuses during Chile's military regime to obtain justice and truth, and asking the Government of the United Kingdom to support these efforts by granting the extradition of former General Augusto Pinochet to Spain for him to be tried;

To consult the full text of the House of Lords Judgment, at present only available in English, you can visit the website :

<http://www.parliament.the-stationery-office.co.uk/pa/ld199697/ldjudgmt/ldjudgmt.htm>

APPEALS TO:

Secretary of State for Home Affairs

Rt. Hon, Jack Straw, MP, Home Office, 50 Queen Anne's Gate, London SW1 9AT, UK

Telegrams: Jack Straw MP, Home Office, London, UK

Fax: +44 171 273 3965

Salutation: Dear Secretary of State

Secretary of State for Foreign and Commonwealth Affairs

The Rt Hon Robin Cook, MP, Foreign and Commonwealth Office, Downing Street London SW1A 2AL, UK

Telegrams: Robin Cook MP, Foreign Office, London, UK

Fax: + 44 171 270 3539

Salutation: Dear Foreign Secretary

PLEASE SEND COPIES TO DIPLOMATIC REPRESENTATIVES OF THE UNITED KINGDOM ACCREDITED TO YOUR COUNTRY. PLEASE ALSO SEND COPIES TO:

The Prime Minister, The Rt Hon Tony Blair, MP, 10 Downing Street, London SW1, UK. **Fax: +44 171 270 0196**

The Leader of the House of Lords, The Rt Hon Baroness Jay of Paddington House of Lords , London SW1A 0P, UK.

Fax: +44 171 219 3051

The Leader of the House of Commons, The Rt Hon Margaret Beckett, MP, House of Commons, London SW1A 0AA, UK.

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And to these newspapers:

The Guardian, 119 Farringdon Rd, London EC1R 3ER, UK. **Fax: +44 171 837 2114**

The Times, 1 Pennington St. London E1 9XN, UK. **Fax: +44 171 782 5046**

PLEASE SEND APPEALS IMMEDIATELY.