

EXTERNAL (for general distribution)

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Further information on UA 271/92 (AMR 22/11/92, 21 August 1992) - Death Penalty

CHILE: Mauro GONZÁLEZ QUISPE, 32
René LARICO AGUILAR, 21
Lisbert Fausto MAMANI MORALES, 20

and new name: Rafael ESCORZA HENRÍQUEZ

Amnesty International has learned that on 26 August 1992, President Patricio Aylwin commuted the death sentences against Mauro González Quispe, René Larico Aguilar and Lisbert Fausto Mamani Morales to life imprisonment.

Amnesty International is deeply concerned, however, at reports that Rafael Escorza Henríquez was sentenced to death in the first instance on 21 August 1992 on charges of *asociación ilícita terrorista*, illicit terrorist association. The charges relate to the kidnapping of Cristián Edwards, the son of the owner of *El Mercurio* newspaper, on September 1991. Cristián Edwards was released on 1 February 1992. Four other people also allegedly involved in his kidnapping were sentenced to life imprisonment. The five were tried under the new anti-terrorist law enacted in 1991. Under this law, there is no appeal before the Supreme Court of Justice. The death sentence against Rafael Escorza is now before the Santiago Appeals Court, the last instance of appeal.

BACKGROUND INFORMATION

After taking office in March 1990, the civilian government of President Aylwin proposed the abolition of the death penalty. In December 1990 this proposal was rejected by the Senate. In January 1992 the Senate introduced a proposal for the extension of the death penalty to include the murder of off-duty *carabineros*, the uniformed police. In July 1992, the Chamber of Deputies rejected this extension. The bill is now expected to go to an mediating body, the *Comisión Mixta*, a mixed commission made up of members of both Chambers.

There is currently another prisoner - Juan Domingo Salvo Zúñiga (see UA 195/92, AMR 22/08/92, 11 June 1992) - whose death sentence under common criminal law has been upheld by an appeals court. His case is now before the Supreme Court.

Hugo Gómez Peña, a political prisoner, still faces a recommended death sentence for his alleged participation in the killing of a police officer in 1986. A further eight political prisoners who had received recommended death sentences during the former military government, were sentenced to life imprisonment in 1991 (see 1991 Annual Report). President Aylwin has repeatedly made public his opposition to the death penalty and has promised to use his discretionary

powers to grant clemency in death penalty cases which come before him.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment, as proclaimed in the Universal Declaration of Human Rights.

page 2 of FU 271/92

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/airmail letters either in Spanish or in your own language:

- welcoming President Patricio Aylwin's decision to commute the death sentences of Mauro González Quispe, René Larico Aguilar and Lisbert Fausto Mamani Morales;
- expressing serious concern that Rafael Escorza Henríquez has been sentenced to death and respectfully requesting President Aylwin to exercise his power of clemency to commute his death sentence;
- stating Amnesty International's total opposition to the death penalty;
- calling for the total abolition of the death penalty in Chile and stating that abolition would ensure long-term respect for the human rights of all peoples, regardless of nationality, which the death penalty clearly violates.

APPEALS TO:

1. President:

Sr. Patricio Aylwin Azócar
Presidente de la República de Chile
Palacio de la Moneda
Santiago, Chile

Telegrams: Presidente Aylwin, Santiago, Chile

Telexes: 240152 segrg cl

Faxes: + 56 2 697 3262

Salutation: Excelencia / Your Excellency

2. Minister of Justice

Sr. Francisco Cumplido Cereceda
Ministro de Justicia
Ministerio de justicia
Morandé 107
Santiago, Chile

Telegrams: Ministro de Justicia, Santiago, Chile

Telexes: 242316 minju cl

Faxes: + 56 2 69 66 952

Salutation: Señor Ministro / Dear Minister

COPIES OF YOUR APPEALS TO:

1. President of the Senate's Commission on Human Rights, Nationality and Citizenship:

Sr. Ricardo Martín Díaz
Presidente
Comisión de Derechos Humanos,
Nacionalidad y Ciudadanía
Cámara de Senadores, Ed. del Congreso
Valparaíso, Chile

Faxes: + 56 2 232654

2. Committee for the Defense of the Rights of the People

Sres. CODEPU

Bandera 465, 4to piso

Santiago, Chile

3. Daily newspaper:

Sr. Editor

La Nación

Agustinas 1269

Santiago, Chile

Faxes: + 56 2 6981059

and to diplomatic representatives of CHILE accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 12 October 1992.