

Human rights groups to mount legal challenge to Pinochet's release by British Home Secretary

Richard Tyler
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Human rights groups are to mount a legal challenge against the British Home Secretary, Jack Straw, to prevent him effectively releasing former Chilean dictator Augusto Pinochet.

Two weeks ago Straw announced he was “minded” to halt the extradition proceedings against Pinochet, based on “unequivocal and unanimous” evidence from a medical panel of four doctors who had examined the former dictator and found him unfit to stand trial for torture. However, Straw refused to release the doctor's findings to the prosecuting authorities, or other interested parties in the case, claiming patient confidentiality prevented this.

Brendan Paddy, a spokesman for Amnesty International UK, told the *World Socialist Web Site* that the organisation would be “seeking a judicial review at the High Court”. Paddy said that he expected a decision by Straw on whether to stop the extradition process later this week, “but if Amnesty International, the Belgium government or other interested parties proceed with a judicial review through the High Court, we might see this decision delayed.” The request was to be lodged early this week.

Six human rights groups—including Amnesty International (AI), Human Rights Watch (HRW), the Redress Trust, the Medical Foundation for the Care of Victims of Torture, the Association of the Relatives of Disappeared Persons and Justicia—are part of a joint approach to the High Court seeking to prevent Pinochet's release subject to a review.

Geoffrey Bindman, a legal adviser for AI, told the press that Straw's withholding of medical evidence used to reach his decision was “unfair”. “It is unfair to the victims of General Pinochet, it is unfair in a sense he

has not given an opportunity to any of the requesting governments or the human rights organisations to look at the medical evidence, to challenge it and to have their own medical examination.”

Bindman was concerned that an immediate decision by Straw to halt the extradition would allow Pinochet to leave the country, preventing them from testing the legal basis for such a decision in the Courts.

There are three parts to the legal challenge being mounted by the human rights groups. First, that the general procedures adopted by Straw in reaching his decision were not fair. Second, his failure to disclose details of the medical reports meant the findings could not be effectively challenged; and third, the choice of experts that carried out the medical tests are open to concern.

Human Rights Watch also said it would seek “an independent examination of the medical basis” for the Home Secretary's decision. Kenneth Roth, HRW executive director, said, “a matter of such tremendous importance deserves more than just a rushed, closed-door decision.” The organisation is critical of the conditions under which the original medical examination was conducted. A HRW statement describes the procedure as a cursory “one-shot medical examination”, adding that there was no old-age psychiatrist present, and that “two of the doctors did not even speak Spanish”.

If a judicial review is granted, the result could be to prevent Pinochet leaving the country while the courts rule on the legal basis for the Home Secretary's decision. The human rights groups also hope that the medical evidence that Jack Straw is currently withholding will then be subjected to scrutiny.

Senior doctors' representatives have also criticised Straw's decision to keep secret the medical evidence on which he based his decision to free Pinochet. Last week, Michael Wilks, chairman of the British Medical Association's Medical Ethics Committee, said in a letter to the London *Times* that the principle of patient confidentiality was “not absolute”. “In the case of General Pinochet, the experts appointed by the Home Secretary acted in a forensic capacity. In being asked to provide an opinion on the general's fitness to stand trial, the reports compiled should be disclosable in any judicial procedures, and the opinions therein tested in court.”

Those seeking Pinochet's extradition include Spanish Judge Baltasar Garzon, whose arrest warrant sparked the legal process. Garzon, who has objected to Straw's intention to release Pinochet, has also requested that a further independent medical examination be held. However, Spanish Foreign Minister Abel Matutes said last week that his government would not contest any decision made by Straw to halt the extradition.

As well as Spain, France, Belgium and Switzerland claim Pinochet is responsible for the torture or murder of their citizens. Belgium has now announced it may also go to the High Court in London to prevent Straw releasing Pinochet. Louis Michel, a spokesman for the Belgian Foreign Minister, told the press, “Belgium wants a new medical investigation on an objective and independently verifiable basis, and we told Straw we'd go to court if he didn't accede to that request.”

News sources in Chile report that a Gulfstream III jet belonging to the Chilean air force is already standing by in France waiting to collect Pinochet as soon as he is released. The jet can be in London in a very short time, to take Pinochet to Bermuda, where a medically-equipped plane is waiting to take him the rest of the way.



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