



Defesa do ex-ditador deve recorrer da decisão inglesa

08/10/1999

A Justiça britânica decidiu que o ex-ditador chileno, Augusto Pinochet, deve ser extraditado para a Espanha, onde responderá por crimes contra a humanidade. A decisão foi anunciada nesta sexta-feira (8/10) pelo juiz Ronald Bartle, do tribunal de Bow Street.

O tribunal londrino entendeu que a acusação cumpriu todos os requisitos para a extradição. Os advogados do ex-ditador devem entrar com recurso contra a decisão. A defesa de Pinochet também vai pedir que ele possa aguardar o resultado do recurso em liberdade.

O general foi detido em Londres em outubro do ano passado, depois de realizar uma cirurgia de hérnia. A detenção ocorreu em razão do pedido de extradição formulado pelo juiz espanhol Baltasar Gárzon.

Em março, a Justiça inglesa negou imunidade ao ex-ditador e autorizou o início do processo de extradição. O caso começou a ser julgado em 27 de setembro e o resultado de hoje foi comemorado por ativistas anti-Pinochet e por familiares das 3 mil vítimas do governo ditatorial chileno – que vigorou de 1973 a 1990.

Para o presidente nacional da OAB, Reginaldo de Castro, a decisão “inaugura um novo momento na convivência das nações, no qual os ditadores perdem a imunidade que até aqui os mantinham impunes face aos crimes cometidos contra os direitos humanos”.

Em nota oficial onde elogiou a decisão inglesa, Castro ressaltou, entanto, que “é importante que sejam preservados, no julgamento pela justiça espanhola, os direitos fundamentais do réu Augusto Pinochet, embora ele próprio não os tenha respeitado no período da repressão política no Chile”.

*Leia a seguir as duas notas emitidas nesta sexta-feira (8/10) pelo Secretariado da **Anistia Internacional** sediado em Londres*

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Pinochet case: One step closer to justice

The right outcome by human rights principles and by law, Amnesty International said today, welcoming the announcement by Roland Bartle, Deputy Chief Stipendiary Magistrate, that Augusto Pinochet can be extradited to Spain.

“We have had every confidence from the outset that if the legal process was allowed to continue – free from political interference – the victims and their relatives would day by day get closer to justice,” said Javier Zúñiga, Director of the organizations’ America Program.

Roland Bartle's decision to allow extradition to proceed on the basis that torture is a extraditable offence recognised by UK law was, according to Amnesty International, the only possible result as dictated by international and local law.

Under the European Convention on Extradition – of which the UK is a party – all state parties undertake the obligation to surrender to each other all persons against whom the competent authorities are proceeding for an offence.

Had the magistrate decided not to extradite Augusto Pinochet, the UK would have had – under Article 7 of the UN Convention against Torture – to “submit the case to its competent authorities for the purpose of prosecution.”

“Today's decision represents another significant step in a remarkable case that has moved human rights into a new era,” Javier Zaffrigo said.

“It is also an important achievement for each and every individual – in Chile and outside Chile – who refused to bury the memory of those tortured, killed or “disappeared” during the military government.”

Amnesty International is carefully studying the text of the decision and intends to make a more detailed comment in the near future concerning its implications.

For further information, please call Amnesty International's Press Office on 44 171 413 / 5566

Pinochet case: “One law for one world”.

Magistrate Ronald Bartle's words when delivering his decision on

Pinochet's extradition to Spain say it all, Amnesty International said: “There will be one law for one world”.

After studying the text of the decision, the organization described it

as “a fundamental step forward towards universal respect for human rights in the new century.”

“This decision sends a powerful reminder to prosecutors and courts

all over the world,” Amnesty International said. “They have a duty under international law to exercise universal jurisdiction over persons who are suspected of torture in their territories, or to extradite them to states able and willing to give them a fair trial.”

According to Amnesty International's legal experts, the decision

Solidly lays the ground for the consolidation of an international system of justice in the long fight against crimes against humanity, and gives a new hope to the victims and relatives in their long search for truth and justice.

One key aspect of this verdict is that it leaves the door open for



Pinochet's extradition on all 35 cases of torture submitted to his

Consideration and, significantly, on the 1.198 cases of disappearance?

"It has always been Amnesty International's view that the court

should permit Pinochet to be extradited for all the charges presented against him, and that 'disappearance' amounts to long term torture. Today's ruling gives tremendous backing both to that view and to the rights of the thousands of people who have been 'disappeared' not only in Chile but all over the world," Amnesty International said.

For the next steps of this notable case, Amnesty International reiterates to the UK authorities their international obligation to proceed with Pinochet's extradition or to submit the case to the competent local authorities for the purpose of prosecution in this country (under Article 7 of the UN Convention against Torture).

"Today's decision contributes to the seachange that has taken place in international law in the past year," Amnesty International said. "No longer are cases of torture seen as political crimes to be dealt with by politicians and diplomats, but as crimes to be prosecuted by courts of law."

Additional information Magistrate Bartle determined that on the basis of his findings he is satisfied that all the conditions are in place to oblige him under the terms of the UK Extradition Act 1989 to commit Augusto Pinochet to await the decision of the UK Secretary of State Jack Straw.

Fonte: https://conjur.jumps.com.br/1999-out-08/defesa_ex-ditador_recorrer_decisao_inglesa/