

PUBLIC

AI Index: EUR 45/37/98

18 December 1998

Further information on EXTRA 87/98 (EUR 45/26/98, 19 November) and follow-ups (EUR 45/29/98, 26 November 1998 and EUR 45/34/98, 11 December 1998) - Impunity / Legal Concern

UNITED KINGDOM Augusto PINOCHET, former President of Chile

The House of Lords yesterday overturned the earlier ruling that refused Augusto Pinochet immunity from prosecution as a former head of state.

The decision, by a panel of five Law Lords, followed an appeal by Pinochet's lawyers arguing that Lord Hoffmann, one of the Law Lords involved in the earlier ruling, posed a danger of prejudice because of his connection with Amnesty International Charity Ltd. Lord Justice Browne-Wilkinson, who presided over the appeal, stated that the earlier decision could not stand, and must be set aside.

A new Lords' hearing has been scheduled for mid-January 1999.

The right to challenge an unfavourable judicial decision is a key element of a fair and impartial legal process. When Lord Hoffmann's role as director of Amnesty International Charity Ltd, which operates independently of Amnesty International Ltd., came to the attention of the media last week, Amnesty International stressed that Lord Hoffmann's charity activities were a matter of public record and that any concerns regarding the possible appearance of bias should be addressed to the House of Lords.

Amnesty International fully supports the need for the judicial process to be fair, independent and impartial. Following the decision by the House of Lords, the organization will again seek to provide information to the court on the standards and requirements of international law, which provide that there is no immunity for any person, including a former head of state, for torture or crimes against humanity.

The legal proceeding should be permitted to take its course, so that a court of law can establish in a fair trial whether Augusto Pinochet is guilty or innocent of crimes against humanity committed during the military government in Chile.

Amnesty International continues to urge all states to fulfil their obligation to investigate and bring to justice those accused of torture or crimes against humanity.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or in your own language:

- reminding the Government of the United Kingdom of their responsibility, under international law, to bring to justice perpetrators of crimes committed against humanity;
- stating that, under international law, there cannot be immunity for those implicated in or responsible for crimes against humanity;
- reminding them 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;
- reminding them that Spain, France and Switzerland have issued formal extradition requests;

- asking them to recognise international jurisdiction to bring Augusto Pinochet to trial for crimes committed against humanity and to cooperate with the requests for his extradition, unless he is to be brought to justice in the UK.

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

Faxes: + 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

Faxes: + 44 171 270 3539

Salutation: Dear Foreign Secretary

COPIES TO:

The Lord Chancellor

The Rt Hon The Lord Irvine of Lairg

House of Lords

London SW1A OPW

Telegrams: Lord Chancellor, House Lords, London, UK

Faxes: + 44 171 219 5979 / 219 2428 / 219 4711

Salutation: Dear Lord Chancellor

The Prime Minister, The Rt Hon Tony Blair, MP, 10 Downing Street, London SW1, UK.

Faxes: + 44 171 925 0918 / 270 0196

The Leader of the House of Lords, The Rt Hon Baroness Jay of Paddington, House of Lords, London SW1A OP, UK. **Faxes: + 44 171 219 3051**

The Leader of the House of Commons, The Rt Hon Margaret Beckett, MP, House of Commons, London SW1A OAA, UK. **Faxes: + 44 171 270 0511**

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

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

and to diplomatic representatives of United Kingdom accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 January 1999.