

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**

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
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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
 Colegio de Periodistas de Chile Journalists' Association
 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.