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Pinochet case: no turning back in the global fight against impunity

The fight against impunity for crimes against humanity, such as torture and "disappearance", will continue in Chile and elsewhere in the world, Amnesty International said today commenting on Augusto Pinochet's imminent return to Chile.

"The fact that Augusto Pinochet was arrested while travelling abroad -- almost unthinkable just 16 months ago -- has sent a powerful message: no one is above international law, even when national laws protect you from prosecution," Amnesty International said.

"The UK courts have confirmed that people accused of crimes such as torture can be prosecuted anywhere in the world. They have also firmly established that former heads of state are not immune from prosecution for such crimes," Amnesty international said. "This achievement is not affected by the UK Home Secretary decision not to extradite Augusto Pinochet to Spain."

"The international wall of impunity that has sheltered former and current heads of state accused of gross human rights violations started to crumble on the night of 16 October 1998, when Augusto Pinochet was arrested. From this point onwards there was no turning back," Amnesty International added.

Recent developments clearly point in this direction. A judicial investigation has been initiated in Senegal, at the request of a coalition of human rights groups, against the former President of Chad, Hisssein Habré, for alleged crimes under international law, including torture, committed during his 1982-1990 rule.

Slobodan Milosevic, current President of the Federal Republic of Yugoslavia, is under an international indictment for crimes committed in the former Yugoslavia. Others have been convicted by international tribunals on the former Yugoslavia and Rwanda, and work is under way to establish the International Criminal Court.

"The focus in the struggle against impunity for crimes against humanity committed under Augusto Pinochet's rule now shifts back to Chile," Amnesty International said. "It is now up to the Chilean government to decide whether those suspected to be responsible for thousands of cases of torture, murder and 'disappearance' that took place during his time in power will ever face a court of justice."

"The Chilean government must now live up to its commitment to ensure that those accused of crimes against humanity can be tried in Chile in trials meeting international standards of fairness," Amnesty International said.

The Chilean authorities are under an obligation to remove the legal obstacles that have made justice impossible within Chile and which have secured impunity, denying truth and justice to the victims of human rights violations and to their relatives. Such measures include:

annulling the 1978 Amnesty Law;

excluding from the jurisdiction on military courts cases of human rights violations and guaranteeing the independence of the civilian justice in current and future cases under investigation;

- adopting measures to lift parliamentary immunity protecting alleged perpetrators of human rights violations.

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