

DIG.	SEG.	HORA TTY	OP

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	VELOCIDAD		108	17 17 40	FEBRERO	1999
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DE: EMBACHILE REINO UNIDO  
 A: MINISTRO  
 INFO: SUBSEC, DIGEN, DIJUR, DIPLAN

GRADO RESERVA	PRIORIDAD
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MINUTA:

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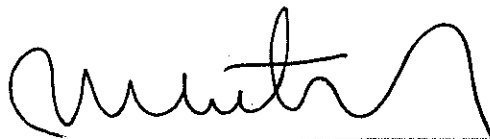
1. ADJUNTO REMITO A US. FAX DEL JEFE DEL DEPARTAMENTO LATINOAMERICA DEL FOREIGN OFFICE, SR. HENRY HOGGER, EN EL QUE SE REFIERE A LOS TEMAS PLANTEADOS DURANTE MI REUNION CON EL MINISTRO PARA AMERICA LATINA, SR TONY LLOYD, Y QUE POSTERIORMENTE FUERON CONSULTADOS POR EL FOREIGN OFFICE CON EL MINISTERIO DEL INTERIOR.

2. EL SR. HOGGER SEÑALA QUE EL MINISTERIO DEL INTERIOR ESTIMA QUE LA AUTORIZACION PARA PROCEDER EMITIDA POR EL SR. STRAW EL 9 DE DICIEMBRE ULTIMO CONTINUA EN VIGOR Y QUE EL NO TIENE LAS FACULTADES PARA REVOCARLA.

3. EN CUANTO A LOS PROCEDIMIENTOS QUE SEGUIRIAN A UNA DECISION DE LA CAMARA DE LOS LORES QUE RECONOCIERA INMUNIDAD AL SENADOR PINOCHET, ESO SERIA UNA MATERIA QUE TENDRIA QUE DETERMINAR LA PROPIA CAMARA DE LOS LORES.

4. EN RELACION A UN POSIBLE JUICIO EN INGLATERRA, SE SEÑALA QUE SI BIEN HASTA EL MOMENTO EL ATTORNEY GENERAL HA RECHAZADO DAR CURSO A DEMANDAS EN CONTRA DEL SENADOR PINOCHET POR PRUEBAS INSUFICIENTES, EN EL FUTURO SE PUEDE PRESENTAR UNA DEMANDA QUE EL SE VERIA OBLIGADO A CONSIDERAR.

ARTAZA  
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REFERENCIA:

DETECNI

AUTORIDAD ORIGEN

Foreign &  
Commonwealth  
Office

London SW1A 2AH

16 February 1999

His Excellency  
Señor Mario Artaza  
Embassy of Chile  
12 Devonshire Street  
London W1N 2DS

*Señor Mario,*

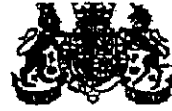
At your meeting on Thursday Mr Lloyd said that we would ask the Home Office for further clarification of the points you raised with him in the discussion. I am sure you understand that we cannot provide a view on factors which depend on the terms of the judgment of the House of Lords.

You asked first whether the Home Secretary's Authority to Proceed of 9 December was still regarded as valid. I am advised by the Home Office that it is their view that the Authority to Proceed remains in force. The Home Secretary has no power to revoke his Authority to Proceed. That view has been made known to Kingsley Napley, acting on behalf of Senator Pinochet, and the Crown Prosecution Service, acting on behalf of Spain.

You also asked whether there would be a need to return to lower courts to deal with technical legal questions relating to bail if the House of Lords decides that Senator Pinochet is protected from extradition proceedings by virtue of state immunity. That is a matter for the House of Lords and the parties before them to resolve.

You also asked about the position relating to prosecution in England. The Attorney General has received a number of applications for Law Officer consent to prosecute Senator Pinochet in this jurisdiction for offences of torture and for hostage taking. He has declined earlier applications on the basis that they revealed insufficient admissible evidence for there to be a realistic prospect of a conviction. It remains possible that further applications will be made to him, which he will be obliged to consider. ||x

As Mr Lloyd explained on Thursday, and as you will gather from the foregoing, the Government cannot provide any assurances in



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advance of the House of Lords judgment. You will appreciate that it is very difficult to speculate upon the future course of this case, which has already taken a number of unprecedented turns. We are, of course, fully aware that the uncertainty of the present situation is a matter of great concern to the Government of Chile. But I hope you will agree that it is in the interests of both our countries to ensure that these legal proceedings are not allowed to damage our long-term relations.

*Write back notes  
to Sir...*

A handwritten signature in black ink, appearing to read 'Hogger'.

H G Hogger  
Latin America and Caribbean Department

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