

United Kingdom Augusto Pinochet, former President of Chile

Amnesty International is seriously concerned that if Augusto Pinochet, Chile's former military ruler, is allowed to return to Chile from the UK, there will be no opportunity for any court of law to determine his guilt or innocence with respect to any of the charges of crimes against humanity brought against him, as listed in the extradition requests from several countries. He would effectively be granted impunity for crimes against humanity.

Augusto Pinochet was arrested in London, UK, on 16 October 1998 after Spain issued a judicial request for his arrest on charges of crimes against humanity, relating to cases of torture, "disappearance" and killings during Chile's military regime (1973-1990).

On 29 October Britain's High Court granted Augusto Pinochet immunity from prosecution under international law on the basis that he is a former head of state. The House of Lords are currently deliberating on an appeal against this ruling, and are expected to make their decision in the middle of next week. If they find that the arrest of Augusto Pinochet was lawful, the final decision on his extradition rests with the UK Home Secretary, Jack Straw.

Over 3,000 people have been officially recognised by the Chilean authorities as having died as a result of torture, killed or "disappeared" during the military regime. Thousands more were systematically tortured or forced into exile. For over 25 years, relatives of the victims of these human rights violations have been denied knowing the truth and seeing the perpetrators brought to justice. The perpetrators of human rights abuses committed in Chile between 1973 and 1978 were granted virtual impunity as a result of the 1978 Amnesty law and constitutional provisions passed during Augusto Pinochet's government.

The scale, gravity and systematic nature of the human rights abuses which took place in Chile under Augusto Pinochet's military regime constitute crimes against humanity under international law. The conditions of responsibility for these crimes are set down in international law, which is independent of domestic law. States have a duty under their international obligations to prosecute and punish these crimes. Under international law, states also have a full obligation to cooperate in the identification, detention and extradition of persons responsible for crimes against humanity. The Spanish courts have jurisdiction to investigate and try Augusto Pinochet, and the UK has the duty to cooperate by granting his extradition to Spain to be tried.

Since Augusto Pinochet's arrest, France and Switzerland have also issued requests for his extradition. These would be rendered ineffective if Britain decides to grant the former General immunity from prosecution.

Amnesty International believes that the extradition requests and the massive public response generated by Augusto Pinochet's arrest illustrates the demand for those responsible for crimes against humanity to be tried in a court of law, regardless of their status or position. They should not be enabled to obtain impunity by invoking immunity or special privileges to avoid legal proceedings.

Amnesty International was allowed to intervene as a third party in the appeal against the High Court's decision in the House of Lords.

RECOMMENDED ACTION: Please send e-mails/telegrams/faxes/express/airmail letters in English or 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 by granting the extradition of former General Augusto Pinochet to Spain for him to be tried;
- asking them to recognise Spain's jurisdiction to bring Augusto Pinochet to trial for crimes committed against humanity and to cooperate with their request 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

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.

Fax: + 44 171 270 0511

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.