

# AMNESTY INTERNATIONAL

## Public Document

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## Chronology of the case of Augusto Pinochet

### July 1996

Initial criminal complaints against Augusto Pinochet on charges of genocide and terrorism are submitted to the Spanish National Court.

### February 1997

Spanish judicial investigations are initiated centring on human rights violations against Spanish citizens in Chile under the military government of General Augusto Pinochet and violations committed as part of Operación Condor. The charges, which include “disappearances”, torture and extrajudicial executions, amount to crimes against humanity.

### October 1998

- Spanish judges Manuel Garcia-Castellón and Baltasar Garzón Real file an official petition with the UK authorities to question Augusto Pinochet. Augusto Pinochet is served with provisional arrest warrants, issued by a UK magistrate, and is placed in police custody in London.
- Judge Baltasar Garzón issues an international warrant of arrest against Augusto Pinochet in order to prepare the request for extradition.
- Criminal proceedings are announced in Italy, Luxembourg, Norway, Sweden and the USA, ultimately, criminal proceedings were commenced in Belgium, France and Switzerland.
- Augusto Pinochet’s lawyers submit an appeal against his detention to the UK High Court of Justice.
- The UK High Court rules that Augusto Pinochet is immune from extradition and prosecution for systematic murder, torture, “disappearance”, illegal detention and forcible transfers because he is a former head of state.
- The UK prosecution authority appeals against the High Court decision and is granted leave to take the case to the House of Lords.

### November 1998

- The Spanish government files a formal request with the UK authorities for Augusto Pinochet to be extradited to Spain to face trial for genocide, terrorism, kidnapping, torture, and “disappearances” and for conspiracy to commit these crimes. The Swiss and French governments also file extradition requests with the UK authorities.
- The UN Committee against Torture recommends to the UK government that the case of Augusto Pinochet “be referred to the office of the public prosecutor, with a view to examining the feasibility of and if appropriate initiating criminal proceedings in England, in the event that the decision is made not to extradite him”. It also calls for reform of UK law which is in direct conflict with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by effectively granting immunity to heads of state and allowing a defence of “lawful authority” in prosecutions of people accused of torture.
- The Judicial Committee of the House of Lords, the highest UK court, reverses the High Court judgment. By a majority of three to two, the Law Lords rule that Augusto Pinochet is not immune from prosecution because he is a former head of state. This ruling leaves the way open for Augusto Pinochet to be extradited to Spain on charges of mass murder, terrorism and torture.
- The final decision on whether to allow the extradition to proceed rests with the UK Home Secretary, Jack Straw.

### **December 1998**

- The Belgian government also files an extradition request with the UK authorities.
- On the eve of the 50th anniversary of the Universal Declaration of Human Rights, the Home Secretary decides to order the application for extradition to proceed.
- The Law Lords' ruling is set aside, following a challenge to the composition of the judicial panel, on the basis of links between one of the Law Lords and Amnesty International Charity Limited. A new panel of seven Law Lords is scheduled to reconsider the case in January 1999.
- Augusto Pinochet remains under police guard in the UK while the legal proceedings continue.

### **January 1999**

New hearings start before the House of Lords. Amnesty International, the Medical Foundation for the Care of Victims of Torture, the Redress Trust, Mary Ann and Juana Francisca Beausire, British torture victim Sheila Cassidy and the Association of Relatives of the Disappeared in Chile are granted leave to participate as third parties, as is the Chilean government.

### **March 1999**

- By a majority of six to one, the Law Lords rule that Augusto Pinochet does not have immunity from prosecution for acts of torture committed when he was head of state and that he could be extradited, but only for the crimes of torture and conspiracy to torture alleged to have been committed after 8 December 1988 – the date on which the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment became binding on Chile, Spain and the UK.
- Although all the other charges were eliminated, in their ruling the Law Lords stated that under General Augusto Pinochet's government "appalling acts of barbarism were committed in Chile and elsewhere in the world: torture, murder and the unexplained disappearance of individuals all on a large scale". The Law Lords' ruling stated that the UK Home Secretary could permit the extradition proceedings against Augusto Pinochet to continue on the reduced number of charges.
- The UN Human Rights Committee states that the Chilean Amnesty Law of 1978 violates the right to have an effective remedy and is incompatible with the obligation of the state to investigate human rights violations.

### **April 1999**

The UK Home Secretary gives authority for the extradition application to proceed for a second time. Extradition hearings are scheduled for September.

### **August 1999**

The Chilean 5th Court of Appeals rejects the judicial request to include Augusto Pinochet in the investigation related to the killing of 72 people in the 1973 "Caravan of Death" operation. In its ruling the Court states that, according to Article 58 of the Chilean Constitution, Augusto Pinochet's parliamentary immunity excludes him from such investigation.

### **September 1999**

- In the year following his arrest, 40 lawsuits are filed against Augusto Pinochet before Chilean courts.
- Extradition hearings against Augusto Pinochet start in the UK, before Magistrate Ronald Bartle of Bow Street Magistrates' Court, to determine whether to authorize the extradition of Augusto Pinochet on 35 cases of torture or conspiracy to torture committed after 8 December 1988, and on cases of torture resulting from 1,198 "disappearances" submitted by Spanish judge Baltasar Garzón.

### **October 1999**

- Magistrate Bartle orders the procedures allowing extradition of Augusto Pinochet to continue. He emphasized that the proceedings were not to decide whether or not Augusto

Pinochet was guilty, but to decide whether or not the conditions were in place to order the committal of the accused to await the decision of the Home Secretary.

- Magistrate Bartle found that the information submitted to him relating to allegations after 8 December 1988 “constitute a course of conduct amounting to torture and conspiracy to torture” for which Augusto Pinochet “enjoys no immunity”. In relation to the “disappearance” cases he considered that the effect on the families “can amount to mental torture”.
- The Chilean government requests the UK authorities to undertake medical tests on Augusto Pinochet in order to consider his release on humanitarian grounds.
- Augusto Pinochet’s lawyers appeal against the Magistrate’s decision through application for a writ of habeas corpus.

#### **November 1999**

- The UK Home Office asks for Augusto Pinochet to undergo independent medical tests following a request from the Chilean government that he be released on health grounds.
- The Spanish National Court rejects, for the third time, attempts by the Spanish Public Prosecution Office and by the Public Prosecutor’s Department to stop the proceedings against Augusto Pinochet in Spain. The Court reaffirms the jurisdiction of the Spanish courts and authorizes Judge Baltasar Garzón’s investigations.

#### **January 2000**

The UK Home Secretary, Jack Straw, announced the possibility of rejecting the extradition of Augusto Pinochet to Spain on grounds of health. The decision was based on the report of a panel of four doctors. The report was initially denied to any of the four countries requesting his extradition but following a decision by the High Court the report was made available.

#### **March 2000**

- Augusto Pinochet returned to Chile after the UK home Secretary Jack Straw decided to halt the proceedings for his extradition to Spain on health grounds.
- On the day of his return, seven human rights lawyers submitted a judicial request to the civilian justice to initiate proceedings to lift his immunity as a Senator for life.
- At his return to Chile, over 2,000 individual cases of human rights violations have been submitted to the courts of justice against him.

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