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UN Torture Committee calls for Pinochet prosecution and reforms in Northern Ireland

While the world awaits the British House of Lords ruling in the Pinochet case, the UN Committee against Torture (Committee) made today a significant intervention against impunity, Amnesty International said today.

The organization welcomes the Committee's call on the UK government to refer the case of former General Augusto Pinochet to the public prosecutor if he is not extradited to Spain.

"This recommendation is in line with Amnesty International's repeated appeals to the UK government to respect the principles of international law by trying or extraditing *all* people suspected of crimes against humanity," the organization said.

The Committee said that the feasibility of prosecuting Augusto Pinochet in the UK should be examined. If appropriate, the prosecuting authorities should initiate criminal proceedings in England if he is not extradited.

The Committee against Torture -- the expert body which monitors states' compliance with the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment -- also called for the reform of UK law which is in direct conflict with the Convention.

As the Convention does not allow any justification or immunity for torture, the Committee recommended the amendment of the State Immunity Act 1978 (sections 1 and 14) and the Criminal Justice Act 1988 (sections 134(4) and (5)(b)(iii)) which grant immunity to heads of state and allow a defence of "lawful authority" in prosecutions of people accused of torture.

With regard to Northern Ireland, the Committee urged reforms including the closure of detention centres, particularly Castlereagh, and the abolition of plastic bullets in riot control. It also urged the reconstruction and re-training of the Northern Irish police force, the Royal Ulster Constabulary.

It also criticized the use of lower standards than normal for admitting confession evidence in prosecutions under emergency laws in Northern Ireland.

Other concerns expressed by the Committee include the number of deaths in custody; the UK's apparent failure to provide an effective mechanism, reporting publicly, to investigate complaints of abuse; the use of prisons to detain asylum-seekers; and the recent dramatic increase in the number of prisoners held in England and Wales.

Background

Amnesty International, and a number of other non-governmental organizations, briefed the Committee, which this week examined the UK government's report on its implementation of the Convention against Torture, a human rights treaty which the UK ratified in 1988.

In addition to those taken up by the Committee, Amnesty International raised a number of human rights concerns, including prison conditions amounting to cruel, inhuman and degrading treatment -- particularly in high security units -- and ill-treatment by prison staff, citing Wormwood Scrubs and Stafford prisons.

The organization also criticized the continuing state of emergency in Northern Ireland, under which detainees can be denied access to lawyers for 48 hours and be detained without charge for seven days.

Finally, Amnesty International called for an urgent and thorough review of the use of CS gas and of restraint techniques which have led to injury or death from positional asphyxia. The organization also expressed concern about discriminatory policing in the UK.

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