

Pinochet case: Court ruling a victory for justice

The High Court's decision to require the Home Secretary to disclose the forensic medical report on Augusto Pinochet to the states seeking his extradition, has been welcomed by Amnesty International as "a victory for justice, fairness and transparency."

"This case has great international significance and any doubts that the proceedings were influenced by political considerations had to be dispelled," the human rights organisation said. "In seeking and achieving this, however, we must not lose sight of the victims and what today means to them and their families."

Augusto Pinochet faces charges of torture and conspiracy to torture in Spain, including "disappearances", crimes against humanity in Belgium, and "disappearances" in France and Switzerland. "Disappearances" constitute the crime of torture for the families of the "disappeared." Amnesty International said that the case has far-reaching implications both for victims of the Chilean military government and for the world-wide efforts to ensure that people suspected of torture and other human rights violations are brought to justice in the course of proceedings that meet international standards of fairness.

"The principles of fairness require at a minimum -- as all three judges said -- that the prosecuting authorities of Spain, Belgium, France and Switzerland review and comment on the report of the forensic medical examination before the Home Secretary decides whether to extradite Augusto Pinochet for trial. Such transparency is crucial in order to dispel questions about undue political interference," Amnesty International insisted.

"Today's High Court ruling sends a clear message that, in the interests of justice, all proceedings related to cases of human rights violations must be conducted in a fair and transparent manner," Amnesty International said.

"When any person, including a head of state, is the subject of legal proceedings, the basic principle that justice must not only be done but be seen to be done is of great importance," the organization said.

It is now up to the Home Secretary to ensure that the assessment of Augusto Pinochet's condition is carried out in a fair and transparent manner. Amnesty International said that the best course of action would be for the determination of whether he is able to stand trial to be made by a trial court in a country requesting extradition, as in other cases.

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