

EXTERNAL (for general distribution)

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Further information on UA 398/90 (AMR 22/08/90, 4 October) - Legal Concern

CHILE:           Juan Pablo Cárdenas, journalist  
                  Juan Andrés Lagos Espinoza, journalist  
                  Alfonso Stephens, journalist  
                  Guillermo Torres, journalist

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Amnesty International has learned that the three journalists arrested in September 1990 for exercising freedom of expression were released on different dates in October. There is still an arrest order pending for Guillermo Torres, journalist of El Siglo.

Alfonso Stephens, a columnist of Análisis magazine, was released on bail on 2 October 1990 following a ruling by the military prosecutor in charge of the case.

On 9 October 1990, the Military Court of Appeal (Corte Marcial, or court of second instance) revoked the two charges of "offences to the armed forces" (ofensas a las fuerzas armadas) brought against the director of the magazine Análisis, Juan Pablo Cárdenas. He was unconditionally released the same day on the grounds of lack of evidence.

Juan Andrés Lagos Espinoza, director of El Siglo newspaper, was released on bail on 18 October 1990 while the investigation of the charges against him continue. He is being prosecuted by four military courts under five charges of "offending the armed forces" and "inciting sedition" (instigación a la sedición).

Guillermo Torres, Secretary General of the Colegio de Periodistas (Journalists' Association) and editor of El Siglo newspaper, has also been accused by a military court of offending the armed forces but he refused to present himself to the courts following a statement issued by the Colegio de Periodistas calling for journalists not to voluntarily present themselves before a military prosecutor's office.

Most of the prosecutions have been brought under article 284 of the Code of Military Justice which makes an offence to "threaten, offend or insult the armed forces, either verbally, in writing or in any other way".

The derogation of this and other similar laws passed during the military government is presently under discussion in Parliament. A bill to reform the Code of Military Justice reducing its jurisdiction to strictly military matters has been recently approved by the Chamber of Deputies and is about to be voted on in the Senate.

**RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:**

- welcoming the unconditional release of Juan Pablo Cárdenas;
- welcoming the provisional release of Alfonso Stephens and Juan Andrés Lagos, but urging that the charges be revoked and their release made unconditional;
- expressing concern at the arrest warrant against Guillermo Torres, apparently for exercising freedom of expression and asking that such warrant be immediately dropped;
- expressing concern at the continuing prosecution of journalists under military justice system in Chile for expressing their views and repeating calls for measures to be taken to allow them to exercise their profession without fear of harassment and detention;
- welcoming the present discussions in the Chilean Congress to modify the Code of Military Justice.

**APPEALS TO:**

Sr. Francisco Cumplido Minister of Justice  
 Ministro de Justicia  
 Ministerio de Justicia  
 Compañía 1111  
 Santiago, Chile

Telegrams: Ministro Justicia, Santiago Chile  
 Telexes: 242316  
 Faxes: + 696 6952

Sr. Enrique Krauss Rusque Minister of the Interior  
 Ministro del Interior  
 Palacio de la Moneda  
 Santiago, Chile

Telegrams: Ministro Interior, Santiago, Chile  
 Telexes: 240273

**COPIES TO:**

Señores Journalists' Association  
 Colegio de Periodistas de Chile  
 Amunátegui 31  
 Santiago, Chile

Señores Human Rights Organization  
 FASIC  
 Manuel Rodríguez 33  
 Santiago, Chile

Señor President of the  
 Hernán Vodanovic Schnacke Constitution,  
 Comisión de Constitución, Legislation and Justice  
 Legislación y Justicia Commission of the Senate  
 Cámara de Senadores  
 Edificio del Congreso  
 Valparaíso, Chile

and to diplomatic representatives of Chile in your country

**Please organize appeals from JOURNALISTS**

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 6 December 1990.