

# **THE PINOCHET CASE AND ITS CONSEQUENCES TEN YEARS ON**

*In the 10th anniversary year of the arrest of General Pinochet in London and the Pinochet precedent, the objective of this one-day Conference is to examine the Pinochet precedent, its implications and its legacies. Several key figures in the Pinochet case, as well as leading experts in the field of international criminal justice, and with respect to the Pinochet case, have agreed to participate.*

**Tuesday 11 November 2008, 9.30 to 18.00**

**Venue: Institute of Advanced Legal Studies, 17 Russell Square, London WC1B 5DR**

*Sponsored by the*  
British Institute of International and Comparative Law  
Centre for Law and Society at Lancaster University  
Institute of Advanced Legal Studies, School of Advanced Study, University of London  
Institute for the Study of the Americas, School of Advanced Study, University of London  
JUSTICE (the British Section of the International Commission of Jurists)

## **Participants include:**

- PROFESSOR LAURA BIANCHI** (lawyer representing victims in the Italian judicial investigations of crimes committed by Pinochet against Italians)
- REED BRODY** (Counsel and Spokesperson, Human Rights Watch; coordinated Human Rights Watch's intervention in the House of Lords and is co-author of *The Pinochet Papers: The Case of Augusto Pinochet in Spain and Britain*).
- DR JIMMY BELL** (Chilean exile and human rights activist)
- SIR GEOFFREY BINDMAN** (the solicitor who acted for Amnesty International and others in the Pinochet case)
- DR JUAN E GARCÉS** (the legal team coordinator for the Spanish case against Pinochet)
- CHRISTOPHER HALL** (Senior Legal Adviser, International Justice Project, Amnesty International)
- THE RT HON LORD HOPE OF CRAIGHEAD**
- WOLFGANG KALECK** (Lawyer in German cases against the Argentine military for murder and torture, and against the then U.S. Defense Secretary, Donald Rumsfeld and CIA chief George Tenet, for alleged human rights abuses of prisoners at Abu Ghraib and Guantánamo. Co-editor, *International Prosecution of Human Rights Crimes*)
- PROFESSOR ROBERT MCCORQUODALE** (Director, British Institute of International and Comparative Law; Professor of International Law and Human Rights at the University of Nottingham, and co-author of one of the leading texts on international law)
- HUGH O'SHAUGHNESSY** (one of Britain's foremost journalists, working for over 40 years on Latin America; author of *Pinochet: The Politics of Torture*)
- GEOFFREY ROBERTSON QC** (wrote the amicus brief for Human Rights Watch in the Pinochet case, author of *Crimes Against Humanity – the Struggle for Global Justice*; has served part-time as a UN appeal judge at its war crimes court in Sierra Leone).
- THE RT HON LORD JUSTICE SEDLEY**
- PROFESSOR DAVID SUGARMAN** (Lancaster University Law School; writer on the Pinochet case)
- ELIZABETH WILMSHURST** (Associate Fellow, International Law, Chatham House and Visiting Professor of Law, University College, London; Deputy Legal Adviser at the Foreign and Commonwealth Office of the United Kingdom, 1999-2003)

This conference has 5 CPD hours accreditation with the Solicitors Regulation Authority.  
CPD accreditation from the Bar Standards Board has been applied for.

## BACKGROUND TO, AND CONTENT OF, CONFERENCE

The arrest of General Augusto Pinochet, Chile's ex-dictator, in London on 16 October 1998 and subsequent extradition proceedings, sent shock waves across the globe. In a ground breaking precedent, the House of Lords ruled that high office can never provide an absolute defence for crimes of state such as torture. Some crimes were so heinous, the Law Lords said, that they could not be considered part of a head of state's official functions—though this is still disputed. The lawyers' idea of "universal jurisdiction" made front page news around the world.

Pinochet's arrest and "the Pinochet precedent" reflected and strengthened a new international movement to end impunity for the worst abuses of human rights. Since the Pinochet case, several former and even serving heads of state have found themselves in the dock for massive violations of human rights.

Human Rights Watch described the Pinochet arrest as a "wake-up call" to tyrants everywhere, but an equally important effect of the case has been to spur victims of human rights crimes in country after country, particularly in Latin America, to dispute the transitional arrangements of the 1980s and 1990s that had allowed the perpetrators of atrocities to go unpunished and, often, to remain in power. Even the protection hitherto afforded to Western leaders, leading many to protest about double standards, is being challenged. Inspired by the Pinochet precedent, judges in three countries have sought Henry Kissinger's testimony on crimes against humanity. Most recently, cases have been filed in Germany against Donald Rumsfeld and other U.S. policy makers for alleged war crimes at Guantánamo and Abu Ghraib. As George Bush's presidency draws to a close, many in his administration, including Mr Bush himself, may be asking whether those who allegedly ordered the use of torture will be held to account.

This Conference will bring together judges, lawyers, activists, victims and their families, scholars and students (amongst others) to examine the Pinochet case, the controversies that surround it, its implications and its legacies.

Specifically, the conference will examine such issues as:

- The proper place of universal jurisdiction in the emerging regime of international legal accountability;
- The conceptual difficulties associated with international criminality, notably, the failure to apply international criminal law universally, consistently and systematically;
- The potential conflicts that may arise between the traditional guarantees of fair trials and international justice;
- The relationship between international law and domestic law;
- The judicialization of power;
- The interplay between law and politics;
- The role, strategies and accountability of transnational advocacy networks;
- The limitations of law and legalism;
- Neo-colonialism, of third world dictators being brought into first world courts.
- The Pinochet Precedent in the light of "the war on terrorism", and the renewed use of force, disappearance, indefinite detention and torture.

### Convenor:

Professor David Sugarman (Director, Centre for Law and Society, Lancaster University Law School)

### Sponsored by:

The British Institute of International and Comparative Law; Centre for Law and Society at Lancaster University; Institute of Advanced Legal Studies and Institute for the Study of the Americas, School of Advanced Study, University of the London; JUSTICE (the British Section of the International Commission of Jurists).



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Conference Website: [www.sas.ac.uk/events/view/4835](http://www.sas.ac.uk/events/view/4835)

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Tuesday 11 November 2009

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FEES	Full Rate:	Reduced Rate for: 1) members, British Institute of international & Comparative Law; 2) members, Society for Advanced Legal Studies
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### PAYMENT

- Payment may be made by either 1) cheque or, 2) cash at the conference, or 3) we can send an invoice.
- Cheques must be in pounds sterling and drawn on a UK bank and made payable to the *University of London*.
- If your organisation/institution is paying the conference fee and you need an invoice sent, please a) complete this form and clearly indicate how payment is being made, b) fax a copy of this form direct to IALS to book your place, and c) then submit the form to your accounts department.

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Return by **THURSDAY 6 NOVEMBER** to:

**Belinda Crothers, Institute of Advanced Legal Studies, 17 Russell Square, London WC1B 5DR.**  
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