

CHILE JUDGE REFUSES TO YIELD 3 TO U.S.

Bars Extradition of Army Officers Wanted in Slaying of Letelier

By JUAN de ONIS

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SANTIAGO, Chile, May 14 — Chile's Chief Justice today rejected a United States request for the extradition of three Chilean Army officers indicted in Washington for the murder of a Chilean exile there in 1976.

Chief Justice Israel Bórquez ruled that the evidence presented by the United States against the three officers was insufficient.

Alfredo Etcheberry, the attorney representing the United States in the case, announced that he would appeal. His appeal is to be heard by five Chilean Supreme Court justices chosen by lot, and their decision, under Chilean law, will be final.

United States Embassy sources said that the Ambassador, George Walter Landau, would be called to Washington this week for consultation on the Chief Justice's ruling.

3 Chileans Accused

The three Chilean officers — retired Gen. Manuel Contreras Sepúlveda, a former secret police chief, and two aides, Col. Pedro Espinoza and Capt. Armando Fernández — were accused by a Washington grand jury last year of having been behind the plot to kill Orlando Letelier, a Socialist who was Foreign Minister

Continued on Page A8, Column 1

A8 L

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Chile Judge Refuses to Extradite 3 in Letelier Case

Continued From Page A1

of Chile in the Government of the late President Salvador Allende Gossens. Mr. Letelier and his secretary, Ronni Moffitt, were killed on Sept. 21, 1976, when the car they were riding in was destroyed by a radio-detonated bomb.

Four other men accused of participating in the murder have been convicted and sentenced to prison in the United States.

Michael V. Townley, a United States citizen who worked for the Chilean secret service and who confessed that he led the murder mission, was given a light sentence last week in exchange for serving as a key prosecution witness. He will serve a minimum of three years and four months in prison.

Two Cuban exiles received life terms, and a third Cuban was sentenced to eight years for perjury. Two other Cubans are still being sought on charges of having been involved in the plot.

Evidence Called 'Solid'

Chief Justice Bórquez termed the evidence against the three Chileans insufficient on the ground that it had been based on what he described as a "paid accusation." By this the Chief Justice meant the light sentence given Mr. Townley in exchange for his testimony.

Mr. Etcheberry disputed this, saying his evidence had been "sufficiently solid." He said he was not discouraged because there had been instances in the past when a ruling by the head of the court had been overturned by a five-justice panel.

General Contreras said he was confident that the extradition request would be rejected on appeal as well, and he termed the Washington trial of Mr. Townley and the three Cubans "a very well-staged show."

The case presented by the United States in seeking the extradition of General Contreras and two aides rests heavily on the testimony of Mr. Townley, an electronics technician who worked for the secret service here from 1974 until 1977.

United States Federal investigators identified Mr. Townley as one of two agents who went to the United States in the month before the assassination of Mr. Letelier using special Chilean passports with false names. The other agent was identified as Captain Fernández.

Under heavy pressure from the United

States, President Pinochet deported Mr. Townley to the United States in April 1978, and in return for assurances of leniency, Mr. Townley confessed to Federal prosecutors. He said he had taken part in placing the bomb that killed Mr. Letelier on orders from Colonel Espinoza, then chief of operations for the secret service. He said that General Contreras was behind the plot.

Mr. Townley, who developed close relations with Cuban anti-Castro exiles in Miami, said he had recruited help from Guillermo Novo Sampol, Alvin Ross, Virgilio Paz and Dionisio Suárez in obtaining materials for the bomb and its placement in Mr. Letelier's car.

In February, a Federal court in Washington convicted Mr. Novo Sampol and Mr. Ross of having participated in the conspiracy to kill Mr. Letelier, and convicted Ignacio Novo Sampol, a brother of the other Cuban, of perjury.