

PUBLIC

AI Index: EUR 45/34/98

11 December 1998

Further information on EXTRA 87/98 (EUR 45/26/98, 19 November 1998) and follow up (EUR 45/29/98, 26 November 1998) - Impunity / Legal concern

UNITED KINGDOM Augusto Pinochet, former President of Chile

On 9 December 1998, the eve of the 50th anniversary of the Universal Declaration of Human Rights, the United Kingdom (UK) Home Secretary, Jack Straw, decided to order the application for extradition to proceed in the case of Augusto Pinochet. This decision signals the birth of a new era for human rights.

The Spanish government's submission of a formal request for extradition together with the UK House of Lords' ruling against the former general being entitled to immunity, and this latest decision by the UK Home Secretary constitute some of the most important developments in human rights since the adoption of the Universal Declaration of Human Rights in 1948.

After Jack Straw's landmark decision, the next step is for the Metropolitan Magistrate to satisfy himself that either the Spanish, Swiss, Belgian or French governments have produced enough evidence to justify their respective requests for the extradition of the former General Augusto Pinochet. Should this be the case, the Magistrate will order that the former general be extradited to one of these countries. The final decision as to whether he is surrendered to one of the four governments will rest with the Home Secretary. Alternately, the Attorney General of England and Wales can decide to open a criminal investigation against him in the UK.

In the Magistrate's Court on 11 December, during the hearing of the request for his extradition, Augusto Pinochet reportedly stated that he did not recognize the jurisdiction of any court other than the courts of Chile. The extradition proceedings are scheduled to continue on 18 January 1999.

Amnesty International is clear that these proceedings should not be influenced by political or economic considerations but should be the remit of legal bodies only.

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

- welcoming the UK Home Secretary's decision to authorize the court to consider the application for extradition of Augusto Pinochet;
- underlining your view that the House of Lords ruling is in line with international principles which deny those implicated in crimes against humanity immunity from prosecution and grant jurisdiction to second country courts;
- underlining that the UK Government's decision represents a symbolic recognition of the quarter of a century campaign by relatives of victims of human rights abuses during Chile's military regime to obtain justice and truth.

APPEALS TO:

Secretary of State for Home Affairs

Rt. Hon, Jack Straw, MP

Home Office

50 Queen Anne's Gate

London SW1 9AT, 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

Faxes: + 44 171 270 3539

Salutation: Dear Foreign Secretary

COPIES TO:

The Prime Minister

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

Faxes: + 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.

Faxes: + 44 171 219 3051

The Leader of the House of Commons

The Rt Hon Margaret Beckett, MP
House of Commons, London SW1A 0AA, 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 the United Kingdom accredited to your country

Please also write appeals to your own government/political representatives:

- urging your own government to publicly support moves to ensure that judicial proceedings to permit the guilt or innocence of Augusto Pinochet for crimes against humanity be established in a court of law;
- urging your own government release all documents and information (classified or otherwise) which may be of relevance to judicial authorities conducting criminal investigations into human rights violations during the Chilean military government of 1973 - 1990.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 22 January 1999.