
22 October 1998

The Crown Prosecution Service
50 Ludgate Hill
London
EC4M 7EX

For the attention of Mr Brian Gibbons
and Miss Arvinder Sambi

By Hand and Fax

Dear Sir

Augusto Pinochet Ugarte

We act for Augusto Pinochet Ugarte (“Senator Pinochet”). Our Counsel understands from your Counsel, Mr Alun Jones QC, that you are contemplating making an application for a second provisional warrant. We would regard this as an extraordinary and unprecedented application for the following reasons:-

1. We had understood from your failure to withdraw the first provisional warrant, and the failure of the Secretary of State for the Home Department to cancel it, that you and the Secretary of State regarded that warrant as a lawful warrant, validly issued. That being your position, there is no lawful justification for the issue of a second provisional warrant.

2. The provisional warrant procedure should only be used once. That is the principle that underlies the time limits on provisional arrest contained in Section 9 of the Extradition Act 1989 and Article 16 of the European Convention on Extradition.

3. Senator Pinochet is entitled to immunity from arrest. We have explained to the Secretary of State for the Home Department how that immunity arises. In the absence of any justification for ignoring his clear prima facie claim, a further arrest warrant should not be sought or issued.

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We have in any event sent a copy of this letter to Bow Street Magistrates' Court and to the Secretary of State to ensure that they are aware of our concerns.

Yours faithfully

Kingsley Napley
Solicitors