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Legal Concern

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CHILE:

Juan Pablo Cárdenas, journalist

Juan Andrés Lagos Espinoza, journalist

Alfonso Stephens, journalist

Guillermo Torres, journalist

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Amnesty International is concerned about the arrests of three journalists: Juan Pablo Cárdenas, director of Análisis magazine, Juan Andrés Lagos Espinoza, Director of El Siglo newspaper, and Alfonso Stephens, a columnist of Analisis magazine. The arrests were ordered by military prosecutors (fiscales militares) on charges of offending the armed forces (ofensas a las fuerzas armadas). Arrests warrants for the same charges are pending against Guillermo Torres, editor of El Siglo.

Juan Pablo Cárdenas was arrested at work on 26 September 1990 at 10:30am by plainclothed carabineros (police agents) who allegedly refused to present an arrest warrant. His detention was ordered by the 6th Military Prosecutor's Office. On 28 September, Juan Pablo Cárdenas was sent to the Anexo Capuchinos prison in Santiago charged with offending the armed forces. The charge relates to articles published in July, August and September 1990 by Análisis magazine which discussed the involvement of the armed forces in past human rights abuses.

Juan Andrés Lagos Espinoza was arrested on 21 September 1990 at 4:00am at his home in Santiago by carabineros. His detention followed five arrest warrants issued by the 4th, 5th and 6th Military Prosecutor's Offices. On 28 September, he was sent to the Anexo Capuchinos prison in Santiago charged with "offending the armed forces" and "inciting sedition" (instigación a la sedición). The charges arose from articles published in July and August 1990 by El Siglo newspaper related to the involvement of the military in past human rights abuses.

Alfonso Stephens, a 73 year-old lawyer, was detained on 21 September 1990 in Rancagua by carabineros. His arrest was ordered by the 6th Military Prosecutor's Office. Alfonso Stephens was sent to the Anexo Capuchinos prison in Santiago charged with offending the armed forces, arising from an article he wrote about military courts and crimes of war which was published by Análisis magazine in September 1990.

Guillermo Torres faces a similar situation after his arrest was ordered by the 6th Military Prosecutor's Office on charges of offences against the armed forces in relation to articles published in August 1990 by El Siglo about military involvement in past human rights abuses. Guillermo Torres, secretary general of the Colegio de Periodistas (Journalists' Association) and editor of El Siglo newspaper, is presently a "fugitive from military justice", since he has chosen to protest the orders by refusing to appear in court.

In the past two months, 18 journalists have been summoned to appear before the military courts. The Colegio de Periodistas has recently issued a statement 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 it 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:

- expressing concern at the arrests of Juan Pablo Cárdenas, Juan Andrés Lagos Espinoza and Alfonso Stephens, apparently for exercising freedom of expression and asking for their immediate and unconditional release;

- expressing concern at the arrest warrants 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 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 military Code of 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
Colegio de Periodistas de Chile (Journalists' Association)
Amunátegui 31
Santiago, Chile

Señores
FASIC (Human rights organization)
Manuel Rodríguez 33
Santiago, 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 15 November 1990.