



AMNESTY INTERNATIONAL REPORT 1996

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REPORT | 1996



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This report
covers the period
January to December
1995

Amnesty International is a worldwide voluntary movement that works to prevent some of the gravest violations by governments of people's fundamental human rights. The main focus of its campaigning is to:

- *free all prisoners of conscience*. These are people detained anywhere for their beliefs or because of their ethnic origin, sex, colour, language, national or social origin, economic status, birth or other status – who have not used or advocated violence;
- *ensure fair and prompt trials for political prisoners*;
- *abolish the death penalty, torture and other cruel treatment of prisoners*;
- *end extrajudicial executions and "disappearances"*.

Amnesty International also opposes abuses by opposition groups, including hostage-taking, torture and killings of prisoners and other deliberate and arbitrary killings.

Amnesty International, recognizing that human rights are indivisible and interdependent, works to promote all the human rights enshrined in the Universal Declaration of Human Rights and other international standards, through human rights education programs and campaigning for ratification of human rights treaties.

Amnesty International is impartial. It is independent of any government, political persuasion or religious creed. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect. It is concerned solely with the protection of the human rights involved in each case, regardless of the ideology of the government or opposition forces, or the beliefs of the individual.

Amnesty International does not grade countries according to their record on human rights; instead of attempting comparisons it concentrates on trying to end the specific violations of human rights in each case.

Amnesty International has more than 1,000,000 members and subscribers in 192 countries and territories. There are 4,354 local Amnesty International groups registered with the International Secretariat and several thousand school, university, professional and other groups in 92 countries in Africa, the Americas, Asia, Europe and the Middle East. To ensure impartiality, each group works on cases and campaigns in countries other than its own, selected for geographical and political diversity. Research into human rights violations and individual victims is conducted by the International Secretariat of Amnesty International. No section, group or member is expected to provide information on their own country, and no section, group or member has any responsibility for action taken or statements issued by the international organization concerning their own country.

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Amnesty International is financed by subscriptions and donations from its worldwide membership. No funds are sought or accepted from governments. To safeguard the independence of the organization, all contributions are strictly controlled by guidelines laid down by the International Council.

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1996

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This report documents Amnesty International's work and its concerns throughout the world during 1995. The absence of an entry in this report on a particular country does not imply that no human rights violations of concern to Amnesty International have taken place there during the year. Nor is the length of a country entry any basis for a comparison of the extent and depth of Amnesty International's concerns in a country. Regional maps have been included in this report to indicate the location of countries and territories cited in the text and for that

purpose only. It is not possible on the small scale used to show precise political boundaries. The maps should not be taken as indicating any view on the status of disputed territory. Amnesty International takes no position on territorial questions. Disputed boundaries and cease-fire lines are shown, where possible, by broken lines. Areas whose disputed status is a matter of unresolved concern before the relevant bodies of the United Nations (UN) have been indicated by striping only on the maps of the country which has *de facto* control of the area.

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INTRODUCTION

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Trading in terror

In a busy market-place in Afghanistan's capital, Kabul, crowds of people jostled around the stalls one Sunday in November 1995. Suddenly, without warning, bombs rained down from the sky. When the smoke cleared, more than 180 people were found to be dead or wounded. Among them were dozens of children. Less than a week later, in a different residential area, another market square was full of people buying their daily essentials. Once again deadly weapons slammed into the crowd. This time there were some 45 casualties. These attacks were launched by the rebel Islamist *Taleban* militia, but the exhausted citizens of Kabul have endured years of arbitrary killings by various armed factions, all equally indifferent to their suffering. Since April 1992 scores of unarmed Afghan civilians have been killed almost every week in artillery attacks, many of which appear to have been deliberately aimed at their homes.

The scale of the bloodshed is also an indictment of the international community. Powerful and neighbouring governments poured weapons into the hands of warring factions for more than a decade after Soviet troops invaded Afghanistan in 1979. They sought to increase their influence in the region through the internal politics of Afghanistan, regardless of the consequences for Afghan civilians. They were well aware that their allies were committing gross and widespread human rights abuses. They



Refugees from Rwanda making their way in mid-1994 across the border to Goma in Zaire lay down their arms. However, the perpetrators of the 1994 genocide continued to receive deadly weapons, despite international arms embargoes.

helped set the stage for today's catastrophic human rights situation and so they must take particular responsibility for bringing the abuses to an end. Yet governments which rushed to arm the warring factions during the Cold War years now ignore the legacy of armed conflict and human rights abuses. In November 1995 Amnesty International launched a special appeal to those countries – principally the United States of America (USA) and Russia, some of their allies, and Pakistan, Iran, Uzbekistan, Saudi Arabia and India. It called on them to take responsibility for the use made of arms they had supplied, and to help the people of Afghanistan rebuild institutions to protect human rights.

Tragically, this annual report demonstrates that Afghanistan is only one of many countries where atrocities are being committed on a virtually daily basis. Faced with such disasters, how can a human rights movement like Amnesty International respond?

The challenges posed by massive human rights abuses and the disintegration of state authority in many areas have led human rights campaigners to develop new strategies. As well as addressing individual governments, Amnesty International now also focuses attention on relations between different states, and on powerful players on the international stage which are not governments, be they armed groups or commercial companies.

Amnesty International has always worked to persuade governments to address misconduct by their law enforcement and military personnel. Its worldwide membership has persistently and determinedly pressed states to comply with international human rights standards and the basic principles of humanitarian law. One method of applying pressure is public exposure, and this annual report is a contribution to ensuring that human rights abuses, whether by governments or armed opposition groups, do not remain hidden. Amnesty International also seeks to help governments improve their systems of accountability and training for military and law enforcement personnel. A growing number of military and police officers support this work, and some have joined the movement to help with individual cases and with specialist projects.

Two global trends are undermining these efforts. First is the proliferation of human rights abuses associated with armed conflict and civil strife in many parts of the world. Torture, arbitrary killings and “disappearances” become mere tactics to be used for military or political advantage. Second is the rapid technological development in the industrialized countries of new security equipment which is now spreading, fast, to all corners of the world. Some of these technologies can easily be misused – they lend themselves to human rights abuses if put into the wrong hands.

One response to these dual challenges is to campaign against the supply of arms and equipment used to abuse human rights.

Even children have ready access to vast stockpiles of arms which have flooded Afghanistan for more than a decade. This 12-year-old is holding an AK-47 assault rifle in the devastated Old City of Kabul.



© Stefan Smith

Amnesty International opposes transfers of military, security or police equipment, technology or training from one country to another where it believes those transfers contribute to human rights abuses covered by its mandate. There are many different contexts in which such transfers take place. Amnesty International opposes the use and transfer of equipment whose *sole practical purpose* is the violation of human rights. Such equipment includes apparatus for executions and implements of torture, as well as devices such as leg-irons, shackles and chains which result in cruel treatment of prisoners. Amnesty International also opposes or challenges the transfer of other supplies to countries *where such equipment has been misused* by the security forces or armed groups to commit human rights abuses.

Amnesty International does not take a position on whether or not military, economic or cultural relationships should be maintained with countries where human rights are violated. Neither does it support or oppose punitive measures such as boycotts or sanctions. However, Amnesty International does ask governments to take the receiving country's human rights record into account before allowing the transfer of military, security or police equipment, personnel or training.

The spread of conflict

Modern conflicts are almost invariably accompanied by massive abuses of human rights and international humanitarian law. While the majority of casualties during the First World War were soldiers, the majority of victims in today's wars are civilians – most of them women and children. In some countries, the structures of the nation state have virtually collapsed, leaving no legal authority to protect the weak from the strong. In others, government troops engaged in counter-insurgency operations attack unarmed civilians, just because they come from the ethnic or religious group identified as “the enemy”. In conflicts such as these, human rights – supposedly protected by the whole weight of international law – are virtually never taken into account.

Responsibility for human rights abuses does not lie only with those who pull the trigger or apply the electric shock. It also lies with those who plan or order the operation, with those who allow it to go unpunished, and with those who supply the equipment and the training needed to use it. Governments such as those of China, France, Germany, Russia, the United Kingdom (UK) and the USA, along with many others, play a major role in training and equipping other security forces around the world. They bear a heavy responsibility when human rights abuses are committed by police, security or military personnel whom they have supplied and assisted.

The Turkish armed forces have received military and security equipment from France, Germany, Italy, the Netherlands, Russia, Spain, the USA, the UK and other countries, despite frequent and well-attested reports of human rights violations being committed against Kurdish villagers in the conflict between government forces and separatist guerrillas. Villages throughout the south-east have been raided with the utmost ferocity by the Turkish security forces. For example, a relative of one of many villagers who “disappeared” in 1993 said:

“There were thousands of soldiers in our village with tanks and vehicles. We all saw them being taken away. How can the authorities now deny that they have them?”

In February 1995 Amnesty International publicly challenged the German, Russian, US and UK governments to account for the use of their armoured personnel carriers and armoured cars by the Turkish army and gendarmes. This equipment has been used to reach remote Kurdish villages and then take away civilians, some of whom “disappeared” or were tortured or murdered.

Military helicopters that the Turkish air force had obtained during the 1990s from France, Italy, Russia or the USA were similarly used in the commission of human rights violations. For example, when Turkish security forces burned down 17 villages during a three-week offensive against separatist forces in October 1994, us-made helicopters were reportedly used to launch

Turkish security forces detain a demonstrator in southeast Turkey. The vehicle is a US-built armoured personnel carrier.



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rocket attacks and to ferry in troops. A subsequent US government report published in June 1995 acknowledged there was "highly credible" eye-witness evidence that such military equipment was used during forced village evacuations involving human rights violations. It stated that it could not confirm "direct evidence" of US-made equipment being used for torture, "mystery killings" and "disappearances", but acknowledged that US-made helicopters and military vehicles "would be used to transport any security forces perpetrating such acts". A number of governments then restricted or placed embargoes on arms sales to Turkey on human rights grounds, including Denmark, Germany, the Netherlands, Norway and South Africa, although in some cases the measures were short-lived.

The Turkish military and police authorities attempted to stem international criticism of their human rights record by announcing new guidelines and human rights training measures for their personnel in 1995. However, these proved totally inadequate. Meanwhile, companies from Belgium, France, Germany, Israel, Singapore and the USA were reportedly competing for a contract to co-produce in Turkey 350,000 modern assault rifles for the Turkish infantry and gendarmes.

In Australia Amnesty International campaigned against the transfer of assault rifles to the Indonesian armed forces. The Indonesian Government has violently suppressed political dissent, especially in Aceh and the occupied territory of East Timor. The



Members of a Colombian army counter-insurgency unit. Amnesty International members in the USA have campaigned to prevent military aid being supplied to the Colombian armed forces without adequate controls.

campaign stimulated a public debate about the Australian Government's responsibility to help prevent human rights violations through a proper arms control policy. In January 1995 Australian officials announced that the Indonesian Government produced their own assault rifles under licence from Belgium and that the "approval-in-principle" from Canberra related only to the export from Australia of a few samples.

In the USA, Amnesty International took action in 1995 to sustain a 1994 cessation of US military aid to the Colombian army. In 1993 the US Government's own accounting office had reported instances of US military assistance being used for grave human rights violations during counter-insurgency operations by Colombian soldiers. However, the US Government has still not been forthcoming with details of its military assistance program, despite repeated requests for this information. In 1995 Amnesty International again called for the dismantling of Colombian paramilitary groups which operate in unison with the government's counter-insurgency security forces. Amnesty International has also been pressing the US Government to investigate the conduct of its intelligence agencies, following revelations about their involvement in grave human rights violations in Central America. Finally, Amnesty International has followed with increasing interest US military training courses for foreign personnel, to ensure that they promote respect for human rights.

Throughout most of the 1980s foreign governments armed, equipped, trained and financed the Chadian security forces at a time when they were killing tens of thousands of Chadian citizens. The USA supplied the security forces with transport, communications and other equipment, while France, Egypt, Iraq and Zaire contributed finance, equipment, training and intelligence information. Other African states cooperated with Chad in intelligence and security operations. Given this close cooperation, foreign governments must have known the scale of the slaughter being committed by the security forces – during the 1980s an estimated 40,000 Chadians were killed out of a population of five million. The Chadian Government changed in 1990 and the new government raised hopes of greater respect for human rights. But soon reports of extrajudicial executions, “disappearances” and mass arbitrary arrests resumed, and they persist to this day.

In April 1995 Amnesty International questioned the Chinese, French and US governments, asking them to account for their provision of military and police training and equipment to the army, the Republican Guard and the gendarmerie in Chad. China was reported to have supplied some light weapons and training in maintenance. The US Government continued to allow direct military sales to Chad, and estimated that these would amount to US\$3.7 million in 1995. However, the US Government suspended its military training in July 1995. Chad continued to be the main recipient of French Government military assistance in Africa, ostensibly to support a transition to a democratic system of government. The French Government was reluctant to disclose specific details of its military aid, and failed to condemn publicly the Chadian armed forces' continued human rights violations.

In central Africa, despite worldwide horror at the genocide in Rwanda in 1994, the trade in deadly weapons continued. Further supplies of light weapons during 1995 undermined steps taken by local officials and outside agencies to protect human rights and re-establish the rule of law in Rwanda and Burundi. The international community was clearly warned of the dangers in central Africa before the mass killings in Rwanda started in April 1994. Politically motivated ethnic killings had already claimed the lives of at least 50,000 people in Burundi since 1993 and the United Nations (UN) Special Rapporteur on extrajudicial, summary or arbitrary executions had forecast disaster in Rwanda unless steps were taken to prevent it. Yet despite these warnings and various international agreements to prevent arms flowing into the Great Lakes region, Amnesty International received reports of light weapons and ammunition arriving before, during and after the genocide.

The main perpetrators of the genocide and other crimes against humanity, namely the former government forces and militia of Rwanda, were reported to have taken their Belgian, Chinese, Egyptian, French and South African arms into Zaire as

they retreated in mid-1994. The exiled armed forces then also secretly obtained further arms and ammunition, reportedly of Russian, Egyptian, US, Yugoslav and Chinese origin. These were allegedly delivered to Zaire via various countries including Albania, Bulgaria, Israel, Seychelles and South Africa. Amnesty International and other non-governmental organizations made strenuous efforts to alert the international community, which helped prompt further action by the UN to try to stop these arms deliveries, including the establishment in late 1995 of a Commission of Inquiry to investigate breaches of the arms embargo imposed in May 1994.

Armed incursions into Rwanda by insurgents believed to be members of the exiled former government forces and militia escalated during 1995. During these cross-border raids many unarmed civilians have been killed. For example, Dr Anatole Bucyendore, head of the AIDS prevention program in Rwanda, was shot dead in February 1995. Dr Bucyendore had returned from Goma refugee camp in Zaire to work in Gisenyi hospital, despite warnings that if he returned he would be killed by Zaire-based militiamen. His two-year-old child was stabbed to death in the same attack. In another incident in April the mayor of Gishoma was assassinated by insurgents when his house was surrounded with a landmine trap using an Italian-designed TS-50 anti-personnel mine. These anti-personnel mines are manufactured in Italy, Egypt and Singapore. According to a UN conference in 1995, anti-personnel mines kill or maim some 20,000 civilians worldwide every year.

In neighbouring Burundi, politically motivated massacres committed by the security forces and their allied Tutsi civilian militias on the one side and Hutu armed opposition groups on the other have continued unchecked for years. Most of the victims are put to death solely because of their ethnic origin. The authorities have done little or nothing to investigate the killings or bring those responsible to account. Amnesty International drew the attention of the international community to the receipt of arms by exiled Burundi armed groups in Zaire and Tanzania, and also expressed public concern about a large shipment of arms from China reportedly destined for the Burundi Government's armed forces and their allied militias – forces committing widespread human rights violations. These forces had previously received arms from Belgium, France, Germany and the USA. Despite the frequency of killings in Burundi, comparatively little international attention was focused on this trade. It was reported that North Korean military advisers were helping the armed forces of Burundi during 1995.

In late 1995 Amnesty International asked questions about a range of arms and security equipment transferred to Nigeria. The Nigerian police and the paramilitary "Internal Security Task Force" were known to have committed numerous human rights violations. They were responsible for at least 50 political killings



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A chain-gang marches to work in leg-irons. Chain-gangs have been reintroduced in parts of the USA.

in Ogoniland during 1994 as well as the ill-treatment and incommunicado detention for at least eight months of Ken Saro-Wiwa and other Ogoni prisoners. Ken Saro-Wiwa and eight others were subsequently executed after a grossly unfair trial. Despite this, the UK supplied a range of “non-lethal” equipment, including CS gas, rubber bullets and armoured vehicles, to Nigeria between 1993 and 1995. France supplied a large number of armoured personnel carriers to Nigeria in 1994. The US Government revealed in July 1995 that it had authorized the sale of almost US\$2.5 million of security equipment to Nigeria between 1991 and 1993.

Implements of ill-treatment, torture and death

One of the world’s most powerful nations, the USA, reintroduced “chain-gangs” during 1995. Evoking memories of a distant and merciless past, prisoners are chained together at the ankle with leg-irons while being forced to do hard labour. After a gap of 30 years, the states of Alabama, Arizona and Florida brought back chain-gangs, and legislation permitting the use of chain-gangs was passed in Utah. In Alabama, some prisoners who refused to work on a chain-gang were reportedly handcuffed to a “hitching rail”, a metal post used for tying up horses, to which prisoners are chained for long periods with their limbs stretched taut. Such cruel practices are forbidden by the international standards drawn up to promote human rights and civilized conduct since the end of the Second World War.

The use of chains or irons is specifically prohibited by Rule 33 of the UN Standard Minimum Rules for the Treatment of Prisoners, adopted by the international community in 1955. Doctors have warned for decades that holding prisoners in leg-irons or ankle chains for long periods can lead to welts, sores and dizziness. Such restraints are also humiliating: for example, prisoners cannot use toilets in private.

Amnesty International took action against the use of leg-irons, leg-cuffs, fetters and shackles several times in 1995. It campaigned against their use not only in the USA, but in a number of other countries, including Pakistan and Myanmar.

Leg-cuffs and leg-irons are not usually used by law enforcement agencies in Western Europe. In the UK, the government banned their use and export after an Amnesty International campaign in the early 1980s. Despite the ban, however, UK associate companies operating in the USA, as well as French and US companies, actively promote the use of leg-cuffs. Many US police forces still use them for transporting prisoners. Their widespread use in the USA has undoubtedly encouraged those promoting the reintroduction of chain-gangs. It has also given credibility to those governments that authorize the use of leg-cuffs, fetters and shackles in Africa, Asia, the Middle East and Latin America, where many US and West European companies are vigorously pursuing export markets.

Sometimes, states export equipment explicitly designed for executions or torture. During 1995 Amnesty International contacted two US companies which were reported to be considering the sale of an electric chair and a gas chamber to the Philippines, where the death penalty was reintroduced in 1993. One company spokesperson was reported as saying:

"Does it bother me? Not really. I'm not doing the executing."

Many governments which have abolished the death penalty in their own countries still have no law prohibiting the export of equipment for executions. In such countries, it has been left to the general public to prevent the trade in death penalty equipment. For example, when it was discovered that three gallows were being built by a UK construction firm for Abu Dhabi, United Arab Emirates, in 1987, Amnesty International launched a successful campaign to stop them. Trade unionists within the construction firm and at the docks from which they were to be exported refused to make or move them.

Governments have also failed to ban completely the design, manufacture and trade of torture equipment. The US Government revealed in 1995 that it had authorized the sale of millions of dollars of security equipment to many governments which systematically practise torture and other grave human rights violations. The figures, which cover the years 1991 to 1993, categorized the equipment under two broad headings. One included

“thumb-cuffs, thumbscrews, leg-irons, shackles, and handcuffs; *specially designed implements of torture* [emphasis added]; strait-jackets, plastic handcuffs, police helmets and shields; parts and accessories”. The other included “arms, discharge type (for example, stunguns, shock batons, electric cattle prods, immobilization guns and projectiles) except equipment used exclusively to treat or tranquillize animals”.

When the US Government was asked why it had retained the category of “specially designed instruments of torture” which it had promised to remove from the export lists a decade earlier, the US Commerce Department was only prepared to state that it was now government policy to “deny applications for instruments of torture”.

An example of the wilful failure of powerful governments to prevent torture was the export of a torture chamber made by a UK company and installed in the police special branch in Dubai in 1990. A source close to the project said:

“It was all about disorientation. They would plan to cycle the prisoner, waking him up and feeding him several times in one day, so that he would have no idea what was going on. If he still didn’t talk, then it would be into the House of Fun.”

The “House of Fun” was a specially constructed cell fitted with a terrifyingly loud sound system, a white-noise generator and synchronized strobe lights designed to pulse at a frequency that would cause severe distress. Another man who worked on the project said that the equipment was “a non-physical way of getting people to tell the truth”. Current UK export controls allow such equipment to be exported in parts, provided it is not assembled beforehand.

Electric shock weapons

New “non-lethal” security technologies are spreading rapidly through international marketing in specialist publications and exhibitions. In the wrong hands, these devices are all too easily used to commit human rights abuses. For example, prisoners in Greek police stations suffered “severe ill-treatment” by officers using hand-held electric shock devices, according to a November 1994 report of the Council of Europe’s European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. An electro-shock baton found in the locker of a Greek police officer apparently came from Germany. Amnesty International opposes the supply of electric shock security equipment to law enforcement agencies that have a record of committing torture or ill-treatment.

In January 1994 Amnesty International issued a report on Saudi Arabia which described the torture of Iraqi refugees with “electric rods”. One of the cases detailed was that of a former drama teacher who was arrested at the refugee camp where he

lived and accused of producing a play which was critical of the Saudi Arabian authorities. He said:

"They made me take off my clothes and then threatened me with rape. They also used other forms of ill-treatment and torture, including falaqa [beatings on the soles of the feet], beatings all over the body, and being jolted by an electrified rod."

Amnesty International discovered that a licence was issued in January 1995 by the US Government to send "police helmets/handcuffs/shields used for torture" to the Saudi Arabian security forces. When questioned, the US Commerce Department stated that in 1994 security equipment licensed for export to Saudi Arabia had included electric shock "taser" guns. These guns shoot darts into a victim over a distance of up to five metres before a 40–50,000-volt shock is administered through a wire. They have been banned in some US states after being associated with several deaths, although they are in use in others. One set of US police guidelines on the use of "taser" guns states:

"under no circumstances should the taser darts be removed from an individual by an officer. Removal of the taser darts must be done by a doctor in a hospital."

The possession of such electric shock weapons is prohibited in the UK, Switzerland, the Scandinavian countries and, now, Greece. But they are allowed for private sale in France, Germany and other European countries, and UK companies can buy and sell them as long as they do not import them.

Electric shock batons, shields and other devices using up to 150,000 volts are manufactured and sold by companies in Belgium, Canada, China, France, Israel, Luxembourg, the Netherlands, Russia, the UK and the USA. These states allow the marketing of electro-shock equipment to security forces in countries known to use electric shock torture on detainees, such as Mexico and Turkey.

Manufacturers claim that these high-voltage devices are medically safe, but independent scientists have reported that a three-to five-second burst from a modern electric shock weapon is capable of killing someone with a heart problem.

Assault with electric shock batons (known in China as *dianji gun*) is one of the most common methods of torture in China and occurs in virtually all places of detention. Electric shock batons can cause severe pain and affect muscle control, and they are used by many police officers and prison wardens. Electric shocks are often applied to sensitive parts of a prisoner's body, such as the armpits, neck, face, soles of the feet, inside the mouth and ears, on the genitals and inside the vagina. Victims experience extreme pain and convulsions, and some may lose consciousness.



This Tibetan monk, who spent decades in prison and labour camps, managed to smuggle out several torture implements. Palden Gyatso said, *"This is the worst thing: an electric cattle prod. They use this on your body. If they press that button, your whole body will be in shock. If they do it for too long, you lose consciousness but you do not die. If they press this button, you can die."*

A painter from Beijing taken into police custody in 1993 for a minor criminal offence testified:

"When we arrived at the police station, the tall thin one boxed my ears five or six times, then hit me with his electric truncheon ... I collapsed on the floor and could not struggle."

One year after the suppression of the pro-democracy movement in China in 1989, in which hundreds of people were killed, a UK company sold electric shock batons to China, so that the authorities could copy and manufacture them. The company's head said in 1995 that his marketing trip to China had been sponsored by the British Government's Department of Trade and Industry, despite a UK ban on all arms sales to China.

Four Chinese firms advertised at recent international trade fairs that they could supply a wide range of anti-riot and security products. Among the products on offer were 100,000-volt electric shock weapons, tear-gas, shackles, handcuffs, thumb-cuffs and leg-cuffs.

New technologies

New types of electric shock equipment are being developed for use by police and prison officers. A US company now markets an electric shock belt, a belt worn by the captive so that incapacitating shocks can be inflicted from a distance by the officer in control. Although the company insists that this belt is safe "as long as it is not used for officer gratification or punishment", it also states:

"if you were wearing a contraption around your waist that by the mere push of a button in someone else's hand could make you defecate or urinate yourself, what would that do to you from the psychological standpoint?"

Governments often deal with the effects of misuse of new security equipment products only after they are generally available, instead of publishing all available medical research and ensuring in advance that they are safe to use. A new prisoner restraint, "rigid handcuffs", which use a rigid bar between the cuffs, was introduced into the UK in 1993. By October 1995 there had been 546 official complaints of injuries including nerve damage, bruising and fractures. Since UK police offer training courses to police in many other countries, their use of such devices is of international significance.

Reports persist of deaths and injuries caused by chemical irritants used during internal security operations. Many police forces now use CS gas in canister form, and are supposed to follow strict instructions on its use. However, Amnesty International frequently finds that CS gas is misused, usually by being fired into confined spaces from which people cannot escape.

At least 135 people were reportedly injured, some seriously, when police fired CS canisters into buildings at the University of Zimbabwe, including the canteen, lecture theatres and halls of residence, following demonstrations by staff and students in June 1995. A closer look at the gas canisters revealed that they had been made by companies in South Africa and the UK.

Amnesty International has opposed the use of any form of tear-gas in confined spaces since 1988, when US-made tear-gas was fired into Palestinian schools, clinics, mosques and homes by Israeli soldiers. More than 40 people – mostly children, the sick and the elderly – were reported to have died after tear-gas inhalation between December 1987 and June 1988. Amnesty International expressed public concern over the reported misuse of tear-gas and the Israeli army Chief of Staff subsequently admitted:

"In very isolated incidents it happened that people died of plastic bullets but that happened also, by the way, from rubber bullets and even to those who inhaled gas."

A "taser" gun which can deliver a 50,000-volt electric shock through a wire attached to a dart fired at the victim.



© David Hoffman

In Waco, Texas, US federal agents pumped CS gas for hours into an enclosed compound where many babies and young children were known to be confined, at the end of a 51-day stand-off between officials and members of an armed religious cult in 1993. Amnesty International expressed concern about the use of CS gas, and called for inquiries into the incident.

In September 1995 Amnesty International protested to the Government of Bahrain that its security police had fired tear-gas into homes and mosques, allegedly leading to the deaths of at least two people.

French, German and US-made pepper (OC) sprays are being offered for export to many countries despite reports of many deaths and injuries associated with misuse of such sprays in the USA. Johnny L. Williams, a prisoner in a jail in New York State with a history of mental illness, died after a struggle with sheriff's deputies in 1994. They sprayed three canisters of pepper spray in his face before restraining him.

Pepper spray can cause painful burning, eye irritation, coughing, nausea, vomiting and choking when sprayed in a person's face. A US government report in August 1994 warned that pepper spray is not only potentially lethal, but also capable of producing future cancers and birth defects, and warned of the risk of using it on "a large and varied population" because of the limited safety studies. Yet a US company has been attempting to introduce pepper spray to the police in India, where torture and ill-treatment of detainees are known to be already widespread, resulting in scores of deaths in police custody every year.

A US company's sales advertisement for pepper gas now offers its use with a thick foam, which can stick to a person's face:

"This thick, slimy, gooey lather is propelled with such force ... the aggressor is so frightened by this unknown substance hitting his face, he is virtually shut down, allowing you to take control."

Despite the well-known risks of using incapacitant sprays in confined spaces, a US company advertises a combined CS and pepper spray "to permit the injection of an irritant cloud into a vehicle such as an automobile, motor home or aircraft without resultant property damage".



© Reuters/Popperfoto

A Chadian soldier stands outside a military camp in N'Djaména which is frequently used as a detention centre. Foreign governments, including those of China, France and the USA, have armed and trained the security forces of Chad.

New techniques for crowd control include a mechanism that unrolls razor wire sharp enough to slice through human flesh. During 1995 French, South African and UK companies marketed such razor wire: one advertised it as providing “effective crowd control”. According to one of these companies, a mobile carrier can dispense 200 metres of razor wire in 15 to 20 seconds, allowing the rapid “capture” of demonstrators. A UK company stated that it had sold this system to Colombia and Zaire – countries where the police have used excessive force against unarmed and peaceful demonstrators. The same companies also advertise razor wire with an electro-shock coil inside for crowd control. Products such as these are being developed and marketed even though guidelines to ensure that they are not used in human rights abuses have not yet been developed.

Another new product being marketed for internal security purposes by a UK company is a riot control vehicle with electrified side panels to repulse “demonstrators”. The countries to which it is sold remain unknown.

The scale of foreign trade and investment is leading to the global integration of markets. Joint manufacturing and marketing ventures between different companies are making it more difficult for governments to exert control over possible misuses of security technology, even when they want to. Paramilitary vehicles made under licence in Turkey, primarily from UK parts, are

now exported to Algeria, where they are highly likely to be used in human rights violations. A Swiss company making light aircraft widely used for military and internal security surveillance has established a partnership with a UK company which allows it to avoid strict Swiss arms export controls.

The Chinese authorities used sophisticated surveillance technology designed for traffic control in the suppression of the mass pro-democracy protests in 1989. In the days following the Tiananmen Square massacre on 4 June, the security police created instant "wanted posters" from close-up "frozen" images of student activists. The images came from a computerized closed-circuit television system capable of night vision supplied from the US and UK with World Bank assistance. The "posters" were broadcast on state-run television with a telephone number asking viewers to report those wanted. Arrests of prisoners of conscience and unfair trials followed. The authorities also used film footage which was carefully edited to show "counter-revolutionary" demonstrators as the instigators of the violence in efforts to justify the crack-down. This footage was repeatedly broadcast on television. The surveillance system is still in place in Tiananmen Square and is supposedly used for traffic control. A similar system has since reportedly been installed by the Chinese authorities in Lhasa, capital of the Tibet Autonomous Region, in the central square, a pedestrian area where Tibetan pro-independence demonstrations have been held.

International regulation required

The extent of human rights abuses associated with armed conflict, as well as the increasingly sophisticated technological environment, means that Amnesty International has to intensify its work to address the conduct of security forces and their international partners. Where transfers of equipment, technology or training can reasonably be assumed to contribute to human rights abuses, Amnesty International campaigns against them. If the evidence suggests that such transfers could facilitate human rights violations, Amnesty International warns governments by asking a series of searching questions. Amnesty International is also stepping up its work to secure the agreement of all governments to institute proper monitoring and control over all military, security and police assistance.

Legislation and regulations should be established at national and international level. These should prohibit any transfer of military, security or police equipment, technology, training or personnel – as well as financial and logistical support for such transfers – unless it can be reasonably demonstrated that such transfers will not contribute to grave human rights violations. These laws and regulations should ensure that the human rights situation in the receiving country is taken into consideration before any decision to approve a transfer. The supplier government should take responsibility for the use of transfers through regular

monitoring and legally binding “end-user certificates” citing human rights criteria. All information necessary to allow the country’s legislative assembly to exercise proper control over the implementation of the law should be supplied and all transfers should be publicly disclosed in advance.

Positive measures were taken in that direction during 1995 by the South African Government, which set up a ministerial arms control committee to supervise the arms trade in the wake of an investigation into illegal arms dealing. The South African Cabinet issued new guidelines on the conduct of arms transfers, which included a commitment to take into account the human rights record of the recipient country. Amnesty International welcomed the new guidelines, but urged that the mandate of the arms control committee should be extended to cover transfers of military training and personnel as well.

All states should submit regular and comprehensive reports, including transfers of light weapons, to the UN Register of Conventional Arms. They should also strive to implement existing international agreements on arms control, such as those of the European Union and the Organisation for Security and Co-operation in Europe, which prohibit arms deliveries that can be used for human rights violations. Furthermore, they should ensure that such controls are broadened to include light weapons, security technologies and training.

Human rights atrocities are committed virtually every day, somewhere in the world. There is a risk that “horror fatigue” will set in and dull the outrage that such atrocities ought to provoke. Unless concerted action is taken to stop the abuses, the massacres, mutilation and rape will continue. Most vulnerable are the poor and disadvantaged, especially women, children, elderly people and refugees. The sale and shipment of dangerous equipment should be prohibited by governments if there is a serious risk that they will contribute to these abuses. Profits and political advantage must not be allowed to take priority over human rights.

Challenging injustice around the world

"Wherever women suffer in the world, I feel closer to them after my experiences in prison. I felt the support of Amnesty International very strongly during my months in prison. But imprisonment has not changed my opinions or my determination to work for human rights and women's freedom."

Eren Keskin, a Turkish lawyer and human rights activist, was imprisoned because she wrote a newspaper article which criticized the Turkish Government. In September 1994 she was found guilty of spreading "separatist propaganda" and sentenced to two years in prison. Eren Keskin told Amnesty International:

"I got cards from all over the world ... People not only sent me messages of support, but also copies of the letters they had written to the government here in Turkey. Unfortunately I was never able to receive the flowers sent by Amnesty International at the time of my arrest. The prison official refused to let them into the prison for fear that I might injure someone with the flower-pot! We experience such comic things here ..."

Eren Keskin was released pending retrial in November 1995. She was one of the women featured in Amnesty International's Campaign on Women and Human Rights, which ran from March



A birthday party at the UN World Conference on Women in Beijing for Ma Thida, a Burmese prisoner of conscience. Drummers and acrobats conveyed the courage and endurance of women like Ma Thida, imprisoned for their political beliefs.



Gunay Aslan, a Turkish author and journalist, was arrested in October 1993 and convicted under the Turkish Anti-Terror Law of "separatist propaganda". After a worldwide appeal he was released in January 1995, having served his sentence. Soon after his release he rang Amnesty International and said, *"Please thank your members for all their efforts on my behalf ... I strongly felt their support while I was in prison ... it was very good for my morale."*

until the end of September. Sections from all over the world took part in the campaign, which culminated at the Fourth UN World Conference on Women in Beijing in September. Here Amnesty International representatives brought human rights violations against women into the media spotlight while members and groups around the world simultaneously carried out their own demonstrations, exhibitions and vigils.

Twelve women from differing backgrounds were chosen as appeal cases for the campaign. All had been victims of human rights violations; they included a doctor imprisoned in Myanmar, a schoolgirl in Algeria killed for refusing to wear the Islamic veil and a 73-year-old woman held on death row in the USA. Through sections' activities these women became familiar faces. The Brazilian Section women's group, for example, acted out the individual stories of each woman at its official campaign launch in Porto Alegre, while in Bermuda an evening's entertainment was organized with readings, music and dedications.

At the Non-Governmental Organizations (NGO) Forum of the Fourth World Conference on Women held in Huairou, outside Beijing, Amnesty International delegates organized a big birthday party for Ma Thida, a doctor from Myanmar who is serving a 20-year prison sentence for campaigning for Myanmar's main opposition party and distributing information about its activities. The birthday party was a truly international affair, with a giant birthday cake with 29 candles, Chinese birthday symbols, and a Latin American *piñata* (birthday game). Drummers and acrobats from the Women's

Circus in Melbourne, in cooperation with the Australian Section, portrayed images of the strength, endurance and courage shown by women such as Ma Thida.

For its part in the campaign, the Nepal Section organized a talk program with a number of prominent speakers – an event that was covered by many national newspapers and magazines. It also held a one-day discussion program for lawyers and a women's art exhibition, at which more than 1,000 pieces of art by 50 women were exhibited.

The Côte d'Ivoire Section launched its campaign with a women's basketball match, in which some of the country's best women players participated, while in Zambia 100 women from various organizations took part in a 10-kilometre solidarity march. The Amnesty International Women's Coordinator in Zambia was one of the three speakers at the event.

In the Netherlands, an Action Week was held during September. Members of the public and women television personalities in various parts of the country were asked to pose for an instant photograph, which was then stuck on a montage next to photographs of women human rights defenders. The photographs were gathered together on a huge mural for a national public event at the end of the week. In Germany, a demonstration was held in Cologne; members of Amnesty International wore masks with their campaign emblem and distributed information on the campaign.

Some imaginative actions took place in the Philippines. At the launch event, a cultural presentation was followed by poetry readings and solidarity messages from women's organizations. A Day of Action was also held, with group discussions, videos, music and readings. It ended with the lighting of 15 big candles to symbolize the 15 steps deemed necessary to protect women's human rights. Various artists were invited to paint on a big canvas, which was then taken around schools and universities, together with exhibits produced by university groups, throughout September.

At the launch event in Wellington, New Zealand, a 12-foot-high electronic candle was "lit" by the mayor. It remained in Wellington's Civic Square for three months and had a sign with the words "Amnesty International – in memory of women throughout the world who have suffered as a result of armed conflict".

The Austrian Section organized a day of action in May, 100 days before the Beijing Conference. In the cities of Vienna, Graz and Salzburg, stakes were built to symbolize centuries of violence against women. People then came to take away logs from the stakes as a symbol for ending violence against women. Next to each stake was an exhibit illustrating women's efforts around the world to end abuses of their rights, such as fighting against war and state oppression, rape and abuse in the family, and campaigning for justice and women's rights.

During August, a square in the centre of the Belgian city of Antwerp was the scene of a beautifully coloured display of red, yellow and white flowers arranged in the shape of the Belgian Section's symbol for the campaign: a stylized picture of a woman's face.

Throughout the Campaign on Women and Human Rights, Amnesty International worked in close cooperation with women's organizations at all levels. The organization was one of many NGOs to give its support to the Petition to the UN on the Promotion and Protection of the Human Rights of Women, and sections and groups took up the task of gathering signatures for this petition with great energy. The Center for Global Women's Leadership, which coordinated the petition, said it was "overwhelmed and delighted" by the numbers of Amnesty International sponsored petitions which poured in. The German Section alone collected around 120,000 signatures.

The World Conference on Women provided a good opportunity for Amnesty International to lobby and strengthen its message regarding some basic elements of Amnesty International's mandate, particularly issues such as the protection of women's human rights in the context of armed conflict. While the Platform for Action produced by the Conference had some weaknesses – its reluctance to identify rape and sexual abuse as a violation of human rights, for example – it represented an important step by governments all over the world towards acknowledging the reality of human rights violations against women.

A major Amnesty International campaign against human rights abuses in Sudan ran from the end of January to July. It was launched with an international press conference in Nairobi, Kenya, and attracted a high level of media coverage around the world, including in the Arabic language press, radio and television. Amnesty International Secretary General Pierre Sané and International Secretariat staff took part in campaign launches in Ghana and Côte d'Ivoire. A meeting with the Ivorian Head of State, President Konan Bédié, was the subject of much media interest.

Throughout the campaign, officials of the Sudanese Government responded to letters from Amnesty International members. On the day of the launch, it issued a public statement rejecting Amnesty International's information about human rights violations in Sudan and accusing the organization of being biased in favour of the armed opposition Sudan People's Liberation Army. A month later it presented Amnesty International with a 24-page response to the campaign entitled *The Crocodile Tears: the call by Amnesty International for the abolition of Islamic Laws is a flagrant violation of the right to Freedom of Religion*. The Sudanese Government continued to respond to the organization in this tone throughout the campaign, and in March trade unions and other NGOs allied to the government also responded, raising



The Nigerian Section of Amnesty International launches the campaign against human rights abuses in Sudan in January with a procession to the Sudanese Embassy in Lagos.

virtually the same issues. In May, the International Secretariat received a letter from a Sudanese government official which said:

"It is continually observed that tens of the organization's members' letters arrive daily to this Office, which constitutes an obstacle in tackling our duties ..."

The campaign had a high profile throughout Africa, where many groups obtained extensive media coverage; one radio station in Mali devoted an hour-long weekly program to the campaign. This series included interviews with members of the Malian Section and representatives of the International Secretariat who visited Mali in March, and a program devoted to the regional dimension of the campaign, including interviews with representatives of several other African sections.

In the Middle East, many groups faced opposition to their activities on Sudan from their own governments, and public events planned by groups in both Morocco and Tunisia were prevented from taking place. The Moroccan groups were eventually able to participate in a public event organized by another NGO and received some media coverage.

During the course of the campaign, the human rights situation in northern Sudan saw some subtle changes. Amnesty International and other human rights activists in Sudan believe this may be an indication that the Sudanese authorities are sensitive to pressure. It is believed that there was some reduction in torture and some limited improvements in conditions of detention. While these gains may appear slight, they have made a real

difference to many people's lives and have improved the morale of those working on human rights issues in Sudan.

An action on "disappearances" and missing persons in the former Yugoslavia was launched in October. The aim of the campaign was to ensure that those who were missing or who had "disappeared" were not forgotten, and to attempt to go beyond the sense of fatalism and defeat that can set in when little or no progress is achieved in the search for them. The materials produced for this action contained powerful statements about the loss and loneliness felt by victims' families, while at the same time the tireless campaigning for truth and justice by the many relatives was highlighted.

Cases chosen for this action represented all sides in the conflicts. The materials made plain that there were significant differences in the scope and scale of the violations perpetrated by parties to the conflicts, but in each case, whether an isolated instance or part of a massive and systematic pattern of abuses, Amnesty International emphasized that it was concerned first with the individual victim and the imperative to work for truth and justice on their behalf.

The "forgotten" human rights catastrophe in Afghanistan was the focus of Amnesty International's efforts from November onwards. For more than a decade the world's powers poured weapons into Afghanistan, using the bitter conflict for their own

Daw Aung San Suu Kyi, 1991 Nobel Peace Prize Laureate and opposition party leader, was released from house arrest by Myanmar's military authority in July. She had been held at her home since 1989 and for six years was the focus of intensive campaigning efforts by Amnesty International and other organizations.



political ends. Governments which supported the various warring factions and backed them with weapons should shoulder their share of the responsibility for facilitating a climate of lawlessness in the country in which human rights are treated with contempt. Amnesty International members appealed directly to the governments of the USA, the European Union and the successor states of the Soviet Union to act in a concerted manner to save Afghan civilians from continuing mass killings, torture and rape.

Years of campaigning against the death penalty by Amnesty International sections in Spain and Mauritius finally came to fruition when the death penalty was abolished in both countries during the year. The Mauritius Section wrote:

"Our organization's name, its findings and arguments and its work in general have been cited by more than 90 per cent of the Members of Parliament who took part in the debate. Amnesty International's pamphlet 'When the State Kills' and other publications were on the desk of each Member of Parliament. We can say that Amnesty International permeated the Parliament in every respect".

In April the Spanish Congress of Deputies voted overwhelmingly to approve three bills that would remove the death penalty from the Spanish Military Penal Code and in November the death penalty was totally abolished. This was largely the product of two years of hard work by the Spanish Section, which had intensively lobbied the autonomous parliaments of the various Spanish regions and political parties in the Spanish National Parliament.

During the year, Amnesty International stepped up its capacity to mobilize in human rights emergencies. Fundamental to this is the organization's ability to decide quickly what contribution it can make, to mobilize people in the international movement, at the International Secretariat – Amnesty International's headquarters in London – and in the emergency region, and to raise money to fund the necessary additional activities.

Such an emergency occurred in early April, when the level of killings in Burundi escalated and tensions in and around Rwanda began to mount. The decision was taken to mobilize the movement, and additional staff were drafted in to reinforce the research and campaigning preparation in London. Representatives of several of Amnesty International's key national sections and staff from the organization's headquarters met in London to define a strategy for the crisis.

Amnesty International sent a field mission to the Rwandese capital, Kigali, and delegates went to Burundi to assess the impact of the activities of the UN and the Organization of African Unity. A news conference was then organized in Nairobi, Kenya, to present the organization's findings. Amnesty International



Moroccan members of Amnesty International on International Human Rights Day, 10 December 1995.

campaigning vigorously for an international commission of inquiry to investigate the massacres of 1993 in Burundi and the human rights abuses which followed. In August, at the urging of the President of Burundi and the UN Secretary-General Boutros Boutros-Ghali, the UN Security Council finally took the decision to set one up.

In June Amnesty International published a report on secret shipments of arms to the perpetrators of the genocide in Rwanda, and their military training activities, largely based in Zaire. Many branches of the organization, particularly those in countries involved in arms exports, brought the message to their media and governments that the arms could be used to commit further massive human rights abuses. Members staged demonstrations outside embassies of relevant countries. Although some governments, such as those of South Africa and the United Kingdom, agreed to investigate the reports of arms supplies, governments of several countries such as Zaire and Bulgaria issued public statements denying their involvement. Through its campaigning, Amnesty International reinforced concerns about arms exports and, along with other human rights organizations, stimulated a debate over these concerns within the UN. The UN Secretary-General referred to Amnesty International's reports among others while expressing his own concerns, and in September the UN Security Council decided that the reports of military supplies and training being given to former Rwandese government forces should be investigated by an international commission with special powers. During Amnesty International's visits to the region, many people, including relatives of victims of human rights abuses, human rights activists and those in government circles working to defend human rights, made it clear how much they valued the organization's support.

Amnesty International members on the move

"Thank you! Thank you! For your help – Raleigh and all of us are so grateful!"

This message came from the attorney of death row prisoner Raleigh Porter, who was due to be executed in Florida, USA, on 29 March 1995. In a fax sent on 1 April, Amnesty International members were told that he had been granted a last-minute stay of execution by an appeal court. The jury which tried Raleigh Porter had voted unanimously to recommend a sentence of life imprisonment but the presiding judge had overruled them. He sentenced Raleigh Porter to death "while wearing brass knuckles and fondling a pistol", according to witnesses in the court. When the execution was scheduled, Amnesty International members around the world sent urgent appeals calling on the Governor of Florida to grant clemency.

Several groups of Amnesty International members in the Netherlands take a special interest in Florida, which has the third largest death row population in the USA. They are among 65 groups in 19 countries who are engaged in the difficult task of campaigning against the death penalty in the USA at a time of increasingly harsh sentencing. Group members write letters to politicians and legal officials, explaining their arguments against the death penalty in general, and appealing on behalf of



Children gather for the launch of an "Amnesty fishing boat", built by Amnesty International's members in Sierra Leone as part of a national fundraising project.

prisoners facing imminent death at the hands of the state. They follow developments in legislation and judicial practice. They set up information stands to distribute leaflets, collect signatures on petitions and raise awareness about the death penalty. Sometimes they stage vigils at the US Embassy in their country. Groups in Ireland working on the death penalty in the state of Virginia enacted an electrocution outside the US Embassy in Dublin, attracting national media coverage. Groups in Austria made a video explaining why they oppose the death penalty. Parts were shown on a local television station in Arkansas, their target state, and colleges and schools used it. A Belgian group working to have the death penalty abolished in California prepared a book of essays and poems by Belgian writers and artists to carry the message against the death penalty.

This kind of determined effort, the effect of which is often not apparent for many years, is at the heart of the work of Amnesty International's mass membership.

Amnesty International was born in the 1960s as a movement of people not prepared to remain silent while fellow human beings were imprisoned or persecuted for their beliefs or identity.

Cycling for human rights. This fundraising event organized by Amnesty International's members in Pakistan raised money to build a human rights education institute.



Amnesty International's army of volunteer activists remains the backbone of its international campaign. Numbering more than a million, they mobilize their communities, put pressure on governments, support the victims and their families, lobby for legal reform, and raise public awareness through the news media and human rights education work.

In 54 countries, Amnesty International sections coordinate the work of local groups and organize campaigns, national publicity and fundraising.

Amnesty International does not seek or receive funding from any governmental or intergovernmental organizations and is entirely dependent on contributions from its members worldwide. As a result, fundraising is an important part of the work of Amnesty International sections and groups. They raise funds in a huge variety of ways tailored to suit local situations.

Members of parliament in the Faroe Islands put on shirts sporting the Amnesty International logo and played a game of football in order to raise funds for human rights. In Uruguay too, individual members of parliament were asked to support Amnesty International financially. In New Zealand, the country's largest manufacturer of candles agreed to print information about Amnesty International on all its retail packaging. A cycling marathon in the mountains of Baluchistan in June raised about £2,000 towards the Pakistan section's planned institute of human rights education. In Italy, the Amnesty International section raised funds by selling T-shirts linked with the running race "Vivicittà" which covered 40 cities. A poster exhibition and sale in Taiwan raised money for the local Amnesty International group. Members collected posters produced by other Amnesty International sections and framed them to make a huge and dramatic display. In Colombia, Ecuador and Peru, Amnesty International members joined forces to explore ways of raising money in their region.

The purpose of all these imaginative fundraising activities is to allow the human rights work of Amnesty International to continue around the world. That work takes many forms. While many Amnesty International activists work on long-term cases that may require sustained efforts over a number of years, participants in the Urgent Action network respond to the immediate risk of torture, execution or other serious abuse. More than 80,000 people in more than 80 countries used their telephones, fax machines and telegraph lines to intervene urgently on behalf of hundreds of individuals whose cases were featured in more than 400 Urgent Action appeals issued throughout 1995.

Other groups of people participate in Amnesty International's work in special ways. Amnesty International often asks for support from doctors, lawyers, police officers, trade unionists and others. They contact their counterparts in other countries or send appeals on behalf of members of their own profession who have become victims of human rights violations.

The network of members and supporters draws people from all parts of the globe together in the common fight for universal human rights. There are now Amnesty International members in more than 140 countries in every region of the world. During 1995 groups were set up for the first time in Azerbaijan and Uganda. In the Americas, there was continued progress towards setting up a Caribbean Regional Office to enhance coordination and collaboration in the region.

Amnesty International members themselves decide the policies and overall strategies of the organization, through democratic internal structures. The supreme policy-making body of the movement is the biennial International Council Meeting (ICM), which was held in Ljubljana, Slovenia, in August 1995. Months of intensive membership consultation culminated in the Ljubljana Action Plan, which sets out the general directions and objectives of the movement for the next four years and was adopted at the ICM. In addition to internal section consultations, inter-section regional meetings were held in every region of the world to ensure that the voice of the membership everywhere was taken into consideration in the finalization of the movement's integrated strategic plan. The resulting Ljubljana Action Plan is therefore not only the product of a process involving the whole membership, but the movement's first truly international action plan.

The ICM served as a catalyst for an exciting program of initiatives to raise awareness of human rights in Slovenia and neighbouring countries. Existing links between Amnesty International and local non-governmental organizations in the region were strengthened and new links established in the preparation and successful launch of the Amnesty International Open University – a series of seminars and round-table discussions on human rights protection and promotion (see **Human Rights Promotion**).

Cooperation with other non-governmental organizations is an increasingly important part of Amnesty International's work. Only by building strong civil institutions and a powerful human rights constituency within every country can respect for human rights be guaranteed in the long term. Amnesty International benefits from cooperation with other non-governmental organizations through the exchange of information and contacts, access to new networks and the wider public, and strengthened campaigning and lobbying activities.

The whole non-governmental community is fortified when its various constituent parts collaborate in the pursuit of shared goals. When a campaign against human rights abuses in Sudan was launched in January in Kenya, representatives of around 60 local non-governmental organizations met an Amnesty International delegation and discussed cooperation in the areas of human rights promotion, training, lobbying and networking. In October in Botswana, an Amnesty International delegation which included members from Zimbabwe, Botswana and South

Africa joined representatives of a local non-governmental organization in high-level discussions with senior figures in the Southern African Development Community on regional human rights protection and promotion. Amnesty International released a joint statement which was also endorsed by around 20 other Southern African organizations, calling for the establishment of a regional network of non-governmental organizations. In Zimbabwe, Amnesty International members explored ways of cooperating with local human rights organizations in their campaign against the death penalty. Members in Morocco continued their work with local non-governmental organizations preparing joint



Gendun Rinchen (*above*), a former prisoner of conscience, visits the Amnesty International headquarters in London. He is holding a copy of the Urgent Action appeal which thousands of Amnesty International members used to call for his release from detention in Tibet in 1994.



Mohamed Kilani (*left*), a leading member of a banned Tunisian political party, who was arrested in January 1995 and sentenced to seven years' imprisonment. He was a prisoner of conscience and Amnesty International members around the world campaigned for his release. He was freed in early November.

Members of the UK Section of Amnesty International demonstrate outside the Nigerian Embassy against the execution of Ken Saro-Wiwa and eight other Ogoni activists who protested against damage to the environment by the oil industry.



training programs on human rights education. In Ecuador, where the Amnesty International section has for several years been part of a network of non-governmental bodies, trade unions and other organizations, a workshop on "Communication Techniques" was held, with help from Amnesty International members from Germany and the USA.

Training is an integral part of Amnesty International's membership activity, and a wide range of topics is covered. These include familiarizing new members with the work of Amnesty International; campaigning techniques; fundraising methods; and strategic development. A successful training workshop for the office workers from Amnesty International sections and groups in the Asia-Pacific region was held in February in Hong Kong. In the same month, a training seminar on how to lobby intergovernmental organizations was held in Slovenia with Amnesty International members from Eastern and Central Europe. Participants from Bulgaria, Croatia, the Czech Republic, Poland, Slovenia and Ukraine discussed how to influence the work of the Council of Europe and the Organization for Security and Co-operation in Europe. In April Amnesty International members from South Korea, the Philippines, Taiwan and Hong Kong participated in a training workshop on fundraising conducted by Amnesty International members from the Norwegian and Australian Sections. In August young Amnesty International members from Poland and guests from Romania, Lithuania, the Czech Republic, Ukraine, Switzerland and Austria learned about

basic human rights issues and the working methods of Amnesty International in a summer camp in Wiselka on the Baltic Sea. In Peru, members from Uruguay, Colombia, Ecuador, Peru, Paraguay, Costa Rica, Mexico and Puerto Rico participated in a training workshop on fundraising.

The membership's local priorities depend on their analysis of the human rights situation that they face. In South Africa, Amnesty International members have been active in campaigning for legislative reform. They submitted a position paper to government authorities about the South Africa Truth and Reconciliation Bill and distributed copies to other South African non-governmental organizations. A group in Johannesburg highlighted the importance of investigating past human rights abuses and underlined the risk of abuses being repeated by perpetrators of human rights violations unless full accountability is established. Amnesty International members in Slovakia mobilized public opinion to counter proposals for the reintroduction of the death penalty, while in the Czech Republic, the membership appealed to the authorities to change the new law on alternative service which in its present form penalizes conscientious objectors to military service.

Creativity and imagination are the hallmarks of effective membership campaigning. For example, an Amnesty International advertisement by members in New Zealand, which featured Bangladeshi writer Taslima Nasrin, won an award. In Botswana, Amnesty International members handcuffed and blindfolded students to symbolize the plight of prisoners of conscience across the world and held a marathon letter-writing action. Members of a German group who faced difficulties contacting the Georgian authorities asked the coach of the German football team to hand over letters to the Georgian football team at an international match. A group in the Netherlands made up a photograph album with pictures of themselves and other members of the public holding placards calling for the release of a prisoner of conscience in South Korea. They sent it to the prison authorities. Months later they received a letter from the prisoner himself saying:

"I just received your photo album working to release me from prison. It made a deep impression on me. Please tell my thanks to all of your members and also to all of Amnesty International's members."

A major membership initiative was launched by the Dutch Section during 1995: the Special Program on Africa. This is designed to increase Amnesty International's capacity to work against abuses in Africa and to support the development of the human rights movement in the continent.

Amnesty International's members come from all walks of life. All are valued. Coordinators involved in Amnesty International's work with young people and students held their first meeting in

May, which was attended by people from around the world. The coordinators shared their experiences in recruiting youth members, and proposed new actions in which young people can participate. One of the decisions to come out of the meeting was to hold an international Day of Action to launch the international network of young Amnesty International members on 20 November, International Children's Day. Amnesty International marked International Children's Day for the first time in 1995 with an action focusing on child victims of human rights violations around the world. In Karachi, Pakistan, an art exhibition was organized in conjunction with two non-governmental organizations, and a multi-media program on human rights, including poetry and prose readings, skits, dance, video and slide shows, was presented entirely by school students. In the USA, students were asked to take on the identity of the young people featured for the day, dressing like them, telling their classmates what they were doing, and asking people to sign petitions.

In a world riven by conflict and repression, organizations like Amnesty International – organizations of ordinary people determined to defend human rights – face enormous challenges. Members with deep roots in their own communities, well-trained and equipped with the information they need, are best placed to meet those challenges. Around the world countless men and women are resisting repression and standing up for human rights. Amnesty International is proud to be part of this growing international movement.

Raising awareness of human rights



A heated exchange of ideas during a human rights education workshop run by Amnesty International in April in the Ukraine.

"After four years of war, when we never had time to look beyond the next human rights violation, it is vital that we take the opportunity to educate our staff and the public about all human rights. This isn't a luxury, it's essential."

These words were spoken by a participant in a human rights workshop in Zagreb, capital of Croatia, which brought together Serbians, Croatians and Bosnians from 50 non-governmental organizations. The three-day program of activities and discussions was organized by Amnesty International members in Croatia, with help from the International Secretariat and a member from the USA, as the start of a broad alliance of human rights groups in the region developing human rights education work.

Participants were keen to take on the innovative methodology demonstrated in the workshop and to apply it to their own countries. Amnesty International's Croatian members, in conjunction with Magna Carta, a local non-governmental organization, planned follow-up work covering issues such as the rights of displaced people and refugees. Recordings made at the workshop in Croatia formed the basis of a radio program about human rights education.

This was just one of the human rights promotion initiatives undertaken by Amnesty International members during 1995.



A human rights education summer course run by Amnesty International in Mexico, which brought together 139 participants from non-governmental organizations, indigenous groups and the government's human rights office.

Like many others, it brought together the experiences and the expertise of human rights activists from different parts of the world to develop projects to promote awareness of human rights.

Armed conflicts and the social dislocation brought about by increasing social inequalities and poverty continue to afflict millions of people across the world. In such a volatile and dangerous environment, Amnesty International believes that human rights education is vital in preventing human rights violations. Amnesty International encourages individuals around the world to take action in defence of human rights by raising awareness of what those rights are and helping to create a climate in which human rights are respected.

Human rights education

In August Amnesty International's International Council – the movement's supreme policy-making body – approved a strategy for human rights education until the end of the century. The overall goals of the program are to build stronger national, regional and international human rights education networks; to develop imaginative educational methodologies; and to increase human rights education projects aimed at different sections of society.

In Mongolia, until recently a closed society, Amnesty International members launched a human rights education program in September. The program, which was organized with the help of members from the Philippines and the United Kingdom, began with a seminar in the capital, Ulaanbaatar. Participants

discussed Mongolia's new Education Act – which emphasizes the importance of civic education – and drew up proposals for human rights education in Mongolia. The seminar was followed by a three-day workshop at the National University in which teachers, academics, lawyers and human rights activists examined different approaches to teaching and learning about human rights. They explored the participatory and democratic teaching techniques that Amnesty International uses for human rights education around the world, which make extensive use of games, songs and role-playing exercises – methods in stark contrast to those previously used in the Mongolian education system.

A core area of Amnesty International's work is the introduction of human rights concepts and values into training curricula. In Morocco, for example, Amnesty International organized a two-day workshop in December aimed at introducing human rights education methodologies and concepts to government representatives, human rights activists and academics. Practical sessions and advice on how human rights can be integrated into the teaching of a variety of subjects in the school curriculum were delivered by Lebanese, Palestinian and British members of Amnesty International.

In Ecuador the Amnesty International Section, in conjunction with other human rights organizations, continued to work with the Ministry of Education on the introduction of human rights issues into the school curriculum. Human rights education materials were distributed to teachers and many seminars were organized for both students and teachers. In the USA, Amnesty International members involved in human rights education continued to pursue work in the areas of curriculum development and teacher education. In July a new edition of their Human Rights Education Resource Notebooks was published. These collections of educational activities and resource lists cover 12 topic areas including children's rights; conflict resolution and peace; indigenous people's rights; economic rights; and religion, race and ethnicity.

The Italian Section of Amnesty International produced teaching materials and programs for use in schools which focused on two of Amnesty International's major campaigns – human rights violations in Indonesia and women's human rights. Through its work with local and regional authorities, the Section gained agreements in some areas for the introduction of human rights education into schools. For example, in the region of Emilia Romagna, a "Pedagogical Suitcase" was produced for use by the local education authority. This contained materials on human rights concepts and suggestions on how human rights could be approached in a classroom context.

The Italian Section also organized events to discuss and gain a deeper understanding of human rights. For example, during the campaign against human rights violations in Indonesia, several meetings were organized to study the interdependency of

all human rights and to look at the particular contribution that human rights education can make to Amnesty International's campaigning work. In September the Italian Section organized a second national meeting on human rights and democracy. During this three-day meeting, different human rights education methodologies and materials were presented to more than 100 participants.

Amnesty International continued its efforts to pool the expertise of activists in different countries to develop effective and systematic approaches to human rights education. In April Amnesty International sections in Latin America held a meeting in Costa Rica to discuss the development of a regional human rights education strategy. The meeting, which was hosted by the Inter-American Institute for Human Rights, provided an important forum for strengthening links between those involved in human rights education in the various countries.

In Central and Eastern Europe two sub-regional training workshops took place in Ljubljana, Slovenia, in February and in Kharkov, Ukraine, in April. These workshops, organized with the help of local non-governmental organizations, were aimed at teachers, educationalists and human rights activists and drew representatives from a number of local human rights organizations involved in developing human rights education programs in the region. To build on the work of the sub-regional workshops, six national workshops were planned in those countries where there was sufficient local expertise – either among Amnesty International members or other non-governmental organizations – to enable self-sustaining human rights education programs to be developed.

"First Steps", a manual for teaching human rights specifically designed for Central and Eastern Europe, was published at the end of 1995. The manual contains advice on teaching methodology, activities for the classroom and suggestions for organizing human rights education programs.

Amnesty International continued to expand its work in training members of the security forces on human rights issues. For example, in Brazil an agreement was reached with the federal authorities for the introduction of a human rights component into the police training syllabus at federal level.

Human rights awareness

In Eastern and Central Europe, where the high hopes raised by the wave of democracy that spread across the region have been largely replaced by fears of intolerance and conflict, the Amnesty International Open University was launched in 1995 as a contribution to attempts to prevent the spread of violence.

In a series of lectures and seminars, many hosted by local universities, the Amnesty International Open University emphasized the essential role ordinary women and men can play in building a genuine culture of respect for human rights. Its spring

A Human Rights Festival for children organized by Amnesty International members in Argentina, in impoverished neighbourhoods of Buenos Aires.



session was held at sites in Hungary, Croatia and Slovenia. During a two-week tour in April, the Open University team – made up of staff members from Amnesty International's International Secretariat as well as members from Belgium, Norway and Poland – conducted a series of seminars and round-table discussions involving local Amnesty International members and non-governmental organizations in five cities. One member of the team records:

"Although a lot of our presentations were successful, the greatest lecture we had was at the Law Faculty in Osijek. I'll never forget the 200 students asking us for two more hours and 30 of them staying with us for an extra hour. They were interested in setting up a group in the city. The city which was surrounded by Serbian occupying forces."

A second tour of lectures and debates took place in seven cities in Poland at the end of the year.

Amnesty International's biennial International Council Meeting took place in August in Ljubljana, Slovenia. It became a major human rights event and many public meetings were organized to coincide with it. A pack of Amnesty International



Former Cuban prisoner of conscience Yndamiro Restano Díaz at the French Section of Amnesty International. Sentenced to 10 years' imprisonment for "rebellion", Restano Díaz was released in May. He thanked Amnesty International, saying that he wouldn't have been released without its campaigning efforts.

materials on various human rights issues was translated into six of the languages of the former Yugoslavia and distributed to over 150 non-governmental organizations in the region. Mothers of the "disappeared" in Bosnia spoke of the horrors of war and called for the restoration of human rights to be restored in their region. There was extensive press coverage of these events throughout the region, sending a message of hope to all those striving for reconciliation in the former Yugoslavia.

On the other side of the world, in China, the Fourth UN Conference on Women in Beijing in September prompted the largest ever gathering of women from non-governmental organizations all over the world. Human rights issues were on the agenda of the intergovernmental conference for the first time, and Amnesty International members used the opportunity to promote women's human rights and to draw public attention to the appalling level of abuses suffered by women and girls in every quarter of the globe.

Amnesty International organized a number of seminars on human rights questions at the Non-Governmental Organizations Forum at the Conference. They attracted members of non-governmental organizations from all parts of the world, prompting powerful debates about the relationship between the state, personal behaviour and the realities of women's lives. The seminars focused on international standards affecting women's human rights; Amnesty International's concerns about human rights violations against

women and work with the victims; and how work with the news media can be most effectively used by non-governmental organizations to promote the human rights of women.

In Africa, Amnesty International continued its long-term program of publicizing the African Charter on Human and Peoples' Rights throughout the region. Amnesty International's Guide to the African Charter – which aims to make the Charter more accessible to the general public – was translated into more African languages. The translations into Zulu and Xhosa were completed and were widely distributed to non-governmental organizations and the general population in South Africa. Members in Nigeria and Zimbabwe began work on translations of the Guide into Hausa, Shona and Ndebele. Both the Charter and Amnesty International's Guide have now been translated, some in cooperation with local non-governmental organizations, into more than 10 languages.

Amnesty International took part in the International Book Fair in Zimbabwe – the largest book fair in sub-Saharan Africa and the continent's main meeting place and trading venue for the African book industry – distributing and publicizing its publications and human rights education materials. A poster was produced to increase awareness of the obligations of governments of the Southern Africa Development Community under international human rights treaties to protect and promote human rights. This poster – in the form of a series of questions and answers – was widely distributed at the book fair and formed the focus of Amnesty International's campaigning action.



A three-day human rights education workshop in Ulaanbaatar, Mongolia, the first of its kind to be held in the newly democratized state. The workshop brought together teachers, academics, lawyers and government officials to explore different approaches to teaching and learning about human rights.

Groups around the world continued to develop their expertise in using the news media to raise awareness of human rights. In Mali, for example, Amnesty International members were given a regular weekly slot on national radio. Programs have featured discussions on subjects such as the human rights situation in Rwanda and the recent Amnesty International campaign against human rights abuses in Sudan.

In late 1995 work began on the production of a poster aimed specifically at young people in war-torn Rwanda. The poster focused on raising awareness about the right to life and included suggestions on how educators can encourage children and adolescents to learn to resolve conflicts peacefully. It is hoped that the poster will be distributed through existing projects in Rwanda supported by the UN and the UN Children's Fund (UNICEF).

Amnesty International is committed to increasing awareness, knowledge and understanding of the concepts enshrined in international human rights standards such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It also aims to promote knowledge of other national, regional and international instruments for the protection of human rights. The movement's goal continues to be to encourage ordinary citizens, government leaders, groups and institutions to adopt beliefs, behaviour and policies which will lead to greater respect for human rights throughout the world.

Refugee protection under threat

There was a dramatic increase in 1995 in the number of people forced to flee their homes to escape human rights abuses and armed conflict. At the beginning of the year some 27.4 million people were registered as "persons of concern" by the Office of the UN High Commissioner for Refugees (UNHCR) – an increase of some four million over the previous year. More than half – some 14.5 million people – were formally recognized as refugees, as defined by the 1951 UN Convention relating to the Status of Refugees, while four million were people who had returned to their homes but were still in need of the protection or assistance of the UNHCR. The remaining nine million people were either "internally displaced" or "affected by war". Armed conflicts and massive human rights abuses, such as those in central Africa, the former Yugoslavia, Sierra Leone and Liberia, ensured that hundreds of thousands more had been displaced by the end of the year.

The sight of people fleeing for their lives is one that has become all too familiar. Unfortunately, so too has the struggle of victims to find effective protection in another country. As the number of people seeking protection has increased, so too has the reluctance of states to provide that protection. Across the world those seeking refugee status faced ever more restrictive policies by states which should offer protection but which



Refugees from Rwanda and Burundi forcibly expelled from Tanzania, April 1995.



Pulatzhon Akhunov and his family in their new home in Sweden. The subject of an Amnesty International worldwide appeal in April 1994, Pulatzhon Akhunov was released the following November only to find himself and his friends persecuted by the authorities. In desperation he left Uzbekistan, and with Amnesty International's support was granted political asylum in Sweden.

instead adopted measures restricting and even preventing the entry of asylum-seekers to their territory. Such measures included the outright closure of frontiers; forcible return of refugees; the use of technical procedures designed to restrict the right of asylum, including the return of asylum-seekers to so-called "safe" third countries; and detention. During 1995 Amnesty International was concerned about the increase in such incidents, which were on such a scale that they threatened to undermine the institution of asylum and reduce the protection traditionally granted to those fleeing human rights abuses.

The result is a world where, despite an alarming increase in serious human rights abuses causing millions of men, women and children to flee their homes, it is increasingly difficult for the victims to find protection abroad or even, in some cases, to flee their country. This has given rise to a significant increase in the number of people not formally recognized as refugees who are "of concern" to the UNHCR.

Amnesty International opposes the forcible return (*refoulement*) of anyone to a country where they may be at risk of serious human rights abuses such as detention as a prisoner of conscience, torture, "disappearance" or execution. It opposes any measures taken by states which fail to provide adequate protection against forcible return or which prevent those at risk from gaining access to a country to seek asylum. At the end of the year, Amnesty International was seriously concerned about

developments which threatened to undermine the international system set up for the protection of refugees.

Crisis in central Africa

In the Great Lakes area of central Africa, about two million people have fled from massacres in Rwanda and Burundi to neighbouring countries. The response of the international community to this humanitarian crisis has been inadequate, and the governments of Zaire and Tanzania have not lived up to their international obligations.

On 19 August 1995 the Zairian Government began to forcibly return refugees to Rwanda and Burundi. Following worldwide condemnation and international pressure, the Zairian authorities halted the expulsions on 24 August. However, some 13,000 refugees had already been forcibly returned to Rwanda and a further 2,000 to Burundi. Zairian soldiers rounded up groups of refugees arbitrarily and at random. Many families were separated and, in some cases, young children separated from their parents and relatives were left to fend for themselves. There were numerous reports that refugees were ill-treated by Zairian soldiers as they were forced on to trucks and buses; gunshots were reported to have been fired and refugees' property was looted or destroyed. As a result, tens of thousands of refugees fled from several camps into the hills, where they remained without food, shelter or water until news reached them that the returns had stopped.

In an open letter to the Government of Zaire, Amnesty International deplored this flagrant breach of the principle of non-*refoulement* and of the provisions of the 1951 UN Convention relating to the Status of Refugees and the 1969 Organization of African Unity Convention Governing Specific Aspects of Refugee Problems in Africa. Zaire is a party to both of these Conventions. Amnesty International highlighted the risks to the safety of refugees forcibly returned to Rwanda and Burundi in the light of continuing serious human rights abuses in those countries (see **Rwanda** and **Burundi** entries). Furthermore, the forced repatriation of large numbers of refugees could provoke a further cycle of violence and lead to widespread human rights abuses.

The right of each individual to make a free and informed choice on whether or not to return to their country of origin was not respected either by the Zairian Government or by elements in the refugee camps who tried to dissuade refugees from returning through propaganda and intimidation.

After halting the forcible returns in August and while negotiations with the UNHCR were still taking place, the Zairian authorities unilaterally declared that more than a million refugees remaining in Zaire would have to be repatriated voluntarily by the end of the year or else they would be forcibly expelled from the country. Amnesty International deplored the issuing of such deadlines in matters concerning the protection of refugees and questioned the apparent willingness of the international

community and the UNHCR to comply with the demand. The ultimatum was eventually withdrawn by Zaire when it announced in November that it would not carry out any further forcible returns of refugees. Amnesty International noted this development, but continued to call upon all concerned to respect international standards regarding repatriation which explicitly require the return of refugees to be voluntary and their safety and dignity to be safeguarded.

At the end of March the Tanzanian Government closed its border with Burundi in defiance of international pressure and in breach of its obligations under international and regional treaties. The move followed a new influx into Tanzania of around 50,000 refugees fleeing a wave of killings in Burundi. Most were Rwandese refugees who had been living in Burundi, some were Burundi refugees. There had also been incursions into Tanzania by Burundi government soldiers ostensibly in pursuit of armed opposition fighters. Some refugees who managed to cross the border into Tanzania after the end of March were forcibly returned to Burundi by the Tanzanian authorities. There were reports that groups of refugees forced across the border between April and June were robbed and beaten, and the women raped, by Tanzanian soldiers.

The refugees returned by the Tanzanian authorities were clearly at risk of grave human rights abuses on their return. A group of 300 Burundi refugees were forcibly returned in April; several were reportedly killed by Burundi soldiers who were waiting for them on the other side of the border. Between three and six people were reportedly killed within an hour of returning to Burundi; they were attacked by soldiers with knives and machetes. It was feared that many more may have suffered a similar fate. Despite urgent representations, at the end of the year the border between Tanzania and Burundi remained closed and the Tanzanian Government continued to forcibly return asylum-seekers attempting to escape the killings and other grave human rights abuses in Burundi.

The actions of the Zairian and Tanzanian governments cannot be viewed in isolation. The presence of such large numbers of refugees in these two countries was a huge burden, and the response of the international community to one of the largest refugee crises the world has ever faced was grossly inadequate. Other governments failed to give the necessary material resources to those countries where refugees sought protection. The international community failed to initiate programs to resettle refugees, either on a temporary or long-term basis. More fundamentally, the international community signally failed to take the decisive steps necessary to end the cycle of human rights abuses and impunity in Rwanda and Burundi and thereby enable refugees to return to their homes in safety. Amnesty International believes that the international community must take a greater share of the responsibility for the refugee crisis in central Africa and



Millions of refugees – the great majority women and children – have been forced to flee the conflicts during the break-up of Yugoslavia.

must actively seek both temporary and long-term solutions. Unless the international community takes effective action, the institution of asylum will be further undermined.

Refugees in former Yugoslavia

Hundreds of thousands of people were forced to leave their homes following intensified conflict in former Yugoslavia. There were mass movements of refugees following the fall of the “safe havens” in Bosnia-Herzegovina and the capitulation of areas previously controlled by Bosnian Serbs and Croatian Serbs. Tens of thousands of people fled or were forcibly expelled from Bosnian Serb-controlled areas. More than 384,000 Serbs from Croatia or western Bosnia-Herzegovina fled to Serbia or to areas under Bosnian Serb control. Civilians trying to escape the fighting were frequently attacked by advancing forces and there were reports of mass killings of civilians in Srebrenica and Žepa (see **Bosnia-Herzegovina** and **Croatia** entries).

When thousands of Muslims and Croats were expelled from their homes in Banja Luka in August and September, some Bosnian Muslim refugees were only allowed to enter Croatia after the special intervention of the UNHCR. Subsequently, many of the newly arrived refugees – both Muslims and Croats – as well as some earlier refugees, were forcibly returned to Bosnia-Herzegovina by the Croatian authorities, in breach of Croatia’s

obligations under the 1951 UN Convention relating to the Status of Refugees. Most of the refugees were sent back directly to areas close to the fighting. Amnesty International raised its concerns with the Croatian authorities on a number of occasions. It called on the Croatian Government to fully respect its obligations under international law and to allow all those who might be in need of protection to enter and remain in Croatia, irrespective of their ethnic origin. Amnesty International also urged other European governments to respond positively to appeals by the UNHCR for refugees from the former Yugoslavia to be resettled in their countries and so alleviate the difficulties faced by the Croatian authorities in dealing with the large numbers of refugees on their territory.

The Government of the Federal Republic of Yugoslavia carried out a policy of rounding up Serb men born in Croatia or Bosnia-Herzegovina and forcibly returning them to Serb-held areas in those countries so that they could serve in the Serb forces. Many of them were reportedly registered as refugees in the Federal Republic of Yugoslavia, and their return was therefore in breach of the government's obligations under the 1951 UN Convention relating to the Status of Refugees.

Forcible repatriation

There were many other breaches of international refugee law during 1995. In July a group of between 150 and 200 Iraqi nationals was reportedly expelled from Kuwait to an unspecified destination, believed to be Iran. The expulsions were reportedly carried out without any examination of their asylum claims. The Kuwaiti Government did not respond to Amnesty International's



Haitians seeking asylum in the USA being repatriated from the US naval base at Guantánamo Bay, Cuba, in 1994. Repatriations continued during 1995.

request for information about the incident. In August a group of 418 Somalis was forcibly returned from Yemen to Somalia as part of a process to expel "illegal immigrants". The group reportedly included a large number of registered refugees. The expulsions, which resulted in a number of people being separated from their families, were stopped following intervention by the UNHCR and the Yemeni authorities were subsequently reported to be permitting those who had been expelled to return to Yemen.

European governments clamp down on refugees

Many states, particularly in Europe, used increasingly restrictive asylum procedures, making it more and more difficult for refugees to find the sanctuary they needed. These procedures were applied in such a way as to deprive asylum-seekers of their right to claim asylum and resulted in asylum-seekers being sent back to countries where they could be at risk of serious human rights abuses. For example, Iranian and Iraqi asylum-seekers were reportedly expelled from Turkey on the grounds that their asylum claims had not been submitted to a particular authority within five days of their entering the country. Other refugees recognized by the UNHCR and with valid visas for a country of resettlement were forcibly repatriated by the Turkish authorities on the grounds that their documents were not in order. Amnesty International considers that the forcible return of asylum-seekers and refugees on such grounds, without an adequate examination of their claims, is a violation of international standards.

In the Baltic states, asylum-seekers were held in detention without any opportunity to find effective and durable protection. In March a group of over 100 asylum-seekers from Iraq, Iran and Afghanistan were detained in Latvia. The Latvian authorities attempted unsuccessfully to deport them to Russia and Lithuania. The numbers detained grew throughout the year and there were reports that many were ill-treated in detention. Their status remained unchanged at the end of the year. Amnesty International was also concerned about the deportation of two Russian asylum-seekers from Lithuania in April.

Amnesty International was particularly concerned by the increasing use of concepts such as the so-called "safe" third country rule by European states to evade their responsibility to examine asylum claims. Under this rule asylum-seekers were sent back to another country – usually a country through which they had travelled after leaving their country of origin – which was deemed "safe". In some cases, asylum-seekers were sent to countries irrespective of whether or not those countries were actually living up to their obligations to provide protection against *refoulement*. As a result, there was a serious danger that asylum-seekers could be passed from one country to another until they eventually arrived in a country that would not hesitate to send them back to their country of origin. For example, European Union (EU) states chose to apply the "safe" third country rule in



Asylum-seekers held in Olaine Detention Camp, Latvia, call out to journalists for help. The number of detained asylum-seekers grew throughout the year.

respect of Eastern European countries which did not have an adequate asylum determination procedure in place and had been known to refuse to examine asylum claims.

Amnesty International considers that, before returning any asylum-seeker to a third country, states must take adequate steps to ensure their protection. This should include obtaining guarantees in each individual case that the country to which asylum-seekers are sent will accept them, will examine their asylum claims and will provide them with protection against *refoulement*. Amnesty International was concerned that the failure of states to obtain these fundamental guarantees further threatened the institution of asylum. The organization continued to lobby EU governments to ensure that asylum-seekers were not sent to countries where they would be at risk of *refoulement*. Amnesty International's United Kingdom (UK) Section issued a report highlighting defects in the UK Government's practice of returning asylum-seekers to "safe" third countries.

Another alarming development during the year was the spread among EU states of the use of a so-called "white list" – a list of countries where the risk of human rights abuses was deemed to be insufficient to justify individuals fleeing to seek protection abroad. Applications by asylum-seekers from these countries are presumed to be "manifestly unfounded" and are dealt with under "fast-track" procedures, placing the applicants at greater risk of *refoulement*. Such a list was established by Denmark in 1994, and other EU states, such as the UK, were following suit. In Denmark, legislation was adopted in 1995 to allow asylum-seekers from countries included in the "white list"

to be detained while their claims are dealt with using a “speedy” procedure. The legislation allowing such detention was opposed by Amnesty International but was passed in June 1995.

Amnesty International deplores the establishment of such lists which do not allow individual cases to be fully examined on their merits and could easily lead to a violation of the right to non-*refoulement*. Amnesty International is also concerned by the general trend within the EU to adopt more and more restrictive asylum practices as member states seek to harmonize their asylum policies to the lowest possible level. An example of this came in November with the adoption by the EU of a common position on the definition of a “refugee” which failed to ensure that people persecuted by non-governmental entities such as armed opposition groups would be granted protection.

As a result, France was permitted to continue its treatment of Algerian asylum-seekers which had already given rise to concern during 1995. Algerians seeking asylum in France who have suffered human rights abuses by opposition groups are required to prove that the government authorities in their country of origin are unwilling to provide protection. As a result, only one per cent of Algerian asylum-seekers were recognized as refugees in France during 1995, despite many having suffered serious human rights abuses or threats of such abuses in Algeria.

In Germany, Amnesty International paid particular attention to raising the cases of two individual asylum-seekers – Fariz



More than 100,000 people have sought temporary safety at the Sar-sharhi camp inside Afghanistan after fleeing repeated indiscriminate attacks on Kabul.

Simsek, a Turkish Kurd, and Boualem Rebai, an Algerian national – who were at risk of being forcibly returned to their countries of origin. Both cases were still pending at the end of the year.

Around the world

In New Zealand, Amnesty International contributed to improved training in refugee law and the rights of asylum-seekers for interviewers and interpreters involved in determining the status of refugees. Following that training, the proportion of successful asylum claims increased.

The us authorities forcibly returned more than 3,000 Haitian asylum-seekers held at the us naval base in Guantánamo Bay, Cuba, without following internationally accepted procedures for considering asylum claims.

Amnesty International expressed concern about laws in North Korea and Iraq under which the act of seeking asylum is an offence punishable by death. Anyone returned to these countries could face execution. Such laws are a violation of the right to seek asylum, as recognized by Article 14 of the Universal Declaration of Human Rights. The existence of such laws renders it imperative that asylum claims from these states are examined with special care.

Seeking justice and accountability

States which order or condone human rights violations such as extrajudicial executions, “disappearances” and torture are supposed to be accountable under international human rights law to their fellow states and to international human rights bodies and mechanisms. The institutions of state and government are, however, run by politicians, judges, police and military officers and civil servants. It is individuals, making individual decisions, who are responsible for ordering, carrying out or condoning human rights violations. They are personally culpable under national or international criminal law for their crimes.

States have shown they are reluctant to bring individuals to justice for human rights violations. National authorities shirk their primary responsibility to prosecute perpetrators under domestic criminal law. States rarely honour obligations under international law to try or extradite anyone found on their territory suspected of committing certain acts such as torture or war crimes in other countries. International criminal law is, by and large, a set of lofty principles still struggling to be enforced.

Experience has shown that if individual perpetrators escape justice, they and others will commit these crimes again – secure in the knowledge that they will enjoy impunity. In the same way, if states evade accountability to the international community, their leaders will see little reason for the institutions of state and government to respect international human rights law. Others will be emboldened to follow the example of those who violate human rights.

In 1945 “We the peoples of the United Nations” declared in the UN Charter a determination to “... reaffirm faith in fundamental human rights ... in the equal rights of men and women ...”. The extensive web of human rights law and mechanisms developed since then should hold states legally and politically accountable for upholding human rights. It is an indictment of leaders and their governments that during the 50th anniversary of the UN in 1995, states that ignore minimum human rights standards still evaded scrutiny, despite the rhetoric at ceremonial gatherings. Other governments shied away from action because of their own economic, political and security interests. The UN Commission on Human Rights, as the UN’s main human rights body, continued to bear a heavy responsibility for this blatant failure.

This chapter reviews some of the developments in 1995 at the UN and regional intergovernmental organizations, and Amnesty International’s work in the fight to hold individual perpetrators accountable and the struggle to make states answerable for their

violations of international human rights law. Most heartening has been the growing impetus towards the creation of a permanent international criminal court which would be the living embodiment of principles of international criminal law and human rights. Public outrage at seeing those responsible for atrocities around the world walk free is finally forcing governments to support this initiative.

However, the year also saw a disturbing trend for human rights initiatives to be undercut by a reluctance of states to provide the resources necessary for human rights monitoring, protection and enforcement. It is also ironic that in its 50th year, the UN was struck by a devastating financial crisis that had a serious impact on all its work. Human rights initiatives were undermined, including vital work tackling impunity after armed conflict and massive human rights violations in places like Rwanda.

Unfortunately, the year also saw intensified efforts by a number of states to undermine the further development of international human rights law and mechanisms. After 10 years of debate, finalization of a draft UN declaration to protect human rights defenders was stalled by the cynical use of procedural rules. The creation of a new mechanism to inspect places of detention as a way of helping to prevent torture was threatened by challenges to its most important principles.

IMPUNITY AND INTERNATIONAL JUSTICE

'The missing link': a permanent international criminal court

Half a century ago, member states of the newly founded UN pledged themselves to create a new system of international justice. Moves to make this a reality by establishing a permanent international criminal court (see *Amnesty International Report 1995*) gained momentum during the year, despite continuing obstruction by some states. Such a court would try perpetrators of gross violations

"... an international criminal court is urgently required. It is truly the 'missing link' of international law."

The judges of the International Criminal Tribunal for the Former Yugoslavia, February 1995

of international human rights and humanitarian law when states were unwilling or unable to do so.

An *ad hoc* committee of government experts, set up by the UN General Assembly in 1994, met in New York in April and August to examine the draft statute for the court. A number of states, including two of the permanent members of the UN Security Council – France and Russia – believed that the draft statute could be turned into a treaty and the court set up, without delay. However, a small group of influential states, including the other three permanent members of the UN Security Council – China, the United Kingdom and the USA – raised a number of major objections which they argued should be resolved before drafting of

a treaty for the court could begin. Several controversial issues were raised which required resolution before a strong statute could emerge. It was generally agreed that the court should step in only when states are unable or unwilling to try suspects. But who should decide whether the court should step in – the court or states themselves? Amnesty International argued that the court should have exclusive power to decide this question. Some states opposed giving the prosecutor the power to initiate investigations and prosecutions without first receiving a complaint from a state or from the UN Security Council. Amnesty International considered that the independence of the court would be compromised unless the prosecutor was able to receive information from any source and to bring cases before the court on his or her own initiative.

In October US President Bill Clinton signalled an apparent shift in his government's position. Speaking at a university gathering in Connecticut to commemorate the 50th anniversary of the Nuremberg war crimes trials, he spoke of the need to send a signal to "those who would use the cover of war to commit terrible atrocities that they cannot escape the consequences of such actions". He continued:

"And a signal will come across even more loudly and clearly if nations all around the world who value freedom and tolerance establish a permanent international court to prosecute, with the support of the United Nations Security Council, serious violations of humanitarian law."

This public endorsement has not so far been matched by a willingness at the UN to work for a strong court to be set up as soon as possible.

Based on the recommendation of the *ad hoc* committee, the UN General Assembly decided in December that experts should continue to meet in 1996 in a Preparatory Committee to resolve outstanding difficulties and begin drafting a treaty incorporating a statute for the court. Based on the report of this Committee, the UN General Assembly will decide in 1996 the timing for a diplomatic conference of governments, possibly in 1997, to draft a treaty. With sufficient political will, enough states could ratify the treaty to establish the court by 1998.

Amnesty International members throughout the world stepped up their campaign for the establishment of an international criminal court, sending petitions to their governments, organizing public meetings, writing to their members of parliament, meeting with their ministers for foreign affairs and raising the issue in national newspapers. Amnesty International urged states to complete their discussions in 1996 so that the crucial inter-governmental conference could take place in 1997.

In July Amnesty International published *The quest for international justice: Time for a permanent international criminal*

court. It is time for the idea of a permanent international criminal court to be turned into a reality.

Ad hoc tribunals for the former Yugoslavia and Rwanda

Despite financial and political obstacles, the International Criminal Tribunal for the Former Yugoslavia (see *Amnesty International Report 1995*) continued to investigate cases, issue indictments and bring closer the day when some of the suspected perpetrators of gross human rights violations would face trial. The international criminal tribunal for Rwanda, which was beset by further delays owing to lack of finances and delays in appointments, issued its first indictments.

By the end of the year, 12 indictments against 52 people had been issued by the former Yugoslavia tribunal in The Hague, the Netherlands. Pre-trial proceedings concerning the one suspect in custody began in April but were adjourned until 1996 to allow the defence time to interview witnesses living in the former Yugoslavia. A challenge to the lawfulness of the tribunal and the power of the UN Security Council to create it was dismissed by both the Trial Chamber and the Appeals Chamber. Despite solemn commitments to cooperate with the tribunal, by the end of the year authorities in Croatia, the Federal Republic of Yugoslavia, the *de facto* Bosnian Croat authorities and the Bosnian Serb authorities had failed to hand over 51 suspects living in their territories who had been indicted by the tribunal.

Meanwhile, the Rwanda tribunal, based in Arusha, Tanzania, finally issued indictments against eight people during 1995. Fifty investigators and lawyers were continuing to investigate those suspected of being responsible for the genocide and other gross violations of human rights and humanitarian law in Rwanda in 1994.

Both *ad hoc* tribunals suffered during the year from a lack of cooperation from many states. As Judge Antonio Cassese, President of the former Yugoslavia tribunal explained to the UN General Assembly in November:

"Our tribunal is like a giant who has no arms and no legs. To walk and work, he needs artificial limbs. These artificial limbs are the State authorities; without their help the Tribunal cannot operate."

The UN Security Council repeatedly reiterated throughout the year that states are obliged to cooperate with the former Yugoslavia tribunal, created in May 1993, and the Rwanda tribunal, created in November 1994. Despite this, by the end of 1995 only 14 of the 185 UN member states had passed legislation enabling their police, judicial and other authorities to cooperate with the former Yugoslavia tribunal. Only four states had done so for the Rwanda tribunal; three said no legislation was necessary. Amnesty International continued to call on states to show in their legislation and practice that they supported these two

tribunals. Some states did start arresting suspects, including Belgium, Zambia and Zaire which held suspects being investigated by the Rwanda tribunal.

The UN financial crisis in 1995 also resulted in a freeze on recruitment, travel and spending from the regular UN budget as well as from the voluntary funds for both tribunals, causing severe disruption. After considerable outcry from non-governmental organizations and some governments, these restrictions were temporarily lifted. The "undertakings [of the former Yugoslavia tribunal] are costly, of that there is no doubt", Judge Antonio Cassese conceded before the UN General Assembly. He added, "But if the United Nations wants to hear the voice of justice speak loudly and clearly then the Member States must be willing to pay the price". Amnesty International called on states to ensure that both tribunals were given long-term financial security and to supplement this with contributions to the tribunals' voluntary funds.

Justice and accountability after armed conflict

Amnesty International has consistently argued that bringing perpetrators to justice is just as important in war as in peace. Amnesty International believes that long-term reconciliation after an armed conflict is not possible unless justice is central in the search for peace. Sweeping aside the question of responsibility for atrocities during an armed conflict only leads to renewed cycles of violence and impunity. Sometimes reprisals are immediate; sometimes the wounds erupt many years later, after life has apparently returned to normal. The same is true in the search for reconciliation after massive violations of human rights, such as the cycles of mass killings which have afflicted the people of Rwanda for decades.

Amnesty International worked to build strong human rights guarantees and enforcement mechanisms into several peace agreements in 1995. Among them were agreements concluded or implemented in Angola, Bosnia-Herzegovina, Croatia and Liberia. A fundamental element must always be ensuring that individuals are held personally responsible for gross violations of international human rights and humanitarian law. However, making justice a reality requires political and financial commitment beyond mere rhetoric.

Amnesty International welcomed the human rights commitments set out in the General Framework Agreement negotiated

"In many instances the suffering endured by civilians [in armed conflicts] is not an incidental element of political and military strategies but constitutes the major objective ... Determination must be shown to enforce the rule of law and to hold accountable those who are responsible for heinous crimes."

UN Secretary-General Boutros Boutros-Ghali,
writing about the work of the UN in 1995

by the parties to the conflict in Bosnia-Herzegovina in Dayton, Ohio, in the USA. But it was dismayed that the North Atlantic Treaty Organization (NATO) peace-keeping force (the Implementation Force or IFOR) was not given an express power and duty to search for and arrest people wanted by the International Criminal Tribunal for the Former Yugoslavia. The parties to the conflict could not be relied on to deliver suspects, given their record of broken promises, and a force of 60,000 armed troops was there ostensibly to uphold the principles of peace and justice which underlie the peace agreement. These misgivings were confirmed by the continuing refusal of the parties to surrender suspects even after the peace agreement was signed.

Since the UN Security Council authorized NATO to use "necessary force" in its supervision of the peace agreement in Bosnia-Herzegovina, Amnesty International was also disturbed by the silence about standards which should govern IFOR behaviour. A robust military response to breaches of the peace agreement should not mean a response which violates international law. Amnesty International reiterated that IFOR was bound by international humanitarian law and also by international human rights law when it carried out policing functions.

Tackling impunity in the aftermath of massive human rights violations must include thorough investigations into responsibility for the violations. The truth must then be revealed for the benefit of victims, their families and society at large.

In relation to Burundi, Amnesty International argued strongly that an international commission of inquiry into the October 1993 coup attempt, the assassination of President Ndadaye and the subsequent massacres was an essential component of international action to break the cycle of impunity in that country. In August 1995 a commission was set up, more than one and a half years after the Burundi Government itself first asked for such an inquiry. Its mandate included making recommendations with regard to:

"bringing to justice persons responsible for those acts, to prevent any repetition of deeds similar to those investigated ... and ... to eradicate impunity and promote national reconciliation in Burundi".

On 20 December the commission presented an interim report to the UN Secretary-General. The report highlighted the inadequacy of the resources the commission had been given to carry out its huge task. It described the difficulties it faced in fact-finding more than two years after the event in a country where the security situation was deteriorating and intensifying ethnic polarization made objective testimony scarce. The UN Secretary-General warned the Security Council on 29 December: "there is a real danger of the situation in Burundi degenerating to the point where it might explode into ethnic violence on a massive scale". However, the international community failed to react.

In some situations the presence on the ground of human rights monitors can have a real impact on the human rights situation. Their role is often particularly important in countries emerging from armed conflict or massive violations of human rights, or where urgent action is needed to prevent an escalation of violence. They can address the impunity of perpetrators and the accountability of government authorities and armed opposition groups. Human rights observers can investigate individual cases of violations and raise them with the authorities and can act as a deterrent against further violations. They can report publicly on the human rights situation and provide a source of advice and guidance for building human rights institutions.

In Rwanda, the UN Human Rights Field Operation for Rwanda (HRFOR), set up by the UN High Commissioner for Human Rights in 1994 (see *Amnesty International Report 1995*), faced numerous internal problems. It was beset by lack of support from the rest of the UN and its member states, confusion over priorities, delays and inadequate training and resources. Yet by the end of the year the operation was playing a vital role in the protection of human rights. In September Amnesty International made a number of recommendations about the UN role in Rwanda and Burundi in its report, *Rwanda and Burundi: A call for action by the international community*. Amnesty International stressed the need to tackle the acute issue of impunity. It called on the HRFOR to publish a report on its confidential investigation into the mass killings in 1994. The people of Rwanda have the right to know the truth about what happened, but by the end of the year the report had still not been published. Despite the stated support of the Security Council for the work of the HRFOR and repeated appeals by the High Commissioner for Human Rights, the UN failed to provide the operation with a firm financial basis. The HRFOR continued to flounder in the absence of any evident political will by member states of the UN to address seriously the situation in Rwanda. At the end of the year HRFOR was also threatened by the loss of vital logistical support provided by the UN Assistance Mission for Rwanda (UNAMIR) in the face of the Rwandese Government's insistence that it be scaled down, leading to a complete withdrawal in 1996.

In other situations the UN seemed more willing to tackle impunity and to include human rights monitoring components in peace-keeping operations. A new peace agreement for Liberia was signed in Abuja, Nigeria, in August. The four-and-a-half-year conflict in Liberia had been characterized by blatant disregard for international humanitarian standards by all parties and the almost total impunity of perpetrators. Amnesty International called on the new Transitional Government to assert its authority and bring perpetrators to justice, and for this effort to be backed up by the Economic Community of West African States' Peace-keeping operation in the country. Amnesty International also called on the UN to establish a human rights monitoring

mechanism to investigate human rights abuses, which would issue frequent and public reports. In revising the mandate of the UN Observer Mission in Liberia (UNOMIL) in November, the Security Council included a human rights investigation and reporting role. Amnesty International continued to call for an expansion of the human rights work of UNOMIL.

The UN Angola Verification Mission (UNAVEM III) was established in February. Amnesty International called for the inclusion of an international civilian human rights monitoring component, using media such as the radio to publicize its work and carry out human rights education programs. By the end of the year a small human rights unit had been established and more than 250 civilian police monitors deployed. The work of the human rights unit included investigating human rights abuses and human rights education. Its training program included workshops for government officers and sessions for UNAVEM III's own military and police observers.

ACCOUNTABILITY OF STATES

One of the most remarkable developments in human rights since the Second World War has been the recognition that there are universal human rights which all states must uphold, and that the international community has a right and duty to hold all

"We the peoples of the United Nations determined ... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained ..."

Charter of the United Nations, 26 June 1945

states to account if they fail to respect these rights. It is a principle reflected in international human rights law and the practice of states working together in bodies such as the UN Commission on Human Rights. It was unambiguously reaffirmed by all states when they met in Vienna at the 1993 UN World Conference on Human Rights.

In the intergovernmental bodies where delegations represent their governments, states can be judged by their peers.

At the 1995 session of the UN Commission on Human Rights, Amnesty International urged states to take action to tackle systematic violations of human rights in Algeria, Colombia, Indonesia and East Timor, India (Jammu and Kashmir) and Turkey. In calling for action on these countries Amnesty International told the members of the Commission:

"Governments scrutinizing their peers at the Commission, being open to scrutiny themselves and acting swiftly in the face of violations, can make a difference. But a resounding silence sends an even stronger message to governments that they can trample on their

people's human rights and the world will only stand by and watch".

The Commission, however, again ignored the situation in Indonesia. After lengthy negotiations, it did agree a statement from the Chairperson that expressed deep concern about the continuing reports of human rights violations in East Timor.

On Colombia, rather than appointing a Special Rapporteur to address continuing extrajudicial executions and "disappearances" and the cycle of impunity, the Commission merely listened to a letter sent by Colombia's permanent representative in Geneva. It was read out by the Chairperson and included a request that the Commission's thematic mechanisms which had visited the country "regularize their visits".

Commission members chose silence in an attempt to remain neutral in the polarized atmosphere surrounding India (Jammu and Kashmir), rather than seeking to cut through the acute politicization and to address the human rights situation. The Commission also failed to address the degenerating situations in Algeria and Turkey.

Commission members repeatedly put forward reasons of close cultural or economic ties, or the strategic importance of a country, to justify inaction. Other members hid behind what they call "constructive engagement", which too often is an alibi for not shouldering their responsibilities as members of the principal human rights body of the UN.

China narrowly avoided censure at the 1995 Commission on Human Rights when a resolution critical of its human rights record was defeated by just one vote. China had earlier lost a procedural motion which would have blocked the vote on the critical resolution. China had successfully used the same procedural ploy for the four previous years to block a vote.

Following worldwide public outrage at the execution in Nigeria of Ken Saro-Wiwa and eight other Ogoni activists, a number of member states pushed for a strong response by the UN. Amnesty International called on the UN General Assembly to ask the UN Commission on Human Rights to scrutinize the wider patterns of systematic violations of human rights in Nigeria. Despite vigorous attacks by Nigeria on possible UN action as interference in its internal affairs, the General Assembly passed a resolution in December, calling for urgent action by the Commission on Human Rights and investigations by the Commission's thematic experts.

In Africa, Amnesty International was invited for the first time as a guest at the Assembly of Heads of State and Government of the Organization of African Unity (OAU), held in Addis Ababa in June. Amnesty International continued to urge the OAU to implement a six-point program to promote and protect human rights (see *Amnesty International Report 1995*).

The African Commission on Human and Peoples' Rights, an expert body which reports to the OAU Assembly, continued the

gradual development of its capacity to deal with situations where governments are responsible for patterns of serious human rights violations. In March, only days after the UN Commission on Human Rights passed a strong resolution critical of the systematic violation of human rights in Sudan, the African Commission "[called] on the government [of Sudan] to take immediate steps to respect all human rights", to investigate violations and bring those responsible to justice. For the first time ever, the African Commission held an extraordinary session on a specific country, in December, on Nigeria. It expressed serious concern about the situation in Nigeria and decided to send a mission to the country in 1996.

Protecting human rights defenders

Governments and individuals who violate human rights are sometimes held to account only because of the courageous work of human rights defenders in uncovering the truth and fighting against impunity. It is therefore perhaps not surprising that governments have singularly failed to protect them. After 10 years of discussion, state representatives in a working group of the UN Commission on Human Rights were unable to reach agreement on the text of a basic declaration on the rights of human rights defenders, called the draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

Most of the rights that make defence of human rights possible are already guaranteed to all people in law: the right to freedom of expression, for example, or to freedom of association and peaceful assembly. But governments are inventive in finding ways to restrict the exercise of such rights. The purpose of the Declaration should be to fortify defenders' rights in the face of frequent and sometimes violent suppression by governments and their agents.

The debate over the Declaration has been characterized by the constant tension between those who are trying to protect defenders, and reinforce the rights necessary for human rights work, and governments that would like to impose a set of restrictions, limitations and obligations on human rights defenders that would make their work practically meaningless. The introduction of restrictive proposals, especially by Cuba, China, Syria and Mexico, accelerated in 1994 and 1995. Although the primary role of human rights defenders is to act on behalf of others, Cuba, supported by China, has proposed a wording that might restrict defenders to defending their own rights. This could mean, for instance, that a human rights activist might have the right to lodge a complaint if he or she has been tortured, but not if someone else has been tortured.

The protection of human rights defenders is a high priority for Amnesty International. In August the organization published a

report, *Breaching the walls of silence: Issues at stake in the UN draft Declaration on human rights defenders*, and called on governments to agree on a strong Declaration and to adopt it as a matter of urgency.

Preventing torture and ill-treatment

Accountability means more than reacting to serious human rights violations after they occur. More attention should be paid to mechanisms for the protection of human rights which can anticipate problems and prevent abuses. The draft Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is such an initiative. It aims to create a global inspection system for places of detention as a way of preventing torture and other ill-treatment. A specialist sub-committee of the Committee against Torture would identify practices which facilitate torture, and then initiate a confidential dialogue with governments to discuss practical, remedial measures to prevent such practices.

There is no shortage of international standards prohibiting torture and other ill-treatment. This initiative, which was first introduced at the UN Commission on Human Rights by Costa Rica in 1980, seeks to implement these standards more effectively. The proposed sub-committee would not act as a quasi-judicial body investigating alleged violations after the fact. Rather, the experts would go and see for themselves the conditions in places of detention and would inform the government about particular practices which facilitate torture and other ill-treatment.

A working group of the UN Commission on Human Rights met in 1995 for the fourth consecutive year to continue drafting the text of this draft Optional Protocol. Unfortunately, a small group of states has tried to undermine some of the fundamental principles underlying this innovative proposal. These principles include the right of the sub-committee to visit any state which has ratified the Protocol without having to seek further permission for each individual mission; the power of the sub-committee to make a public statement or release its report if the state refuses to cooperate; and a prohibition on states making reservations to the Protocol. Amnesty International and a few other non-governmental organizations continued to participate fully in the working group, making recommendations based on more than 30 years' experience of investigating the causes of torture throughout the world. Amnesty International is urging many more states from all regions to participate in the second reading of the draft which should begin in 1996, to resolve the differences and to build an effective and universal system of protection.

Human rights are women's right

Women's rights are human rights. This was the clear message from the Fourth UN World Conference on Women (the Beijing Conference) held in Beijing, China, from 4 to 15 September 1995.

The need for governments to be accountable if they breach these rights was a vital part of this message.

Amnesty International participated actively in preparations for the Beijing Conference. The early drafts of the Platform for Action, which was to be adopted by the Conference, barely mentioned human rights and failed to refer to governments' responsibility to prevent and stop human rights violations suffered by women and girls. In its paper, *Equality by the year 2000?*, Amnesty International had set out 10 recommendations for incorporating human rights in the Platform for Action, focusing on three main themes: women's human rights, violence against women, and abuses of women in armed conflict.

During the last preparatory meeting before the Beijing Conference, held in New York in March 1995, most of these recommendations were fully or partly incorporated, although crucial passages could not be agreed and remained to be negotiated during the Beijing Conference itself. This preparatory meeting did finally agree on a text on violence against women. The passages referred to state responsibility for violence against women by repeating the language of the UN Declaration on the Elimination of Violence against Women. This states that violence against women includes physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs.

During the Beijing Conference, Amnesty International continued to press governments on many parts of the Platform for Action which were still the subject of fierce negotiations. Amnesty International fought in Beijing against a weakening of states' commitments to the universality and indivisibility of all human rights, as set out in the 1993 Vienna Declaration and Programme of Action. Surprisingly, this proved to be a controversial issue. Consensus was difficult to achieve and the final paragraph on universality and indivisibility was among the last to be agreed. The final Beijing Declaration and Platform for Action contains most of the recommendations originally made by Amnesty International. The question is now whether governments will implement their commitments.

Amnesty International also participated in the Forum of Non-Governmental Organizations held in Huairou – some 50 kilometres from Beijing – from 30 August to 8 September. The Forum helped to strengthen links among women's organizations and between these groups and human rights organizations, links which must continue to develop to ensure that the Platform for Action becomes a real program to promote and protect the human rights of women.

COUNTRY ENTRIES

THE HISTORY OF THE UNITED STATES

COUNTRY

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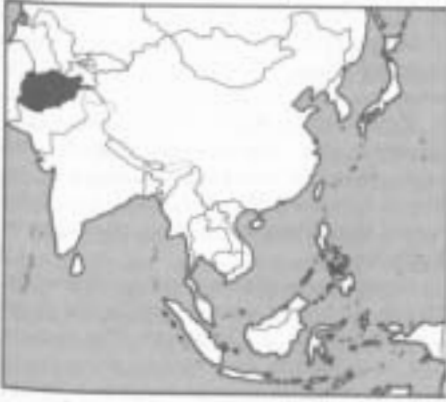
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THE HISTORY OF THE UNITED STATES

CHAPTER

1

AFGHANISTAN



Thousands of civilians were killed and thousands more wounded in indiscriminate attacks by the warring factions. Hundreds of civilians were also deliberately targeted. Over 1,000 possible prisoners of conscience were held in unofficial detention centres run by the various armed political groups. Scores of prisoners were killed in detention. Torture and ill-treatment of prisoners were widespread. Dozens of people were subjected to arbitrary punishments including amputation, stoning and executions.

The civilian government of President Borhanuddin Rabbani remained in place but exerted no effective authority over the country. Three major armed political groupings fought each other for control of territory. *Shura-e Nezar* (Supervisory Council), led by Ahmad Shah Masood and allied with President Rabbani's government and the *Jamiat-e Islami* (Society of Islam), controlled the central and north-eastern provinces as well as the capital, Kabul. *Shura-e Hamahangi* (Coordination Council), comprising the forces of General Abdul Rashid Dostum, *Hezb-e Islami* (Party of Islam), led by Gulbuddin Hekmatyar, and the Shi'a party, *Hezb-e Wahdat*, controlled most of the north and northwestern provinces. The *Taleban* (religious students) controlled the south and southwestern provinces. Attempts by the head of the UN Special Mission to Afghanistan to bring the warring factions together for a negotiated transfer of power had not succeeded by the end of the year.

Armed groups battled fiercely for control of Kabul. A blockade on the city imposed in January by *Hezb-e Islami* was

lifted in February when its forces were driven out of their headquarters in Charsayab. Bombings on Kabul stopped in early March when *Taleban* forces retreated from Karte Seh district in the west of the city and humanitarian organizations were able to set up operations in the city.

In June the government and the *Taleban* agreed a 10-day cease-fire, and hundreds of prisoners were released by both sides. In September President Rabbani's forces lost control over western Afghanistan when the city of Herat fell to the *Taleban* and the northwestern province of Badghis fell to General Dostum's forces. In October the *Taleban* laid siege to Kabul, closing roads into the city and blocking fuel, wood and other relief supplies.

According to UN sources, 103,000 refugees from Pakistan and 89,000 from Iran had returned to Afghanistan by August. However, reports received by Amnesty International indicated that during the year many of these and hundreds of thousands more Afghans fled again to neighbouring countries because of continued hostilities. In January over 200,000 displaced Afghans were living in central Kabul and over 300,000 had sought safety in camps near Jalalabad.

In August the government barred a delegation of 12 women from attending the Fourth UN World Conference on Women in Beijing, saying that issues discussed at the Conference were contrary to basic Islamic principles. In September the *Taleban* in Herat were reported to have banned women from working in public services and girls from going to school.

All warring factions carried out indiscriminate attacks on civilian areas, killing thousands of people and wounding thousands more. In March about 1,500 Kabul civilians were reportedly killed in and around the city during fighting between *Hezb-e Wahdat*, the *Taleban* and President Rabbani's forces. In September the *Taleban* threatened to bombard Kabul if the forces of President Rabbani did not surrender, warning that members of humanitarian organizations and all foreign nationals should leave the capital or take shelter. Between 11 and 13 November, at least 57 unarmed civilians were killed and over 150 injured when rockets and artillery barrages fired from *Taleban* positions south of Kabul hit civilian areas of the city.

Hundreds of civilians were also deliberately targeted for their supposed allegiance to one or other faction, solely on the basis of where they lived. In March President Rabbani's forces launched a heavy assault using jet fighters against the Shi'a populated areas of Karte Seh in Kabul. This was apparently in retaliation for bomb attacks on Kabul allegedly carried out by the forces of *Hezb-e Wahdat* and the *Taleban*. *Hezb-e Wahdat* defences had broken, their positions had been abandoned and, according to all reports, there were no signs of military resistance. The soldiers then reportedly rampaged through Karte Seh, looting houses, killing and beating unarmed civilians, and raping women. Reports were received that during a retaliatory attack in Farah province in early May, the forces of Ismael Khan dropped cluster bombs, killing between 220 and 250 unarmed civilians. There had been no military activity in the area for several days.

Individuals associated with the previous government were also targeted. In February government officials found Hajera Zeray, her eight-year-old daughter, Jamila, and her 12-year-old son, Arsala, dead in their Kabul flat. All had their throats cut. Hajera Zeray was the wife of Dr Saleh Mohammad Zeray, an Afghan politician who had held senior government positions between 1978 and 1985. An official investigation into the killings was reportedly initiated, but the outcome was not known.

All sides claimed that their prisoners were captured members of the opposing warring factions. However, many of those held were non-combatants and appeared to be prisoners of conscience. Over 1,000 unarmed men, women and children were detained by the various armed groups on suspicion of being supporters of rival groups. In September hundreds of prisoners, the majority non-combatant supporters of the government, were reportedly detained by the *Taleban* after the fall of Herat, and were believed to still be in detention at the end of the year. *Ittehad-e Islami* (Islamic Alliance) reportedly held several hundred unarmed civilians in the party's main detention centre in Paghman. Prisoners of conscience were also believed to be among those held in detention centres run by *Shura-e Nezar* and *Shura-e Hamahangi*.

Scores of prisoners were killed. In March Abdul Ali Mazari, leader of *Hezb-e Wahdat*, was reportedly killed while held by the *Taleban*. In mid-March the bodies of Najmuddin Musleh (see *Amnesty International Report 1995*) and seven other prisoners were found in a detention centre in Karte Seh in Kabul. Former detainees reported that Najmuddin Musleh and other prisoners had been shot dead on 10 March by armed guards of *Hezb-e Wahdat* before they abandoned their positions in Karte Seh.

Several mass graves were uncovered. In March, 22 bodies were found buried in an irrigation ditch in Charasyab. The victims had their hands tied behind their backs and had been shot in the head. In May the bodies of several people who had reportedly been arrested and killed by General Dostum's forces were found dumped in different places in Mazar-e Sharif.

Many prisoners were tortured. The forces of *Shura-e Nezar* were holding long-term prisoners in at least five detention centres in Panjshir, where former detainees testified that torture was prevalent. Around 1,500 prisoners, including 150 women, were reportedly released from a *Hezb-e Wahdat* detention centre in March. A Tajik Afghan woman said she had been repeatedly raped by guards at the detention centre after she had been detained in late 1994. Several detainees were reportedly forced to eat their own excrement. In detention centres run by *Harekat-e Inqilab* (Movement for Revolution), led by Sheikh Asef Mohseni, prisoners were reportedly held in dark rooms with wet floors and were regularly tortured. Ransoms were demanded of their families.

Torture, sometimes resulting in death, was reported to be widespread in detention centres run by *Hezb-e Islami*. Prisoners were also reportedly forced to dig trenches and clear mines. In August Pakistani police announced that they had discovered an unofficial detention centre run by *Hezb-e Islami* in a house in Karachi. Five prisoners, reportedly held in chains, were found in the jail. The police said that *Hezb-e Islami* officials conducted trials and imposed punishment on Afghans arrested for alleged criminal activity. There were reports that torture was also carried out there.

The fate of many people who had been abducted by armed groups remained

unknown. Information came to light in February concerning Ghulam Farooq Gharazai, a former lecturer at Kabul University who had been abducted by a Mujahideen group in June 1994 on the road from Kabul to Jalalabad. He had reportedly been stopped by the intelligence personnel of Gulbuddin Hekmatyar's *Hezb-e Islami*, told to get out of his car and taken away. His whereabouts remained unknown.

The commanders of the warring factions dispensed summary justice, in some cases by means of Islamic courts. In January, dozens of prisoners received punishments, including amputation and execution, ordered by Islamic courts in areas controlled by the *Taleban*. In February an Islamic court set up by the *Taleban* in Helmand province ordered amputations on three men found guilty of theft. Two medical doctors severed the hands and feet of the men under local anaesthetic. In October, seven men accused of theft were reportedly arrested by the *Taleban* in Ghazni province and sentenced to amputation. It was not known if the sentences were carried out.

Reports were received of an execution by stoning which had taken place in 1993. Eye-witnesses reported that in May 1993 a woman was stoned to death in Sarobi, south of Kabul, on the orders of her former husband, a *Hezb-e Islami* commander. The commander's armed guards carried out the order. The actual number of people subjected to this form of cruel, inhuman or degrading punishment was believed to be higher.

At least nine people were executed on the orders of Islamic judges linked to the *Taleban*. In February, two men accused of murder were executed in Kandahar on the orders of a four-member Islamic court, and in August seven commanders of government forces taken prisoner by the *Taleban* during battles in western provinces were reportedly brought before an Islamic court and subsequently executed. Other factions were also believed to have carried out executions.

In a report which was issued in February, *Afghanistan: The human rights crisis and the refugees*, Amnesty International urged all governments to ensure that thousands of Afghans seeking asylum throughout the world were not compelled to return to Afghanistan as long as the

human rights crisis in Afghanistan persisted. Another report published in April, *Afghanistan: Executions, amputations, and possible deliberate and arbitrary killings*, detailed cases of amputations and summary executions ordered by Islamic courts. In a report published in May, *Women in Afghanistan: A human rights catastrophe*, Amnesty International described the killing, abduction, rape and other torture of women in Afghanistan. It urged the transitional government, the warring factions and the international community to ensure that Afghan women were protected against gross human rights abuses. In a report published in November, *Afghanistan: International responsibility for human rights disaster*, Amnesty International drew attention to the role of outside powers in fuelling the human rights catastrophe in Afghanistan. It urged the governments that had supported and armed the warring factions in Afghanistan to take responsibility for their contribution to the human rights crisis in the country, and to play a constructive role in helping in its resolution.

In an oral statement to the UN Commission on Human Rights in February, Amnesty International included references to its concerns in Afghanistan.

ALBANIA



Two convicted prisoners of conscience were held during the year. Scores of others were detained briefly. There were frequent reports that police had beaten people during arrest or in custody, and complaints that prisoners were ill-treated after protesting against poor conditions.

70 Five death sentences for murder were passed and one man was executed.

A new Criminal Code and Code of Criminal Procedure came into force in June and August respectively. The Criminal Code decriminalized homosexual acts between consenting adults in private, but increased the number of criminal offences punishable by the death penalty. However, on 29 June Albania acceded to the Council of Europe and undertook to introduce immediately a moratorium on executions and to abolish the death penalty in time of peace within three years. In July it signed the European Convention for the Protection of Human Rights and Fundamental Freedoms. In September Parliament adopted a law calling for the investigation of crimes against humanity committed under communist rule from 1945 to 1991. Subsequently, in November and December, criminal investigations were opened against many former high officials and eight were arrested pending investigation in connection with the mass internment of political opponents in that period.

In July former President Ramiz Alia was released after his sentence was reduced under provisions of the new Criminal Code; three co-defendants whose sentences had not yet expired were similarly released (see *Amnesty International Report 1995*). However, in November, three separate investigations were started against him and against former Prime Minister and Socialist Party (SP) leader Fatos Nano and others, in connection with the shooting of demonstrators and people attempting to flee the country in 1991.

In February Theodor Bezhani and three other members of the Greek minority convicted in 1994 were released after the Court of Cassation, the country's supreme court, gave them suspended prison sentences (see *Amnesty International Report 1995*).

Two convicted prisoners of conscience were held during the year. One of them was Fatos Nano, who was convicted in 1994 on charges of "misappropriation of state property" and "falsification of documents" (see *Amnesty International Report 1995*). In March his sentence was reduced by two years under an amnesty. In June a court in Tepelene rejected his request for release under provisions of the new Criminal Code. In September Parliament dis-

missed the President of the Court of Cassation, which was due to review the case. Judge Zef Brozi had expressed the view that Fatos Nano's conviction was unsound. In December Fatos Nano's sentence was reduced by eight months by presidential pardon, leaving him three years still to serve.

In April Ilir Hoxha, the son of Enver Hoxha, the former communist leader of Albania, was arrested after a magazine published an interview in which he defended his father's record and criticized that of President Sali Berisha. In June a court in Tirana sentenced him to one year's imprisonment for "inciting hatred against a section of the population" under Article 266 of the (new) Criminal Code. In July this sentence was upheld on appeal.

Other prisoners of conscience included three men from Saranda arrested in September after distributing anti-American leaflets described as "anti-constitutional". They remained in detention pending trial. In September Vladimir Qirjaqi and three other people were briefly detained on charges of "anti-constitutional activity": they had published a tourist guide of Gjirokastrë which included a photograph of Enver Hoxha, a native of the town.

At least 10 men were detained between September and December for up to 48 hours on suspicion that they had shouted or written slogans "slandering" President Sali Berisha. Scores of others were briefly arrested in connection with SP meetings which the authorities said had not been properly registered in advance. In November police in Vlora and Durrës arrested and briefly detained some 50 people who tried to lay wreaths on the graves of partisans who died in the Second World War.

Independent journalists complained of official intimidation and several were prosecuted for "slandering" officials or state security police officers. Others complained that they had been arrested, questioned or beaten by police in connection with articles they had written. Among them was Ilir Babaramo, who in October was detained for several hours in Gjirokastrë after writing an article about official corruption.

There continued to be frequent reports that police had beaten or otherwise ill-treated people during arrest or in custody. Many of the victims were members or supporters of the SP or other opponents of

the government. For example, in January some 30 young people from Rrogozhina were detained by police in Kavaja on their return from a meeting of socialists in Tirana. Three of them, Afrim Sula and two friends, who were detained until the following morning, were allegedly ill-treated by police officers. They were accused of disturbing the peace and summarily fined. In June, 30 members of the Orphans' Association in Korça (nearly all women), went on hunger-strike in support of their association's demands for government economic assistance. Within 24 hours police had evicted them from the premises where they were holding their hunger-strike, reportedly beating some of them, including Zef Mirashi, the association's President, with rubber truncheons.

In June and July protests over land issues at Bathore and at Bovillë led to violent clashes between police and protesters, with injuries on both sides. Protesters who were arrested alleged that they were subsequently beaten or otherwise ill-treated in police stations. In August police reportedly used rubber truncheons to break up an SP meeting in Pogradec which called for the release of Fatos Nano.

In September, shortly before the Court of Cassation was due to review the case of Fatos Nano, police surrounded the court stating that they had been ordered to prevent three court officials, who had been dismissed by the Minister of Justice the previous day on political grounds, from entering court premises. As one of these officials attempted to enter the court, police dragged him into a police car and took him to a police station where he was held for about 12 hours. Judge Bardha Selenica and another court official were reported to have been physically ill-treated by police on the same occasion.

In many other reported incidents of ill-treatment, there appeared to be no political motive. For example, in June Ardian Pasha and Halit Dede quarrelled with an off-duty police officer in a billiard hall in Burrel. Afterwards they fled to the home of a friend, Ethem Neta. The three were subsequently arrested and severely beaten by police. As a result of his injuries, Ethem Neta was hospitalized for nine days.

There were also complaints that convicted prisoners or prisoners in pre-trial detention had been ill-treated. Prisoners

who went on hunger-strike in May in Shkodër police station in protest against poor food and ill-treatment were allegedly punished by being chained hand and foot for 24 hours. In July prisoners in Korça prison who had protested against poor conditions were reportedly severely beaten by police. One of them, Ardian Munushtiri, was said to have been badly injured.

In November, five police officers were found guilty of "abuse of authority" in connection with the death of a prisoner in Vloa police station in 1994. They were sentenced to one year's imprisonment each, but were immediately released after their sentence, which they had partly served in pre-trial house arrest, was suspended.

Five death sentences for murder were passed during the year and one man was executed.

In June Amnesty International published a report, *Albania: Failure to end police ill-treatment and deaths in custody*. The organization said that reports pointed to a pattern of police ill-treatment which was often tolerated by the authorities. Amnesty International called on the authorities to investigate complaints thoroughly and impartially and to ensure that officers responsible for abuses were brought to justice.

In July Amnesty International wrote to President Berisha urging the release of Fatos Nano. The organization stated that after examining the documentation of this case it had concluded that the charges against him were not substantiated by the evidence and were politically motivated. The organization also called for the release of Ilir Hoxha, imprisoned for the non-violent exercise of his right to freedom of expression.

In August the Minister of Justice, in a letter to Amnesty International, denied that Fatos Nano and Ilir Hoxha had been imprisoned for their political views. He stated that the independence of the judiciary was inviolable in Albania.

In September the organization expressed concern about reports that police had ill-treated three officials of the Court of Cassation and said that the context of this incident indicated that the principle of independence of the judiciary was under threat.

ALGERIA



Thousands of people were killed by the security forces, many of them reportedly extrajudicially executed when unarmed or after having been captured. At least 96 detainees were killed inside a prison, many in circumstances suggesting that they were extrajudicially executed. Hundreds of civilians were deliberately and arbitrarily killed by armed opposition groups. Hundreds of people, including possible prisoners of conscience, were arrested on charges of offences against state security. Trials of individuals accused of "terrorism" continued to violate international standards for fair trial. Torture and ill-treatment were reported to be widespread, particularly during incommunicado detention. Hundreds of people arrested by security forces during the year and in previous years remained "disappeared". More than 100 death sentences were imposed during the year, most of them *in absentia*, and over 600 people sentenced to death in previous years remained on death row.

Presidential elections were held in November and General Liamine Zeroual, appointed President of the State at the beginning of 1994, was elected President.

The state of emergency declared in 1992 (see *Amnesty International Report 1993*) remained in force.

The emergency "anti-terrorism" decree of 1992 (see *Amnesty International Report 1993*), which the authorities had announced was going to be repealed, was incorporated virtually in its entirety into permanent legislation in February.

Thousands of people were killed by the security forces. The authorities claimed that all those killed by security forces died in armed clashes. However, hundreds of people were reported to have been extrajudicially executed when they posed no lethal threat. Some were reportedly killed in their homes and in front of their families, others after they had been arrested. Such killings appeared to be increasingly

used as an alternative to arrest. According to former police and army officers, the extrajudicial execution of known or suspected members of armed opposition groups after they had been captured or in circumstances where they could have been arrested was widespread. Civilians suspected of having supported or failed to denounce armed groups, either willingly or out of fear, were also reported to have been extrajudicially executed by the security forces. Such killings were reported to be particularly widespread in areas where armed opposition groups were active.

Gardes communales (communal guards) and "*groupes d'auto-défense*" (self-defence groups) were reported to have participated with growing frequency in security operations with the army and security forces, during which civilians were killed. Both communal guards and "self-defence groups" participate in surveillance and security operations against armed opposition groups in their local areas. The recruitment and training procedures, and the line of command and accountability of the communal guards remained unclear. The "self-defence groups" did not appear to be subject to any degree of control by the authorities.

In June, four brothers – 'Abdel 'Aziz, 'Abdelkrim, Rabah and Sa'id Bouafia – and two other men were reportedly extrajudicially executed after having been arrested by members of the security forces and communal guards in their orchard in Ouled 'Askar, near Djijel.

In February at least 96 detainees and five prison guards were killed in Serkadji Prison. The authorities stated that the detainees were killed when the security forces intervened to quell a mutiny. Other sources alleged that many of the detainees were extrajudicially executed, some of them after they had returned to their cells. Among the victims were Ykhlef Cherrati and 'Abdelhamid Bouchamia. The vast majority of those killed had been accused or convicted of "terrorist activities". Many had been held in pre-trial detention since 1992, including Yassine Simozrag (see *Amnesty International Reports 1994 and 1995*), and at least 40 had been sentenced to death or to life imprisonment. Some of these had been moved to the prison shortly before the incident, in breach of the Algerian Prison Code which stipulates that prisoners on death row or serving life

sentences cannot be held in Serkadji Prison. Among them was Hassan Kaouane. The victims' families were informed of their deaths only after they had been buried. No autopsies were carried out to establish the circumstances and causes of death, and most of the dead were buried without having been identified.

An inquiry by the official human rights body, the *Observatoire national des droits de l'homme* (ONDH), National Human Rights Monitoring Body, failed to investigate the circumstances in which the detainees were killed. The ONDH claimed that the victims had been photographed before being buried to allow for post-burial identification, but no photographs were shown to their families and lawyers, or to Amnesty International and other human rights organizations. The list of detainees killed was not made public. Amnesty International delegates visiting Algeria in March and June were not allowed access to Serkadji Prison.

No investigation was known to have been carried out into a similar incident in Berrouaghia Prison in November 1994, when scores of prisoners were reported to have been killed. Mourad Malik, detained without trial since May 1992, was among those killed. At the end of 1995 his family had still not been informed of his place of burial.

Hundreds of civilians were deliberately and arbitrarily killed in attacks and bomb explosions reported to have been carried out by armed opposition groups defining themselves as "Islamic groups". More than 40 people were killed and over 100 injured by a car-bomb explosion in a busy Algiers street in January. The wife and daughter of a member of the *Conseil National de Transition*, Transitional National Council, an appointed body replacing parliament, were among seven people killed in an explosion in August at a guarded residential complex outside Algiers. Other civilians targeted included relatives of members of the security forces. More than 20 journalists were killed during the year, most of them in attacks reported to have been carried out by armed groups. Malika Sabour, a journalist for the Arabic-language daily *Echourouk*, was shot dead in her home in front of her family in May.

Communiqués signed by the *Groupe islamique armé* (GIA), Armed Islamic Group, claimed responsibility for many such at-

tacks and issued renewed death threats against relatives of members of the security forces, officials, civil servants, journalists, foreign nationals and others whom they accused of supporting the authorities. However, the authenticity of such communiqués could not be verified, and the composition, structure and leadership of such armed groups remained unclear.

Hundreds of people were arrested on charges of "terrorism" and offences against state security. Some were released without charge while others were detained awaiting trial. Some were prisoners of conscience and possible prisoners of conscience. Among them were Outoudert Abrouss, director of the newspaper *Liberté*, and Samir Khayaz, a journalist on the newspaper. They were arrested in December and given suspended prison sentences after being convicted of publishing false information about a senior government official. Incommunicado detention was often illegally prolonged beyond the maximum 12 days permitted by Algerian law. For example, Mohamed Benmarksi, a taxi driver who had appeared in a filmed documentary on political violence in Algeria at the end of 1994, was arrested in April and held incommunicado for over five weeks. He was then released without charge. The two leaders of the *Front islamique du salut* (FIS), Islamic Salvation Front, who had been released from prison and placed under house arrest in 1994 (see *Amnesty International Report 1995*), were again imprisoned at the start of 1995.

Thousands of people arrested on "terrorism" charges since 1992 continued to be detained awaiting trial. Among them was Noureddine Lamdjadani, a doctor who was reportedly tortured after arrest in 1994 (see *Amnesty International Report 1995*). At least 647 people administratively detained since the beginning of 1992 without charge or trial in the desert camp of 'Ain M'Guel in southern Algeria (see *Amnesty International Report 1995*) were released in November.

The special courts set up under the 1992 "anti-terrorism" decree were dissolved in February. Trials of individuals accused of "terrorist" acts resumed in ordinary courts, but continued to violate international standards for fair trials. Judges and magistrates consistently failed to investigate allegations that defendants had been tortured and ill-treated and accepted

as evidence confessions allegedly extracted under torture. No investigation was carried out into the death in custody of Fouad Bouchelaghem, detained in June 1994 (see *Amnesty International Report 1995*), and into other deaths in custody in previous years.

Torture and ill-treatment of detainees were reported to be used routinely in police and gendarmerie stations, military and other secret detention centres to extract information and confessions from detainees held in incommunicado detention, often illegally prolonged for weeks or months. The most common methods reported included: the "chiffon", where the detainee is tied to a bench and a cloth is placed in the mouth through which a mixture of dirty water and chemicals is poured; the "chalumeau", burning with a blowtorch; electric shocks to sensitive parts of the body; placing the detainee's penis in a drawer and slamming the drawer shut; tying a rope around the detainee's genitals; suspension in contorted positions; cigarette burns; and beatings.

Hundreds of people who had "disappeared" after arrest in 1995 and in previous years remained unaccounted for. They included Allaoua Ziou from Heliopolis (near Guelma), who "disappeared" after being arrested by the security forces. His brother, Mohamed Ziou, a doctor, was also arrested in September and was released after one month in secret detention. Two journalists, Djamaledine Fahassi and Saghira Bouhadida, arrested in Algiers in May and June respectively, remained "disappeared". Among those arrested by the security forces in previous years whose fate and whereabouts remained unknown were two representatives of the FIS elected in December 1991; Mohamed Rosli, Director of the Institute of Sociology at Blida University, who "disappeared" following his arrest in October 1993, and Brahim Cherrada, who "disappeared" with Mohamed Chergui, Yamine 'Ali Kebaili and 13 others after their arrests in July 1994 from their homes in Rass El Oued, Bourj-Bouarrerdj.

More than 100 death sentences were passed during the year, most of them *in absentia*. Lieutenant Lembarek Bouma'arif, who was detained in June 1992 and accused of killing former President Mohamed Boudiaf, was sentenced to death in June. 'Abdelkader Halouane, Mustapha

Rahmouni, Sadok Boukeddache, and Mohamed Berbar were sentenced to death on charges of murder and other "terrorist" acts on behalf of armed opposition groups by a Tizi Ouzou court in July. Their trial fell short of international standards for fair trial. They and more than 600 others remained on death row at the end of the year. Most had been sentenced to death following unfair trials in previous years (see *Amnesty International Reports 1994 and 1995*). No executions were reported during the year, and the moratorium on executions announced in December 1993 remained in force.

In August Amnesty International sent a memorandum detailing its concerns to President Liamine Zeroual, together with lists of hundreds of cases of alleged extrajudicial executions, "disappearances", torture and arbitrary detention by the security forces, urging that these abuses be thoroughly and impartially investigated.

Amnesty International called on armed groups to stop killing civilians. It also called on the FIS to condemn all killings of civilians by armed groups defining themselves as "Islamic groups".

In a response to Amnesty International's October 1994 report - *Algeria: Repression and violence must end* - the authorities denied that any of the human rights violations described in the report had taken place. However, the response failed to substantiate the denials. The FIS also issued a response to Amnesty International's report denying that armed Islamic groups were responsible for killings and other attacks on civilians. Some FIS representatives condemned killings of civilians, but failed to call on armed groups to stop targeting civilians.

In a written statement to the UN Commission on Human Rights in March, Amnesty International described its concerns relating to torture, extrajudicial executions and "disappearances" in Algeria.

ANGOLA

New arrests of government opponents, including possible prisoners of conscience, were reported. There were allegations of torture and ill-treatment of detainees and extrajudicial executions by government troops. The armed opposition *União Na-*

cional para a Independência Total de Angola (UNITA), National Union for the Total Independence of Angola, released some prisoners but failed to account for others, raising concern about their safety, and was responsible for deliberate and arbitrary killings.



A formal cease-fire between the government of President José Eduardo dos Santos and the armed opposition UNITA led by Jonas Malheiro Savimbi was agreed in February, in accordance with the Lusaka Protocol peace settlement signed in November 1994 (see *Amnesty International Report 1995*). The UN Security Council then established the UN Angola Verification Mission III (UNAVEM III), to replace the UNAVEM II mission which had monitored the previous peace agreement of 1991. Warning that its mission could be suspended if the cease-fire should break down, the UN initially installed UNAVEM III for six months but then extended its mandate for a further six months in August. A human rights unit was established within UNAVEM III. Eight human rights monitors were appointed and, with the assistance of 215 UN civilian police, mandated to investigate complaints of human rights abuses. The *Comissão Conjunta*, Joint Commission, established under the Lusaka Protocol to implement the peace agreement, decided in May to consider human rights at all its regular sessions and requested regular reports on human rights from UNAVEM III.

There were many violations of the cease-fire and hundreds of people were killed as a result of continued fighting, especially in the north and in Lunda Norte and Lunda Sul. Many people were also killed by landmines and there were re-

ports of new mine laying by both sides. Despite this, the overall level of violence was reduced owing to the peace agreement, humanitarian aid became accessible to more of the population and people displaced by the war began to return to their homes. An agreement between the government and the UN High Commissioner for Refugees (UNHCR) in June provided for the voluntary repatriation of refugees from neighbouring countries. A similar agreement was also reached between UNITA and the UNHCR for the resettlement of 45,000 people from Jamba, UNITA's former headquarters, in the southeast.

The planned integration of government and UNITA troops to form a single army, with demobilization of other troops on both sides, was severely delayed and the timetable for full implementation of the peace agreement was adjusted in June to take account of this. The first UN peace-keeping battalions were deployed in June. The Constitution was amended in July in order to create two posts of vice-president, one of which was offered to UNITA. By the end of the year the Rapid Reaction Police had not been confined to barracks nor were civilians disarmed, as required by the peace agreement.

Fighting continued in Cabinda between government forces and armed separatist groups. One of these, the *Frente para a Libertação do Enclave de Cabinda-Renovada* (FLEC-R), Front for the Liberation of the Cabinda Enclave-Renewed, agreed a four-month truce in September while it continued negotiations with the government but other Cabindan separatist groups refused to participate.

Under the Lusaka Protocol, the government and UNITA agreed to release all prisoners held in connection with the conflict but only about 350 such prisoners had been released by the end of the year. The government released over 200 UNITA supporters in May but in June it said it was halting releases until UNITA freed a similar number. However, only 22 were released by UNITA during the year. It remained unclear how many prisoners were being held by each side and there was mounting concern about hundreds of people whose fate and whereabouts were unknown since their detention or abduction in 1992 and 1993 by the forces of one side or the other (see *Amnesty International Reports 1993, 1994 and 1995*).

There were reports of new political arrests of suspected UNITA supporters and other opponents of the government, including possible prisoners of conscience. Few details were available and independent corroboration was rarely forthcoming. Some detainees were released within days or a few weeks. One of those held was Nzuzi Domingos, a leading member of the *Partido Democrático para o Progresso—Aliança Nacional Angolana*, Democratic Party for Progress—Angolan National Alliance. He was arrested in May and charged with defamation after he publicly accused the chief of police of involvement in killings of members of the Bakongo ethnic group in January 1993 (see *Amnesty International Report 1994*). He was freed on bail after over a month in detention but had not been tried by the end of the year.

Some detainees were reportedly tortured or ill-treated. They included two members of the clergy, Reverend Justino Wako and Father João Maria Futi, and João Baptista Sousa, a journalist. They were detained for several hours with dozens of other people in January when they attended a peaceful political meeting in Cabinda. They were reportedly beaten with batons, kicked and threatened at gunpoint.

Other government opponents were killed in suspicious circumstances, raising fears that they may have been victims of extrajudicial executions. Ricardo de Melo, the director of an independent newspaper, was shot dead in January after publishing an article which implicated senior government officials in corruption. He had received death threats on several occasions and had been briefly detained in November 1994 for criticizing the government (see *Amnesty International Report 1995*). Police reportedly investigated the killing but the results were not published. In Cabinda, a suspected member of FLEC, João Pequeno, was shot dead by soldiers when they arrested him in July.

There were also reports of government soldiers carrying out extrajudicial executions after taking control of towns previously held by UNITA, but few details were available and it was impossible to corroborate the reports.

Amnesty International received new information that Manuel Elemina, a lawyer, had not been killed by government forces in Benguela in 1993 as earlier reported

(see *Amnesty International Report 1994*). He had been detained for several months from January 1993 and tortured, resulting in permanent damage to his health. He died in 1995.

UNITA was responsible for gross human rights abuses, including deliberate and arbitrary killings. In all, UNITA was known to have released only 22 prisoners by the end of the year despite the peace agreement's requirements. UNITA failed to account for prisoners detained before the peace agreement, as well as two South Africans whom UNITA had captured and threatened to execute in 1994 (see *Amnesty International Report 1995*). It continued to deny any responsibility for the fate of Valdemar Peres da Silva (see *Amnesty International Report 1994*), saying he had never been detained. UNITA forces reportedly detained other suspected government supporters in 1995. In November UNITA announced that it had captured four South Africans who had subsequently confessed to plotting to kill UNITA's leader Jonas Savimbi. Their fate was not known at the end of the year.

An unknown number of people were reportedly condemned to death by UNITA in October for allegedly killing 17 women and children near Negage in Uige province. In response to an appeal by the UN Secretary-General's Special Representative to Angola, UNITA said that the prisoners would not be executed.

UNITA forces deliberately and arbitrarily killed captured soldiers and civilians. In September or October, João Lina was reportedly beaten to death in public by UNITA forces after two of his relatives fled the area under UNITA control in Soyo to an area under government control. His body was reportedly left on public display for some days before his family was allowed to bury him. In October, three members of a Cabindan separatist group were said to have been summarily executed by UNITA for stealing arms. Five UNITA soldiers were also said to have been summarily executed for complicity.

Throughout the year Amnesty International appealed to both the government and UNITA to account for the fate of those who had "disappeared" or were missing following abduction since the resumption of hostilities in late 1992. Amnesty International also made inquiries and expressed concern about reports of killings by the government and UNITA, including

the killing of Ricardo de Melo. In August the organization wrote to the UN Special Representative to Angola to seek information and make suggestions to strengthen human rights protection. The Special Representative welcomed these suggestions and informed Amnesty International of protective measures he had implemented.

ARGENTINA



Declarations of responsibility for human rights violations by former members of the armed forces failed to advance investigations into past "disappearances". There were several killings by police in circumstances suggesting possible extrajudicial executions. Lawyers of victims of human rights violations were subjected to death threats.

President Carlos Menem was re-elected for a second term of office following presidential elections in May. Strikes and demonstrations, some violent, were staged throughout the year. In the Federal Capital and several provinces including Buenos Aires, Tierra del Fuego, Tucumán, Córdoba and Rio Negro, public and private sector employees demonstrated against widespread unemployment, salary cuts and government economic policies.

In April the UN Human Rights Committee commented on laws limiting the trials of people responsible for past human rights violations, such as the Law of Due Obedience and the law known as the "Full Stop" law. It stated that these were inconsistent with the requirements of the International Covenant on Civil and Political Rights. In its recommendations the Committee urged Argentina to investigate the

whereabouts of "disappeared" persons and recent revelations of crimes committed by the military during military rule. In October the Inter-American Convention on the Forced Disappearance of Persons was approved by Congress. By the end of the year the ratification instrument had not been deposited.

In September a police officer was sentenced to eight years' imprisonment by a criminal court in Córdoba for the killing of 15-year-old Miguel Angel Rodríguez in July 1994. In October a police officer was sentenced to life imprisonment for the torture with electricity and subsequent death of Sergio Gustavo Durán in 1992 in police custody in Morón, Buenos Aires province (see *Amnesty International Report 1993*).

For the first time ever, high-ranking officers admitted the Argentine Armed Forces' responsibility for grave human rights violations during the years of military government (1976 to 1983) and apologized for them.

Former naval officer Adolfo Francisco Scilingo stated in March that approximately 2,000 people held and tortured in the secret detention centre at the *Escuela de Mecánica de la Armada*, Navy Mechanics School, had been sedated and thrown naked into the Atlantic and the River Plate from military aircraft. He admitted taking part in two of these flights. Further confessions by three other military personnel corroborated these declarations.

As a result of this, a number of petitions were filed with the Federal Appeals Court by relatives of the "disappeared" requesting information about their fate. In its initial rulings the Federal Appeals Court acted upon the requests, issuing orders to the armed forces and the government for information and recognizing the inalienable right to the truth and to mourn. However, during the second part of the year, the Federal Appeals Court invoked the Full Stop and Due Obedience laws and rejected petitions to reopen investigations into "disappearances" which occurred during military governments.

Further investigations were ordered into children born in captivity; these were the only cases excluded by both laws and the subsequent presidential pardons of 1989 and 1990, which precluded investigations into "disappearances". In June a provincial judge ordered the arrest of police doctor Jorge Bergés, who was charged

with forging identity documents for children of "disappeared" couples. His arrest was ordered under the investigation initiated to establish the identity of the son of Julio César D'Elia and Yolanda Casco, a Uruguayan couple who "disappeared" in Argentina in 1977. However, in November the San Martín Federal Court shelved proceedings against Jorge Bergés because the time limit on the charges had already expired.

At least three people were killed as a result of violent confrontations with police during demonstrations across the country. For example, Víctor Choque was shot dead by police in circumstances which indicated excessive use of force during a workers' demonstration held in Tierra del Fuego in April. Twenty-six people were injured in the clashes.

Killings by police in circumstances suggesting possible extrajudicial executions, known as "*gatillo fácil*" (trigger-happy), were recorded in several provinces. For example, in February, a policeman killed Julio Sosa in the locality of Bernardino Rivadavia, Mendoza province. Witnesses stated that the victim had no time to react to the policeman's warning, which came at the same moment that he was shot in the back and killed. The policeman was arrested and charged with manslaughter but the investigation was still open at the end of the year.

In July a Chilean national, Javier Rojas Pérez, was killed in the locality of Wilde, Greater Buenos Aires. A policeman allegedly grabbed Javier Rojas Pérez by the hair and then shot him at close range, killing him immediately. The policeman argued that the killing had been accidental. A judge ordered his preventive detention on charges of manslaughter.

In August, charred remains believed to be those of Andrés Núñez, a builder who "disappeared" in 1990 after being taken to the Police Investigations Brigade of La Plata (see *Amnesty International Reports 1991, 1992 and 1993*) were recovered. The corpse was found in an abandoned water tank of a rural property in General Belgrano, Buenos Aires province. Forensic examinations were ordered by a judge. Eleven policemen were detained and three remained in hiding accused of illegitimate arrest, torture leading to death and concealing the facts. At the end of the year these investigations were still in progress.

In February a judicial investigation into the killing of Walter Bulacio, a youth who died in police custody in 1991, was reopened after lawyers provided new evidence on the circumstances of his death. In the course of the year, three judges excluded themselves from the case. The Federal Appeals Court ruled that the case should be heard by the 4th Juvenile Court in Buenos Aires. At the end of the year the case was continuing.

Lawyers working on the clarification of such cases were subjected to death threats and harassment. Elba Tempera, lawyer of the family of Andrés Núñez, stated that she had received anonymous telephone death threats. She also reported intimidation and threats by the judge in charge of the case, who subsequently disqualified himself. María del Carmen Verdú and Daniel Straga, the lawyers representing Walter Bulacio, also reported that they had received repeated death threats.

In May Amnesty International wrote to the authorities calling for an independent investigation into the circumstances of the killing of Víctor Choque. The organization called for all allegations of death threats against human rights defenders to be thoroughly and impartially investigated and steps taken to guarantee their security. In July Amnesty International published a report, *Argentina: The Right to the Full Truth*, in which it reiterated the need to clarify the fate and whereabouts of the "disappeared", stressing the right of the relatives of the victims to a full investigation and to public disclosure of the final findings.

ARMENIA

At least 18 political prisoners faced criminal proceedings that appeared to fall short of international standards. There were numerous allegations of ill-treatment in custody and lawyers, opposition journalists and members of religious minorities were beaten by people alleged to have links with official structures. At least one person was sentenced to death and at least 13 others remained under sentence of death, but there were no executions.

In January the Supreme Court upheld a six-month ban imposed on the opposition

Armenian Revolutionary Federation (ARF), for not complying with the law on political parties. Consequently the ARF was excluded from the July parliamentary elections, in which a majority of deputies elected were supporters of the policies of President Levon Ter-Petrosyan.



A new Constitution was approved, also in July, by referendum. It included basic rights and freedoms, including the right of access to a defence lawyer from the moment of arrest, detention, or presentation of charges. However, the death penalty was retained as "an exceptional measure of punishment" for "the most heinous crimes".

In May, to mark the first anniversary of a cease-fire in the disputed Karabakh region (see *Azerbaijan* entry), a number of hostages and other prisoners detained during the conflict were exchanged. Those handed over by the Armenian side included Azerbaijani citizens Bakhtiar Shabiyev and Garay Nagiyev who had been sentenced to death in April 1994 (see *Amnesty International Report 1995*). The Armenian authorities stated in May that the President had decreed that all Azerbaijani military and civilian prisoners held in Armenia would be returned to Azerbaijan. However, unofficial sources alleged that a few Azerbaijani prisoners continued to be held in private hands.

Seventeen men who were arrested in connection with their alleged membership of a secret armed group named "Dro" within the ARF faced criminal proceedings that appeared to fall short of international standards for fair trial. They had been charged with various criminal offences from withholding information to premeditated murder (the latter carrying a possible

death sentence). The trial of 11 of them began in July in Yerevan and was still continuing at the end of the year. Several of the defendants reported great difficulties in meeting freely and promptly with a lawyer of their own choice, and several of their lawyers reported problems in gaining full access to relevant case materials during the investigation. Similar problems were reported in the case of senior ARF member Vahan Ovanessian who was arrested in late July for allegedly planning an assassination campaign, although the Constitution adopted earlier that month guaranteed prompt access to a defence lawyer.

No confessions by the 11 men on trial were ruled inadmissible by the court, in spite of defendants' allegations that they were obtained under duress. Arsen Artsruni alleged that he was beaten on three occasions to force a confession. Another of the original group arrested, Armen Momiyan, was said to have suffered a broken jaw through ill-treatment. Ardavast Manukian, who had been due to stand trial, died in a Yerevan hospital on 16 May, reportedly from an intestinal tumour. It was alleged that he had been denied adequate medical care for several weeks before his death.

Other reports of ill-treatment in custody in criminal cases emerged during the year, although alleged victims appeared reluctant to institute legal proceedings for fear of reprisals.

Three lawyers linked with the so-called "Dro" case, several opposition journalists, and members of religious minorities were among those physically assaulted by people they believed had links with official structures. The incidents were reportedly not adequately investigated by the police and by the end of the year no one had been arrested for these attacks. In April, for example, 19 Hare Krishna devotees were beaten at their temple in Yerevan by a group of about 25 men, some in uniform. Eleven male devotees said they were beaten with iron bars: they needed hospital treatment. One, bleeding from a head wound, went to the local police station during the attack but was allegedly told that the police were short-staffed and that he should return later. The same man was also allegedly told by an investigator that the case would not lead to any prosecutions as those responsible were linked with the Ministry of Defence.

Further information emerged on the criminal case instituted following the deaths of eight Azerbaijani prisoners in January 1994 (see *Amnesty International Report 1995*). The Armenian authorities had alleged the men committed suicide after a failed escape bid during which an Armenian guard was killed, although an independent forensic expert reported that the pattern of their injuries suggested "execution-type shootings". The investigation focused on the death of the guard and, having determined that the Azerbaijani prisoners were responsible for his murder, the case was suspended in May 1994. There appeared to have been no comprehensive investigation into the circumstances of the deaths of the Azerbaijani prisoners.

At least 13 men were believed to be under sentence of death at the end of the year, one of whom had been sentenced to death for murder in December. There were no executions, owing to President Ter-Petrosyan's personal opposition to the death penalty, but no death sentences were commuted.

Amnesty International called for all detainees to be granted prompt and full access to a lawyer of their own choice, and for comprehensive and impartial investigations into reports of beatings and ill-treatment. In October Amnesty International delegates visited Armenia and met the Prosecutor General, who stated that defence access was guaranteed under the Constitution and that all allegations of ill-treatment brought to the attention of the Prosecutor's office had been investigated and found to be unsubstantiated.

Amnesty International continued to call for all pending death sentences to be commuted.

AUSTRALIA

A highly disproportionate rate of Aboriginal deaths in custody heightened concern about the detention and ill-treatment of indigenous people. At least three people were shot dead by police officers in disputed circumstances. Federal legislation on the detention of asylum-seekers who entered the country without immigration documents failed to meet international human rights standards.

The government proposed legislation which, if adopted, would remove any legal obligation for officials to consider human rights commitments under international treaties which Australia had ratified but not incorporated into Australian law. In April the High Court decided that the ratification of a human rights treaty by Australia created a "legitimate expectation" that the government and its officials would take into account the treaty provisions, even if they had not been incorporated into Australian law. However, in May the government proposed new legislation, the Administrative Decisions (Effect of International Instruments) Bill 1995, "to eliminate any expectation which might exist that administrative decisions" at any level will conform "with the provisions of ratified but unimplemented treaties." Under this legislation, people who complained that a decision was not consistent with a treaty ratified by Australia, but not incorporated into domestic law, would not be able to seek administrative review of that decision. If passed, the bill would undermine the status of Australia's human rights obligations under the international treaties it has ratified.



Law and order issues increasingly dominated state elections, and some parliamentarians called for a referendum on the reintroduction of the death penalty in Tasmania, Western Australia and South Australia. The new Human Rights Commissioner announced in August that he would make juvenile and Aboriginal justice issues a priority in his work.

The newly elected New South Wales (NSW) State Government announced plans in July to review laws that led to disproportionate numbers of arrests, detentions and deaths in custody of indigenous Australians within its jurisdiction. By the end

of the year these reviews had not been completed.

The Federal Government's Human Rights (Sexual Conduct) Act 1994, adopted in December 1994, enshrined the right to sexual privacy in Australian law. The Human Rights Act, passed after a UN Human Rights Committee decision in 1994, prohibits any arbitrary interference with privacy. However, under Tasmanian law homosexual activities between consenting adults in private remained a criminal offence. The Tasmanian Attorney-General reportedly stated in February that the new federal legislation neither made the Tasmanian law invalid nor affected the way in which it would continue to be applied. In November gay activists appealed to the Australian High Court to make a decision on the legality of criminal prosecution for homosexual activities in Tasmania. There had not been a substantive hearing by the court by the end of the year.

Despite federal and state government commitments to implement the vast majority of recommendations made in 1991 by the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) (see *Amnesty International Report 1993*), 21 Aboriginal people were reported to have died in custody or during police operations – the highest number in any single year since records were first collected in 1980. Between the end of the period investigated by the RCIADIC and the end of 1995, at least 87 indigenous people died in custody. Although indigenous people make up only 1.3 per cent of the total adult population over 14 years of age, they accounted for at least 24 per cent of all custody-related deaths and more than 14 per cent of the prison population. The majority of deaths occurred in prison, with the highest increase reported in South Australia.

In December Maurice Roland Fisher, a 17-year-old Aboriginal prisoner in Brisbane, was found hanging from a bedsheet tied to a cell window during a routine cell check. It reportedly took guards more than 15 minutes to get the master key to the cell door. Although a cellmate who believed Maurice Fisher might still have been alive offered to cut him down, prison guards allegedly refused to hand him a knife.

In October the Queensland Criminal Justice Commission started an investigation into new evidence concerning the

death of Daniel Yock, an 18-year-old Aboriginal who died in a police van in 1993 (see *Amnesty International Reports 1994 and 1995*). The Commission rejected calls to hold hearings in public and banned publication of the evidence. By the end of the year no police officer had been disciplined or charged in connection with Daniel Yock's death.

In September damages were awarded to the family of Mark Anthony Quayle, a young Aboriginal man who was found hanged in the remote police lock-up of Wilcannia, NSW, in 1987. This was the first such award granted for a death in custody. Mark Quayle was taken by his family to the Wilcannia hospital in June 1987. He was accepted as a patient but did not receive medical care. Subsequently hospital staff arranged with police for Mark Quayle to be kept in the police station overnight for "safe custody" as they believed he was disorientated and might wander off. He was arrested without charge and left alone in a cell. He was found hanged in his cell the following morning. Police then blamed the family for his death.

Police reportedly continued to intimidate and harass friends and relatives of victims of deaths in custody who would not accept official explanations and called for further investigations into the deaths. In September the family home of Stephen Wardle, who died in the East Perth police lock-up, Western Australia, within hours of his arrest in 1988, was searched by police officers for the fourth time since 1993. In the same period, the office of the family's lawyer and the home of an aunt of Stephen Wardle were each searched twice. Some searches were allegedly carried out in the family's absence and later denied, but the latest search was captured on security video and the recording screened on television. After the screening, a family with a similar surname, whom the police apparently believed were relatives of Stephen Wardle, reported that they had been harassed and intimidated by police officers. After an internal police investigation of the reports, various charges against the family were dropped.

Investigations into 10 fatal shootings by police in Victoria in 1994 were started and partly completed and recommendations were made on ways to reduce the high incidence of these shootings. Five of those killed in 1994 had a history of mental

illness (see *Amnesty International Report 1995*). In its annual report, the Victoria Police Force claimed to have successfully implemented five-day training courses for 8,657 operational police and to have established a more effective working relationship with the Department of Health and Community Services in dealing with mentally ill people. In November the Victoria State Government rejected calls by non-governmental organizations for a judicial inquiry into the record of fatal shootings by police officers in that state over the previous seven years. Despite revised operational procedures issued in September 1994 by the Minister for Police and Emergency Services in response to concerns over the high incidence of shootings of people with a history of mental illness, another three people, including a mentally ill man, were shot dead by Victoria police in controversial circumstances.

Changes in immigration policy following application of the Migration Reform Act, adopted in September 1994, led to a slightly speedier processing of applications for refugee status from asylum-seekers who entered the country without immigration documents. Under the new policy, unauthorized immigrants seeking asylum could be released from detention if they met certain criteria for Bridging Visas – including age, ill-health and experience of torture and trauma. The detention of unauthorized immigrants remained mandatory and was not usually subject to review. Unauthorized immigrants who claimed asylum were initially detained, in many cases for approximately six weeks, while their asylum applications were processed. However, the vast majority of them appealed against the rejection of their applications for refugee status and remained in detention for several months. The authorities stated that in August, 85 of the 726 people in immigrant detention centres had been detained for more than a year. A few people had reportedly been detained for between two and four years. Amnesty International believes that mandatory detention of unauthorized immigrants who claim asylum, as practised in Australia, may be in breach of the country's obligations under international law. Provisions introduced in 1994 on "safe third countries" were used to designate China as safe for all Vietnamese seeking asylum in Australia after previously being

resettled in China, even though they expressed fear of persecution in China. Amnesty International raised concerns that the use of these provisions effectively obstructed asylum-seekers from gaining access to full determination procedures and denied them essential safeguards against *refoulement*.

In October Amnesty International called on the South Australian State Government to investigate the marked increase in the number of Aboriginals who died in custody in this state. In a written reply in December, the State Minister for Aboriginal Affairs did not comment on this request or on the increase in Aboriginal prison deaths. He listed a number of steps taken in response to the issue and said he believed the South Australian State Government had been "extremely vigilant in undertaking its responsibilities towards implementing the recommendations of the Royal Commission". In November Amnesty International welcomed the NSW State Government's proposed review of the state's criminal legislation. The organization also reiterated its concern about fatal police shootings in the state of Victoria.

AUSTRIA



Allegations were received of ill-treatment by police officers.

In June Emad Faltas, an Egyptian national, alleged that he was kicked, punched and verbally abused by four police officers belonging to the Vienna Drugs Squad during his arrest, and further ill-treated at the police station. A medical examination later revealed that he had suffered a cut to his eye requiring stitches,

three broken ribs, and bruising; he was hospitalized for a week. Emad Faltas, whom the police officers had reportedly mistaken for a drugs dealer, later received an official apology from the police. A criminal investigation was opened into his allegations of ill-treatment and into police allegations that he had "resisted state authority".

Wolfgang Purtscheller, a journalist, alleged that he was assaulted by Vienna police officers in September 1994 when he intervened during an attempt to arrest a black African asylum-seeker. According to Wolfgang Purtscheller, he lost consciousness after an officer struck him in the face. When he regained consciousness, he found himself lying on his stomach, in his own vomit, with his hands secured behind his back. Two officers then stood on him while a third person took hold of his foot and violently twisted it, causing him to lose consciousness again. He was subsequently taken to a police station where he was reportedly denied access to a lawyer and proper medical assistance. A medical report stated that Wolfgang Purtscheller suffered bruising to the face and damaged knee ligaments. Police officers involved in his arrest alleged that Wolfgang Purtscheller had assaulted them and resisted their authority.

In June a court rejected Naser Palushi's complaint that he had been ill-treated by officers of East Vienna Police Detention Centre in May 1994. Naser Palushi, an ethnic Albanian from Kosovo province, Yugoslavia, had alleged that he was ill-treated while he was on hunger-strike in protest against his detention following rejection of his claim for asylum (see *Amnesty International Report 1995*).

In December the European Court of Human Rights held that Ronald Ribitsch's rights under Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms had been violated. The Court ruled that Ronald Ribitsch was subjected to ill-treatment amounting to inhuman and degrading treatment when he was held in police custody in 1988 (see *Amnesty International Report 1995*). The Court awarded him compensation.

There was concern that the investigation into the alleged ill-treatment of Salim Y. may not have been conducted promptly and impartially. Salim Y., an Algerian

national, was kicked and beaten at Schwechat airport in June 1993 by police officers who were attempting to deport him. The assault was witnessed by two women who had just arrived in Vienna to attend the UN World Conference on Human Rights. The authorities stated in February 1994 that Salim Y. had not been ill-treated. However, they failed to provide information about the nature of the investigation, despite repeated requests by Amnesty International.

Amnesty International asked the authorities about the steps taken to investigate the alleged ill-treatment of Wolfgang Purtscheller and Emad Faltas. The organization was informed that a "prompt and impartial" investigation had been opened into the alleged ill-treatment of Wolfgang Purtscheller and that its concerns regarding the alleged ill-treatment of Emad Faltas had been passed on to the appropriate authority.

Amnesty International also expressed concern about the lack of information it had received about the case of Salim Y. and about other cases of alleged ill-treatment it had raised. In September Amnesty International was informed by the Federal Ministry for Foreign Affairs that it could "only communicate to [the organization] information as received from the competent authorities".

AZERBAIJAN



Five prisoners of conscience were sentenced but subsequently pardoned and released. At least three people, reportedly detained solely because of their ethnic origin in connection with the Karabakh conflict, were released in negotiated exchanges, but reports came to light that others detained before 1995 were still held. Beatings and ill-treatment in detention continued to be reported, and at least one detainee may have died as a result of

his injuries. At least 15 death sentences were passed; the real figure was thought to be higher. At least seven death sentences were commuted. No executions were reported.

In March a rebellion by members of a special police unit in the capital, Baku, was put down by government forces. Official figures listed 36 dead in the operation, and more than 100 people were subsequently arrested. A state of emergency, imposed on Baku in 1994 after a previous mutiny by the special police unit, was lifted in June. Parliamentary elections in November returned a majority for President Heidar Aliyev's New Azerbaijan Party.

In May the first anniversary of the cease-fire in the disputed region of Karabakh (see *Amnesty International Report 1995*) was marked by an exchange of detainees held by Armenia, Azerbaijan and the self-proclaimed Nagorno-Karabakh Republic.

Five prisoners of conscience were sentenced but subsequently pardoned and released. Ayaz Ahmedov, Asgar Ahmed, Yadigar Mammedli and Malik Bayramov, journalists with links to opposition political parties, and Mirzagusseyn Zeynalov, a press distributor, had been arrested in March in connection with the publication of articles and caricatures about President Aliyev in the satirical newspaper *Cheshme* and charged with "insulting the honour and dignity of the President". They were convicted by Baku City Court and sentenced in October to between two and five years' imprisonment. All were pardoned by President Heidar Aliyev in November, and released.

At least three ethnic Armenians, reportedly detained solely because of their ethnic origin in connection with the Karabakh conflict, were released, as negotiated exchanges of prisoners and hostages continued. Greta Kadirova was released in March after five months in detention. She had left Azerbaijan several years previously after violent attacks took place against Armenians, but in 1994 returned to Baku to see her two children. According to reports Greta Kadirova had been taken to Binagadi police station by her Azeri relatives, and then held without charge along with several other women from mixed marriages. All were believed to have been released at the same time. Armen Amirbekyan, who had been

detained in 1994 while in transit through Azerbaijan (see *Amnesty International Report 1995*), was handed over in May. He had been held at a special holding camp in Gobustan, officially for an identity check, although his relatives were reportedly approached by officials offering to exchange him for two Azerbaijani prisoners. Also released from the Gobustan camp around that time was Zara Akopyan; she had been detained in July 1994 near the Georgian border.

Although the Prosecutor General's office told Amnesty International in September that there were no longer any Armenian prisoners or hostages on the territory of Azerbaijan, reports came to light during the year of individuals detained because of their ethnic origin who were still believed to be held at the end of the year. Sixteen-year-old Zaven Ramazyan was reported to have been held hostage by a private individual with the knowledge of the authorities, who reportedly took no steps to intervene. He had left his home in Armenia in February 1994 and travelled to a market in neighbouring Georgia. There Zaven Ramazyan was reportedly seized by an Azerbaijani citizen, a former police officer, who took him to Azerbaijan and demanded a named Azerbaijani hostage in return. When the latter could not be located, a sum of money was demanded instead. Zaven Ramazyan was believed still to be held at the end of the year.

Reports of ill-treatment in pre-trial detention continued, and at least one detainee may have died as a result of his injuries. Verification remained difficult as requests for access by local human rights organizations and families were refused by the authorities. Aliakram Hummatov, an opponent of the government, was arrested in December 1993 and charged with a range of criminal offences, but escaped from custody in September 1994. His relatives were reported to have been harassed in the period following his escape. In July his wife, Sudaba Rasulova, was reportedly detained without charge in Lenkoran to force her husband to give himself up. Aliakram Hummatov returned home to Lenkoran in August and was re-arrested. His wife was released, but went into hiding when the authorities again sought to detain her. Aliakram Hummatov was said to have been beaten following his second arrest, either in Lenkoran or

following his transfer to Baku. Police seeking Sudaba Rasulova are alleged to have beaten the couple's eldest child, 14-year-old Ramal Hummatov, on several occasions, and to have burned him with cigarettes, in an attempt to force him to reveal the location of his mother.

Rafiq Ismayilov, a barber from the village of Digah, was detained in December by police officers from Masalli district on suspicion of theft and taken to the Regional Police Department, where he later died. According to the Interior Ministry, Rafiq Ismayilov suffered from heart disease and died as a result of heart failure. Unofficial sources, however, allege that he died as a result of injuries sustained when he was beaten by police officers. These were said to have included fractures to his neck, arm and ribs, and damage to his kidneys.

At least 15 death sentences came to light during the year, although the real figure was probably higher. According to official statistics provided in July, 27 people were sentenced to death in 1992; 22 in 1993; and 23 in 1994. No executions were reported in 1995, nor have been since 1990, but according to unofficial sources some 100 men were awaiting execution at the end of the year, held in grossly overcrowded conditions. In December President Aliyev commuted the death sentences passed on seven men to terms of imprisonment.

Amnesty International urged the release of all prisoners of conscience, and sought further information on several possible prisoners of conscience. Amnesty International also called on all parties to the Karabakh conflict to release anyone held hostage, or held solely because of their ethnic origin.

Amnesty International urged that all allegations of ill-treatment by law enforcement officials be investigated promptly and impartially, with the findings made public and any perpetrators identified brought to justice.

Throughout the year Amnesty International urged the authorities to commute all pending death sentences and to take steps towards abolition of the death penalty.

BAHAMAS



Three sentences of corporal punishment were imposed. More than 30 prisoners remained under sentence of death. No new death sentences were passed and no executions were carried out.

In July, two prisoners were sentenced to be flogged – the first such sentences to be imposed since the reintroduction of corporal punishment in 1991. Both prisoners were sentenced to flogging in addition to long prison terms for rape, armed robbery and assault. One of the prisoners, Leavon Williamson, had not been legally represented at his trial and reportedly received part of his corporal punishment (six strokes of the rod) before he was able to appeal. In November a third prisoner was sentenced to be flogged for rape.

In July the Bahamas Supreme Court commuted to life imprisonment the death sentence of Dwight Henfield, imposed for murder in 1988, ruling that his execution after a seven-year delay would violate the Constitution. The ruling was based on a November 1993 decision by the Judicial Committee of the Privy Council (JCPC) in London, the final court of appeal for the Bahamas, that execution after a delay of more than five years would be presumed to constitute inhuman or degrading treatment or punishment (see *Amnesty International Report 1995*). Despite the ruling, Dwight Henfield and 14 other prisoners whose death sentences should also have been commuted under the ruling were still on death row at the end of the year, pending an appeal against the decision by the Bahamas Government.

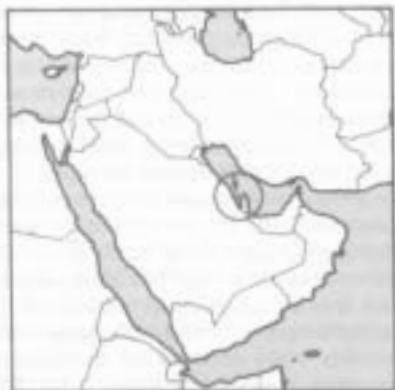
In April the JCPC dismissed an appeal which had argued that the death penalty in the Bahamas was unconstitutional because the method of execution was not specified in the Constitution (see *Amnesty*

International Report 1995). This effectively ended a six-year moratorium on executions which had been in force pending the decision. Warrants for the execution of two prisoners were issued soon afterwards, but both received last-minute stays.

No new death sentences were imposed. At least 32 prisoners remained on death row at the end of the year. The last execution in the Bahamas was in 1984.

Amnesty International wrote to the Attorney General stating that the use of corporal punishment contravened international human rights standards prohibiting cruel, inhuman or degrading punishment. The organization appealed for clemency for the prisoners whose executions were scheduled. It urged the government to abolish the death penalty and to ensure that no further sentences would be imposed or carried out.

BAHRAIN



An estimated 4,000 people were arrested during the year following the outbreak of widespread protests calling for the restoration of democratic rights. The vast majority were Shi'a Muslims, among them prisoners of conscience, who were held without charge or trial. Between 150 and 160 people arrested in connection with the protests were sentenced following unfair trials. At least 15 political prisoners convicted after unfair trials in previous years continued serving their sentences. Scores of political detainees were tortured, two of whom died in custody. At least 10 civilians were shot dead by the security forces and riot police in circumstances suggesting that they

may have been extrajudicially executed. One death sentence was passed. Seven Bahraini nationals were forcibly exiled and at least 11 others were prevented from returning to the country.

Widespread protests calling for the restoration of democratic rights, which broke out in December 1994, continued during the year in a number of districts in Bahrain, including Jidd Hafs, Sitra and the Northern Region (see *Amnesty International Report 1995*). The authorities responded with mass arrests and resorted to the use of force to quell demonstrations. The majority of demonstrations were peaceful although some were marked by violent incidents. Three policemen were killed during or in the aftermath of clashes between December 1994 and March 1995. In October the Amir, Shaikh 'Issa bin Salman Al Khalifa, announced that the *Majlis al-Shura* (Consultative Council) a government-appointed body with no legislative powers, would be given wider powers. By the end of the year the Council's powers had not been widened.

As many as 4,000 people, including women and children as young as 10, were believed to have been arrested between December 1994 and July 1995. The vast majority were Shi'a Muslims, among them prisoners of conscience. Many were held for several days for questioning and then released without charge. However, over 2,000 detainees were held incommunicado for weeks or months without charge or trial. Most were held in Jaw and al-Manama prisons, as well as in various police stations. Makeshift detention centres were also used to hold detainees for short periods, including a disused sports stadium in Madinat 'Issa.

The unrest subsided for a few months, but resumed in November with the arrest of more than 100 people, including high school students and at least 10 children aged between 12 and 15.

Among those arrested during the year were religious scholars and opposition figures accused of inciting anti-government protests, including Shaikh 'Abd al-Amir al-Jamri and 'Abd al-Wahab Hussain 'Ali, who had sponsored the December 1994 petition calling on the Amir to reinstate parliament (see *Amnesty International Report 1995*). Both were believed to be prisoners of conscience. They were arrested in March and April respectively and held

without charge or trial at undisclosed locations until their release in September. In April, seven teachers, including Fatima 'Abdullah Abu Idris and Kahtun Ahmad Khalaf, were arrested at Madinat 'Issa Secondary School for Girls, along with several of their students, reportedly after the authorities learned that a demonstration was to be held there. They were detained for several days at al-Khamis police station before being released without charge. Other women, whose male relatives were sought by the authorities, were arrested and held as hostages. For example, Malika 'Abdullah Singais, whose brother was wanted by the authorities, was arrested in April and held without charge or trial until her release in mid-June. Scores of children were detained. Among them were 15-year-old Mirza Muhammad al-'Arab and 12-year-old Fadhel 'Abbas 'Abd al-Latif who were arrested in December 1994 and January 1995 respectively. Mirza Muhammad al-'Arab was released during the year. Among the prisoners of conscience was 'Abd al-Nabi al-Turaifi, a bank employee arrested in December 1994 and held incommunicado until his trial in October 1995 when he was sentenced to three years' imprisonment.

During the year the government announced the release of groups of detainees held in connection with the pro-democracy protests. About 750 people were reported to have been released by the end of the year, including 50 freed by the Amir on National Day on 16 December. In most cases it was difficult to establish the identities of those released or on what charges, if any, they had been held; the government failed to publicize the names of those arrested or released. Between 500 and 600 people were still held at the end of the year.

In March trials began of defendants charged in connection with the pro-democracy protests before the State Security Court, the High Court and the Juveniles Court. By mid-July between 150 and 160 defendants had been convicted after unfair trials on charges including premeditated murder, destruction of private and public property, violence against the police, participating in illegal gatherings and, in one case, membership of an unauthorized organization. Custodial sentences passed ranged from six months to life imprisonment and one person was sen-

tenced to death (see below). Throughout their detention, defendants were denied access to defence lawyers until the start of their trials and many were reportedly tortured. At least 80 were convicted by the State Security Court after grossly unfair trials held *in camera*, reportedly on the basis of uncorroborated "confessions" which they stated had been extracted under torture. All were denied the right of appeal to a higher tribunal. They included Hussain 'Ali al-Tattan and Salman Abdullah al-Nashaba who were sentenced to 10 and five years' imprisonment respectively for alleged membership of the banned Islamist group *Hizbullah*. Several of those acquitted reportedly continued to be held without any legal basis and it was not known whether they had been released by the end of the year. Others convicted after unfair trials included at least 50 juveniles below the age of 15 who were charged with offences such as rioting and inciting hatred of the government. Several juveniles received the maximum sentence of 10 years' imprisonment, including 14-year-old Muhammad 'Ali Muhammad al'Ikri who was charged in July with throwing a petrol bomb at police personnel. His conviction was overturned on appeal and he was released in September, but he remained under police supervision and was not allowed to travel abroad.

At least 15 political prisoners sentenced to long terms of imprisonment after unfair trials in previous years remained in prison. Some had been convicted of membership of unauthorized organizations and others of participation in an alleged coup attempt in 1981 (see *Amnesty International Reports 1994 and 1995*). In September 'Abd al-Jalil Khalil Ibrahim, sentenced to seven years' imprisonment in 1990 for alleged membership of *Hizbullah*, was released (see *Amnesty International Report 1991*).

There were numerous reports of the routine and systematic torture of detainees. Scores of detainees held in the custody of *Idarat Amn al-Dawla*, the Security and Intelligence Service, and *Idarat al-Tahqiqat al-Jina'iyya*, the Criminal Investigation Department, were said to have been tortured to extract "confessions" or as punishment. Methods of torture included: severe and sustained beatings; suspension by the limbs; enforced standing or sleep deprivation for prolonged

periods; sexual abuse; and threats of execution. Women and children were also reportedly ill-treated while in custody.

Two detainees died in custody apparently as a result of torture. One of the victims was 16-year-old Sa'id 'Abd al-Rasul al-Iskafi who died in July after 10 days' detention at al-Khamis police station. He was reportedly suspected of spraying anti-government graffiti on walls near his home in al-Sanabes. A forensic examination found injuries consistent with allegations of torture. No official investigations into his death or into reports of the torture of other detainees were known to have been carried out.

At least 10 civilians were shot dead by members of the security forces and riot police in circumstances suggesting that they may have been extrajudicially executed. Peaceful demonstrations were broken up violently by the security forces by the repeated use of live ammunition, birdshot pellets and tear-gas. Among the victims was 17-year-old 'Abd al-Hamid Qassem, from al-Duraz, who was shot in the head following a demonstration in March and died the next day. Scores of protesters were injured and the authorities prevented some of them from receiving medical treatment at hospitals. Tear-gas was said to have been deliberately used in enclosed places such as houses and mosques, allegedly leading to two deaths in January and February.

One death sentence was imposed. 'Issa Ahmad Qambar, who was arrested in connection with the pro-democracy protests, was sentenced to death in July after an unfair trial before the Bahraini High Criminal Court (see above). He was convicted of the premeditated murder of a police official. In November an appeal court upheld his death sentence and a second appeal was lodged in December with the Court of Cassation.

In January, seven Bahraini nationals, all Shi'a Muslims, were forcibly exiled from the country. They included Shaikh 'Ali Salman, Shaikh Hamza al-Dairi, Shaikh Haidar al-Sitri, Shaikh 'Adel al-Shu'la and Shaikh Muhammad Kojestah. At least 11 others were denied entry to Bahrain in January after attempting to return from abroad. Most were students of theology in Qom, Iran. The Bahraini authorities continued to deny entry to other Bahraini nationals throughout the year.

During the year Amnesty International repeatedly appealed to the government to put an end to widespread human rights violations by its security forces. It called for independent investigations into incidents involving the killing of demonstrators and the torture of detainees, and for those found responsible to be brought to justice. It requested information on all detainees arrested since December 1994 and on those released during the year, and repeatedly proposed sending a delegation to Bahrain for talks with government officials and to observe ongoing trials. In May the organization urged that trials before the State Security Court be halted until they complied with international standards for fair trial. No responses were received. In a meeting in June with the Under-Secretary of the Ministry of Foreign Affairs, Amnesty International reiterated its request for access to Bahrain.

In September Amnesty International published a report, *Bahrain: A Human Rights Crisis*, detailing widespread violations committed since December 1994. The report contained recommendations to the government aimed at improving the human rights situation. By the end of the year no substantive response had been received.

In April Amnesty International submitted information about its concerns in Bahrain for UN review under a procedure established by Economic and Social Council Resolutions 728F/1503 for confidential consideration of communications about human rights violations.

BANGLADESH

Dozens of prisoners of conscience were held without charge or trial under special legislation. Torture was widespread and led to at least seven deaths in custody. At least nine people were extrajudicially executed. The scope of the death penalty was extended. At least three people were sentenced to death but no executions were reported. Unlawful "trials" of women by village councils continued.

Opposition parties, led by the Awami League, continued to demand the resignation of the government of Prime Minister Khaleda Zia and fresh elections under a neutral caretaker government. However,

the government made no concessions. The opposition called a series of protest strikes, many of which became violent. Over a dozen political leaders were killed and hundreds of people were injured in clashes between protesters and the security forces, and in clashes between different political parties. The seats of 142 opposition parliamentarians who had resigned in December 1994 were formally declared vacant in July; the Election Commission announced that elections would take place in February 1996.



In the Chittagong Hill Tracts, talks between the government and tribal representatives failed to bring a political solution to the long-standing conflict between non-Bengali tribal inhabitants and the government, but the cease-fire was periodically extended. The repatriation of some 50,000 tribal refugees living in camps in India was not restarted. The government rejected demands by the tribal population that their repatriation should be placed under international supervision.

In September Myanmar agreed to the repatriation of the remaining 57,000 Muslim refugees in Bangladesh. In 1992 some 260,000 Burmese Muslims had entered Bangladesh, but their repatriation, which began in September 1992, had repeatedly stalled.

Scores of people, dozens of whom were prisoners of conscience, were held under the Special Powers Act (SPA) which permits detention without charge or trial for an indefinite period. As in earlier years, the High Court declared the vast majority of SPA detention orders to have been unlawful. For example, Farhad Mazhar, editor of the magazine *Chinta*, was detained on 30 July for 120 days because he had

written an article about the suppression of a revolt by the paramilitary *Ansars* in December 1994. The Dhaka High Court declared the detention order to be unlawful in August and he was released. Five political activists – Mostafa Farook, Abul Hossain, Shafiqul Islam, Moteleb Hossain and Manek – were arrested after a strike in March and detained under the SPA for alleged “anti-state activities” and on further grounds not disclosed “in the public interest”. Their detention for one month was extended by another three months in April. They were released in May when the authorities failed to prove the lawfulness of the orders for their detention.

Feminist author Taslima Nasrin, charged with outraging religious sentiments, left the country after obtaining bail in August 1994 (see *Amnesty International Report 1995*). Efforts to have her case quashed failed but her trial had not started by the end of the year. The trials of four editors of the newspaper *Janakantha* on similar charges (see *Amnesty International Report 1995*) had not concluded by the end of the year.

In the Chittagong Hill Tracts, there were continuing reports of ill-treatment, harassment and arbitrary detention of tribal people with the acquiescence or active participation of the police. In March a demonstration of tribal students in Bandarban was stopped by a group of non-tribal settlers who then looted and burned down the homes of some 300 tribal families. Police reportedly stood by without attempting to protect the lives and property of tribal people. During the incident, 12 police officers beat and injured a Buddhist monk, Waiyo Marma, his wife and a visitor when he denied sheltering tribal activists. Later that day, 22 tribal students, including a 15-year-old girl, were arrested and allegedly beaten. Eight were released on bail within three weeks but four were held for five months before obtaining bail.

Torture and ill-treatment in police custody and in jails were widespread. Torture led to at least seven deaths in police and judicial custody. In August, 14-year-old Yasmin Akhter died after three police officers in Dinajpur had reportedly raped and injured her. They had reportedly given her a lift in a police van and later dropped her dead body by the roadside. Police claimed she had died when she jumped from the van. Following public protests about the

attempted cover-up, three police officers were suspended and charged. A judicial inquiry submitted its report to the government in October but it was not made public.

Prison regulations permit the imposition of iron bar fetters on prisoners and detainees in specific circumstances. Although they should not be applied to people held in preventive detention, Badshan Mian, who was arrested in June and held under the SPA in Khulna District Jail, was reported to be held continuously in fetters.

Disproportionate use of force by police against demonstrators continued to be reported. In February, three press photographers were injured by police when they attempted to take photographs of police beating students; photographer Emran Hussain of the *Daily Star* reportedly suffered two broken vertebrae when police threw him to the ground and hit him with clubs. No official investigation into this incident was apparently undertaken.

At least nine people were reportedly extrajudicially executed. In August, seven people were killed when police fired at peaceful protesters in Dinajpur. A human rights group investigating the incident said that the dead included a 10-year-old boy.

Few perpetrators of human rights violations were brought to justice. An inquiry into the possible extrajudicial execution of between 12 and 20 tribal people in Naniarchar in November 1993 (see *Amnesty International Reports 1994 and 1995*) was apparently completed, but no report had been published by the end of the year. A constable was suspended and charged with the attempted rape of a housewife in Savar in July; it was not known if the trial had started by the end of the year.

In July the death penalty was extended to several offences against women and children, including kidnapping and trafficking. Women's organizations protested against the bill; they argued that the death penalty was abhorrent and itself a violation of human rights.

At least three people were sentenced to death, all of them for murder. In September a woman was sentenced to death in Rangpur; she was found guilty of having murdered her daughter in order to sell her organs. No executions were known to have been carried out during the year.

Women continued to be subjected to unlawful "trials" and cruel, inhuman and degrading punishments by village mediation councils or *salish*. The government failed to put an end to such abuses. Nasima Khatton was "tried" by a *salish* for unlawful sexual intercourse, four months after the birth of her illegitimate child. She was tied to a tree in the village of Datanalai and publicly flogged in August. Police raided the village after the incident was reported in the local press, but did not arrest any of the participants in the *salish*. The appeal by nine participants in a *salish*, who were sentenced to seven years' imprisonment in Moulvibazar in 1994 for having unlawfully condemned a couple to death by stoning, was still pending at the end of the year (see *Amnesty International Report 1995*).

Amnesty International repeatedly urged the government to release prisoners of conscience immediately and unconditionally and to drop the charges against Taslima Nasrin and the *Janakantha* journalists. The organization received no reply. Prime Minister Khaleda Zia was reported in the press in July as saying that Amnesty International's 1994 report on the lack of protection given to women (*Bangladesh: Fundamental rights of women violated with virtual impunity*), and similar reports in the news media, were often baseless and that the incidents of women unlawfully sentenced by *salish* had decreased. She also publicly stated that the SPA was "necessary for the country but not used".

Amnesty International delegates wishing to visit Bangladesh in July were denied visas.

BELARUS

Four trade union leaders were detained in August and were considered to be possible prisoners of conscience. A number of detainees were reportedly ill-treated. At least two death sentences and one execution were reported, but the true figures were believed to be much higher.

There was continuing tension during the year between President Alyaksandr Lukashenka and parliament over the division of constitutional powers. Following industrial unrest, President Lukashenka issued a decree banning the activities of

the independent Belarussian Free Trade Union and stripping elected officials of their immunity from prosecution.



Although the draft new criminal code had still not been approved by the end of the year (see *Amnesty International Report 1995*), the Ministry of Justice confirmed that homosexual acts between consenting adult males had been decriminalized by a separate amendment in March 1994.

In August, four trade union leaders – Sergey Antonchyk, a member of parliament, Genadz Bykov, Mikalay Kanakh and Uladzimir Makarchuk – were detained by police during a peaceful strike on the Minsk metropolitan railway. They were held for several days during which their families were not informed of their whereabouts. Sergey Antonchyk was reportedly released on 23 August. The other three were reported to have been sentenced to between 10 and 15 days' administrative arrest for "organizing an unsanctioned meeting".

There were several reports of alleged ill-treatment by law enforcement officials. In April members of OMON, a special police unit, allegedly ill-treated a group of opposition parliamentary deputies, who were on hunger-strike, after forcibly evicting them from the parliamentary building.

In May at least eight people were briefly detained and allegedly ill-treated for participating in a peaceful anarchist demonstration in the town of Gomel. Among the victims were Valery Loginov, who was reported to have been severely beaten, and a 17-year-old schoolgirl, who claimed that she was beaten and threatened with rape. All the detainees were fined and released.

In July special police units were reported to have beaten demonstrators holding a peaceful, unauthorized Independence Day procession. The authorities had refused permission to stage the demonstration on the grounds that it was "politically inexpedient". Between five and 10 people were detained and at least one person, Vladymir Nester, a member of parliament, claimed that he had been beaten by police while in custody.

At least two death sentences were passed and at least one person was executed during the year; the true figures were believed to be much higher. In January, Igor Yurevich Kopytin was sentenced to death for murder. His appeal was rejected by the Supreme Court. His petition for clemency to President Lukashenka was still pending at the end of the year. Igor Mirenkov was sentenced to death for premeditated aggravated murder in August by the Svetlogorsk Regional Court. He was still awaiting the outcome of his appeal at the end of the year. Sergey Kutyavin (see *Amnesty International Report 1995*) was executed in January, after President Lukashenka turned down a request for clemency. Sergey Kutyavin's parents were not informed in advance of the execution and were not told where his body had been buried.

Amnesty International called on the government to clarify the whereabouts of the four trade union leaders and to investigate allegations of ill-treatment in custody. Amnesty International called on the President to commute the death sentences passed on Igor Mirenkov and Igor Kopytin and continued to urge total abolition of the death penalty and the publication of full statistics on the death penalty.

BELIZE

Two people were sentenced to death and eight others remained on death row. No executions were carried out.

Two people were sentenced to death. Adolf Harris was sentenced to death for murder in February, and later had his appeal to the Belize Court of Appeal dismissed. Anthony Bowen was sentenced to death for murder in August, despite his claim that he was under the age of 18 at the time of the offence, which took place

in December 1993. An appeal to the Court of Appeal was still pending at the end of the year.



Eight other people remained on death row. They included Alfred Codrington, Lindsberth Logan, Ellis Taibo and Salvadorian citizen Nicolás Antonio Guevara (see *Amnesty International Report 1995*). Early in the year, all four were granted leave to appeal by the Judicial Committee of the Privy Council (JCPC) in London, the final court of appeal for Belize. They were still awaiting their full hearings at the end of the year. Marco Tulio Ibañez also remained on death row. His appeal to the Court of Appeal had been dismissed in March 1994 but a petition to the JCPC was still pending.

Wilfred Lauriano (previously given as Orellano), who was sentenced to death for murder in December 1994 (see *Amnesty International Report 1995*), had both his appeal to the Court of Appeal and his petition to the JCPC dismissed. A constitutional motion was then filed and was heard in the Supreme Court in Belize in August. In his judgment the Chief Justice cited a 1972 proclamation which stated that, in death penalty cases, if appeals to the JCPC were not made within a certain time frame, any order made by the JCPC would not be valid. Lawyers questioned the validity of the proclamation. There was concern that the Belize authorities might interpret the judgment as rendering invalid several existing stays of execution, placing these people in imminent danger of execution.

On 22 August death warrants were read to Pasqual Bull and Herman Mejia for their executions to take place on 25 August. Both, sentenced to death for murder late in 1994 (see *Amnesty International Report 1995*), had had their appeals to the Court of Appeal dismissed in February 1995 but had not yet appealed to the JCPC. The prisoners were reportedly not permitted to contact their families or lawyers be-

fore the scheduled hangings and relatives of the prisoners only heard of the imminent executions by chance. When lawyers in London heard of the authorities' intention to carry out the executions, the day before they were to take place, they immediately filed a petition to the JCPC and an eleventh-hour stay of execution was granted pending the outcome of these petitions. News of the stay reportedly only reached the prison 30 minutes before the executions were scheduled. At the end of the year both men's petitions to the JCPC were still pending.

In August Amnesty International appealed to the authorities on behalf of Herman Mejia and Pasqual Bull, expressing concern about the attempted resumption of executions and calling for Belize to abolish the death penalty.

BHUTAN



A prisoner of conscience spent his sixth year in prison. A possible prisoner of conscience was arrested and detained. A prisoner was allegedly tortured. A "village volunteer group" was reportedly responsible for a possible extrajudicial execution.

Talks between the governments of Bhutan and Nepal in March and April to discuss the fate of more than 88,000 Nepali-speaking southern Bhutanese people living in refugee camps in eastern Nepal were inconclusive. A joint verification team to categorize the people in the camps had not started its work by the end of the year (see *Amnesty International Reports 1994 and 1995*). By the end of August over 340 more people had left southern Bhutan to seek asylum in Nepal.

Many were believed to have been forced to leave Bhutan as a result of government policies which discriminated against Nepali speakers. The government attributed incidents of armed robbery in southern Bhutan to "anti-nationals" returning to Bhutan from the refugee camps in Nepal. There were also reports that armed members of the Bodo tribal community in Assam, India, were responsible for human rights abuses in southern Bhutan.

Tek Nath Rizal, a prisoner of conscience, spent his sixth year in prison, despite having been pardoned by King Jigme Singye Wangchuck in late 1993 (see *Amnesty International Report 1994*). Tashi Norbu, a businessman, was reportedly detained for 10 days in Phuntsholing in June. Police raided his house looking for posters used in a campaign organized in May by the Druk National Congress, a political party in exile in Nepal. The posters demanded political reforms and greater respect for human rights.

As of June, 44 political prisoners were reported to be serving prison sentences and a further 70 were on trial.

A prisoner was allegedly tortured. Omev Sanyasi, from Ghumaunay village, Samchi district, was arrested in March on suspicion of links with "anti-nationals" abroad. During three days of interrogation in Thimpu police headquarters he was allegedly kicked, beaten with sticks, and subjected to *chepuwa*, where the victim's legs are crushed between pieces of wood. He was transferred to prison and released after three months on condition that he and his family left the country.

A "village volunteer group", a civil defence force, was reportedly responsible for a possible extrajudicial execution in southern Bhutan in February. Durga Das Tamang, one of five armed men who tried to rob some houses in Homa village, Kallikhola, Chirang district, died after reportedly being apprehended and beaten by "village volunteers".

Amnesty International continued to appeal for the release of Tek Nath Rizal and sought information about the charges against Tashi Norbu. It asked for information on the results of any investigation into the death of Durga Das Tamang. The Chief of Police replied in April that the "village volunteers" had not been charged as they had acted in self-defence. Amnesty International also expressed concern that

a National Assembly proposal in August to issue arms to "village volunteer groups" could, if implemented, lead to an increase in human rights violations. No response on this issue had been received by the end of the year. Amnesty International appealed to the government not to force southern Bhutanese people to leave the country against their will.

BOLIVIA



Hundreds of trade unionists were detained without charge for short periods after a state of siege was imposed across the whole country. The use of torture and ill-treatment by the police was reported. At least two people were shot dead by police in circumstances suggesting possible extrajudicial executions.

Conflict between trade unions and the government of President Gonzalo Sánchez de Lozada continued throughout the year. There were widespread protests, some violent, against government economic policies. The *Central Obrera Boliviana* (COB), Bolivian Labour Confederation, called a general strike in March in support of teachers campaigning against a law to reform the education system. A 90-day state of siege was imposed on 18 April, giving the security forces powers of arrest without warrant and imposing a curfew. Hundreds of people were arrested in the days around 18 April and held in military bases and police installations. The state of siege was extended for a further 90 days in July and was lifted in October.

Hundreds of peasants who subsist by growing coca-leaf, and community leaders, were detained briefly in the area of El Chapare, Cochabamba Department, after

the declaration of the state of siege. The arrests were carried out during a government drive to eradicate coca-leaf crops, in accordance with agreements made with the USA.

In March former President Luis García Meza was extradited from Brazil to serve a 30-year prison sentence imposed by the Supreme Court in November 1993. He was held in the high-security prison of Chonchocoro, near the capital, La Paz. Luis García Meza and 46 of his collaborators had been convicted of various crimes including human rights violations committed at the beginning of the 1980s (see previous *Amnesty International Reports*).

In July the Human Rights Commission of the Chamber of Deputies made public its report on human rights violations committed between 1989 and 1993 against people accused of armed uprising (see *Amnesty International Report 1993*). The report documented formal complaints of torture and extrajudicial executions by members of the security forces and cases in which defendants had been denied a fair trial. In its recommendations, the Commission asked for those found responsible for human rights violations to be brought to justice, and called for a judicial review of cases where the right to defence and due process had been violated.

In March over 20 teachers' union leaders were violently arrested. Around 100 armed members of the national police and security services, some hooded and dressed in civilian clothes, raided the *Casa Social del Maestro*, the premises of the Urban Teachers' Union, in La Paz. The trade union leaders were arrested without warrant and were held in the custody of the judicial police. Most were released after short periods, but two – Wilma Plata and Gonzalo Soruco – were charged with several crimes including sedition and conspiracy. Wilma Plata publicly stated that she and other detainees had been ill-treated at the Women's Prison of Obrajes in May by police who entered the prison to forcibly end her hunger-strike. She said she was taken out of her cell in her underwear, beaten and dragged down the stairs. Wilma Plata and Gonzalo Soruco were released on 26 May. Subsequently the charges against them were dropped.

On 18 April scores of Bolivian trade unionists were arrested without warrant by police in La Paz and Copacabana, La

Paz Department. Also detained were a number of foreign nationals attending a conference of coca-leaf growers from the Andean countries. A few hours later the state of siege was declared. All the foreign nationals were released within 48 hours and expelled from the country. However, some Bolivian trade unionists were held incommunicado for up to seven days and allegedly tortured and ill-treated shortly after arrest. Many were transferred into internal exile in isolated and unhealthy locations around the country. At least four of them were suffering from ill-health. They were all subsequently released without charge.

Two leaders of the coca-leaf growers, Crisólogo Mendoza and Modesto Condori Cuisa, told the Human Rights Commission of the Chamber of Deputies that while in detention they had been beaten by hooded individuals who pierced their testicles and buttocks with pins and subjected them to death threats to force them to give evidence against another leader.

There were other allegations of torture and ill-treatment by the security forces. Aída Añez was arrested in Cochabamba in April by members of the *Fuerza Especial de Lucha Contra el Narcotráfico* (FELCN), Drug Control Special Unit, together with eight other people, on suspicion of drug offences. According to her testimony, they were beaten, blindfolded and taken to an unidentified location where they were tortured for two days. Aída Añez said she was raped several times and beaten until she lost consciousness. She had a miscarriage a few days later.

At least two people were shot dead by police in circumstances suggesting possible extrajudicial executions during protest demonstrations, some of them violent, staged by coca-leaf growers. In August members of the *Unidad Móvil de Patrullaje Rural* (UMOPAR), Mobile Rural Patrol Unit, shot dead Juan Ortíz Díaz, a member of the Peasants' Union of Ayopaya, Ichoa Central, in Cochabamba Department, during an operation to counter drug-trafficking. Also in August, in the locality of San Gabriel, in the Isiboro Sécure National Reserve Park, one peasant was shot dead and at least five were wounded by UMOPAR. José Mejía Pizo, a 68-year-old coca-leaf grower, was reported to have been deliberately killed by UMOPAR members while lying wounded and defenceless on the

ground. He had been wounded by UMAPAR after firing a shot at them with a rifle.

Amnesty International called in June and August for thorough and independent investigations into the reported human rights violations and for the findings to be made public. Replies from the Ministry of Justice in September and October stated that the Ministry was committed to monitoring investigations into human rights violations. Amnesty International remained concerned that the government did not provide any information on the progress of such investigations.

BOSNIA-HERZEGOVINA



Muslims and Croats were forcibly expelled from the areas in which they lived by Bosnian Serb forces. There were reports of torture and ill-treatment, including rape and sexual abuse, in the course of such expulsions. Thousands of people were abducted by Bosnian Serb forces, many of whom were believed to have been deliberately and arbitrarily killed. Civilians were deliberately targeted by artillery, mortar or sniper fire, mainly by Bosnian Serb forces. Hundreds of prisoners of conscience were held by the various parties to the conflict. Most were detained solely on account of their national group. Conscientious objectors were also imprisoned. Many detainees were reportedly tortured, ill-treated or made to perform forced labour in dangerous conditions which amounted to cruel, inhuman or degrading treatment. Houses were deliberately destroyed as punishment.

The war between the *Vojska "Republike Srpske"* (VRS), Army of the "Serbian Republic", on one side and the mainly Muslim *Armija Bosne i Hercegovine* (ABH), Army of Bosnia-Herzegovina, and *Hrvatsko Vijeće Obrane* (HVO), Croatian Defence Council, on the other, continued until November. Supporting the VRS were rebel Muslim forces, the Serbian forces of the "*Republika Srpska Krajina*" (RSK), "Republic of Serbian Krajina", in Croatia, and paramilitaries from the Federal Republic of Yugoslavia (Serbia and Montenegro). The ABH and HVO were supported by the Croatian Army. At the start of the year the VRS controlled around two thirds of the territory of the country. Despite attempts to introduce internationally brokered cease-fires, military activity was intense until the introduction of a comprehensive cease-fire in October. The different forces gained and lost control of significant areas of territory in the fighting. In particular, the HVO, the Croatian Army and the ABH took large amounts of territory in the west from the VRS.

In May limited air-strikes against the VRS by forces of the North Atlantic Treaty Organization (NATO) were ordered by the UN after the VRS failed to answer an ultimatum to comply with a 1994 UN Security Council resolution which ordered the VRS to desist from artillery attacks on Sarajevo and to remove heavy weapons from the area. In response, VRS forces detained some 400 UN military personnel, many of them unarmed, in areas under its control and used them as "human shields" to deter NATO from further air-strikes. In July the VRS overran the UN-declared "safe areas" around Srebrenica and Žepa. In July a UN Rapid Reaction Force (RRF) equipped with heavy weapons was deployed in the Sarajevo area.

In September sustained NATO air-strikes and RRF artillery bombardments were used after the VRS failed to comply with a further UN ultimatum to desist from attacks on Sarajevo and to remove heavy weapons.

In October, by which time the area controlled by the VRS had fallen to approximately 50 per cent of the country, a comprehensive cease-fire agreement was reached. In November an agreement was signed in Dayton, Ohio, USA, by the Bosnian President, Alija Izetbegović, and the Presidents of Croatia and Serbia. The

agreement provided for a comprehensive peace settlement and new constitutional arrangements. The state was to consist of two "Entities", the (Bosniac- or Muslim-Croat) Federation of Bosnia and Herzegovina, and the Republika Srpska (Serbian Republic), in a loose federal relationship. The UN peacekeeping force, UN Protection Force (UNPROFOR), was to be replaced by a multi-national Implementation Force (IFOR), which was to be established under NATO supervision to oversee the disengagement of the armed forces and the implementation of the terms of the agreement. A civilian international human rights monitoring mission, a UN Civilian Police monitoring operation and an internationally supervised national human rights commission were also to be established.

The Bosniac-Croat Federation of Bosnia and Herzegovina, which was established in 1994, had made little progress towards full integration although one important human rights institution, the Ombudsman, became operational during the year.

In March Bosnia-Herzegovina ratified the (First) Optional Protocol to the International Covenant on Civil and Political Rights.

All sides accused each other of breaches of international humanitarian law. Monitoring and verification by international observers of abuses proved difficult, as access was frequently restricted by all sides and witnesses were often reluctant to speak for fear of reprisals. All sides also placed restrictions on the movement of UN personnel and the delivery of humanitarian aid.

The International Criminal Tribunal for the former Yugoslavia issued further indictments during the year, bringing the total number of individuals indicted to 52. Most were Serbs accused of war crimes against Muslims and Croats. The judicial authorities of Bosnia-Herzegovina deferred to the Tribunal criminal proceedings against Radovan Karadžić, leader of the Bosnian Serb *de facto* authorities, and Ratko Mladić, commander of the VRS. In July the Tribunal issued indictments against them, accusing them of genocide, crimes against humanity and violations of the laws or customs of war. A further indictment against them relating to the fall of Srebrenica was also issued in December. Indictments were also issued against seven current or former HVO commanders,

including Dario Kordić and Tihomir Blaskić. They and four others were accused of crimes related to the killing and forcible expulsion of Muslims from the Lašva valley in central Bosnia in 1993. Pre-trial proceedings against the only person indicted by the Tribunal who was in its custody, Dušan Tadić, a guard in a detention camp controlled by the Bosnian Serb *de facto* authorities in 1992, opened in April and were adjourned.

Abuses against non-Serbs in VRS-controlled areas took place throughout the year. Individuals were attacked in their homes by soldiers or armed civilians. There were numerous reports of people being raped, beaten, threatened or killed in the course of forcible expulsions to Croatia or to territory controlled by the HVO or ABH. There were also reports of many abuses against Croats and Muslims following the arrival of displaced Serbs or Serbian refugees from Croatia fleeing after offensives by the Croatian Army, HVO and ABH. For example, a Croatian Roman Catholic nun, Cecilija Grgić, and a priest, Father Filip Lukenda, reportedly died in a fire after their church was blown up in May. Many people were forcibly expelled by being taken from their homes and made to board buses. Men of military age were frequently separated from women and children before women and children were made to cross front lines, sometimes having to walk through minefields. Money was frequently extorted from victims for "permission" to leave or for the promised release of detainees.

In July, as the VRS overran the Srebrenica enclave, ABH soldiers, other draft-age males and some women and children attempted to flee through the forest towards ABH-controlled territory. Those who reached it reported systematic ambushes by the VRS on the groups of soldiers and civilians, and the capture of large numbers of people, including civilians. There was strong circumstantial evidence that many of the 3,000 people who were reported to have fallen into the hands of the VRS and another 5,000 people who were also unaccounted for had been deliberately and arbitrarily killed by VRS forces or paramilitaries from Serbia. US intelligence photographs showed signs of possible mass grave sites in the area and a US journalist reported seeing what resembled a human bone, documents belonging to Muslims

from Srebrenica, and spent ammunition at one of the sites.

Other civilians from Srebrenica took shelter at an UNPROFOR base at Potočari. VRS forces which reached Potočari separated men from women and children. Some men were killed in the vicinity. For example, witnesses reported having seen near the base the bodies of at least nine men who had been shot in the back. Some women were taken away from Potočari and there were allegations that some had been raped. Many other corpses were seen in the area with indications that the victims had been unlawfully killed. A small number of the missing from Srebrenica were later discovered to be in detention but the vast majority remained unaccounted for at the end of the year.

Although most Serb civilians fled ahead of the advances of the Croatian Army, HVO and ABH in western Bosnia-Herzegovina in September and October, and access to captured areas was restricted, there was evidence that serious human rights abuses occurred. For example, in September the bodies of two women were seen near the village of Vrtoče, an area controlled by the HVO and Croatian Army. Both appeared to have been shot in the head.

Two Bosnian Serb journalists, Šasa Kolevski and Goran Pejnović, were detained by the ABH in September and were reportedly killed in custody.

All sides, particularly the VRS, deliberately targeted civilians with artillery, mortar or sniper fire. For example, in May more than 68 people were killed when a shell fired by the VRS hit the centre of Tuzla. The same month HVO or ABH artillery hit the hospital in Bosnian Serb-controlled Doboj. There were numerous killings of civilians in Sarajevo in August attributed to VRS fire. The killing of 37 people in the centre of Sarajevo by a mortar bomb on 29 August was attributed to the VRS by the UN and NATO.

Hundreds of detainees, some of them prisoners of conscience, were detained, and all sides held detainees. It appeared that most were held by the VRS. Many were combatants but others were civilians who had not used or advocated violence and had been detained solely on account of their national group or their political or other beliefs. International organizations such as the International Committee of the

Red Cross were frequently denied access to places of detention. Detainees were often made to perform forced labour in conditions amounting to cruel, inhuman or degrading treatment, such as digging trenches close to front lines.

Most civilian detainees were held on account of their perceived national group, but some individuals were detained for other reasons. For example, journalists and humanitarian aid workers were detained because of their activities. Nine members of the Merhamet Muslim aid organization in Banja Luka and Prijedor were arbitrarily detained by the Bosnia Serb *de facto* authorities from February and charged with "spying". At least some of the detainees and their relatives were beaten by soldiers. Among the journalists detained was Namik Berberović, a Bosnian Muslim. Marija Wernle-Matić and Simon Gerber, both Swiss citizens, were briefly detained in two different incidents by the VRS early in the year because of printed materials found upon them while passing through VRS-held areas of Sarajevo in UN vehicles.

None of the armed forces which mobilized men offered any civilian alternative to armed service. Conscientious objectors were imprisoned by the Bosnian Government: most were Serbs, but they also included Jehovah's Witnesses and adherents of other pacifist religious groups. Draft resisters and deserters, who may have included conscientious objectors, were prosecuted by the Bosnian Serb *de facto* authorities. In September and October Serbian paramilitaries tortured deserters from the VRS who left front lines in northwest Bosnia. Draft-age refugees from Bosnia-Herzegovina in the Federal Republic of Yugoslavia were mobilized by the VRS in collaboration with the Yugoslav authorities (see *Yugoslavia* entry).

In November, following the signing of the Dayton Agreement which would hand the town of Mrkonjić-Grad from Croatian to Serbian control, there were reports of the systematic destruction and burning of houses belonging to Bosnian Serb families by HVO troops.

There were no confirmed reports of judicial death sentences having been passed or carried out during the year.

Throughout the year Amnesty International raised concerns with the Bosnian, Yugoslav and Croatian Governments and

with the *de facto* authorities in Bosnia-Herzegovina. From July it appealed to the Bosnian Serb *de facto* authorities to protect individuals arbitrarily detained by the VRS during and after the fall of the Srebrenica "safe area" and to account for the thousands of missing persons. In September Amnesty International published a report, *Bosnia-Herzegovina: The Missing of Srebrenica*. From October it renewed calls upon the governments of the Federal Republic of Yugoslavia, Bosnia-Herzegovina and Croatia and the *de facto* authorities in Bosnia-Herzegovina, to take action to resolve the fate of people who "disappeared" or went missing between 1992 and 1993, and published a report, *Destination Unknown: The "disappeared" in former Yugoslavia*.

BOTSWANA



One man who was charged with having homosexual relations and briefly detained was a prisoner of conscience. Over 200 students, some of whom appeared to be prisoners of conscience, were briefly detained following demonstrations. Many were allegedly ill-treated in police custody. Five people sentenced to death in 1994 were executed.

One man accused of having homosexual relations was detained for three weeks between December 1994 and January 1995; he was a prisoner of conscience. He and another man had been charged in December 1994 with "unlawful carnal knowledge" which is punishable by up to seven years' imprisonment. He was tried in March and sentenced to pay a fine after he pleaded guilty to a lesser charge. The other man had not been tried by the end of

the year as he was awaiting the outcome of an application to the High Court to challenge the constitutionality of penalizing homosexual activities. The application argued that it violated the rights to privacy and freedom of association, and, since sexual relations between women are not penalized, that it constituted sex discrimination.

Over 200 students, some of whom appeared to be prisoners of conscience, were arrested in January and February. The arrests took place following demonstrations in Gaborone, the capital, and Mochudi, in protest at the release of four people who had been arrested in connection with the murder of a 14-year-old girl in Mochudi in November 1994. Violence erupted in Gaborone after the police used force to stop a peaceful demonstration which, they claimed, was illegal because the students had not sought official permission. Many demonstrators were severely injured by police wielding batons and required medical treatment. Some of those arrested, including schoolchildren, claimed that they had been beaten in detention. All were released after a few days, including 20 who were charged with rioting or malicious damage to property. They had not been tried by the end of the year.

One man was reportedly beaten by police and then killed; a paramilitary police officer was subsequently charged with murder. In February Binto Moroke was shot dead by a member or members of the Special Support Group (SSG), a paramilitary force deployed in Mochudi to quell the unrest. SSG members went to Binto Moroke's house to arrest him in connection with rioting which had taken place the previous day. A relative said that about six officers started beating Binto Moroke and then shot him when he tried to escape. At the time the authorities claimed that the police had killed Binto Moroke in self-defence, but in June an SSG officer was arrested and charged with murder. The officer was committed for trial by the High Court in July. The trial started in mid-November and had not ended by the end of the year.

The death penalty was applied for the first time in eight years. Executions resumed with the hanging of five men in late August. David Keleletswe, David Gobatsu, Tekoetsile Tsiane, Obusitswe Tshabang and Patrick Ntesang had been

convicted of murder, which carries a mandatory death sentence, in 1994. In February the Appeal Court upheld their death sentences and in July their appeal for a presidential pardon was turned down.

In February and August Amnesty International appealed to President Ketumile Masire to commute the five death sentences. The organization also wrote to the authorities in June expressing concern about the killing of Bintu Moroke.

BRAZIL



Hundreds of people were extrajudicially executed by police and death squads and there were further reports of "disappearances". There were reports of torture and ill-treatment of detainees in police stations and prisons. Human rights activists and prosecutors in human rights cases received death threats. One environmental activist was held as a prisoner of conscience.

Fernando Henrique Cardoso took office as President on 1 January, as did new governors in all 27 states. President Cardoso dedicated his national day speech on 7 September to human rights. He made several commitments to human rights reforms and announced that Brazil would draw up a national action plan on human rights, as recommended by the UN World Conference on Human Rights in Vienna in 1993. In March the Federal Chamber of Deputies established a permanent Human Rights Commission.

In December the Inter-American Commission on Human Rights of the Organization of American States visited Brazil for the first time.

Hundreds of extrajudicial executions of criminal suspects were reported in urban areas. Cristiano Mesquita de Melo was shot dead by a military police corporal while being held down on the ground outside the Rio-Sul shopping centre in Rio de Janeiro in March. Unusually, this killing was filmed and broadcast on national and international television: most extrajudicial executions are committed in secret. In this case the police corporal who shot the criminal suspect was charged with homicide. In July he received a 24-year prison sentence for killing a taxi driver in 1992.

Everaldo Silva Santos was dragged from a prison by 15 hooded men and executed outside the prison in Uruguaiana in Rio Grande do Sul on 17 March. He had fatally wounded a police officer five days earlier and escaped to Argentina. Hooded police officers then allegedly shot at and beat neighbours and members of his family, set fire to his sister's house and shot dead Francisco Gonçalves da Silva, whom they mistook for Everaldo Silva Santos. Then, on 16 March, with no judicial warrant or extradition order, but with the collaboration of Argentine police, Brazilian military police from Uruguaiana collected Everaldo Silva Santos from Argentina. Within hours of his being remanded in custody in Uruguaiana prison, Everaldo Silva Santos was killed. Thirty-eight military police were charged with human rights violations connected with his capture and execution, but a local judge revoked detention orders against them.

In May, 13 residents of the Nova Brasília shanty town were killed during a joint drugs raid by civil and military police. There was medical and witness evidence to suggest that some had been extrajudicially executed. Thirteen residents from the same shanty town had been killed in October 1994 in similar circumstances (see *Amnesty International Report 1995*). Investigations into both incidents had made no progress by the end of the year.

In São Paulo, new procedures suspending police officers involved in fatal shootings from street patrols for a period of six months curbed a previous rise in such killings. Official figures for fatal shootings fell from 42 in August to 15 in September. However, during the year multiple killings on the periphery of the city increased. Members of a special police department

set up to investigate these killings and evidence of police involvement in them received death threats.

Killings by death squads and so-called extermination groups continued. Their activities were reported in cities such as Salvador, Rio de Janeiro, Recife and Manaus. In the state of Rio Grande do Norte, an extermination group within the state civil police, allegedly operating with the support of a high-ranking official within the Public Security Secretariat, was reportedly responsible for 18 killings, as well as torture, death threats and other crimes. In Mato Grosso do Sul, a death squad operating on the border with Paraguay was reportedly responsible for scores of killings. In Sergipe, a death squad known as "A Missão", "The Mission", which operated under the previous administration was disbanded, a number of reforms were introduced into police operating procedures, and attempts were made to promote respect for human rights in the state. However, no one was brought to justice for crimes committed by the death squad, some of whose members remained in active service in the police force.

Violence related to land conflicts in rural areas increased. In August nine *posseiros* (squatter peasants) and two military police were killed when military police violently evicted 500 squatter-peasant families from the Santa Elina estate in Corumbiara, Rondônia state. Investigations revealed that military police shot indiscriminately into a crowd of fleeing men, women and children, killing seven-year-old Vanessa dos Santos, and that they extrajudicially executed at least six men after they had surrendered. Over 170 people were wounded and military police were alleged to have beaten peasants who had gunshot wounds. By the end of the year, seven *posseiros* remained unaccounted for. The battered corpse of Sérgio Rodriguez Gomes, last seen in police custody the day after the eviction, was found in the Tanaru river later in August.

Indigenous communities involved in disputes over land rights continued to suffer human rights abuses. In January military police beat and threatened to kill members of the Macuxi indigenous community in the state of Roraima who were protesting against the construction of a hydroelectric dam on the Cotingo river, which they feared would flood their land.

An increase in the number of "disappearances" was noted in Rio de Janeiro and other cities. Alexander Santo Cunha and José Francisco do Rosário Filho "disappeared" after reportedly being taken into custody by uniformed military policemen in Belford Roxo, Rio de Janeiro, in March. In September a witness testified that she had seen Jorge Carelli, who "disappeared" in August 1993 in Rio de Janeiro (see *Amnesty International Report 1994*), being tortured inside a city police station. Twenty-two members of Rio de Janeiro's Anti-Kidnapping Police Division had previously been acquitted of his abduction. New proceedings were initiated against eight officers in the case. Lindalva de Souza, the witness, received death threats.

After unprecedented national debate, legislation to recognize the deaths of 136 people who "disappeared" after being taken into custody by state agents between 1961 and 1978 was passed in Congress. A commission was established to decide on compensation for families, to examine relatives' claims in such cases and in relation to other deaths in police or military custody between 1964 and 1985, and to take steps to locate the remains of the "disappeared". The legislation did not provide for a full investigation into the circumstances of these human rights violations.

Torture in police stations and prisons continued. Much evidence of torture was brought to light through a national campaign to make torture an offence in the penal code, coordinated by the Chamber of Deputies' Human Rights Commission. Legislative assemblies in several states held public sessions at which reports of torture during 1995 were presented, confirming allegations that torture continued to be widespread and a common method of extracting information from criminal suspects. In January Edileuza dos Santos, a domestic servant in Salvador, Bahia, suspected of having stolen money from her employer, died after being beaten by a member of the military police. In October José Ivanildo Sampaio Souza was found dead in his cell in the Federal Police headquarters in Fortaleza, Ceará state, where he was being held in connection with drugs offences. An autopsy revealed that he had eight broken ribs, a broken sternum, and severe injuries to his left kidney and liver caused by a blunt instrument. In

Brasília, Paulo de Tarso Mendez Díniz, a forensic doctor, received death threats after providing medical evidence that Benjamin de Jesus, a detainee in the Robbery and Theft Police Station, had been tortured in October.

In Porto Alegre, a judge took action against prison guards on several occasions for beating prisoners in state prisons. In São Paulo, the state administration adopted a policy of suspending from duty prison guards responsible for beating prisoners. As in previous years there were numerous prison riots in São Paulo. The new state administration successfully negotiated the end of such riots without resort to unnecessary force, although two prisoners and one guard were killed in a riot in Hortolandia prison in June.

Human rights activists and state prosecutors in human rights cases continued to receive death threats. Caio Ferraz, administrator of the *Casa da Paz* (Peace House), a community centre built in a house where eight members of one family were killed during the 1993 Vigário Geral massacre in Rio de Janeiro (see *Amnesty International Report 1994*), received death threats. During the year armed police repeatedly raided the *Casa da Paz*, and threatened and harassed community members. Plots to kill the judge, Maria Lucia Capiberibe, and two prosecutors, José Muiños Piñeiro and Mauricio Assayag, in the Vigário Geral massacre case were revealed during court hearings. Threats against São Paulo military prosecutors Stella Khulmann, Franco Caneva Jr and Fernando César Nucci intensified after the Minister of Justice urged the São Paulo military court to expedite its prosecution of 120 military police for the 1992 massacre of 111 prisoners at the *Casa de Detenção* prison in São Paulo (see *Amnesty International Reports 1993 and 1995*). The prosecutors had also declared their support for transferring jurisdiction over common crimes by military police from military to civilian courts.

Wagner dos Santos, a key witness in the trial of those accused of the massacre of street children near Candelária church in Rio de Janeiro in July 1993, received further threats while under state protection in the Firemen's Hospital, where he was recovering from a second attempt on his life in December 1994 (see *Amnesty International Report 1995*). He was moved

to another hospital and then to the state Witness House, where conditions were extremely poor. After relinquishing protection by the state of Rio de Janeiro, which he believed to be inadequate, he was given federal police protection by order of President Cardoso. In November arrest warrants were issued against a further four members of the military police in connection with the massacre, after Wagner dos Santos had identified them from photographs.

Antônio Batista de Macedo, a rubber tapper and environmental campaigner, was sentenced in September to 16 months' imprisonment because of his peaceful labour and environmental activities in the state of Acre. He was a prisoner of conscience. He continued to appeal against the conviction after being conditionally released into two years' compulsory community service.

The charge of "forming a criminal gang" was used to detain people campaigning for agrarian reform or involved in land occupations. Deolinda de Souza and Márcio Barreto, both members of the Landless Rural Workers' Movement, were held in high security prisons in São Paulo for two weeks in November, apparently to put pressure on their movement to cease land occupations. Brother Antastacio Ribeiro, a Franciscan priest, was detained in November in connection with a land occupation in the state of Paraíba. He was charged with "forming a criminal gang" and "ill-treatment of children" on the grounds that encouraging land occupations put children in precarious and unhygienic conditions.

An Amnesty International delegation, led by the organization's Secretary General, visited Brazil in March and April and met President Cardoso, the Attorney General and government ministers. The delegation presented a memorandum containing 40 recommendations and urged the government to formulate a national action plan to improve human rights protection and promotion. The delegation also visited the states of Brasília, Rio de Janeiro, Pernambuco, São Paulo and Rio Grande do Sul and met state governors, representatives of human rights organizations and victims of human rights violations and their families. During the year Amnesty International appealed to the authorities at state and federal levels

to investigate cases of human rights violations, to bring those responsible to justice, and to offer protection to victims, witnesses, human rights activists and members of the judiciary. The organization appealed for legislation on the "disappeared" to conform to international human rights standards and to include a full investigation into the circumstances of "disappearances" and deaths in custody during the period of military rule.

BULGARIA



Torture and ill-treatment by law enforcement officers continued to be reported, resulting in at least two deaths in custody. Many of the victims were Roma. At least one person was killed by police officers in suspicious circumstances. Fourteen people were under sentence of death, but there were no executions.

In January the National Assembly approved a new government headed by Prime Minister Zhan Videnov of the Bulgarian Socialist Party. Some opposition deputies voiced fears that the appointment of certain ministers represented a continuation of the policies of the former Bulgarian Communist Party. For example, the Education Minister, Ilcho Dimitrov, had held the same post from 1986 to 1989 during the forced assimilation campaign against Bulgaria's ethnic Turkish minority (see *Amnesty International Reports 1986 to 1991*).

In April President Zhelyu Zhelev, speaking to Roma in Sliven, acknowledged for the first time international concern about human rights violations committed against Bulgaria's Roma minority.

In December the National Assembly adopted an armed forces bill which provides for an alternative civilian service of 36 months – twice the length of ordinary military service. However, a separate bill to regulate alternative service had not been adopted by the end of the year. Two conscientious objectors to military service were tried in March and June on charges of evading military service and received suspended sentences.

Ethnic Macedonians, members of *Obedinena Makedonska Organizatsiya "Ilinden"* (OMO "Ilinden"), the United Macedonian Organization "Ilinden", continued to be subjected to arbitrary arrest and brief detention in police stations (see *Amnesty International Report 1995*). In March Yanush Sapundzhiev was detained in Petrich for distributing *Pirinska Makedonia*, an OMO "Ilinden" publication. In July, four people were detained in Blagoevgrad for distributing leaflets calling for a peaceful assembly.

There were reports of torture and other ill-treatment by police officers. In February police officers dispersing a crowd of about 150 protesters outside Sapareva Banya kicked and beat many of the protesters, most of whom were elderly. At least 15 people were injured: two required medical treatment for broken limbs and one man had a heart attack after he was taken into a police car.

In March during a police operation against organized crime the police severely ill-treated a number of people in a bar in Sofia, three of whom required emergency hospital treatment. Among the victims was an elderly passer-by who was reportedly thrown out of his wheelchair and beaten after he asked the officers to stop beating another man. In May, two police officers investigating an attempted break-in at a kindergarten in Palikeni shot and injured 16-year-old Misho Manolov. In June, 15-year-old Aleksander Petrov was shot in the pelvis by police officers while allegedly stealing from a food store. In July police officers in Sofia pursuing Simeon Nikolov Galchev after an attempted car theft shot him in the leg. In September, in a children's playground in Sofia, a police officer shot and wounded Iliyan Ezekiev, who had been apprehended for allegedly stealing a television set. No investigations were known to have been initiated into any of these incidents.

Many of the victims of torture and ill-treatment by the police were Roma. In February Iliya Dimitrov Gherghinov was found dead, with his arms handcuffed, in a street in Gradets. The previous day a police officer, who appeared to be under the influence of alcohol, had been seen hitting Iliya Gherghinov with a piece of wood. No investigation was known to have been initiated into the death. In May Iliya Lambov was reportedly kicked and punched by several police officers who came to his house in Brestovitsa to check identification documents. His wife, who tried to intervene, was kicked in the stomach.

At least two detainees died in custody, apparently as a result of torture. In April Hristo Hristov was taken into custody in Sofia following a confession allegedly made under duress by another detainee. Hours later he was found dead on the floor of his cell, handcuffed to a radiator. An autopsy reportedly established that he had suffered broken ribs and a ruptured main blood vessel as a result of someone jumping on his chest. In May, 17-year-old Konstantin Timchev, who was detained in Blagoevgrad, died as a result of a blow to the head with a hard object. Official investigations were initiated into both deaths, prompting the Minister of the Interior, Ljubomir Nachev, to reveal that between March 1994 and April 1995, 17 people had died in suspicious circumstances in police custody.

At least one person was killed in circumstances suggesting excessive use of force by police officers. In March, in Nova Zagora, a police officer reportedly beat and kicked 18-year-old Atanas Angelov, a Rom. His brother, Angel Angelov, approached the police officer, pleading with him to stop the beating. The officer then reportedly drew his gun and fired at the two brothers, killing Angel Angelov and injuring Atanas Angelov. An investigation was initiated into the incident; however, no disciplinary measures were taken against the officer who was reportedly promoted to a higher rank.

A number of death sentences were imposed but by the end of the year only two had been confirmed following appeal. In all, 14 people remained on death row. However, a moratorium on executions imposed in 1990 remained in force.

In March Amnesty International urged Prime Minister Videnov to initiate an in-

vestigation into the killing of Angel Angelov and the ill-treatment of Roma. The newly elected government was urged to ensure that thorough and impartial investigations took place into all reported cases of torture and ill-treatment of Roma since June 1992 (see *Amnesty International Reports 1993 to 1995*). Amnesty International also called for a full investigation into allegations of ill-treatment during the demonstration at Sapareva Banya and during the raid on the bar in Sofia. In October the organization called for investigations into several incidents of shooting by police officers. No reply from the authorities had been received by the end of the year.

BURKINA FASO



An opposition political party leader imprisoned for criticizing the head of state was a prisoner of conscience. Eight Cameroonian refugees were detained and deported after attending meetings of local non-governmental organizations. A number of villagers were tortured or ill-treated after they were detained: seven were reported to have been extrajudicially executed. Two school students were killed by the security forces during a demonstration. Reports emerged of extrajudicial executions of criminal suspects in 1994.

Ernest Nongma Ouédraogo, Secretary General of the *Bloc socialiste burkinabè* (BSB), Burkinabè Socialist Bloc, an opposition political party, was arrested on 8 August and brought to trial three days later, before he could obtain a defence lawyer or adequately prepare his defence. A former minister in the government of President

Thomas Sankara, who was overthrown and killed in a military coup in 1987, Ernest Nongma Ouédraogo was convicted of insulting the head of state and sentenced to six months' imprisonment. He appealed against his conviction and sentence but they were upheld in December. He was a prisoner of conscience. The charges arose following the publication in a newspaper of a statement by the BSB executive committee which claimed that President Blaise Compaoré had accumulated personal wealth through fraud. Ernest Nongma Ouédraogo appeared to have been singled out because of his opposition to President Compaoré. No legal action was taken against the newspaper or other BSB leaders.

Eight Cameroonian students who had been recognized as refugees in Burkina Faso were detained in late September and accused of disturbing the peace and engaging in political activities incompatible with their refugee status, after they had attended meetings of local student and human rights organizations and had openly criticized the Cameroonian Government. They were held without charge until mid-October and then expelled to other countries in West Africa.

Seven men from the village of Kaya Navio, Nahouri Province, were reported to have been extrajudicially executed after they were detained in February by forces of the *Centre national d'entraînement commando* (CNEC), National Centre for Commando Training, based at Pô. They were among more than 100 people who were detained after a confrontation between villagers and gendarmes in which four people, including a gendarme, were killed. Most of those detained were released a week later. Some had been tortured or ill-treated: photographs showed severe lesions on their backs. One elderly man was reported to have died in detention, possibly as a result of torture, but no investigation into his death or the allegations of torture and ill-treatment was known to have taken place. Some detainees were held incommunicado in Pô until April when they were transferred to prison in the capital, Ouagadougou. They were then permitted to receive visits. They were provisionally released in August. In October, however, it was reported that seven detainees who had remained held in Pô had been extrajudicially execu-

ted in early March, apparently in reprisal for the death of the gendarme, and secretly buried in a mass grave. They included Akou Agoudwo, Kossi Gounabou and Akandoba Kibora. No investigation into their deaths was known to have taken place.

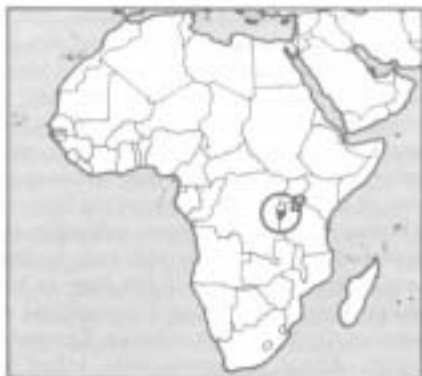
Two school students, Blaise Sidiané, aged 18, and Emile Zigani, aged 14, were shot dead by security forces in early May at Garango, Boulgou Province, during a demonstration in support of a teachers' pay increase. Initially peaceful, the demonstration became violent when stones were thrown, injuring several members of the security forces. In response, they fired into the air to disperse the protesters and then apparently shot at the fleeing students, hitting Blaise Sidiané in the back and Emile Zigani in the head. The government publicly condemned the killings, suspended the gendarmes involved and established a commission of inquiry, headed by a judge, to investigate what had occurred. Its results had not been made public by the end of the year.

Reports were received of extrajudicial executions of criminal suspects by the security forces during a campaign against crime in several parts of the country, including the towns of Ouagadougou, Tenkodogo and Koudougou, during 1994. Dozens of young people were reported to have been killed by the security forces and their bodies left in the streets.

In May Amnesty International called for an independent and impartial inquiry into the killings of two demonstrators by the security forces in Garango and for steps to be taken to establish strict guidelines to regulate the use of lethal force by the security forces, in accordance with international standards. The government responded that there would be an official investigation into the deaths.

In a report published in October, *Burkina Faso: Killings by the security forces in Pô*, Amnesty International called for an investigation into the seven alleged extrajudicial executions and for those responsible to be brought to justice. It also called for urgent measures to protect all detainees from torture. Amnesty International also called for the immediate and unconditional release of Ernest Nongma Ouédraogo.

BURUNDI



Thousands of people were the victims of political killings committed by the security forces and by armed groups. Most were killed solely because of their ethnic origin or political affiliation. The authorities failed to investigate the killings or to bring those responsible to justice. Thousands of people were arrested for political reasons and detained without charge or trial. Political detainees were tortured and dozens of people “disappeared”.

President Sylvestre Ntibantunganya continued to head a transitional government in which the Hutu-dominated *Front pour la démocratie au Burundi* (FRODEBU), Front for Democracy in Burundi, which won elections in 1993, shared power with Tutsi-dominated opposition parties. The Minister of Foreign Affairs resigned in June and went into exile, accusing the government of failing to protect its citizens. A National Debate on the country's future, scheduled as part of the power-sharing agreement, failed to take place during the year.

Tensions continued to escalate between the minority Tutsi ethnic group, which dominated the government until July 1993 and retained virtual control of the armed forces, and the majority Hutu ethnic group. Political killings by the Tutsi-dominated security forces and by both Tutsi and Hutu armed groups were reported with growing frequency. Some of the violence was blamed on inflammatory statements made by sections of the press, which published articles including lists of people to be killed, and a clandestine radio station owned by an armed political group.

In an apparent effort to end the violence, the Ministry of Justice created “mixed commissions”, comprising representatives of the different police forces and the judiciary, to investigate crimes committed in the capital, Bujumbura, but these achieved little during the year. When one “mixed commission” ordered the arrest of six Tutsi youths in May, Tutsi militias brought Bujumbura to a standstill for three days.

The government failed to control the armed forces or to prevent Hutu and Tutsi extremists from arming themselves and fuelling tensions between the two communities. Responsibility for individual killings was difficult to ascertain. There were numerous claims that members of the security forces assisted groups of armed Tutsi and that leading members of FRODEBU supported armed Hutu, but the government took little or no action to establish the facts or to bring those encouraging political violence to justice. The Tutsi-dominated judiciary was largely inactive and viewed by the majority Hutu population as favouring the Tutsi community.

The UN Security Council sent a further fact-finding mission in February. It recommended an international commission of inquiry into the October 1993 coup attempt and the subsequent massacres, in which some 50,000 people were killed (see *Amnesty International Report 1994*). Following the UN Secretary-General's visit to Burundi in July, the government informed the UN Security Council in August that it was willing to cooperate with such a commission. A five-person commission of inquiry was appointed in September and began investigations in November. In a preliminary report to the UN Secretary-General, the commission stated in December that its investigations were being hindered by insecurity and lack of resources. In March the UN Commission on Human Rights appointed a Special Rapporteur on Burundi, who visited the country in June and July. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions also visited Burundi in April. He recommended urgent measures to halt widespread politically motivated ethnic killings and bring an end to impunity. In September the UN appointed the head of a human rights monitoring mission in Burundi, but he resigned when the UN failed to deploy monitors.

The Organization of African Unity (OAU) monitoring mission was strengthened but it did not report publicly on its activities. In June an OAU soldier was killed in an ambush on a convoy in which the OAU Secretary-General's Special Envoy, the US Ambassador to Burundi and the Burundi Minister of Foreign Affairs were travelling. In September the mission suspended its activities for three days following an ambush on its staff. In December the OAU extended the mission's mandate for a further three months.

No apparent progress was made in local investigations into human rights abuses and other crimes related to the 1993 coup attempt and subsequent massacres. Eighteen soldiers detained in Burundi on suspicion of complicity in former President Melchior Ndadaye's murder had still not been brought to trial by the end of 1995. The authorities said that three of them tried to escape and were shot dead in December. Eight soldiers suspected of involvement in the coup attempt and detained in Uganda were released without charge or trial, while one remained in custody without trial. Three other soldiers accused of involvement in the coup attempt and held without charge or trial in Zaire since late 1993 were returned to Burundi in August in unclear circumstances. One of them, Dominique Domero, was shot dead in Mpimba prison in December.

Extrajudicial executions by the security forces, sometimes assisted by Tutsi armed groups, continued unabated. More than 70 people, the majority of them women and children, were killed by soldiers, reportedly assisted by Tutsi from a nearby camp for displaced people, in Kayanza province in January. In late March and early April, at least 1,000 people were killed, most because of their ethnic origin. In the worst single incident, 400 or more Hutu villagers were shot, slashed and clubbed to death by soldiers and Tutsi civilians in Gasorwe in northeastern Burundi in early April. At the end of May the army surrounded Bujumbura's Kamenge suburb, a Hutu stronghold, ostensibly to disarm Hutu militia, and then forced its civilian population to flee. Observers reported finding the bodies of more than 30 elderly people and young children who had been shot or bayoneted to death. The President admitted on national television on 2 June that he had no details of what the army

had done in Kamenge between 31 May and 2 June.

Soldiers known as *bérets verts* (green berets) shot and killed several dozen people in July when they opened fire on Mabayi parish church in Cibitoke province. The soldiers then pursued people fleeing into the hills. Soldiers also killed people at a nearby trading centre and threw their bodies into the Nyamagana river: at least 21 bodies, including those of 14 Rwandese refugees, were subsequently recovered. Soldiers carried out further mass killings at the end of the year. In November they killed about 500 civilians in Gasarara, in Rural Bujumbura's Kanyosha district. About 300 more were killed in Bujumbura in December.

The segregation of the two communities into mutually hostile areas continued. In late March the last two ethnically mixed zones of Bujumbura – Bwiza and Buyenzi – were attacked by Tutsi youths, observed by soldiers who did not intervene. At least 100 people were reportedly killed and tens of thousands of Hutu fled across the border with Zaire.

Assassinations of prominent people, apparently by Tutsi armed groups and members of the security forces, also continued. Victims included Ernest Kabushemeye, a government minister, who was gunned down in broad daylight in March, and Damien Ndabasambije, an official at the Burundi central bank, who was shot dead in August. Other victims included two members of the National Assembly, Juvénal Manirambona and Innocent Ndikumana, who were killed in December. It was unclear whether there were any formal investigations into most of these killings, although there were reports that several suspects had been detained in connection with the assassination of Ernest Kabushemeye.

Roman Catholic priests, bishops and other church leaders were targeted, apparently because of their influence within the Hutu community. For example, Father Anastase Bivugire, the parish priest of Cibitoke, and five other people were killed in July by a Tutsi armed group. Father Michel Sinankwa was shot dead in August at a church in Bujumbura.

Killings were also carried out by armed Hutu groups. For example, 11 displaced Tutsi from Gisenyi camp in Kirundo province were killed by an armed Hutu group

in January. In March a retired Tutsi army colonel, Lucien Sakubu, was kidnapped and killed. Six members of one Tutsi family were killed, allegedly by Hutu gunmen, in Muhanga, Kayanza province, in early April. In August some 58 Tutsi, including 25 children, were killed when a camp for the displaced at Kaburantwa in Cibitoke province was attacked, apparently by a Hutu armed group. Only the killing of Lucien Sakubu was known to have been investigated, resulting in the detention of 12 people who were in custody without trial at the end of the year.

Attacks by school and university students increased. Tutsi students, using weapons acquired from the security forces or political groups, killed and injured unarmed Hutu colleagues with impunity. Hutu armed groups committed reprisal killings. Tutsi students killed at least 15 unarmed Hutu students at the University of Bujumbura in June, which led to the flight of all Hutu students from the university. Nine days later, the Hutu director of research at the university, Stanislas Ruzenza, was killed in his office, reportedly by a Tutsi assailant. In what appeared to be a reprisal attack, a Hutu armed group, apparently including Hutu students who had fled from the university, attacked the university's Kiriri campus in July, killing four unarmed Tutsi students and two employees.

Foreign nationals, including aid workers, accused of supporting either side to the conflict were frequently attacked. For example, three Belgians travelling in a convoy with government soldiers were killed in March by gunmen thought to be Hutu. Three Italians – two priests and an aid worker – were killed at the end of September by unidentified attackers.

Thousands of Hutu detainees arrested before and during 1995 were held without trial on suspicion of supporting armed groups. Most were detained at the Bujumbura headquarters of the gendarmerie's *Brigade spéciale de recherche* (BSR), Special Investigation Brigade, before being transferred to Bujumbura's Mpimba central prison. Among some 5,000 still held without trial at the end of the year was Balthazar Ndimurwanko, a former provincial governor, who was arrested in August as he was leaving for Zaire and reportedly charged with involvement in killings in late 1993.

Political detainees were tortured. The most common form of torture was systematic beatings with *indembo* (police batons). The Commander of the BSR stated in March that a senior judicial official had authorized the use of "more or less violent means" to investigate high priority political cases, such as those of Jean Minani and Tharcisse Nzimpora, who were tortured by the BSR in March. They and 10 others arrested in March and accused of involvement in the assassination of Lucien Sakubu were still held without charge or trial at the end of the year.

Dozens of people detained by the security forces "disappeared" and were believed to have been extrajudicially executed. For example, Norbert Sambira and several other people "disappeared" in April after they were arrested by the gendarmerie's Second Battalion in Ngagara, Bujumbura. Several of those arrested were alleged to have been extrajudicially executed near the Ruzizi river outside Bujumbura.

Rwandese refugees in Burundi were also targeted by Burundi armed political groups. The motives for some of the attacks, such as the killing of 12 Rwandese Hutu refugees in March, allegedly by Hutu gunmen, remained unclear. This and other attacks by armed groups prompted a mass exodus of refugees from camps. Thousands tried to enter Tanzania, but many were promptly forced back.

Some refugees forcibly returned to Burundi by the Tanzanian security forces (see **Tanzania** entry) were allegedly killed by Burundi soldiers immediately after their return. Tanzania closed its border with Burundi at the end of March, following an influx of Rwandese refugees fleeing the killings in Burundi. Representatives of the UN High Commissioner for Refugees were denied access to the area. In April Tanzanian soldiers reportedly rounded up 1,500 Burundi refugees in Mugoma and forced approximately 300 of them back into Burundi. At least three were reportedly killed within an hour by Burundi soldiers who attacked them with knives and machetes. The Burundi authorities forcibly returned more than 500 Rwandese refugees, including many of those expelled from Tanzania, to Rwanda.

Throughout the year Amnesty International repeatedly appealed to the Government of Burundi, political leaders and the

security forces to do everything in their power to stop human rights abuses. Amnesty International delegates visited Burundi three times during the year. In a report published in June, *Burundi: Struggle for survival*, Amnesty International called for immediate action to stop killings by the army and armed groups and to end impunity. Amnesty International published two further reports in September – *Burundi: Targeting students, teachers and clerics in the fight for supremacy*, which described the escalating violence in educational and religious establishments, and *Rwanda and Burundi: A call for action by the international community*, which called for effective and impartial investigations into human rights abuses to end the cycle of impunity in Burundi.

CAMBODIA



Seven prisoners of conscience were detained during the year. More than a dozen people were arrested on suspicion of links with an armed opposition group. The government prosecuted newspaper editors who published articles critical of the government; some might become prisoners of conscience. At least five people were illegally detained and tortured. At least 30 unarmed civilians were injured in political violence and at least two people were extrajudicially executed. Little progress was made in bringing perpetrators of past human rights violations to justice. An armed opposition group committed human rights abuses, including deliberate and arbitrary killings.

The civil war between the Royal Cambodian Armed Forces (RCAF) and the National Army of Democratic Kampuchea

(NADK or Khmer Rouge) continued during the year, although hundreds of NADK troops defected to the government. The coalition government continued to be led by First Prime Minister Prince Krompreah Norodom Ranariddh, leader of the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC), and Second Prime Minister Hun Sen, leader of the Cambodian People's Party (CPP). Prominent government critic and National Assembly member Sam Rainsy was expelled from FUNCINPEC in May, then from the National Assembly in June, on the grounds that he no longer belonged to the party for which he had been elected. He challenged the legality of his expulsion. Both Sam Rainsy and National Assembly members who supported him received death threats during the year. In November Sam Rainsy founded the Khmer Nation Party. The government declared the party illegal; some members were threatened. The smallest party in the government, the Buddhist Liberal Democratic Party (BLDP), split into two factions, led by Son Sann and Information Minister Ieng Mouly. The two Prime Ministers recognized Ieng Mouly's faction as the legitimate BLDP. In their July party congress, this faction expelled prominent Son Sann supporters, including five National Assembly members. They still sat in the National Assembly at the end of the year.

A new Press Law was passed by the National Assembly in July which falls short of international human rights standards. The law, which is broadly phrased, makes it an offence to publish any article which could affect "national security" or "political stability". It allows for the prosecution of journalists and editors under the criminal code, providing scope for the detention of prisoners of conscience.

The UN Secretary-General's Special Representative for Human Rights in Cambodia submitted a report to the UN Commission on Human Rights in February condemning abuses committed by both NADK and government forces. In March the Commission adopted a resolution requesting that the Special Representative report to the Commission in 1996 and that the Centre for Human Rights continue its work in Cambodia. In March, the two Prime Ministers asked the UN Secretary-General to close the Office of the UN

Centre for Human Rights in Cambodia and to have its mandate carried out from Geneva. The UN Secretary-General sent a Special Envoy to Cambodia in May to resolve the issue, and the two Prime Ministers agreed that the Office of the UN Centre for Human Rights could remain open. The UN Special Representative submitted a report to the UN General Assembly in November. The General Assembly adopted a resolution renewing the mandate of the UN Secretary-General's Special Representative and the Office of the UN Centre for Human Rights in Cambodia for another year.

Six prisoners of conscience were arrested in August. Four balloon sellers were arrested for attaching leaflets critical of the government and of FUNCINPEC to balloons in the capital, Phnom Penh. Son Yin, who hired the four men, was also arrested. The author of the leaflets, Sith Kosaing Sin, went to the police station seeking their release and was arrested. All six were transferred to prison, charged with "incitement not leading to the commission of a crime". In mid-September, following widespread criticism of the arrests and an appeal from King Norodom Sihanouk, the six were released and charges against them were dropped.

In October Heng At, a policeman in Kompong Cham province and a former FUNCINPEC member, was arrested at a restaurant by the bodyguards of a senior member of FUNCINPEC, after he allegedly made derogatory remarks about the royal family. Heng At and another man were taken by the bodyguards and Ministry of Interior police to a military police station, where Heng At was beaten, suffering cuts and severe facial bruising. The second man was released, but Heng At was transferred to the provincial prison. Six weeks later he was moved to the provincial Police Commissariat, where he remained detained without charge at the end of the year. He was a prisoner of conscience.

More than a dozen people were arrested during the year for alleged links with the NADK. Most were charged with membership of the armed opposition group, and some were sentenced to prison terms under a broadly phrased law banning the organization, which could be applied against any critic of the government (see *Amnesty International Report 1995*). In November Prince Norodom Sirivudh, half-brother of the King, FUNCINPEC Secretary-

General, National Assembly member and government critic, was placed under house arrest for allegedly plotting to kill the Second Prime Minister. His parliamentary immunity was lifted and he was then detained in the Ministry of Interior and charged with several serious offences, including one under the anti-NADK legislation. Following the intervention of the King, Prince Sirivudh was exiled to France in December. Proceedings against him continued *in absentia*. At the same time, nine people were arrested in Phnom Penh apparently on suspicion of involvement with the NADK. All remained in detention at the end of the year.

The government prosecuted newspaper editors who published articles critical of the government. If their final appeals to the Supreme Court fail, they could become prisoners of conscience. For example, in May Hen Vipheak, editor of *Serei Pheap Thmey* (New Liberty News), was sentenced to one year in prison and a large fine for an article he had published. In October a mob attacked the offices of *Serei Pheap Thmey*, destroying property and injuring a staff member. The Second Prime Minister publicly defended the right of the attackers "to demonstrate" and offered to provide transport if they wished to exercise this right again. Hen Vipheak's sentence was upheld on first appeal. Chan Rotana, editor of *Samleng Yuvachen Khmer* (Voice of Khmer Youth), also faced a prison term for articles published in his newspaper. The previous editor of *Samleng Yuvachen Khmer*, Nuon Chan, was shot dead in November 1994 (see *Amnesty International Report 1995*). Those responsible had not been brought to justice by the end of the year.

Four men were arbitrarily detained and tortured by RCAF soldiers in August. The four, including three of Sam Rainsy's bodyguards, were lured to the Ministry of Defence Research Department, arrested and beaten by between 30 and 40 soldiers. They were interrogated for 16 hours, threatened with violence and beaten with rifle butts before being released. The Defence Minister acknowledged the arrests had occurred, but denied the men had been tortured. No further action was taken by the government.

There was political violence against supporters of Son Sann's BLDP faction, gathered in Phnom Penh for a congress at

his house on 1 October. On 30 September, two people on a motorcycle rolled a grenade which exploded into the crowd gathered at the house. A second grenade exploded at a Buddhist temple where many supporters were staying. At least 30 people were injured, some seriously. The meeting went ahead the next morning but was dispersed by heavily armed military police. In public statements several days earlier, Ieng Mouly and Hun Sen both mentioned the possibility of grenade attacks on Son Sann's supporters if the meeting was held. No one had been brought to justice for the attacks by the end of the year.

In February, two men were extrajudicially executed in Battambang province by members of the armed forces and police who accused them of having links with the NADK. Neth Thong and Mov Ving were playing volleyball at O'Krobou village, Mong Russei district, when about 30 soldiers, militia and police surrounded them and arrested them without a warrant. Relatives seeking their release were threatened with death. In the afternoon local people heard shots being fired. The bodies of Neth Thong and Mov Ving were found the next day; both had been shot dead, and appeared to have been severely beaten before they died. During the funeral, relatives were questioned by officials about why they were giving a funeral to Khmer Rouge members. A soldier and a policeman arrested in connection with the killings were released without charge. In August, three local militiamen were sentenced *in absentia* to 15 years' imprisonment and a large fine for the killings but none of them had been arrested by the end of the year.

In April Rueng Than, a young man with a mental handicap and speech impediment, was shot dead by a village militia man in Battambang province, after taking shelter under his house during a rainstorm. The perpetrator had not been arrested at the end of the year.

Little progress was made in bringing perpetrators of past human rights violations to justice. Approximately 12 members of the RCAF S-91 unit, responsible for an illegal detention centre at Cheu Kmau, Battambang province (see *Amnesty International Report 1995*), were in custody at the end of the year, but for unrelated offences. No member of the unit had been

charged with offences committed at Cheu Kmau between 1992 and 1994, in spite of overwhelming evidence. A police lieutenant from Kompong Cham province, who was arrested and charged with the murder of journalist Chan Dara (see *Amnesty International Report 1995*), was acquitted and released in May. A warrant was issued for his rearrest weeks later, following the killing of a young man in Kompong Cham town; he had not been arrested by the end of the year. No one was brought to justice for the attacks in 1994 on ethnic Vietnamese Cambodians (see *Amnesty International Report 1995*).

The situation of thousands of ethnic Vietnamese Cambodians stranded on the border between Viet Nam and Cambodia since March 1993 (see *Amnesty International Report 1994*) was resolved when the government agreed to let them return home; most had done so by the end of the year.

The NADK was responsible for human rights abuses during the year, including deliberate and arbitrary killings of village elders. In a typical night attack in November at Bong Bey village, Battambang province, NADK soldiers seized Keh Ong, an elderly former teacher, from his house and shot and killed him. NADK soldiers also captured villagers in Battambang province, including young people helping with the rice harvest. Three young people gleaning rice in a remote area were captured by NADK soldiers in November. Their whereabouts were not known at the end of the year.

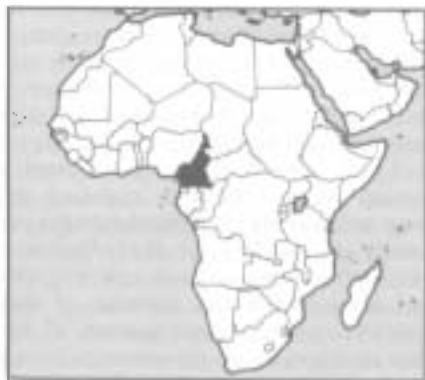
The NADK was also responsible for killing foreign nationals. In January it claimed responsibility for killing a tourist from the USA in Siem Reap province. Five former NADK soldiers who had defected to the government were charged with the murder in July. Also in July, another former NADK soldier was convicted of the murder of three westerners in April 1994. The three victims had been abducted on the road from Phnom Penh to Sihanoukville.

Among the reports Amnesty International issued during the year was *Kingdom of Cambodia: Human rights and the new government*, published in March. The report detailed human rights violations since the government came to power in 1993 and described cases of human rights abuses by NADK forces. An Amnesty International delegation visited the country in

April and met the Head of State, King Norodom Sihanouk.

Later in the year, Amnesty International issued appeals for the safety of elected representatives, expressed concern about the Press Law and published a report, *Cambodia: Human rights violated - government acts to silence critics*, after the torture of four men in Phnom Penh. The organization appealed for the release of prisoners of conscience and expressed concern at the grenade attacks on BLDP supporters. In November Amnesty International asked the government to uphold Prince Sirivudh's right to a fair trial. There had been no official response to Amnesty International's letters and appeals by the end of the year.

CAMEROON



Critics and opponents of the government, including journalists, human rights activists and members of opposition political parties, were arrested and some were convicted and imprisoned. Most were prisoners of conscience. Eight others arrested in 1994, who remained in detention throughout the year, were possible prisoners of conscience. Torture and ill-treatment of detainees remained routine. A man was shot dead after being apprehended by the security forces.

Throughout the year journalists were harassed and detained, several independent newspapers were suspended and copies were repeatedly confiscated. Journalists criticized a new draft law on the press as reinforcing government restriction of press freedom. Opposition political parties were prevented from holding meetings and demonstrations. Local elections,

repeatedly postponed, were scheduled for early 1996. Opposition parties called for an independent electoral commission and international observers. In November President Paul Biya presented to parliament draft amendments to the Constitution. Some opposition parties criticized the proposed reforms, which retained extensive presidential powers, and called for approval by referendum rather than adoption by parliament where the ruling party held a majority of seats. The revised Constitution was adopted the following month but had not been signed into law by the end of the year.

There were intercommunal disturbances in North-West Province. Some 20 people died and many more were injured during clashes between the villages of Balikumbat and Bafanji in early June.

Whereas in previous years opponents and critics of the government were usually held for short periods without charge or trial, during 1995 several were charged with criminal offences, tried and convicted. It appeared that legal provisions criminalizing defamation were used to prosecute people solely because of their opposition to the government and for exercising their right to freedom of expression.

Journalists, many of them arrested on several occasions in the past, continued to be harassed and detained; at least four were convicted and sentenced to prison terms. Most appeared to be prisoners of conscience. Among them was Ndzana Seme, director of the newspaper *Le Nouvel Indépendant*, who was arrested in early June and held for more than two months in Nkondengui prison in Yaoundé after publishing an article criticizing the government. In August he was convicted of insulting the head of state, non-compliance with pre-publication censorship requirements and inciting revolt and received a two-month suspended sentence. The Attorney General appealed against this sentence and in October it was increased to one year's imprisonment and a fine. However, Ndzana Seme went into hiding. In July Paddy Mbawa, publisher of the *Cameroon Post* newspaper, was convicted of libel against a company director and sentenced to six months' imprisonment and a fine. He was arrested and imprisoned in the Central Prison, New Bell, in Douala, in August. Further charges

were subsequently brought against him; in November he received two further sentences of three and six months' imprisonment after being convicted of two separate offences of publishing false information and several other similar cases against him were reportedly pending. Pius Njawe and Hiréné Atenga, respectively director and journalist of *Le Messenger*, each received a two-month suspended sentence in August and a fine after being convicted of libelling and insulting the Secretary of State for National Security. The charges followed an article alleging that police had misappropriated large sums of money. According to reports, the court did not allow the two journalists to present in their defence information in support of their allegations.

In late August around 18 news vendors selling the newspaper *La Messagère* (which appeared after its predecessor, *Le Messenger*, was suspended) in Douala and Yaoundé were reported to have been arrested and held for two to three days. Pius Njawe, director of *Le Messenger*, and Sévérin Tchounkeu, director of the newspaper *La Nouvelle Expression*, were detained and questioned for several hours apparently after expressing concern to the authorities about the detention of the news vendors.

Mahamat Djibril, a member of a human rights group, the *Mouvement pour la défense des droits de l'homme et des libertés* (MDDHL), Movement for the Defence of Human Rights and Liberties, based in Maroua in Far-North Province, was detained in June. He was assaulted and arrested in Maga when he went to investigate alleged abuses by the police. The police officer who allegedly assaulted him had previously been criticized by the MDDHL for arbitrary arrest and ill-treatment of detainees. Three days later the Public Prosecutor charged Mahamat Djibril with assaulting a police officer and causing a disturbance and he was transferred to prison in Yagoua. His trial was repeatedly postponed and a request for conditional release not granted until November.

Mboua Massok, leader of the opposition *Programme social pour la liberté et la démocratie*, Social Program for Liberty and Democracy, was reportedly detained for three days in February.

In July Simon Munzu, a prominent member of the Southern Cameroons

National Council (SCNC), was held for questioning for several hours after the authorities prevented a meeting planned by the SCNC in Kumba, South-West Province, from taking place. The following month, an SCNC delegation including its leader Sam Ekontang Elad, was surrounded for more than 24 hours by heavily armed troops in Okoyong, preventing the delegation visiting Mamfe. Several people were arrested in September and October in connection with the collection of signatures for a referendum organized by the SCNC on independence for the English-speaking provinces. Five were reportedly still held without charge at the end of the year.

Eight possible prisoners of conscience remained held in the Central Prison in Maroua throughout the year. They were among 28 members of the *Union nationale pour la démocratie et le progrès* (UNDP), National Union for Democracy and Progress, arrested in 1994 (see *Amnesty International Report 1995*). They were charged with complicity in crimes including joint acts of looting and assault occasioning death following clashes between rival UNDP groups, during which one person died and several others were injured in Maroua in July 1994. It appeared that there was no evidence that they were personally responsible for the offences of which they were accused and that they had been imprisoned because of their opposition to the participation of two UNDP members in the government. Twenty detainees were provisionally released between February and April, including Hamadou Adji, president of the local section of the UNDP, but eight others remained held. The trial of all 28 defendants, initially scheduled for July, was repeatedly postponed. The case was finally heard in November and December; a decision was expected in early 1996.

In October, four members of the Mbororo Social and Cultural Association (MBOSCUA) were arrested without warrant in Bamenda, North-West Province, and detained by the judicial police. They were accused of publishing tracts critical of an influential landowner and businessman, Baba Ahmadou Danpullo, who was also a member of the central committee of the ruling *Rassemblement démocratique du peuple camerounais*, Cameroon People's Democratic Movement. In September members of MBOSCUA had submitted an

official complaint to the Governor of North-West Province against Baba Ahmadou Danpullo, claiming that he was responsible for the harassment and intimidation, including arrest and detention, of members of the semi-nomadic pastoral Mbororo community. However, they denied responsibility for the tracts. They were released on bail after 10 days and charged with defamation and abuse. A court hearing in late December was adjourned until early 1996.

Traditional rulers, known as *lamibe*, who have certain administrative powers but no powers of arrest, were responsible for harassment, illegal detention and ill-treatment of opponents. In many areas of northern Cameroon they detained supporters of opposition parties and other critics in unofficial prisons. For example, nine people, some held for two to three years, continued to be held on the orders of the *lamido* of Rey-Bouba, Northern Province (see *Amnesty International Report 1994*), either in the *lamido*'s palace or in houses of local dignitaries. Some were held incommunicado. The *lamibe* appeared to act with the tacit approval of the authorities. Bakari Madi, who had been detained and tortured for more than six months in 1993 and 1994 because of his criticism of the *lamido* of Mindif, Far-North Province, initiated legal proceedings against the *lamido*. After repeated delays, the case was scheduled to be heard in February but the *lamido* and six other defendants failed to appear in court and the case was postponed. According to reports, the Public Prosecutor, under pressure from Ministry of the Interior officials, announced that the case could not proceed without authorization from the Minister of Justice; it had not been heard by the end of the year. In the few cases where legal proceedings against *lamibe* succeeded, the court's ruling was not always applied.

Legislation introduced in December 1990, which allowed administrative detention without safeguards against arbitrary imprisonment, continued to be used to hold detainees indefinitely. Some appeared to be prisoners of conscience. On 9 May, five members of the traditional council of the village of Babanki Tungo, North-West Province, were detained and held under successive administrative detention orders in connection with a dispute over

the boundary between two villages. They were reported to have been arrested after they requested the High Court of Mezam Division to order the Senior Divisional Officer to respect agreed boundaries. In response to a writ of *habeas corpus*, the Bamenda High Court ordered their release on 22 May. However, the administrative authorities refused to free them. They were finally released uncharged on 3 July.

Torture, including severe beatings, of both political detainees and criminal suspects by the police and gendarmerie remained routine. There were several reports of torture and ill-treatment by police in Bamenda. In April a journalist associated with a non-governmental organization, the Human Rights Defence Group, was reported to have been arrested when he tried to stop police beating another man. Both men were taken to a police station where they were reported to have been stripped and beaten on the soles of their feet. A woman arrested by police in June sustained severe injuries, including fractured ribs, after being beaten, kicked and punched. She was held for about six days before being released without charge.

At the time of his arrest in June, Mahamat Djibril (see above) was reported to have been physically assaulted by a senior police officer and subsequently detained and beaten by three other police officers. Legal action was taken against the three police officers who had beaten Mahamat Djibril and the case was due to be tried in early 1996.

Prison conditions remained harsh. Diet and medical care were seriously deficient in prisons throughout the country. According to reports, many prisons, including New Bell prison in Douala, provided no medicines at all. Several of the UNDP members held in Maroua prison (see above) were initially denied the urgent medical treatment they required.

Prisoners were reported to have been beaten and locked in cells without daylight. Detainees in pre-trial detention in police stations and gendarmerie headquarters were held in severely overcrowded conditions. Men, women and children were often held in the same cells. The four members of MBOSCUA detained in Bamenda in October (see above) were reported to have been held in a small filthy cell with about 30 criminal prisoners, some

handcuffed and others with their legs chained.

In mid-December a man was shot dead after being apprehended by the security forces. Ebenezer Tamanfor failed to stop his vehicle and was pursued by two policemen in Mezam Division. According to reports, when he said that he had not realized that it was a police request to stop and had feared armed robbers, he was shot in the head. It was not clear whether an official investigation into his death would take place. At least two other people died in incidents where excessive force appeared to have been used by the security forces. In January a seven-year-old girl died when police in Yaoundé fired at a taxi which failed to stop.

In February Amnesty International published a report, *Cameroon: Arrests of political opponents and detention without trial*, which called for the immediate and unconditional release of all those UNDP members detained solely because of their political opinions and for a fair and prompt trial for any against whom there was evidence of individual responsibility for criminal offences. It also urged that they and other prisoners in Maroua prison receive adequate medical care. The Minister of Justice responded in September, stating that the UNDP defendants had been charged with criminal offences under common law and that the case had been referred to the courts. Amnesty International urged the release of journalists detained solely for their professional activities. It also called for safeguards to protect all prisoners from torture and ill-treatment and for those responsible for such abuses to be brought to justice. Amnesty International urged the government to ensure respect for the fundamental rights and freedoms contained in the revised Constitution.

CHAD

Critics and opponents of the government, including possible prisoners of conscience, were detained without charge or trial. Many were tortured or ill-treated. At least four people died in custody, apparently as a result of torture. Government soldiers committed extrajudicial executions. Armed opposition groups

were responsible for human rights abuses including deliberate and arbitrary killings and hostage-taking.

The government of President Idriss Déby faced continued armed opposition, especially in the south and east, from the *Forces armées pour la république fédérale* (FARF), Armed Forces for a Federal Republic, the *Front National du Tchad* (FNT), Chad National Front, and the *Mouvement pour la démocratie et le développement* (MDD), Movement for Democracy and Development.



The referendum over a new constitution and elections due to be held in 1995 (see *Amnesty International Report 1995*) were postponed after disputes over the electoral census.

The *Commission nationale des droits de l'homme*, National Commission on Human Rights, established in 1994 (see *Amnesty International Report 1995*), started its operations in March. Composed of governmental and non-governmental representatives, it urged the government to redefine the role of the *Agence nationale de sécurité* (ANS), National Security Agency, which had a record of serious human rights violations. It also appealed to Prime Minister Koïbla Djimasta to end impunity and to ensure that those responsible for human rights violations were prosecuted.

In June Chad acceded to the International Covenant on Civil and Political Rights and its (First) Optional Protocol; the International Covenant on Economic, Social and Cultural Rights; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Critics and suspected opponents of the government were detained by the ANS and

military authorities. They included civilians in areas of conflict as well as opposition political leaders, journalists, human rights activists and suspected members of armed opposition groups. In April dozens of people suspected of supporting the FARF were detained in the Logone Oriental region in the south. They were ill-treated at the barracks of the Rapid Intervention Force, formerly known as the Presidential Guard, in Moundou before being transferred to the Camp des Martyrs Prison in the capital, N'Djaména, and held for over two months without charge or trial. They were released in late June when President Déby decreed an amnesty.

Also in April members of the ANS tried to abduct Gatou Ley, a leading member of the *Fédération des Logones et Tandjilé de la ligue tchadienne des droits de l'homme des Logones*, the Federation of the Logones and Tandjilé of the Chadian Human Rights League. However, the ANS failed in its attempt when neighbours, alerted by the noise, intervened. Gatou Ley lodged a formal complaint against a member of the ANS who, in September, received a one-year suspended sentence and a fine.

In June ANS personnel ransacked the offices of the newspaper *N'Djaména Hebdo* and assaulted members of the newspaper's staff. Yaldet Begoto Oulatar, the publication's director, and Nassar Baloa, a journalist who had been arrested earlier the same day, were beaten with electric cables and sticks at the office before being taken to the ANS headquarters where they were beaten again. They were threatened by ANS interrogators, who demanded that they disclose their sources. They were later released uncharged. This incident occurred after Youssouf Mbodou Bami, the Minister of Communications, and the ANS protested about an article, published in May, criticizing the army's behaviour. At the time, *N'Djaména Hebdo's* editor-in-chief and publication director had been questioned at the ANS headquarters and told that the authorities would not tolerate the publication of such criticism.

At least 19 civilians were arrested in the Logone district in July and accused of collaborating with the FARF. They were held for over two months in harsh conditions at Moundou prison before being transferred to N'Djaména. They were still held without charge or trial at the end of the year.

Saleh Kebzabo, president of the opposition party *Union nationale pour le développement et le renouveau*, National Union for Development and Renewal, was arrested in September and held for five days in N'Djaména before being provisionally released. He was accused of collaborating with the armed opposition, particularly the MDD. His trial had not started by the end of the year.

There were further reports of torture, particularly in N'Djaména and the Logone districts, where women were raped by members of the armed forces. In August Guiryéna Madjingué, a farmer from Ngondong village, was tortured in the village of Lolo by members of the Rapid Intervention Force. He was tied in the *arbatachar* position, where the victim's arms are tied behind the back causing extreme pain and leading to open wounds and gangrene in some cases; had chillis put in his nose, eyes and mouth; and was beaten. He subsequently escaped. Antoine Bangui, leader of the *Morenat*, a political party, and his son were beaten by members of the Rapid Intervention Force while campaigning in the Logone district in April.

At least four prisoners were reported to have been tortured to death. They included Mbaïtareme Nasson, who had been detained in connection with a criminal offence but who was taken from Moundou prison in August to help in an inquiry about FARF activities. After he was caught trying to escape, he was reportedly forced to drink a large amount of water, tied to a tree and had nails hammered into his head. His body was found near the village of Lolo in the Logone Occidental district. Nguétigal, a suspected FARF supporter, was reportedly taken from Moundou prison in August and later found dead. Ndobi Abel, a fisherman, was reportedly tortured at a secret place of detention before being moved to the Moundou Central Hospital, where he died, in October. His body was said to be covered in wounds. No investigations into these deaths were known to have been carried out.

The armed forces were reported to have committed extrajudicial executions, notably in the Logone districts, where the victims were alleged FARF supporters. They included Claude Djérataroum, an assistant mechanic, who was extrajudicially executed by soldiers in the village of Ngante-Ngante in May, and Djirandouba Samuel,

a fisherman, who was killed in July, three days after being taken from his home in Benoye by soldiers.

Both the MDD and the FARF committed human rights abuses including deliberate and arbitrary killings and hostage-taking. Three foreign nationals working for the UN Development Programme were taken hostage by the MDD in March; they were released after two weeks. In June, at least two people were deliberately and arbitrarily killed in the Logone district by FARF forces.

In April Amnesty International published a report, *Chad: Empty promises – Human rights violations continue with impunity*, which documented human rights abuses since 1993. The organization urged the authorities to take effective measures to safeguard human rights and to bring to justice those responsible for violating these rights. Amnesty International also urged foreign governments to use all means at their disposal to ensure that transfers of equipment, skills and training of personnel to Chadian military, security or police forces did not facilitate torture, “disappearances” and political killings.

In April Amnesty International submitted information about its concerns in Chad for UN review under a procedure established by Economic and Social Council Resolutions 728F/1503 for confidential consideration of communications about human rights violations.

CHILE



Military and civilian courts continued to close investigations into past human rights violations, but a number of officers, including the former director of Chile's secret service and his deputy, had their

prison sentences confirmed. A former student leader was briefly detained and charged with defamation. Cases of torture and ill-treatment by members of the security forces were reported. Five political prisoners faced possible death sentences.

The year was marked by tensions between the government and the armed forces over past human rights violations. In May the Supreme Court confirmed the seven- and six-year prison sentences imposed in 1993 on General Manuel Contreras and Brigadier Pedro Espinoza, respectively the former Director and Chief of Operations of the *Dirección Nacional de Inteligencia* (DINA), National Intelligence Directorate, for the 1976 car-bomb assassination of former Foreign Minister Orlando Letelier and US citizen Ronnie Moffit, in Washington DC, USA. General Contreras evaded imprisonment with military assistance for five months and was transferred only in October to the Punta Peuco prison, built especially for military personnel. Several legislative proposals were presented in the Senate to curtail judicial proceedings against the perpetrators of past human rights violations, and to restrict judges' investigations into such cases to locating the remains of the “disappeared”; all other relevant information would remain secret. This legislation was still under debate at the end of the year.

Military and civilian courts closed investigations into “disappearances” and extrajudicial executions carried out between 1973 and 1978 by applying the 1978 Amnesty Law (see *Amnesty International Reports 1993 and 1995*) at an accelerated pace. During the year 14 cases were closed, involving 104 victims.

In October the Supreme Court confirmed prison sentences against 16 members of the DICOMCAR unit of the *carabineros* (paramilitary police) found guilty of the 1985 abduction and killing of three members of the Communist Party (see *Amnesty International Reports 1986 and 1995*). The then director of the *carabineros*, General Rodolfo Stange, who had refused to resign in 1994 over an alleged cover-up of the crime, retired from office in September.

Arturo Barrios Orteiza, a former student leader and current President of *Juventud Socialista* (Socialist Youth) was briefly detained and charged with defamation of the Commander-in-Chief of the

Armed Forces, General Augusto Pinochet, under National Security Legislation. He was a prisoner of conscience. He had stated during a Socialist Youth rally in June 1995 that the General should face criminal charges for human rights violations in Chile. In August the Supreme Court ruled that proceedings against Arturo Barrios Orteiza should continue, which prevented him from leaving the country.

Journalists and lawyers still faced charges of sedition brought against them by military courts in 1994 (see *Amnesty International Report 1995*).

All those detained during 1994 under arrest warrants outstanding from the period of military rule were released, including Sergio Buschmann (see *Amnesty International Report 1995*).

There were reports of torture and ill-treatment by members of the security forces. Several trade unionists were detained by police and ill-treated. In April Juan Gutiérrez Morales was detained in Santiago by members of the *investigaciones* (civilian police) and interrogated at various locations about the activities of fellow officers of the Construction Workers' Union. While he was held at the Tranqueras police station, he was beaten on the hands and feet and threatened by members of the *carabineros*. In May Juan Enrique Contreras Olivos, another officer of the Construction Workers' Union, was detained in Curánilahue in VIII Region. He was taken to the local police station, threatened and told to stop all his trade union activities.

There were several reports of torture and ill-treatment by members of the *carabineros*. Jorge Bustamante Inostroza required surgery for intestinal injuries after he was detained in February in Santiago, taken to the 1st Police Station and beaten until he lost consciousness. When he regained consciousness, he was warned not to report what had happened. Miguel Angel Vallejos Palma was detained for drunkenness in February in Santiago. His hands and legs were bound and he was severely beaten. He died later the same day after being admitted to hospital with severe abdominal pain. In March, 16-year-old Hernán Alfonso San Martín Jerez and another minor, Alex Alarcón, were detained by members of the *carabineros* in Santiago for "running away". They were

reportedly forced to stand still while being struck in the face and abdomen and beaten on their bare backs with a metal strip. When Marfa Jeria Castillo, Hernán San Martín's mother, pleaded with an officer not to beat her son, she was pushed to the ground and reportedly beaten until she lost consciousness.

At least 120 people were serving prison sentences or were in custody awaiting trial for politically motivated offences committed since the end of the military government. Five political prisoners – Jaime Pinto Agloni, Jaime Celis Adasme, Julio Prado Bravo, Patricio Gallardo Trujillo and Guillermo Ossandón Canas – continued to face possible death sentences after the Second Military Court of Santiago accepted the military prosecutor's petition for the death penalty to be considered in their case. Their trial continued before a military court on charges of wounding a police officer resulting in his death, although the Military Appeals Court had previously suspended proceedings until earlier irregularities were resolved. They also faced trial for homicide by a civilian court.

In December Amnesty International called upon the authorities not to close court proceedings into "disappearances" and extrajudicial executions that occurred under military rule.

CHINA



Hundreds of political activists and members of ethnic and religious groups were arbitrarily arrested during the year and scores were detained without charge or trial or sentenced to prison terms after unfair trials; many were prisoners of

conscience. Thousands of political prisoners detained in previous years, many of them prisoners of conscience, continued to be held. Torture and ill-treatment of prisoners were widely reported. At least 3,110 death sentences and 2,190 executions were recorded.

The transition from the "third" to the "fourth" generation of political leaders and the wide-ranging program of economic reforms continued during the year. Several petitions by members of the public were presented to the National People's Congress (NPC), including some signed by senior intellectuals, calling for the release of political prisoners and the protection of human rights. The NPC took no public action on these.

In March China narrowly escaped censure at the UN Commission on Human Rights when a draft resolution critical of its human rights record was defeated by one vote. For the previous four consecutive years, China had succeeded in preventing critical resolutions going to the Commission for debate and vote.

Hundreds of people, many of them prisoners of conscience, were arbitrarily arrested during the year. Many were released without charge, some were sentenced to prison terms after unfair trials, and others were held in various forms of administrative detention. They included human rights and pro-democracy activists; members of religious groups who chose to worship outside the confines of official organizations; and members of ethnic groups, some of which sought greater political autonomy.

At least 50 dissidents were detained in the weeks around 4 June, the anniversary of the crack-down on pro-democracy protests in 1989, when troops killed hundreds of protesters. Many were later released, but at least nine remained in detention at the end of the year. They included Deng Huanwu, a signatory to a petition calling on the authorities to protect human rights. He was reportedly tried for alleged "bigamy" in September. The outcome of his trial, which was clearly politically motivated, was not known at the end of the year. Among others arrested in June were Liu Nianchun, a labour activist; Wang Dan, a former student leader; and Liu Xiaobo, a literary critic who had circulated a petition calling for the law to be changed to allow basic freedoms. Chen

Ziming, a prisoner of conscience and veteran pro-democracy activist, was taken back to prison in June to serve the remainder of his sentence despite suffering from cancer and needing constant medical care. He had been sentenced to 13 years' imprisonment in 1991 for "counter-revolutionary" activities but had been released in May 1994 on "medical parole" (see *Amnesty International Reports 1992 and 1995*).

Political and human rights activists were also detained or restricted during the Fourth UN World Conference on Women, held in Beijing in September. Among those detained were Ding Zilin and her husband, Jiang Peikun, whose son was killed during the June 1989 massacre in Beijing. Ding Zilin has since campaigned for an independent investigation into the killings. The authorities had taken no steps to investigate publicly the circumstances of the 1989 killings or to bring to justice those responsible. Ding Zilin and her husband were arrested in Wuxi city, Jiangsu province, and accused of "economic irregularities". They were released in October.

"Re-education through labour", a form of administrative detention, continued to be used to arbitrarily detain dissidents, including human rights activists and members of unauthorized religious groups, without charge or trial for up to three years. Xu Yonghai, a doctor and prominent member of an unofficial Protestant group, was detained in May for signing a petition calling on the government to protect human rights. He reportedly received a two-year term of "re-education through labour" in October.

Hundreds of Roman Catholics and Protestants were detained. Between 30 and 40 Roman Catholics were arrested by police officers from Linchuan city, Jiangxi province, during Easter celebrations in April. Many were beaten during their arrests. About half were released shortly afterwards but at least 17, most of them women, were detained and five were sentenced to prison terms. Pan Kunming was sentenced in July to five years' imprisonment and Rao Yanping was sentenced to four years. Many of the others were fined. Over 80 Protestants were detained in Zhoukou, Henan province, in March and June and at least three of them later received three-year terms of "re-education

through labour". Arrests of Christians were also reported in Anhui, Zhejiang, Shanxi and other provinces.

An appeal from Roman Catholics from two mountain villages in Hebei province alleged that villagers had been arbitrarily detained, tortured and fined by local officials for breaches of the government's birth control policy.

Thousands of political prisoners detained without trial or convicted after unfair trials in previous years remained held. Many were prisoners of conscience. In January a Ministry of Justice official stated that 2,678 people convicted of "counter-revolutionary offences" were imprisoned. This figure excluded many more held for political reasons but convicted of other offences, or held under various forms of administrative detention without charge or trial, or detained for prolonged periods pending trial.

New information came to light during 1995 about political prisoners jailed since the early 1980s. They included people imprisoned for alleged membership of banned secret religious sects, and scores of prisoners jailed for their activities during the 1989 pro-democracy protests, many of whom had been convicted of ordinary criminal offences such as "hooliganism". For example, Liu Wensheng was reported to be serving a seven-year prison term for "disturbing the traffic" during the 1989 protests in Beijing.

Prisoners of conscience still serving long sentences for their part in the 1989 pro-democracy movement included Tang Yuanjuan, an assistant engineer in a car factory who organized a protest march in Changchun city after the Beijing massacre. He was sentenced to 20 years' imprisonment in 1989, which was one of the heaviest sentences imposed. He was reported to be in poor health.

Many prominent dissidents arrested in 1994 remained imprisoned throughout the year (see *Amnesty International Report 1995*). Wei Jingsheng, an outspoken critic of the government and former long-term prisoner of conscience, was charged in November with "activities in an attempt to overthrow the government" after being held incommunicado and without charge for over 19 months. He was tried in December and sentenced to 14 years' imprisonment, plus three years' deprivation of political rights. Li Guotao, president of the

Shanghai Human Rights Association, continued to serve a sentence of three years of "re-education through labour" imposed without trial in 1994. Journalist Gao Yu, a prisoner of conscience serving a six-year term for allegedly "leaking state secrets", was transferred in January to Yanqing Prison, about 80 kilometres from Beijing; she was reported to be in poor health.

Widespread human rights violations continued in the Tibet Autonomous Region (TAR). In the first three months of the year alone, 123 people were reported to have been detained in connection with peaceful pro-independence activities or following police raids on monasteries or nunneries. Those detained included 50 nuns and 68 monks, most of whom were prisoners of conscience. For example, in January over 100 troops raided the Yamure monastery, Medro Gongkar county, where monks were protesting peacefully against official restrictions on the sale and possession of photographs of the Dalai Lama; four people were arrested. Similar protests by monks and nuns in Phenpo Lhundrup county in February led to at least 60 arrests. At least 39 people, including 31 nuns, were reportedly detained in Lhasa in February and March for taking part in peaceful pro-independence demonstrations.

Many people were also detained between June and August for allegedly promoting Tibetan independence, some in connection with events organized by the authorities on 1 September to mark the 30th anniversary of the establishment of the TAR. Nearly 60 others were detained in connection with a dispute over the recognition of a young boy as the reincarnation of the Panchen Lama, the second highest spiritual leader in Tibet. They included Chadrel Rimpoche, abbot of Tashilumpo monastery, who was arrested in May and reportedly accused of colluding with the Dalai Lama in the search for the 11th Panchen Lama. He remained in detention at the end of the year, but was not known to have been charged.

At the start of the year over 650 Tibetan political prisoners, the majority prisoners of conscience, were reportedly detained. Of these, 45 had been under the age of 18 when arrested, and some had been as young as 12.

Political trials continued to fall far short of international fair trial standards.

Extreme limitations on the right to defence continued. Defendants had no right to call witnesses and had insufficient time and facilities to prepare their defence. Verdicts and sentences were routinely decided by the authorities before trial.

Torture and ill-treatment of detainees and prisoners held in prisons, detention centres and labour camps were reported. Methods most often cited were beatings, electric shocks, the use of shackles, sleep deprivation and exposure to extremes of cold or heat. Prison conditions were frequently harsh and many prisoners suffered from serious illnesses as a result. Medical care and food were often inadequate, and punishments frequently threatened the physical and psychological well-being of prisoners. Tong Yi, assistant to Wei Jingsheng (see *Amnesty International Report 1995*), was reportedly beaten by inmates who were camp "trustees" in the Hewan Labour Camp in Wuhan, Hubei province. According to a letter smuggled out of the camp in January, inmates were forced to work extremely long hours to fulfil unrealistic production quotas. Tong Yi complained to camp officials about the beatings, but they took no action to protect her. The following day, more than 10 women prisoners beat her again, leaving her face and body swollen and covered in bruises. Members of her family were warned that they would lose their jobs if they tried to pursue her complaints.

A young Tibetan nun was reported to have died shortly after release from detention. Gyaltzen Kelsang, who died in February, was alleged to have been beaten in detention and held in harsh conditions without adequate medical care. No investigation was known to have been carried out into the cause of her death.

Beatings by police at the time of arrest were frequent. In January, for example, two young monks from the Jokhang temple in Lhasa were severely beaten by police while held in custody for three days. They were released without charge, but warned not to report their ill-treatment.

The widespread use of the death penalty continued. At least 3,110 death sentences and 2,190 executions were recorded by Amnesty International, but the true figures were believed to be far higher. At least 16 people were executed in Beijing in August: officials said the executions were carried out to ensure "public order"

during the UN World Conference on Women. At least 68 criminal offences, many of them non-violent, are punishable by death in China. For example, in March a man was sentenced to death in Zhejiang province for stealing a car. Wang Jianye, a former senior official in Shenzhen, Guangdong province, was sentenced to death in July for alleged economic offences. His lawyer was reportedly not allowed to present arguments in his defence during the trial and had only had 10 days to examine a 10-volume file compiled by the prosecution during an 18-month investigation. The Supreme People's Court approved the sentence and he was executed in late December.

Amnesty International urged the Chinese authorities repeatedly to release all prisoners of conscience, ensure fair and prompt trials for other political prisoners, investigate torture allegations and safeguard prisoners from ill-treatment. It also urged the authorities to commute all death sentences. The government did not respond.

Amnesty International published several reports on China including: in February, *China: Dissidents detained without charge or trial since 1994*; in May, *People's Republic of China: Persistent human rights violations in Tibet*; and in June, *China: Six years after Tiananmen – Increased political repression and human rights violations*, and *Women in China: Imprisoned and abused for dissent*.

In August and September, an Amnesty International delegation attended the Fourth UN World Conference on Women in Beijing. Representatives of the organization sought meetings with the Chinese authorities and publicly raised the cases of prisoners of conscience. However, the authorities refused to meet Amnesty International's representatives or to receive written documents from them.

In October Amnesty International delegates who had been invited by a government institution to attend an international conference were denied access to China.

In an oral statement to the UN Commission on Human Rights in February, Amnesty International included reference to its concerns in China.

COLOMBIA



Many hundreds of civilians were extrajudicially executed by the security forces and paramilitary groups and at least 150 people "disappeared". Human rights activists were threatened and attacked. Hundreds of people, including possible prisoners of conscience, were arrested and tried by special courts whose procedures fell short of international fair trial standards. A conscientious objector to military service was imprisoned. Torture was widespread. Several officers were dismissed from the army for human rights violations. Many other armed forces personnel continued to evade accountability for thousands of extrajudicial executions and "disappearances" in recent years. Armed opposition groups committed grave human rights abuses, including scores of deliberate and arbitrary killings and the taking and holding of hundreds of hostages.

The government of President Ernesto Samper twice declared a state of emergency, ostensibly because of the rising level of political and criminal violence throughout the country. The first, in August, coincided with a political scandal triggered by investigations by the Attorney General's Office into alleged financial support from drug-trafficking organizations for President Samper's 1994 election campaign. In October the Constitutional Court declared the state of internal commotion unconstitutional. A state of internal commotion was again declared in November after the murder in the capital, Bogotá, of Alvaro Gómez Hurtado, a leading member of the Conservative Party and former presidential candidate. The government

introduced numerous emergency measures, including house searches without warrant, press censorship and authorization for military and civilian authorities to forcibly evacuate civilians from areas undergoing counter-insurgency operations.

In October talks began between the government and the Jaime Bateman command, a dissident wing of the former M-19 guerrilla organization which demobilized in 1990. Government proposals announced in 1994 to open talks with the *Ejército de Liberación Nacional* (ELN), National Liberation Army, the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Revolutionary Armed Forces of Colombia, and the *Ejército Popular de Liberación* (EPL), Popular Liberation Army, were abandoned in July when the Peace Commissioner resigned. The government refused to authorize initiatives for dialogue proposed by regional authorities.

Political violence escalated in several areas of the country. In the northwestern region of Urabá, Antioquia department, widespread abuses were committed by most parties to the long-running armed conflict between government forces and their paramilitary allies, and the FARC, ELN and EPL armed opposition groups. The armed forces failed to take any action to protect the civilian population from paramilitary and guerrilla attacks and evidence emerged of army complicity and collusion with a major paramilitary offensive launched in 1994. The vast majority of attacks were directed against sectors of the civilian population presumed to support rival armed groups. Several hundred civilians were killed and at least 15,000 fled their homes. A series of massacres in August and September left scores of civilians dead. On 12 August, 18 people, including four women and two minors, were killed by heavily armed men who burst into the *El Aracatazzo* restaurant in the El Bosque neighbourhood of Chigorodó, Urabá. Many of the inhabitants of El Bosque were supporters of the legal left-wing political party *Unión Patriótica* (UP) Patriotic Union. The killings were attributed to the paramilitary *Comandos de Alternativa Popular*, Popular Alternative Command, which claimed the attack was in reprisal for the killing of three soldiers and three civilians in Apartadó hours earlier. Thirteen people, identified by the authorities as members of a paramilitary organization,

were arrested in connection with the massacre; most were released without charge. In a series of attacks in Urabá, apparently in retaliation for the massacre in *El Aracatazzo* and other paramilitary killings, the FARC killed dozens of supporters of *Esperanza, Paz y Libertad*, Peace, Hope and Liberty, a political party created by demobilized EPL guerrillas, whose members were accused by the FARC of supporting paramilitary attacks against the Communist Party and the UP. On 29 August a group of supporters of *Esperanza, Paz y Libertad* were forced off a bus in Carepa, Urabá, by a group of armed men and women. The armed group selected 16 who were bound, forced to lie face down and then shot dead.

Widespread human rights violations were reported from several other areas of the country where paramilitary organizations continued military offensives to extend their territorial control. In North Santander and Cesar departments the majority of victims were peasant and community leaders, political activists and trade unionists. Scores of union members and leaders in the palm oil industry were among the victims. On 16 August a heavily armed paramilitary group ransacked and set fire to the homes of several leaders of INDUPALMA, the palm oil workers' union, in San Alberto, Cesar department. Union leader Tomás Cortes was dragged from his home and taken away by the paramilitary group. His whereabouts remained unknown.

On 15 January, 40 gunmen, some in military uniform, seized nine people from the village of Puerto Patiño, municipality of Aguachica, Cesar department. One of the nine was later released; the bodies of seven villagers were found nearby and one remained "disappeared". Clear evidence emerged of armed forces' support for paramilitary activities in Cesar department. Major Jorge Lázaro Vergel, commander of the Aguasclaras military base, was detained in April accused of actively supporting paramilitary groups operating in the area. The major reportedly told a senior police officer that he had a list of "subversive suspects" who were to be killed by the paramilitary forces.

Over 20 alleged members of paramilitary organizations were arrested by a special unit of the Attorney General's Office in different areas of the country. However,

known paramilitary leaders, sentenced to long prison terms *in absentia* for multiple political killings and "disappearances", remained at large.

Human rights defenders were again the target of threats and attacks. Human rights lawyer Javier Barriga Vergel was shot dead by two gunmen outside his home in Cúcuta, North Santander department, in June. Javier Barriga worked with the *Comité de Solidaridad con los Presos Políticos*, Political Prisoners' Solidarity Committee. He and other lawyers in Cúcuta had received death threats from a paramilitary group, *Colombia Sin Guerrilla*, Colombia without Guerrillas, for defending political prisoners. In February threats against members of the *Comité Cívico por los Derechos Humanos en el Meta*, Meta Civic Committee for Human Rights, escalated and an anonymous warning was received of an imminent attack against Sister Nohemy Palencia, a Catholic nun and prominent member of the Committee. In April the Committee closed its office in the departmental capital Villavicencio and continued its human rights work from Bogotá. However, threats against its members continued. In September Committee member Teresa Mosquera, who had remained in Villavicencio, was threatened with being beaten to death if she did not leave the city within 24 hours.

The killing of so-called "disposables" by "death squads" continued in many cities and towns. Principal victims included petty criminals, drug addicts, prostitutes, homosexuals and young people living in poor neighbourhoods and shanty towns. Some of the hundreds of young people killed in the cities of Medellín, Bogotá and Cali were believed to have been victims of rival street gangs. Many others were killed by gunmen, often hired by local traders, working with the support of the security forces. On 3 May, three youths – Rodolfo Cetre Angola, Hugo Aldemar Manrique and Juan Carlos Girón Hurtado – were arrested in Cali, Valle department, by members of Cali's Metropolitan Police and taken to a police station where they were reportedly tortured. Two days later they were accused of theft and transferred to the Valle de Lili juvenile detention centre where they were last seen alive on 7 May. The following day their partially burned bodies were found in another area of the city.

Over 150 people "disappeared" after detention by the armed forces, the police or paramilitary groups. In May John Ubate Monroy and Gloria Bogotá were abducted in Cali by heavily armed men who forced them into a car and drove away. Witnesses alerted the police who pursued the car, but were ordered by a high-ranking official of the Metropolitan Police to abandon the pursuit. The whereabouts of the two victims remained unknown. John Ubate's relatives and friends received repeated death threats and Astrid Liliana González, his girlfriend, escaped an apparent attempt to abduct her in September.

Paramilitary forces operating in rural areas were responsible for numerous "disappearances" of political and community activists. Wilson Cáceres González, a community leader and former mayoral candidate in Sabana de Torres, Santander department, "disappeared" in April as he was travelling alone on the outskirts of Sabana de Torres. His name had appeared on a death list which had been circulated in the region by the *Autodefensas Campesinas de Colombia*, Peasant Farmer Self-Defence Group.

Hundreds of people, including possible prisoners of conscience, were arrested and tried by special courts whose procedures fell short of international standards of fair trial.

One prisoner of conscience, Luis Gabriel Caldas León, was imprisoned from June to November for refusing on grounds of conscience to perform military service.

Torture was widespread. Many victims of politically motivated killings were tortured before being killed and their bodies mutilated. Political detainees were also tortured by both the military and police. In September Franklin Bolívar, an eye-witness to the massacre in *El Aracatazo* (see above), was detained and taken to the XVII Brigade headquarters in Carepa, Urabá, where he was subjected to torture including prolonged beating with a machete and being suspended by a rope which tied his arms behind his back. He was released without charge three weeks later. Both he and his family reported receiving repeated threats that they would be killed unless he retracted his allegations of torture. In November the UN Committee against Torture expressed grave concern about the persistence of a significant number of violent deaths, torture and ill-treatment, attrib-

uted to members of the army and police on a scale which would appear to indicate a systematic practice in some regions of the country.

In an unprecedented move, President Samper in February accepted state responsibility for the "disappearance", torture and murder of 107 people in Trujillo, Valle department, between 1988 and 1990 and ordered the dismissal of army Lieutenant Colonel Alirio Uruña Jaramillo for his part in the massacres. The President's acceptance of state responsibility for the massacres was based on the findings of an investigative commission established under the auspices of the Inter-American Commission on Human Rights of the Organization of American States (see *Amnesty International Report 1995*). Members of the security forces and paramilitary organizations identified in the commission's report as responsible for the killings had already been exonerated in disciplinary and criminal investigations. Almost total impunity continued to prevail in judicial investigations into extrajudicial executions, "disappearances" and torture by armed forces personnel. The military justice system, which generally claimed jurisdiction to pursue investigations, routinely dropped charges or acquitted those responsible. However, some disciplinary investigations conducted by the Procurator General's Public Ministry resulted in sanctions being imposed. In September Brigadier General Alvaro Velandia Hurtado, commander of the army's III Brigade, and an army sergeant were dismissed from the army by executive decree after an investigation by the Procurator Delegate for Human Rights established their responsibility in the torture and murder of political activist Nydia Erika Bautista in 1987. General Velandia was the highest-ranking serving member of the armed forces to be subjected to disciplinary sanctions for human rights violations. The decision was strongly opposed by military commanders and some sectors of Congress who attempted, unsuccessfully, to reinstate General Velandia. Following the Procurator Delegate's initial call for his dismissal, General Velandia was decorated by order of President Samper. Dr Hernando Valencia Villa, the Procurator Delegate for Human Rights, resigned and left the country in September after being subjected to intimidation and death

threats. Relatives of Nydia Erika Bautista and witnesses in the investigation also received repeated death threats.

In November the Procurator General ordered the immediate dismissal of two soldiers for the killing of Swiss lay missionary Hildegard María Feldmann and three other people in El Sande, Nariño department, in 1990. Hildegard Feldmann was killed when troops opened fire without warning on the house where she was nursing a sick woman. The dismissed officers had been exonerated by military courts.

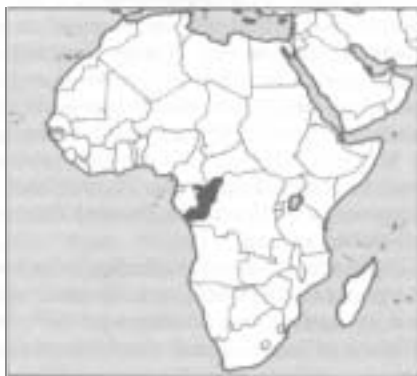
Armed opposition groups committed numerous grave human rights abuses, including scores of deliberate and arbitrary killings. In May, four young women – Yaneth Lima González, Guadalupe Romero Oviedo, Yamile Lima González and Isabel Amaya – were taken from their homes in Saravena, Arauca department, interrogated and shot dead by the ELN's Domingo Lafín command which accused them of being army informants. Civilians living in conflict areas suspected of collaborating with the armed forces or paramilitary groups were threatened and killed. In addition to killings attributed to the FARC in Urabá, the EPL group operating in the area also carried out arbitrary and deliberate killings. José Elías Suárez, leader of the Zenú indigenous community in El Volao, Urabá, was killed in March by an EPL command. He was taken from his home, tied to a nearby tree and hacked to death. Several other members of the Zenú community in El Volao were killed by army-backed paramilitary groups.

At least 400 hundred people were held hostage, principally by the FARC and the ELN. Some were released after payment of ransom money or the fulfilment of other demands. Others were killed in captivity. In June, two US missionaries, Steve Welsh and Timothy Van Dyke, were shot dead by the FARC when soldiers attacked the base where they were held. They had been held hostage for over 17 months. José Antonio Patiño, who was kidnapped by the ELN in August, was killed in September, allegedly while trying to escape. When his brother, Julio César Patiño, went to collect his body, he was himself kidnapped by the same group. He remained held at the end of the year.

Throughout the year Amnesty International appealed to the government to con-

duct thorough, independent and impartial investigations into all extrajudicial executions and "disappearances" and called for those responsible to be brought to justice. It called on the government to end impunity by excluding human rights violations from the military justice system and to dismantle paramilitary groups. It appealed to opposition groups to end deliberate and arbitrary killings and to release all hostages. In an oral statement to the UN Commission on Human Rights in February, Amnesty International included reference to its concerns in Colombia.

CONGO



A journalist who received a six-month prison term was a possible prisoner of conscience. Prison conditions were harsh, amounting to cruel, inhuman and degrading treatment, and resulted in a number of deaths. Several people, including a member of an armed opposition group, were killed by police in circumstances suggesting that they may have been extrajudicially executed.

There was a high level of violent crime carried out by members of armed opposition groups who had failed to disarm in accordance with the cease-fire agreement between President Pascal Lissouba and his opponents in 1994 (see *Amnesty International Report 1995*). However, the level of politically motivated violence was much reduced as a result of the 1994 agreement.

A proposed law on the press, providing for prison terms of up to three years for journalists convicted of offences against the Head of State or Prime Minister, such as publishing false information attributed to a third party, was passed in mid-1995

by the National Assembly. It was being considered by the Senate at the end of the year.

In June the Director of the newspaper *Le Choc*, Asie Dominique de Marseille, was detained for writing several articles which alleged that the Minister of Finance had embezzled public funds and had written a letter proposing that President Lisouba should prolong his Presidency. Asie Dominique de Marseille was sentenced in July to one month's imprisonment for spreading false information. In late July, as Asie Dominique de Marseille was ending his prison term, he and his editor-in-chief, Jean-Baptiste Voukumba, were tried in connection with an article published by their newspaper alleging that Prime Minister Joachim Yhombi-Opango had embezzled public funds. Both journalists were found guilty of spreading false information. Asie Dominique de Marseille was sentenced to six months' imprisonment, while Jean-Baptiste Voukumba received an eight-month suspended sentence. Both were ordered to pay fines. Asie Dominique de Marseille appeared to be a prisoner of conscience targeted for exercising his right to freedom of expression. He was released on 30 November under a presidential pardon.

Prison conditions amounted to cruel, inhuman and degrading treatment. Starvation and medical neglect, resulting in an unspecified number of deaths in custody, were reported in Brazzaville Central Prison which, although built for 100 inmates, was holding more than 600. Similar conditions were said to prevail in other prisons throughout the country. Following public criticism of the conditions in Brazzaville Central Prison by local journalists and human rights activists, prisoners serving short prison terms were reportedly allowed out during the day to beg food from friends and relatives. However, those serving long prison terms or held on serious criminal charges continued to be subjected to long periods without food.

Several people killed by police may have been victims of extrajudicial executions. In July, Loumingou Kengue was reportedly beaten to death by police who mistook her for another person whom they sought. The same month, Mbonza Mataba, a leader of the *Zoulou* armed militia, was shot and fatally injured by police in suspi-

cious circumstances. There was apparently no official investigation into these killings. Nor were there any investigations into extrajudicial executions and other human rights violations reported in previous years (see *Amnesty International Report 1995*).

Amnesty International urged the authorities to take measures to end impunity. In particular, the organization called for independent and impartial investigations to identify members of government forces who had been responsible for human rights violations during and before 1995, and to ensure that they were brought to justice. Responses received from the authorities did not address these issues.

COSTA RICA



Police were alleged to have beaten detained demonstrators. An environmental activist and a juvenile detainee died in suspicious circumstances. Four police officers were brought to trial for killings and "disappearances" committed in 1994.

There were widespread protests over the privatization and structural adjustment policies of President José María Figueres Olsen, who took office in 1994. There was also a sharp rise in allegations of human rights abuses by the police. The victims included peasants involved in land disputes and people suspected of involvement in the drugs trade.

In August plainclothes armed police and civilian collaborators allegedly infiltrated crowds of demonstrators in order to provoke violence. Five people were reportedly badly injured and eight, including two juveniles, were arrested. Police sources told local human rights activists that they had been instructed to use force when they were detaining demonstrators.

Radio journalists who reported sympathetically on the demonstrations were allegedly threatened and censored. After widespread protests, the eight detainees were released and some of the police officers involved were dismissed after being identified in video and films showing them beating demonstrators. The *Centro de Información Policial*, Police Information Centre, which despite having no legal powers of arrest was responsible for the majority of the beatings and arrests, was officially dissolved.

In early August the *Asociación Ecológica Costarricense-Amigos de la Tierra Internacional* (AECO), Costa Rican Ecology Association-Friends of the Earth International, announced that an AECO activist, David Maradiaga, had been found dead, three weeks after going missing. The *Organismo de Investigación Judicial* (OIJ), Judicial Investigation Unit, maintained that his body had been in the morgue customarily used for unidentified bodies. However, family and friends had checked that morgue twice and had been told his body was not there. The official autopsy report stated that he had died of a heart attack, although he was a young man with no history of heart problems. A police investigation into his death was continuing at the end of the year.

In September a juvenile offender, who was reportedly arrested as he tried to steal a car in the capital, San José, was killed. Witnesses saw him being taken into custody and being beaten. The initial police account was that he had died as he attempted to escape from an official vehicle transporting him after his arrest. Later, the police said that they had found his body in a street where he had been run over by a vehicle. Inquiries into the case were closed.

Four members of the OIJ were tried for the killing of two people during 1994 and the "disappearance" of three more. One victim, landowner Ciro Monge Mena, was detained in July 1994 by the OIJ and found dead four days later; he had reportedly been decapitated and had his hands amputated. Ciro Monge Mena had allegedly been involved in drug-trafficking. The outcome of the trial was not known by the end of the year.

CÔTE D'IVOIRE



Four journalists and two publishers, all prisoners of conscience, were sentenced to prison terms. Dozens of opposition party supporters and student activists, including possible prisoners of conscience, were detained, of whom 25 were sentenced to prison terms and others were detained without trial. There were reports of torture and ill-treatment by the security forces, and an opposition leader was assaulted in the presence of a government minister. A new law extended the application of the death penalty and allowed public executions, but no executions took place in 1995.

There was growing political unrest in the run-up to presidential elections in October, the first since the death of Félix Houphouët-Boigny, Côte d'Ivoire's first President, in December 1994. The election, in which President Henri Konan Bédié was returned to power, was boycotted by the main opposition parties in protest at the government's refusal to amend the electoral code. Introduced in December 1994, this required presidential candidates to have lived in the country for the five years preceding the election and to have been born of Ivorian parents. It was widely believed to have been designed to prevent former Prime Minister Alassane Ouattara from standing as a presidential candidate. Parliamentary elections were held in November and led to the victory of the ruling party, the *Parti démocratique de Côte d'Ivoire*, Ivorian Democratic Party.

In September the government banned all demonstrations for the three-month election period after several peaceful

demonstrations became violent when they were broken up by the security forces. Despite the ban, however, there were further opposition demonstrations in the weeks leading up to the presidential election. At least 10 people were killed and many others were shot and wounded by the security forces, and dozens were arrested as several of the protests became violent, resulting in destruction of property. There was also serious ethnic tension in the west: in October, some 8,000 Baoulé villagers belonging to the same ethnic group as the President took refuge in local towns owing to tension with the more numerous Bétés, the ethnic group to which Laurent Gbagbo, leader of the opposition *Front populaire ivoirien* (FPI), Popular Ivorian Front, belongs.

In December Côte d'Ivoire acceded to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Two publishers and four journalists were prisoners of conscience. Abou Cissé, the publisher of the newspaper *La Patrie*, and one of its journalists, De Be Kwassi, were convicted of offending the Head of State and sentenced to one-year prison terms in February. They had published two articles questioning President Bédié's Ivorian origins and his links to a financial scandal in the 1970s. They were provisionally released in July.

Dembélé Fousséni, editor of an Islamic monthly, *Plume libre*, and one of its journalists, Kema Brahama, were given 10-month prison sentences after they were convicted of incitement to tribal hatred, disorder and revolt. They had published an article alleging that Muslims were being purged from government jobs because they supported the opposition party of former Prime Minister Alassane Ouattara, the *Rassemblement des républicains* (RDR), Rally of Republicans. They were provisionally released in August.

Abourahmane Sangaré, Deputy Secretary General of the FPI and director of the newspaper *La Voie*, was sentenced to two years' imprisonment in December with *La Voie* journalist Emmanuel Koré. They were convicted of insulting President Konan Bédié in an article which suggested that the presence of the Head of State brought bad luck to a soccer team during a football match. Previously, in June, Abourahmane Sangaré had been assaulted in

the presence of a government minister. He was summoned to the office of the Minister of Security in connection with the publication of a satirical article. There, he was stripped to the waist and flogged by four security officials in the presence of the Minister. He was then released. A few days later Abourahmane Sangaré met President Bédié who condemned the beating. Abourahmane Sangaré lodged a formal complaint about his ill-treatment but had received no official response by the end of the year.

At least 25 opposition party supporters were arrested and sentenced to prison terms ranging from six months to one year. Most of them were prosecuted under a law, passed in 1992 but not previously invoked, under which anyone who calls or leads a gathering is held accountable for any violence that occurs, irrespective of whether they are personally responsible for inciting or perpetrating violence (see *Amnesty International Reports 1993 and 1994*). Those sentenced included possible prisoners of conscience. For example, six FPI supporters were arrested at a protest march on 20 September, hours before the ban on demonstrations was announced. They were each sentenced to one year's imprisonment, although there was apparently no evidence produced that they had been involved in any violence. Kah Anderson and Fatou Coulibaly, two local FPI leaders, were also sentenced to 12 and six months' imprisonment respectively at Daloa in September for organizing a march.

Student activists belonging to the *Fédération estudiantine et scolaire de Côte d'Ivoire* (FESCI), Ivorian Federation of Students and School Pupils, also faced continued harassment by the security forces (see *Amnesty International Report 1995*). Some FESCI leaders went into hiding after they were threatened with arrest and more than 40 FESCI members were detained when a press conference at the Youpougou university campus in Abidjan was forcibly broken up in June by the security forces. During this incident, Sylvie Anoma was allegedly raped by a member of the security forces, but no official inquiry into her complaint was known to have been held by the end of the year. The detained students were reportedly severely ill-treated before being released uncharged.

Guillaume Soro, Secretary General of FESCI, was arrested in September and detained incommunicado. Eight other FESCI members, including Dominique Maya and Marius Bossina, were arrested in October and also held incommunicado. In November they and Guillaume Soro were shown on television: they appeared to be in poor physical condition. During the broadcast, Guillaume Soro made what appeared to be a forced apology and called on FESCI activists to stop their activities. All nine were possible prisoners of conscience and were released without charge in December.

New legislation was passed by the parliament in June to extend the scope of the death penalty to cover offences such as robbery with violence, and to allow public executions. This was a seriously retrograde step as the death penalty, although retained in law, had never been enforced. However, by the end of the year the law had not been promulgated by the President and no executions had been reported.

Amnesty International publicly expressed concern in November about the incommunicado detention of the nine FESCI members. The organization also protested against the amendment extending the scope of the death penalty and allowing public executions and called on the government to maintain the effective moratorium on executions. In response, President Bédié said the new law was required to combat a rise in crime.

receive fair trials. Some detainees were ill-treated by police. Many Serbs who remained in the Krajina region after the area was retaken by Croatian forces in August were tortured or ill-treated and many were in effect forcibly expelled. Scores of people were extrajudicially executed by Croatian armed forces in the Krajina region. Croatian Serb civilians were deliberately targeted by Croatian forces. Refugees from Bosnia-Herzegovina were forcibly returned there. Thousands of houses belonging to Serbs who had fled from Croatia were destroyed by Croatian forces. There were reports of arbitrary detention, torture and ill-treatment in Serbian-controlled areas. Rebel Serbian forces deliberately targeted civilians in a rocket attack.

In April, following a threat from the Croatian Government that it would not allow the mandate of the UN peacekeeping force in Croatia, UN Protection Force (UNPROFOR), to be renewed, the UN operation was renamed the UN Confidence Restoration Operation in Croatia (UNCRO). Its mandate was extended until November, but was altered. Final details of the new mandate and its implementation, as well as the status of the UN Protected Areas (UNPAS), were not fully agreed before it expired. In November an agreement was signed by the Croatian and Croatian Serb *de facto* authorities providing for the return of eastern Slavonia, the area of Croatia which remained under Serb control, to Croatian administration within a two-year period, under international supervision.

The Croatian armed forces undertook major military actions to take control of the areas controlled by rebel Serb forces – which largely coincided with the UNPAS – citing lack of progress in negotiations towards their peaceful reintegration. The Croatian Army also engaged in military operations in Bosnia-Herzegovina (see *Bosnia-Herzegovina* entry). In May Croatian forces took control of western Slavonia (the southern part of the former UNPA, Sector West). This resulted in the flight of around 10,000 Serbian civilians and soldiers into the Bosnian Serb-controlled area of northern Bosnia-Herzegovina. In August the Krajina region (the former UNPAS, Sectors North and South), the largest Serbian-controlled area, was taken by the Croatian Army. Some 200,000 people, the majority of the population,

CROATIA



Hundreds of political prisoners, almost exclusively Serbs, were detained on charges relating to the armed conflict; there were concerns that they would not

comprising Croatian Serb refugees and soldiers, fled into Bosnian Serb-controlled areas or into Serbia.

In May legislation allowing for the pardoning of individuals charged or convicted with crimes relating to the war which had been committed before 26 September 1992 was extended to include crimes committed up to 10 May 1995. It thus became applicable to some of the Croatian Serb men detained during the action in western Slavonia in May.

Following the Croatian Army's recapture of the Krajina region, President Franjo Tudjman called parliamentary elections which were held in October. The ruling *Hrvatska Demokratska Zajednica* (HDZ), Croatian Democratic Union, increased its majority, but failed to achieve the two-thirds majority in parliament which it needed to implement constitutional changes. The elections were criticized by international monitors, particularly because the large number of Croatian Serbs who had left the country were not allowed to vote, while large numbers of ethnic Croats abroad were.

In October Croatia acceded to the (First) Optional Protocol to the International Covenant on Civil and Political Rights and its Second Optional Protocol, aiming at the abolition of the death penalty.

In November the International Criminal Tribunal for the former Yugoslavia issued indictments against three Yugoslav Army officers. It charged them with grave breaches of the Geneva Conventions of 1949 and other crimes relating to the beating and killing of 261 people taken from the Vukovar hospital in 1991.

In May, 1,494 people, mainly male Serbs, were detained by Croatian police after the military action in western Slavonia. Almost all men of military age (and some others) who remained in the area were detained. Most were quickly released, but some were held for investigation on charges which included war crimes and participation in armed rebellion. From August onwards, around 900 men and a small number of women, mainly Serbs, were detained after the Krajina region was taken. Some were quickly released. In December the authorities announced that 455 of the detained Serbs had been pardoned, although hundreds remained in detention. Criminal proceed-

ings against those remaining in detention led to concerns about lack of fair trial. For example, defence lawyers complained of restrictions on access to their clients and many individuals were detained for long periods before defence lawyers were appointed.

There were reports of ill-treatment in detention. Most of the victims were Serbian men who were beaten by police after being detained during the western Slavonia or Krajina military operations. There were also scores of reports of torture and ill-treatment of the remaining Serbian population by Croatian forces in the Krajina region from August onwards. Most of the victims were elderly people. For example, in August in the village of Gruboronica, a 68-year-old man was reportedly taken out of his house by soldiers who threatened him with a gun, beat him and stripped him naked while they looted his house.

In August Croatian military and civilian police in the town of Sisak stood by for some time while a group of around 15,000 fleeing Croatian Serbs, who were being escorted to the Serbian border by Croatian police, were attacked in their vehicles by Croatians who threw objects at them or attacked them with sticks. Many of the Serbs were injured and one woman died as a result. The police reportedly only took action after the arrival of UN personnel.

There were a number of reports of rape and ill-treatment by soldiers in the course of illegal evictions from apartments formerly owned by the Yugoslav National Army. For example, in July a group of Croatian soldiers broke into an apartment in Zagreb and allegedly raped one of the occupants and reportedly beat and attempted to rape another. Military police officers entered the apartment during the incident but apparently took no action. Criminal investigations were opened, but by the end of the year no one had been charged in connection with the assault or rape.

Many Croatian Serbs were unaccounted for after the military operations in May and August. Although the exact circumstances in which the majority went missing were unclear, there were indications that some had "disappeared". For example, Nenad Dujković and Dragan Mirković, both reportedly civilians, were

taken from an apartment in Knin by Croatian soldiers in August. No information about their whereabouts or fate had been released by the authorities by the end of the year.

Some bodies of those who went missing or "disappeared" in 1991 were identified after mass graves in areas previously controlled by Serbs were exhumed by the Croatian authorities.

Scores of Serbs, many of them elderly, were extrajudicially executed in the Krajina region. For example, at least five people were killed in the village of Grubori in August, apparently by Croatian Special Police. An 80-year-old man was shot in the head at close range in his house. A 65-year-old man had his throat cut and another man and a woman were shot in the head at close range in a field. Buildings were also set on fire and the remains of a 90-year-old woman were found in the ruins of her partially burned house. The Croatian authorities claimed that the victims had been involved in an armed clash or had been killed in cross-fire, although the findings of UN personnel contradicted this. In addition to the testimony of witnesses and other evidence, international observers reported at least 182 deaths during and after the operation in the Krajina region. In many of these cases there were strong indications that the victims had been unlawfully killed, such as gunshot wounds to the head or back. The victims were predominantly elderly people and few were dressed in military uniforms.

Many of the human rights abuses perpetrated by Croatian forces appeared to be aimed at causing the population to flee or to discourage return. For example, during the first two days of the August offensive, Croatian artillery deliberately targeted civilians in residential areas of the town of Knin. Artillery shells killed at least 20 people, possibly many more, including women and children.

Thousands of refugees, including some who may not have been citizens of Bosnia-Herzegovina, were forcibly returned to Bosnia-Herzegovina without any individual determination of whether they would be at risk of human rights violations there. Although many of the refugees who arrived in Croatia from Bosnian Serb-controlled areas were accepted into Croatia, restrictions were placed upon the

entry of Muslims in August. From September newly arriving refugees were immediately returned to other parts of Bosnia-Herzegovina.

More than 13,000 buildings belonging to Croatian Serbs were wholly or partially destroyed in the Krajina region in August and September, many of them by being set on fire. Most of them were believed to have been deliberately destroyed, with the involvement of Croatian forces, in order to discourage the return of Serbs who had previously fled.

There were reports of human rights abuses, including arbitrary detention, torture and ill-treatment, perpetrated by rebel Croatian Serb forces in the self-proclaimed "*Republika Srpska Krajina*" (RSK), "Republic of Serbian Krajina". For example, in March Mirko Buzuk, an aid worker who was a British citizen of Bosnian-Croat origin, was arbitrarily detained by RSK soldiers near Drniš. He was subjected to torture, including repeated beatings and electric shocks to the hands, feet and genitals. His interrogators attempted to force him to confess to "spying". In May, in retaliation for the Croatian Army offensive, RSK forces launched rockets against the centre of Zagreb which killed six civilians and injured 176 others. The International Criminal Tribunal for the former Yugoslavia issued an indictment against the leader of the RSK *de facto* authorities, Milan Martić, after he publicly admitted ordering the attack.

Amnesty International repeatedly appealed to the Croatian authorities to take action to protect human rights. From August, Amnesty International called upon the Croatian authorities to protect the remaining Serbs in the Krajina region, to initiate thorough, independent and impartial investigations into reported human rights violations, and to ensure that suspected perpetrators were brought to justice. Amnesty International repeatedly appealed to the authorities to take action to end the forcible return of refugees and potential asylum-seekers to Bosnia-Herzegovina. The organization also called for investigations into incidents of torture and ill-treatment by soldiers in the course of illegal evictions. It appealed for measures to prevent human rights violations by soldiers in other similar incidents. In September it called for an investigation into the "disappearance" of two Serbs in Knin in August.

From October it renewed calls upon the authorities in the Federal Republic of Yugoslavia and Croatia to take action to resolve the fate of individuals who had "disappeared" in Croatia between 1991 and 1993.

CUBA



Scores of political dissidents and members of unofficial organizations were arbitrarily detained for short periods and subjected to frequent harassment. A few were tried and imprisoned. Some 600 prisoners of conscience and several hundred other political prisoners arrested in previous years remained in prison. Trials in political and death penalty cases fell far short of international fair trial standards. There were frequent reports of ill-treatment in prisons. At least five unarmed civilians were shot dead by law enforcement officials in disputed circumstances. Two men were executed and at least three others were sentenced to death.

The government of President Fidel Castro continued to resist international pressure to implement political reforms. In October the US Congress passed legislation to further tighten the trade embargo on Cuba in place since 1962. In November the UN General Assembly again overwhelmingly condemned the US embargo. The Cuban authorities continued to argue that the US Government's hostile stance towards Cuba obliged them to take strong measures against those inside the country whom they perceived to be supporting US policy. These included independent journalists and human rights monitors who transmitted unofficial reports to the foreign news media and others outside the country. Independent human rights monitoring remained severely limited. Members of unofficial political, human rights

and lawyers groups, journalists and trade unionists were subjected to frequent short-term detention and intimidation by the authorities. In October around 95 such groups came together to form the *Concilio Cubano*, Cuban Council.

Following discussions in Paris between President Castro and Danielle Mitterrand, a delegation from four international non-governmental human rights organizations visited Cuba in April to examine the situation of prisoners of conscience on a list supplied by Amnesty International. The delegation interviewed 24 of the prisoners on the list and had talks with government officials, including President Castro. Four of the prisoners interviewed were released shortly afterwards.

The government continued to deny access to the UN Special Rapporteur on Cuba.

In May Cuba ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

A change was detected in the way the authorities dealt with peaceful dissent. Previously, members of unofficial groups were generally detained for months before being brought to trial, usually on a charge of "enemy propaganda". From mid-1994 onwards, they tended to be kept under close surveillance, detained frequently, but for short periods, and threatened with prosecution on charges such as "enemy propaganda" or "dangerousness" (see *Amnesty International Reports 1994 and 1995*) or, in some cases, common crimes, unless they gave up their activities or left the country. In some cases, although charges were brought, the person concerned was released to await trial but encouraged to leave the country. In May, 16 members of the *Partido Pro Derechos Humanos en Cuba*, Cuban Human Rights Party, were arrested in the provinces of Pinar del Río, Villa Clara and Havana. All those detained were released within days, but 14 were charged with "enemy propaganda" and one was charged with "illegal association". Four from Villa Clara were later tried and convicted but were sentenced only to pay a fine.

Dozens of people were briefly detained for questioning in the week before the first anniversary on 13 July of the sinking of a tugboat in which some 40 people died (see below). Among those detained by the authorities, who apparently feared some

kind of coordinated protest, was Rafael Solano, a journalist who had set up an independent press agency called *Habana Press* in May. He was detained and accused of writing "damaging articles about the system" for "subversive" radio stations and newspapers abroad. He was released with an official warning that if his activities continued, he would face a charge of "enemy propaganda". Several other journalists were briefly detained around the same time and given similar warnings.

In September and October journalists from *Habana Press* and another agency, the *Buró de Periodistas Independientes de Cuba* (BPIC), Bureau of Independent Journalists of Cuba, faced further harassment and threats of imprisonment. Both Rafael Solano and Yndamiro Restano Díaz (see below), BPIC's founder, were questioned in September and their relatives were reportedly warned that the state would not be responsible for any future violent action taken against them because of their activities. Over the following two weeks at least four journalists working with BPIC or *Habana Press* were detained and threatened with a charge of "dangerousness". One of them, Olance Noguerras Roce, of BPIC, was arrested three times during October. When he was released for the third time on 31 October, he was forbidden to have contact with other independent journalists and told not to leave Cienfuegos, his home town.

In November and December dozens of members of groups belonging to the *Concilio Cubano* were taken into custody and threatened with imprisonment. They included lawyer Leonel Morejón Almagro, Executive Secretary of the alliance, who said that he had been told by a State Security official that the authorities would not permit the *Concilio Cubano* to exist and that, if necessary, they would arrest all its members. Upon his release, he was warned not to communicate with exile groups or the foreign news media or to meet other dissidents. There were also indications of a deliberate campaign on the part of the authorities to discredit prominent members of the *Concilio Cubano* and divide opposition groups. For example, they claimed to have evidence that Elizardo Sánchez Santa Cruz, a former prisoner of conscience and President of the *Comisión Cubana de Derechos Humanos y de Reconciliación Nacional*,

Cuban Commission for Human Rights and National Reconciliation, was receiving funds for political prisoners from a Miami-based exile group, a claim which he emphatically denied. He subsequently received several visits from people unknown to him who insisted, sometimes in an intimidating manner, that he owed them money.

Prisoner of conscience the Reverend Orson Vila Santoyo, a Pentecostal minister belonging to the Assembly of God Evangelical Pentecostal Church, was arrested in May in Camagüey and sentenced after a summary trial the same day to 23 months' imprisonment, later reduced on appeal to 18 months, for "disobedience" and holding "illegal meetings". The charges related to his refusal to close down a *casa culto* (house church) which he had been operating in his home since 1991. The authorities had that month ordered the closure of 85 of the 101 house churches in Camagüey province. While freedom of religion is guaranteed in the Cuban Constitution, as revised in 1992, religious activities, particularly those relating to freedom of expression and assembly and proselytism, are tightly restricted by law.

Reports were received in September from Nueva Gerona that Marcelo Rides Bofill and Amado Utria Fernández had been sentenced to three years' imprisonment for "continuous enemy propaganda". They were believed to be prisoners of conscience.

Some 600 long-term prisoners of conscience remained in prison, the majority accused of "enemy propaganda". Several hundred other political prisoners were also serving lengthy jail terms. Although few people were reportedly imprisoned in 1995 solely for trying to leave the country illegally, dozens of prisoners of conscience were still believed to be serving prison sentences imposed for this offence in previous years. Scores of people, including prisoners of conscience, were also serving sentences for "dangerousness".

At least eight prisoners of conscience were released early, four of them in March: Amador Blanco Hernández and Joel Mesa Morales, arrested in December 1992 and sentenced to eight and seven years' imprisonment respectively for "enemy propaganda"; Rodolfo González González, who finally succumbed to pressure to leave the country; and Marta María

Vega Cabrera, arrested in June 1994 and charged with "enemy propaganda", who was provisionally released after her trial was postponed for the fourth time for lack of witnesses (see *Amnesty International Report 1994*). Yndamiro Restano Díaz (see *Amnesty International Report 1994*), Sebastián Arcos Bergnes (see *Amnesty International Reports 1993 and 1994*), Pedro Castillo Ferrer and Agustín Figueredo Figueredo were released in May after the international human rights delegation visited them in prison. Both Sebastián Arcos Bergnes and Agustín Figueredo Figueredo were suffering from cancer, for which they had received inadequate treatment while in detention.

Detention and trial procedures in political cases and cases involving a possible death sentence fell far short of international fair trial standards. Prisoner of conscience Francisco Chaviano González, who was arrested in May 1994 (see *Amnesty International Report 1995*), was tried in April on charges of "revealing state security secrets", "revealing administrative secrets" and "falsifying public documents". He was sentenced to 15 years' imprisonment. The trial took place in a military court because one of the other defendants was a State Security official. Access to defence lawyers was severely limited, defence witnesses were prevented from giving evidence and the defence lawyers were denied access to important documentation submitted as evidence by the prosecution. The charges related to so-called "secret" documents which were handed to Francisco Chaviano minutes before his arrest by a person unknown to him and to allegations that he had provided false information to support applications for US visas. The real motive for his imprisonment was believed to be his peaceful activities in defence of human rights as the President of the unofficial *Consejo Nacional por los Derechos Civiles en Cuba*, National Council for Civil Rights in Cuba.

A number of lawyers were subjected to harassment, including close surveillance and threats of imprisonment, apparently in reprisal for defending their clients in political cases. At least two, René Gómez Manzano and Leonel Morejón Almagro, who later became President and Executive Secretary respectively of the *Concilio Cubano*, were disbarred for spurious

administrative reasons. Both were also prominent members of an independent lawyers group, *Corriente Agramontista*, Agramontist Current, which had been denied legal recognition despite several requests. A meeting of the group was violently disrupted in April by unknown intruders and members reported being threatened on several occasions.

There were reports that prisoners were frequently beaten by guards in several prisons including Combinado del Sur, Matanzas; Kilo 8, Camagüey; and Guanajay, Havana province. Political prisoner Raúl Ayarde Herrera reportedly lost consciousness after being stripped, handcuffed, beaten and dragged along a corridor for refusing to shout out pro-government slogans while held in Combinado de Guantánamo Prison.

At least five apparently unarmed civilians died in circumstances suggesting excessive use of force by law enforcement officials, including security guards belonging to the *Cuerpo de Vigilancia y Protección (CVP)*, Vigilance and Protection Corps, who were reportedly under orders to shoot to kill anyone who entered state property to steal food. In June, three CVP members opened fire on Ramón Acosta Martínez in Havana; one reportedly shot him in the head, killing him instantly. It was not clear whether any action was taken against those responsible for such killings.

Despite requests from lawyers and others, no further official investigation took place into the deaths of some 40 people as the result of the ramming of a tugboat in July 1994 (see *Amnesty International Report 1995*). Survivors alleged that those responsible were acting on orders from government officials.

Two men were executed and at least three others were sentenced to death. Armando Grinan Bell and Mario Magdaleno Pedrozo Cosme were executed in early 1995 after being convicted of the ritual killing of a young boy. Three men were sentenced to death for murder in Ciego de Avila in September. They included Juvenio Padrón Dueñas against whom there was said to be no evidence and whose arrest was alleged to be in reprisal for the political activities of other members of his family. One of the defendants in the case was reportedly beaten in order to force him to make incriminating statements

about Juvencio Padrón Dueñas, which he subsequently retracted.

In May Amnesty International requested permission to visit Cuba but received no reply. In August the organization received an invitation to attend an international conference on the protection of citizens' rights in Havana organized by the Attorney General's office. However, upon requesting visas, delegates were told they could only go as individuals and not as representatives of Amnesty International.

Throughout the year Amnesty International appealed to the authorities to release prisoners of conscience and to allow independent groups of various kinds to carry out their legitimate activities without interference. The organization wrote to President Castro in August welcoming Cuba's ratification of the UN Convention against Torture. In September a letter was sent to the Attorney General raising the organization's concerns regarding allegations of torture and ill-treatment; reports of deaths of unarmed civilians following apparent excessive use of force by law enforcement officials; and several death penalty cases. No replies had been received by the end of the year.

CYPRUS



At least 17 prisoners of conscience, all Jehovah's Witnesses, were imprisoned for refusing on religious grounds to perform military service. A Greek Cypriot soldier who was detained by the Turkish Cypriot authorities appeared to be a prisoner of conscience. A former prisoner of conscience in northern Cyprus alleged that he was ill-treated by the Cypriot police

after his release. A Turkish Cypriot man was allegedly abducted from the UN buffer zone and tortured by Cypriot police officers.

The alternative "unarmed military service" provided for conscientious objectors remained punitive in length (42 or 36 months as against 26 months of ordinary military service) and is suspended during periods of emergency or general mobilizations.

At least 17 conscientious objectors were sentenced to terms of imprisonment ranging from two to 15 months. Among them was Iosif Kourides, a Jehovah's Witness, who was sentenced in May to 15 months' imprisonment for refusing to perform military service on religious grounds. This was his second term of imprisonment for the same offence.

In November Giorgos Karotsakis, a Greek Cypriot soldier, was detained by the Turkish Cypriot authorities in northern Cyprus. The exact circumstances of his detention were not known, but it appeared that his detention was probably related to the abduction of Erkan Eğmez (see below) and that he was a prisoner of conscience held solely because of his ethnic origin. He was released in December.

Salih Askerogul, a Turkish Cypriot conscientious objector to military service in northern Cyprus (see *Amnesty International Report 1994*), was released in May after serving about one and a half years of his three-and-a-quarter-year prison sentence. In August, three police officers burst into his home in Limassol without arrest warrant or court order and told him he was under arrest. When Salih Askerogul refused to follow the officers to the police station before speaking to a lawyer, they reportedly threw him against furniture, kicked him and beat him on the head with their revolvers. He was released from detention after 24 hours.

In October Erkan Eğmez, a Turkish Cypriot, was allegedly abducted by Cypriot police officers near the village of Akincilar (Louroutzina) in the UN buffer zone. He was held in incommunicado detention for a week during which he was allegedly tortured. He was transferred to hospital where he was examined by a UN doctor who reportedly observed injuries consistent with torture. Two and a half weeks after his arrest Erkan Eğmez was seen by his own doctor who reported that

"a number of healed wounds could be observed on various parts of his body made by sharp instruments and heavy beating". On 20 October Erkan Eǧmez was taken to court and charged with 11 offences, including assaulting police officers. However, all the charges were dropped and he was released in December.

Throughout the year Amnesty International called on the authorities to release imprisoned conscientious objectors to military service and to introduce an alternative civilian service of non-punitive length, with no restrictions on the right of conscientious objectors to apply for such service. In November the authorities informed Amnesty International that as a result of a change in policy, conscientious objectors would in future serve only one term of imprisonment for their refusal to perform military service.

In September Amnesty International urged the authorities to carry out a thorough and impartial investigation into the alleged ill-treatment of Salih Askerogul. In October Amnesty International called on the authorities to initiate a thorough and impartial investigation into the alleged torture of Erkan Eǧmez. The authorities responded in November stating that Erkan Eǧmez had sustained injuries to his face and other parts of his body when he fell while trying to escape arrest. In November Amnesty International expressed concern to the Turkish Cypriot authorities about the detention of Giorgos Karotsakis and asked to be informed of his whereabouts and legal situation. No reply had been received by the end of the year.

CZECH REPUBLIC

Two conscientious objectors to military service were imprisoned; both were prisoners of conscience. One person was convicted under a law that could be used to imprison prisoners of conscience. One prisoner died in custody from injuries inflicted by prison officers.

In March President Václav Havel criticized the general lack of concern for human rights, particularly regarding the Roma minority, and called for an Ombudsman to monitor the situation. However, such an institution had not been established by the end of the year.

In September the Constitutional Court ruled it unconstitutional to convict a person more than once under Article 269 of the Criminal Code for not performing military service.



Two conscientious objectors, Martin Novák and Martin Duda, were imprisoned from March to September and June to October respectively for failing to commence military service. Both had conscientious objections to military service on religious grounds. They were refused civilian service because they had not submitted their declarations within the prescribed period. They were released following the decision by the Constitutional Court.

In March Zdeněk Spálovský was charged with insulting and defaming the president and sentenced by Kroměříž County Court to four months' imprisonment, suspended for one year, for calling the president "a traitor and a false prophet" in a newspaper article.

One prisoner, František Kahánek, died in April at Horní Slavkov prison as a result of injuries inflicted by prison officers in charge of him. Four prison officers were charged later that month with abuse of power and causing bodily harm.

However, no one was charged in connection with the death of Martin Červeňák, a Rom who was shot by a police officer while in detention in Horšovský Týn in June 1994. In June a report by the Plzeň Public Prosecutor established that a scuffle had broken out during his interrogation, and that an "incidental shot had been fired which hit him in the head point blank". The same report revealed that Ministry of Interior instructions allowed police officers to use guns without the safety catch on and to have a bullet in the

chamber while conducting searches of Roma houses.

Amnesty International questioned the Ministry of Justice about the investigation into the death of Martin Červeňák and called for the suspension of the discriminatory instructions authorizing officers to inspect Roma homes with their guns ready to fire. The organization also expressed concern to President Havel about the case of Zdeněk Spálovský and the law on the defamation of the president which appeared to restrict the right to freedom of expression. Amnesty International also urged the government to ensure that the law on civilian service did not restrict the right of conscientious objectors to apply for such service at any time.

DENMARK



There were further significant developments relating to alleged misconduct by police in previous years.

In June parliament passed a bill creating a new system for investigating complaints of police misconduct. The bill, effective from 1996, makes regional state prosecutors responsible for handling complaints against the police; these prosecutors can call on the national police to assist in investigations. Regional Police Complaints Boards will be informed of complaints and receive investigation materials and findings; they can make recommendations as to how a complaint should be decided and can appeal against prosecutors' decisions to the Director of Public Prosecutions (DPP).

The UN Committee against Torture, which examined Denmark's second periodic report, recommended that Denmark

give high priority to considering incorporation of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment into domestic law; take strong measures to bring an end to ill-treatment; ensure that allegations of ill-treatment are speedily and properly investigated; and prosecute alleged perpetrators of ill-treatment.

There was continued controversy over the proceedings and investigations relating to the violent demonstration in Nørrebro, Copenhagen, in May 1993. During the demonstration several police officers were injured and at least 11 people, most of whom were reportedly bystanders, were wounded by shots fired in disputed circumstances by police in riot gear and plain clothes (see *Amnesty International Reports 1994 and 1995*).

In February the High Court heard the appeals of 27 civilians charged in connection with the demonstration and acquitted nine. The sentences of most of those who had been convicted in the lower court were significantly increased on appeal. Nine others, who had been arrested some distance away from the centre of the violence about an hour after it had been quelled, were convicted of participation in a grave disturbance of public peace and order. Their convictions were apparently based on their presence in the area at the time. These nine, who had been acquitted by the lower court, were sentenced to 20 days' imprisonment by the High Court. In March the conviction of a police officer, who had hit a demonstrator with a truncheon as the demonstrator was being dragged along the street by two other officers, was overturned.

In May former DPP Asbjørn Jensen, who had been appointed as a Supreme Court Justice in January, published the report of his supplementary investigation into the events of May 1993. This investigation had been launched after questions had been raised about the possibility that an order to shoot at demonstrators' legs had been given. Asbjørn Jensen concluded that it could not be proved who had shouted "shoot at their legs", but reported he believed it likely that these shouts came from demonstrators. This conclusion, as well as the investigation methods used, were widely criticized and were taken up by the Parliamentary Ombudsman. In November the Parliamentary Ombudsman

published preliminary findings about the investigations which included criticisms that the investigations were not independent or exhaustive, and that the criteria for some judgments made by Asbjørn Jensen in his two reports were not clear or consistent. The Minister of Justice subsequently announced his intention to initiate a further investigation into the events of May 1993, most likely to be conducted by three independent legal experts; the Ministry of Justice, however, disagreed with many of the Ombudsman's preliminary findings.

In November the Minister of Justice ordered charges, which had been brought by the acting DPP against three police officers whose bullets had wounded six people, to be dropped. This decision was announced after the publication of two other reports by the Parliamentary Ombudsman about issues relating to the aftermath of the events of May 1993. In his third report, the Ombudsman criticized the multiple roles played by the office of the DPP in bringing these charges and the fact that the investigations had focused on the conduct of only some, but not all, relevant police officers.

Other initiatives taken in the aftermath of the events of May 1993 included the revision of the police regulation on the use of firearms; new practices for the use of plainclothes police officers; and a decision not to equip police officers with water cannons or rubber bullets.

A prosecutor's report concerning in-court investigations into allegations of police ill-treatment of a woman detained in connection with a minor non-criminal case in 1993 was published in March. The prosecutor found that no satisfactory explanation had been given for her 14-hour detention and criticized the police for not giving her any food and for confiscating her glasses. The prosecutor recommended that she be paid compensation but did not criticize the fact that she had been refused access to a doctor, despite repeated requests. The prosecutor also found that it could not be proved that the woman had been punched in the face or thrown into a cell. Following this investigation, the Ministry of Justice stated that it was revising guidelines on detainees' rights to medical treatment; to inform their families of their arrest; to be given access to a lawyer; and to be given food and drink and access to toilets.

In June the Ministry of Justice paid Babading Fatty, a Gambian national who had travelled to Denmark as a tourist, initial compensation for mental and physical injuries suffered as a result of his detention and ill-treatment in 1990 (see previous *Amnesty International Reports*).

In November the High Court considered the civil case brought on behalf of Benjamin Schou, who sustained permanent severe brain damage after suffering a heart attack in police custody on 1 January 1992 (see previous *Amnesty International Reports*). The court found that Benjamin Schou's injuries could have been avoided or limited if the arresting officers had paid attention to his condition and had called an ambulance, and ordered the Copenhagen police to pay compensation.

Also in November, another prosecutor's report gave details of in-court investigations into allegations of ill-treatment of 11 people arrested during a 15-month police operation in Christiania, Copenhagen (see *Amnesty International Reports 1994 and 1995*). Eight of these cases had been cited by Amnesty International as illustrative examples of reports of police ill-treatment during this intensive police operation. The prosecutor found grounds to criticize police conduct in seven of the 11 cases investigated. The prosecutor's report stated that in all 11 cases the detainees had been handcuffed and most had complained that the handcuffs were too tight. Seven detainees had been restrained by police in some form of leg-lock. However, the prosecutor did not conclude that the alleged police ill-treatment formed a pattern. Following the publication of the prosecutor's report, the Director of Copenhagen Police stated that she would apologize to the seven people whose treatment had been criticized by the prosecutor; clarify the regulations on the use of handcuffs; and explore the availability of handcuffs which would cause less discomfort.

In May Amnesty International delegates met the Minister of Justice. They welcomed the review of police self-defence methods and investigations into individual allegations of ill-treatment but expressed concern that, more than two years after the events in Nørrebro and despite the completion of a series of investigations, the exact circumstances in which police had fired shots and had wounded people had not been made public.

DOMINICAN REPUBLIC



One prisoner of conscience continued to be held. Several dozen prisoners, including some who may have been detained for political reasons, were believed to be still imprisoned despite judicial orders for their release. There were reports of ill-treatment, both of prisoners and of Haitian workers. One person remained "disappeared". Eight people were killed during demonstrations, at least some in circumstances suggesting that they may have been extrajudicially executed.

Following allegations of fraud during the 1994 presidential elections, President Joaquín Balaguer agreed to serve an abbreviated two-year term with new elections scheduled for May 1996. There were several protests and strikes about economic issues during the year, some ending in clashes between the security forces and demonstrators.

The police continued to refuse to comply with three judicial decisions ordering the release of prisoner of conscience Luis Lizardo Cabrera, who was arrested in 1989 for alleged involvement in a bombing (see *Amnesty International Reports 1990 to 1995*). The authorities also denied allegations that he was ill-treated in 1993.

In January prisoners rioted in La Victoria National Prison near the capital, Santo Domingo, demanding the release of over 100 prisoners whose freedom had been ordered by the courts. Following a visit to the prison, the District Attorney of Santo Domingo, Joaquín Castillo, ordered the release of 30 prisoners. By the end of the year, it was not clear how many of the others, some of whom it was feared may have been detained for political motives, remained in detention. In April a government report into conditions in the same

prison found chronic overcrowding, ill-treatment of juvenile detainees, frequent beatings and denial of basic facilities.

In September some 40 Haitians working on the state-run Monte Llano sugarcane plantation were reportedly rounded up, driven away in a cattle truck and beaten by security guards. Two of them suffered multiple fractures and had to be hospitalized. Those responsible were reportedly later arrested but by the end of the year none had been brought to trial. In December a group of alleged illegal immigrants from Haiti were reportedly detained for several days and beaten by soldiers in San Cristobal. Subsequently, a bus in which they were being transported back to Haiti crashed and five of them died, reportedly after having been abandoned by the authorities.

The government continued to deny any involvement in the "disappearance" of Narciso González (see *Amnesty International Report 1995*) and again failed to carry out an independent investigation into the case.

Eight people were killed during demonstrations, some in circumstances suggesting that they may have been extrajudicially executed. In June a 13-year-old boy was shot dead during a demonstration in Villa Altigracia by the Under-Secretary for Sport, Francisco de la Mota, who was subsequently charged with manslaughter. Four others were shot dead by soldiers in Santo Domingo in March and three in San Luis in September. It was not clear whether any action was taken against those responsible.

Amnesty International continued to urge the immediate and unconditional release of Luis Lizardo Cabrera and to call for a thorough and independent investigation into the "disappearance" of Narciso González.

ECUADOR

Scores of cases of torture and ill-treatment by members of the security forces were reported. One person allegedly died under torture. Members of the security forces were sentenced for their part in two past cases of human rights violations. The authorities failed to resolve numerous outstanding human rights cases.

In late January an armed conflict broke out between Ecuador and Peru over a long-standing border dispute (see Peru entry). As a result President Sixto Durán Ballén declared a national emergency and scores of Peruvian civilians in Ecuador were detained by the security forces. By July the last of these prisoners had been released.



The State Prosecutor General informed Amnesty International that the Judicial Police remained under the overall control of the executive, and not the judiciary as initially conceived in 1992 (see *Amnesty International Reports 1992 to 1995*). He claimed the government had thereby lost an opportunity to tackle persistent human rights abuses by the police.

Proposals for a sweeping reform of the Constitution were debated by the National Congress. The draft Constitution made provisions for the protection of human rights, including the creation of an Ombudsman. However, in November the reforms were rejected in a plebiscite.

In separate incidents during November, three students were killed in Quito, the capital, by the police in circumstances which suggested the use of excessive force. Two of the victims died in the context of public protests against rises in the cost of transport and college fees. Dozens of Peruvian civilians were reportedly tortured or ill-treated by members of the Ecuadorian security forces in the context of the border conflict with Peru. For example, three Peruvian merchants – Estanislao Farro Suárez, Adriano Rueda Ortíz, and Andrés Rafael Sánchez Ortíz – who were arrested by members of the Ecuadorian army in January, alleged that they had had electric shocks applied to their fingertips during interrogation. In February, two Pe-

ruvian journalists, José Mariño Lanyi and Carlos Mauriola Martínez, were punched and beaten with sticks by eight men in a street in Quito. José Mariño Lanyi alleged that two of the assailants were members of the Ecuadorian military. A Peruvian vice-consul, José Eduardo González Mantilla, claimed that he was beaten, kicked and threatened with death by an Ecuadorian army patrol which stopped his car on the Pan-American Highway in March.

Criminal suspects continued to be tortured and ill-treated, sometimes with fatal consequences. In February Vicente Muñoz Ruiz, a market stall-holder, was arrested and driven to a Judicial Police precinct in the city of Guayaquil. He was then taken by two policemen to a coastal inlet and submerged in the water with his hands tied behind his back. He died after failing to respond to resuscitation when he was lifted out of the water. Members of the police were detained pending the outcome of a judicial investigation.

In August, four Colombian refugees living in Quito – Ramón Alirio Pérez Vargas, Martha Cecilia Sánchez, Chesman Cañón Trujillo and César Guillermo Díaz García – were detained for questioning in connection with a possible attack on the President of Colombia, Ernesto Samper, during his visit to Ecuador in September. All four, after having been released without charge, said they had been tortured in an Ecuadorian military establishment. In a written testimony Ramón Pérez stated that he was kicked, beaten, given electric shocks and forced to drink a mixture of water and quicklime. He also claimed that he had recognized a Colombian army officer and a member of a Colombian paramilitary group among his Ecuadorian torturers.

In June the Supreme Court of Justice upheld the prison sentences imposed on seven police officers implicated in the death in 1988 of the brothers Carlos and Pedro Restrepo (see *Amnesty International Reports 1992 to 1995*). In December the Supreme Court of Justice upheld the sentences of between two and eight years imposed on three marines implicated in the 1985 “disappearance” and extrajudicial execution of teacher Consuelo Benavides (see previous *Amnesty International Reports*). Other members of the security forces and government officials implicated in the Benavides case and awaiting trial

were expected to have proceedings against them shelved under a law allowing for cases to be closed 10 years after the commission of the crime.

The authorities failed to resolve numerous outstanding cases of human rights abuse. For example, the Pichincha state prosecutor investigating 11 people accused of involvement in an armed attack on Ecuadorian forces patrolling the river Putumayo in 1993 stated that "those responsible for the torture [of the accused] are members of the Ecuadorian army." However, the prosecutor took no steps to bring those responsible for the torture to justice. By the end of the year seven of the 11 accused still awaited trial (see *Amnesty International Report 1995*). Other unresolved cases of reported human rights violations included "disappearances" and extrajudicial executions.

Amnesty International called on the government to investigate reported cases of torture, including the death of Vicente Muñoz Ruiz. In February the organization asked President Durán Ballén to ensure that the security forces fully respected the human rights of Peruvians detained in the context of the conflict with Peru. The Foreign Ministry responded that orders had been given for human rights to be respected, but added that "isolated incidents had been carried out against some Peruvian citizens". In response, Amnesty International requested information on these "isolated incidents". The Foreign Ministry replied that no conclusive evidence had been found to substantiate allegations that the two Peruvian journalists and the vice-consul had been attacked by members of the Ecuadorian security forces. The authorities failed to reply to Amnesty International's appeals for an investigation into allegations that the three Peruvian merchants had been tortured.

Amnesty International wrote in March to the authorities expressing concern that declarations made under torture by 11 suspects implicated in the Putumayo case could be used by the prosecution as evidence against them and asking the courts to adhere to international human rights standards prohibiting the use of such evidence. In July, four of the 11 suspects were absolved of all charges; the other seven were sent for trial.

In September Amnesty International made public a letter to President Durán

Ballén expressing concern that those implicated in the death of Consuelo Benavides in 1985 could escape punishment should the Supreme Court of Justice close the case. The State Prosecutor General responded that he had written to the president of the Supreme Court of Justice in May telling him that "If [the Benavides case] remains unresolved or the punishment is not implemented ... it would serve to justify torture and murder as none other than forms of official terrorism."

EGYPT



Dozens of members of professional associations, including doctors, were sentenced by the Supreme Military Court to up to five years' imprisonment; they were prisoners of conscience. Thousands of suspected members or sympathizers of banned Islamist groups, including possible prisoners of conscience, were held under state of emergency legislation. Some were held without charge or trial; others were serving sentences imposed after grossly unfair trials before military courts. Torture and ill-treatment of political detainees was systematic; at least 26 detainees died in custody during the year. At least 14 people were sentenced to death and at least six people were executed. Armed opposition groups committed grave human rights abuses, including deliberate and arbitrary killings of civilians.

A state of emergency introduced in 1981 (see previous *Amnesty International Reports*) remained in force. In May the People's Assembly (parliament) issued a draft law to amend the penal code, reducing freedom of expression by greatly increasing the penalties for libel and slander, and allowing journalists to be prosecuted for vaguely defined offences such as "publishing rumours". The law had not been passed by the end of the year. Parliamentary elections were held in November and December. At least 50 people were killed and over 800 injured during and

immediately after the elections. The ruling National Democratic Party won an overwhelming majority. Opposition parties and local human rights groups claimed that the elections had not been free and fair and called for new elections under the supervision of international observers.

Violent clashes continued between armed opposition groups and the security forces, especially in Upper Egypt. Bomb and firearm attacks were carried out by banned Islamist groups, particularly *al-Gama'a al-Islamiya* (Islamic Group) and *al-Gihad* (Holy Struggle). The majority of victims were police and state security officers, but over 30 unarmed civilians were also killed.

In June gunmen opened fire on President Hosni Mubarak's motorcade in Addis Ababa, Ethiopia. He was not injured. The Egyptian Government reportedly blamed the Sudanese Government for the assassination attempt, worsening relations between the two countries and resulting in border skirmishes between the two armies in the disputed area of Halaib. Ethiopian investigators subsequently said the assailants were all Egyptians and *al-Gama'a al-Islamiya* claimed responsibility for the attack.

Scores of prominent members of the Muslim Brothers, a formally banned but until recently tolerated Islamist organization, were arrested during the year. They included at least 11 doctors arrested in a clamp-down on professional associations in which the Muslim Brothers held leading positions. Many were prisoners of conscience. They were charged with plotting against the government with a view to setting up an Islamic state. However, the real reason for their arrest appeared to be that they had begun to campaign for the November parliamentary elections. They were tried before the Supreme Military Court in Cairo, following a special decree issued by President Mubarak. Defence lawyers withdrew from the trial because they felt the defendants had not committed any criminal offence, and because the court refused to allow them to cross-examine the only prosecution witness. The military court appointed new defence lawyers, all of whom were former military judges or personnel and with whom the defendants refused to cooperate. The original lawyers then petitioned the Supreme Constitutional Court over President

Mubarak's decision to refer civilian cases to military courts under Article 6(2) of the Code of Military Justice. In November, 54 were sentenced to up to five years' imprisonment with hard labour. Among them were Dr 'Issam al-'Iryan, Deputy Secretary General of the Egyptian Medical Syndicate, Egypt's national medical association; Dr Anwar Shahhata, Treasurer of the Syndicate; Dr Ibrahim al-Za'farani; and Dr 'Abd al-Mun'im Abu al-Futuh, Deputy Secretary General of the Arab Medical Association.

During March at least 45 people were arrested at 'Ain Shams University and at the International Trade Fair in Cairo, reportedly after a peaceful protest against Israel's participation in the Fair. Those arrested included Ahmad 'Abd al-Hadi, a journalist with the newspaper *al-Ahrar*; Sayyid al-Toukhy, a lawyer and leading member of the Arab Democratic Nasserite Party; Mohsin Hashim, a leading member of the Labour Party; and at least nine students. All were released without charge within weeks.

At least 1,000 people were arrested during the parliamentary elections. Most were members or supporters of the Muslim Brothers, but members of other opposition parties were also arrested by police apparently to prevent them monitoring the counting of the votes.

Also in November, at least 62 students at Cairo and Alexandria universities were arrested and briefly detained during demonstrations against a ban preventing student members of the Muslim Brothers from participating in university elections.

'Adel Hussein, a journalist and Secretary General of the Labour Party (see *Amnesty International Report 1995*), was released in January without charge.

Thousands of suspected members or sympathizers of banned Islamist groups, including possible prisoners of conscience, were held in administrative detention without charge or trial during the year under emergency regulations.

At least 25 lawyers arrested in previous years remained in detention. Some had been acquitted by military and state security courts but continued to be detained despite repeated release orders issued by the courts. Others were held without charge or trial. They included Sha'ban 'Ali Ibrahim, who had been administratively detained without charge or trial since his

arrest in 1991, despite around 20 release orders from the courts. He was reportedly tortured at the headquarters of the State Security Investigations Department (SSI) in Lazoghly Square, Cairo. He was transferred in the course of 1995 to al-Wadi al-Gadid Prison.

Scores of people tried and acquitted by military courts in 1993 and 1994 were still held under repeated detention orders. Most were held incommunicado in the High Security Prison in Tora and then transferred to al-Wadi al-Gadid Prison. Among them was 'Abd al-Mun'im Gamal al-Din 'Abd al-Mun'im, a freelance journalist arrested in February 1993, who had been acquitted of charges of membership of a banned Islamist group by a military court in October 1993 (see *Amnesty International Reports 1994 and 1995*). He remained held in al-Wadi al-Gadid Prison at the end of the year.

Dozens of civilians charged with membership of other banned Islamist groups, including *al-Gama'a al-Islamiya* and *al-Gihad*, had their cases referred to military courts by order of President Mubarak. The procedures of these courts fell far short of international fair trial standards. Defendants were denied adequate time to prepare their defence and had no right of appeal to a higher court. Before trial, defendants were routinely held in prolonged incommunicado detention and many were reportedly tortured to extract confessions.

Torture of political prisoners continued to be systematic, particularly in police stations, the SSI headquarters in Cairo and SSI branches elsewhere in the country. Commonly cited torture methods included beatings, electric shocks, suspension by the wrists or ankles, burning with cigarettes and psychological torture including death threats. Hundreds of complaints of torture were lodged with the Public Prosecutor's Office by lawyers, the Bar Association and human rights groups, but received little or no response. No information was made available regarding any investigations into the allegations.

At least 26 detainees, most of whom were suspected members or supporters of banned Islamist groups, died in detention centres. The majority of the victims died in al-Wadi al-Gadid Prison, which was opened in February in the desert south of Cairo. According to reports, torture and ill-treatment, combined with poor hy-

giene, overcrowded cells and poor diet, contributed to or caused most of the deaths. Almost all those who died had been held in prolonged administrative detention. For example, Mostafa Mohammad Mohammad al-'Iraqi, a lawyer who was arrested in late 1992, had been acquitted by a military court in 1993. Instead of being released he was issued with a new detention order and held in the High Security Prison in Tora until his transfer to al-Wadi al-Gadid Prison in February. He died in June. His family reportedly received no medical or autopsy report.

The frequent use of the death penalty continued. At least 14 people were sentenced to death, including one *in absentia*; four of them were civilians sentenced by military courts after unfair trials and six others were sentenced by state security courts. At least four people were sentenced to death for murder and drug smuggling. At least six people were executed. In March, two men – Mohammad Nagi Mohammad Mostafa and Mohammad Khadhir Abu al-Farag al-Mahallawi – were executed. They had been sentenced to death in January by a military court. They were among 16 alleged members of *al-Gama'a al-Islamiya* accused of attempting to kill the prominent writer Naguib Mahfouz. In August, two men sentenced to death in May by the Supreme Military Court in Cairo were executed. They were among 42 alleged members of *Tal'ai' al-Fatah* (Vanguards of the Conquest), a splinter group of *al-Gihad*, accused of murder and sabotage. All death sentences passed by military courts are subject only to review by the Military Appeals' Bureau, a body composed of judges which is not a court, and ratification by the President. All death sentences were confirmed by the Bureau and the President.

Armed opposition groups committed gross human rights abuses, including deliberate and arbitrary killings of civilians. Between January and early September at least 31 unarmed civilians were killed in Upper Egypt by gunmen believed to be members of *al-Gama'a al-Islamiya*. For example, on 17 August, two farmers – 'Ala' Hassan 'Abdallah and Baha' Mohammad 'Abbas – were shot dead in the village of Beni 'Obeid near Abu Qerqas in Minya Governorate. On the same day another farmer was murdered in his farm in Mallawy, also in Minya Governorate. On

29 August 'Abd al-Nour Qatis Abu Sa'ada, a Christian pharmacist, and 'Issam Georgy Shahata, a doctor, were shot dead in Minya Governorate.

The armed group *al-Gihad* issued a death threat against a prominent writer, Dr Nasr Abu-Zeid, in June, after a Cairo court of appeal ruled that he had insulted the Islamic faith through his writings and that he and his wife should divorce because, as a Muslim, she should not remain married to an apostate. Dr Nasr Abu-Zeid's appeal against the ruling was still pending at the end of the year.

Amnesty International appealed repeatedly to the authorities to release all prisoners of conscience and criticized the long-term detention without charge or trial of political detainees. The organization called for an end to trials of civilians before military courts and for all political prisoners to be given fair trials. It called for the immediate implementation of safeguards to stop torture and ill-treatment of detainees, and for urgent, thorough and impartial investigations into all allegations of torture and deaths in custody. Amnesty International called for all death sentences to be commuted and for the abolition of the death penalty.

In May and July Amnesty International delegates visited Egypt and met representatives of human rights groups and other non-governmental organizations and professional associations. In November Amnesty International observers attended sessions of the trial of alleged members of the Muslim Brothers before the Supreme Military Court.

In October Amnesty International published a report, *Egypt: Deaths in custody*, which highlighted the increased number of political detainees who died in custody in 1995. In response to the report, the authorities questioned the veracity of Amnesty International's information, specifically the names of detainees cited in the report who had died in al-Wadi al-Gadid Prison. The response gave some information about 14 detainees who died in detention centres but failed to supply detailed information about the circumstances of death. There were no details of the medical care available, although the response stated that all Egyptian prisons, including al-Wadi al-Gadid Prison, had adequate medical facilities, and that the Prisons Law guaranteed the rights of pris-

oners and detainees. In December Amnesty International called on the Egyptian Government to make public the findings of its investigation into the "disappearance" of Mansur Kikhiya, a prominent Libyan human rights activist who was abducted in Cairo in December 1993 (see *Amnesty International Report 1994, Libya* entry).

Amnesty International strongly condemned the deliberate and arbitrary killings of civilians by armed opposition groups and called on them to abide by minimum standards of international humanitarian law and to put an end to such killings. It also called on armed opposition groups to desist from making death threats.

EL SALVADOR



Members of non-governmental organizations were subjected to death threats and harassment. There was an unsuccessful attempt to reinstate the death penalty.

El Salvador ratified the (First) Optional Protocol to the International Covenant on Civil and Political Rights in June.

The work of observers from the UN Observer Mission in El Salvador (ONUSAL), whose task was to monitor compliance with the 1992 peace accords, continued but was scaled down during the year. The Mission's mandate expired on 30 April; it was replaced by the *Misión de las Naciones Unidas para El Salvador* (MINUSAL), UN Mission for El Salvador. The mandate of MINUSAL, which had only a small number of officials, was due to end on 31 October but was then extended to May 1996.

There was no further progress in implementing the recommendations of the *Comisión de la Verdad*, Truth Commission, which examined human rights abuses committed during the armed conflict from 1980 to 1992 (see previous *Amnesty*

International Reports). Key areas not implemented included further judicial reforms, reparation for victims of past human rights violations and accession to a number of human rights instruments.

Members of non-governmental organizations were subjected to harassment and threats. The director and staff of the *Fundación Nacional de Prevención, Educación y Control del Paciente VIH-SIDA* (FUNDASIDA), National Foundation for HIV-AIDS Prevention, Education and Control, an AIDS organization in the capital, San Salvador, received a series of death threats. In June, three armed men raided the FUNDASIDA offices, threatened to kill its director, Dr Francisco Carillo, and took away equipment and confidential files. The raid was followed by numerous threatening telephone calls.

In July members of *Entre Amigos*, Among Friends, a gay men's group, received telephone death threats from an anti-homosexual "death squad" calling itself *La Sombra Negra*, the Black Shadow.

In April members of the ruling *Alianza Republicana Nacionalista* (ARENA), Nationalist Republican Alliance, decided to propose a constitutional reform to reinstate the death penalty for offences including murder, kidnapping and rape. The death penalty was abolished in El Salvador in 1983 for all but exceptional crimes. Under the 1983 Constitution it can only be imposed for certain offences in the Military Code, such as treason, committed during times of international war. However, the proposal had not been put to the Legislative Assembly by the end of the year.

Amnesty International appealed to the government of President Armando Calderón Sol to take measures to ensure the safety of members of non-governmental organizations subjected to intimidation, to make clear its condemnation of such threats and to bring those responsible to justice. Amnesty International also asked the authorities what steps had been taken to implement the recommendations on the eradication of "death squads" issued by the UN-sponsored *Grupo Conjunto para la Investigación de Grupos Armados Ilegales con Motivación Política*, Joint Group for the Investigation of Politically Motivated Illegal Armed Groups (see *Amnesty International Report 1995*).

Amnesty International expressed deep concern about the proposed constitutional

reform to reintroduce the death penalty. It pointed out that if it were approved, El Salvador would be infringing its international commitments as a party to the American Convention on Human Rights which states that "The death penalty shall not be reestablished in states that have abolished it".

EQUATORIAL GUINEA



Hundreds of opposition activists were detained for days or weeks, many of whom were prisoners of conscience. There were two political trials, both manifestly unfair, but those convicted were released under a presidential amnesty. Torture of political detainees was widespread. Two people were alleged to have been extrajudicially executed.

Negotiations between the government and the opposition, which had been broken off when the government reneged on promises to involve the opposition in a census (see *Amnesty International Report 1995*), resumed in January. The government agreed to hold municipal elections and to compile an electoral register with the participation of opposition parties. The electoral census was held between March and mid-April, with members of opposition parties acting as observers, although in some areas they faced obstruction from local officials.

In early 1995 both the Constitution and the electoral law were altered, without the promised consultation with the opposition. The new laws increased the powers of the President and failed to relax the restrictions on opposition parties.

The UN Special Rapporteur on Equatorial Guinea visited the country in late May 1995. He reported that he had observed slight improvements and had been given commitments by the government that it would improve respect for human rights. However, two weeks later there were renewed political arrests.

Municipal elections were held in September. In some areas opposition parties were not allowed to hold rallies, while in others their meetings were broken up by government supporters. Opposition parties contested the results, but the ruling *Partido Democrático de Guinea Ecuatorial*, Equatorial Guinea Democratic Party, of President Teodoro Obiang Nguema, claimed to have won a majority.

Hundreds of opposition activists were arrested during the year, especially in remote areas of the continental region of Río Muni. Most were released without charge after a few days or weeks; many of them were prisoners of conscience. Scores of peaceful political activists delegated to observe the electoral census from March to mid-April 1995 were arbitrarily arrested. Many were beaten and about 12 were detained for over a week. Among them were Baltasar Nsogo Ntumu, a member of the opposition *Convergencia para la Democracia Social* (CPDS), Convergence for Social Democracy, and Pascual Nsomo Mba, Elías Nso Ondo and Avelino Mocache, members of the opposition *Partido del Progreso de Guinea Ecuatorial* (PPGE), Equatorial Guinean Progress Party.

In May a number of people were arrested in Malabo, the capital on Bioko Island, for possessing or distributing the CPDS newspaper *La Verdad* (The Truth). They included Rafael Obiang, a leader of the *Convergencia Social Demócrata y Popular*, Social Democratic and Popular Convergence; Celestino Bacale and Andrés Esono, both CPDS members; and several students. Rafael Obiang, Celestino Bacale and Andrés Esono were held for five days and released only after paying large fines. The April/May issue of *La Verdad* contained criticisms of the amendments to the Constitution and electoral law governing presidential elections.

Juan Nzo, the CPDS Vice-Secretary General, had papers confiscated on his return from Spain in May. When he went to the police station to recover them, he was arrested and held for two days. Two weeks

later his wife, Elvira Lawson Otavenga, was arrested when police went to their home to arrest Juan Nzo. The only apparent reason for her arrest was to put pressure on her husband to give himself up to the police. She was forced to leave her 14-month-old baby daughter behind in the house unattended. Elvira Lawson Otavenga was held for two days before being released.

In the second half of May about 20 members of the Bubi ethnic group were briefly detained in Riaba, southeast of Malabo. They were among hundreds of people who had marched to Riaba from Bahó Grande to demand the release of a man who had been arrested the previous day for criticizing the authorities. Weja Chicampo (see *Amnesty International Report 1995*), a leader of the Bubi party, the *Movimiento para la Auto-determinación de la Isla de Bioko* (MAIB), Movement for the Self-determination of Bioko Island, was also detained in May. In June, two other MAIB members, Aurelio Losoa and Enrique Boneke, both over 70 years old, were also detained. The three were released in late August.

There were further arrests immediately after the municipal elections in September. At least 60 people were arrested in Malabo, including Eustaquio Alogo Edjang, who was arrested at his home and accused of holding an unauthorized meeting, and Antonio María Nsue Osa of the *Acción Popular de Guinea Ecuatorial*, Equatorial Guinea Popular Action Party. Scores of people were arrested in Río Muni at around this time, but few details were available.

There were two political trials; both were manifestly unfair. In February several leading members of the PPGE and dozens of soldiers were arrested in Río Muni and Malabo and accused of plotting to overthrow the government. The defendants included Severo Moto, President of the PPGE; Agapito Ona, Secretary General of the PPGE; Pedro Esono Masié, a former lieutenant colonel; and Leoncio Miká, director general of the military academy in Bata and a relative of the Vice-President of the PPGE. Their trial was held in April with very little warning and lasted seven hours. The court used summary procedures which severely restricted the rights of the defence. All those questioned, except Severo Moto, stated in court that they had

been tortured (see below). The only evidence presented by the prosecutor was a letter written in 1992 by Severo Moto which discussed the possible military reaction to peaceful democratic change. Nowhere did it mention the use of violence by the opposition. Severo Moto was sentenced to 28 years' imprisonment and Pedro Massa Mba to 30 years. Agapito Ona and Pablo Ndongo were sentenced to 20 years' and five soldiers to between six months' and 12 years' imprisonment. One soldier was acquitted.

Severo Moto was already serving a two-and-a-half-year prison sentence imposed after an unfair trial in March. He had been convicted with Tomás Elo, Treasurer of the PPGE, of defaming President Obiang Nguema and of corruption. At the trial the defence was denied the right to call certain witnesses and the prosecution failed to present evidence to support the charges.

In March Jacinto Nculu, a former army sergeant imprisoned for reading an old army magazine (see *Amnesty International Report 1995*) was released.

On 3 August, to mark the 16th anniversary of his accession to power, President Obiang Nguema released 26 political prisoners in an amnesty. The released prisoners included Severo Moto and his co-defendants and 14 people who had been convicted after a grossly unfair trial in July 1994 (see *Amnesty International Report 1995*).

Many of those detained during the year were tortured. All those tried in April, except Severo Moto, said they had been held naked, some for up to a month, inside a locked cupboard measuring 70 cm by 50 cm. They were deprived of food for prolonged periods and at night they were taken into the forest where they were hung from poles and beaten. They subsequently had difficulty walking and some apparently also found it difficult to sit. Agapito Ona could not walk at all. Pedro Massa Mba had both arms broken and Norberto Nculo, a leading PPGE member, also had a broken arm.

In April police arrested Norberto "Tito" Mba Nze, the local representative of the CPDS in Akonibe, Río Muni. He said he was beaten on the soles of his feet and other parts of his body. CPDS members who saw him three days after his arrest in Akonibe police station said that he had

difficulty walking and that his left arm was injured. He told them, in the presence of police officers, that he had been arrested for trying to perform his duties as an electoral census observer. He had previously been arrested and tortured in 1994 (see *Amnesty International Report 1995*).

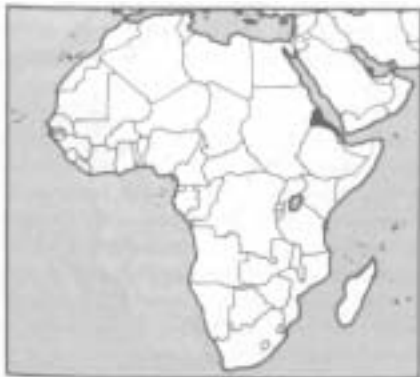
Indalecio Abuy was arrested in April by four plainclothes security personnel and taken to a military camp some five kilometres from Bata on the airport road where he was held for two days. Two security personnel held him down while two others beat him on the buttocks and back with high-tension cable; he was made to wear a padded jacket to prevent visible injury. Indalecio Abuy had previously been arrested in 1994 while investigating human rights abuses in Niefang district (see *Amnesty International Report 1995*).

Two people were reported to have been extrajudicially executed. In April Francisco Sulecoba Bapa, a law student, was shot dead at close range by a police officer who went to his house in Basapú on Bioko Island to arrest him. Francisco Sulecoba Bapa had apparently been accused of theft by a neighbour. He was not armed. The bullet went through his body and injured a 14-year-old girl, Africa Ebuera, who was in the house at the time. The police officer was tried a week later in connection with the death and acquitted.

In September Félix Esono Mba was killed in Miboman, in the northeast of Río Muni, when the security forces opened fire on villagers who were peacefully celebrating what they claimed was a local election victory for the opposition party *Unión Popular*, Popular Union. According to reports, plainclothes security personnel led by a high-ranking government official arrived in the village and, without warning, fired indiscriminately into the crowd. A number of people were apparently injured in the attack.

Amnesty International repeatedly appealed for the release of prisoners of conscience and for the introduction of safeguards against torture and ill-treatment. In July the organization published a report, *Equatorial Guinea: A dismal record of broken promises*, which described a pattern of repression of political activists and unchecked brutality by the security forces.

ERITREA



There were reports of detentions without charge or trial of suspected government opponents. Scores of political prisoners arrested in the previous four years, including prisoners of conscience, continued to be held without charge or trial. The whereabouts of at least a dozen people who reportedly "disappeared" in 1991 and 1992 remained unknown.

The government of President Issayas Afewerki, leader of the People's Front for Democracy and Justice (PFDJ), the only permitted political party, continued to face armed opposition in western border areas from the Eritrean Islamic Jihad opposition organization based in neighbouring Sudan. In October the government revised its 1994 regulations on national service to make six months' military training, followed by 18 months' development service and military reserve liability, compulsory for men and women aged 18 to 50 years, with no provision for conscientious objection. In March the government confirmed its October 1994 directive that members of the Jehovah's Witnesses religious sect had no rights of citizenship because the sect "refused to recognize the state and its laws". The government enacted a law in July confirming religious freedoms but banning religious organizations from political activity. A Constitutional Commission continued its consultation and drafting work to prepare a Constitution for 1997.

Information about detentions of government opponents was difficult to obtain or confirm. Arrests were reported in western Eritrea of people allegedly involved with the opposition Eritrean Islamic Jihad

forces, and in the southeastern Danakil area in July of people who opposed conscription.

Four prisoners of conscience, Abdu-salam Mohamed Habib and three other members of the Jaberti ethnic group arrested in 1994, were among scores of political prisoners arrested since 1991 who continued to be held in detention without charge or trial.

In May the authorities announced the release of 90 detainees held without charge or trial since 1991 for alleged involvement in human rights violations during the period of Ethiopian rule. Dozens of soldiers detained without trial in connection with an army mutiny in May 1993 were also released, leaving a small number still held. There were no moves to bring to trial any political detainees, most held since 1991. These included former members of the Ethiopian security forces and civilian administration in Eritrea, and members of the Eritrean Liberation Front-Revolutionary Council (ELF-RC) armed force which had fought until 1991 against both the former Ethiopian Government and the Eritrean People's Liberation Front (in power since 1991).

The government denied responsibility for at least a dozen people who had reportedly "disappeared" in 1991 and 1992 (see *Amnesty International Report 1995*).

Amnesty International appealed to the government for the release of the four Jaberti detainees and any others who were prisoners of conscience, and for all other political detainees to be given fair trials or released. It called on the government to disclose details of all political detainees and to allow them access to their families. It urged the authorities to establish full and impartial investigations into the cases of all detainees who were alleged to have "disappeared".

ESTONIA

Four prisoners under sentence of death were held in prolonged isolation.

Following parliamentary elections in March, Tiit Vähi was confirmed as Prime Minister.

At least four prisoners were believed to be on death row at the end of the year. All four had been convicted of aggravated

murder in 1992 and 1993. Three of the convicted men were still awaiting the outcome of petitions for clemency they had submitted to President Lennart Meri in 1993. Prisoners on death row were confined to their cells for 23 hours a day, raising concern that such prolonged isolation could have serious effects on their physical and mental health.



In February a total of 88 asylum-seekers who had been held in detention or under lesser forms of restriction throughout 1994 were allowed to enter Finland, where they were granted political asylum (see *Amnesty International Report 1995*).

Throughout the year Amnesty International appealed for the commutation of all pending death sentences. In August the organization urged the authorities to consider all possible ways of alleviating the effects of prolonged isolation on death row prisoners.

In November Amnesty International wrote to the authorities requesting information about the investigation into the suicide in Harku Prison of 17-year-old Riina Vallikivi in August 1994 (see *Amnesty International Report 1995*). Amnesty International asked whether, following her death, any prison officers had been disciplined or any changes made to prison procedures regulating the imprisonment of juveniles, the use of punishment cells, or the medical supervision of prisoners placed in such cells. No reply to this or a previous inquiry about the case had been received by the end of the year.

ETHIOPIA



Hundreds of critics and opponents of the government were arrested, including prisoners of conscience. Some were sentenced to prison terms after apparently unfair trials but most were detained without charge or trial. More than 1,500 officials of the former government continued to be detained without charge, but 45 others were brought to trial charged with genocide and crimes against humanity. There were allegations of torture of government opponents and reports of extrajudicial executions of suspected opponents, particularly in areas of armed conflict. Courts condemned at least two prisoners to death but no executions were reported.

Elections were held in mid-1995 for the parliament, federal council, and regional and state assemblies of the renamed Federal Democratic Republic of Ethiopia, in accordance with the Constitution established in December 1994. Opposition parties boycotted these elections. In August the Transitional Government, which had ruled Ethiopia since the overthrow of Lieutenant-Colonel Mengistu Haile-Mariam's government in 1991, handed over to the new government headed by Prime Minister (formerly President) Meles Zenawi of the Ethiopian People's Revolutionary Democratic Front.

Fighting continued between government forces and the armed opposition Oromo Liberation Front (OLF) in the Oromo region and there was also some fighting in the Somali and Amhara regions involving other groups, including the Ogaden National Liberation Front (ONLF), a Somali opposition party which had taken up armed opposition to the government.

At least 40 journalists were arrested in Addis Ababa and held for varying periods. Most were released provisionally, pending possible future trial, but several were convicted and either fined or given suspended prison sentences. Eight other journalists were sentenced to prison terms ranging from one year to 18 months on account of their articles criticizing the government or reporting on opposition to the government. They were prisoners of conscience. They included Terefe Mengesha of *Roha* magazine, who was sentenced to one year's imprisonment in February; Tamana Getachew, the general manager of *Madda Walabu* magazine, who was jailed for a year in March; and Getahun Bekelle of *Tarik* magazine, who received a 30-month sentence in November. Also in November, 10 journalists and the chairman of the Ethiopian Human Rights Council, Professor Mesfin Wolde-Mariam, were charged with spreading false information in their reporting of a student demonstration in 1993. All were released on bail and the charges were withdrawn the following month.

Several hundred people suspected of supporting the OLF were reportedly detained without trial in different areas. They included Dandana Gurmu, aged 70, an Oromo elder arrested in February in Ambo, near Addis Ababa; Guteta Kabeta, an engineer; and Bogalech Tolosa and her sister Bizunesh Tolosa, arrested in August in Nazareth, 45 kilometres southeast of Addis Ababa, after a grenade explosion in the town. Some appeared to be prisoners of conscience, including five Oromo Relief Association staff who were arrested in September in Negelle Borana town in the south, and in Chinka in Wollega district. Two of them were released in October but the others, including Martha Arera, a storekeeper, were still held without charge or trial at the end of the year.

There were widespread arrests in Addis Ababa in February in connection with disturbances in the Anwar mosque and nearby *mercato* (market) areas on 2 February involving rival Islamic groups, both pro- and anti-government. The disturbances led to nine deaths; some of those killed were reportedly shot by the security forces. Thirty-five people were kept in custody and charged with incitement to violence but their trial was still at a preliminary stage by the end of the year.

Some may have been arrested solely for their non-violent opposition to the government, including Haji Mohamed Welle Ahmed, a Muslim leader, and Mohamed Abdu Tuku, an engineering lecturer.

Scores of suspected members of the ONLF were also among those detained. They included Ambaro Ahmed Musse, president of the Ogadeni Women's Association; Abdullahi Yasin, a religious leader; and Hassan Ali Omar, the mayor of Shilabo, all of whom were detained in July. Ambaro Ahmed Musse was released in October but many others were still held without charge or trial at the end of 1995.

Professor Asrat Woldeyes, chairman of the All-Amhara People's Organization opposition party and a possible prisoner of conscience (see *Amnesty International Report 1995*), was brought to trial with 31 others charged with incitement to rebellion. The trial was still at a preliminary stage at the end of the year. He was already serving prison sentences totalling over five years after being convicted on similar charges in three separate trials in 1994 which appeared not to satisfy international fair trial standards.

Hundreds of suspected government opponents detained in previous years continued to be held, including 285 members of the OLF forces detained in 1992, whose trial on charges of armed rebellion began in early 1995 in Ziway town, 100 kilometres southwest of Addis Ababa. Bayera Mideksa, a businessman, suspected OLF supporter and possible prisoner of conscience, had his sentence increased to five years' imprisonment after a prosecution appeal. He had been arrested in 1992, accused of possession of weapons, and sentenced to 18 months' imprisonment after an apparently unfair trial. Mengesha Dogoma, a leader of the Gedeo People's Democratic Organization, was another possible prisoner of conscience. He had been arrested in 1992 and was still detained at the end of 1995 awaiting trial on criminal charges. Several ONLF supporters arrested in 1994 remained in detention without charge or trial throughout 1995 and were possible prisoners of conscience, including Haji Abdinur Sheikh Mumin, imam of Degabur mosque (see *Amnesty International Report 1995*).

Hundreds of opposition party activists, most of whom had been detained in 1993 and 1994 and held without charge or

trial, were released. They included Yilma Chamola, the vice-chairman of the Sidama Liberation Movement (SLM), who had been held since 1993, together with about 300 other SLM members detained since 1994; and Merid Abebe, chairman of the Omo People's Democratic Union, and dozens of supporters of other southern opposition parties held since early 1994. Tefera Asmare, a prisoner of conscience and editor of *Ethiopia* magazine, was released in September after serving a two-year prison sentence on account of an article criticizing the government (see *Amnesty International Report 1995*).

The trial continued of 45 members of the former ruling Provisional Military Administrative Council (known as the *Dergue*), charged with committing genocide and crimes against humanity (see *Amnesty International Report 1995*). The trial was still at a preliminary stage when it was again adjourned in November. More than 1,500 officials of the former government of President Mengistu Haile-Mariam (in exile in Zimbabwe) remained in indefinite detention while charges relating to human rights violations were being prepared against them. They included former military and security officers and civilian administrative officials; Alemayehu Teferra, a former university president; Mammo Wolde, a former Olympic athlete; and Aberra Yemane-Ab, who had returned from exile to attend a peace conference in 1993. Some new arrests also took place. They included Mekonnen Dori, a former vice-minister in the Transitional Government, who may have been arrested on account of being a prominent member of the opposition Southern Ethiopian Peoples' Democratic Coalition.

Reports of torture by the security forces were received from areas in which the OLF or the ONLF were engaged in armed opposition. In one case, the Reverend Bekelle Deressa, an elderly minister in the Ethiopian Evangelical Mekane Yesus Church, was reportedly tortured while detained for six weeks in Wollega district in April. He was said to have been stripped, tied, hung upside-down, and beaten in an attempt to make him confess to involvement in the OLF.

The fate of dozens of people who had "disappeared" during the Transitional Government's four-year rule remained unknown and there were increasing fears for

their safety (see *Amnesty International Report 1995*). They included Mustafa Idris, a telecommunications worker who "disappeared" in 1993; Hagos Atsbeha, a businessman held by the Tigray People's Liberation Front since 1988; Yoseph Ayele Bati, an OLF supporter abducted in 1992; and several ONLF supporters detained in 1994, including Deeg Yusuf Kariye, a journalist, and Mohamoud Muhumed Hashi, a former university lecturer.

There were numerous reports of extrajudicial executions by the security forces, particularly in areas of armed opposition by the OLF and ONLF. To Amnesty International's knowledge, there was no official investigation into any of the complaints of killings by soldiers of suspected government opponents. Reports claimed that one of the Muslim activists killed in February, Siraj Mussa Obsee, an elderly man who was nearly blind, was deliberately shot dead by soldiers arresting him. One of many suspected OLF supporters who were killed was Henock Yonatan, a farmer arrested by soldiers in Najo in March and allegedly tortured. His body was found near a military camp six weeks later. The bodies of Ali Yusuf Khalif, a poet and singer, Mohamed Haybe Yusuf, a science graduate, and Buhul Sheikh Abdirahman – all suspected ONLF supporters arrested by soldiers in July near Wardheer – were reportedly found near Kebre Dahar a few days later.

At least two people were sentenced to death by regional courts for murder but no executions were reported.

An Amnesty International delegation visited Ethiopia in February and discussed the organization's concerns with the Minister of Information (who was later elected President), the Minister of Justice and other officials. In April Amnesty International published a report, *Ethiopia: Accountability past and present – human rights in transition*. This welcomed the long-delayed start of the trial of former government officials for human rights crimes but criticized the Transitional Government for failing to investigate and prevent human rights violations by its own forces. Amnesty International called for a review of prisoners' cases to ensure the release of prisoners of conscience and for the fair and prompt trial or release of other political detainees. It also called for independent and impartial inquiries into

allegations of "disappearances", torture and extrajudicial executions, and urged the government to abolish the death penalty. Regarding the trials of former government officials, Amnesty International urged the authorities to guarantee international standards of fair trial and to exclude the death penalty. In response to Amnesty International's appeals, the government denied that there were any political prisoners and repeated its earlier denials of torture or "disappearances".

FRANCE



Dozens of imprisoned conscientious objectors to national service were considered prisoners of conscience. There were reports of shootings, killings and ill-treatment by law enforcement officers, sometimes accompanied by racial insults. Judicial investigations into such incidents were subject to long delays, although in some cases law enforcement officers were brought to trial.

Presidential elections were held in April. Jacques Chirac of the *Rassemblement pour la République* (RPR), Rally for the Republic Party, was elected President and Alain Juppé was appointed Prime Minister. The new government pursued a severe policy on immigration and border control. Specially chartered planes were used to deport illegal immigrants.

A wave of bombings started in July, killing eight people and wounding more than 170. The *Groupe islamique armé* (GIA), Armed Islamic Group, an Algerian armed group, claimed responsibility for some of the attacks. A draft bill expanding anti-terrorism legislation was still under discussion at the end of the year. It aimed

to broaden the definition of crimes that could be considered as "terrorist", to increase police powers, and to impose heavier sentences for attacks on the police and related offences. A major security operation, code-named "*Vigipirate*", was launched in September to combat attacks by armed groups. By the end of the year, over a million random identity checks had been made and thousands of extra police and military personnel deployed on street patrols.

There were dozens of imprisoned conscientious objectors during the year; they were prisoners of conscience. There was still no right to claim conscientious objector status during military service and the alternative civilian service available to recognized objectors remained, at 20 months, twice the length of ordinary military service. Conscientious objectors refusing to conform to the national service laws continued to be liable to prison sentences.

The majority of conscientious objectors imprisoned during the year were Jehovah's Witnesses serving sentences imposed in 1994 for their refusal to perform military service. They had not applied for conscientious objector status because they also rejected, on religious grounds, the option of civilian service. However, none entered prison after a Ministry of Defence directive came into force "on an experimental basis" in February. Under its provisions, Jehovah's Witnesses liable for conscription into the armed forces who submitted a request in writing before call-up were referred directly to regional health and social authorities who assigned them to 20 months' civilian work, comparable with that carried out by conscripts with conscientious objector status.

Many conscientious objectors to the national service laws also benefited from a law introduced in August which made an amnesty available to conscripts who had failed to report for or deserted from national service before 18 May. However, the amnesty did not exempt them from a future obligation to perform national service. An amnesty was also extended to conscripts accused or convicted of insubordination, a charge frequently brought against conscripts refusing, on grounds of conscience, to put on military uniform and perform military service. However, such conscripts had to agree to carry out their national service.

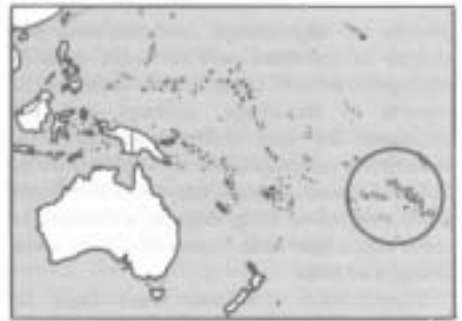
Conscientious objectors imprisoned during the year included Alain Cazaux, from the Basque region, who entered prison in October 1994 to serve a sentence of 10 months' imprisonment for desertion and insubordination, as a result of his refusal to put on military uniform and perform military service. He based his objection to military service on his anti-militarist and political beliefs. He did not apply for civilian service, because, among other objections, he considered its length to be punitive. He was released in June.

There were further shootings and killings of unarmed people by police during the year. In August a police officer shot and killed Todor Bogdanovic, an eight-year-old Rom from Serbia. The officer was at a road-block on a remote mountain road in southern France when 43 Roma approached in a convoy of four cars and two trailers. The officer claimed that the first car did not obey his order to stop and he used a shotgun to fire a rubber bullet. He then reloaded and fired two metal charges at very close range at the second vehicle. The second shot pierced the rear window, killing the child who was asleep in the back. Judicial and administrative inquiries were immediately opened. The administrative inquiry, conducted by the General Inspectorate of the National Police, found that the shots had been fired prematurely.

Numerous reports of ill-treatment by law enforcement officials were received during the year. In August Sid Ahmed Amiri, of dual French and Algerian nationality, was detained in Marseilles. He claimed that he was beaten and threatened by three officers of a transport police unit, the *Unité de surveillance des transports en commun* (USTC), who checked his identity papers, then handcuffed him, placed him in a police car, and hit him several times with a truncheon. The car did not take him to a police station but instead drove to an isolated quarry to the north of the city. He alleged that USTC officers then kicked him and beat him with fists and truncheons and threatened him with a gun. Sid Ahmed Amiri tried to seize the weapon and attempted unsuccessfully to escape. He was then handcuffed again and placed in one of the metal containers in the quarry. He stated that the officers fired three shots at the container before taking his wallet and leaving. An hour later he was picked up by another police patrol

who took him to hospital for treatment to an open fracture of his nose and injuries to his legs and shoulders. The police returned to the quarry where they found one of the USTC officers who had returned to retrieve a truncheon marked with his name which he had apparently left there. Administrative and judicial inquiries were immediately opened and the USTC officers were suspended and provisionally detained. In August they were placed under judicial investigation on charges of illegal detention, premeditated assault and theft.

In September, 16 trade unionists were detained in Papeete, the Tahitian capital of the French overseas territory of French Polynesia, by troops from the *garde mobile* (anti-riot police) of the *Gendarmerie nationale* (national gendarmerie). Armed officers reportedly burst into the *A Tia I Mua* union headquarters shortly before a news conference was due to begin. The authorities claimed that the trade unionists were detained in connection with a judicial inquiry into serious rioting, looting and arson which had destroyed the airport terminus and severely damaged the centre of Papeete. These incidents followed the resumption of nuclear testing by France on Mururoa atoll.



Some of the detainees claimed to have been kicked and punched, including Henri Temaitahio, a union representative of the *Office des Postes et Télécommunications*, Post Office, who was reportedly knocked unconscious with a truncheon blow to the head. He was subsequently taken to hospital suffering from progressive paralysis of the left side. The detainees were handcuffed and stacked face downwards in a military lorry which took them to the barracks. According to reports, the detainees were forced to kneel in the parking area of the barracks with their hands still handcuffed behind their backs

and their faces to the ground for approximately 45 minutes after arrival. Administrative and judicial inquiries were opened into the incidents and the judicial complaints from the trade unionists.

Judicial inquiries into many cases of shootings, killings and ill-treatment from previous years were still unfinished. However, in a few instances officers were brought to trial.

In March, two police officers were given suspended prison sentences of 18 months and ordered to pay damages for using unlawful violence and causing injuries to a motor-cyclist. In 1989 Lucien Djossouvi had been knocked off his motor cycle in Paris by an unmarked police car. Other officers arrived at the scene and he was handcuffed, subjected to racist insults, repeatedly punched, beaten with truncheons and kicked in the testicles. He was only allowed to go after stating that he would not press charges. He later received emergency hospital treatment for serious injuries to his head, face, stomach and testicles (see *Amnesty International Reports 1990 to 1995*).

In September an officer from the border police, the *Direction centrale du contrôle de l'immigration et de la lutte contre l'emploi des clandestins* (DICILEC) – formerly known as the *Police de l'Air et des Frontières* (PAF) – was sentenced in Nice to 24 months' imprisonment, with 16 months suspended, and fined. Moufida Ksouri, a French citizen of Tunisian origin, had been sexually assaulted in 1993 by the officer in a French border post at the Menton-Ventimiglia crossing. She had previously been raped by two Italian police officers, who were both sentenced to five years and eight months' imprisonment in 1994 (see *Amnesty International Report 1995*).

In October a police officer was sentenced to 24 months' imprisonment, with 16 months suspended, fined and banned from carrying a firearm for five years. He had been accused of involuntary homicide after shooting and fatally wounding Rachid Ardjouni, a 17-year-old of Algerian origin, in Wattrelos in 1993. The officer shot him in the back of the head when he was reportedly face downwards on the ground (see *Amnesty International Reports 1994 and 1995*). The court ruled that the officer should not have taken his weapon out; should not have pursued the

deceased with a weapon in his hand; was personally not in danger; and was also drunk at the time. An appeal against the sentence was lodged by the defence.

Amnesty International continued to express concern that, because of its punitive length, civilian service did not provide an acceptable alternative to military service. The organization was also concerned that there was still no provision for conscientious objection developed after joining the armed forces and reiterated its belief that conscientious objectors to military service should be able to seek conscientious objector status at any time. Amnesty International called for the release of conscientious objectors whom it considered to be prisoners of conscience.

In January the French authorities wrote in answer to some of the issues raised in Amnesty International's 1994 report, *France: Shootings, killings and alleged ill-treatment by law enforcement officers* (see *Amnesty International Report 1995*). Subsequently, the authorities agreed to a meeting to discuss Amnesty International's concerns in early 1996.

Amnesty International sought information from the authorities about the progress of investigations into incidents of shootings, killings and ill-treatment. The Ministry of Defence informed Amnesty International in November that the preliminary results of the administrative inquiry in Tahiti, French Polynesia, into the complaints by trade unionists of cruel, inhuman or degrading treatment showed that they were without foundation. Also in November the Attorney General supplied details of the continuing judicial investigation.

Amnesty International delegates attended the trials of police officers accused of the ill-treatment and racist abuse of Lucien Djossouvi and of the involuntary homicide of Rachid Ardjouni.

GAMBIA

Prisoners of conscience were detained for short periods. A group of at least 35 people arrested in October, who appeared to be prisoners of conscience, was held until the end of the year. At least seven members of the security forces continued to be held, most without trial. Seven

others were sentenced after secret trials before courts-martial. One former senior official died in custody, allegedly as a result of torture; another died in suspicious circumstances, giving rise to allegations that he had been extrajudicially executed. The death penalty was reintroduced but not imposed.



In February the Chairman of the Armed Forces Provisional Ruling Council (AFPRC), Captain Yahya Jammeh, declared that the country would return to civilian rule in July 1996 – not at the end of 1998 as previously stated – under a revised constitution, to be put to a referendum. He also stated that there would be new electoral laws. It was announced that two leading members of the AFPRC had been arrested in January for trying to seize power because they were dissatisfied with the Council's decision to restore civilian power early. It was not clear whether they had in fact used force or had merely criticized government policy. Captain Sadibou Haidara died in custody in June and Captain Sabally was tried by court-martial in December (see below).

In June the National Intelligence Agency (NIA) was given far-reaching powers, including the authority to arrest and detain anyone suspected of threatening state security and to intercept their communications. In July the NIA searched the offices of the *Daily Observer* newspaper after it published an article referring to the military government's first year in power as a "chequered year". In July a Court of Appeal decision stated that there were no human rights laws in the Gambia. The statement was based on the fact that the human rights guarantees in the Constitution had been revoked by AFPRC Decree 36 of April 1995. The decision was delivered

with reference to the case of Pa Sallah Jagne, one of the security detainees held since the July 1994 coup. His lawyer had challenged his detention on several grounds, including the argument that it violated his fundamental human rights.

On 25 October extensive powers of arrest and detention were granted to the Minister of the Interior, retrospective to 22 July. They permitted detention for up to 90 days without an appearance in court and specifically removed the right to *habeas corpus*.

In October journalist Chernor Ojuku Sesay was sent back to Sierra Leone after two days in custody, apparently because of articles he had written criticizing the treatment of Sierra Leonean nationals in Gambia. Chernor Ojuku Sesay had fled from Sierra Leone in April for fear of persecution and was held for five days on his return (see **Sierra Leone** entry).

In October Chairman Jammeh, addressing a rally of his political movement, criticized people "who disguise themselves in the form of journalists ... and human rights activists" and urged the crowd to "get rid of them". He also stated that those pressurizing the AFPRC about holding elections will go "six feet under" and that the AFPRC would not hold elections until they wanted to. In an effort to reduce the outcry which followed, the AFPRC issued a press release saying that reporting of the Chairman's speech had been unbalanced. However, this confirmed that his reference to "so-called journalists" had meant those being defended by outside organizations. Tanya Domi, director of the Banjul office of the US-National Democratic Institute, was expelled from Gambia in November on the grounds that her activities and utterances were "unhelpful", after she stated publicly that government attacks on the media "would undermine public confidence in democratic institutions and processes".

The circumstances in which some military personnel died at the time of the November 1994 coup attempt remained unclarified (see *Amnesty International Report 1995*). New information suggested that at least 13 of those who died may have been extrajudicially executed.

At least 10 prisoners of conscience were held for short periods. Pap Saine, publisher of the newspaper *The Point*, and two of its journalists, Alieu Badara Sowe

and Brima Ernest, were arrested on 31 March and held for three days on charges of publishing material likely to cause fear and alarm. The charges referred to an article about prison disturbances. Their trial started in June and lasted until September when they were acquitted.

In July Mariatou Faal-Njie was arrested after papers considered "seditious" were found in her office. She was held for two weeks before being released on bail. The trial, on charges related to documents critical of the government, started in September and was continuing at the end of the year.

Lamin Waa Juwara, a former opposition member of parliament, was arrested twice for defying the government's ban on political activities. In June he was arrested with six other people, apparently after he visited four villages in his former constituency. The seven were held for a month without charge and then released with a warning not to undertake political activity. In October Lamin Waa Juwara was again arrested on account of his political activities and held for about 10 weeks before being released without charge.

At least 35 people were arrested in October and held in a hangar at Fajara army barracks near the capital, Banjul, after government critics gathered to deliver a letter to foreign diplomats. They were denied visits from their families and experienced serious difficulties in gaining access to their lawyers. The authorities alleged that the detainees were supporters of the banned People's Progressive Party (PPP) and said that those arrested had been planning a demonstration in support of a return to power of former President Dawda Jawara. Twenty-five were charged with sedition and others remained held without charge. The legal basis for their detention was clarified retrospectively by the 25 October decree. They appeared to be prisoners of conscience.

At least seven members of the security forces arrested in July 1994 remained held at the end of the year (see *Amnesty International Report 1995*). Three had appeared in court on various charges including theft and abuse of public office. Their trial was repeatedly adjourned.

In June, seven soldiers were each sentenced to nine years' imprisonment on charges of mutiny in connection with the November 1994 coup attempt. Their trial

apparently failed to meet international standards of fairness. They were tried in secret at Fajara army barracks in Bakau and were defended by military counsel. It was not clear whether they had a right to appeal.

In September Captain Sanna Sabally, formerly Vice-Chairman of the AFPRC, appeared before a closed court martial at Fajara army barracks. He was charged with "lifting a weapon against a superior officer", namely the Head of State, in January. The government stated that Captain Sabally and former Interior Minister Captain Sadibou Haidara had forced their way into the President's office to seize power because they disagreed with the pending announcement of an early return to civilian rule. Other sources suggested they were arrested because of disagreements within the AFPRC.

Captain Haidara, who was arrested with Captain Sabally in January, died in custody in June. There were reports that both Captains Sabally and Haidara had been ill-treated while in custody and that Captain Haidara may have died as a result. It was reported that a post-mortem examination concluded that he died as a result of long-standing high blood pressure which gave rise to kidney and lung problems. Captain Haidara's family disputed the results but the government rejected demands for an independent inquiry.

Finance Minister Ousman Koro Ceesay was found dead in June in the burned-out wreckage of his car. Despite repeated requests and their own declarations, the authorities did not organize any investigation into the cause of death. Unconfirmed reports suggested that he was killed by people close to the AFPRC before the car was set alight.

In August the AFPRC issued a decree reinstating the death penalty which had been abolished in April 1993. No death sentences were imposed.

Throughout the year, Amnesty International expressed concern to the authorities about the detention of prisoners of conscience, and the detention without charge and secret trials of other political detainees. It also appealed to the authorities to open an investigation into the deaths of the two former senior officials. Amnesty International urged the authorities to reconsider the decision to reintroduce the death penalty.

GEORGIA



Seventeen political prisoners were sentenced after proceedings which fell short of international fair trial standards. Allegations of ill-treatment in detention continued. At least 18 people were sentenced to death, and at least eight executed. In the disputed area under their control, Abkhazian militia forces were reportedly responsible for the murder of at least 13 ethnic Georgians and the torture of dozens more. At least one person was sentenced to death in Abkhazia.

Head of State Eduard Shevardnadze survived an assassination attempt on 29 August while travelling to sign the new Constitution, which had been adopted by parliament five days earlier. The powerful paramilitary Rescue Corps (formerly known as *Mkhedrioni*), ordered to disarm in May, was disbanded in October after many of its members were accused of complicity in the assassination attempt. Eduard Shevardnadze was elected to the recreated post of President in November.

The new Constitution included basic rights and freedoms, and created the post of Public Defender to monitor the defence of individual rights and freedoms. However, the death penalty was retained as an "exceptional measure of punishment" for "especially serious crimes against life".

Talks continued on the political future of the disputed region of Abkhazia (see *Amnesty International Report 1995*) but the situation remained tense, especially in the southern district of Gali to which small numbers of ethnic Georgians had returned. Both they and the Abkhazian population faced attacks from armed bands, although the security situation made it

extremely difficult to confirm allegations that many such attacks were directed or condoned by officials from both sides.

The trial before the Supreme Court of an original 19 political prisoners, which started in October 1993, concluded in March when 17 men were sentenced to terms ranging from 30 months' imprisonment to death. The proceedings fell short of international standards for fair trial (see *Amnesty International Report 1995*). For example, no confessions were excluded from evidence despite allegations that they had been extracted under torture. The sentences, including those of death passed on Irakli Dokvadze and Petre Gelbakhiani, were without right of appeal.

Zaza Tsiklauri, who was sentenced to five years' imprisonment in the trial, was among several prisoners to allege that he had been ill-treated in custody. He was reportedly beaten and threatened on his arrival at the corrective labour colony in Rustavi where he had been sent to serve his sentence.

At least 18 people were sentenced to death and eight executed between January and October. At least four of the death sentences were passed by the Supreme Court and therefore not subject to appeal. At least one death sentence was commuted. Unofficial sources reported that by November, 28 men were imprisoned pending execution.

Abkhazian militia forces were allegedly responsible for the deaths of at least 13 ethnic Georgians and the torture of dozens more in the Gali district. In January, three members of one family were reported to have been deliberately and arbitrarily killed by Abkhazian police based in Tagilioni in what was said to have been a revenge attack after the killing of several police officers by unidentified assailants. Neighbours said they discovered the bodies of Ivan Antilava, his wife Zinaida Taklikishvili and his son-in-law after observing police enter, then leave, the family home.

At least 10 Georgians were reportedly killed and dozens of others tortured or ill-treated in March when Abkhazian militia swept through the Gali district in what they described as an operation to register returning Georgians and locate infiltrating "partisans". A spokesman for the UN High Commissioner for Refugees reported that UN doctors had seen at least 10 bodies,

most of which bore signs of torture including pulled finger-nails, burns and wounds. UN doctors also treated at least 35 people who had suffered similar types of torture or who had been severely beaten.

At least one person was sentenced to death by a military tribunal in Abkhazia. Ruzgen Gogokhiya, an ethnic Georgian, who had been charged with terrorist acts against civilians, was believed to be still under sentence of death at the end of the year.

Amnesty International urged the Georgian authorities to conduct a judicial review of the case of Irakli Dokvadze and his co-defendants. Amnesty International repeated its calls for all allegations of ill-treatment in custody to be investigated promptly, impartially and comprehensively, with the results made public and any perpetrators identified brought to justice. Amnesty International called for steps towards the complete abolition of the death penalty, for all pending death sentences to be commuted, and for immediate moves to ensure that all those sentenced to death had the right to appeal to a higher court.

Amnesty International urged the *de facto* Abkhazian authorities to conduct prompt, comprehensive and impartial investigations into all allegations of killings, torture and other ill-treatment by militia forces under their control. Amnesty International called for the results of such investigations to be made public and for anyone found responsible to be brought to justice within the bounds of international law. Responding in April, the Abkhazian Prosecutor General's office reported that although an investigation was continuing into the three deaths in Tagiloni, those responsible had not been found.

Amnesty International urged the Abkhazian authorities to commute the death sentence imposed on Ruzgen Gogokhiya, and on any other prisoners awaiting execution. Amnesty International sought further information on the application of the death penalty, including assurances that all those sentenced to death had the right of appeal to a higher court.

GERMANY



There were new allegations of ill-treatment of detainees by police officers.

As in previous years the majority of the victims of alleged ill-treatment were foreign nationals, including asylum-seekers, or members of ethnic minorities.

In April Binyamin Safak, a Turkish national arrested following an argument with police officers over parking, alleged that officers punched and kicked him in the face, chest, head and arms in a Frankfurt police station. He also alleged that one of the officers threw him head first against the wall of the cell. During the prolonged assault on him, Binyamin Safak's hands were secured behind his back. According to a medical certificate, the detainee's injuries included a cut to his lip which later required stitching; a fractured cheekbone; and a cracked rib. In July another Turk, Hidayet Secil, alleged that he was ill-treated by police officers who were called to his apartment in Göppingen following a complaint by a neighbour about noise. Hidayet Secil alleged that one officer punched him four times in the face and another repeatedly struck him with his baton while he was held by three other officers. Hidayet Secil's injuries included a suspected broken nose, bruising to the upper lip and upper jaw, and weals on his back. The police authorities brought complaints against both Binyamin Safak and Hidayet Secil for resisting state authority.

Reports were received that in 1994 a number of African asylum-seekers detained in Bremen had been given emetics against their will in order to induce them to vomit up drugs they were alleged to have swallowed. Some detainees reported

that when they refused to take the emetics they were threatened or ill-treated; others stated that they were racially abused in police custody.

Decisions were reached by prosecuting and judicial authorities on a number of cases of alleged ill-treatment by police in previous years. In April the Hamburg Regional Court rejected Frank Fennel's appeal against a previous court ruling that there was insufficient evidence to try three police officers charged with causing him serious bodily harm (see *Amnesty International Reports 1994 and 1995*). Frank Fennel had been badly beaten by officers from police station 16, in July 1991. A court later awarded him compensation for his injuries. In November, one of the police officers, together with two other colleagues, went on trial for ill-treating Lutz Priebe in police station 16 in August 1989 (see *Amnesty International Report 1994*). Although a court had awarded him compensation for his injuries in February 1993, charges were not brought against the officers until March 1995. The trial was still continuing at the end of the year.

In May, two Berlin police officers were charged with ill-treating Vietnamese asylum-seeker Nguyen T. following his arrest in June 1994 (see *Amnesty International Report 1995*).

In July the Berlin prosecuting authorities concluded that there was insufficient evidence to charge two police officers with ill-treating Büilent Demir (see *Amnesty International Report 1995*). Büilent Demir, a German citizen of Turkish origin, had alleged that the officers had assaulted him after his arrest in April 1994. The officers denied ill-treating him, stating that the youth had tried to run away from them and had hit his face on the ground when he was caught. In October charges against Büilent Demir for resisting arrest were dropped. In the same month an appeal by Büilent Demir against the prosecuting authorities' decision not to charge the officers was rejected.

In July the Berlin Regional Court upheld an appeal by three police officers convicted in September 1994 of ill-treating Habib J., an Iranian student (see *Amnesty International Reports 1994 and 1995*). Habib J. had alleged that the officers had ill-treated and racially abused him following his arrest in December 1992. Habib J. appealed against the deci-

sion of the Berlin Regional Court.

In October, three Hamburg police officers were charged with causing bodily harm to journalist Oliver Neß, who had alleged that the officers had assaulted him while he was reporting on a demonstration in central Hamburg in May 1994 (see *Amnesty International Report 1995*). In December a court opened trial proceedings against two of the officers concerned.

In November a doctor was charged with failing to render assistance to Nigerian asylum-seeker Kola Bankole in August 1994 (see *Amnesty International Report 1995*). Kola Bankole died after being bound and gagged and injected with a sedative when he physically resisted attempts by the Federal Border Police to deport him from Frankfurt am Main airport.

Amnesty International expressed its concern to the authorities about allegations of ill-treatment brought to its attention throughout the year. In the majority of cases, the organization was informed that criminal investigations had been opened into the cases it had raised.

In May Amnesty International published a report, *Federal Republic of Germany: Failed by the system - police ill-treatment of foreigners*, in which it described in detail 20 out of a total of more than 70 allegations it had received between January 1992 and March 1995 that police officers had used excessive or unwarranted force in restraining or arresting people, or had deliberately subjected detainees to cruel, inhuman or degrading treatment or punishment. Amnesty International made a number of recommendations relating to the rights of detainees in police custody; the investigation of allegations of police ill-treatment, and the prosecution of those responsible; and police training and disciplinary procedures. The need for improvements in these areas was largely rejected by the authorities at both national and regional level.

GREECE

About 350 conscientious objectors to military service were imprisoned. All were prisoners of conscience. Legal proceedings continued against eight people prosecuted for peacefully exercising their right to freedom of expression. There

were further reports of torture and ill-treatment by police and prison officials. At least two men were shot dead by law enforcement officers in disputed circumstances.



About 350 conscientious objectors to military service were imprisoned. All were prisoners of conscience. There is no alternative civilian service for conscientious objectors to military service, although they can halve their sentences by working in agricultural prisons. About 350 Jehovah's Witnesses were serving prison sentences of up to four years and eight months for their refusal to perform military service on religious grounds. In October Nikos Karanikas, a conscientious objector on philosophical and political grounds, was sentenced to four years' imprisonment for "insubordination in a period of general mobilization". In December his sentence was reduced on appeal to one year's imprisonment, suspended for three years, and he was released.

In June, 76 men who faced a second call-up to military service and possible imprisonment after having been released under a law aimed at reducing prison overcrowding (see *Amnesty International Report 1995*), were discharged from military obligations.

Legal proceedings continued against seven people who had been prosecuted for criticizing government policies on ethnic minorities (see previous *Amnesty International Reports*). In November the trials of Michail Papadakis and of six members of the *Organosi gia tin Anasingrotisi tou Kommounistikou Kommatos Elladas*, Organization for the Reconstruction of the Communist Party of Greece, were postponed until 1996.

In November the trial of Archimandrite Nikodimos Tsarknias on a charge of "impersonating a priest" was postponed until January 1996. Since his expulsion from the Greek Orthodox Church in April 1992 for claiming to belong to the Macedonian minority in Greece, he had been tried repeatedly on similar charges. He attributed this harassment to his support for the recognition of a Macedonian minority in Greece.

In September charges against Christos Sideropoulos were dropped on the grounds that they had expired. He had been prosecuted in 1993 for a statement in which he claimed that his cultural rights as a member of the Macedonian ethnic minority in Greece were being violated.

There were further allegations of torture and ill-treatment of detainees by police and prison officials. Nikolaos Gogos, an imprisoned Jehovah's Witness conscientious objector, lodged a complaint with the Athens Military Court. He stated that in March he was slapped, pushed violently, beaten with a belt and threatened with cigarette burns by two soldiers. An official inquiry was ordered into the case, but the results were not known by the end of the year.

There were numerous reports of beatings in police custody. Athanasios Zayiakis was detained in October for possessing a small amount of heroin. When he appeared before the examining magistrate, she ruled that he was unfit to remain in detention and ordered his release. Photographs published subsequently in a newspaper showed severe bruising on his face, back and legs. An inquiry was ordered into the ill-treatment of Athanasios Zayiakis, but the result was not known at the end of the year.

There were allegations of torture and ill-treatment in prisons. In August around 60 prisoners in Kerkyra prison reportedly refused to return to their cells following the third suicide attempt by an Albanian prisoner, Ali Kopluku, who had reportedly been repeatedly beaten by prison guards.

There were reports that demonstrators were ill-treated by the anti-riot police, *Monades Apokatastasis tis Taxis*. In March demonstrating pensioners were attacked with tear-gas and truncheons when they breached a police line. Two were taken to hospital with breathing difficulties. Two police chiefs were reportedly

suspended from duty for two and three months respectively for ordering the use of tear-gas, but it was not known whether any investigation into other allegations of ill-treatment took place.

There were reports of shootings by police and military forces in circumstances which appeared to indicate unwarranted and excessive use of force. In March Greek border guards opened fire on four Albanian nationals about 15 kilometres inside Greece, killing Aristid Troska. Also in March Dimitris Nikolopoulos was shot dead by a prison guard while being returned to Tyrinth Prison from hospital following a suicide attempt. The guard claimed that Dimitris Nikolopoulos resisted being handcuffed and started to run. The guard then fired three warning shots, one of which hit Dimitris Nikolopoulos in the chest. No inquiry was known to have been opened into these killings.

Amnesty International called on the authorities to release all imprisoned conscientious objectors to military service and to introduce legislation on conscientious objection which fully reflected international recommendations. The organization called on the authorities to drop the charges brought against Archimandrite Tsarknias for exercising his right to freedom of expression. Amnesty International expressed concern to the authorities about alleged torture and ill-treatment of detainees and prisoners and shootings by law enforcement officials in disputed circumstances. It urged them to investigate all such allegations impartially and to bring to justice those responsible.

GRENADA

Two people were allegedly ill-treated by police officers. One person was killed by police officers in disputed circumstances.

Two people were allegedly ill-treated by police in January. Rupert Williams, who was allegedly mentally ill, was taken to the South St George Police Station where he was reportedly kicked on the upper body, hit in the face, and kept locked in a cell for two days. Kingsley Fletcher was allegedly beaten by police officers from the Victoria Police Station after he intervened when he overheard a police

officer using obscene language to a friend. An official investigation was initiated into the incident, but the outcome was not known by the end of the year.



In April Lawrence Lincoln Adolphose, who was mentally disturbed, was shot dead in disputed circumstances by a police officer following an altercation with a neighbour. Lawrence Adolphose had allegedly been attacked previously by police officers, as a result of which he reportedly lost his eye.

Amnesty International wrote to the Prime Minister, the Commissioner of Police, and to the Ministry of National Security, expressing concern at the allegations of ill-treatment, seeking information about the investigation into the alleged ill-treatment of Kingsley Fletcher and calling for a full and independent inquiry into all allegations of ill-treatment, including two other cases of alleged ill-treatment by police officers in March and April 1993. It urged that steps be taken to prevent such ill-treatment in future. The organization also expressed concern at the shooting of Lawrence Adolphose and at two other shootings in March and May 1994. The Commissioner of Police replied that all such allegations were thoroughly investigated and that appropriate measures were taken wherever the complaint appeared to have merit.

GUATEMALA

Over 150 extrajudicial executions and scores of "disappearances" were reported. The perpetrators were members of the security forces and government-backed armed groups including civil patrols and newly-created "self-defence" squads. Victims included indigenous activists, former refugees, religious personnel, street children and trade unionists.

There were continuing reports of torture and ill-treatment by the security forces. People involved in human rights work were subjected to harassment and death threats. Little progress was made in clarifying thousands of cases of past human rights violations.



The government and the armed opposition agreed a cease-fire in August, the first in 35 years of civil conflict. Presidential and congressional elections were held in November. There was no outright winner and a second round of elections was scheduled for early 1996.

UN-brokered peace negotiations between the government and the armed opposition, originally scheduled to have been completed in December 1994, continued throughout 1995. In March an agreement on the identity and rights of indigenous peoples was signed. However, it appeared that previous agreements were not respected despite the presence of the *Misión de las Naciones Unidas para la verificación de derechos humanos en Guatemala* (MINUGUA), UN Mission for Guatemala (see *Amnesty International Report 1995*).

Reflecting reports and statements by MINUGUA and the UN Expert on Guatemala, an August resolution of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities expressed deep concern at the impunity enjoyed by perpetrators of human rights violations in Guatemala and at the inability of the judicial system to bring those responsible to justice.

The Clarification Commission to look into human rights violations, agreed in June 1994 as part of the peace negotiations, was unable to start work in the absence of a signed peace agreement (see *Amnesty International Report 1995*).

In March the Guatemalan Congress passed a law extending the death penalty

to those convicted of involvement in kidnapping or abduction, their accomplices and those attempting to cover up such crimes. However, President Ramiro de León Carpio neither ratified nor vetoed the law within the legally specified period, leaving its status unclear at the end of the year.

In June President de León announced the "demobilization" of military commissioners, as required by the March 1994 human rights accord (see *Amnesty International Report 1995*). Since the 1930s, military commissioners had acted as local agents of the army, responsible for forced military conscription and passing information to the army. They had been implicated in numerous human rights abuses including the extrajudicial execution in July 1993 of publisher and politician Jorge Carpio Nicolle (see *Amnesty International Reports 1994 and 1995*). The government claimed that forced military conscription had ended, but cases continued to be reported. Local human rights groups were concerned that the commissioners would continue to operate as civilians.

The government encouraged the formation of new civilian "self-defence" squads, armed and trained by the military, ostensibly as a response to a rise in urban crime. These squads, civil patrols (civilian militia in which Guatemala's largely indigenous peasants are forced to serve) and a number of new vigilante groups apparently acting with official complicity were reportedly responsible for killing members of juvenile gangs and petty criminals as part of a campaign of "social cleansing". These new "death squads" were also implicated in human rights abuses against suspected opponents of the government.

In June, six people, including representatives of MINUGUA and the UN High Commissioner for Refugees who were negotiating the peaceful return of refugees to a site in El Quiché Department, were briefly taken hostage by a civil patrol commanded by a military commissioner.

Over 150 extrajudicial executions and scores of "disappearances" were reported, but the true total was believed to be significantly higher. Peasants, many of them indigenous, continued to be subjected to human rights violations, including extrajudicial executions and "disappearances", many of which took place in the context of land disputes with local landowners.

Arnoldo Xi, a member of an indigenous peasant organization, the *Coordinadora Nacional Indígena y Campesina*, National Indigenous and Peasant Coordinating Committee, was shot and abducted by heavily armed men in March, near the community of Matucuy, Purula, Baja Verapaz Department. Arnoldo Xi's companion escaped and reported that private security guards employed by landowners and acting with the cooperation and acquiescence of the security forces were responsible. Arnoldo Xi's fate and whereabouts were unknown at the end of the year.

In October, 11 people were killed when soldiers opened fire on former refugees and displaced persons resettled at Xamán, Chisec, Alta Verapaz Department. Among the victims was an eight-year-old boy reportedly shot as the soldiers retreated. Some 17 other villagers were injured in the attack. Witnesses stated that the army patrol entered the community as villagers were preparing to celebrate the first anniversary of their return to Guatemala. After an argument about the right of the army patrol to enter the community in the light of UN-brokered agreements guaranteeing the security of returned refugees and displaced persons, soldiers opened fire indiscriminately and exploded several grenades. Three soldiers were wounded by their own fire. Officials initially denied any army involvement, then claimed the patrol had been attacked after entering Xamán at the villagers' invitation. The Minister of Defence, General Mario Enriquez, was forced to resign, President de León announced a high-level commission of inquiry, and the entire patrol was reportedly arrested and placed under the jurisdiction of a military court.

Priests, pastors and religious personnel involved in human rights work were among those who were killed or who "disappeared". Manuel Saquic Vásquez, an evangelical pastor and coordinator of a Kaqchikel Maya Human Rights Committee in Panabajal, Chimaltenango Department, was abducted on 23 June and reportedly tortured before being stabbed to death. His body was recovered from the Chimaltenango cemetery on 7 July; his throat had been slit and he had 33 stab wounds. Officials had reportedly known his burial place for some time, but had failed to inform either his family and colleagues or MINUGUA. Church officials reported that his

offices had been under surveillance by a local military commissioner for several weeks before his abduction. Local residents believed he was killed because of his human rights work and because he was the sole witness to a previous abduction by the same military commissioner. Four people investigating his killing received death threats.

In August Daniel Alvarez de Paz, an evangelical pastor, was killed in Japón Nacional, Suchitepéquez Department. Investigations into his killing and into that of Belgian priest Alfonso Stessel in an outlying district of Guatemala City in December 1994 suggested that the killings were extrajudicial executions. The order to kill Father Stessel was reportedly issued to a juvenile gang by a government official whom Father Stessel was investigating in relation to an earlier attack on a trade union official.

In June, 17-year-old Edwin Américo Orantes Martínez was shot dead and another youth was wounded by a man identifying himself as a member of the *Dirección de Investigaciones Criminológicas*, Criminal Inquiries Division, of the National Police. Two nearby uniformed policemen did not pursue the assailant, but instead briefly arrested another youth who had run for help. The case was referred to the Public Ministry for investigation.

Trade unionists were also targeted for attack. Jhonny Martínez López, a teacher and member of the *Sindicato de Trabajadores de Educación de Guatemala*, Education Workers Trade Union, was abducted in June. His body was found in an anonymous grave in the general cemetery in Cobán in August. His killing was reportedly ordered by plantation owners who allegedly bribed officials not to investigate his death. Teachers pressing for an investigation into his killing reportedly received death threats.

There were continuing reports of torture and ill-treatment by the security forces. In March civil patrol members beat Juan Sirín Raxjal and dragged him along the ground, breaking his leg, when he was late for patrol duty. They accused him of being a subversive.

Human rights activists, trade unionists, journalists and others were subjected to harassment and intimidation. Workers in textile assembly plants and their relatives were harassed and threatened, apparently

to prevent unionization at the plants and to keep wages low. In February Débora Guzmán Chupén, a trade union leader, was abducted, bound, blindfolded, injected with a drug and threatened with death. She was released the following day but continued to receive death threats.

In March Catarina Terraza Chávez, an Ixil Maya and a local leader of the largely indigenous *Coordinadora Nacional de Viudas de Guatemala*, National Coordinating Committee of Widows of Guatemala, an organization of women whose husbands have been extrajudicially executed or made to "disappear" by the army, was assaulted and threatened by an army intelligence officer. She had just returned from Guatemala City where she had participated in a protest against continuing human rights violations in indigenous areas. She had reportedly been assaulted by the same officer in January 1994 when she was seven months pregnant.

Little progress was made in clarifying the fate of tens of thousands of victims of past human rights abuses or in bringing those responsible to justice. Independent forensic groups undertook further exhumations at sites where large-scale extrajudicial executions had been reported during the army's counter-insurgency campaign of the late 1970s and early 1980s. The remains of several hundred people were uncovered, but no investigations were known to have been undertaken by official bodies to determine how the victims died or who was responsible.

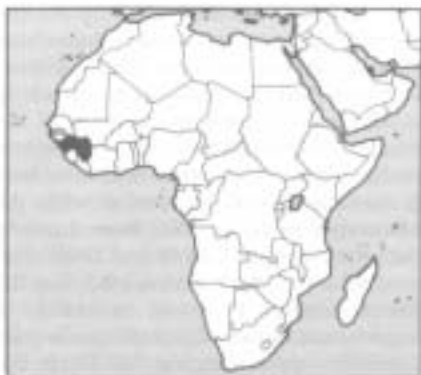
Government officials continued to obstruct efforts to exhume victims of human rights violations buried in some of the 100 or more clandestine cemeteries believed to exist in Guatemala. In July members of the independent *Equipo Argentino de Antropología Forense*, Argentine Forensic Anthropology Team, recovered the remains of at least 171 people at Las Dos Erres in El Petén Department, where 350 men, women and children had reportedly been extrajudicially executed by the Guatemalan army in 1982. Sixty-seven of those exhumed were children under 12. Some victims were bound; others had bullet wounds to their skulls. The local military commissioner reportedly tried to impede the exhumation by threatening witnesses, relatives, Guatemalan human rights monitors and members of the forensic team.

Information surfaced concerning the involvement of the US Central Intelligence Agency (CIA) with Guatemalan military officials linked to abuses including the torture, "disappearance" and extrajudicial execution of US citizens or their relatives. US citizen Jennifer Harbury persisted in her efforts to exhume the remains of her husband, Efraín Bámaca, an opposition commander who "disappeared" after having been wounded in combat with the Guatemalan army in 1992 (see *Amnesty International Reports 1994 and 1995*). The Guatemalan military maintained that he died in combat. However, in March US Congressman Robert Torricelli made public information confirming that Efraín Bámaca had been taken into custody by the army, tortured, then extrajudicially executed, and that US officials had known this for some time before informing Jennifer Harbury. Congressman Torricelli's information also suggested that both the death of Efraín Bámaca and of US citizen Michael Devine, killed in 1990, had been carried out by troops under the command of a Guatemalan colonel, who was being paid by the CIA at the time of their deaths. US President Bill Clinton ordered an official inquiry into these and other cases involving US citizens which led to disciplinary action against several CIA employees. In Guatemala, however, those named as implicated in the deaths were not arrested or charged. Jennifer Harbury, a former soldier with information about the case and Dr Eduardo Arango Escobar, the Public Ministry prosecutor assigned to investigate the case, received death threats. Dr Arango withdrew from the case after his office was fired upon in June; the soldier left Guatemala.

Amnesty International repeatedly called on the Guatemalan authorities to carry out genuine inquiries into both past and new human rights violations. Amnesty International delegates who visited the country in March and April collected testimony from victims of and witnesses to human rights violations. The delegates reiterated to government officials the organization's view that impunity had to be ended as a necessary step towards preventing further violations.

In November the organization submitted information on Guatemala to the UN Committee against Torture.

GUINEA



Dozens of opposition party supporters, including prisoners of conscience and possible prisoners of conscience, were detained for short periods. One political prisoner arrested in 1992 continued to be held without trial. There were new allegations of torture and ill-treatment of detainees. At least 16 prisoners died in custody in unexplained circumstances. Prison conditions were especially harsh. Six people were sentenced to death; there were no executions.

Legislative elections, held in June, concluded the transition to democracy initiated in 1990. They were won by President Lansana Conté's *Parti de l'unité et du progrès*, Party of Unity and Progress. The run-up to the June elections was marked by arrests and intimidation of members and supporters of the main opposition parties, the *Rassemblement du peuple de Guinée* (RPG), Guinean People's Rally, and the *Parti du renouveau et du progrès* (PRP), Party of Renewal and Progress.

Dozens of opposition party supporters, including prisoners of conscience, were detained during the year. At least 14 PRP activists were detained in January at Gaoual in Moyenne Guinée and taken to Boké, the regional capital. They were released when the PRP threatened to mount a protest demonstration. In March at least four people were detained in Kankan for wearing T-shirts bearing a picture of Alpha Condé, the RPG leader, and several RPG members were detained in April at Nzérékoré in Guinée Forestière. They were released uncharged after several days. In June Cheick Mohamed Diallo, one of the RPG's election candidates, and 30 of

his supporters were briefly detained at Mandiana in Haute Guinée. They had been wearing opposition party T-shirts. Some were ill-treated in custody.

Some detainees were held for several weeks. For example, Mamadi Sanoh and Fanta Condé were arrested at Kissidougou in Guinée Forestière in March and held for more than three weeks before being released without charge.

There were further arrests of opposition supporters after a strike known as "*ville morte*" (dead city), launched by the opposition parties in September. Some were soon released but at the end of the year a few were still detained in Nzérékoré prison.

Souleymane Diallo, the director of *Lynx*, a satirical newspaper, was detained for 24 hours in October. He was charged with offending the Head of State after the publication of an article in August deemed to be critical of the President. Souleymane Diallo was subsequently convicted and received a three-month suspended prison sentence and a fine.

Six students, arrested in 1994 and each sentenced to one year's imprisonment and a fine, were released after they were pardoned by President Conté in February.

Amadou II Diallo continued to be detained (see previous *Amnesty International Reports*). He was arrested in October 1992 for allegedly attempting to assassinate the Head of State. No trial date had been set by the end of the year.

There were allegations of torture and ill-treatment of political detainees and criminal suspects by police. Mamadi Sanoh told the press after his release in April that at Kissidougou Camp he had been brutally beaten by soldiers. Other opposition activists detained before the June elections alleged that they were ill-treated by the security forces. No action was taken by the government to investigate such complaints and to bring to justice those responsible.

Sixteen criminal suspects died in unexplained circumstances at Conakry prison in the early hours of 1 January. They were reportedly beaten on two occasions before being placed in a cell without adequate ventilation, where most of them died apparently as a result of the beatings or suffocation. Thirteen of the victims were buried immediately. The Public Prosecutor announced that a judicial inquiry had

been opened, without disclosing its terms, but no findings had been made public by the end of the year.

Hundreds of criminal prisoners were held in conditions which amounted to cruel, inhuman and degrading treatment. At Nzérékoré prison, for example, prisoners were reportedly held naked in overcrowded and grossly insanitary cells and denied adequate food, exercise or medical treatment. One cell, known as "Burkina", contained 35 naked detainees and others shackled by their legs who were lying on bare ground covered in excrement. Prisoners were also held in severely overcrowded conditions and denied adequate food and medical care at Lola prison in Guinée Forestière. The non-governmental *Association guinéenne des droits de l'homme*, Guinean Human Rights Association, visited several prisons in 1994 and in March 1995 published a report describing the total lack of sanitation and basic facilities.

At least six people were sentenced to death after being convicted of murder and other offences. All six lodged appeals which had not been heard by the end of 1995. There were no known executions.

Amnesty International delegates visited Guinea in March and April and met local human rights and other organizations. Despite explicit assurances from the authorities that the delegation would be able to pursue its objectives without restriction, police confiscated two documents from Amnesty International's delegates at the airport, although the documents in question were publicly available in Guinea.

In November Amnesty International published a report, *Guinea: Does the political will exist to improve human rights?*, which documented arbitrary arrests, torture, deaths in custody, prison conditions and the death penalty. The organization called on the authorities to conduct full investigations into human rights violations, to introduce and implement safeguards against such violations and to ensure that those responsible were brought to justice.

GUYANA



At least four people were sentenced to death and 19 people remained under sentence of death for murder. No executions were carried out. An inquest was still pending into the case of a man who died in police custody in 1994.

At least four people were sentenced to death for murder and 19 people were under sentence of death at the end of the year. No executions were carried out during the year.

In May the Ministry of Home Affairs responded to Amnesty International's inquiries about Shivnarine Dalchand, who died in police custody in August 1994 (see *Amnesty International Report 1995*). It stated that an inquest was still pending into his death.

In May and September the Ministry of Home Affairs also responded to Amnesty International's inquiries about the alleged ill-treatment of Zabeeda Hussain, who alleged that she suffered a miscarriage after police had beaten her in custody, and others who alleged ill-treatment by police in July 1994 (see *Amnesty International Report 1995*). The Ministry stated that Zabeeda Hussain had not reported that she had been ill-treated to the relevant authority and that police officers and members of the public who had been present at the time of the July 1994 arrests denied any knowledge of the reported assaults. In its response, the Ministry also claimed that it was not unusual for persons alleging assault to produce medical certificates whose authenticity had not been verified.

Inquests had not yet taken place into the cases of Rickey Samaroo and Joseph Persaud, who were shot dead by police

in September 1993 (see *Amnesty International Reports 1994 and 1995*).

Amnesty International continued to seek more information on the case of Zabeeda Hussain.

HAITI



A few former military and paramilitary officials were tried and convicted in connection with past human rights abuses, although most were not in custody. Investigations continued into several other massacres and extrajudicial executions from the past. A number of people suspected of having committed human rights violations were released from prison in controversial circumstances. Unconfirmed reports indicated the possible involvement of a serving government minister in the murder of two people in March. There were reports of beatings by prison guards and inappropriate use of firearms by police.

The us-led Multinational Force, which had restored President Jean-Bertrand Aristide to power in October 1994, was replaced in March by the UN Mission in Haiti. The joint Organization of American States (OAS)/UN International Civilian Mission in Haiti (MICIVIH), which returned to the country in December 1994, continued its human rights monitoring work. Both missions were mandated to remain until February 1996.

Following elections held between June and September, parties supporting President Aristide won a substantial majority in the new National Assembly which started sitting in October. In December presidential elections were held. President Aristide was constitutionally barred from seeking re-election. However, René Préval, standing on behalf of the *Lavalas* political movement supporting President Aristide, was elected to take office in February 1996.

Reform of the security forces, the prison system and the judiciary continued. In January President Aristide officially reduced the army from 7,000 to 1,500 men and by the end of the year moves were under way to abolish the army completely. Approximately 3,500 former soldiers had been integrated into an Interim Public Security Force (IPSF). There was widespread concern that insufficient measures were taken to screen out known perpetrators of human rights violations from the IPSF. In April a National Police Academy was inaugurated to train cadets of the newly-established *Police nationale d'Haïti* (PNH), Haitian National Police. By December some 3,000 new police had been deployed. The IPSF was officially disbanded but some officers were incorporated into the PNH.

In May the government established the *Administration pénitentiaire nationale* (APENA), National Penitentiary Administration, a civilian agency located within the Ministry of Justice.

There continued to be widespread reports of corruption and inefficiency within the judicial system, which remained so under-resourced that it barely functioned in some rural areas. In July a training college for judicial personnel, the *Ecole nationale de la magistrature*, National Magistrates' College, was opened. In September a presidential decree established the post of *Protecteur des Citoyens et Citoyennes*, Protector of Citizens, an ombudsman to investigate abuses perpetrated by public officials.

In March the *Commission nationale de vérité et de justice*, National Commission for Truth and Justice, established by presidential decree in December 1994, was officially inaugurated. Its task was "to establish globally the truth concerning the most serious human rights violations committed between 29 September 1991 and 15 October 1994 inside and outside the country and to help towards the reconciliation of all Haitians, without prejudice to judicial remedies that might arise from such violations". The Commission was mandated to identify those responsible for such violations and to recommend reparations for the victims, as well as to recommend reforms of state institutions and measures to prevent the resurgence of illegal organizations. It was due to finalize its report in December.

In some parts of the country, *bureaux de doléances*, complaints offices, were set up, where victims of human rights abuses or their relatives could lodge official complaints. In September a presidential decree established that 20 per cent of the Justice Ministry's budget would be set aside to assist such people. The government contracted a group of lawyers to investigate a few of the most blatant cases of human rights violations that had taken place under the military government.

The government requested the extradition from the USA of Emmanuel Constant, former leader of the *Front pour l'avancement et le progrès d'Haïti* (FRAPH), Front for the Advancement and Progress of Haiti. He had fled Haiti in December 1994 after failing to answer a summons issued against him in connection with a judicial investigation into FRAPH's involvement in human rights abuses. A US court ordered his deportation to Haiti in August, and by the end of the year preparations were under way to return him to Haiti to stand trial. Emmanuel Constant was also being sued for damages in a US court for the alleged assault by FRAPH in 1993 on Alerte Belance, an Aristide supporter who subsequently obtained asylum in the USA. Lawyers acting on her behalf subpoenaed US government agencies for documents relating to FRAPH which had been seized by US soldiers from the organization's offices in the Haitian capital, Port-au-Prince, in October 1994. As a result of the subpoenas, the existence of some 60,000 pages of documents came to light. At the end of the year, the US authorities were considering a request from the Haitian Government for the return of the documents.

In March the Haitian Government submitted a summary report to the UN Human Rights Committee in conformity with Article 40 of the International Covenant on Civil and Political Rights, the first time it had done so since Haiti ratified the Covenant in February 1991.

Prison conditions improved markedly, but reports of beatings by prison guards were received. In some cases disciplinary action was taken against those responsible. There was particular concern about reports that 20 youths aged between 12 and 17 were beaten in Fort National Prison in Port-au-Prince in November. It was not clear what action, if any, was taken by the authorities in that case.

Serious problems with the administration of justice continued. A MICIVH investigation into the situation of women and children held in Fort National prison found that several of them had been illegally detained and that there was no justification for their continued detention. It urged their immediate release. There were also alleged irregularities in the procedures followed in several cases of government opponents detained on suspicion of plotting against the government or illegally possessing weapons.

Only a handful of alleged perpetrators of past human rights abuses were brought to trial and many of those were tried *in absentia*. In June former army lieutenant Jean Eméry Piram was sentenced *in absentia* to 60 years' forced labour in connection with the death under torture of Jean-Claude Museau in 1992 (see *Amnesty International Report 1993*). In August Gérard Gustave, a former *attaché* (civilian auxiliary working with the army), was sentenced to forced labour for life for several offences related to the extrajudicial execution of Antoine Izméry in 1993 (see *Amnesty International Report 1994*). In September, 17 others were tried and convicted *in absentia* in connection with the same case. They included former Chief of Police Michel François, who had fled to the Dominican Republic on President Aristide's return.

Investigations into a number of past human rights violations continued. The cases included the massacre of over 200 peasants in Jean-Rabel in 1987 (see *Amnesty International Report 1988*); the extrajudicial execution of Justice Minister Guy Malary in 1993 (see *Amnesty International Report 1994*); the extrajudicial execution of Father Jean-Marie Vincent in 1994 (see *Amnesty International Report 1995*); and the massacre of some 50 people in Raboteau, Gonaïves, in 1994 (see *Amnesty International Report 1995*).

Several people alleged to have been responsible for past human rights violations were released from prison in controversial circumstances. In September a former *attaché*, originally detained for common crimes but also allegedly under investigation for his suspected participation in the killing of Guy Malary, was released after being acquitted of the common crimes. The Haitian authorities later said that his release was a mistake and that they were

seeking his recapture. There were allegations that the US Government had arranged the release of the former *attaché*, who reportedly admitted to lawyers investigating the killing of Guy Malary that he had been in the pay of the US Embassy from 1991 onward. A US government spokesman denied that the USA was involved in securing the man's release and said that he had no connection with the USA at the time of the killing of Guy Malary. A former *chef de section* (rural police chief) was arrested in March in connection with abuses that had occurred in Artibonite department between 1992 and 1994. He was taken to St Marc Prison and was released in May by local court officials, reportedly after he had bribed them. Several court officials were arrested but subsequently released. It was not clear whether any disciplinary measures were taken against them. The former *chef de section* was rearrested in July and taken to the National Penitentiary in Port-au-Prince. Twenty-six people arrested by US soldiers in the first few months after President Aristide's return, some of them suspected of having perpetrated human rights abuses, were released without charge after being handed over to the Haitian authorities.

Several people, including known opponents of President Aristide, were killed during the year but in only one case was any specific allegation made that the Haitian authorities might have been involved. In March Mireille Durocher Bertin, a lawyer and opponent of President Aristide, and Eugène Baillergeau, one of her clients, were shot dead in the capital. The government launched an investigation into the killings and requested assistance from the US Federal Bureau of Investigation. Press reports, quoting US military intelligence sources, alleged that four people arrested by US soldiers in Haiti just before the killing had informed them that the Haitian Interior Minister was involved in a plot to kill Mireille Durocher Bertin. In September the four detainees were provisionally released. There was no further news of the progress of the investigations by the end of the year.

Several dozen lynchings, usually of a spontaneous nature, took place when crowds, apparently frustrated by the failure of the authorities to deal adequately with crime, took the law into their own hands. Members of *brigades de vigilance*

(vigilance brigades) set up to help police in crime prevention were also occasionally involved in acts of violence. Legal action was only rarely taken against those responsible in such cases.

Members of both the IPSF and the PNH were accused of using firearms inappropriately on several occasions, in a few cases leading to the death of the victim. In a small number of cases, those responsible were suspended or disciplined but none were known to have been prosecuted.

In March an Amnesty International delegation visited the country and met government officials including President Aristide. The delegates stressed the need to end impunity by bringing to justice those responsible for past human rights violations, and the need for the security forces and *brigades de vigilance* to be properly trained and accountable for their actions. Questioned about the reasons for the release of the 26 prisoners handed over to them by the US military in January, the Minister of Justice said that his government was given insufficient documentation by the US military to justify their continued detention. The Amnesty International delegates visited Port-au-Prince, Cap-Haitien, Les Cayes, Gonaïves and several other places. In St Marc, they asked local officials about the legal situation of a former *chef de section* (see above) who local human rights activists feared would either be released or enabled to escape by court officials. In June the organization wrote to the Minister of Justice to express concern about how his case had been handled. In December Amnesty International called for an investigation into the allegations that youths detained in Fort National prison had been beaten by guards and urged the release of those held without legal justification.

HONDURAS

Steps were taken to bring to justice those responsible for some past human rights violations, although there was little or no progress in other cases. Human rights activists and those seeking to clarify human rights violations were subjected to intimidation, including death threats.

The government of President Carlos Roberto Reina continued its program of

human rights reforms. In October Congress granted constitutional status to the office of the *Comisionado Nacional para la Protección de los Derechos Humanos*, National Commissioner for the Protection of Human Rights. This gave the Commissioner a supervisory role complementary to the investigative role of the Attorney General.



Steps were taken to bring to justice those responsible for some past human rights violations. Ten army and police officers were charged in July in connection with the temporary "disappearance" of six university students in 1982. The Special Human Rights Prosecutor in the Attorney General's office charged the 10 with attempted murder and illegal detention. In October the judge in charge of the case, Roy Edmundo Medina, ordered the arrest of three of those charged but they went into hiding. These would have been the first arrests of security officials charged with human rights violations in Honduras. Judge Medina was reportedly subjected to death threats and shots were fired at his court. At the end of the year judicial proceedings were continuing.

However, other cases appeared to have stalled. Despite the exhumation and identification in December 1994 of the remains of lawyer Nelson Mackay Chavarría, there was little progress in bringing those responsible for his "disappearance" to justice (see *Amnesty International Report 1995*). Investigations by the Attorney General's office and judicial proceedings continued and relatives, witnesses and members of the military were called to give evidence. However, no further developments in establishing responsibility for his "disappearance" were reported.

The remains of nine people were exhumed in different parts of the country between October and November. The exhumations were initiated by the Special Human Rights Prosecutor and two non-

governmental human rights organizations, the *Comité de Familiares de Detenidos Desaparecidos en Honduras* (COFADEH), Committee of Relatives of the Disappeared in Honduras, and the *Comité para la Defensa de los Derechos Humanos en Honduras* (CODEH), Committee for the Defence of Human Rights in Honduras. Definitive identifications were pending at the end of the year but the organizations and families were fairly certain that in at least five cases the remains belonged to people who "disappeared" in the 1980s.

Relatives of the "disappeared" and other human rights activists were subjected to intimidation. Death threats were sent to members of CODEH and COFADEH as well as to staff in the office of the National Commissioner for the Protection of Human Rights. A COFADEH staff member, Leonel Casco Gutiérrez, was reportedly told of an army plan to kill him and was followed by unidentified armed men on motorcycles.

The family of Juan Pablo Rivas Calderón, a retired army major who was killed in January, was also subjected to death threats and surveillance. Juan Pablo Rivas Calderón was shot dead by unidentified gunmen in San Pedro Sula. He had earlier told a court and CODEH that he feared for his life since accusing a former head of the armed forces of corruption. Members of his family, including his wife Norma Bessy Jeresano de Rivas, received anonymous threatening telephone calls and in March his son, Juan Pablo Rivas Jeresano, narrowly escaped when a car without number plates tried to run him over. Similar vehicles followed members of the Rivas Jeresano family and stood watch outside the family home.

Staff of the *Casa Alianza Honduras*, Covenant House of Honduras, a non-governmental organization working with street children in the capital, Tegucigalpa, received a series of bomb threats in July. The organization had been campaigning against children being held together with adults in Honduran prisons. According to reports, up to 28 children had been held in a cell with adults in the *Penitenciaría Central*, Central Prison, in Tegucigalpa. Some claimed to have been physically abused by adult prisoners and at least one had been raped by an adult prisoner.

Amnesty International issued a report in June, *Honduras: The beginning of the*

end of impunity?, which described the government's efforts to end impunity for human rights violations, and the obstacles and barriers faced by those investigating "disappearances". The report examined the armed forces' denial of responsibility for the scores of "disappearances" that took place in Honduras in the early 1980s. Amnesty International called on the government to take concrete measures to overcome the obstacles impeding official investigations into "disappearances" and urged the international community to support all attempts to end impunity.

Amnesty International appealed to the authorities to take measures to guarantee the safety of members of non-governmental organizations and of the Rivas Jeresano family, to investigate the incidents and to bring those responsible to justice. The organization also appealed to the authorities to protect juvenile prisoners from the threat of abuses and pointed out that under the Honduran Constitution and the UN Convention on the Rights of the Child, which Honduras ratified in 1990, children should not be imprisoned together with adults.

HONG KONG



There was growing uncertainty as to the implementation of human rights safeguards after the forthcoming return to Chinese sovereignty. Thousands of Vietnamese asylum-seekers remained in detention, most facing forcible return to Viet Nam.

In September the Democratic Party, which had often been critical of Governor Christopher Patten and of Chinese Government policies towards Hong Kong, won

a clear majority in the elections to the Legislative Council. The Chinese Government reaffirmed its intention to disband the Council in July 1997.

In December the Standing Committee of China's National People's Congress appointed a 150-member Preparatory Committee for the Hong Kong Special Administrative Region (SAR), to be set up in July 1997 when China resumes sovereignty over the territory. The Committee was mandated to nominate the 400 members of a Selection Committee to draw up a list of candidates from which the Chinese Government would designate the Chief Executive of the Hong Kong SAR during 1996.

In June China and the United Kingdom (UK) agreed in principle that the Court of Final Appeal (CFA), which would form the highest judicial body in Hong Kong after July 1997, would start operating on 1 July 1997. Earlier suggestions that the CFA start operating before that date to ease the transition of sovereignty were abandoned. In August a senior Chinese official indicated that the Chief Executive designate would be involved in the choice of CFA judges. Chinese officials also reiterated a statement, first made in December 1994, that all judges were to be reappointed by the Hong Kong SAR Government. These statements gave rise to concern that current levels of judicial independence could be undermined after July 1997.

In September the Preliminary Working Committee (PWC), an advisory body set up by China in 1993 to prepare the transfer of sovereignty over Hong Kong, stated that it considered the 1991 Bill of Rights Ordinance to be partly inconsistent with the terms of the 1984 Sino-British Joint Declaration on the Question of Hong Kong and with the Basic Law of the Hong Kong SAR, adopted by China in 1990 and due to come into force in 1997. The Ordinance translates into Hong Kong law most provisions of the International Covenant on Civil and Political Rights (ICCPR). The PWC's statement led to renewed fears that the Hong Kong SAR authorities could seek to amend the Bill of Rights after 1997 to restrict the scope of the human rights safeguards it contains.

In October the UN Human Rights Committee, considering the fourth periodic report of the UK on the implementation of the ICCPR in Hong Kong, criticized the lack

of adequate remedies for the victims of human rights violations. It asked the Hong Kong authorities to reconsider their refusal to establish an independent human rights commission. It asked the UK authorities to present a supplementary report by May 1996, outlining new developments in human rights safeguards in Hong Kong and the action taken by the Hong Kong authorities to implement the Committee's recommendations. In a statement by its Chairperson the Committee affirmed that the ICCPR would continue to protect the rights of the people of Hong Kong after its reversion to Chinese sovereignty. The Committee based this view on jurisprudence establishing that when territory is transferred from one state to another, the successor state continues to be bound by the obligations under human rights treaties, such as the ICCPR, entered into by the predecessor state. It added that this view was consistent with the agreement reached in 1984 by China and the UK that the ICCPR and other international instruments, as applied to Hong Kong, would remain in force beyond 1997. The Committee emphasized that the obligation to report on how the ICCPR is implemented in Hong Kong would continue to apply after 1997.

In January, two police officers, who had been charged with assaulting dentist Leung Shu-keung in April 1993, were acquitted. However, the presiding judge criticized the investigation into the case by the Complaints Against the Police Office and accused it of having been "lethargic, inefficient and incompetent".

Over 20,000 Vietnamese asylum-seekers continued to be held in detention camps throughout the year. Virtually all of them had been denied refugee status, following a flawed refugee determination procedure (see previous *Amnesty International Reports*). Most faced forcible return to Viet Nam. There were reports that asylum-seekers were ill-treated by the security forces, particularly during large-scale operations to transfer some of the asylum-seekers prior to forcible repatriation.

In October Amnesty International published a report, *Hong Kong: Safeguards for human rights*, summarizing the organization's concerns about the insufficient remedies for victims of human rights violations. In October it submitted its report to the UN Human Rights Committee.

HUNGARY



There were reports of ill-treatment of detainees by police officers, resulting in death in one case.

In January Budapest Municipal Court sentenced two former members of the militia to five years' imprisonment for firing on demonstrators in Salgotarjan in 1956 when 47 people were killed. These were the first convictions for gross human rights violations committed during the suppression of the 1956 uprising (see *Amnesty International Report 1995*).

There were reports of ill-treatment by police officers. Some of the victims appeared to have been subjected to such treatment because they were foreigners or Roma.

In April in Kunszentmiklós, Farkas Géza, a Rom, was arrested by two police officers after he tried to assist a handicapped Rom who was being questioned by the police. Farkas Géza was reportedly punched, kicked and beaten with a rubber truncheon, in the police car as well as in the police station. A doctor was called in to stop heavy bleeding from a cut on his face, an injury resulting from the beating. Farkas Géza made a complaint about ill-treatment, which was investigated, and he was also charged with assaulting police officers.

In June Stefan Vasile Chis, a Romanian citizen, was arrested in Budapest on suspicion of theft and taken to Third District Police Station. He was reportedly made to stand against the wall with legs spread apart and was kicked from behind in the genitals three times. After he fell to the ground he was repeatedly kicked and beaten. The next morning, after his

release, Stefan Vasile Chis was admitted to a hospital where he underwent a urological operation. He remained in hospital for 10 days.

In July Almási László died as a result of a severe beating by police officers who searched his home in Pásztó. One police officer was arrested and three others were suspended from duty pending an investigation. In the same month in Marcali, three police officers allegedly beat 18-year-old Fehér Gábor following a traffic accident. After his release from the police station, Fehér Gábor received hospital treatment for concussion and bruises on his hands, feet and chest. Police officers claimed that Fehér Gábor's injuries were caused by an accidental fall following their attempt to restrain him and accused him of assaulting them.

In September Marius Carniciu, a Romanian citizen, and Gianfranco Palidori, an Italian citizen, were stopped and allegedly ill-treated by police officers in Budapest. Marius Carniciu refused to pay a fine for not using his safety belt and took his passport back from the officer who allegedly then started to punch and kick him. The officer handcuffed Marius Carniciu's hands behind his back and continued to beat him, shouting racial abuse. The other police officer slapped Gianfranco Palidori on the face and punched him in the chest. Marius Carniciu was slapped and kicked again at the police station. Both men were released the following day without being charged. A medical certificate described multiple lesions and bruises on Marius Carniciu's body consistent with beating.

Amnesty International wrote to the Hungarian authorities urging them to initiate thorough and impartial investigations into cases of ill-treatment which had been brought to their attention and to bring to justice anyone found responsible for human rights violations.

INDIA

Thousands of political prisoners were detained without charge or trial. Torture of detainees was endemic throughout the country. At least 100 people died in police and military custody, many as a result of torture. Dozens of political detainees "disappeared". Hundreds of

people were reportedly extrajudicially executed by members of the security forces. At least three people were judicially executed. Armed opposition groups committed grave human rights abuses, including deliberate and arbitrary killings of civilians and hostage-taking.



The government continued to face violent opposition from armed political groups in several states, including Jammu and Kashmir, Punjab, Assam and other northeastern states. The Chief Minister of Punjab, Beant Singh, was assassinated in a bomb explosion on 30 August; armed secessionists reportedly claimed responsibility. Jammu and Kashmir remained under direct rule by the central government.

Legislation allowing detention without charge or trial – such as the National Security Act and, in Jammu and Kashmir, the Public Safety Act – remained in force. However, the Terrorist and Disruptive Activities (Prevention) Act (TADA), which had been used to detain tens of thousands of political detainees without trial, lapsed on 23 May. Those held under the TADA remained in detention. A Criminal Law Amendment Bill containing many of the same provisions as the TADA, many of which violate international human rights standards, was proposed but had not passed into law by the end of 1995.

The National Human Rights Commission (NHRC), established in 1993 (see *Amnesty International Report 1994*), continued initiatives to raise public awareness of human rights and held several state governments accountable for human rights violations. In its annual report, the NHRC made recommendations for the prevention of violations in areas facing armed insurgencies or violent opposition. However, it continued to have only limited

powers to investigate reports of violations by the armed forces in these areas or to recommend criminal prosecutions of armed forces personnel.

Thousands of political prisoners were held without charge or trial under special or preventive detention laws which lacked vital legal safeguards. Many detainees were held under these laws on suspicion of committing ordinary criminal offences but others were held for political reasons.

In Jammu and Kashmir alone, thousands of suspected political activists were detained without charge or trial under the Public Safety Act. Most were young men taken into custody by the security forces on suspicion of supporting the campaign for secession. A government report to the NHRC stated that 3,007 people were in detention in Jammu and Kashmir in November 1994. Local civil liberties groups estimated the figure at 20,000. Sheikh Mohammad Ashraf, a lawyer and President of the Baramulla branch of the Jammu and Kashmir High Court Bar Association, which has documented human rights violations in the state, was arrested by soldiers in mid-June. At first the army denied holding him, but on 2 July his family was allowed to see him for a few minutes. He was reportedly released in September.

Torture of detainees in police and military custody to extract information and "confessions" remained endemic in every state. Most victims were criminal suspects, although some were political detainees. Many torture victims came from underprivileged sections of society, such as the scheduled castes and scheduled tribes. The commonest torture methods were beatings, often with *lathis* (canes), and, less frequently, suspension by the wrists or ankles, electric shocks and rape. For example, in January a mentally handicapped young man, Uzzal Das, was reportedly tortured by police in Noonmati police station, Guwahati, Assam. He was severely beaten, resulting in multiple fractures to his legs. No action was known to have been taken against the officers responsible. In Jammu and Kashmir, Nazir Ahmed Sheikh had to have both his feet amputated because they had developed gangrene, reportedly as a result of torture in custody in January. The government denied the allegations of torture but no independent investigation was apparently carried out. Rape of women by members

of the security forces was also widely reported. For example, three tribal women, one of whom was pregnant, were reportedly raped by police and security force personnel in Tripura in April. Three police officers were reportedly suspended but no criminal charges were known to have been brought.

In Jammu and Kashmir, people documenting human rights abuses were attacked by the security forces and by armed opposition groups, although in many cases responsibility for the attacks was difficult to determine. Journalists demonstrating against state violence directed at the civilian population were severely beaten by members of the security forces in March; several had to be hospitalized. In April Mian Abdul Qayoom, President of the Jammu and Kashmir Bar Association, and Parvez Imroz, Secretary of the Srinagar branch of the People's Union for Civil Liberties, were shot and injured by unidentified gunmen. In September a photographer was fatally injured when a bomb exploded in his office. An armed opposition group was reportedly implicated in this attack.

At least 100 people died in police and military custody, many as a result of torture. The majority of deaths in custody occurred in Jammu and Kashmir, but at least 30 such deaths were also reported from other states including Punjab, Andhra Pradesh and West Bengal. According to reports, 23 people were killed in police custody in West Bengal in the first nine months of 1995. Among the victims was Agun Kassem, from Karimpur, who was arrested on suspicion of murder. He was beaten by police officers who then tied him to a jeep and dragged him 150 metres along a rough road. An inquiry was ordered after his death in Krishnagar Hospital. In Jammu and Kashmir, the bodies of Hilal Ahmad Nafti and two other residents of Hutmara village, Anantnag, were found cut into pieces. They had been arrested in mid-June. A fourth man arrested at the same time, Farooq Ahmad, reportedly witnessed the killing of all three villagers before he escaped from police custody. Although an investigation was ordered, villagers reported that they were not called to testify and had been harassed by soldiers searching for Farooq Ahmad.

Convictions of those responsible for deaths in custody were extremely rare.

Investigations were very slow even when cases were pursued. The NHRC looked into the cases of 10 people who died in police custody in Bihar between 1986 and 1991. Investigations into four cases had been under way for between five and eight years and had yet to be completed. The government stated that 34 army personnel and 245 Border Security Force (BSF) personnel had been punished for "excesses" and "wrongdoings" in Jammu and Kashmir between 1990 and 1994, but failed to provide Amnesty International with details of the incidents to which these punishments related. In other states, death in custody cases which had been pending for many years were resolved. Courts convicted police officers found responsible and ordered compensation to be paid. In May the Supreme Court sentenced four police personnel to prison terms for the death in custody of a villager in Rampura police station in Madhya Pradesh in 1981. The Supreme Court described the previous acquittal of three of the four men in the Sessions Court and High Court as showing a "could not care less attitude". In August a sessions judge in Karnataka sentenced eight police officers to life imprisonment for the murder of two men – Gurumurthy and Rajkumar – in police custody in 1988.

Dozens of political detainees "disappeared" during the year. Most were young men suspected of having links with armed opposition groups, many solely because they lived in areas where armed groups were active. Few "disappearances" were clarified.

In Jammu and Kashmir the army and paramilitary forces were reportedly responsible for scores of "disappearances". For example, Ghulam Nabi Dar, an employee of the irrigation department, was reportedly arrested by soldiers in July 1994 in Kulgam, Anantnag district. The army subsequently denied arresting him. His body was found near a road in May 1995.

Jaswant Singh Khalra, General Secretary of the Human Rights Wing of the Akali Dal Party, "disappeared" after being arrested by police in September. In January he had been instrumental in filing a petition with the High Court alleging that the bodies of several hundred people who "disappeared" in police custody in Punjab between 1991 and 1993 had been cremated by Punjab police in Amritsar district. The

police had claimed that the corpses were "unclaimed bodies". In October the Supreme Court ordered that a Central Bureau of Investigations inquiry be instituted to investigate the allegations.

Hundreds of people were reported to have been extrajudicially executed by the security forces. Nine unarmed civilians were killed by soldiers in January in Imphal, Manipur, after a soldier was wounded by unidentified gunmen. Eyewitnesses reported that soldiers rounded up bystanders and shot them at close range. A judicial inquiry was ordered. In February Punjab police were reported to have extrajudicially executed a man and raped several women in Bihar while on duty there during state elections. Eight people were killed in March when soldiers, members of the Rashtriya Rifles, opened fire on a crowd of unarmed civilians in Kohima Town in Nagaland. According to the Nagaland Director General of Police, the soldiers had "resorted to indiscriminate firing". A joint inquiry by the army and state government was set up and 400 soldiers were detained, but no further action had been taken by the end of 1995.

Extrajudicial executions in Jammu and Kashmir continued throughout the year. On 10 February, five shopkeepers were reportedly dragged from their shops and shot dead while pleading for their lives. Members of the BSF reportedly raided the area of Gada Kocha, Srinagar, in retaliation for an earlier attack on the BSF by an armed opposition group. Local people reported that they were beaten by BSF members when they tried to approach the victims of the shooting; one of the injured died two hours later. A magisterial investigation was ordered.

At least three people were judicially executed, two in Tamil Nadu and one in Maharashtra, and many others were sentenced to death. At least two people were in imminent danger of execution after the Supreme Court upheld their death sentences.

Armed opposition groups committed grave human rights abuses, including hostage-taking, torture and deliberate and arbitrary killings. The victims included politicians and suspected informers. For example, in Manipur, which held state elections in February, Mutum Deven, a candidate for the Manipur People's Party was abducted and killed and several

candidates suffered attempts on their lives, attributed to armed opposition groups. In Assam an armed opposition group, the United Liberation Front of Assam (ULFA) held hostages for ransom. Two government officials were held until April. One, Hemram Keet, a sales tax commissioner, had been held for 11 months. In May the ULFA released three traders held since October 1994; a fourth seized at the same time had died in captivity. In Jammu and Kashmir, armed secessionist groups held numerous hostages during the year, including six forestry officials and two journalists abducted in July. A Norwegian student, one of five foreign nationals seized in July by the armed group *Al-Faran*, was killed in August.

Amnesty International called on the government to ensure that all political prisoners were tried promptly and fairly; to investigate all allegations of torture and deaths in custody and to bring to justice those responsible; to implement safeguards against torture; and to commute death sentences and abolish the death penalty.

Amnesty International appealed to armed opposition groups to stop human rights abuses and publicly urged them to release all hostages held in Jammu and Kashmir.

In January Amnesty International published a report, *India: Torture and deaths in custody in Jammu and Kashmir*, which contained details of over 700 deaths in custody since 1990. The government's response indicated that it was reluctant to implement eight key recommendations made by Amnesty International and dismissed most of the torture allegations. In March Amnesty International published an analysis of the government's response and in November it published *India: Torture continues in Jammu and Kashmir*. An Open Letter to Members of Parliament expressing Amnesty International's concerns about the Criminal Law Amendment Bill (1995) was published in July. Sixty-eight deaths in custody in states other than Jammu and Kashmir were detailed in *India: Deaths in custody in 1994*, published in August, to which the government responded noting that many of the cases were under investigation. Amnesty International published two reports concerning human rights violations by the Punjab police: in May *India: Punjab police*

– *beyond the bounds of the law*; and in October *India: Determining the fate of the "disappeared" in Punjab*.

In an oral statement to the UN Commission on Human Rights in February, Amnesty International included reference to its concerns in India.

INDONESIA AND EAST TIMOR



Over 200 political prisoners, many of them prisoners of conscience, were held. At least 20 prisoners of conscience were sentenced during the year. Hundreds of people were arrested and held briefly without charge or trial. Torture of detainees, including juveniles, was common, in some cases resulting in death. At least five people "disappeared" in East Timor. Dozens of people were extrajudicially executed. Previous cases of "disappearances" and extrajudicial executions remained unresolved. At least 26 people remained on death row and three people were executed.

Restrictions on civil liberties and harassment of alleged government critics and human rights activists continued. At least 26 seminars and meetings held by groups critical of the government were broken up by the police during the year. In May the performance of a play on labour rights was banned because it would allegedly have created social unrest. In August the government announced that it would lift restrictions on public gatherings but restrictions on political meetings remained at the end of the year.

In May an Administrative Court ruled that the June 1994 banning of a popular

current affairs magazine had been unlawful. The government appealed unsuccessfully against the decision.

The government faced continued armed and peaceful opposition from groups seeking independence for Aceh, East Timor and Irian Jaya. Access by international and domestic organizations to East Timor and parts of Indonesia continued to be restricted, preventing effective monitoring of the human rights situation. In March the Chairman of the UN Commission on Human Rights made a statement accepted by the member states of the Commission, which reiterated concern about the human rights situation in East Timor and urged the Indonesian Government to investigate the 1991 Santa Cruz massacre in Dili. In December the UN High Commissioner for Human Rights visited Indonesia and East Timor; his report was expected in early 1996. The government failed to implement the recommendations made by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions in his December 1994 report regarding the need to investigate past extrajudicial executions fully and impartially and to prevent further political killings by the security forces.

The government-backed *Komnas HAM*, National Human Rights Commission, said in a three-page press statement in March that it had found evidence of extrajudicial executions in East Timor in January. In September the Commission announced that there had been killings, arbitrary arrests, torture and "disappearances" in Irian Jaya. Following these two inquiries by the Commission, military investigations and courts-martial were conducted, but the government ignored the Commission's findings, either partially or completely, in many cases.

Hundreds of thousands of alleged former members of the Indonesian Communist Party (PKI) remained subject to heavy restrictions on their freedom of movement and other civil rights despite the announcement by the government in August that it would remove a code from the identity cards of former prisoners.

At least 20 peaceful human rights and political activists were sentenced to prison terms after unfair trials during the year, including at least one person trying to disseminate human rights information. Others, including human rights defenders,

were subjected to short-term arbitrary detention. A member of parliament, Sri Bintang Pamungkas, was tried in November. The prosecution alleged that he had insulted the government in a seminar discussion in Germany in April. The outcome of his trial was not known by the end of the year. In September, two members of an independent journalists' organization and an office worker were found guilty of "insulting the government" and sentenced to prison terms ranging from 20 to 32 months for their role in disseminating an unlicensed publication. In November the sentences on the two journalists were increased by four months. They were prisoners of conscience. Also in September, Tri Agus Susanto, a human rights activist, was found guilty of "insulting the President" and sentenced to two years' imprisonment. He was a prisoner of conscience.

In May Muchtar Pakpahan, an independent union leader, was released from jail in Medan pending an appeal to the Supreme Court against his conviction for "incitement" (see *Amnesty International Report 1995*). In October he won his appeal and was acquitted. Other labour activists remained at risk of imprisonment. Dita Indah Sari, leader of an independent trade union, and six others were facing charges for their role in what appeared to be a non-violent labour demonstration in July.

At least 35 East Timorese prisoners of conscience were serving sentences of up to life imprisonment. At least 17 were tried and sentenced during the year, including Jose Antonio Neves, who was sentenced to four years' imprisonment in February for allegedly attempting to seek international support for East Timorese independence and "disseminating feelings of hostility towards the government". Sixteen youths and students were also sentenced to prison terms after unfair trials because of their role in a peaceful demonstration in January. They were prisoners of conscience. Many of this group were not represented by independent lawyers. Several defendants were known to have been threatened by the authorities to make them dismiss independent lawyers. Information about trial dates was withheld from defendants and there was concern that statements from the defendants might have been extracted under torture.

Hundreds of suspected political activists from East Timor were subjected to short-term detention and harassment. Up to 200 were believed to have been arrested following riots throughout East Timor in September and October. Most were released shortly afterwards but dozens were believed to remain in detention and to be facing trial.

Around 150 political prisoners, many of them prisoners of conscience, continued to serve sentences of up to life imprisonment, imposed after unfair trials, for alleged links with armed secessionist movements in East Timor, Irian Jaya and Aceh, and with Islamic activism. In January, five people were tried and sentenced to prison terms ranging from six to 20 years for their alleged role in an armed uprising in Aceh. At least two of the five were convicted of subversion.

Three prisoners, Omar Dhani, Dr Subandrio and Sugeng Sutarto, held since the 1960s after unfair trials for their alleged involvement in a 1965 coup attempt, were released in August. At least 13 other prisoners, including five on death row, remained in detention for their alleged role in the coup attempt.

There were numerous reports of torture. In January a woman and two men from Jakarta were allegedly tortured in military detention after being detained with seven others while travelling to central Jakarta to demonstrate against the demolition of their homes. One of them stated that they were slapped and kicked and that their skin had been smeared with ointment to make the pain more intense. They were allegedly subjected to electric shocks resulting in burn marks on their thighs, arms and backs. Lawyers acting for the three detainees complained to the authorities, but the allegations were not known to have been investigated by the end of the year.

In East Timor, torture of political detainees continued to be routine. In September a young man named Tito was tortured in both police and military custody, including in a military hospital, after being arrested for his alleged role in riots. When arrested, Tito was beaten with an iron bar and fists. Soldiers then kicked him in the chest and stood on his throat. As a result, Tito vomited blood and had a swollen hand, lacerations on his face and bruising around both eyes.

Torture and ill-treatment of criminal suspects were also commonplace and sometimes resulted in death. Edy Sartono, a 14-year-old boy, was repeatedly beaten and sexually abused, after being detained by police on a rape charge. In October a woman named Yuliani was found dead in a police cell in East Jakarta after being arrested on a criminal charge. Police claimed that she died as a result of injuries sustained when she banged her head repeatedly against the wall. An investigation was launched into her death but the results were not known by the end of the year.

In August new information came to light about the "disappearance" of four men arrested in Irian Jaya in October 1994 for alleged links with an armed secessionist movement. The men were last seen by relatives in military custody in November 1994. Their whereabouts remained unknown, despite inquiries by both the National Human Rights Commission and the military. In January, five men "disappeared" after being arrested by the military in Dili, East Timor. In February East Timor's police chief announced an investigation into their whereabouts, but their fate remained unknown at the end of the year.

Extrajudicial executions of political and criminal suspects continued to be reported in both Indonesia and East Timor. In May, 11 people, including women and children, were extrajudicially executed by the military in the village of Hoesa in Irian Jaya. The security forces were pursuing members of an armed secessionist movement, and had committed other human rights violations since June 1994 around the PT Freeport Indonesia Mine in Tembagapura, Irian Jaya. Both the National Human Rights Commission and the military conducted an inquiry into the incident, and by the end of the year, four low-ranking soldiers were reported to be in military detention awaiting trial for their alleged role in the killings.

In January, six men were extrajudicially executed by the military in Liquiza, East Timor. The army originally claimed that the victims were armed guerrillas killed during fighting, but an inquiry by the National Human Rights Commission revealed that they were civilians unlawfully killed by the military because of alleged connections with the East Timorese

resistance movement. Two soldiers were sentenced to prison terms of four and four and a half years for the killings.

Several criminal suspects were killed by police in suspicious circumstances. Some victims were shot while allegedly trying to steal police weapons and others were shot as they pointed out hiding places of alleged accomplices. In September police in Banda Aceh shot and killed a man named Ahai, apparently because he and his companion were not wearing motor-cycle helmets. There was no evidence to suggest that Ahai and his companion presented any threat to the police. In March Edy Pruwanto was shot dead by police after being arrested in connection with the murder of a policeman. Edy Pruwanto's wife withdrew legal action against the police, stating that she had been promised by the police that action would be taken against the officer responsible.

The killing of four peaceful demonstrators by the military on the island of Madura in September 1993 remained unresolved (see *Amnesty International Report 1994*). The role of the military in the May 1993 killing of the labour activist, Marsinah, also remained unresolved (see *Amnesty International Reports 1994 and 1995*). Eight civilians accused of her murder were acquitted in May by the Supreme Court. By the end of the year, the authorities had not provided any new information about the fate of the estimated 270 people killed and 200 others thought to have "disappeared" during and after the 1991 Santa Cruz massacre in East Timor, despite being urged to do so by the UN Commission on Human Rights. No official investigations had been conducted into the extrajudicial executions of at least 2,000 civilians in Aceh between 1989 and early 1993.

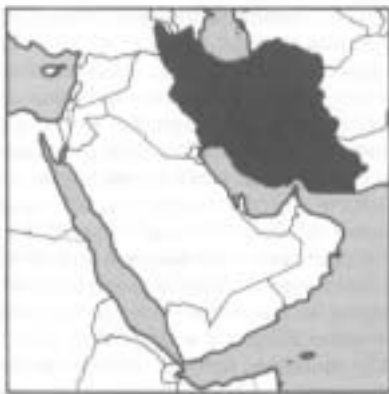
At least 26 people were believed to remain under sentence of death. Three people were executed during the year, including 62-year-old Kacong Laranu who had spent over eight years on death row. Others remained at imminent risk of execution after their appeals for presidential clemency were turned down, including a family of three convicted of murder in 1989.

Amnesty International repeatedly appealed for the immediate and unconditional release of all prisoners of con-

science, for the review of the cases of long-term political prisoners, and for urgent steps to be taken to stop torture, extrajudicial executions and the use of the death penalty. In January it published *Indonesia and East Timor: Political prisoners and the "Rule of Law"*; in July, *East Timor: Twenty years of violations*; and in September, *Indonesia: Irian Jaya - National Human Rights Commission confirms violations*. In December Amnesty International published a report on human rights violations against women in Indonesia and East Timor.

In an oral statement to the UN Commission on Human Rights Amnesty International included reference to its concerns in both Indonesia and East Timor. In an oral statement to the UN Special Committee on Decolonization, Amnesty International described its concerns about extrajudicial executions, torture and other human rights violations in East Timor.

IRAN



Reports of political arrests, torture, unfair trials and summary executions continued to be received. Thousands of political prisoners were held during the year, including prisoners of conscience; some were detained without charge or trial, while others were serving long prison sentences imposed after unfair trials. The judicial punishment of flogging continued to be implemented. Several "disappearances" both inside and outside Iran were reported. At least 47 people, including political prisoners, were executed.

The government, headed by President 'Ali Akbar Hashemi Rafsanjani, continued to face armed opposition from the Iraq-

based Peoples' Mojahedin Organization of Iran (PMOI), and organizations such as the Kurdistan Democratic Party of Iran (KDPI) in Kurdistan and Baluchi groups in Sistan-Baluchistan.

In April up to 10 demonstrators were shot dead in Islamshahr by members of the Revolutionary Guards during protests at price rises and inadequate water supplies. Hundreds were arrested; most were later released, but about 50 remained in detention facing unspecified charges. They were not known to have been tried by the end of the year.

In April the head of the judiciary announced the establishment of an Islamic Human Rights Commission. In May legislation, passed in 1994, reforming the court system came into effect in most courts in the country. Under this legislation, judges became responsible for prosecution in public and revolutionary courts.

In March and July, the UN Commission on Human Rights and the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolutions condemning human rights violations in Iran (see *Amnesty International Report 1995*). The Commission extended the mandate of the UN Special Representative on the Islamic Republic of Iran for a further year. The UN Special Rapporteur on religious intolerance visited Iran in December for the first time. Invitations were also extended to the UN Special Rapporteur on freedom of expression and to the UN High Commissioner for Human Rights, but they had not visited the country by the end of the year.

Thousands of political prisoners, including prisoners of conscience, were held during the year. Javad Rouhani, the son of Grand Ayatollah Sadeq Rouhani, was arrested in July in Qom. Grand Ayatollah Rouhani had written an open letter to President Hashemi Rafsanjani criticizing certain government policies and complaining that he had been held under house arrest for more than 10 years. In August at least 25 people were arrested when they gathered outside Grand Ayatollah Rouhani's house to protest at the authorities' actions. Javad Rouhani was later sentenced to one year's imprisonment by a religious court, possibly on charges of opposition activities and contact with opposition figures abroad, but was released in December. The fate of the others was

still unknown at the end of the year. All were possible prisoners of conscience. At least 21 followers of Grand Ayatollah Shirazi, a senior religious figure, including his son, Morteza, were arrested between September and December. They may have been arrested solely on account of their association with Grand Ayatollah Shirazi, who had opposed certain government policies. Their whereabouts were unknown at the end of the year. Sheikh Makki Akhound was reportedly sentenced to three years' imprisonment in connection with his association with Grand Ayatollah Shirazi. No information was received as to the fate of at least 14 followers of Ayatollah Montazeri arrested in 1993 and 1994 (see *Amnesty International Reports 1994 and 1995*). Five members of the Baha'i faith were reportedly held at the end of the year. Two of them, Behnam Mithaqi and Kayvan Khalajabadi, remained under sentence of death (see *Amnesty International Report 1994*). Arrests of Christians, apparently on account of their religious activities, were also reported.

'Abbas Amir Entezam, a former Deputy Prime Minister arrested in December 1979 and sentenced to life imprisonment on charges of espionage, continued to be held; he was a possible prisoner of conscience. In February 1995 he was transferred to a heavily guarded, government-owned house in Tehran. He continued to call publicly for a retrial in accordance with international standards.

Other political prisoners arrested during the year and held without trial included members of opposition groups such as the PMOI and supporters of Kurdish organizations including the KDPI. In August and September, 26 Kurds were reportedly arrested in connection with membership of the KDPI. All but two, Sadigh Majidi and Zaher Ahmadi, had been released by the end of the year.

Political prisoners serving long prison terms after unfair trials included supporters of the PMOI; at least 10 followers of Dr 'Ali Shari'ati; members of left-wing organizations such as the *Tudeh* Party; supporters of Kurdish organizations such as the KDPI and *Komala*; and members of other groups representing ethnic minorities such as Baluchis and Arabs (see previous *Amnesty International Reports*).

Retired General Azizollah Amir Rahimi and his son, Mehrdad Amir Rahimi, who

were prisoners of conscience arrested in November 1994 (see *Amnesty International Report 1995*), were both released in March. Officials said that they had been freed pending trial on charges of "possessing unauthorized weapons and use of illicit drugs". They were not known to have been tried by the end of the year.

Several amnesties were pronounced during 1995 but it was not known whether any political prisoners were released as a result.

Political trials continued to fall far short of international standards for fair trial. The transfer to judges of authority for prosecution in public and revolutionary courts in particular compromised the independence of the judiciary. Trial hearings were often held *in camera* and reports continued to indicate that political detainees were denied access to legal counsel during judicial proceedings, despite official assurances to the contrary. For example, Javad Rouhani (see above) was reportedly denied access to a lawyer throughout his trial.

There were continuing reports of torture or ill-treatment of prisoners and detainees. In March Emin Olcer, a Turkish national who had entered Iran illegally, was reportedly arrested and detained for 39 days in a police station where he was blindfolded and given electric shocks. He was reportedly tortured again after being brought to trial. He was later deported to Turkey.

At least three people reportedly died in custody, or shortly after release, possibly as a result of torture or ill-treatment. Mohammad Ali Norouzi was reportedly arrested in July and held in Naqadeh prison for about 10 days. He died on the day of his release from a heart attack, according to official sources. Sayed Ibrahim Taheri's body was returned to his family in August. He had been detained in March 1994. Both were members of the KDPI. No independent investigations were known to have been carried out into these deaths.

Cruel, inhuman or degrading punishments, including flogging and amputation, remained in force. Floggings were reported for a wide range of offences, often in conjunction with prison terms. In September a bride and her sister were reportedly sentenced to 85 and 75 lashes respectively for dancing with men at the wedding and 127 guests were sentenced to between 20

and 85 lashes or fines. In October a 16-year-old girl in Najafabad was reportedly sentenced to life imprisonment and to have both her eyes gouged out for the murder of members of her family. The sentence was not known to have been carried out by the end of the year.

"Disappearances" were reported, both inside and outside the country. In January Mollah Ahmad Khezri and Majid Sulduzi, Iranian Kurds who had fled to Iraq in 1992, were reportedly handed over to the Iranian authorities by members of the Kurdish Revolutionary *Hizbullah* after they were abducted at a check-point on their way to Rawanduz in Iraqi Kurdistan. In March Iranian officials denied having any information as to their whereabouts. 'Ali Tavassoli, a former member of the Organization of the Iranian People's *Fedaian* (Majority) (OIPF-Majority), went missing while on business in Azerbaijan in September. The authorities denied reports that Iranian agents had been responsible for his abduction.

In October, three women were convicted of the murder of Reverend Tatabous Michaelian and Reverend Mehdi Dibaj (see *Amnesty International Report 1995*) and sentenced to prison terms of between 20 and 30 years. According to official reports, they had confessed to carrying out the killings on behalf of the PMOI, which denied any involvement. Amnesty International sought a copy of the full trial transcript, as well as the methods and detailed findings of the investigation carried out by the Iranian authorities into these two deaths and that of a third Christian leader.

In May the authorities said that a police report about the death of Sunni leader Haji Mohammad Zia'ie (see *Amnesty International Report 1995*) had concluded that he had died as a result of a car accident. However, the report did not include full details of the methods and results of the investigation.

The threat of extrajudicial execution extended to many Iranian nationals abroad, as well as to non-Iranians such as the British writer Salman Rushdie whose killing had been called for in a *fatwa* (religious edict) in 1989.

At least 47 people were executed, some in public. As in previous years, the true number of executions for political and non-political offences, such as drug-

trafficking and murder, was believed to be considerably higher than publicly reported.

Among the political prisoners reportedly sentenced to death in 1995 was Rahman Rajabi who was sentenced to death in October, apparently in connection with suspected membership of the KDPI. He had been arrested in July and held in Darya prison in Oromieh.

Political prisoners executed in 1995 included Assad Akhavan, a member of the OIPF-Majority. His body was returned to his family in Langrud in September after several years' imprisonment. In November Mehdi Barazandeh was reportedly stoned to death for adultery and sodomy in Hamadan.

Salim Saberniah and Mustafa Ghaderi, two alleged members of *Komala* (see *Amnesty International Reports 1994 and 1995*), remained under sentence of death. In August officials said that a court in Tabriz was investigating their petition for a new trial. Mahmood Zangari, sentenced to death in 1993 for a murder he allegedly committed when he was 17, was reported to be at imminent risk of execution in May, but was not known to have been executed by the end of the year.

Amnesty International sought clarification of reports that the PMOI had tortured or ill-treated detainees in its custody in previous years. In response, the PMOI-dominated National Council of Resistance of Iran denied these allegations but failed to allay the organization's concerns. Amnesty International continued to investigate the allegations.

Amnesty International continued to press for the release of all prisoners of conscience and for a review of the cases of all political prisoners held without trial or after unfair trials. It called on the government to take effective measures to prevent torture and to ensure fair trials for all political prisoners. The organization sought information about the fate of people reported to have "disappeared" and appealed for cruel judicial punishments and death sentences to be commuted. The government replied to certain inquiries, but rarely provided sufficient information to allay the organization's concerns.

In May Amnesty International published a report, *Iran: Official secrecy hides continuing repression*, highlighting cases of political prisoners held without trial or

after unfair trial; the death penalty; and possible extrajudicial executions both inside and outside Iran. The government responded to the report, referring to its response to a previous report which accused the organization of "double standards" and "selectivity". It said that most of the cases raised had been examined and found to be without any reliable basis, but did not give details of any investigations.



Hundreds of suspected government opponents and their relatives were detained and tens of thousands arrested in previous years continued to be held. Among them were prisoners of conscience. Torture remained widespread. The judicial punishments of amputation and branding were widely imposed. The fate of thousands of people who had "disappeared" in previous years remained unknown. Numerous judicial and extrajudicial executions were reportedly carried out. Human rights abuses were committed in areas of Iraqi Kurdistan under Kurdish control, including arbitrary arrests, torture and deliberate and arbitrary killings.

Economic sanctions against Iraq, imposed by a UN Security Council cease-fire resolution in 1991, remained in force. Two "air exclusion zones" over northern and southern Iraq continued to be imposed. The distribution of humanitarian relief under the terms of a previous UN-sponsored Memorandum of Understanding continued on a reduced scale.

In March Turkish government forces entered northern Iraq, apparently to pursue members and fighters of the opposition Kurdish Workers' Party (PKK). During

military operations, incidents of human rights violations were reported against the local Iraqi population by Turkish armed forces. Also in March, armed clashes took place along the internal front-line in Arbil and Kirkuk provinces between Iraqi government troops and forces of several Kurdish opposition groups and the opposition Iraqi National Congress (INC).

In August Lieutenant-General Hussein Kamel al-Hassan al-Majid, a former defence minister and senior officer in the Republican Guards, and his brother, Lieutenant-Colonel Saddam Kamel, a former officer in the Special Security Directorate, fled to Jordan where they obtained asylum. Both sons-in-law of President Saddam Hussain, they were accompanied by their families and several officials. In a subsequent public statement, Lieutenant-General Hussein Kamel announced that he would work for the overthrow of the Iraqi Government.

In October a national referendum was held in Iraq to "approve" President Saddam Hussain's assumption of the office of President. According to results announced by the authorities, President Saddam Hussain, who was the only candidate, received a 99.96 per cent "endorsement".

The Revolutionary Command Council (RCC), Iraq's highest executive body, decreed two amnesties in July. The first of these benefited certain prisoners convicted of non-political offences as well as defaulters and deserters from military service. The amnesty provided for the commutation of sentences of ear amputation imposed on military personnel, and of sentences of limb amputation imposed on other prisoners who had already spent two years in custody. Death sentences ratified before the amnesty were commuted to life imprisonment. The second was a general amnesty benefiting people in Iraq or abroad who were wanted for, or had been convicted of, political offences. Both amnesties excluded certain prisoners, including those convicted of espionage, premeditated murder, embezzlement of state funds and rape. It was not known how far the provisions of these amnesties were implemented nor how many people had benefited by the end of the year.

Kurdish opposition forces retained control of parts of the northern provinces of Duhok, Arbil, Sulaimaniya and Kirkuk. The economic blockade imposed on the

region by the Iraqi Government in October 1991 remained in force. Widespread clashes, which broke out in December 1994 between the forces of the two main political groups in the region, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), continued until February when a cease-fire was agreed. However, further clashes on a smaller scale continued intermittently for several months. In August peace talks were held in Ireland between KDP and PUK representatives under the auspices of the US Government, but by the end of the year no lasting political settlement had been reached. Throughout the year the two parties retained separate administrations of those areas under their control, and the Council of Ministers for the Iraqi Kurdistan Region, which had administered the region, became defunct.

In March the UN Commission on Human Rights adopted a resolution expressing concern "at the exceptional gravity of the human rights situation in Iraq", extended the mandate of the UN Special Rapporteur on Iraq for a further year, and reiterated its request to the UN Secretary-General "to provide the Special Rapporteur with all the necessary assistance in carrying out his mandate", including the setting up of a human rights monitoring operation for Iraq. A resolution adopted by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities in August also called for such assistance to be extended to the Special Rapporteur. In December the UN General Assembly passed a resolution asking the UN Secretary-General to "approve the allocation of sufficient human and material resources" for setting up a human rights monitoring operation for Iraq. By the end of the year the monitoring operation had not been set up.

Hundreds of suspected government opponents and their relatives were reported to have been arrested throughout the year, but it was generally not possible to obtain further information on the detainees' fate and whereabouts. Some appeared to be prisoners of conscience. In May scores of people, many of them from the al-Dulaim clan, were arrested following demonstrations in al-Ramadi Province protesting at the execution earlier that month of a senior military officer from the region, Lieutenant-General Muhammad Mathlum

al-Dulaimi. It was not known how many remained in detention at the end of the year.

The fate and whereabouts of other political detainees arrested during the year remained unknown. Over 40 people were arrested in May following an alleged assassination attempt against President Saddam Hussain near the town of Samarra'. They included several officers and other senior military personnel, among them Yunis 'Atallah al-Samarra'i and Yassin Jassem al-'Abbud. Their fate and whereabouts remained unknown by the end of the year. In August, following the defection of Lieutenant-General Hussein Kamel to Jordan (see above), an unknown number of senior military personnel and Ba'th Party officials said to have been closely associated with him were arrested. They included Brigadier-General 'Issam al-Tikriti, formerly a senior security official at Iraq's Military Industrialization Organization. Others were placed under house arrest, including Major-General Kamal Mustafa al-Tikriti, commander of the Republican Guards' First Brigade. Some of those detained were reportedly later executed, but no further information on this or on the fate of the detainees was received.

Reports of the torture of detainees and sentenced prisoners continued to be received, including amputation and branding, introduced as judicial punishments in 1994 (see *Amnesty International Report 1995*). During the first six months of the year, several hundred army deserters and defaulters were reportedly subjected to the amputation of the external part of one ear for a first offence, and of both ears for further offences. Most were also said to have been branded with an "x" symbol on their foreheads. The majority of such operations were reportedly carried out in public hospitals in the southern provinces, including the Basra Teaching Hospital. One doctor working in the city stated in September that scores of military personnel were mutilated in this manner in early 1995 and that doctors were routinely threatened with reprisals if they refused to carry out these operations.

The cases of thousands of detainees who "disappeared" in previous years remained unresolved. Among them were over 100,000 Kurds who "disappeared" during the 1988 and 1989 "Anfal Operations"; an estimated 625 Kuwaiti and

other nationals arrested by Iraqi forces during the occupation of Kuwait in 1990 and 1991 and believed to be held in Iraq; and several thousand Shi'a Muslims arrested in the southern provinces of Basra, al-Nasirayya and al-'Amara in the aftermath of the March 1991 uprising (see previous *Amnesty International Reports*).

Numerous executions were reported during the year but it was not possible to determine the total number or whether they were judicial or extrajudicial executions. Among the victims were over 150 detainees who were allegedly executed in Abu Ghraib Prison near Baghdad over a two-day period in January. They included 'Umar 'Ali al-Dawudi and Jamal Hussein Muhammad al-Jaf.

Extrajudicial executions of suspected government opponents also continued to be reported. They included several people poisoned with thallium believed to have been administered by Iraqi government agents operating in Kurdish-controlled territory. Among them were Shaikh Faisal al-Sha'lan and 'Abd al-Amir Shahin who were poisoned in January in the town of Shaqlawa. 'Abd al-Amir Shahin died several days later. In March another victim, 'Abdullah al-Shubbar, died from poisoning in Shaqlawa. All three were involved in opposition activities within the INC. In August, seven other suspected opponents were poisoned in Sulaimaniya Province, one of whom, Muhammad Sati al-Anbaki, subsequently died. Two of them were members of the Supreme Council for the Islamic Revolution in Iraq while the rest were armed opposition *Pesh Merga* fighters. New information was also received about cases of thallium poisoning in southern Iraq at the end of 1994.

Kurdish opposition groups were responsible for serious human rights abuses during the year, particularly in the context and aftermath of clashes between the forces of the KDP, PUK and the Islamic Movement in Iraqi Kurdistan (IMIK). Scores of fighters were taken prisoner by these groups, and although most were later released in prisoner exchanges, some were reported to have been killed after capture or surrender. The victims included five PUK fighters allegedly captured and killed by the KDP following clashes in February in the town of Rawanduz, among them Ramadan Mam Nuri and Ghaffur Khadr Hassan. The bodies of two of them were

reported to have been subsequently mutilated. Scores of unarmed civilians were arbitrarily detained on the basis of their political affiliation. Some were held in unacknowledged places of detention and reportedly tortured. Many of those arrested were members or suspected sympathizers of the KDP who were arrested after PUK forces took control of the city of Arbil in January. It was not known how many remained held by the end of the year.

It was not known whether any death sentences were imposed by the criminal courts in Iraqi Kurdistan during the year, or whether any executions had been carried out. It was also not possible to confirm whether 22 prisoners sentenced to death by the criminal courts of Arbil, Sulaimaniya and Duhok between March 1992 and August 1994 had been executed. Four other death sentences were reduced to life imprisonment by the Court of Cassation. However, an unknown number of people were reported to have been executed after summary trial by a special court set up by the PUK in Arbil in January. The court was set up ostensibly to deal with large numbers of people suspected of theft, extortion and other criminal offences. Its procedures were said to have been summary in the extreme, with defendants being tried in the absence of defence counsel. Several suspected offenders were allegedly shot dead by PUK personnel upon capture. There were also fears that the victims may have included suspected political opponents executed after being accused of ostensibly criminal offences. In May the KDP reportedly executed Ahmad Saleh 'Uthman, an Iraqi Kurd charged with responsibility for a car bomb explosion in Zakho in February which killed scores of civilians. Ahmad Saleh 'Uthman was apparently tried by a court in Duhok after allegedly stating that he had acted on behalf of the PUK. No information was available on the procedures followed.

During the year, Amnesty International appealed to the Iraqi Government to halt human rights violations, including the detention of prisoners of conscience, arbitrary arrests of political suspects, unfair trials, "disappearances" and executions. It also continued to call for the abolition of the cruel, inhuman and degrading punishments of amputation and branding and the commutation of all death sentences. No substantive responses were received. In

May Amnesty International received a letter from the government commenting on the *Amnesty International Report 1994*. The government rejected as "baseless" most of the allegations contained in the report, including reports of widespread arrests, the continued detention of thousands of political opponents, "disappearances" and extrajudicial executions. Regarding the expansion of the scope of the death penalty to include new criminal offences, the government stated that Amnesty International failed to take into account the necessity to combat rising crime resulting from the situation arising in the aftermath of the Gulf War and from the sanctions imposed on the country.

In February Amnesty International published a report, *Iraq: Human rights abuses in Iraqi Kurdistan since 1991*, detailing widespread abuses committed by the Kurdish administration and political groups in the region, in particular the KDP, PUK and IMIK. These abuses included the detention of suspected political opponents, among them possible prisoners of conscience; torture and ill-treatment of political and common law detainees; and executions after summary trials and unlawful and deliberate killings. During the year, Amnesty International repeatedly urged Kurdish political leaders to put an end to human rights abuses and to implement the recommendations submitted in the organization's report. Representatives of both the PUK and the KDP undertook to respond in detail to the report, but by December no response had been received. There was also no response from the IMIK leadership or the Council of Ministers for the Iraqi Kurdistan Region.

ISRAEL AND THE OCCUPIED TERRITORIES

(INCLUDING AREAS UNDER THE JURISDICTION OF THE PALESTINIAN AUTHORITY)

Thousands of Palestinians were detained on security grounds; hundreds were tried before military courts. More than 210 Palestinians were held in administrative detention without charge or trial at the end of the year. Approximately 750 Palestinian prisoners, almost all of whom were

political prisoners, were released in the context of agreements between Israel and the Palestinian Authority. Prisoners of conscience included conscientious objectors to military service. Palestinians continued to be systematically tortured or ill-treated during interrogation. One detainee died in custody as a result of torture. Israeli forces killed 49 Palestinians, some in circumstances suggesting extrajudicial executions. The Palestinian Authority's security forces detained more than 1,000 Palestinians on political grounds. More than 40 were brought to trial before a newly established State Security Court which did not meet international fair trial standards. Torture of detainees was reported and five Palestinians died in custody. One person was sentenced to death. Members of the Palestinian Authority's security forces, or armed groups allied to them, deliberately and arbitrarily killed at least four people. Palestinian armed opposition groups committed deliberate and arbitrary killings of civilians.



In September the Israeli Government and the Palestinian Authority signed an agreement for a phased withdrawal of the Israeli armed forces and civil administration from the West Bank. By the end of the year Israeli forces had withdrawn from all major cities in the Occupied Territories, apart from Hebron and East Jerusalem.

On 4 November Prime Minister Yitzhak Rabin was assassinated by a member of a Jewish opposition group. He was succeeded as Prime Minister by Shimon Peres.

In the Occupied Territories the Israeli authorities made extensive use of border closures confining Palestinians to the

Gaza Strip and denying West Bank Palestinians access to Jerusalem. Attacks by armed Israeli settlers and armed Palestinians against Palestinian and Jewish civilians continued.

In July a committee set up to incorporate the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment into Israeli law proposed an amendment to Article 277 of the Penal Law which, by defining torture as "pain and suffering except for pain or suffering inherent in interrogation procedures or punishment according to the law", would effectively legalize torture. The *Kneset* (parliament) had not voted on the amendment by the end of the year.

Thousands of Palestinians were arrested on security grounds in Israel and the Occupied Territories under direct Israeli administration. Many were released without charge.

More than 600 renewable administrative detention orders of up to six months were imposed on Palestinians. During appeals, which usually took place several weeks after arrest, detainees and their lawyers were not provided with important information about the reasons for their detention. In February the maximum length of administrative detention orders was increased to one year. Administrative detainees included 'Abd al-Naser Isma'il al-Qaysi, a student, who was arrested in Bethlehem in September and served with a three-month detention order. Ahmad Qatamesh, allegedly a senior official of the Popular Front for the Liberation of Palestine (PFLP), who was arrested in September 1992, remained administratively detained (see *Amnesty International Reports 1993 to 1995*). Two administrative detention orders were served on Jews. Shmuel Cytrin, a resident of Qiryat Arba settlement in Hebron, was served with a three-month administrative detention order in December.

Prisoners of conscience included at least three Israeli conscientious objectors to military service. For example, Sergeiy Sandler, a pacifist, was arrested in January and sentenced to 28 days' imprisonment by a military court for refusing to perform military service.

More than 70 Lebanese and foreign nationals, some of whom had been abducted in Lebanon between 1985 and 1994, continued to be held in Israeli prisons under administrative detention orders. At least

17 who had been tried were held after completion of their sentences. Others remained in detention without trial, including Mustafa al-Dirani, who was abducted from Lebanon in May 1994, and Shaykh 'Abd al-Karim 'Ubayd, who was abducted in July 1989.

Over 200 detainees were held without charge or trial at the Kham detention centre in an area of South Lebanon controlled by Israel and the South Lebanon Army (see **Lebanon** entry). In September the International Committee of the Red Cross gained access to detainees for the first time since the detention centre was opened in 1985.

Hundreds of Palestinian political detainees were tried by Israeli military courts on charges such as incitement to acts of violence or membership of banned organizations. Detainees were frequently denied access to lawyers for up to 30 days and to relatives for up to 140 days. Confessions obtained under duress were often the main source of evidence against detainees.

Over 750 detainees were released in the context of the peace agreements between Israel and the Palestinian Authority. About 4,000 remained in prison for security offences at the end of the year, including 70 Israeli Palestinians not covered by the agreements. Some women who should have been released according to the agreement remained in detention.

Palestinian detainees continued to be systematically tortured or ill-treated during interrogation by the General Security Service (GSS), often while held incommunicado. Methods that were routinely used included hooding; prolonged sleep deprivation, usually while standing or sitting shackled in painful positions; beating; shaking; and confinement to cupboard-sized rooms. Khaled Farraj, a student arrested in March and accused of supporting the PFLP, stated that he was hooded, denied sleep for long periods while tied in painful positions, beaten, kicked, violently shaken, exposed to cold air, and informed, falsely, that his mother had died. He was interrogated by teams of interrogators in Ramallah Prison during the week and in the Moscobiyah Detention Centre in Jerusalem at weekends. He saw his lawyer for the first time after 31 days. He was released without charge in May after 56 days' interrogation.

One detainee died in custody. 'Abd al-Samad Harizat, a computer expert arrested in Hebron in April on suspicion of being a leader of *Hamas*, the Islamic Resistance Movement, fell into a coma in the Moscobiyah Detention Centre 20 hours after his arrest and died three days later. The autopsy concluded that he died as a result of violent shaking. An investigation by the Department for Investigations of Police found that he had been shaken 12 times over a period of 12 hours. However, the report, which was not made public, concluded that the interrogators were not criminally responsible for the death.

The "exceptional dispensation" to GSS interrogators allowing them to use increased physical pressure (see *Amnesty International Report 1995*) was renewed for periods of up to three months throughout 1995 by the ministerial committee which oversees the GSS. In August the same committee allowed the shaking of detainees to continue with the authorization of the head of the GSS.

Mordechai Vanunu remained in solitary confinement for the ninth consecutive year (see *Amnesty International Reports 1988 to 1995*). Amnesty International asked for his release as redress for past violations of his human rights. In June the Beersheba District Court ordered that his conditions of detention be improved. Avraham Klingberg, a 77-year-old physician and university professor held since 1983 on spying charges (see *Amnesty International Reports 1994 and 1995*), remained seriously ill.

At least 49 Palestinians were shot dead by Israeli forces. Some were shot during armed clashes but others were shot in circumstances suggesting that they had been extrajudicially executed. In January a 14-year-old schoolboy, Muhammad Muhammad Taha, was killed outside his school by an Israeli soldier who reportedly descended from a passing jeep and shot into a group of children. Witnesses stated that no warning was given before the shot was fired. The Defence Ministry stated that it was investigating the incident, but the outcome was not known by the end of the year. In October Fathi Shqaqi, the leader of *Islamic Jihad*, which had claimed responsibility for a number of suicide bomb attacks, was shot dead by unknown attackers in Malta. The Israeli Government did not accept or deny responsibility for the killing.

Those responsible for past human rights violations continued to enjoy virtual impunity. An Israeli colonel who shot dead a 14-year-old girl, Ra'eda al-Qarra, in March 1993 was found guilty by a military court in March 1995 of causing her death through failure to exercise proper caution. He received a six-month suspended prison sentence.

A military appeals court reversed the conviction of Sa'id Badarneh who had been sentenced to death in November 1994 on charges of plotting a suicide bus-bombing (see *Amnesty International Report 1995*). The appeal court stated that mistakes had been made by the lower court and ordered a retrial which had not taken place by the end of the year.

The Israeli authorities carried out punitive destruction of houses after suspects believed to be hiding there had been captured or killed. In June rockets were used against a house in Halhoul where Hamed Yaghmur, suspected of membership of the *'Izz al-Din al-Qassam* brigades, the military wing of *Hamas*, was in hiding. After Hamed Yaghmur was killed, the house and two neighbouring houses were destroyed by a bulldozer.

In June the Palestinian Authority issued a Press Law which restricted freedom of the press.

The Palestinian Authority's security forces arrested more than 1,000 people, including human rights activists, journalists and Palestinian members of Islamist or leftist groups opposed to the peace agreement with Israel. Most political detainees were released without charge after a few hours or days; some were held without charge or trial throughout the year. Many were prisoners of conscience, including Raji Sourani, director of the Gaza Centre for Rights and Law, who was arrested and held for 16 hours in February; Iyad Sarraf, director of the Palestinian Independent Commission for Citizens' Rights, who was detained for nine hours in December; and Maher al-Alami, editor of the newspaper *al-Quds*, who was detained for six days after he printed an interview with Yasser Arafat, Chairman of the Palestine Liberation Organization (PLO) and head of the Palestinian Authority, on the eighth instead of the first page.

In February Chairman Arafat issued a decree establishing the State Security Court. Over 40 people were sentenced to

up to 25 years' imprisonment after trials before the State Security Court which were grossly unfair. Trials were held in secret, often in the middle of the night. They were presided over by military judges, prosecutors were military prosecutors, and defence lawyers, who normally worked for the security forces, were appointed by the court. Relatives were informed of charges and trials only after hearings had taken place. Sayyed Abu Musameh, editor of the newspaper *al-Watan*, was tried before the Gaza State Security Court less than 24 hours after his arrest. He was sentenced to three years' imprisonment on charges which included writing seditious newspaper articles and libelling the Palestinian Authority; he was a possible prisoner of conscience. He was released in December by order of Chairman Arafat.

There were reports of torture carried out by members of the Palestinian Authority's security services in Gaza and Jericho. Four people died in custody in circumstances suggesting that torture may have contributed to their deaths. A fifth person was killed when a gun was fired during interrogation. Methods of torture included severe beatings, electric shocks, prolonged standing in painful positions, burning with cigarettes and suspension from the ceiling. Salman Jalaytah, a lifeguard, was arrested in Jericho in January on suspicion of "collaborating with Israel" and participation in the murder in December 1994 of Ibrahim Yaghi. He was reportedly denied food, beaten repeatedly with cables and given electric shocks. He died three days after his arrest. No investigation into his death was known to have been carried out.

Scores of Palestinians from the West Bank outside the jurisdiction of the Palestinian Authority were taken from their homes and tortured and ill-treated by members of the Palestinian security services in Jericho. 'Azzam Muslah was reportedly arrested by members of the Preventive Security Service (PSS) in 'Ain Yabrud in September and taken to the PSS offices in Jericho. He was later transferred to the offices of the Palestinian General Security Services. Less than two days after his arrest his body, bruised and bloody, was handed over to the family. Chairman Arafat ordered an inquiry.

Six Palestinian security officers were arrested on charges of beating prisoners.

Extrajudicial punishments such as kneecapping were reportedly carried out by members of Palestinian security services such as the PSS, and by members of groups allied to the PLO, such as the *Fatah Hawks*.

At least four Palestinians from the West Bank were deliberately and arbitrarily killed, reportedly by members of the Palestinian Authority's security forces or individuals from armed groups allied to the PLO. For example, in October members of the *Fatah Hawks* reportedly shot dead Muhammad Hawari, who was allegedly working for the Israeli police, in Qalqiliya.

Tha'er Muhammad Fares, a Palestinian police officer, was sentenced to death in May by a military court in Gaza after being convicted of shooting a fellow police officer and stealing his gun. The military court used a penal code drawn up by the PLO in 1979. No executions had been carried out by the end of the year.

Palestinian armed opposition groups committed deliberate and arbitrary killings. Suicide-bombers killed at least 40 people, including 13 civilians. *Hamas*, *Islamic Jihad* and *Hizbullah* claimed responsibility for the attacks. In July and August suicide bombs in buses in Tel Aviv and Jerusalem killed 12 people, including the bombers.

Amnesty International urged the Israeli Government to release all prisoners of conscience; to try administrative detainees promptly and fairly or to release them; to ban torture and to give free medical examinations to those who had suffered torture or ill-treatment during interrogation; and to take steps to end extrajudicial executions.

The Israeli authorities provided information on a number of cases and commented on the *Amnesty International Report 1995*. They stated that measures instituted were a response to "terrorist" attacks and denied that Israeli interrogation practices constituted torture.

In an oral statement to the UN Commission on Human Rights in February, Amnesty International referred to its concerns in the Israeli-Occupied Territories, including South Lebanon.

Amnesty International urged the Palestinian Authority to release all prisoners of conscience, and end torture and unfair trials before the State Security Court. The head of the PSS replied on an individual

case, stating that no torture had taken place.

Amnesty International condemned deliberate and arbitrary killings by Palestinian armed groups and called on them to respect the fundamental principles of humanitarian law.

ITALY



There were further allegations of torture and ill-treatment by law enforcement officers. Verdicts were pronounced in trials relating to two deaths in custody in 1993. Numerous prison officers were involved in criminal proceedings relating to the alleged torture and ill-treatment of prison inmates in previous years.

In February Italy ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

A bill reforming the existing legislation governing conscientious objection to compulsory military service (see *Amnesty International Reports 1989 to 1995*) was approved by the Senate in March and was under consideration by the Chamber of Deputies at the end of the year. Its proposals included broadening the grounds on which conscientious objector status might be granted but did not recognize the right to claim conscientious objector status during military service.

There were further allegations of ill-treatment by law enforcement officers. Many of the alleged victims were immigrants from outside Europe, and Roma. In October Ben Moghrem Abdelwahab, a Tunisian national, lodged a complaint after being stopped by *carabinieri* officers

in Voghera, apparently on suspicion of carrying drugs. He claimed he was repeatedly slapped and racially insulted both during transfer to the *carabinieri* barracks and on arrival. He said he was handcuffed behind his back, pushed repeatedly until he fell down and then kicked in the head, back and on his left side. He claimed that when he refused to sign a statement because he was unaware of its contents, a gun was pointed at his head. He then signed, but when he added the words "with reservation" he was slapped again and struck by a metal stapler which was thrown at him. Within hours of his release later that day he was admitted to hospital where he remained for eight days receiving treatment for his injuries. The *carabinieri* reportedly admitted striking Ben Moghrem Abdelwahab but stated that they had acted in self-defence.

Judicial investigations into complaints of ill-treatment were often very slow. Over four months elapsed before Salvatore Rossello, a student nurse, was told that an investigation had been opened into a complaint he had lodged with the Public Prosecutor's office in Barcellona Pozzo di Gotto, Sicily, in June. He had alleged that, while detained in a local *carabinieri* barracks in May, an officer had verbally abused him, hit him around the head with such force that he was knocked down and struck him several times on the back. After being released without charge he was admitted to hospital for emergency treatment. A medical certificate, issued on his discharge nine days later, recorded a perforated left ear-drum and bruising to his left jaw and shoulder.

Verdicts were pronounced in the trials of law enforcement officers prosecuted in connection with two deaths in custody in 1993. In January Turin Assize Court acquitted two police officers of deliberately inflicting injuries leading to the death of Antonio Morabito in December 1993 (see *Amnesty International Report 1995*). Autopsy and forensic reports had established that he had suffered numerous cuts and bruises and an abdominal injury which caused a fatal intestinal haemorrhage. The Morabito family's appeal against the verdict was rejected.

In March the commandant of the *carabinieri* barracks near Padua where in September 1993 Tarzan Sulic, an 11-year-old Rom, was shot dead and his 13-year-old

cousin, Mira Djuric, seriously wounded, was sentenced to two months' imprisonment for abusing his authority and ordered to pay compensation to the children's families. The court found that he had illegally ordered the children to be held in a locked cell, provided no food or drink for five hours and failed to inform the juvenile authorities of their detention. The *carabiniere* officer who shot Tarzan Sulic pleaded guilty to manslaughter and was sentenced in March to 17 months and 10 days' imprisonment, conditionally suspended. Mira Djuric had accused him of ill-treating her and her cousin, holding a gun to the boy's head and threatening to kill him just before it fired. In September the officer was sentenced to three months' suspended imprisonment for infringing regulations by illegal use of a firearm.

Several judicial proceedings were still under way during 1995 into alleged ill-treatment by prison officers in previous years. In January the Ministry of Justice confirmed that, as a result of investigations opened in early 1993, six prison officers had been committed for trial for various crimes, including the ill-treatment of some 300 inmates of Secondigliano prison, and stated that criminal proceedings had been opened against a further 65 officers. In November the Public Prosecutor's office stated that the 65 officers had been committed for trial in February 1996. However, there was no news concerning the outcome of Giacomo De Simone's complaint that he had been ill-treated by Secondigliano prison officers in January 1994, or the complaints of ill-treatment lodged by inmates of Sulmona prison during that month, or a judicial investigation opened into the alleged ill-treatment of inmates of Pianosa Island prison in 1992 (see *Amnesty International Reports 1993 to 1995*).

The government authorized the publication, in January, of the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on its visit to places of detention in Rome, Milan and Naples in March 1992, together with its own response. The Committee stated that it had heard a large number of allegations of ill-treatment inflicted by law enforcement officers and concluded that people held by such officers "and particularly those belonging to certain specific categories

(such as foreigners, people arrested in connection with drugs-related offences etc), run a not inconsiderable risk of being ill-treated". The Committee also expressed concern about prison overcrowding and stated that, in specific instances, when combined with poor sanitary conditions and a very limited range of activities, the conditions of detention amounted to "inhuman or degrading treatment". It made detailed recommendations aimed at increasing existing safeguards against ill-treatment and improving conditions of detention.

In April the UN Committee against Torture considered the government's periodic report on its compliance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It expressed alarm over the continuing high level of prison overcrowding and concern over the persistence of ill-treatment by prison and law enforcement officers. It noted that the majority of victims of ill-treatment were either from "certain foreign countries" or belonged to "minorities", and emphasized its concern over "a dangerous trend towards some racism". The Committee also stated that the punishment imposed on law enforcement officers in cases of alleged torture and deaths in custody did not appear proportionate to the gravity of the acts committed. Its recommendations included: creating a specific criminal offence of torture; closely monitoring the implementation of existing safeguards against ill-treatment during initial detention, especially access to medical and legal assistance; ensuring the speedy and effective investigation of complaints of torture and ill-treatment; and the adequate and effective punishment of those responsible.

Amnesty International published a report, *Italy: Alleged torture and ill-treatment by law enforcement and prison officers*, in April and submitted it to the UN Committee against Torture. The report highlighted the increase in the number of such allegations during the 1990s, a high proportion of which concerned immigrants from outside Europe and a growing number of Roma. The organization said it was concerned that elements within some law enforcement agencies might be subjecting detainees to ill-treatment on a regular basis and that, although Italy had adopted certain legislative and adminis-

trative measures designed to combat the use of ill-treatment, in practice these were not being fully implemented. The government stated that it would analyse Amnesty International's report.

JAMAICA



Scores of prisoners on death row were reportedly ill-treated. At least two prisoners died in custody. At least one sentence of flogging was imposed. At least five death sentences were imposed and 61 prisoners remained under sentence of death. There were no executions.

Scores of death row prisoners in St Catherine's District Prison were reported to have been beaten by warders in March, following disturbances at the prison in February. The beatings reportedly took place after order had been restored and prisoners had returned to their cells. Many prisoners were reported to have sustained broken arms and legs, fractured ribs and other injuries. During a search of the prison a warder reportedly ordered another staff member to beat two prisoners, Vivian Goode and Author Henry, who were accused of killing one of the warder's relatives. The prisoners reportedly made several complaints to the superintendent of the prison but no action had been taken by the end of the year.

At least two prisoners died in custody. One death row prisoner was shot dead by prison warders during the disturbances at St Catherine's District Prison in February. In April Ivan Morgan, a former death row prisoner (see *Amnesty International Report 1994*), died in custody. He had been receiving treatment for stomach pains, but had been refused admission to hospital raising concern that he may have been denied adequate medical care.

Inquests had still not been held into the cases of four death row prisoners shot

dead by warders at St Catherine's District Prison in October 1993. Although a police report had been sent to the Director of Public Prosecutions in 1994, no decision appeared to have been taken on whether to prosecute those responsible (see *Amnesty International Reports 1994 and 1995*).

The mother of a man who died while in Police custody in 1993 received compensation for her son's death after suing the government. Agana Barret was one of three men who died while being held in Constant Spring Police Station (see *Amnesty International Reports 1994 and 1995*).

At least one sentence of flogging was imposed. In February Barrington Keslow was convicted of rape and sentenced to 10 strokes of the tamarind switch in addition to 10 years' imprisonment. It was unclear whether the sentence had been carried out by the end of the year.

At least five death sentences were imposed for murder and 61 prisoners remained on death row. Sixty-two prisoners had their sentences commuted under the Judicial Committee of the Privy Council's 1993 recommendation that all prisoners under sentence of death for five years or more should have their sentences commuted (see *Amnesty International Report 1994*). There were no executions. The last hanging was carried out in February 1988.

In May Amnesty International wrote to the Commissioner of Correctional Services calling for a full investigation into the shooting of the death row prisoner in February and into the allegations of ill-treatment of prisoners in March. Amnesty International also called for an investigation into the death of former death row inmate Ivan Morgan in April and expressed concern that his death may have been caused by the denial of adequate medical treatment.

In September Amnesty International received a reply from the Commissioner of Corrections stating that the police were carrying out an investigation into the shooting of the prisoner and the allegations of ill-treatment. The letter also said that measures had been taken to ensure the safety of prisoners and "better control" in St Catherine's District Prison. Amnesty International had not been informed of the outcome of the investigations by the end of the year.

JAPAN



Six people were executed, including a 70-year-old man. Over 90 others, including at least nine people sentenced to death during 1995, remained imprisoned under sentence of death in conditions which amounted to cruel, inhuman or degrading treatment. They included four men who had been awaiting execution for over 20 years and some who may have been convicted unfairly. Detainees continued to be held in conditions which gave inadequate protection against ill-treatment. Asylum-seekers continued to be at risk of being sent back to countries where they faced human rights violations.

The three-party coalition of Prime Minister Murayama Tomiichi entered its second year of office, facing a new nine-party opposition coalition, *Shinshinto*, New Frontier Party, which had been established in December 1994.

A resolution adopted by the Diet (parliament) in June expressed "deep remorse" to the victims of Japanese aggression during the Second World War and in August the Prime Minister made a public apology. The victims included up to 200,000 women, known as "comfort women", mostly from Korea and several other countries in East and Southeast Asia, who had been forced into prostitution by the Japanese armed forces. The government was criticized for its decision to set up a private fund for the "comfort women" instead of paying individual compensation to the victims.

Six people were executed in secret, three in June and three in December. They included Tanaka Shigeho, aged 70, who had been under sentence of death for 17

years. They had been convicted of murder and appeared to have been selected for execution in an arbitrary manner from more than 50 prisoners whose death sentences had been confirmed by the Supreme Court. In line with government policy, the names of those executed were not made public and the prisoners' families and lawyers were not informed of the executions.

Over 90 prisoners convicted of murder, including at least nine people sentenced to death during the year by courts of first instance, remained under sentence of death. They included over 50 people whose sentences had been confirmed by the Supreme Court. At least four of these prisoners had been under sentence of death for over 20 years and two were over the age of 70. They included 77-year-old Tomiyama Tsuneyoshi who had been under sentence of death for 28 years. His long-standing application for a retrial, based on his claim that he was convicted unfairly, remained unanswered by the end of the year.

In June the Supreme Court ruled that a defendant's mental condition rendered him unfit to waive his right of appeal against the death sentence imposed on him by the Yokohama District Court in 1988. The Supreme Court ruling stated that Seiha Fujima was suffering from a mental disorder, due to the death sentence imposed on him and the stress of long-term detention.

Some prisoners under sentence of death alleged that they were ill-treated after their arrest and many had not seen a lawyer until after they were charged. They included Oda Nobuo, under sentence of death for 26 years, whose fifth application for a retrial was rejected in March. He had claimed that he was forced to make a confession to charges of murder during police interrogation and that he was tried unfairly. The court was reported to have found insufficient evidence to order a new trial.

Conditions of detention for prisoners under sentence of death amounted, in some cases, to cruel, inhuman or degrading treatment. Some prisoners were only permitted to meet close relatives and, in some cases, adopted relatives were denied access to prisoners. Strict rules governing daily life included a stipulation that prisoners under sentence of death must sit or

kneel in the same position throughout the day and may not walk, sleep or talk freely.

At least 16 members of the religious sect *Aum Shinrikyo* (Supreme Truth) were charged with offences carrying the death penalty, including a gas attack on the Tokyo Underground in March in which 11 people were killed. Over 200 *Aum Shinrikyo* members were arrested in connection with the attack, some 100 of whom were released without charge. Some alleged that they had been ill-treated during police interrogation.

Police facilities known as "substitute prisons" (*daiyo kangoku*) continued to be used instead of detention centres to hold criminal suspects for up to 23 days before indictment in conditions which provided inadequate protection against torture and ill-treatment. Interrogators in "substitute prisons" had unlimited access to suspects for up to 23 days and could deny them access to the outside world.

In July a police officer was given a suspended prison sentence for beating a suspect in November 1985 at Sonezaki Police Station, Osaka. In June Osaka District Court ordered the Osaka Prefectural Government to pay compensation to five people who had been ill-treated during police questioning in 1979, leading to their convictions on charges of rape and murder. All five had been acquitted between 1986 and 1989.

In March the Tokyo District Court rejected the appeal by a Chinese pro-democracy activist, Zhao Nan, against the authorities' refusal to grant him refugee status. His application had been rejected in March 1991 because he had failed to apply for asylum within 60 days of his arrival in Japan. The authorities had apparently rejected his application without considering the substance of his claim, in violation of international standards on the protection of refugees and asylum-seekers. In December Fawaz Housein El Hanafy, a Palestinian, was granted refugee status. His original application had been turned down in 1992. He was the first person to appeal successfully against a refusal by the authorities to grant refugee status to an asylum-seeker.

In March Amnesty International published a report, *Japan: The death penalty - a cruel, inhuman and arbitrary punishment*, describing the use of the death penalty and the harsh conditions of detention

for prisoners awaiting executions. The report called on the government to commute all death sentences, to take steps to abolish the death penalty in law and to end the ill-treatment of prisoners under sentence of death. The government did not respond to Amnesty International's recommendations.

JORDAN



Scores of political detainees were held during the year. They included dozens of prisoners of conscience and possible prisoners of conscience. Many of those arrested were held in prolonged incommunicado detention. Most were released without charge. At least 48 were brought to trial before the State Security Court, which did not appear to satisfy international standards for fair trial. There were several reports of torture. One extrajudicial execution was reported. At least 12 people were executed and 10 people remained under sentence of death.

A new government, headed by Sharif Zaid bin Shaker, was formed in January, after the resignation of the previous prime minister. A Jordanian parliamentary committee on civil liberties issued a report in September which said that liberties had diminished since the peace with Israel in 1994; the Jordanian Government rejected the report.

In April the UN Committee against Torture examined Jordan's initial report regarding implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee welcomed positive steps taken by Jordan such as the abolition of martial law in 1992 but expressed concern

on several issues including the number of allegations of torture; the right of officers of the General Intelligence Department (GID) to act as public prosecutors and detain suspects incommunicado; the continuing use of the death penalty; and the *refoulement* of asylum-seekers to countries where they might be at risk of torture.

Scores of people, including prisoners of conscience and possible prisoners of conscience, were arrested on political grounds. Those arrested included dozens of suspected members of Islamist and leftist opposition groups opposed to the peace treaty with Israel. Prisoners of conscience included at least two journalists, who were detained for up to two days, and an opposition leader. Leith Shubeilat, an Islamist leader, was arrested in December and detained in Jwaideh Prison on charges that included lese-majesty after a speech the previous month in which he criticized King Hussein bin Talal. He had not been brought to trial by the end of the year. The public prosecutor's office served scores of writs on newspapers charging them with offences such as harming national unity under the Law on Press and Publications. Cases lasted several months and ended in fines or acquittals.

Those arrested on security grounds were held incommunicado for up to nine months by the GID. Detainees held by the GID were frequently not told the charges against them; they were allowed irregular access to relatives but denied access to lawyers. Most detainees were released without charge.

More than 40 alleged members of Islamist groups were brought before the State Security Court in at least seven trials. 'Ata' Abu'l-Rushta, an engineer and spokesman for the *Hizb al-Tahrir fi'l-Urdun*, Liberation Party in Jordan, was arrested in October and brought to trial in November before the State Security Court on charges of insulting the King and membership of an illegal party, after an interview published in the weekly newspaper *al-Hiwar*. He appeared to be a prisoner of conscience. His trial was still continuing at the end of the year.

Trials before the State Security Court appeared to fall short of international standards of fair trial. In a trial which started in September before the State Security Court, Salem Bakhit and Ahmad Khaled were accused of attacking a French

diplomat in Mujib in March. Their lawyers stated that the case should be heard by a normal criminal court and alleged that their clients had been tortured by members of the GID and had confessed under duress.

In March the Court of Cassation overturned the judgment in the "Mu'ta" case, in which five military cadets and five others were accused of plotting to kill King Hussein bin Talal during a ceremony in Mu'ta University in June 1993 (see *Amnesty International Reports 1994 and 1995*). The Court found that the confessions of the accused were inadmissible because they had been made after torture. The defendants were released immediately. In the same month, the Court of Cassation refused to uphold the convictions of 25 people accused of conspiracy to carry out "terrorist" actions, known as the "Arab Afghans" case, as some of those involved had returned from fighting with Islamist forces in Afghanistan (see *Amnesty International Report 1995*). Eleven death sentences had been passed, three *in absentia*. The Court of Cassation ordered the State Security Court to hear further witnesses. In July new judgments were given after a retrial. Ten death sentences (including two *in absentia*) were maintained.

There were a number of reports of torture in the GID headquarters in the capital, Amman, and in police stations. Thirteen members of an Islamist group known as *Bay'a al-Imam*, Allegiance to the Imam, were held for up to nine months in incommunicado detention and tortured in the GID headquarters before being charged with offences including manufacturing explosives. For instance, Muhammad al-Wasfi was reportedly held incommunicado in the GID headquarters for more than six months. He was allegedly tortured by being beaten and by being hung by ropes tied above the knees.

Marwan Thabet 'Ajuh and 'Usama 'Adel Husni 'Abed were among a number of detainees arrested in October, apparently as a preventive measure before the Amman economic summit. They were held for over a month in incommunicado detention in the GID headquarters before being allowed irregular access to relatives. They were allegedly tortured by being beaten, including on the soles of the feet (*falaqa*), and were deprived of sleep for up to 22 hours a day while being forced to

scrub floors or stand in their cells. Marwan Thabet 'Ajuh was released without charge at the end of November. 'Usama 'Adel Husni 'Abed remained in incommunicado detention at the end of the year. He had been allowed to see his wife only once. The GID denied torture allegations and a medical report by a GID doctor stated that no marks of torture were found. However, no independent doctor's report was provided.

One extrajudicial execution was reported. Scores of members of the security forces, including the special forces and the royal guard, stormed the flat of Mahmud and Bashar al-Khalifah al-'Awamlah in June, using massive fire-power. Mahmud al-Khalifah was killed and his brother, Bashar al-Khalifah, was severely wounded. After the attack there were over 100 bullet holes made by automatic weapons in almost every room of the brothers' apartment in Amman. The body of Mahmud al-Khalifah was examined by a forensic pathologist who found abrasions and at least four wounds caused by firearms, three on the left arm and a fourth which damaged the left lung. The victim died from this wound. The government stated that Mahmud al-Khalifah had been killed while resisting arrest with a pistol. However, no investigation was known to have been set up into the circumstances of the killing nor was any explanation given for the use of scores of armed men and massive fire-power.

At least 12 people were executed during the year for crimes such as murder. Those executed included Mohamed Nimr al-Rawahna and three others who had been convicted of sexually abusing and strangling a child.

An Iraqi asylum-seeker who had been active in the Iraqi opposition was forcibly returned to Iraq in March. Many members of his family had been executed by the Iraqi authorities and Amnesty International considered him at serious risk of execution. He was expelled before representatives of the UN High Commissioner for Refugees had the opportunity to examine his case, and without the fair and adequate procedure required under international law.

Amnesty International expressed concern about incommunicado detention and torture by the GID, lack of access to family, lawyers and independent doctors for

detainees, and the use of CID officers as special prosecutors to renew the detention of offenders without allowing them access to a judge. The organization called for an independent investigation into the circumstances of the death of Mahmud al-Khalifah. Amnesty International also called for the commutation of all death sentences and expressed concern at the *refoulement* of an Iraqi asylum-seeker at risk of execution in Iraq.

Amnesty International delegates observed one session of each of the three trials before the State Security Court and met military judges, the military public prosecutor and defence lawyers.

The authorities gave specific information on detention statistics but did not respond to letters from Amnesty International raising prolonged incommunicado detention or the *refoulement* of the Iraqi national.

KAZAKSTAN



A Cossack leader was imprisoned following an allegedly politically motivated prosecution, and there were allegations that both he and the wife of his lawyer were ill-treated. There were 110 death sentences passed and 101 executions.

President Nursultan Nazarbayev dismissed parliament in March after the Constitutional Court ruled that parliamentary elections in 1994 had been legally flawed. In April a referendum approved the extension of the President's term in office until the year 2001. In August a referendum overwhelmingly approved a new Constitution. Elections to a new bicameral parliament started in December and were to be completed early in 1996.

Nikolai Gunkin, a Cossack leader, was arrested in October and sentenced the following month to a three-month prison term for "organizing an unsanctioned meeting" in connection with what sup-

porters of Nikolai Gunkin described as a religious procession held in January. There were allegations that the arrest and prosecution were politically motivated. Nikolai Gunkin's supporters claimed that his arrest had been timed to prevent him registering as a candidate in the forthcoming parliamentary elections, and that police had passed up previous opportunities to arrest him. There were also allegations that Nikolai Gunkin was seriously ill-treated during arrest and while in pre-trial detention. Intimidation of Nikolai Gunkin's lawyer Ivan Kravtsov, including a physical assault on his wife Iraida Kravtsova by unidentified people who broke into the family's apartment, led the lawyer to withdraw from the case before the trial.

The authorities used the death penalty extensively. It was officially confirmed that 110 death sentences were passed and 101 executions were carried out during the year.

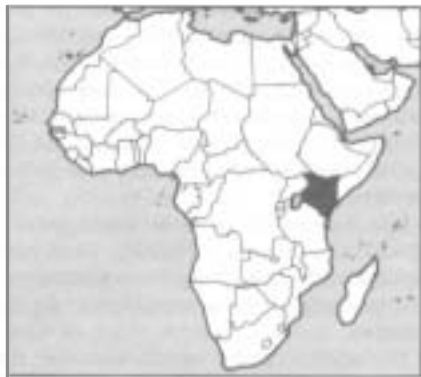
Statistics on the application of the death penalty in 1994 were disclosed in statements by officials in March and April. One hundred people had been sentenced to death, of whom seven had had the punishment changed on appeal to imprisonment and one was granted clemency. Other appeals and clemency petitions were still pending.

Amnesty International sought further information about the basis for the charge against Nikolai Gunkin, and asked to be informed as to whether investigations were taking place into the alleged ill-treatment of Nikolai Gunkin and the assault on Iraida Kravtsova. Amnesty International continued to call for the commutation of all pending death sentences and for the complete abolition of the death penalty.

KENYA

Over 100 critics of the government, including human rights activists, journalists, students, Catholic priests and opposition politicians, were detained for short periods. Many were prisoners of conscience. At least 11 possible prisoners of conscience remained held on non-bailable capital charges. Three prisoners of conscience were sentenced to prison

terms and caning after an unfair trial. There were further reports of torture and ill-treatment of prisoners. Prison conditions were harsh and over 800 prisoners died during the year. Over 500 people were under sentence of death at the end of the year, including at least 15 convicted during 1995. There were no reports of executions. Hundreds of refugees were arbitrarily arrested and detained for short periods.



There were sporadic outbreaks of political violence during the year, although inter-ethnic clashes were on a lesser scale than in previous years (see *Amnesty International Reports 1993* and *1994*). There were continuing allegations that the violence was instigated by the government. In January around 1,500 internally displaced people, who had been among about 12,000 people displaced in 1993 and forcibly relocated to Central Province in December 1994, were again forcibly relocated within Central Province. In March security regulations restricting access to areas of the Rift Valley were lifted (see *Amnesty International Report 1994*). In May a private prosecution against the Minister for Local Government, accusing him of inciting ethnic violence, was ended when the Attorney General took over the case and dropped the charges. Scores of people were injured in violence which broke out during by-election campaigns during the year.

Human rights and other non-governmental organizations (NGOs) and journalists were harassed by the authorities. In the first three months of 1995, *Kituo Cha Sheria*, a free legal aid centre which shares premises with the non-governmental Kenya Human Rights Commission, was fire-bombed six times. Two other human

rights NGOs were banned; one, the Centre for Law and Research International, had recently produced a report on official corruption. In February the authorities banned *Inooro*, a Kikuyu-language publication of the Catholic church, and impounded 500 copies of *The Economist*, which contained an article on the treatment of internally displaced people, for four days. In March, three foreign correspondents were threatened with deportation after they had written articles critical of the government's human rights record.

Meetings organized by NGOs were disrupted by police, sometimes violently. In April the office of the Mwangaza Trust was raided and five trustees and one employee were arrested. In August members of the new *Safina* opposition party, including its founder Richard Leakey and treasurer Njeri Kabebere, and a number of lawyers and journalists, were assaulted in Nakuru. They were attacked by about 50 men armed with whips and clubs whom eye-witnesses identified as plain-clothes Special Branch police officers and members of the youth wing of the ruling Kenya African National Union (KANU) party.

Over 100 people were detained for political reasons during 1995. Among them were at least 20 opposition members of parliament. The majority were held for short periods, but several were charged with political offences and detained for up to 12 weeks before being released on bail. Members of parliament were most often arrested after attempting to hold public meetings when the authorities denied licences or withdrew them at the last minute. For example, in March, six opposition members of parliament were detained briefly in Embu police station after a rally they had called in the town had been cancelled.

In January, three opposition members of parliament and 10 other people were arrested at a church service in Longonot held in memory of 10 people killed in political violence. Seven were released after four days and a further five after three weeks, but Njenga Mungai, member of parliament for Molo, was refused bail. He was charged with "uttering words with seditious intent". He was extremely ill and was held in hospital under armed guard, chained to the bed at night. He was eventually released on bail in May.

In February opposition member of parliament Linus Alouch Polo was charged with sedition and detained for five weeks before being released on bail. The US Ambassador to Kenya, Aurelia Brazeal, was detained briefly by police in Naivasha, who reportedly believed she was planning to visit Maela camp for displaced persons with a group of opposition officials.

University lecturers and students were also arrested. For example, in June, eight Egerton University lecturers were detained for three days before being charged with illegal assembly and released on bail. In August Professor Kivutha Kibwana, Dean of the Faculty of Law at Nairobi University, and two former student leaders were arrested and questioned for several hours.

At least five journalists were arrested during the year, and several others were reportedly beaten by police. In March John Muganda, an *East African Standard* correspondent, was arrested and questioned in Bungoma. In May the publisher of *Finance* magazine, opposition member of parliament Njehu Gatabaki, was arrested and charged with publishing a seditious publication and released on bail. Police had earlier prevented production of the magazine by confiscating parts of the printing press. In June Jacob Wawera and Jacob Otieno were reportedly beaten by police when they took pictures of police officers beating a prisoner.

After the banning of the Catholic newsletter *Inooro*, anti-riot police disrupted a Catholic procession in February and detained Father Charles Kamori and three seminarians overnight. They were charged with incitement and possession of a banned publication and released on bail. In March Father Julius Murang'a was arrested, charged with incitement, and released on bail. The trials had not started by the end of the year.

In October Mbuthi Gathenji, a lawyer, was arrested and detained for four days before being charged with sedition and released on bail. The charges related to witness statements taken by police from his office which implicated senior government officials and others in ethnic violence in Narok district in 1993. Mbuthi Gathenji had been acting in the case against the Minister for Local Government which was stopped by the Attorney General in May.

At least one other prisoner of conscience and 10 other possible prisoners of conscience detained on robbery with violence charges in 1993 and 1994 remained in jail during the year. Robbery with violence charges, under which detainees may not be released on bail, appeared to be used by the authorities to keep their opponents in prison. Those held included Josephine Nyawira Ngengi, a member of the human rights group Release Political Prisoners and a prisoner of conscience, whose case was repeatedly adjourned (see *Amnesty International Report 1995*). Geoffrey Kuria Kariuki was released on bail in May when the charge against him was reduced to robbery. He was suffering from cranial bleeding after reportedly being tortured in detention (see *Amnesty International Report 1995*).

At least 40 people were arrested during the year and charged with belonging to an illegal organization, including Wang'odu Kariuki, a former prisoner of conscience (see *Amnesty International Report 1983*), who was arrested in September. He was held incommunicado for seven days and tortured.

The trial continued of Koigi wa Wamwere, a human rights activist and former member of parliament, his brother, Charles Kuria Wamwere, his cousin, James Maigwa, and G. G. Njuguna Ngengi, a local councillor. They had been arrested in November 1993 and charged with attempted robbery with violence, which is punishable by a mandatory death sentence (see *Amnesty International Reports 1994 and 1995*). All four were prisoners of conscience. Defence lawyers, two Norwegian journalists and a trial observer were arrested in May during an examination of the site of the alleged robbery, held overnight and charged on four counts of taking photographs in prohibited areas and interfering with police work by causing an obstruction. The lawyers' confidential notes were seized and not returned. These charges were dropped in November.

The trial ended abruptly in mid-July when both the defence counsel and the defendants themselves were denied the right to present their final submissions orally, although the prosecution had presented its case orally over 17 days. Judgment in the trial was given in October. Koigi wa Wamwere, Charles Kuria Wamwere and G. G. Njuguna Ngengi were

each sentenced to four years' imprisonment and six strokes of the cane on the lesser charge of robbery, and lodged appeals. James Maigwa was acquitted. Observers from national and international legal and human rights organizations including Amnesty International attended the trial. Observers expressed serious concerns about the conduct of the trial, the major inconsistencies in the prosecution's evidence and the partiality of the court.

There were a number of other political trials in which defendants were reported to have been tortured. For example, 57 men detained in 1994 and accused of holding an illegal meeting were convicted in October and each sentenced to two years' imprisonment. At least 17 had reportedly been tortured. Four others were released uncharged in July; they had been permanently disabled by torture following their arrest and had been held under police guard in hospital for seven months. The authorities had apparently avoided bringing them to court to prevent evidence of torture coming to light.

At least 32 men arrested in Bungoma, Western Province, and detained by police between late 1994 and early February were reportedly tortured. They included Joseph Baraza Wekesa, aged 69, who, in his request for bail pending appeal, stated in court in February that he had been tortured. However, the judge refused to read his medical report. The government accused the men of belonging to an alleged illegal guerrilla movement based in Uganda – the February Eighteenth Movement. Joseph Baraza Wekesa and three others were given summary trials and sentenced to between five and six years' imprisonment. Two defendants were granted bail and immediately rearrested and charged with murder, together with eight others. At least 18 others were released.

At least four people died apparently as a result of police torture, including Nahashon Chege, a street boy who died at Pangani police station in April.

There were no official investigations into any of these reports of torture.

Conditions remained harsh in many prisons, amounting to cruel, inhuman and degrading treatment. Over 819 prisoners died in 1995, mainly from infectious diseases resulting from severe overcrowding and frequent shortages of food, clean water and basic medication. In October

President Daniel arap Moi pardoned 10,898 prisoners, mostly petty offenders, in an effort to reduce overcrowding.

A police reservist charged with murdering a street boy was acquitted in March on grounds of insufficient evidence (see *Amnesty International Report 1995*), but at the end of the year he was being tried on charges of murdering four other street children in July 1994.

At least 15 people were sentenced to death, mostly for actual or attempted robbery. No executions were reported. Over 530 people were under sentence of death at the end of the year.

In November and December hundreds of refugees were arbitrarily arrested. Most were held for short periods but some were believed to be still held at the end of the year.

Amnesty International appealed to the government to stop the harassment and arrest of human rights activists, journalists and others. It urged the government to introduce safeguards against torture and to abolish the death penalty. In January Amnesty International published *Kenya, Tanzania, Uganda, Zambia and Zimbabwe: Attacks on human rights through the misuse of criminal charges*, in June *Women in Kenya: Repression and resistance*, and in December *Kenya: Torture, compounded by the denial of medical care*.

Amnesty International representatives visited Kenya twice, in March and in November, and met the Attorney General, members of the government, opposition parties, lawyers, doctors, religious and human rights groups to discuss ways of increasing human rights protection.

KOREA (DEMOCRATIC PEOPLE'S REPUBLIC OF)

Reports suggested that citizens of the Democratic People's Republic of Korea (DPRK) forcibly returned from foreign countries may have become prisoners of conscience. Official reports on the fate of possible prisoners of conscience could not be confirmed. No information was available on the number of death sentences passed or executions carried out.

The posts of President of the DPRK and of General Secretary of the ruling Workers'

Party of Korea remained vacant. Kim Jong Il, son of former President Kim Il Sung, was widely expected to succeed his father during 1995. However, reports in the first half of the year indicated that Kim Jong Il would not assume formal leadership roles until the end of an extended mourning period for his father.



In August and September floods destroyed significant amounts of arable land, crops and infrastructure, rendering an estimated 500,000 people homeless and affecting millions more. There were reports that substantial sections of the population were at high risk of famine and epidemics. Reports that dozens of people had left the DPRK for northeastern China as a result of the floods could not be confirmed by the end of the year, and the legal status such people would have in China also remained unclear.

Amendments to the Criminal Law and Criminal Procedure Law were reported to have been introduced to bring legislative provisions into line with international human rights standards. The minimum age for imposition of the death penalty was reportedly raised from 17 to 18 years and articles punishing "crimes against the state" were reportedly amended to restrict their scope.

The first periodic report to the UN Human Rights Committee on the implementation by the DPRK of the International Covenant on Civil and Political Rights, overdue since 1987, was reported to be nearing completion. However, it had not been submitted to the Committee by the end of the year.

Reports suggested that DPRK nationals forcibly returned from foreign countries may have become prisoners of conscience. A number of DPRK nationals in the Russian

Federation were apparently forcibly returned to the DPRK, where they were at risk of imprisonment for having attempted to remain in Russia. They included Choi Gyong Ho, who had gone to Russia as a forest worker in 1990 under a governmental agreement between the then Soviet Union and the DPRK. In 1993 he had married a Russian citizen and in February 1995 he had sought permission from the DPRK authorities to remain in Russia. He was arrested in March by Russian authorities, and appeared to have been forcibly returned to the DPRK later that month. Since then his wife had been unable to contact him. If detained, Choi Gyong Ho would be considered a prisoner of conscience, detained solely for exercising his right to freedom of movement.

Other former logging-site workers, forcibly returned to the DPRK in 1994, were also feared to have been detained for attempting to remain in Russia or other parts of the Commonwealth of Independent States. They included Choi Yen Dan, who had worked at a logging site in Russia since 1986. He was arrested by police in Moscow in June 1994 and was apparently released into the custody of DPRK diplomats shortly afterwards. Lee Sung Nam, also a former logging-site worker, was reportedly forcibly returned to the DPRK after being detained by DPRK officials in Tashkent, Uzbekistan, in 1994.

Official reports on the fate of possible prisoners of conscience could not be confirmed. Hwang Sung Kuk, Hwang Sung San and Hwang Sung Chon, three brothers born in the DPRK who had been living in Beijing, China, since 1993, were reportedly forcibly returned to the DPRK in June, at the request of the DPRK, and were detained there. They were sent back to Beijing in October. According to DPRK officials, the brothers were not detained while in the DPRK.

Cho Ho Pyong had left Japan for the DPRK with his family in the 1960s and had reportedly been detained, possibly as a prisoner of conscience. According to official reports, Cho Ho Pyong had been imprisoned for espionage in 1967 but escaped from detention in October 1974. The authorities claimed that he had been killed the same month, together with his wife and three children, while trying to leave the DPRK in a boat which he and his family had seized, killing a soldier; that

the boat had been pursued and destroyed; and the bodies of Cho Ho Pyong and his family were never found. Amnesty international remained concerned that Cho Ho Pyong might have died in suspicious circumstances. The organization retained similar concerns about Shibata Kozo (see *Amnesty International Report 1995*).

According to official reports, there had been few executions in recent years, but no information was available on the numbers of death sentences passed or executions carried out during the year. According to unofficial reports received in December, dozens of people had been executed in various provinces as a result of criminal offences committed after the floods, but this could not be confirmed.

In April an Amnesty International delegation visited the DPRK to discuss legal reforms and prisoner cases, meeting senior government officials, members of the judiciary and legal scholars.

In August Amnesty International published a report summarizing its continuing concerns about the fate of Cho Ho Pyong and his family. In December it published *DPRK: Human rights violations behind closed doors*, summarizing the results of the organization's visit to the DPRK and detailing further reports of imprisonment received during the year.

KOREA (REPUBLIC OF)



Several hundred political prisoners, including prisoners of conscience, were arrested during the year. Over 150 others remained in prison from previous years. Most were held under the National Security Law which restricts freedom of

expression and association. There were reports of torture and ill-treatment in custody. There were 19 executions and about 50 prisoners remained under sentence of death.

In January the Republic of Korea acceded to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In December the government introduced special legislation aimed at bringing to justice those implicated in an alleged military coup and subsequent massacre of civilian protesters at Kwangju in May 1980 (see previous *Amnesty International Reports*). Two former presidents, Roh Tae-woo and Chun Doo-hwan, were arrested and charged under the new legislation. Roh Tae-woo was charged separately with receiving bribes during his term in office.

Trade between the Republic of Korea (South Korea) and the Democratic People's Republic of Korea (North Korea) increased during the year and a number of South Korean businessmen were authorized to visit North Korea. However, relations between the two governments remained tense.

In November the UN Human Rights Committee decided that trade union leader Sohn Jong-kyu had been convicted for exercising his right to freedom of expression and should be entitled to an effective remedy, including compensation. He had been sentenced to 18 months' imprisonment in August 1991 under the Labour Dispute Mediation Act for "third party" intervention in a labour dispute.

Over 200 people were arrested under the National Security Law, including students, political activists, writers, publishers and academics. Most were held under Article 7 of the law which provides up to seven years' imprisonment for those who "praise", "encourage" and "side with" the activities of an "anti-state" organization. The law defines the Government of the Democratic People's Republic of Korea (North Korea) as an "anti-state" organization.

Those arrested under Article 7 of the National Security Law included 60-year-old prisoner of conscience Ki Seh-moon. He was sentenced to two years' imprisonment in May for distributing a pamphlet and organizing the funeral of a former political prisoner who had fought for North

Korea during the Korean War; his activities were deemed to have "benefited" North Korea. Yu Dok-ryol and Kim Chon-hee of the *Han* Publishing Company were arrested in July under Article 7 of the National Security Law for publishing books on social sciences and books written by North Koreans, including an autobiography of former North Korean President Kim Il Sung. They were also prisoners of conscience.

Seven members of *Minjongryon*, Korean Political Alliance of the People, were also arrested under Article 7 of the National Security Law in July for attempting to re-establish the organization *Sano-maeng*, Socialist Workers' League, which is considered by the authorities to be an "anti-state" organization. Over 60 members of *Minjongryon* had been arrested on similar charges since July 1993, including prisoners of conscience.

Those arrested under other provisions of the National Security Law included 13 people arrested in September for belonging to an "anti-state" group with alleged links to the North Korean Workers' Party. The 13 former students denied charges of attempting to infiltrate factories and businesses on behalf of North Korea. They were possible prisoners of conscience. Several people were arrested under the National Security Law for making unauthorized visits to North Korea and were prisoners of conscience. They included 75-year-old Park Yong-gil, who was arrested in July upon her return to South Korea. She suffered from heart disease and diabetes and was in very poor health. Park Yong-gil was given a suspended prison sentence and released in December.

Trade union leaders continued to face arrest and imprisonment under Article 13(2) of the Labour Dispute Mediation Act which prohibits a "third party", that is anyone who has no immediate connection with a workplace where a dispute is taking place, from intervening in the dispute. In November Kwon Young-gil, President of *Minju Nochong*, Korean Confederation of Trade Unions, was arrested for violation of the prohibition on "third party" intervention. He was accused of advising workers about industrial action, expressing support for striking workers and criticizing government policy at a series of rallies in May and June 1994. He was a prisoner of conscience. *Minju Nochong*,

inaugurated in November, was declared illegal by the authorities. Soh Son-won, an official of *Chongihyop*, an unauthorized trade union of national railroad workers, was sentenced to one and a half years' imprisonment after an appeal hearing in June. He was a prisoner of conscience (see *Amnesty International Report 1995*).

Some prisoners of conscience were treated harshly. In April the authorities at Yongdungpo Prison sealed the window of prisoner of conscience Ahn Jae-ku's prison cell so that he was unable to see sunlight except for a brief period of exercise each day. He was later moved to a different cell with a window. Prisoner of conscience Eun Su-mi was returned from hospital to Kangnung prison in May after undergoing major surgery, although doctors had recommended her transfer to a larger hospital. Amnesty International was concerned that she might have been denied adequate medical treatment.

In August over 1,800 prisoners, including 25 political prisoners, were released in an amnesty. They included prisoners of conscience Kim Sun-myung, aged 70, and Ahn Hak-sop, aged 65, who had been held since 1951 and 1953 (see *Amnesty International Report 1995*).

At least 25 long-term political prisoners, convicted of espionage under previous governments and believed to have been tried unfairly, remained in prison. Many had been arrested illegally and held incommunicado for long periods. Many claimed to have been forced to confess under torture. For example, Lee Jang-hyong, who was serving a life sentence, was reportedly tortured during 67 days' interrogation by the Security Division of the National Police Administration after his arrest in June 1984. Hwang Tae-kwon, serving a 20-year prison term, was held incommunicado for about 60 days by the Agency for National Security Planning (ANSP) after his arrest in June 1985, during which time he claimed to have been tortured and forced to sign a confession. In July Hwang Tae-kwon and eight other long-term political prisoners filed a joint complaint with Seoul District Public Prosecutor's Office alleging that they were tortured after their arrests. The complaint and two subsequent appeals were dismissed on the grounds that the statute of limitation on public prosecutions had expired.

There were continued reports of torture and ill-treatment. Almost all political suspects claimed to have been deprived of sleep during interrogation by the National Police Administration and the ANSP. Some also said they had been beaten, threatened, intimidated and subjected to long periods of interrogation in an attempt to make them sign a confession.

In February, three men accused of murder were acquitted when a court in Pusan city ruled that their confessions had been extracted under torture. In April Professor Park Chang-hee, aged 63, was interrogated by the ANSP for 19 days after his arrest and claimed to have been deprived of sleep, beaten, threatened and forced to drink alcohol. He also said that he was kicked and threatened during later questioning by the prosecution. In August Park Young-saeng, a street vendor in Seoul, was reportedly stripped, tied up, hung between two tables and beaten with sticks after being arrested by the police.

Nineteen people, all convicted of murder, were executed on 1 November. They included Kim Chol-oh who said he had been beaten and forced to make a confession after his arrest in August 1990. Some 50 others, all convicted of murder, were under sentence of death. They included Mohammad Ajaz and Amir Jamil, both Pakistani citizens who claimed that they had been tortured and forced to sign confessions after their arrest in 1992.

Throughout the year Amnesty International called for the amendment of the National Security Law, in accordance with international standards on freedom of expression and association. It called for the release of all prisoners of conscience and a review of the cases of long-term political prisoners convicted in previous decades after unfair trials. It called for an end to torture and ill-treatment and for better safeguards to protect the rights of suspects after their arrest. It urged that all death sentences be commuted and that the death penalty be abolished. The government sent Amnesty International written statements on several individual prisoners whose cases the organization had raised, but these did not allay the organization's concerns about those prisoners.

In June Amnesty International published a report, *Republic of Korea (South Korea): Concerns relating to freedom of expression and opinion*. In November it

published *Republic of Korea (South Korea): International standards, law and practice – the need for human rights reform*. In November Amnesty International delegates visiting the country discussed the organization's concerns with the Prime Minister, Minister of Foreign Affairs, Vice Minister of Justice and Deputy Director of the ANSP.

KUWAIT



Over 300 political prisoners, including prisoners of conscience, all arrested in 1991 and accused of "collaboration" with Iraqi forces during the occupation of Kuwait, remained held. They included over 160 people serving prison terms imposed after unfair trials since 1991 and up to 150 people who remained in custody awaiting trial. The fate and whereabouts of at least 70 detainees who "disappeared" in custody in 1991 remained unknown. Four people were sentenced to death and three people were executed. Thirteen people remained on death row at the end of the year. A group of 150 Iraqi nationals was summarily deported without having access to any asylum determination procedure.

In April the National Assembly passed an amendment to the Law on the Combat of Drugs (No. 74 of 1983) introducing the death penalty for certain drugs-related offences (see *Amnesty International Report 1995*). Under the new measure, the death sentence became mandatory for people convicted of using children to trade in narcotics, for officials assigned to fight the use of narcotics convicted of trading in drugs, and for people repeatedly convicted of trading in drugs. Previously, the

only capital offence under this legislation was the killing of an official entrusted with enforcement of this law.

A bill to abolish the State Security Court, which had been in existence for 26 years, was approved by the National Assembly in August. The bill was later ratified by the Amir, al-Shaikh Jaber al-Ahmad al-Sabah, and came into force in mid-September. All outstanding cases due to be tried before the State Security Court were transferred to criminal courts. Since 1992 the State Security Court had tried the cases of all alleged "collaborators" with Iraqi forces during the occupation of Kuwait and also of those accused of an assassination attempt on the former US President, George Bush, during his visit to Kuwait in 1993 (see below).

The authorities held a series of meetings with representatives of the Government of Iraq concerning the fate of more than 600 Kuwaitis and third-country nationals missing and believed to have been held in Iraq since the withdrawal of Iraqi forces from Kuwait in 1991 (see *Amnesty International Reports 1994 and 1995*). The General Manager of Kuwait's National Committee for Missing and Prisoners of War Affairs stated in a press interview in October that Iraqi officials had admitted taking 126 prisoners to Iraq and that they subsequently lost trace of them during the uprising in Iraq in March 1991. The bodies of two prisoners who died in custody in Iraq were returned to their families in Kuwait and the body of a third prisoner was expected to be returned after confirmation of his identity. The Iraqi Government continued to deny holding any Kuwaiti prisoners (see *Iraq* entry).

Over 160 political prisoners, including 13 women, continued to serve prison terms in Kuwait Central Prison following their conviction on charges of "collaboration" with Iraqi forces during the occupation of Kuwait. At least 20 were prisoners of conscience. Fifty-nine had been sentenced by the Martial Law Court in 1991 and the others by the State Security Court in 1992 and 1993 after trials which did not satisfy international standards for fair trial (see *Amnesty International Reports 1992 to 1995*). No information was available about up to 150 other political prisoners, including possible prisoners of conscience, arrested in 1991 on suspicion of "collaboration" with Iraqi forces, or

about the precise number of detainees awaiting trial or how many had been brought to trial during the year.

Ten prisoners of conscience were reported to have started a hunger-strike on 14 February which was later joined by at least 25 political prisoners. All were said to be protesting against their continued detention after manifestly unfair trials before the Martial Law Court and the State Security Court. The main hunger-strike lasted about a month, although some prisoners continued to take only water and minimum nourishment for several weeks longer.

The fate and whereabouts of 70 detainees who "disappeared" in custody in 1991 remained unknown. Information came to light about eight people reported to have "disappeared" after their arrest in 1991. A Palestinian, 'Isam Muhammad Ahmad Saleh Qasem al-Udwani, was reported to have "disappeared" in custody. He was believed to have been held in a State Security prison after his arrest in the aftermath of the withdrawal of Iraqi forces from Kuwait in 1991. In November 1995 unconfirmed reports suggested that he was being held in Kuwait Central Prison. The fate and whereabouts of at least 62 Palestinians, Jordanians, Iraqis and other nationals who "disappeared" in custody between February and June 1991 remained unknown at the end of the year (see *Amnesty International Reports 1991 to 1995*).

Three people were executed during the year. Muhammad Najib, a Filipino national convicted of the murder of an Iranian merchant, was executed in April. Ahmad al-'Azmi was executed in July following his conviction for the murder of the bridegroom at a wedding party. Muhammad Rifa', a Turkish national, was executed in September following his conviction for the murder of a woman.

At least eight political prisoners sentenced to death in previous years remained on death row. In March the Court of Cassation upheld the death sentences passed on two Iraqi men, Ra'ad 'Abd al-Amir 'Abbud al-Asadi and Wali 'Abd al-Hadi 'Abd al-Hassan al-Ghazali. They were among six people, five Iraqi nationals and one Kuwaiti, sentenced to death in 1994 by the State Security Court. They had been convicted on charges of participating in an alleged assassination

attempt on George Bush following trials which fell short of international fair trial standards (see *Amnesty International Report 1995*). Two of the six had their death sentences reduced to life imprisonment and another to 15 years' imprisonment. The sixth, a Kuwaiti national, had his conviction for attempted assassination overturned by the Court of Cassation.

Six men of Iraqi nationality continued to wait for a review of their death sentences by the Court of Cassation. All had been sentenced to death by the State Security Court in 1992 and 1993 after being convicted of "collaboration" with Iraqi forces during the occupation of Kuwait (see *Amnesty International Report 1994*). At least five people convicted by criminal courts, three of them in previous years, were believed to be on death row at the end of the year.

A group of more than 150 Iraqi nationals was reportedly arrested and summarily deported by the authorities in early July without being given any access to an asylum determination procedure as required by international standards. They were believed to have been deported to Iran. It was alleged that no examination of asylum applications or screening procedures was carried out, either on a group or individual basis, before the deportations and that representatives of the UN High Commissioner for Refugees were denied access to the group.

Following reports of the impending abolition of the State Security Court, Amnesty International reiterated its call for a judicial review of the cases of all those who had been convicted by this court and by the Martial Law Court. Amnesty International asked the Amir not to ratify any death sentences upheld by the Court of Cassation. Amnesty International welcomed the proposals by the government for the future ratification of several UN treaties safeguarding human rights, including the International Covenant on Civil and Political Rights and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Amnesty International expressed its grave concern about the introduction of the death penalty for certain drugs-related offences and about the number of executions following convictions for other offences. The organization also raised

its concerns about the protection of refugees and asylum-seekers and urged the authorities to ensure that such persons had access to a full and fair asylum determination procedure and were not returned to a country where they would be at risk of human rights violations.

The Kuwaiti authorities repeatedly sought to justify the verdicts following unfair trials in previous years by the Martial Law Court and the State Security Court, but failed to address the substance of any of Amnesty International's continuing concerns.

KYRGYZSTAN



At least 30 executions were believed to have taken place.

Elections to a new bicameral parliament were held in February. In September parliament rejected a proposal to hold a referendum on extending President Askar Akayev's term in office until the year 2001, although he won a second term in office in presidential elections held in December.

Kyrgyzstan acceded to the International Covenant on Civil and Political Rights in January.

In May President Akayev refused clemency petitions from 30 prisoners under sentence of death. Although only one execution was subsequently confirmed, it was believed that all 30 sentences were carried out in the following months.

Amnesty International called for the commutation of all death sentences and continued to urge total abolition of the death penalty.

LAOS



Three prisoners of conscience continued to be held throughout the year. Three political prisoners continued to serve sentences of life imprisonment imposed after unfair trials.

In March the National Assembly approved the first Cabinet reshuffle since major administrative changes in 1993. Censorship of the news media, restrictions on freedom of expression and lack of official information continued to make it difficult to obtain information about human rights abuses.

Three prisoners of conscience continued to be held in "Re-education" Camp 7 in the northern province of Houa Phan. Thongsouk Saysangkhi, Latsami Khamphoui and Feng Sakchittaphong had been sentenced to 14 years' imprisonment in 1992 after a grossly unfair trial (see *Amnesty International Report 1995*). Conditions in Camp 7, which is situated in a remote area, were believed to be harsh and to lack medical facilities. All three men were believed to be suffering from ill-health requiring medical treatment.

Three political prisoners sentenced to life imprisonment after an unfair trial in 1992 continued to be held. Pangtong Chokbengboun, Bounlu Nammathao and Sing Chanthakoummane had previously been detained for 17 years without charge or trial (see *Amnesty International Report 1995*). They remained at Sop Pan camp in Houa Phan province.

Amnesty International continued to appeal to the government of President Nouthak Phoumsavan for the immediate and unconditional release of prisoners of conscience, and the fair trial or release

from detention or restriction of other long-term political prisoners. By the end of the year no response had been received from the authorities.

LATVIA



At least four prisoners were believed to be under sentence of death. Over 100 asylum-seekers were held in detention, some of whom were allegedly ill-treated.

Following elections which were held in September and October, Andris Skele was confirmed as Prime Minister by parliament in December.

In February Latvia became a member of the Council of Europe and signed the European Convention for the Protection of Human Rights and Fundamental Freedoms. It had not ratified this instrument by the end of the year, but undertook to ratify it and to abolish the death penalty in peacetime within approximately one year, and to sign and ratify the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

At least four prisoners were believed to be under sentence of death at the end of the year. All had been convicted of aggravated murder. Three were known to have submitted petitions for clemency to President Guntis Ulmanis.

In July the Latvian authorities confirmed that a total of four death sentences had been passed in 1994 (see *Amnesty International Report 1995*), one of which had been carried out during that year. This information was provided by the Latvian Government to the UN Human Rights Committee which considered Latvia's initial report on its compliance with the

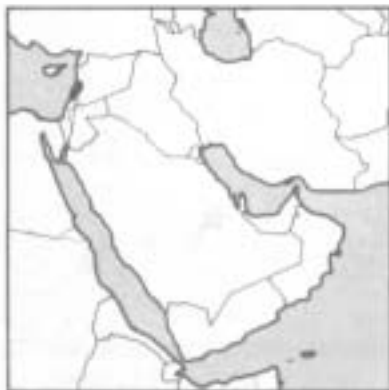
International Covenant on Civil and Political Rights. In its comments on Latvia's initial report, the Committee recommended that "a firm policy be adopted aiming at commuting ... all death sentences into life imprisonment", pending abolition of the death penalty. In October Amnesty International was informed that the prisoner who was executed in 1994 was Michael Abramkin (see *Amnesty International Report 1995*).

In March over 100 asylum-seekers, the majority of them Kurds, were detained on a train at the border between Latvia and Russia and later moved to a detention camp in Olaine, near the capital, Riga. In September it was alleged that many of the asylum-seekers, whose number had risen to 140, were beaten by police officers after they had barricaded themselves in the camp in protest at their situation.

In April Amnesty International urged the authorities to treat all asylum-seekers fully in accordance with the relevant international standards for the protection of asylum-seekers, including standards providing that asylum-seekers should not normally be detained. In October the organization called upon the authorities to investigate the alleged beatings of asylum-seekers in Olaine and to bring to justice anyone responsible for human rights violations. In November the authorities informed Amnesty International that none of the "illegal immigrants" detained in Olaine had been ill-treated. An investigation was, however, in progress into allegations that detainees had assaulted a police officer. In December Amnesty International expressed concern that while an investigation had been launched into the alleged assault on the police officer, no similar investigation appeared to have been initiated into allegations that police officers had ill-treated detainees.

Throughout the year Amnesty International appealed to the authorities to commute all pending death sentences and to impose an immediate moratorium on all executions pending abolition of the death penalty. In June Amnesty International asked the authorities for information about people under sentence of death. No reply was received to this letter or to a similar request for information which Amnesty International had made in December 1994.

LEBANON



Scores of people, including possible prisoners of conscience, were arrested on security grounds. Some were briefly detained and released without charge; others were charged and tried or were awaiting trial. Several political prisoners were sentenced after trials some aspects of which fell short of international fair trial standards. Allegations of torture and ill-treatment continued to be received. One person died in custody. One person was executed and at least 11 others were sentenced to death. Armed political groups continued to commit human rights abuses. The fate of thousands of people abducted by armed groups in previous years remained unknown.

In January the Lebanese authorities issued a decree legalizing the use of the Ministry of Defence as a prison and permitting the intelligence services, the Military Court, the Court of Justice and the military police to open prisons. In October the Lebanese Assembly (parliament) extended President Elias al-Harawi's term of office for a further three years.

There was heightened tension in south Lebanon throughout the year. The South Lebanon Army (SLA) militia and Israeli armed forces retained control of a "security zone" along the Lebanese/Israeli border. *Hizbullah*, the main armed political group fighting the SLA and Israeli forces in Lebanon, controlled most of the areas north of the "security zone" in south Lebanon. Armed clashes and rocket attacks by both sides were frequent. With the agreement of the Lebanese Government, Syrian forces remained deployed throughout most of the country.

Scores of suspected political opponents, including possible prisoners of conscience, were arrested by government forces on security grounds. In March, two students from the American University of Beirut, both apparently supporters of General 'Aoun, a former military leader living in exile, were arrested. Tony Faddul was released without charge the following day; Joseph Najim, a reporter for the *Nahar al-Shabab*, a weekly supplement of the daily newspaper *al-Nahar*, was held for three days. He appeared to have been detained in connection with an article, published on the anniversary of the 1982 Israeli invasion of Lebanon, in which he called for the withdrawal of all foreign forces from Lebanon. Both were possible prisoners of conscience.

In June, three journalists were tried before the Publications Court. Yusuf al-Huwaik, editor of the daily newspaper *al-Diyyar*, was sentenced to three months' imprisonment for "slandering" a member of parliament. Hassan Sabra and Ghazi al-Maqhour, the publisher and managing editor of the weekly magazine *al-Shira'* respectively, were each sentenced to one month's imprisonment for allegedly defaming the President. All three sentences were later commuted to fines.

Two members of the Lebanese Popular Congress, Muhammad Zughbi and Ibrahim Sannu, were arrested in July by the security forces and briefly detained. They appeared to have been arrested for distributing leaflets calling for a boycott of elections for a vacant parliamentary seat. They were possible prisoners of conscience.

In July about 200 people, including possible prisoners of conscience, were arrested in Beirut, Sidon and Nabatiyah during unauthorized demonstrations organized by the General Workers' Union in protest against high prices and tax policies. Many were detained for days or weeks before being released without charge, but more than 100 were tried on charges including possessing weapons. Most were sentenced to one month's imprisonment, immediately commuted to a fine, while others were acquitted.

In mid-March up to 30 members of the banned Lebanese Forces (LF) party, a former Christian militia, were arrested after participating in a demonstration on the anniversary of the bombing of a church in March 1994 (see *Amnesty International*

Report 1995). Sporadic arrests of LF members continued throughout the year; most alleged that they had been tortured while in detention to extract confessions. Most had been released without charge by the end of the year.

Several political prisoners were sentenced after trials some aspects of which fell short of international fair trial standards. In June Samir Gea'gea', leader of the LF, and nine others were convicted by the Court of Justice, Lebanon's highest court, of killing National Party leader Dany Cham'oun and his family in 1990 (see *Amnesty International Report 1995*). Trial proceedings were seriously flawed. Statements which witnesses alleged had been extracted under torture were accepted as evidence by the Court, which failed to investigate the allegations. Detainees were denied prompt access to families and lawyers and were not given the right to a judicial review of conviction and sentence, in contravention of the International Covenant on Civil and Political Rights, to which Lebanon acceded in 1972. Samir Gea'gea' was sentenced to death, but this was immediately commuted to life imprisonment with hard labour. Camille Hanna Karam was sentenced to 10 years' imprisonment and eight others, who were tried *in absentia*, were sentenced to prison terms ranging from life to 10 years' imprisonment with hard labour. Rafiq Sa'deh and two others, who were tried *in absentia*, were acquitted. In December the Court of Cassation refused a request for a retrial filed by the lawyers of Samir Gea'gea' and his co-defendants. There is no right of appeal against sentences imposed by the Court of Justice.

The concurrent trial of Samir Gea'gea' and other members of the LF for the 1994 church bombing (see *Amnesty International Report 1995*) was postponed indefinitely in May and had not resumed by the end of the year. In February, one of the defendants, Jirjis Khoury, retracted his statements to police, alleging that they had been extracted under torture. Fu'ad Malek, the deputy of Samir Gea'gea' and his main co-defendant, was released on bail.

Six people tried *in absentia* were convicted by a military court in June of killing three people, including two members of *Hizbullah*, in an explosion in December 1994 which the security forces had

claimed had been masterminded by Israeli intelligence (see *Amnesty International Report 1995*). Ahmad Hallaq and Tawfiq Nasser were sentenced to death; Hanan Yassin, Ahmad Hallaq's wife, and Wafiq Nasser, a Palestinian, were sentenced to 15 years' imprisonment; Ghassan al-Humsi was sentenced *in absentia* to life imprisonment with hard labour; and his brother, Suhail al-Humsi, was sentenced to three years' imprisonment. At her trial, Hanan Yassin alleged that she had confessed under torture to her husband's involvement with the Israeli intelligence service.

In December a military court tried five people accused of facilitating the abduction of Mustafa al-Dirani by Israeli commandos in May 1994. Muhammad Ahmad al-Dirani and Muhammad Ali Salim al-Dirani were sentenced to death *in absentia*; the other three defendants were acquitted.

Five people charged with state security offences in 1994 remained on bail awaiting trial (see *Amnesty International Report 1995*). No information was available about the fate of 13 members of the illegal pro-Iraqi wing of the Arab Socialist Ba'th party detained in 1994 and who may have been taken to Syria (see *Amnesty International Report 1995*). Three Iraqi nationals, including two diplomats, and a Lebanese national detained for the 1994 assassination in Beirut of an Iraqi opposition figure (see *Amnesty International Report 1995*) were believed to remain in detention. A third Iraqi diplomat detained in connection with the assassination died in custody (see below).

Allegations of torture of political detainees continued to be reported. Methods of torture reported included *falqa* (beatings on the soles of the feet with whips or wires), electric shocks, and "*balanco*" (hanging by the wrists which are tied behind the back).

At least one person died in custody. In June Khaled 'Alwan Khalaf, one of the Iraqi diplomats accused of the 1994 assassination of an Iraqi opposition figure (see above), died in al-Hayat Hospital from a brain haemorrhage. No investigation was known to have been carried out into the death. No information was received about any judicial proceedings against members of the security forces arrested in connection with the death in custody of Tareq al-Hassaniyah in March 1994, nor about the

investigation into the death in custody of Mufid Sukkar in July 1994 (see *Amnesty International Report 1995*).

One person was executed and at least 11 others were sentenced to death; most had been convicted of murder. In January Husam 'Ali Nassar was executed by firing-squad in Rumieh Prison. Those sentenced to death included Elias al-Haber, who was sentenced in April; Khalil Radi Abu Huwaili, Jamal Hassan Sa'b and Safi Khalil Sa'b, who were sentenced *in absentia* in June; and Sultan Ahmad Mazlum, 'Abbas Abd al-Hamid Isma'il and Akram Sulaiman, who were sentenced in July.

More than 200 prisoners, most suspected of membership of armed groups opposed to the Israeli presence in Lebanon, continued to be held by the SLA outside any legal framework in the Kham detention centre in the "security zone". Some or all may have been held as hostages. In January the SLA and the Israeli authorities permitted some of the prisoners in the Kham detention centre to receive family visits for the first time since 1987. In October representatives of the International Committee of the Red Cross visited the detention centre, which had been closed to humanitarian agencies since 1985. About 75 prisoners were released during the year, including Bilal Hassan, Rafiq 'Adil Dabaja, 'Iyad Ibrahim, Muhammad 'Afan and Ghazi Ghani Hussain. In January Haitham Dabaja died after being held without charge for 10 years in the Kham detention centre. The exact circumstances of his death were unclear but it was reported that ill-treatment or torture may have contributed. No investigation was known to have been initiated.

Armed political groups continued to commit human rights abuses, including the apparently deliberate and arbitrary killings of civilians.

Dozens of civilians were killed by armed political groups, often in reprisal for killings by opposing forces. Dozens of people were killed, apparently for political reasons; some may have been deliberately and arbitrarily killed by armed opposition groups. For example, in August, three gunmen shot and killed Shaikh Nizar al-Halabi, a religious leader and head of the Islamist *al-Ahbash* movement. At least five people, who were believed to be members of a militant Islamist organization, were arrested in December and

charged with assassinating Sheikh Nizar al-Halabi. They were detained awaiting trial at the end of the year.

The fate of thousands of people – including Palestinians, and Lebanese, Syrian and other nationals taken prisoner in Lebanon by armed groups since 1975 – remained unclear. They included Daud Yusuf Lahud, abducted in 1983, and Sm'an Jad'a, abducted in 1985. New information came to light in 1995 suggesting that dozens of people who had been abducted since the end of civil war in 1990 may have been transferred to Syria.

Amnesty International urged the Lebanese authorities to commute all death sentences. It expressed concern about the fairness of important aspects of the trial of Samir Gea'gea' and others, including the lack of a judicial review of the conviction and sentence and the apparent failure to investigate reports of torture and ill-treatment. No response had been received by the end of the year.

In an oral statement to the UN Commission on Human Rights in February, Amnesty International repeated its call for the release of Lebanese and other detainees held in the Khiam detention centre and in Israel, and of any Israeli soldiers and SLA members missing in Lebanon who were being held as hostages.

LESOTHO



At least 15 people who were detained briefly appeared to be prisoners of conscience and other detainees were held incommunicado and without charge or trial for periods of up to several months. There were allegations of ill-treatment and at least one prisoner died in police custody

in suspicious circumstances. At least 20 people were injured when police opened fire on a peaceful crowd of factory workers. One prisoner was executed.

There was continuing political tension between the civilian government and the security forces, over whom the government failed to exert control. Government officials and members of their staff as well as members of parliament were among those arbitrarily detained and in some cases ill-treated. There were tensions within the security forces themselves, as evidenced by the unlawful detention by junior officers of the National Security Service (NSS) of their own commanders in March, and by an armed confrontation inside Maseru Central police station in September which reportedly left three police officers dead.

King Moshoeshoe II was restored to the throne in January in accordance with an internationally brokered agreement signed in September 1994 which had returned the ousted government of Prime Minister Ntsu Mokhehle to power (see *Amnesty International Report 1995*). A "national dialogue" conference intended to reduce political tension, also provided for in the 1994 agreement, was held in September. The participants, from the government, the security forces and civil society, made recommendations to facilitate more effective dialogue in the future.

At least 15 people who were detained briefly appeared to be prisoners of conscience. Thabang Khauoe, President of the Law Society, was detained in March and interrogated by the police after he initiated a court action to challenge the constitutionality of the King's reinstatement. He was beaten and threatened with death before being released the following day. He was later reportedly threatened again by one of his interrogators. Fourteen other possible prisoners of conscience were detained in Maputsoe in April after being involved in a labour dispute and were held overnight in police custody. They too were ill-treated. They were initially charged with defying a court order to vacate factory premises but the charges were later dropped. Before detaining the 14, police fired on a peaceful crowd of factory workers as they were dispersing and injured at least 20 people with birdshot pellets. There was no official inquiry into the incident.

At least six officials and members of parliament were detained by the NSS, apparently unlawfully and without government authorization. They included the commanding officer and another senior NSS officer, held in March, both of whom were released when the government refused to remove them from office, as well as a local official of the ruling Basotholand Congress Party and a former government minister, Monyane Moleleki, both of whom were held for short periods. In May, two members of parliament were detained, one of whom was reported to have suffered injuries as a result of ill-treatment.

Some 15 other people were reportedly held in incommunicado detention by the NSS at the time of an Amnesty International visit to Lesotho in June. They were said to be held in connection with the discovery of arms caches found in the Maseru and Leribe districts. The legal basis for their imprisonment was unclear and some detainees were reported to have been ill-treated. Amnesty International was allowed access to four of the detainees, but not to four others it had asked to see. Subsequently, several of the 15 were released without charge. Others were charged and in some cases convicted of unlawfully possessing firearms. These were reportedly denied access to legal counsel while in detention and on trial. Other cases had not been completed by the end of the year.

Criminal suspects were also reportedly ill-treated and at least one detainee died in police custody in suspicious circumstances. Thabo Lefosa died in June hours after he was arrested by police at gunpoint for "routine investigations" and taken for interrogation. The findings of an autopsy believed to have been carried out were not known to Amnesty International. There had been no inquest by the end of the year.

Those responsible for past abuses, including the killing of Deputy Prime Minister Selometsi Baholo in April 1994 and shootings of demonstrators in August 1994 (see *Amnesty International Report 1995*), were not brought to justice.

One prisoner convicted of murder in 1990, Veddie Nkosi, was executed in November. Only hours before the execution he told a minister of religion that his true identity was Edward Donald Nduba, from

Zambia. A soldier sentenced to death in 1991 for the murders of two government ministers and their wives (see *Amnesty International Report 1991*) had his sentence commuted to a term of imprisonment. There were no reports of new death sentences.

Amnesty International was concerned about the short-term detention of possible prisoners of conscience, the holding of detainees incommunicado, allegations of ill-treatment of detainees, the death penalty and the continuing climate of impunity among the security forces.

In June an Amnesty International delegation visited Lesotho to investigate human rights abuses and discuss these concerns with the authorities. The delegation met the Minister of Justice and Human Rights, Law and Constitutional Affairs, and the Minister of Home Affairs, as well as police and other officials, local human rights organizations and victims of human rights abuses and their relatives. In September the organization wrote to these Ministers and to senior police officials summarizing its concerns and making urgent recommendations, and appealed publicly to the government and security forces to cooperate in ensuring full respect for human rights. There had been no response to those letters by the end of the year. In November Amnesty International appealed unsuccessfully for the commutation of the death sentence imposed on the prisoner known as Veddie Nkosi.

LIBERIA

Deliberate and arbitrary killings of civilians and torture by all parties to the conflict in Liberia continued unabated until the signing of a peace agreement in August. Reports of human rights abuses continued to emerge in the months after the peace agreement. Journalists were beaten by members of the police, the regional peace-keeping force and at least one opposition group.

On 19 August 1995 a new peace agreement was signed in Abuja, Nigeria. Since it began in 1989, the civil war had cost an estimated 150,000 lives and uprooted over 700,000 people from their homes. The agreement provided for a cease-fire, disarmament and elections within 12 months.

Unlike several previous peace agreements, it brought the leaders of three warring factions into the Council of State, a joint presidency. The chairman of the Council was a civilian, Professor Wilton Sankawolo, and it comprised two other civilian members.



The agreement was signed by leaders of the Armed Forces of Liberia (AFL) – the national army – which has often acted as an armed group independent of government control; the Liberia Peace Council (LPC), an armed group operating with AFL support; the National Patriotic Front of Liberia (NPFL), whose cross-border attack started the war and which at times has controlled most of Liberia; both factions of the United Liberation Movement for Democracy in Liberia (ULIMO) – ULIMO-J and ULIMO-K – and two other armed factions. It was also signed by a representative of the Liberian National Conference, a body organized by Liberian citizens to discuss the Peace process. A major difference from previous peace agreements was that the AFL's role was limited to its Chief of Staff assuming the role of Minister of Defence. According to the agreement, the AFL would be disarmed, like other armed groups. Also, as its members were predominantly of the Krahn ethnic group, it was to be reformed by the incorporation of members of other ethnic groups. However, public statements made by the Army Chief of Staff after the Abuja agreement implied that the AFL would not be required to disarm and would immediately resume responsibility for national security, although the Council of State proposed that it should be restructured.

The agreement was brokered by the Economic Community of West African States (ECOWAS), whose 10,000-strong

peace-keeping force, ECOMOG, had been stationed in Liberia since 1990. The Abuja agreement provided for a Status of Forces Agreement between the government of Liberia and ECOWAS to determine the status of ECOMOG, something which had been lacking in previous agreements. Representatives of the Organization of African Unity (OAU) and the UN attended the signing of the agreement.

The UN Observer Mission in Liberia, UNOMIL, sent to Liberia in 1993 to monitor an earlier peace agreement, had threatened to withdraw completely by September if no progress had been made towards peace. However, as a result of the August peace agreement, UNOMIL's presence in Liberia was expanded to 94 personnel and extended until beyond the end of the year. The UN Secretary-General indicated his intention to broaden UNOMIL's scope and he reported in October that a human rights officer had been appointed with responsibility for investigating and reporting on human rights violations.

The peace agreement, like previous ones, did not contain specific human rights safeguards, and provided for an amnesty which could include those responsible for human rights abuses.

In the months leading up to the peace agreement, control of Liberia continued to be hotly contested. The Transitional Government exercised authority only in areas controlled by ECOMOG forces, which held the capital, Monrovia, and the coastal strip to Buchanan, some 55 miles east of Monrovia. This represented less than 15 per cent of Liberia's territory. In early August two armed factions, the NPFL and the LPC, agreed to allow ECOMOG to extend its presence into Bong County in central Liberia and Rivercess and Sinoe Counties in the southeast, which meant that normal commercial activities and relief supplies could be resumed. The rest of the country was controlled by various armed factions, with some areas being taken and retaken by rival groups.

There were peace negotiations in April between the two ULIMO factions – ULIMO-J, headed by General Roosevelt Johnson and dominated by members of the Krahn ethnic group, and ULIMO-K, headed by Alhaji G. V. Kromah and dominated by members of the Mandingo ethnic group. However, fighting broke out again between the two factions in May in Grand Cape Mount and

Bomi Counties. There was also fighting between the NPFL and ULIMO-K in Lofa County, between the NPFL and ULIMO-J in Bong and Margibi Counties, and between the NPFL and LPC in Grand Bassa and Maryland Counties. After the peace agreement, fighting resumed between the ULIMO factions, between ULIMO-K and the NPFL, and between the NPFL and the LPC.

In June the conflict between the LPC and NPFL spread to Côte d'Ivoire. Dozens of people were killed, including Ivorians, and between 16,000 and 35,000 refugees fled into Côte d'Ivoire to escape from the fighting.

In July Charles Julue, a senior commander under former President Doe, and six other officers were each sentenced to seven years' imprisonment after being found guilty of treason by a court-martial. They had led a coup attempt in Monrovia in September 1994 which was thwarted by ECOMOG (see *Amnesty International Report 1995*). Four other military officers were acquitted by the court-martial for lack of evidence, but they continued to be held at the end of the year.

Human rights abuses continued on an extensive scale until the peace agreement. Fighters from all the warring factions tortured and deliberately killed unarmed civilians suspected of opposing them, often solely because of their ethnic origin, as they seized control of territory or raided another group's territory. There were frequent skirmishes between the two ULIMO factions and between the NPFL and LPC which resulted in human rights abuses, most notably deliberate and arbitrary killings, and torture including rape. These incidents led civilians to leave the areas of fighting for fear that they might become victims of such abuses.

It was often impossible to confirm reports of abuses, and generally not possible to determine who was responsible. For example, UN Children's Fund (UNICEF) representatives reported a massacre on 9 April in Yosi, a village near Buchanan. They stated that at least 62 people, including women and children, had been rounded up and killed – most had been hacked to death. The UNICEF workers could not determine who was responsible for the massacre; the area had been controlled by the NPFL but was contested by the LPC. Although UNOMIL observers visited Buchanan on 13 April, they were unable to add any

more information. No investigation was known to have followed these reports. In June UNICEF workers in Buchanan reported that they had registered 652 cases of women who had been raped, mostly by members of the warring factions, within less than six months.

LPC fighters, who since 1993 had operated with the support of the AFL, systematically swept through rural areas in southeastern Liberia in early 1995, robbing, torturing and intimidating people, and forcing them to take refuge in Buchanan or other places under ECOMOG control. Many of those fleeing to Buchanan in February were reported to have been bayoneted, shot or flogged by LPC fighters. At the time, large numbers of people, perhaps as many as 6,000, were reportedly being held by the LPC in the compounds of an agricultural company, where many were raped.

In April ULIMO-K fighters were accused of committing abuses as they attacked and set ablaze three coastal towns – Fassama, Zuana 1 and Zuana 2 – in Grand Cape Mount County. Some inhabitants were held hostage and about 15 were killed; others who escaped spoke of rape, abductions and widespread looting. In May UNOMIL said it would investigate the massacre of civilians in the area and asked for representatives of ULIMO-J, ULIMO-K, and the AFL to assist in on-the-spot investigations. There was no further news of the scope or outcome of these investigations.

In June clashes between ULIMO factions in Royesville left many civilians dead; survivors were raped and terrorized.

After the peace agreement, it was reported that NPFL fighters had been responsible for the massacre of at least 75 civilians in the Tappeta area, Nimba County. Although he discounted the figure of those killed, Charles Taylor, leader of the NPFL, stated that some NPFL members had been arrested and would face court-martial for these acts.

In November at least four LPC commanders were executed by firing-squad on the orders of a specially constituted court. According to reports, the executions followed a two-week investigation into human rights abuses.

In December fighting broke out in Tubmanburg between ULIMO-J and ECOMOG forces when ULIMO-J alleged that ECOMOG had been supporting their rivals, ULIMO-K.

UNOMIL observers commenting on the human rights situation confirmed that ULIMO-J had forced civilians out of the hospital where they had sought refuge from the fighting and had used them as "human shields" to protect their positions.

Throughout the year journalists were ill-treated by government forces, ECOMOG and at least one opposition group. In April Benjamin Wilson, a journalist with *The Eye*, was beaten by police when he refused to give them photographs he had taken of damage at a refugee compound in Monrovia. In July Bill Jarkloh, a journalist with *The News*, was beaten unconscious by ULIMO-J fighters. He had been interviewing Roosevelt Johnson when fighters stormed the building and he tried to photograph the incident. Three of those involved in the attack were arrested by ECOMOG and then handed over to ULIMO-J high command. In September James Momoh, a journalist with *The Inquirer*, was beaten by ECOMOG soldiers when trying to photograph AFL soldiers at a check-point. An ECOMOG official stated that there would be an investigation, but no results had been reported by the end of the year.

In September Amnesty International published *Liberia: A new peace agreement - an opportunity to introduce human rights protection*. The report documented human rights abuses by all parties to the conflict as well as the failures of peace-keepers in Liberia to investigate or prevent the torture and deliberate and arbitrary killing of civilians. The report's recommendations, addressed to the government, the warring factions, ECOWAS, the UN and the international community, called for effective guarantees for human rights to be built into the peace process.

In November Amnesty International called on authorities involved in investigating human rights abuses and other crimes not to demand the death penalty, to ensure that investigations were carried out by independent and impartial bodies and to ensure that suspects were given fair trials, in accordance with international standards.

LIBYA

Hundreds of political prisoners, including possible prisoners of conscience, who were arrested in previous years continued to be held without charge or trial. Five prisoners of conscience held since 1973 continued to serve life sentences. Hundreds of people were arrested during the year in connection with their religious or political activities. Over 300 political prisoners were reportedly released in March. Torture and ill-treatment by the security forces continued to be reported. At least six people were executed.



The UN sanctions against Libya (see previous *Amnesty International Reports*), imposed in 1992 in connection with the 1988 bombing of a US passenger airliner, remained in force.

In September and October thousands of Palestinians and Egyptian and Sudanese nationals working in Libya were forcibly expelled, allegedly because they were illegal immigrants. However, the expulsion of Palestinian workers, which included people working legally, was reportedly in protest at the peace agreement between the Palestinian Authority and the Israeli Government. In October the Libyan authorities stated that up to one million African workers would also be expelled.

Five prisoners of conscience, all suspected members of the prohibited Islamic Liberation Party, continued serving life sentences in Abu-Salim Prison in Tripoli (see *Amnesty International Reports 1991 to 1995*). They included 'Omar Salih al-Qasbi and Mohammad al-Sadiq Tarhoun, both imprisoned since April 1973.

Hundreds of political prisoners, including possible prisoners of conscience, continued to be detained without charge or trial. Among them were members or supporters of banned Islamist groups who had been arrested in previous years. They included Dr 'Abd al-Mun'im Ibhiri al-'Awjali, Hassan al-Suwayheli and Dr 'Omran

'Omar al-Turbi, who were arrested in 1984 (see previous *Amnesty International Reports*). At the end of the year they were still held in Abu-Salim Prison.

Scores of military personnel and civilians arrested following the alleged October 1993 army rebellion in Misrata and Bani Walid (see *Amnesty International Reports 1994 and 1995*) were still held at the end of the year, apparently without charge or trial. Among them were Colonel Miftah Qarrum al-Wirfali, who suffered from leukaemia, and Lt-Colonel Daw al-Salihin al-Jidiq. In August members of the Revolutionary Committees reportedly held a meeting in Bani Walid, eastern Libya, which the population was allegedly forced to attend and during which they were forced to sign a petition calling for the execution of Colonel Miftah Qarrum al-Wirfali, Lt-Colonel Daw al-Salihin al-Jidiq and seven others, most of whom were from Bani Walid. It was not known whether the executions were carried out.

Hundreds of people were arrested in June and September after clashes between the security forces and armed Islamist groups which reportedly took place in Benghazi and several other cities in north-east Libya. Up to 50 armed Islamists and 20 security officers were allegedly killed, but no further details were available.

There were reports that 305 political prisoners were freed on the occasion of the 18th anniversary of the proclamation of "People's Power", which also coincided with 'Id al-Fitr, a religious holiday, on 1 March. The identities of those who benefited were not known at the end of the year, but at least some of them had reportedly been arrested in 1989.

As in previous years, torture and ill-treatment by the security forces continued to be reported. Twenty-four secondary school students arrested in Bani Walid in early September were reportedly tortured before being summarily tried. They were among a large number of school students arrested after demonstrations apparently protesting against being forced to attend a meeting and sign a petition calling for the execution of nine people including Colonel Miftah Qarrum al-Wirfali (see above). The arrested students were reportedly interrogated under torture, including by being beaten with fists, electric shocks on different parts of the body, *falaqa* (beatings on the soles of the feet) and being

threatened with dogs. Some were released, but 24 were reportedly summarily tried, in secret and without access to lawyers, in mid-December. Two, including Mohammad Hassan al-Barrani, were sentenced to nine years' imprisonment; 13, including 'Adel Mohammad al-Khazni, were sentenced to eight years' imprisonment; and nine were sentenced to prison terms of between two and a half and five years.

Mansur Kikhiya, a prominent Libyan opposition leader and human rights activist who "disappeared" in Cairo, Egypt, in December 1993 (see *Amnesty International Reports 1994 and 1995*), remained missing. At the end of October his wife, Baha Kikhiya, went to Libya and met government officials, including the Minister of Justice, who told her that the Libyan Government was in contact with the Egyptian authorities to find out about the fate of her husband. In July, two Amnesty International delegates met the Head of the Human Rights Unit within the Public Prosecutor's Office in Cairo and raised the case of Mansur Kikhiya with him. They were told that the official investigation was completed and Egypt had nothing to do with his "disappearance", and were given no further details on how the investigation was carried out or the outcome. No new information came to light regarding Jaballah Hamed Matar and 'Izzat Youssef al-Maqrif, both members of the Libyan opposition party, the National Front for the Salvation of Libya, who also "disappeared" in Cairo in March 1990.

At least six people were executed on 19 March, after having been convicted of murder. The executions were reportedly shown on Libyan television on 22 March.

A well-known opposition activist, 'Ali Mohammad Abu-Zeid, was found stabbed to death in his shop in London, United Kingdom, in November. Libyan opposition groups claimed that the Libyan authorities were responsible for the killing. At the end of the year the murder was still being investigated by the British police.

Amnesty International continued to appeal for the immediate and unconditional release of all prisoners of conscience and for the fair trial or release of other political prisoners and for the commutation of all death sentences. It also requested information about the fate of Mansur Kikhiya. The organization received no response to its inquiries.

LITHUANIA



Two people were executed. Four death sentences were commuted and five people remained under sentence of death.

In June Lithuania ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms, which it had signed in May 1993. In September it signed the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

In February the Supreme Court ruled that there were no grounds for reviewing the death sentence passed on Boris Dekanidze, who had been convicted in November 1994 of ordering the assassination of a journalist (see *Amnesty International Report 1995*). He was executed in July, following rejection of his petition for clemency by President Algirdas Brazauskas. Earlier in the year the Lithuanian Clemency Commission, headed by the President, had for the first time commuted a death sentence to life imprisonment.

Throughout the year Amnesty International appealed to the Lithuanian authorities to commute all pending death sentences and to abolish the death penalty. In March the organization expressed concern to the Lithuanian authorities that their failure to carry out a full review of the death sentence passed on Boris Dekanidze may have amounted to a breach of Article 14(5) of the International Covenant on Civil and Political Rights, to which the Republic of Lithuania is a party. In November Amnesty International asked the authorities for clarification of the number of prisoners currently under sentence of death and for information on whether appeals had been heard against

the sentences passed. In December the organization was informed that "within the period of six months of 1995" a total of eight death sentences had been passed. Three had been reduced to life imprisonment on appeal; the other five were still pending.

LUXEMBOURG



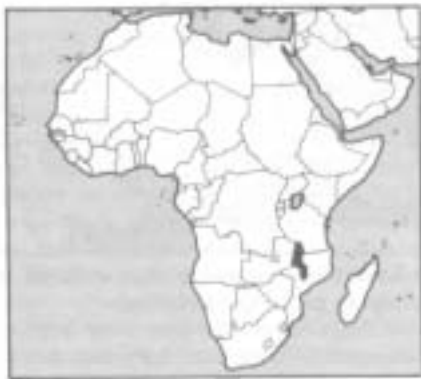
At least three prisoners were ordered to be kept in prolonged isolation.

At least three prisoners were kept in prolonged isolation in Schressig prison for disciplinary reasons. In June Carlo Fett was placed in solitary confinement for six months. He had escaped from the prison the previous month and had stabbed the officer who recaptured him. Amnesty International believes that prolonged isolation may have serious effects on the physical and mental health of prisoners and may constitute cruel, inhuman or degrading treatment or punishment.

In September Amnesty International asked the Luxembourg authorities what measures the prison authorities had taken to alleviate the physical and psychological effects of prolonged isolation on Carlo Fett and other prisoners in Schressig. In particular, the organization asked for information on the number of instructors recruited during the year to organize stimulating activities for prisoners in isolation, one of the reforms announced by the Luxembourg authorities in April 1994 in response to criticisms made by the European Committee for the Prevention of Torture, a body of experts set up under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (see *Amnesty*

International Reports 1994 and 1995). In November the Minister of Justice informed Amnesty International that "the place and the form of the daily exercise period" of prisoners in solitary confinement had been changed. Furthermore, in October a competitive examination had been held to recruit instructors to work with prisoners in solitary confinement. However, no candidates had entered the exam. Finally, in the case of one prisoner the period of solitary confinement had been reduced.

MALAWI



The former head of state and five others were brought to trial for the alleged extrajudicial execution of three government ministers and a member of parliament in 1983. A detainee died in police custody in suspicious circumstances. At least two people were sentenced to death but there were no executions.

Following a constitutional conference held in February, parliament approved a new Constitution in May which came into force immediately. The new Constitution contains a Bill of Rights and provides for the establishment of a national Human Rights Commission and an Ombudsman's Office to investigate alleged human rights abuses, but these had not been instituted by the end of the year. Despite strong calls for its abolition, the new Constitution retained the death penalty.

Former Life-President Hastings Kamuzu Banda, who lost power as a result of elections in May 1994, was brought to trial with five others in connection with the alleged extrajudicial execution of three cabinet ministers and a member of parliament in May 1983. A commission of inquiry

appointed in 1994 by President Bakili Muluzi to investigate the deaths reported in January. It concluded that the four politicians had been killed for political reasons (see *Amnesty International Reports 1986 and 1995*). Charged with former President Banda were two of his close associates, Cecilia Kadzamira and John Tembo, a former government minister, and three senior police officers. Their trial, on charges of conspiracy to murder and to pervert the course of justice, began in July. Six other police officers were also charged with conspiracy to murder in connection with the 1983 deaths, but in August these charges were withdrawn to facilitate their being called as prosecution witnesses in the trial of former President Banda and his co-accused. In December a charge of conspiracy to murder against Cecilia Kadzamira was dropped by the prosecution. Later that month former President Banda and his co-accused were acquitted of all charges. The prosecution announced that it would appeal against the verdict.

Four officials of the former ruling Malawi Congress Party (MCP) were also charged in July in connection with death threats made in 1992 against Roman Catholic bishops who had been critical of the MCP's human rights record (see *Amnesty International Report 1993*). Their trial had not begun by the end of the year.

In April General Menken Chigawa, Commander of the Army, was killed amid rumours that an attempted military coup had been foiled. Thomas Denson Chibonga, a civilian detained in connection with the killing, died in suspicious circumstances later that month while in police custody. The police said that he was killed when he threw himself from a police vehicle in an escape attempt but other sources alleged that he had died as a result of torture by the police. No autopsy was known to have been carried out and there had been no inquest by the end of the year.

At least two people were sentenced to death after being convicted of murder but there were no executions.

In an Open Letter published in February, Amnesty International urged the constitutional conference to abolish the death penalty. Subsequently, after the new Constitution was promulgated, Amnesty International reiterated its call for abolition and called for the existing moratorium on

executions to be maintained until that was achieved. In June Amnesty International called upon the government to ratify those international human rights treaties which it had not yet ratified. In November the organization wrote to the government calling for an independent and impartial investigation into the death in police custody of Thomas Denson Chibonga.

MALAYSIA



Six political prisoners were held without trial under the Internal Security Act (ISA). An opposition member of parliament was charged under the Sedition Act for making political comments concerning the judiciary. Eleven police officers were found criminally responsible for the death in custody of a criminal suspect. Caning continued to be inflicted for a range of crimes. It was reported that 46 people had died in detention camps for illegal immigrants since 1993. At least 11 people were sentenced to death and at least two people were executed.

The ruling *Barisan Nasional*, National Front, coalition headed by Prime Minister Mahathir Mohamad won a decisive victory in parliamentary elections in April.

In December 1994 parliament passed the Criminal Procedure Code (Amendment) Bill, abolishing trial by jury in death penalty cases. The Bill also introduced caning for economic crimes including embezzlement, tax fraud and bribery. In April the government was reported to be studying a proposal to introduce a mandatory death sentence for causing the death of children through abuse.

In May the government threatened to take action under the ISA against members

of the opposition *Parti Islam Sa-Malaysia* (PAS), Pan-Malaysian Islamic Party, found to be creating religious tensions or spreading "deviationist" Islamic teachings.

The ISA allows the police to arrest and detain any person suspected of threatening national security for up to 60 days of investigation, after which the Minister of Home Affairs can order detention without charge or trial for renewable periods of two years. In August the government rejected calls by opposition parties and by the Bar Council to repeal the ISA following a full review. However, the government stated that it was considering shortening periods of detention from two years to between six months and one year. No such decision had been announced by the end of the year.

Six political prisoners were among at least 25 people held without trial under the ISA in the Kamunting detention centre near Taiping, in Perak state, in late 1994. The six had been detained since 1989 for allegedly having belonged to the Communist Party of Malaya (see *Amnesty International Report 1995*). They were not reported to have been released by the end of the year. Others reportedly held under the ISA included one person arrested for allegedly selling state secrets and at least 19 others accused of falsifying identity and travel documents. More than 46 others accused of involvement in forging identity documents were arrested in Sabah during the year. Restriction orders imposed under the ISA on seven leaders of the *Al Arqam* religious group remained in force (see *Amnesty International Report 1995*).

In February police arrested Lim Guan Eng, a member of parliament for the opposition Democratic Action Party. He was charged under the Sedition Act with prompting "disaffection with the administration of justice". Lim Guan Eng had stated in January that the authorities had applied "double standards" during investigations into a statutory rape case allegedly involving a former Chief Minister of Malacca and a 15-year-old girl. In March Lim Guan Eng was also charged under the Printing Presses and Publications Act with publishing false information in relation to the case. Lim Guan Eng's trial was set for January 1996; if convicted he faced possible imprisonment and disqualification from parliament.

In November a judicial inquiry found 11 police officers criminally responsible for the death in May of a robbery suspect. The inquiry also ruled that the suspect had been illegally detained under the Emergency Ordinance. The Attorney-General ordered the prosecution of only two of the 11 officers.

Caning – which constitutes a cruel, inhuman and degrading punishment – was inflicted as a supplement to imprisonment throughout the year. Over 40 crimes, including drugs offences, rape, kidnapping, attempted murder and robbery, are punishable by caning. In one case, teenager Tham Chuan Heng was sentenced in June to a five-and-a-half-year jail term and to 12 strokes of the cane for assaulting another boy and robbing him of his clothes.

In September the government appointed a visitors' panel to study conditions in camps for illegal immigrants after confirming reports that 46 detainees had died between 1993 and 1995 in such camps, apparently from malnutrition, beri-beri and other treatable diseases. Former detainees of the camps interviewed by the Malaysian human rights group *Tenaganita* reported a pattern of ill-treatment, including lack of adequate food and water, denial of medical treatment, assaults by guards (which allegedly led to the deaths of at least two migrant workers) and sexual abuse of female detainees. The visitors' panel had not reported by the end of the year. Police questioned *Tenaganita's* director in connection with possible criminal defamation charges linked to the group's research, and charged her with withholding evidence when she refused to hand over research documents. A Bangladeshi national who had assisted with the research was detained in November, despite disproving charges that his identity papers were false.

During the year at least 11 people were sentenced to death. They included Sarasvathi Pavideloo, who was convicted in March with Kurasagam Muthu of trafficking in more than five kilograms of cannabis. At least two people were executed. One had been convicted of drug-trafficking and the other of armed robbery. However, the real figure for executions was believed to be higher. At least 19 commutations of the death penalty were recorded. The majority were cases in which charges were reduced on appeal

from trafficking in drugs (which carries a mandatory death sentence) to possession of drugs. In a further nine reported cases prisoners previously sentenced to death were released on appeal. In June the Federal Court was reported to have acquitted and released Ho Yoi Wah, who had been sentenced to death by the High Court in 1989 for drug-trafficking. In a rare move the King, Tuanku Ja'afar Abdul Rahman, granted clemency in January to Tan Kim Guan, a former taxi driver who had been sentenced to death in 1991.

Amnesty International asked the Inter-Parliamentary Union (IPU) to appeal to the Malaysian authorities to drop the charges against Lim Guan Eng. Amnesty International also urged the Ministry of Home Affairs to establish an impartial investigation into the deaths of illegal migrants in detention camps and to make its findings public. It also urged that all detainees be given adequate nutrition and medical care. Amnesty International also appealed to the authorities to commute all death sentences and to end the punishment of caning.

MALDIVES



Several possible prisoners of conscience were arrested because of their political views or religious practices. Some detainees were reportedly ill-treated.

Ahamed Shafeeq, a 67-year-old former senior civil servant and writer, and Ali Moosa Didi, a writer and politician, were arrested in April at Ahamed Shafeeq's house. The police removed personal diaries and papers written by Ahamed Shafeeq. The two men were transferred to house arrest on 1 July and 27 August

respectively and were held under house arrest, without charge or trial, until the end of December. Ahamed Shafeeq's son, Mohamed Shafeeq, was arrested in July, possibly in connection with two letters he wrote to President Maumoon Abdul Gayoom when his father was taken into detention. Mohamed Shafeeq was held at Dhoonidhoo detention centre until mid-August when he was transferred to house arrest. He was released in late August. Another man who had been at Ahamed Shafeeq's house at the time of his arrest was taken into custody in June. He was allowed to travel to Sri Lanka for medical treatment in mid-July, where he remained at the end of the year. Ahamed Shafeeq and Ali Moosa Didi were possible prisoners of conscience. They appeared to have been arrested in connection with private comments they had made regarding in particular the cost of a newly constructed presidential palace.

In August, Mohamed Latheef, a linguist, aged 74, was arrested. He was held in incommunicado detention at Male' police headquarters for 11 days. He was transferred to house arrest in mid-October and held without charge until the end of December. His arrest might have been related to a request submitted in 1994 to the Ministry of Home Affairs to establish a political party (see *Amnesty International Report 1995*), to which he was reportedly one of the signatories.

Twelve followers of the *Wahabi* doctrine were arrested in July, allegedly for preaching without a permit in violation of July 1994 legislation (see *Amnesty International Report 1995*). Imam Mohamed Ibrahim, arrested in 1994, continued to be held without charge or trial under house arrest. Adam Naseem was sentenced to six months' house arrest in connection with a poem he wrote expressing concern about the moral and political situation in the country (see *Amnesty International Report 1995*). He was released in October.

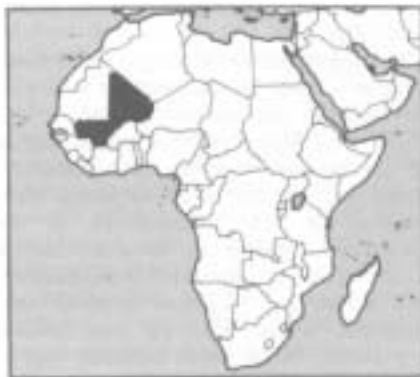
Mohamed Saleem and "Theyo" Lath-eef, two members of parliament arrested in 1993 (see previous *Amnesty International Reports*), were reportedly acquitted after standing trial on charges of corruption. However, upon appeal by the government, the High Court sentenced them to five and a half years' banishment in April.

There were reports of ill-treatment at Dhoonidhoo detention centre, where pris-

oners were held in solitary confinement for long periods.

Amnesty International expressed concern about the arrest of people in contravention of their right to freedom of expression and appealed for their immediate and unconditional release, if they were not to be charged with recognizably criminal offences. It also called for humane treatment of prisoners. In mid-June the government responded that Ahamed Shafeeq and Ali Moosa Didi "had been taken into custody on charges of having contravened the law" but gave no further details of the reasons for their arrest. In February Amnesty International published a report, *Republic of Maldives: Freedom of expression under threat*, summarizing its concerns about the arrest and detention of dozens of people in connection with the parliamentary elections of 1994 and the presidential elections of 1993.

MALI



At least 28 possible prisoners of conscience were sentenced to between two and eight months' imprisonment. Scores of people detained following peaceful protests were severely beaten. At least 14 extrajudicial executions were carried out by government forces and by members of a vigilante group, some of whom were members of the armed forces. One person was sentenced to death. A former President of Mali and four other prisoners remained under sentence of death. No executions were reported. Armed opposition groups were reported to have committed human rights abuses, including deliberate and arbitrary killings of civilians.

There were continuing negotiations between President Alpha Konare's government and rebel Tuareg groups between January and May which resulted in the reintegration of Tuareg groups into the army. At least 6,000 of the 109,000 Tuareg and Arab refugees who had fled to neighbouring countries in previous years returned to Mali voluntarily.

Idrissa Traoré, the son of former President Moussa Traoré, who had been arrested in 1991 on charges of embezzlement and other "economic" offences (see *Amnesty International Report 1995*), was released in December after the judge decided there were no grounds for prosecution. However, his mother, Mariam Traoré, and his uncle, Abraham Doua Sisoko, who had been arrested at the same time, remained in detention and were apparently awaiting trial, also on charges of embezzlement. In April the government dissolved the National Economic Commission which had been responsible for initiating preliminary enquiries into the alleged embezzlement of state funds by members of Moussa Traoré's family and officials of his former government.

In August scores of people were arrested after a peaceful demonstration to protest against the destruction of houses which had been built 20 years earlier on government property in Niamakoro, Senou and Faladié. Some 50 people were detained at the headquarters of the *Groupement mobile de sécurité*, Mobile Security Group. Most were beaten during their arrest and while in custody; one, Ousmane Sidibé, had his arm broken as a result. Some were released, but at least eight, including Mamadou Faraban Doumbia, Amadou Kone and Mamadou Diarra, were tried on charges of disturbing public order and sentenced to terms of imprisonment ranging from two to eight months. They appeared to be prisoners of conscience.

In September, 20 members of the *Association des travailleurs volontaires à la retraite* (ATVR), Association of Voluntarily Retired Workers, including Amadou Diallo, Aamar Cisse and Dramane Sacko, were arrested at the headquarters of the ruling party, the *Alliance pour la démocratie au Mali* (ADEMA), Alliance for Democracy in Mali. They had gone to the ADEMA headquarters to inform party officials about the problems facing retired workers

and to complain about the lack of government assistance for ATVR projects. They were tried on charges of violence and acts of violence against ADEMA staff and sentenced to terms of imprisonment of one to two months. Witnesses at the trial stated that the ATVR members had not used any violence. All 20 appeared to be prisoners of conscience.

Government forces and those assisting them were reported to have extrajudicially executed members of the Tuareg community. In May, seven Tuaregs of the Daoussak clan were said to have been extrajudicially executed by an army patrol when they were found camping near an old Tuareg rebel base. The victims' bodies were subsequently burned.

Other politically motivated killings were committed by the *Mouvement patriotique malien Ghanda Koy* (Ghanda Koy), Malian Patriotic Movement – Masters of the Land, a black vigilante group set up by former government soldiers, some of whose members were also members of the armed forces. In April they attacked the Tuareg village of Faguibine in Goundam and deliberately killed five civilians, including two women and two children. In October, two refugees from Niger were reportedly killed by the Ghanda Koy.

One man, Boubacar Dembelé, the former head of the National Tobacco and Match Company, was sentenced to death in March. He had been convicted on corruption charges. Former President Moussa Traoré and three former government officials remained under sentence of death (see *Amnesty International Report 1995*), and were apparently awaiting trial on further embezzlement charges. A fifth man remained under sentence of death for attempted murder. There were no reports of executions.

Armed opposition groups committed human rights abuses, including the deliberate and arbitrary killing of civilians. In April members of the *Armée révolutionnaire de libération de l'Azawad*, Revolutionary Army for the Liberation of Azawad, attacked and killed two villagers belonging to the Bella ethnic group near Gossi.

In May the *Front islamique arabe de l'Azawad* (FIAA), Arab Islamic Front of Azawad, released hostages held since 1994. The FIAA acknowledged that one of the hostages had died while held.

MAURITANIA



Eight opposition activists, all prisoners of conscience, were detained for up to two weeks. Over 50 opposition party supporters were held incommunicado for more than a month, and were possible prisoners of conscience. They were given apparently unfair trials for non-violent political activities; 10 were sentenced to terms of imprisonment.

In October, the Minister of the Interior stated publicly that Mauritanian citizens living in exile in Senegal since 1989 were free to return to Mauritania. More than 50,000 people had been expelled from southern Mauritania in 1989 and 1990 and thousands of others had fled to escape widespread human rights violations and other forms of persecution (see *Amnesty International Reports 1990 to 1994*). However, the Minister's statement failed to address concerns frequently expressed by those in exile about the need to restore confiscated identity papers and guarantee their safety and their civil and political rights if they should return to Mauritania. Nor did he respond to proposals on these issues made in a public memorandum by Tidjane Koïta, an opposition senator and mayor of the southern town of Kaédi, and a report prepared by a Mauritanian parliamentary commission led by Senator Bâ Youssef.

In November the Ministry of the Interior seized an edition of the weekly opposition newspaper *Le Calame* on three occasions on the grounds that it contravened the press law, which gave the authorities the power to seize any articles critical of the state or of Islam or which could endanger public order.

Two opposition leaders, Ahmed Ould Daddah, Secretary General of the *Union des Forces Démocratiques* (UFD), Union of Democratic Forces, and Hamdi Ould Mouknass, President of the *Union pour la Démocratie et le Progrès* (UDP), Union for Democracy and Progress, and at least six other opposition party activists were detained in January following riots in the capital, Nouakchott, which were sparked off by a steep rise in the price of bread. The government accused the two main opposition parties of fomenting unrest, but opposition leaders said that the protests were spontaneous and condemned the violence which occurred. There were further protests after the arrests and about 10 other people were briefly detained. Ahmed Ould Daddah and Hamdi Ould Mouknass, and those detained at the same time, were placed under house arrest outside the capital and released without charge in early February. They were prisoners of conscience.

Over 50 people, including both civilians and members of the security forces, were arrested in October and held incommunicado after the government announced the discovery of a spy ring and expelled the Iraqi Ambassador. Those detained were believed to include current and former members of the Mauritanian branch of the Arab Socialist Ba'th Party, whose headquarters are in Iraq, and members of *Attali'â*, a political party formed following a split within the Ba'th party. Both parties were legal in Mauritania. The detainees, who appeared to be possible prisoners of conscience, were alleged by the government to be members of an intelligence network providing information about strategic installations to the Iraqi secret services.

During their trial in December, the only evidence produced to support these allegations consisted of testimonies by the accused which they retracted in court, claiming that they had been made under duress. Defence lawyers withdrew in protest after restrictions were placed on the length and content of their submissions by the court's president. Ten of the accused were sentenced to prison terms of between six months and one year and 13 received suspended sentences; 29 others were acquitted. An appeal was lodged by those convicted, but hearings had not started by the end of the year.

Amnesty International was concerned about the detention of opposition activists in the context of the bread riots and about the December convictions of possible prisoners of conscience following apparently unfair proceedings. It urged the government to release any prisoners of conscience immediately and unconditionally.

MAURITIUS



The death penalty was abolished in law. All death sentences were commuted. There were no executions.

In April the UN Committee against Torture welcomed the efforts made by the government to ensure that the Constitution conformed with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Mauritius acceded in December 1992. However, it recommended that measures be taken to incorporate the Convention into domestic law and to implement a system of surveillance in police stations to protect suspects from torture.

In December, elections were held which resulted in Navin Ramgoolam being elected as Prime Minister.

In May a bill was tabled to amend the Dangerous Drugs Act of 1986 by replacing the death penalty for drug-trafficking with 20 years' imprisonment. In July the Abolition of the Death Penalty Bill was tabled to amend the Criminal Code and Criminal Procedure Act by banning the death penalty entirely.

In August Parliament passed the two bills, following a debate in which most speakers cited Amnesty International's work against the death penalty in support of their arguments for abolition. The bills

were passed by large majorities. However, President Cassam Uteem refused to sign the bills and sent them back to Parliament later in August. In the case of the Dangerous Drugs Bill, he recommended that Parliament should consider amending the bill to prescribe 30 years' imprisonment for drug-trafficking, to which Parliament subsequently agreed. He gave no reason for refusing to sign the Abolition of the Death Penalty Bill.

In November Parliament passed both the Abolition of the Death Penalty Bill and the amended Dangerous Drugs Bill for a second time, thus making Presidential assent a formality.

The five prisoners who remained on death row at that time had their sentences commuted. There were no executions.

Amnesty International wrote to Prime Minister Anaerood Jugnauth welcoming Parliament's vote to suspend the death penalty in law. It continued to campaign for the abolition of the death penalty in Mauritius, and welcomed abolition in November.

MEXICO



Dozens of prisoners of conscience were detained. Human rights activists suffered death threats and assaults. Torture by law enforcement officers was widespread. At least two people "disappeared" and the whereabouts of hundreds who "disappeared" in previous years remained unknown. Dozens of people, including peasant activists and members of the opposition, were extrajudicially executed.

Shortly after coming to power in December 1994, President Ernesto Zedillo Ponce de León announced reforms to the

administration of justice, including the judiciary and the Republic Attorney General's Office. He declared that the aim of the reforms was to increase the independence and effectiveness of the system, and to help end impunity. Measures included reducing the number of members of the Supreme Court; empowering the Supreme Court to review the constitutionality of laws; and creating a Federal Council of the Judiciary to appoint judges, who were previously appointed by the Supreme Court. Some of the measures announced, such as the creation of a special prosecutor's office to guard against abuse by the state prosecutor's office, had not been implemented by the end of the year. In November Congress approved a bill for the creation of a National Public Security System to coordinate the activities of all public security forces. The incorporation of the army and the navy into the system raised public concern that the militarization of activities normally carried out by the police could increase the number of human rights violations during law enforcement operations.

Peace talks between the Mexican Government and the *Ejército Zapatista de Liberación Nacional* (EZLN), Zapatista National Liberation Army, an armed opposition group, were temporarily suspended in February, after the government launched a crack-down on EZLN leaders and military operations to recapture territory controlled by the rebels in the state of Chiapas. During the operations, between 9 and 14 February, the rebels retreated to isolated mountainous regions. Serious human rights violations, including torture and extrajudicial executions by the security forces, were reported during and immediately after the operations. Police raids on suspected EZLN members were also carried out in other parts of the country. Dozens of people, including prisoners of conscience, were arrested and many were tortured. Peace talks resumed in April and were continuing at the end of the year.

Dozens of prisoners of conscience were arrested for peaceful political or civil rights activities. For example, Jorge Santiago Santiago, a theologian and coordinator of a non-governmental organization involved in Indian community development, was arrested without warrant at his home in Teopisca, Chiapas, after President Zedillo ordered the arrest of alleged EZLN

leaders in February. Despite the lack of any credible evidence, he was held on several charges, including rebellion and terrorism, until his release without charge in mid-April. Others arrested on the same charges included María Gloria Benavidez and her husband Javier Elorriaga Berdegué. María Gloria Benavidez was reportedly tortured in detention before her release in mid-July, and her husband remained in detention at the end of the year. On 8 April Ricardo Barco, a union rights lawyer, was arrested together with five leaders of the *Sindicato Unico de Trabajadores de Auto-transporte Urbano-Ruta 100* (SUTAUR-100), an independent union of public transport workers. The union had organized peaceful protests and industrial action against the privatization of public transport in Mexico City. On 13 April, six other leaders of the same union were also arrested. All 12 remained in detention at the end of the year, reportedly on unfounded fraud charges. In November Faustino Valente Cortés, a peasant activist, was arrested by members of the state judicial police in Tepetitla, Guerrero, for denouncing human rights violations suffered by peasants there. He was reportedly tortured and forced to sign false confessions, and was transferred days later to prison in Acapulco.

Manuel Manríquez San Agustín, an Otomí Indian and human rights activist, was still in prison at the end of 1995 awaiting a ruling on his 1994 appeal against a court decision to accept as evidence a confession allegedly extracted under torture (see *Amnesty International Report 1995*). He was a prisoner of conscience.

Dozens of human rights defenders, including journalists, were threatened with death for criticizing the human rights situation in the country. These included, among many others: David Fernández Dávalos and José Lavanderos Yáñez, director and lawyer respectively of the church-based organization *Centro de Derechos Humanos Miguel Agustín Pro Juárez*, Miguel Agustín Pro Juárez Human Rights Centre, in Mexico City; Graciela Zavaleta Sánchez, president of the *Comisión Regional de Derechos Humanos "Mahatma Gandhi"*, Mahatma Gandhi Regional Human Rights Commission, in Tuxtepec, Oaxaca state; Lourdes Sáenz, a member of *Ciudadanos en Apoyo a los Derechos*

Humanos, Citizens in Support of Human Rights, in Guadalupe, Nuevo León state; Francisco Goitía and Javier Núñez, president and lawyer respectively of the *Comité de Derechos Humanos de Tabasco*, Human Rights Committee of Tabasco. In November Emilia González Sandoval, a journalist and founding member of the *Comisión de Solidaridad y Defensa de los Derechos Humanos*, Human Rights Defence and Solidarity Commission, a human rights group in Chihuahua, received anonymous death threats.

Some human rights defenders were attacked for their activities. For example, in June Bishop Arturo Lona Reyes, a renowned human rights defender and president of the *Comité de Derechos Humanos Tepeyac*, Tepeyac Human Rights Committee, in Tehuantepec, Oaxaca, survived an armed attack by unidentified individuals on the car in which he was travelling. In September Marciana Campos Juárez, a member of the *Comité de Derechos Humanos y Orientación Miguel Hidalgo*, Miguel Hidalgo Committee for the Orientation on Human Rights, in Hidalgo, Guanajuato, was raped and beaten by an individual who had threatened her in the past for her activities.

Members of grass-roots organizations were also subjected to threats and harassment. For example, sisters Rocío and Norma Mesino Mesino were both forced to leave their community in Guerrero in July, following death threats, after they complained about the killings of 17 members of their peasant organization the previous month (see below). Their father, Hilario Mesino Acosta, a peasant leader, survived a number of assassination attempts. Santa Manzanares Vásquez, a peasant activist in Guerrero, was abducted in September by unidentified individuals. She was interrogated and threatened with death before being freed the next day. In October Cristina Solís and Alfonso Ramírez Cuéllar, leaders of *El Barzón*, a peaceful grass-roots movement opposing the government's economic policy, were repeatedly threatened with death in Mexico City for their activities. None of those responsible for these attacks, or for those reported in previous years, was brought to justice (see *Amnesty International Report 1995*).

Hundreds of men, women and children were tortured and ill-treated by the security forces, particularly the state judicial

police. The victims included prisoners of conscience and members of ethnic minorities, particularly indigenous communities. The purpose was generally to extract confessions, which continued to be accepted as evidence in most courts. Torture methods included beatings; near-asphyxiation with plastic bags and water; forcing peppered water into the nose; and electric shocks. Proper medical treatment for detainees who had been tortured was unavailable in detention.

Dozens of those arrested during police and army operations in February against alleged members of the EZLN, were tortured. For example, Alfredo Jiménez Santis and Mario Alvarez López, Tojolabal Indians from Ejido, Chiapas, were arrested by soldiers on 9 February. They said they were beaten, given electric shocks, nearly asphyxiated with plastic bags and in water and subjected to mock executions, before being released without charge on 13 February. Eight shoe-factory workers, including a 16-year-old youth and four women, were arrested by members of the Attorney General's Office, the state judicial police and the army, on 9 February in Cacalomacán, state of Mexico, on suspicion of belonging to the EZLN. They were allegedly tortured in a secret detention centre to make them sign blank confessions before being transferred to prison two days later on various charges, including terrorism. In November, seven peasant activists, including one woman, an 85-year-old man, and a physically disabled man, were arrested in their homes in Tepetitla, Guerrero state, by members of the state judicial police. They were taken to a secret detention centre where they were allegedly beaten and threatened with death before being released without charge the next day. Those responsible were not brought to justice. Also in November a 14-year-old girl was abducted by a municipal police commander in Cuetzalan, Puebla state. She was forced into a cell in the town hall, where she was allegedly raped, under threat of death, by the commander and two other police officers. She was released later the same day, but warned not to complain about the attack. Those responsible had not been taken into custody by the end of the year.

Soldiers responsible for the torture and killings of three peasant leaders from Morelia, Chiapas, in January 1994, and for

raping and beating three young Tzeltal Indians in Chiapas in June 1994 had not been brought to justice by the end of the year (see *Amnesty International Report 1995*).

Demetrio Ernesto Hernández Rojas and Félix Armando Fernández Estrada, who had been abducted in Mexico City, tortured and imprisoned on false charges in October 1994, were released without charge in April and May respectively. However, those responsible were not brought to justice (see *Amnesty International Report 1995*).

At least two people "disappeared". In May Gilberto Romero Vásquez, a peasant activist, "disappeared" in Atoyac de Alvarez, Guerrero, weeks after presenting a series of demands on behalf of his organization to the state authorities. In October Cuahutemoc Ornelas Campos, a journalist and human rights defender in Torreón, Coahuila, "disappeared" after receiving a series of anonymous threats for publicly criticizing human rights abuses by local officials. The fate and whereabouts of the two men remained unknown at the end of the year.

Similarly, little progress was reported in investigations into hundreds of "disappearances" of political activists in previous years. Most "disappeared" during the 1970s and early 1980s, but at least 14 Tzeltal Indian peasants "disappeared" after being detained by the army in Chiapas in January 1994 (see *Amnesty International Report 1995*). The whereabouts of political activist José Ramón García, who "disappeared" in 1988, also remained unknown.

Dozens of people were extrajudicially executed by members of the security forces throughout the country. On 28 June, 17 unarmed peasants were massacred near Aguas Blancas, Guerrero, by members of the state judicial police, who stopped the truck in which the victims were travelling and shot them at close range. The police operation had been ordered by the state's highest authorities, some of whom participated in the attack, reportedly to prevent the peasants from reaching the town of Atoyac de Alvarez, where they planned a demonstration against the "disappearance" of Gilberto Romero Vásquez (see above). Ten members of the police were arrested following the killings, but several officers who participated in the attack had

not been brought to justice by the end of the year.

On 17 September Artemio Roblero Roblero, a member of the *Partido de la Revolución Democrática* (PRD), Revolutionary Democratic Party, an opposition party, was murdered outside his home in Angel Albino Corzo, Chiapas, by people believed to be gunmen hired by prominent local figures. He was standing as a candidate for the PRD in municipal elections held in October. The killing of his predecessor, almost a year before, remained unpunished (see *Amnesty International Report 1995*).

Soldiers responsible for extrajudicial executions in January 1994 in Ocosingo, Chiapas, had not been brought to justice by the end of the year (see *Amnesty International Report 1995*). Two members of the *Seguridad Pública* (state police) who reportedly participated in the torture and killing of Rolando Hernández Hernández and Atanacio Hernández Hernández, in September 1994 in Veracruz, were brought to justice, but several others remained at large (see *Amnesty International Report 1995*).

During the year, Amnesty International repeatedly urged the authorities to end the impunity enjoyed by perpetrators of human rights violations, to release prisoners of conscience and to bring an end to the practices of torture, "disappearance" and extrajudicial executions.

Amnesty International delegates visited Mexico in January and October to investigate reports of human rights violations. In November a delegation visited the country and met government officials, including the Foreign Minister, the Minister of the Interior, the Attorney General of the Republic, senior officials in the Ministry of Defence, and the president of the National Human Rights Commission. The delegates called on the new administration to implement recommendations that Amnesty International had submitted to President Zedillo in a memorandum in 1994 (see *Amnesty International Report 1995*). The memorandum was included in a report, *Human rights violations in Mexico - A challenge for the nineties*, which was launched in Mexico during the delegation's visit.

MOLDOVA



Moldova committed itself to abolishing the death penalty and to introducing a moratorium on executions. At least 21 people were on death row at the end of the year, but no executions were carried out. There were further reports of torture and ill-treatment in custody in the self-proclaimed Dnestr Moldavian Republic (DMR), in one case resulting in death.

President Mircea Snegur left the ruling Agrarian Democratic Party in July, accusing it of blocking reform, and was elected in August as head of a new political party, the Party of Revival and Harmony. The Moldovan Government declared a formal end to the conflict with the Gagauz minority in August, after a special government commission finished disarming a Gagauz battalion whose members benefited from an amnesty declared by the Moldovan parliament. The peace settlement began in 1994 when Gagauziya was granted special autonomous status by the Moldovan parliament. A political solution to the status of the self-proclaimed DMR had not, however, been achieved by the end of the year (see *Amnesty International Report 1995*).

In June parliament abolished the death penalty as a possible punishment for 14 military crimes committed in wartime or during combat operations. Moldova joined the Council of Europe in July and undertook to introduce a moratorium on executions and to abolish the death penalty within three years. New statistics were released to the Council of Europe on the application of the death penalty from 1992 to 1994: six death sentences had been handed down, but no executions were carried out, reportedly because of the lack

of necessary facilities. At least 21 people were believed still to be on death row at the end of the year (see *Amnesty International Report 1995*).

In July Moldova signed the European Convention for the Protection of Human Rights and Fundamental Freedoms. In November it acceded to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In December parliament voted to abolish the death penalty in the republic's Penal Code.

There were further allegations of torture and ill-treatment by law enforcement officers in the DMR. In January Georgy Anatolyevich Isayev was allegedly beaten by officials of the Special Purpose subsection of the DMR Ministry of Internal Affairs while held at the Rybnitsa District Department of Internal Affairs, and at another location to which he was taken while blindfold. Georgy Isayev was reportedly unconscious and in intensive care the following day, suffering from severe injuries including seven fractured ribs. A criminal case was initiated in connection with the alleged beatings.

Another resident of Rybnitsa, Aleksandr Kalashnikov, died in the custody of officers of the city's Organized Crime Prevention Department (OBOP) in March. He was reportedly arrested in March by four men in civilian clothes, who identified themselves as members of OBOP, on the grounds that his car had been used in a crime, although Aleksandr Kalashnikov maintained that the vehicle had not been in use since August 1994. Later that day an acquaintance was said to have seen Aleksandr Kalashnikov's body lying on the floor in an office in the OBOP building. His relatives were informed by the Prosecutor's Office that the death was caused by severe trauma causing fractures to 15 ribs, damage to the lungs and bleeding. Charges, including premeditated murder, were brought against two officials from the Rybnitsa Department of Internal Affairs.

It was reported that Andrei Ivantoc and Ilie Ilascu, two of the six people sentenced in 1993 for crimes against the DMR (see *Amnesty International Report 1994*), were unwell and being ill-treated in prison.

Amnesty International welcomed the commitment by Moldova to introduce a moratorium on executions, with a view to abolishing the death penalty.

The organization urged the DMR authorities to investigate all allegations of torture and ill-treatment in detention, and especially the death in detention of Aleksandr Kalashnikov. In November Amnesty International received a reply from the Procurator of the DMR, in which he admitted that the alleged ill-treatment had taken place in Rybnitsa. He also stated that investigations into the criminal cases brought against law enforcement officials in connection with the beating of Georgy Isayev and the death in custody of Aleksandr Kalashnikov were continuing.

Amnesty International called for a review of the case of Ilie Ilascu and his co-defendants, and asked for those still detained to receive appropriate medical treatment.

MONGOLIA



Deaths from starvation of prisoners in corrective labour institutions continued to be reported. Unofficial sources reported that 32 death sentences were passed.

Reports continued to be received of inmates in corrective labour institutions dying from starvation or from illnesses which may have been caused or exacerbated by starvation (see *Amnesty International Report 1995*). Out of at least 191 deaths of prisoners during the year, at least 15 were explicitly attributed to starvation and at least 52 to tuberculosis. Poor sanitation and inadequate health-care provisions in the penitentiary system were also contributory factors.

Figures for the whole of 1994 published in 1995 by an official commission investigating prison conditions showed

that a total of 189 prisoners had died from various causes, including 58 from starvation, 63 from tuberculosis and 43 from other illnesses. In a statement addressed to the UN Secretary-General in January 1995, President Puntsalmaagiyn Ochirbat declared that Mongolia would be seeking "financial and other assistance" from the UN to improve conditions in remand prisons and penitentiaries.

The death penalty remained in force for five offences (see *Amnesty International Report 1994*). Unofficial sources reported that 32 death sentences were passed, eight of which were reduced on appeal to terms of imprisonment. It was not known whether any executions were carried out.

In April Amnesty International published a report, *Mongolia: Prison inmates starve to death*, which pointed out that changed economic conditions had rendered unrealistic the legal requirement that prisoners must work for their food. It urged the authorities to repeal this legislation and to implement Mongolia's obligations under international standards to provide all prisoners with adequate food and medical care. Amnesty International also made a series of recommendations to safeguard detainees against ill-treatment by officials, including deliberate starvation in pre-trial detention to force confessions. It continued to urge the abolition of the death penalty.

MOROCCO AND WESTERN SAHARA



More than 60 prisoners of conscience were arrested during the year. Some were released without charge or given suspended prison sentences; others were sentenced to prison terms. Over 50 political prisoners and prisoners of conscience continued to serve long sentences imposed after unfair trials in previous years. Torture and ill-treatment continued to be reported. At least five people died in

custody. Hundreds of Sahrawis and Moroccans who "disappeared" in previous years remained unaccounted for. Former Sahrawi and Moroccan "disappeared" prisoners who were released in 1991 continued to be subject to restrictions and some were rearrested. A former prisoner of conscience forcibly exiled in 1991 remained unable to return to Morocco. At least three people were sentenced to death and more than 40 others were reported to remain on death row. No executions were carried out.

The UN-sponsored referendum on the future of Western Sahara, originally scheduled for 1992 and postponed several times (see *Amnesty International Reports 1992 to 1995*), was again postponed, to 1996. Observers from the UN Mission for the Referendum in Western Sahara (MINURSO) remained in place, but freedom of expression, association and movement in Western Sahara continued to be restricted.

Thirteen people, including four Algerian nationals, were arrested in September and October on charges of smuggling arms to Algeria. They were detained awaiting trial before the Military Court at the end of the year.

More than 60 prisoners of conscience were arrested during the year, often following peaceful demonstrations, labour strikes and sit-ins against unemployment. They included Khadija Ben'ameur, a factory worker and a representative of the *Union marocaine du travail*, Moroccan Labour Union. She and 11 others were arrested in March in Sidi Slimane and Sidi Kacem and were sentenced to up to one year's imprisonment on charges which included participating in a concerted withdrawal of labour. The sentences were reduced on appeal to up to two months' imprisonment, suspended in some cases.

Members of the *Association des chômeurs diplômés*, Association of Unemployed Graduates, were again arrested for peaceful anti-unemployment protests (see *Amnesty International Report 1995*). Twenty-six of them, including two pregnant women, were arrested in August in El Jadida for participating in unauthorized demonstrations and gatherings and were sentenced to six months' imprisonment. The sentences were suspended on appeal in October and they were released.

Eight Sahrawi youths – Ahmed el-Kouri, Nebt Ramdane Bouchraya, 'Arbi

Brahim Baba, Cheykhathou Bouh, M'Rabih Rabou Neysan, 'Abdelhay Lekhal, Mahfoud Brahim Dahou and Salama Ahmed Lembarki – were arrested in May following a peaceful pro-independence demonstration in Laayoune, Western Sahara. They were accused of participating in a demonstration in support of the *Frete Popular para la Liberación de Saguia el-Hamra y Rio de Oro*, Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (known as the Polisario Front), carrying Polisario flags and leaflets, and chanting slogans calling for the independence of Western Sahara. They were sentenced by a military court in June to between 15 and 20 years' imprisonment on charges of threatening the external security and territorial integrity of Morocco. Their sentences were reduced to one year by royal pardon in July. They were prisoners of conscience. Scores of other prisoners of conscience were arrested in Western Sahara, sometimes after peaceful pro-independence demonstrations and gatherings. Many were released after weeks or months, but others were reportedly held incommunicado at the end of the year.

Prisoners of conscience were also imprisoned on charges of insulting the person of the King or the royal family. 'Abdelkader Cheddoudi, a teacher, was sentenced to three years' imprisonment in July on such charges, which he denied. He remained imprisoned pending appeal at the end of the year.

More than 50 political prisoners and prisoners of conscience imprisoned after unfair trials in previous years continued to be held. Among them were prisoners of conscience Ahmed Haou, 'Abdelkader Sfiri, Mustapha Marjaoui and Youssef Cherkaoui-Rbati. They had been arrested in 1983 with other supporters of the unauthorized Islamist group *al-Shabiba al-Islamiya* (Islamic Youth) accused of putting up anti-monarchist posters, distributing leaflets and participating in demonstrations (see *Amnesty International Report 1995*). Prisoner of conscience 'Abdessalem Yassine, the spiritual leader of the banned Islamist association *al-'Adl wa'l-Ihsan* (Justice and Charity), remained under house arrest. He had been held without charge or trial since 1990 (see *Amnesty International Report 1995*).

Trials of individuals in political cases continued to violate international fair trial

standards. Courts failed to investigate complaints of torture and ill-treatment during incommunicado detention, sometimes illegally prolonged for weeks, and confessions allegedly extracted under duress were accepted as evidence.

Many of those arrested, including dozens of prisoners of conscience, alleged that they were ill-treated or tortured at the time of arrest or during incommunicado detention. The authorities, however, failed to act on such complaints, and no investigations were known to have been carried out into complaints of torture and ill-treatment by members of the security forces during the year or in previous years (see *Amnesty International Reports 1992 to 1995*). Methods of torture included beatings, suspension in contorted positions for prolonged periods and electric shocks.

At least five people who died in custody were reported to have been beaten and ill-treated after arrest. Requests by families, lawyers and human rights organizations for independent investigations and autopsies were disregarded by the authorities. No investigations were known to have been carried out into these and scores of other deaths in custody which had occurred in previous years (see *Amnesty International Reports 1992 to 1995*).

Hundreds of Sahrawis and Moroccans who "disappeared" after arrest in previous years remained unaccounted for (see previous *Amnesty International Reports*). Among them were 'Abdelhaq Rouissi, a trade unionist who "disappeared" in 1964; 'Abdallah Cherrouk, a student who "disappeared" in 1981; and Mohamed-Salem Bueh-Barca and Tebker Ment Sidi-Mohamed Ould Khattari who "disappeared" in Laayoune in 1976.

No steps were taken to investigate and bring to justice those responsible for the "disappearance" of hundreds of Sahrawis and Moroccans who were released in 1991 after up to 18 years in secret detention, and for the deaths of scores of others. Neither those released in 1991 nor the families of those who died in secret detention received compensation. Some of those released in 1991 were rearrested during the year. They included Ahmed Merzak, who had been held for 18 years in the Tazmamert secret detention centre, who was detained twice for questioning in Rabat in July and August and was prevented from leaving the country, and Gleimina Ment

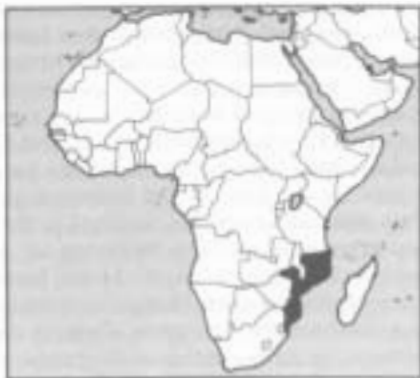
Tayeb Yazidi, who had been released from the secret detention centre in Qal'at M'Gouna in 1991. She was arrested in November in Laayoune and was reported to be still detained incommunicado at the end of the year.

Abraham Serfaty, a former prisoner of conscience who was forcibly expelled to France on his release in 1991, remained unable to return to Morocco.

Three people were sentenced to death in Fes in January. They were tried with 14 others in connection with armed attacks, including an attack on a hotel in Marrakech in which two Spanish tourists were killed in August 1994. More than 40 other people were reported to be on death row, but no executions were carried out.

In meetings in May and December with the *Conseil consultatif des droits de l'homme*, Consultative Council for Human Rights, and with the Human Rights Minister, Amnesty International raised its concerns about human rights violations in Morocco and Western Sahara. It called for the release of prisoners of conscience; for the retrial or release of political prisoners sentenced after unfair trials; for clarification of the fate of hundreds of Sahrawis and Moroccans who remained "disappeared"; and for full and impartial investigations into allegations of torture and ill-treatment, past cases of "disappearance" and deaths in custody.

MOZAMBIQUE



The human rights situation was much improved over previous years. However, suspected government opponents were detained, often illegally, by police or soldiers and some were beaten in detention.

There was a marked improvement in the human rights situation following the country's first multi-party elections in October 1994, won by President Joaquim Chissano's *Frente para a Libertação de Moçambique* (FRELIMO), Front for the Liberation of Mozambique. However, there were sporadic outbreaks of violence involving mutinous soldiers and the police. The UN Operation in Mozambique (ONUMOZ), which had been established following the 1992 General Peace Accord between the government and the *Resistência Nacional Moçambicana* (RENAMO), Mozambican National Resistance, was withdrawn at the end of March. The government faced opposition from RENAMO as it sought to assert authority over areas controlled by RENAMO during the conflict.

In August the new National Assembly began to debate a bill to reintroduce compulsory military service. The bill included provisions for conscientious objectors and the debate had not concluded at the end of the year.

There were riots in several prisons throughout the country as inmates protested against long delays in being brought to court, overcrowding and extremely harsh prison conditions.

There were reports of arrests of RENAMO supporters but few details were available. Police and soldiers were reported to have detained people illegally and ill-treated them. For example, in February, two RENAMO members of parliament, Agostinho Murial and Jerónimo Malaguete, were detained by police in Maturara while they were visiting Tete province as part of a RENAMO delegation. They were beaten before being released without charge after several hours. The local police chief was subsequently suspended from duty and charged with illegal detention and beating, but he had not been tried by the end of the year. In another incident also in February, soldiers and military police stationed in Tete beat a group of civilians following an argument in a bar. In April Mário Serra, a teacher in Nacarua, Nampula province, was detained for 24 hours, allegedly for denouncing irregularities and corruption in the local administration to the provincial governor when he visited the area. Mário Serra was beaten in detention. No action appeared to have been taken to investigate these incidents and to bring to justice those involved.

One person was shot dead and eight people were injured in October when police opened fire during a demonstration in Maputo, the capital, in protest at the high cost of living. Police said that the man who was killed had been looting a shop and that they had shot him as he tried to flee. No judicial inquiry was apparently held to establish whether there had been excessive use of lethal force.

Despite its election defeat in 1994, RENAMO continued to exercise effective control over some areas and to resist efforts to bring them under central government control. In such areas, government officials and supporters of the ruling FRELIMO party were sometimes subjected to abuses by RENAMO activists. For example, in June *regulos* (traditional chiefs) who supported RENAMO beat 12 police officers who attempted to open a police station at Dombe, Manica province, and forced them to leave. In October Rui Frank, a leading FRELIMO official in Gorongosa, Sofala province, was detained for two days by bodyguards employed by the RENAMO leader, Afonso Dhlakama, whom they accused Rui Frank of defaming. Some sources suggested that Afonso Dhlakama had ordered the detention of Rui Frank, but Amnesty International was unable to confirm this.

In December Amnesty International wrote to the authorities to express concern about incidents of illegal detention and ill-treatment by the police and asked whether there had been inquiries with a view to bringing to justice those responsible for ill-treating detainees.

MYANMAR

At least 1,000 people involved in opposition political parties remained imprisoned, including hundreds of prisoners of conscience and possible prisoners of conscience. At least 32 people were arrested for political reasons; 17 were still detained at the end of the year. At least 163 political prisoners, including six prisoners of conscience, were released. Prisoners were tortured and held in conditions which amounted to cruel, inhuman or degrading treatment. Members of ethnic minorities continued to be subjected to human rights violations which included torture and ill-treatment and possible

extrajudicial executions. Thousands of ethnic Burmans, in particular those convicted of criminal offences, were also forced to act as porters and labourers. One person was sentenced to death.



The State Law and Order Restoration Council (SLORC), Myanmar's military government chaired by General Than Shwe, continued to rule by decree in the absence of a constitution. Martial law decrees severely restricting the rights to freedom of expression and assembly remained in force throughout the year.

The National Convention, originally convened by the SLORC in 1993 to agree Principles for a new constitution (see *Amnesty International Reports 1994 and 1995*), adjourned in April after having called for the establishment of six self-administered geographic areas for ethnic groups. Its members, all selected by the SLORC, reconvened again in November to discuss chapters of the constitution relating to legislative, administrative, and judiciary matters. The opposition party, the National League for Democracy (NLD), withdrew from the Convention and the SLORC then expelled them from further Convention meetings.

Throughout the year, the government continued its attempts to gain control of border areas, which have long been held by armed opposition groups. Gains were made by the government either through military action, tactical alliances with some groups or through negotiated cease-fires. In January the *tatmadaw* (the government armed forces), in alliance with the Democratic Kayin Buddhist Organization (DKBO), launched an offensive against the armed opposition group, the Karen National Union (KNU), seizing control of most of the territory held by the KNU in eastern

Myanmar. As a result, at least 10,000 Karen civilians fled to refugee camps in neighbouring Thailand. In March fighting resumed in Shan State between the Burmese armed forces and the Muang Tai Army. As a result, hundreds of displaced people fled to Thailand to escape human rights violations. Fighting continued intermittently throughout the year. In March the SLORC agreed a cease-fire with the Karenni National Progressive Party, an armed group representing the Karenni ethnic minority, although fighting broke out again in June. A cease-fire was agreed in June between the SLORC and the New Mon State Party (NMSPP), an armed group representing the Mon ethnic minority.

In January the UN Special Rapporteur on Myanmar submitted an extensive report on the human rights situation in the country to the UN Commission on Human Rights. In March the Commission adopted by consensus a resolution extending the Special Rapporteur's mandate for another year, and expressing concern at the extremely serious human rights situation in Myanmar. In December the UN General Assembly adopted by consensus a resolution expressing grave concern at continued human rights violations in Myanmar.

At least 1,000 political prisoners, including hundreds of prisoners of conscience and possible prisoners of conscience, remained in detention. Most had been convicted under laws which criminalize peaceful political activity. They included hundreds of political prisoners sentenced to long prison terms after unfair trials before military tribunals between 1989 and 1992. Many had been arrested following the military's violent crack-down on the 1988 pro-democracy movement. Although military tribunals were abolished in 1992, political prisoners continued to be sentenced to long terms of imprisonment by civilian courts which were not independent from the military.

At least 32 people were arrested for political reasons, 17 of whom were still imprisoned at the end of the year. Aung Zeya was among a group of nine young political activists who were sentenced in April to seven years' imprisonment after peacefully demonstrating in February at the funeral of U Nu, Myanmar's first Prime Minister. According to the government, the nine were arrested for holding anti-government protests and were also

charged with attempting to steal U Nu's body, a charge which the authorities failed to substantiate. Tun Shwe, U Thu Wai and U Htwe Myint were arrested and sentenced to seven years' imprisonment in June apparently for meeting regularly with foreign nationals. Ye Htut was arrested in September for "concocting news stories" about Myanmar and sending them to dissident Burmese groups abroad. All were prisoners of conscience.

Prisoner of conscience Ma Thida, a member of the NLD, writer and medical doctor (see *Amnesty International Report 1995*), contracted tuberculosis during the year, which was subsequently treated. However, she remained in poor health throughout the year.

According to government figures, 163 political prisoners were released in 1995, including six prisoners of conscience. Daw Aung San Suu Kyi, leader of the NLD, was released after having been detained for almost six years under house arrest (see previous *Amnesty International Reports*). She was reappointed NLD General Secretary, although the SLORC's Election Commission did not recognize her new position. Dr Aung Khin Sint, Tin Moe and Win Htein, prominent NLD members, were released in February and newly-appointed NLD vice-chairmen Tin U and Kyi Maung were released in March (see *Amnesty International Reports 1992 to 1995*).

New information emerged in September which indicated that torture and ill-treatment were widely used in prisons and labour camps throughout the country. Torture was used during pre-trial interrogation in order to extract information from political detainees. It was also commonly employed after sentencing in order to punish prisoners who broke arbitrary and harsh prison regulations. Methods of torture used included beatings, sometimes to the point of unconsciousness; being forced to crawl over sharp stones; and prolonged exposure to the hot sun.

Prison conditions for both political and criminal prisoners were poor, often amounting to cruel, inhuman or degrading treatment. Many prisoners suffered from severe overcrowding and an inadequate diet, and received little or no medical treatment. Political prisoners were often held in prolonged solitary confinement and were forbidden most reading and all writing materials. Some prisoners were

kept in leg-irons for prolonged periods; one political prisoner was kept in iron shackles for two months because he had a piece of paper in his possession.

Prisoners convicted of criminal offences were often forced to work on roads and other infrastructure projects in labour camps under harsh conditions. They were made to break rocks for long hours in leg-irons, beaten and deprived of adequate food or sleep. Over 1,300 such prisoners have died as a result of illness and ill-treatment in nine labour camps throughout Myanmar.

Human rights violations against ethnic minorities, particularly the Karen, Mon and Shan, continued throughout the year. Members of ethnic minority groups suspected of supporting armed insurgents were tortured and sometimes killed. In January Nai Win, a Mon farmer, was seized because of suspected contacts with the NMSP, beaten repeatedly in front of villagers, and dragged along the beach where he eventually died from his injuries. In April Mi Noy, a 17-year-old Mon girl, was shot dead in the back by soldiers as she was walking to a temple in the Mon State where a village meeting which had been convened by the Burmese army was taking place. No official investigation was known to have been carried out into these incidents.

Thousands of ethnic Burman civilians and members of ethnic minorities were arbitrarily seized by the military and forced to serve as porters carrying army equipment and supplies, or as unpaid labourers working on construction projects. During the army's offensive against the KNU in January, thousands of porters were forced to carry heavy loads up and down mountain tracks. Convicted criminals were also moved from prisons to work as porters for the army. Many of them were reportedly killed either in battles or when forced to walk into minefields ahead of soldiers. Porters were arbitrarily held in army custody for periods ranging from a few days to several months. They usually received little food and no medical treatment. Victims and witnesses reported that those who could not carry their loads were beaten or killed by soldiers. In January Tun Shwe, a Karen farmer, was shot dead while pleading with a soldier not to kill him, because he could not carry his load. In March U Than Mein, a Mon, was killed

when a soldier hit him in the chest and back with an axe for the same reason. Porters who fell ill were forced to continue working, sometimes until they collapsed, and were left behind or killed by troops. One Mon farmer reported that in March, when he was used as a porter by the *tatmadaw*, he had seen the bodies of over 100 porters left by the side of the path. Porters were also beaten by soldiers with rifle butts or bamboo rods if they were unable to keep up with the others or to carry their loads.

Soldiers also routinely seized villagers for forced labour. Thousands of civilians throughout Myanmar were arbitrarily seized and forced by the *tatmadaw* to work on infrastructure projects such as roads, quarries and railways on a routine basis in harsh conditions which often amounted to cruel, inhuman or degrading treatment. Prisoners were subjected to beatings and were denied adequate food, sleep or medical treatment.

In February the DKBO, acting with the support of the *tatmadaw*, attacked and destroyed Karen camps in Thailand near the Myanmar border, killing at least 10 Karen and four Thai nationals and seizing at least 13 others, who were then taken to Myanmar. The DKBO stopped their attacks in early May, but resumed them again in September, killing four Karen displaced people and seizing at least nine others. Karen leaders opposed to the Myanmar Government, who were most at risk of abduction, were forced to live in DKBO-controlled territory in Kayin State following their return to Myanmar. During the attacks the DKBO burned down entire Karen camps in Thailand, and three Karen civilians were burned to death. In April Ka Moe Thaw was killed after being trapped in a bunker at Baw No camp when the DKBO forces entered the camp and burned down 700 houses, leaving 3,500 Karen homeless. At least 10 other Karens were shot dead by members of the DKBO. In October Ka Ka Per and Ka Lar were killed when DKBO forces entered Sho Clo camp and opened fire on unarmed civilians.

One person was sentenced to death in March for robbery and murder; but no executions were reported.

The return of Muslim refugees from Bangladesh, under a 1993 Memorandum of Understanding signed by the SLORC and

the UN High Commissioner for Refugees (UNHCR), continued throughout the year (see *Amnesty International Reports 1994 and 1995*). Some 200,000 refugees had been repatriated by the end of the year. UNHCR representatives in Myanmar investigated reports of human rights violations against returnees and brought such reports to the attention of local authorities. However, there was continued concern that returnees and civilians who remained in Myanmar might be at risk of human rights violations once the UNHCR's mandate ended.

In June Amnesty International published a report, *Myanmar: 'No place to hide' - Killings, abductions and other abuses against ethnic Karen villagers and refugees*. In July the organization welcomed the release of Daw Aung San Suu Kyi, while calling on the government to make more comprehensive improvements in its human rights record. In September Amnesty International published a report, *Myanmar: Conditions in prisons and labour camps*, which highlighted for the first time extremely harsh conditions in labour camps, and in October it published *Myanmar: Human rights after seven years of military rule*. The Myanmar Government did not respond to Amnesty International's request to meet government officials, nor did the authorities reply to requests for their response to the human rights violations highlighted in the organization's reports.

NEPAL

Eleven prisoners of conscience were held for most of the year. Hundreds of people, including possible prisoners of conscience, were detained for short periods during strikes and demonstrations. There were reports of torture and ill-treatment by the police and forest guards.

In June opposition parties in parliament called for a vote of no confidence in the minority government of the Communist Party of Nepal-United Marxist Leninist. At the request of Prime Minister Man Mohan Adhikari, King Birendra Bir Bikram Shah Dev dissolved parliament and called mid-term elections. The main opposition party, the Nepali Congress Party (NCP) and six other parties filed writ

petitions in the Supreme Court claiming that the dissolution of parliament was unconstitutional. In August the Supreme Court ruled that parliament should be reinstated. Following the resignation of Man Mohan Adhikari, King Birendra appointed the leader of the parliamentary committee of the NCP, Sher Bahadur Deuba, as Prime Minister. A coalition government was formed comprising the NCP, the *Rastriya Prajatantra Party* (National Democratic Party) and the Nepal Sadbhavana Party.



Eleven Christians, including a Nepali national, an Indian national and nine people from Bhutan, were convicted of proselytizing by the Ilam District Court in August and sentenced to two years' imprisonment. They had been arrested in Danabari, Ilam District, in September 1994 (see *Amnesty International Report 1995*). They were prisoners of conscience. They were released unconditionally after being granted amnesty in early November.

Hundreds of people, including possible prisoners of conscience, were detained for short periods during sometimes violent strikes and demonstrations by political parties and their student wings in protest at the dissolution of parliament and the Supreme Court judgment.

There were reports of torture in the custody of the police and forest guards, including the use of *falanga* (beating on the soles of the feet). Mansangh Magar, a 65-year-old basket weaver from Rajpur village, Dang District, was reportedly tortured by forest guards at the Rangers Office at Gadawa. He had been arrested in February on suspicion of illegally cutting down trees. He said he was stripped naked and beaten with *lathis* (canes); a stick was placed behind his knees and he

was forced to jump in a squatting position. No investigation was known to have been carried out into this incident.

Hari Bahadur Shrestha, who was arrested in June on suspicion of committing a robbery, was reportedly tortured for seven days at Sindhuli police station. He was reportedly subjected to *falanga* and two police officers stamped on his knees and chest to extract a confession. Two other people arrested in September in connection with the same case were reportedly kicked, beaten all over their bodies with *lathis* and subjected to *falanga* at the Mahadevsthan police post in Sindhuli District.

A number of people were reportedly tortured or ill-treated in police custody after more than 200 supporters of the United Peoples' Front were arrested in Rolpa District in November.

Amnesty International appealed to the government for the immediate and unconditional release of the 11 Christians. It expressed concern about reports of torture in the custody of the police and forest guards and urged the government to ensure that all reports of torture were promptly, thoroughly and independently investigated. The organization also asked to be informed of any action taken against the perpetrators. No response had been received by the end of the year. The government provided information on the progress of legal proceedings initiated on behalf of Pravakar Subedi and Theelu Ghale (see *Amnesty International Reports 1994 and 1995*). In response to Amnesty International's inquiry in May about the torture of detainees in Khalanga, Pyuthan District (see *Amnesty International Report 1995*), police officials denied that the alleged human rights violations had taken place.

In May an Amnesty International delegation visited Nepal and met government officials in Kathmandu and in Dang, Pyuthan and Rolpa districts.

NETHERLANDS

There were further reports of ill-treatment by police officers in the Netherlands Antilles, a Caribbean country forming part of the Kingdom of the Netherlands.

In April the UN Committee against Torture examined the periodic report of the

Kingdom of the Netherlands on its compliance with the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee expressed concern about "the severeness and the relatively high number of cases of police brutality" in the Netherlands Antilles. It was particularly concerned by the apparent failure of the authorities "to fully investigate and deal with such cases". It recommended the Netherlands Antilles to "take strong measures to bring to an end the ill-treatments which reportedly occur in police stations and to ensure that such allegations are speedily and properly investigated and that those who may be found guilty of acts of ill-treatment be prosecuted". The Committee also asked for information regarding the number of investigations that had been opened and about their outcome.



During the year there were dozens of reports of ill-treatment by police officers on the islands of Bonaire and Curaçao. The majority referred to 1993 and 1994. Some individuals claimed they had been slapped and punched. Others alleged they had been beaten with truncheons, partially asphyxiated, and hit and threatened with firearms. Three men alleged that they had received electric shocks.

In January E. Josephia, R. Rodríguez and one other person were detained by police in Curaçao on suspicion of burglary. They alleged that officers repeatedly partially asphyxiated them with their hands and then punched them in the stomach. Paper bags were placed over their heads, they were slapped and punched in the face and they were handcuffed so tightly that marks were still visible 12 days later.

In April Amnesty International published a report, *Netherlands Antilles: Comments by Amnesty International on the Second Periodic Report submitted to the United Nations Committee against Torture*. It described the alleged ill-treatment of detainees by police and prison officers between January 1990 and January 1994, in some cases resulting in death.



In July Amnesty International wrote to the Attorney General of the Netherlands Antilles requesting information on nearly 50 cases of alleged ill-treatment recorded in Curaçao and Bonaire between 1993 and 1995 and on a working party established in April to implement the recommendations of the UN Committee. It also requested information on the outcome of an investigation into complaints of ill-treatment in Pointe Blanche prison, St Maarten, in 1993 (see *Amnesty International Report 1995*). No reply had been received by the end of the year.

NICARAGUA



At least 13 people were killed in circumstances suggesting that they may have been extrajudicially executed. Demonstrators were beaten by police during public protests and four people were killed.

There was a period of conflict between the executive and legislative powers following President Violeta Barrios de Chamorro's rejection of the reforms to the

1987 Constitution approved by the National Assembly in February. The disagreement led to serious problems in the running of the country and the paralysis of the Supreme Court of Justice. This resulted in further deterioration of prison conditions, exacerbated by delays in judicial procedures. In May the Court overturned the reforms (a decision ignored by the National Assembly), which left the country with two constitutions. The conflict was formally resolved in July following talks between the parties sponsored by Cardinal Miguel Obando y Bravo.

In February General Humberto Ortega was replaced by General Joaquín Cuadra Lacayo as head of the army. In May the *Frente Sandinista de Liberación Nacional* (FSLN), Sandinista National Liberation Front, which led the previous government, split into two factions with the creation of the *Movimiento de Renovación Sandinista* (MRS), Sandinista Renovation Movement, led by former Vice-President Sergio Ramírez.

At least 13 people died in circumstances suggesting they may have been extrajudicially executed. On 6 January, 13 *recontras* (former members of the Nicaraguan Resistance or "*contra*" who had fought against the previous Sandinista government), including one woman, were killed in Cuesta La Marañosá, Wiwili, department of Jinotega, in a shooting incident which appeared to have been a massacre perpetrated by the army. Two soldiers were also killed. The 13, who reportedly belonged to a group called the Meza Band, were apparently being transported by lorry to a military base for demobilization. The police and the army claimed that soldiers were forced to shoot back when the *recontras* fired at the driver and accompanying soldiers. The National Assembly's Commission on Human Rights and Peace, which investigated the deaths, found irregularities which suggested that the army was responsible for the deaths. The Jinotega district criminal judge, María Barcena Molina, dismissed the case against 23 soldiers. She concluded that the evidence was insufficient to prove criminal conduct by the soldiers. Human rights organizations, however, criticized her decision which they considered had been reached after superficial investigations which ignored the report of the National Assembly's Commission on Human

Rights and Peace. They also criticized the Attorney General's Office for its role in the judicial process.

Many people were arrested and beaten by police in May, during public demonstrations to protest at the country's deteriorating social and economic conditions. On 16 May during a demonstration in Portezuelo, Managua, and nearby neighbourhoods, one man was shot in the leg by police. Thirteen other demonstrators were detained and beaten by the police, but all were released the following day without charge. The following day around 200 people participated in a demonstration in Rubenia District, Managua, near the Transport Cooperative Parrales Vallejos. During the police operation to disperse the demonstration, two members of the transport cooperative, Franklin Benito Borge Velásquez and Enrique Montenegro Estrada, were shot and later died. A police officer was also killed. An investigation undertaken by the non-governmental Nicaraguan Centre for Human Rights concluded that the police had not tried to persuade demonstrators to disperse but had endangered life and safety, and had targeted trade union leaders to dissuade union members from participating in protests. The investigation also found that the police had arbitrarily detained people not participating in the protest. By contrast, a government-formed commission reported in June that the demonstrators had provoked the police and that exchanges of gunfire had led to the deaths. The impartiality of this report was questioned by human rights organizations because one of the commission's members was the head of the Division for Internal Affairs of the National Police.

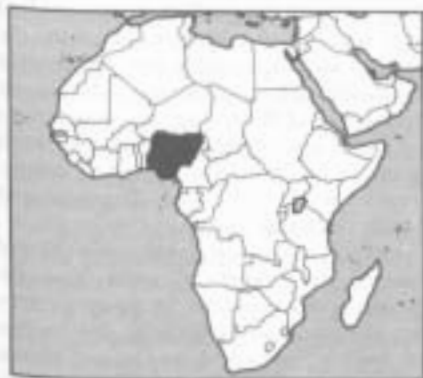
In December, during student demonstrations demanding funds for universities from the national budget, one student and one university worker were killed. According to reports, during a clash between students and police, tear-gas grenades and shots were fired; Ernesto Porfirio Díaz, a university worker, was shot in the head and died. Jerónimo Urbina, a third-year student, was seriously injured and died a week later. Over 40 people were injured and some 30 students were arrested but later released without charge.

In January the Inter-American Court of Human Rights, having looked at all the preliminary objections submitted by the

government in the case of Jean Paul Genie, killed in 1990 by escorts of General Humberto Ortega (see *Amnesty International Reports 1993, 1994 and 1995*), resolved that the Court had jurisdiction over the case and rejected most of the preliminary objections. The Court resolved to continue hearing the case, which was pending at the end of the year.

In December Amnesty International wrote to President Chamorro requesting information about any investigation undertaken into the incidents in May in Portezuelo and Rubenia and expressing concern about the reported inadequacies of the investigation into the killings at La Marañosa.

NIGERIA



Nine people, including at least two prisoners of conscience, were executed after an unfair and politically motivated trial. More than 40 people, many of them prisoners of conscience, were sentenced to death or to prison terms after a secret and unfair trial; the death sentences were later commuted. Scores of suspected opponents of the government were detained during the year, including human rights activists, pro-democracy activists, journalists and members of the Ogoni ethnic group. Several prisoners of conscience arrested in previous years remained imprisoned. Torture and ill-treatment of political and other detainees were widespread; one died in August, apparently from harsh conditions and medical neglect. At least 95 people were executed, most after trials before special tribunals which fell short of international fair trial standards.

There was little progress towards restoring democratic, constitutional government. A National Constitutional Conference, set up in 1994 to draft a new constitution, presented its recommendations in August. It withdrew a recommendation that the military government cede power to civilians by January 1996 after a leading opposition delegate was arrested and accused of plotting a coup. In October Head of State General Sani Abacha, Chairman of the military Provisional Ruling Council, announced a three-year transition to civilian rule which was widely criticized as too protracted.

Although the ban on political parties was lifted in June, members of opposition parties still faced harassment and arrest. Banning orders on three newspaper groups were removed but journalists were still detained for criticizing the government. The government continued to flout court rulings ordering it to uphold constitutional rights.

In November the Commonwealth, representing 53 states, suspended Nigeria's membership in protest at nine political executions carried out despite last-minute appeals from Commonwealth Heads of Government meeting in New Zealand. The UN General Assembly adopted a resolution condemning the executions and expressed deep concern about other human rights violations in Nigeria. During December the African Commission on Human and Peoples' Rights held an extraordinary session to consider the human rights situation in Nigeria.

Nine people were executed on 10 November in Port Harcourt, Rivers State, southeast Nigeria, including at least two prisoners of conscience – Ken Saro-Wiwa, a writer and President of the Movement for the Survival of the Ogoni People (MOSOP), and Dr Barinem Kiobel, a former state commissioner (minister). The nine had been convicted on 30 and 31 October following two simultaneous murder trials of 15 defendants before the Civil Disturbances Special Tribunal in connection with the mob killing of four Ogoni leaders in May 1994 (see *Amnesty International Report 1995*).

The trials, which fell short of international fair trial standards, were aimed at crushing MOSOP's campaign against environmental damage by oil companies and for increased autonomy for the Ogoni ethnic

group. The Civil Disturbances Special Tribunal, appointed by the military government specifically to try these cases, widened the definition of murder, so that any senior member of MOSOP deemed to have contributed to a civil disturbance could be convicted of murder. This was used to convict Ken Saro-Wiwa and others considered to be supporters of MOSOP, despite the lack of evidence of their involvement in the murders. The burden of proof was reversed so that defendants without alibis were found to have been present. The Tribunal allows no right of appeal. The defence team, headed by Nigeria's leading civil rights lawyers, withdrew in protest at the court's bias.

In the first trial, which began in February, Ken Saro-Wiwa and four others arrested in 1994 were accused of murder, which carries a mandatory death sentence. A further trial of 10 defendants, before the same tribunal and based on the same evidence, started in March. One defendant was discharged in September and five others, including Ledum Mitee, Vice President of MOSOP, were acquitted and released in October.

The defendants appeared to have been detained illegally for at least eight months before the first five were charged in February. They were held incommunicado in military custody in harsh and insanitary conditions and denied adequate food, water and medical care. Two defence lawyers, Chief Gani Fawehinmi and Femi Falana, were reportedly assaulted by soldiers at the entrance to the court. Ken Saro-Wiwa's relatives were also reported to have been hit by soldiers.

A further 19 Ogoni prisoners, who may be prisoners of conscience, were charged with murder on the basis of the same evidence in September. Sixteen had been detained without charge since mid-1994; three were arrested in October 1995. In December, amid fears that they too could be unfairly tried and executed, the Federal High Court in Lagos ordered that the trial be postponed until February 1996 so that it could rule on the constitutionality of the Civil Disturbances Special Tribunal.

More than 40 civilians and armed forces officers, many of them prisoners of conscience, were convicted after secret and grossly unfair trials between June and August. They were charged with treason and related offences in connection with an

alleged coup plot in March, but the real reason for their arrest appeared to be their pro-democracy activities. The trials were held *in camera* before a Special Military Tribunal headed by a member of the government sitting with six other armed forces officers appointed by the government. The Tribunal denied all crucial defence rights, including the defendants' rights to see details of the charges against them, to be defended by a lawyer of their choice, to be able to prepare their defence properly, to be tried in open court, to address the Tribunal in their own defence and to appeal against the Tribunal's decisions. In July the government announced, without further details, that 40 defendants had been convicted by the Tribunal. About 14 had apparently been sentenced to death. There were further arrests and secret trials of journalists and human rights activists for publishing information about the lack of evidence against the defendants and their unfair trials. Following worldwide appeals, General Abacha announced in October that the convictions had been confirmed but that the death sentences had been commuted to imprisonment for life or 15 years. The sentences of other defendants were also reduced.

Among those convicted were former Head of State retired General Olusegun Obasanjo, sentenced to 15 years' imprisonment (commuted from life), and his former deputy, retired Major-General Shehu Musa Yar'Adua, sentenced to life imprisonment (commuted from death). Both were believed to have been convicted because of their criticism of the military government. They were prisoners of conscience.

Other prisoners of conscience included human rights activists, journalists and friends and family of the military defendants, who had exposed the injustices of the initial trials before the Tribunal. They were convicted of being accessories to treason and were sentenced to 15 years' imprisonment (commuted from life). They included Dr Beko Ransome-Kuti and Shehu Sani, Chairman and Vice-Chairman of the Campaign for Democracy (CD), a non-governmental organization. Shehu Sani was initially sentenced to seven years' imprisonment for "managing an illegal organization" but was retried after he smuggled out a letter describing his unfair trial. Dr Ransome-Kuti was convicted for

distributing information about the lack of evidence against one of the military defendants who had been sentenced to death. Chris Anyanwu, the woman editor-in-chief of *The Sunday Magazine*, Kunle Ajibade, editor of *The News*, and two other journalists were convicted for publishing information about the lack of evidence of any coup plot or because they refused to implicate other journalists in the alleged coup plot. Rebecca Onyabi Ikpe, the sister-in-law of defendant Colonel R. S. B. Bello-Fadile, and his defence lawyer, Navy Commander L. M. O. Fabiyi, were convicted for allegedly passing copies of his defence submission to others.

Scores of suspected opponents of the government were detained during the year under the State Security (Detention of Persons) Decree, No. 2 of 1984, which provides for the indefinite incommunicado detention without charge or trial of anyone suspected of threatening the security or the economy of the state and which specifically prohibits the courts from challenging such detentions. They included human rights and pro-democracy activists, journalists and members of the Ogoni ethnic group.

Prisoners of conscience arrested during 1995 and still held without charge or trial at the end of the year included Sylvester Odion-Akhaine, the General Secretary of the CD, who was detained in January, and Dr Olatunji Abayomi, Chair of Human Rights Africa, Abdul Oroh, Executive Director of the Civil Liberties Organization, and Chima Ubani, General Secretary of the Democratic Alternative, who were detained in July.

Dozens of journalists were briefly detained, most without charge or trial, after publishing articles critical of the government. Political meetings were disrupted and participants and organizers arrested. Chief Gani Fawehinmi, a prominent human rights lawyer, was detained for two weeks in June, after declaring that his opposition National Conscience Party would defy restrictions on political activity, and again in September after he addressed a rally. Chief Michael Ajasin, the 87-year-old leader of the National Democratic Coalition (NADECO), a pro-democracy group of former political leaders, and about 50 other people were briefly detained after a private meeting in his home in June.

There were further detentions without charge or trial of members of the Ogoni community. Women supporters of MOSOP were arrested, apparently for talking to foreign human rights investigators in July. Lekue Lah-Loolo, Assistant General Secretary of MOSOP, and three others were detained for several weeks in August.

Among the prisoners of conscience arrested in previous years who were held throughout the year was Chief Moshood K.O. Abiola. Generally acknowledged as the winner of annulled presidential elections in 1993, he was arrested on treason charges in June 1994 (see *Amnesty International Report 1995*). He was denied visits from relatives, and his doctor, Ore Falomo, was briefly detained in April, apparently because he had made public Moshood Abiola's deteriorating health and harsh conditions of detention. Charges of treason against some leading NADECO members were withdrawn in February and others released on bail on treason charges in 1994 were not tried.

Trade union leaders and other pro-democracy activists arrested in 1994 also remained in detention without charge or trial throughout 1995 (see *Amnesty International Report 1995*).

Major-General Zamani Lekwot and other members of the Kataf ethnic group sentenced to death for murder in early 1993 after unfair trials by a Civil Disturbances Special Tribunal (see *Amnesty International Reports 1993 and 1994*) were unconditionally released in September. Their death sentences had been commuted in August 1993.

Torture and ill-treatment of political prisoners were widespread and at least one detainee died as a result. Defendants in political trials were held incommunicado, with no safeguards against torture or ill-treatment. The special courts which tried them failed to conduct impartial investigations into allegations that statements were made under coercion, and admitted such statements as evidence. Clement Tusima, a member of the Ogoni community held without charge since May 1994, died in August after months of illness and medical neglect in detention; no action was taken to bring those responsible to justice. Baribor Bera, executed in November following conviction by the Civil Disturbances Special Tribunal, showed the Tribunal scars from beatings

received at the Kpor detention centre in Ogoniland. He said he was stripped naked, tied to a pillar, flogged with a horsewhip and forced to swallow teeth knocked out by beatings.

Several of the defendants accused of involvement in the alleged March coup plot were reportedly tortured or ill-treated during interrogation in order to obtain incriminating statements. A statement reportedly used in evidence against Generals Obasanjo and Yar'Adua was refuted before the Special Military Tribunal on the grounds that it was made under coercion.

Torture and ill-treatment of criminal suspects were also widespread. In October the High Court in Ondo State sentenced two policemen to death following their conviction on charges of torturing and killing a detainee; their appeals were believed to be still pending at the end of the year.

The widespread use of the death penalty continued. At least 95 executions and 46 death sentences were reported in 1995. Most had been imposed by Robbery and Firearms Tribunals, special courts outside the normal judicial system which cannot guarantee fair trials and allow no right of appeal. In July, 43 prisoners convicted of armed robbery were publicly executed by firing-squad in Lagos. One of the victims was reportedly shot 10 times before he died. Another, Mohammed Saleh, told reporters before he died that he had been held under sentence of death since 1979. There were further executions in Adamawa, Akwa Ibom, Delta and Lagos states.

Amnesty International appealed to the authorities throughout the year to release prisoners of conscience, to ensure fair trials for all political prisoners, to end torture and ill-treatment and to stop all executions. In September it published a report, *Nigeria: The Ogoni trials and detentions*, describing the detention, ill-treatment and unfair political trials of members of the Ogoni community. In October it published *Nigeria: A travesty of justice - secret treason trials and other concerns*, which detailed the repression of pro-democracy activists and other critics of the government.

OMAN



Up to 139 political prisoners, including possible prisoners of conscience, were released in an amnesty in November. All were serving lengthy prison sentences imposed after unfair trials in 1994. New information was received suggesting that some of them had been tortured or ill-treated following arrest.

In April Sultan Qaboos Bin Sa'id issued a decree regulating conditions of residence in Oman for foreign nationals, which included provisions on the right to political asylum. This appeared to be the first time political asylum had been incorporated into Oman's legislation.

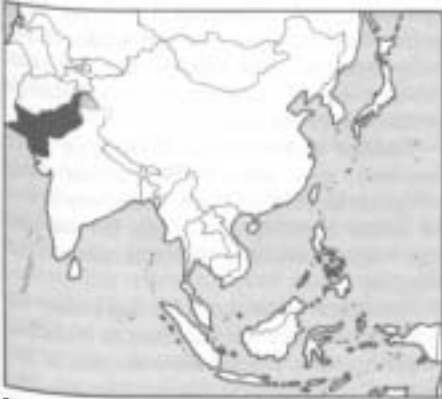
Up to 139 political prisoners, including possible prisoners of conscience, were released in November following an official amnesty on the 25th anniversary of Oman's national day. All had been serving long prison sentences in al-Ramis prison in Muscat. They were among around 160 prisoners sentenced after unfair trials in November 1994 (see *Amnesty International Report 1995*) accused of having links with an illegal Islamist organization. They included Salim al-Ghazali, a religious scholar, and 'Abd al-Qadir 'Ali 'Umar Ba'Umar, a director of education planning in Dhofar, who were each serving a 20-year sentence. They had reportedly been convicted on charges which included "sedition", "threats to the unity of society" and "use of Islam for destructive ends", after a trial which fell far short of international standards for fair trial. The court was apparently composed mainly of members of the government. Trial hearings were held *in camera* and the defendants were not allowed any legal

assistance. There were reports that the evidence against them consisted mainly of confessions obtained under duress. None of the defendants were apparently allowed to appeal against their convictions and sentences to a higher tribunal.

New information came to light that many of those released had been subjected to torture or ill-treatment following their arrest in May and June 1994 and during interrogation while held in incommunicado pre-trial detention. Some detainees were allegedly forced to stand in the heat of the sun for lengthy periods, while others were said to have been stripped naked during their interrogation.

Amnesty International received no response from the government to its request for information about the arrest and trial of political prisoners in 1994 (see *Amnesty International Report 1995*). Following the release of political prisoners in November, the organization wrote to the government welcoming this positive move and seeking details about the terms of the amnesty.

PAKISTAN



Dozens of prisoners of conscience were held. Scores of people were detained without charge or trial after security operations, particularly in Sindh Province. Torture, including rape, was widespread, reportedly leading to at least 70 deaths. Judicial punishments of flogging and amputation were imposed and fetters continued to be used. Scores of people who had allegedly "disappeared" remained unaccounted for. At least 85 people were extrajudicially executed. At least 48 people were sentenced to death, including

five in absentia. Five prisoners were executed, two of them in public. Armed opposition groups committed human rights abuses, including torture and deliberate and arbitrary killings.

Violent conflict between different ethnic, religious and political groups continued, particularly in Karachi, capital of Sindh Province, where at least 1,950 people were killed. The Government of Benazir Bhutto encouraged police to use "ruthlessness" in combating what it described as "terrorists".

Ordinances were promulgated to enable provincial governments to use the army and the paramilitary Rangers for law and order operations and to give them police powers of arrest and interrogation during such operations. An ordinance promulgated by President Farooq Leghari in April created an exception to the rule against admissibility of confessions made in police custody for those tried under the Terrorist Affected Areas Ordinance. Bar associations and human rights groups protested as they feared this would encourage police to use ill-treatment or torture to obtain confessions.

In April the cabinet approved a bill introducing procedural changes to curb the abuse of the law against blasphemy. In June it approved a bill abolishing the death penalty and the punishment of flogging for anyone below the age of 15. In October it approved a bill banning public flogging for certain offences. None of the three bills had been approved by parliament at the end of the year. The Qisas and Diyat Ordinance, which permits forms of cruel, inhuman or degrading punishment, remained in force.

In July the government announced the establishment of a Ministry for Human Rights. The Human Rights Cell in the Ministry of Law reported that it had investigated 5,000 cases of human rights violations in 1994. Its spokesperson said that there were no political prisoners in the country. Several departmental and judicial inquiries into human rights violations were set up during 1995 but only one conviction was reported. Two police officers were sentenced to 14 years' imprisonment in Quetta for causing a death in custody.

In August the cabinet approved the ratification of the UN Convention on the Elimination of All Forms of Discrimination against Women, with a reservation to

those articles which allegedly conflict with Islamic traditions.

Scores of people, many of whom were possible prisoners of conscience, were arrested during cordon and search operations by police and paramilitary Rangers in Karachi. Relatives of people wanted by the police were often held for days when those sought could not be found.

Several journalists were detained for writing articles critical of the government and appeared to be prisoners of conscience. Journalist Zafaryab Ahmad was arrested on 5 June along with several members of the Bonded Labour Liberation Front of Pakistan (BLLF) and charged with sedition after writing about bonded labour and the murder of child activist Iqbal Masih in April. Zafaryab Ahmad was released on bail in August. His trial had not begun by the end of the year.

At least 35 Ahmadis were charged with religious offences including blasphemy, which carries a mandatory death penalty. Bail was difficult to obtain for Ahmadi defendants, leading to prolonged pre-trial detention. At least three Ahmadis were prisoners of conscience. Nasir Ahmad from Nankana in Punjab Province was sentenced to six years' imprisonment. The court in Sheikhpura held that he had "posed as a Muslim" by using Islamic terms of blessing on a wedding invitation card and had deliberately outraged the religious feelings of Muslims.

Three prisoners of conscience sentenced to death on charges of blasphemy were acquitted. Arshad Javed, a Muslim man, was arrested in 1989 after opposing protests against British writer Salman Rushdie and claiming to be Christ. Although he was certified as mentally ill, he was tried and sentenced to death in February 1993. He spent five years in jail, two of them on death row, before being acquitted in January. Salamat Masih, who was only 12 years old at the time of his alleged offence in May 1993, and Rehmat Masih, were sentenced to death for blasphemy on 9 February. On 23 February the Lahore High Court acquitted them. They left the country after Islamists protested against the acquittal and demanded their deaths. The case relating to the murder in April 1994 of Manzoor Masih, their co-accused, proceeded slowly as key witnesses received death threats (see *Amnesty International Report 1995*).

Scores of people were detained on political grounds without charge or trial after security operations, particularly in Sindh Province. Most were held for a few days before being released.

Torture, including rape, in police, military and judicial custody continued to be widespread, leading to at least 70 deaths. Javed Masih, arrested in August on a charge of theft in Hyderabad, Sindh Province, was reportedly beaten, kicked, subjected to electric shocks and had kerosene oil forced into his anus. He died three days later. Police reportedly hung his body by the neck to create the impression of suicide, but later asserted that he had died of heart failure. Although a doctor testified that Javed Masih had died of torture, and his family registered a complaint, none of the accused police officers were reported to have been arrested by the end of the year.

Victims of rape in custody found it difficult to obtain redress. Razia Masih, arrested in August for robbery and held in the police superintendent's house in Shahdampur, was raped by three police officers. Owing to police pressure, a doctor refused to issue a medical certificate to support her allegation, making it impossible for her to register a complaint of rape. Four police officers were charged with unlawfully confining and injuring her and then released on bail. Their trial had not started by the end of the year.

Dozens of sentences of flogging were imposed, most often for sexual and drug offences. In July Zameen Khan was given 10 lashes in public in Karachi for possessing drugs. A medical officer monitored the flogging.

Prisoners were held in leg-irons, including cross-bar fetters, often in violation of prison rules which allow the use of fetters only in specific circumstances. The Sindh government's appeal against the High Court decision of December 1993 prohibiting the use of fetters was still pending in the Supreme Court. In April the Lahore High Court ordered fetters on 28 children awaiting trial in Punjab Province to be removed, but no action was taken against prison staff for using them in violation of prison rules.

Islamic courts functioning in Malakand Division since December 1994 sentenced three men in June to have their right hands and left feet amputated for robbery.

They were permitted to appeal to the Federal Shariat Court; the punishments had apparently not been carried out by the end of the year.

The *Mohajir Qaumi Mahaz* (MQM), Mohajir Qaumi Movement, claimed that hundreds of party members had "disappeared" since 1992. Rais Fatima, an MQM worker, "disappeared" in June during a train journey to Lahore; her whereabouts remained unknown for four months. Her fellow traveller, MQM parliamentarian Qamar Mansoor, was later found to be in detention in Adiala Jail in Rawalpindi, held on a charge of sedition. His lawyer failed to gain access to him.

At least 85 people were reportedly extrajudicially executed but police often claimed that their deaths occurred in armed "encounters". On 10 October, four MQM activists who had been arrested weeks earlier were supposedly taken by police to identify a hiding place in Nazimabad in Karachi. According to police, the four prisoners, who were fettered and handcuffed, were shot dead in an ambush by armed militants, but no police were injured. The non-governmental Human Rights Commission of Pakistan investigated the incident and contradicted the official version. It declared that the killings were "part of what appears to be the law enforcement agencies' on-going practice of eliminating those they consider hardened criminals or terrorists". An official inquiry had not published any findings by the end of the year.

Other people were killed when police deliberately failed to protect them. In April, two members of the Ahmadiyya community were attacked on court premises in Shab Qadar, North West Frontier Province, where they intended to post bail for an imprisoned Ahmadi. Riaz Ahmad was stoned to death and dragged through the streets by an angry crowd; his uncle was seriously injured. Throughout the attack, police stood by passively. A complaint was lodged, but police apparently did not begin investigations.

At least 48 people were sentenced to death, mostly for murder, five of them *in absentia*. Five prisoners were executed. Despite a government decision in February 1994 to end public executions, Mush-taq Arain and Mohammad Juman were executed in July in Karachi and Hyderabad jails respectively in front of hundreds

of prisoners who were forced to watch. Eid Wali, imprisoned on death row in Muzaffarabad District Jail, Azad Kashmir, since 1969, had his death sentence commuted in March. He had repeatedly been told that his execution was imminent.

A judge in Swabi, North West Frontier Province, in May directed that Jahangir, convicted of murder, should be executed by the heirs of the victim as *qisas* (punishment equal to the offence). The father of the murdered woman teacher was to shoot him dead in the school playground where the crime had been committed. The execution was stayed pending a decision of the Peshawar High Court on the question of whether or not public executions were compatible with human dignity.

Dozens of people were allegedly tortured or deliberately and arbitrarily killed by armed groups on account of their ethnic or religious identity. The victims included relatives of police officers and people suspected of being police informers. In addition, dozens of bodies were found in Karachi, often blindfolded, tied up and with torture marks, apparently killed solely to spread fear in the city.

In January Amnesty International published a report, *Pakistan: The Pattern persists - Torture, deaths in custody, "disappearances" and extrajudicial executions under the PPP government*, which said that the government of the Pakistan People's Party (PPP) had not done enough in its first 15 months in office to safeguard human rights. Amnesty International also called for the death sentences on prisoners of conscience Salamat Masih and Rehamt Masih to be set aside and for them to be released, and for everyone involved in their case to be adequately protected. In March Amnesty International issued a report, *Pakistan: The death penalty for juveniles*, urging abolition of the death penalty for children, in accordance with Pakistan's obligations under the UN Convention on the Rights of the Child, which it ratified in 1990. Following the murder of child activist Iqbal Masih in Muridke in April, Amnesty International called for an independent investigation into his death.

In May Amnesty International published *Pakistan: "Keep your fetters bright and polished": The continued use of bar fetters and cross fetters*, urging the authorities to review legislation governing the use of fetters and to stop their unlawful

use. In the same month it published *Pakistan: Executions under the Qisas and Diyat Ordinance*, expressing concern about particularly inhuman and degrading forms of punishment.

Amnesty International in March, May and August called on armed opposition groups to observe minimum humanitarian standards, while noting that the difficulties of dealing with such groups may never serve as an excuse for the government to commit human rights violations. The government denied in several letters to Amnesty International in August and September that law enforcement personnel were responsible for human rights violations. The government said that several of those killed in alleged "encounters" were criminals responsible for "terrorist acts".

In its November report, *Pakistan: Appeal to ban public flogging*, Amnesty International called on all parties to end this punishment and in its December report, *Women in Pakistan: Disadvantaged and denied their rights*, Amnesty International urged the government to take measures to safeguard the human rights of women.

PANAMA



There were allegations of ill-treatment of detainees. New legal proceedings were initiated against a former military leader and six of his closest supporters.

There were widespread strikes and protests in August against the policies of the government of President Ernesto Pérez Balladares. Some of the protests became violent, and by the end of August, four workers had reportedly been killed, an unknown number injured, and over 300 protesters detained for short periods.

In September President Pérez announced a further pardon for people associated with General Manuel Noriega's administration (see *Amnesty International*

Report 1995). Another 130 people were pardoned on the grounds that the time they had spent in prison, or with proceedings pending against them, exceeded the maximum sentence if convicted. Many had been charged with crimes such as corruption. However, the Attorney General filed a writ claiming the pardons were unconstitutional.

There were allegations of ill-treatment of detainees. Twelve detainees arrested during the August demonstrations were reportedly beaten and denied medical care. Magistrates in the province of Chiriquí reportedly punished Guayamí men, women and children involved in land claims or accused of petty misdemeanours or failure to pay fines, by binding them to stocks for periods of up to five days. Higher authorities in Chiriquí were apparently aware of the practice but did nothing to stop it.

In April, nine Guayamís, including a 12-year-old boy and a pregnant woman, were briefly arrested without warrant during a demonstration against incursions by mining companies. The detainees complained that legal proceedings against them were not completed within the time limits specified by Panamanian law, that they were held incommunicado, and that *habeas corpus* petitions were not acted on.

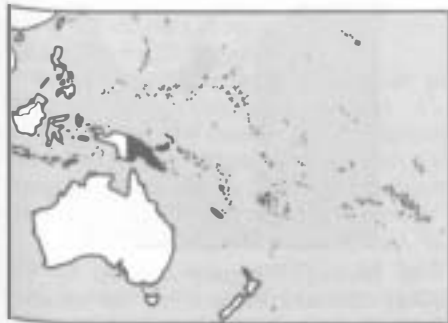
Former Panamanian Defense Forces chief General Noriega, already convicted *in absentia* of murder (see *Amnesty International Reports 1990 and 1995*), was charged with responsibility for the extrajudicial executions of 12 soldiers who participated in a 1989 coup attempt. Also charged were six of his closest associates.

In response to queries from Amnesty International about irregularities in the case of the Guayamís arrested in April, the government announced an inquiry into the land dispute.

PAPUA NEW GUINEA

There were continued reports of torture and ill-treatment by members of the security forces, resulting in the death of at least one person. At least five people were believed to have been extrajudicially executed by members of the security forces

on Bougainville and in other areas of the country. The government failed to clarify previous "disappearances" and extrajudicial executions on Bougainville. A death sentence was passed for the first time since the reintroduction of the death penalty for wilful murder in 1991, but no executions were carried out. An armed secessionist group reportedly committed human rights abuses, including deliberate and arbitrary killings.



In April the government of Prime Minister Sir Julius Chan established a Bougainville Transitional Government following negotiations to end the seven-year conflict on the island of Bougainville. By the end of the year, this initiative had not secured the full support of key leaders of the secessionist Bougainville Revolutionary Army (BRA), and fighting continued between the BRA and the Papua New Guinea Defence Force (PNGDF) and government-backed paramilitary Resistance Forces. In May the government announced an amnesty for all those who had committed crimes during the Bougainville conflict, including members of the government security forces, the Resistance Forces and the BRA. While the scope of the amnesty remained unclear by the end of the year, it was understood that it could offer impunity to those responsible for human rights violations.

In March the UN Commission on Human Rights adopted a resolution about Bougainville, calling on the Papua New Guinea Government to allow the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture to visit the island and report on the human rights situation there.

In October the Special Rapporteur on extrajudicial, summary and arbitrary executions went to Papua New Guinea to

meet government officials and to conduct investigations into extrajudicial executions, but he did not travel to Bougainville. Continuing reports of extrajudicial executions by the security forces and deliberate and arbitrary killings by the BRA on Bougainville were difficult to confirm because of continued restrictions on access to the island.

There were continued reports of torture and ill-treatment by the police and members of the PNGDF. In August a Catholic priest, Father Nawata, was reportedly detained and beaten by members of the PNGDF on Bougainville. He was released in September following intervention by PNGDF headquarters.

In October villagers in Banz, Western Highlands, lodged a complaint with the Public Complaints Unit alleging that police had shot unarmed villagers in the context of a land dispute and had beaten a young man to death in custody. The youth had been arrested on suspicion of stealing a police weapon. The Western Highlands police commissioner announced an inquiry into the allegations, but by the end of the year it was not clear what action had been taken.

There were further reports of extrajudicial executions of civilians by the police and the PNGDF. In February Pyakalu Iliyato, a shop assistant, was reportedly shot dead by police during a raid on an illegal market in the capital, Port Moresby, when he refused to enter a police vehicle. The police immediately announced an inquiry into the shooting, but its outcome was not known by the end of the year. In August Win Tumu Paguk was shot dead by members of the PNGDF on the University of Papua New Guinea campus in Port Moresby during a protest by students. An inquiry was launched into the incident and a soldier was reportedly arrested as a result. By the end of the year, however, it was not known whether any member of the PNGDF would be tried in relation to the incident. In October, three former members of the BRA were allegedly shot while they were sleeping by the Resistance Forces in south Bougainville.

In February a PNGDF commander announced that an inquiry would be launched into the killings of Damien Ona, Apiato Bobonung and Robert, and the "disappearance" of Shane Seeto, on Bougainville in December 1994. However,

no progress appeared to have been made on the inquiry by the end of the year.

Despite statements by the government expressing its commitment to investigating human rights violations, no information was made public about investigations into other human rights violations which had occurred since the beginning of the conflict on Bougainville, including extrajudicial executions and "disappearances".

In February Charles Ombusu, convicted of rape and wilful murder, became the first person to be sentenced to death since the death penalty was reintroduced for wilful murder in 1991. Prime Minister Sir Julius Chan stated his opposition to the death penalty shortly after the sentence was handed down, but specific comment on the case was prohibited as *subjudice* by the Chief Justice. By the end of the year, an appeal to the Supreme Court against the conviction and the death sentence remained unresolved.

The BRA reportedly committed human rights abuses including deliberate and arbitrary killings of unarmed individuals. Individual incidents were difficult or impossible to verify because of restrictions on access to the island.

In a report published in February, *Bougainville: Political killings and "disappearances" continue*, Amnesty International expressed continued concern over extrajudicial executions and "disappearances" on Bougainville and urged the government to conduct a full and impartial inquiry into the December 1994 incident and to allow independent human rights monitors access to the island. An Amnesty International request to investigate the human rights situation on Bougainville, sent to the government in November 1993 and renewed in February 1995, remained unanswered.

PARAGUAY

A protester was shot dead and several others were injured when police violently broke up a demonstration. Peasant leaders and their lawyers were threatened and intimidated in the context of land disputes. Four conscientious objectors were arbitrarily detained and tortured. There were reports that police had beaten or otherwise ill-treated criminal suspects

during arrest or in custody, and of harsh prison conditions amounting to cruel, inhuman or degrading treatment. Prosecutions for past human rights violations continued although little progress was made in investigating recent abuses.



In January Paraguay acceded to the (First) Optional Protocol to the International Covenant on Civil and Political Rights.

There were renewed reports of serious confrontations between hundreds of landless peasant families and specialist police units in several areas of the country. Peasant communities attempting to establish land claims were violently expelled from land they had occupied by police personnel, sometimes operating in conjunction with armed civilians reportedly paid by landowners. In many cases forcible expulsion was accompanied by mass arrests, sometimes without judicial order, and the ill-treatment of detainees. The majority of detainees were released without charge or trial after weeks or months in custody. Over 50 peasant farmers were arrested without judicial warrant when police violently expelled 500 families from land they had occupied in Puente Kyhá, Canindeyú department, in May. The detainees, many of whom were ill-treated, were released without charge days later.

In September Pedro Giménez, a peasant farmer, was shot dead when agents of the Ecological and Rural police attempted to break up a demonstration of peasant farmers in the locality of Santa Rosa de Aguaray, San Pedro department. Sixteen other demonstrators and three police agents were injured in the incident. According to eye-witnesses, the police first fired tear-gas and then opened fire on the protesters who were blocking a main road.

Protesters responded by throwing stones and other projectiles at the police. The demonstration had been organized to support over 600 families who had occupied a property in Santa Bárbara, district of Nueva Germania, San Pedro department, in August. Alberto Alderete, a lawyer representing the peasant farmers in Santa Bárbara, received repeated anonymous death threats after he presented a formal criminal complaint accusing the Minister of the Interior, the Chief of Police and several other officials of responsibility for the death of Pedro Giménez.

Reports of torture and ill-treatment of detainees by the police continued. Although in several cases formal criminal complaints were lodged and judicial investigations opened in some cases, those responsible were not brought to justice.

Although conscientious objection to military service is a constitutional right, four conscientious objectors were among those arbitrarily detained and tortured. César Barrios, who was a member of the *Movimiento de Objeción de Conciencia* (MOC), Conscientious Objection Movement, was detained by army personnel on 4 November. At the time of his detention, César Barrios was travelling to the town of Pirapey, Itapúa department, to attend a meeting on conscientious objection in the home town of Victor Hugo Maciel, a conscript who had been killed on 2 October while completing his military service. César Barrios was taken to the *III División de Caballería*, 3rd Cavalry Division, in Ciudad del Este. He was held for 24 hours during which he was beaten and threatened with death while soldiers interrogated him about the MOC's activities and the names of members. Three other conscientious objectors were briefly detained earlier in the year by members of the National Police and subjected to ill-treatment including having their heads shaved and forced labour.

Criminal suspects were frequently subjected to ill-treatment at the time of arrest. Esteban Ferreira was beaten by a local police commander and several police agents in February when police agents entered the bar he owned searching for three escaped criminals. According to Esteban Ferreira, he was kicked and beaten before being arbitrarily arrested, handcuffed and dragged 50 metres along the ground. A medical examination found injuries con-

sistent with Esteban Ferreira's claims of ill-treatment.

Conditions in some detention centres and prisons were reported to amount to cruel, inhuman or degrading treatment. For example, in the juvenile prison "Panchito López" in Asunción, minors were held in grossly inadequate conditions with insufficient food in severely overcrowded, insanitary cells with few washing facilities, little exercise or fresh air and lack of proper medical care. In March over 180 juveniles, the majority of whom were on remand, were held in "Panchito López", a one-storey building constructed as a residence for a family of eight.

Judicial investigations continued into torture and deaths in custody of political prisoners under the government of General Stroessner (see previous *Amnesty International Reports*). In April Pastor Coronel, the former head of the Police Investigations Department (DIP-C), and former DIP-C official Lucilo Benítez, were each sentenced to 12 years and six months' imprisonment for the attempted murder and torture of political opposition activist Alberto Alegre Portillo in 1975. Pastor Coronel and Lucilo Benítez were already serving three prison sentences for murder and other serious human rights violations.

An Amnesty International delegate visited Paraguay in March to assess the progress of human rights related reforms. The delegate held talks with representatives of the government and non-governmental organizations.

In September Amnesty International asked the government to institute a full and impartial investigation into the possible excessive use of force when police broke up the demonstration in Santa Rosa de Aguaray, resulting in the death of Pedro Giménez and the wounding of 16 other people. Amnesty International expressed concern at the death threats against lawyer Alberto Alderete and asked the government to take measures to guarantee his safety and to bring those responsible to justice.

In November Amnesty International appealed to the government to undertake a full and impartial investigation into the arbitrary detention and torture of conscientious objectors. No reply had been received by the end of the year.

PERU



Thousands of unresolved cases of human rights violations perpetrated by members of the security forces and civilian officials over the past 15 years were definitively closed by law. Twenty-six prisoners of conscience and some 500 possible prisoners of conscience remained in prison. At least 5,000 political prisoners were serving prison sentences after unfair trials. Cases of torture continued to be reported. Nine people were reported to have "disappeared". The armed opposition continued to deliberately and arbitrarily kill civilians.

The armed opposition groups *Partido Comunista del Perú* (*Sendero Luminoso*) (PCP), Communist Party of Peru (Shining Path), and *Movimiento Revolucionario Túpac Amaru*, Túpac Amaru Revolutionary Movement, remained active, but on a reduced scale compared with previous years. However, much of the country remained under a state of emergency.

Between late January and March there were armed skirmishes between Peru and Ecuador over a long-standing border dispute (see *Ecuador* entry). Scores of Ecuadorian civilians were detained in Peru by the security forces. By July the last of these prisoners had been released.

In July President Alberto Fujimori began a second five-year term in office after elections in which his political party, *Cambio 90-Nueva Mayoría*, Change 90-New Majority, won an outright majority in Congress.

Peru's anti-terrorism laws, despite further amendments passed by Congress in April, continued to fall short of international fair trial standards (see *Amnesty*

International Reports 1993 to 1995). The amendments included restoring the right of suspects to have prompt access to a lawyer and to have the lawyer and a representative of the Public Ministry present when suspects make statements to the police. Legislation remained in force allowing the identities of judges and prosecutors to remain secret and for military courts to try civilians charged with treason.

Congress passed a law on 14 June granting a general amnesty to all members of the security forces and civilian officials "who find themselves the subject of a complaint, investigation, indictment, trial or conviction", or who were serving prison sentences, for human rights violations committed between May 1980 and 14 June 1995. As a result of a ruling by a judge that the amnesty law was inapplicable to an ongoing investigation into the 1991 Barrios Altos massacre (see below), a further law was passed on 28 June which prohibited the judiciary from deciding on the legality or applicability of the amnesty law.

The government justified both laws as contributing to Peru's pacification and national reconciliation. However, according to opinion polls the measures were rejected by a wide section of the Peruvian population. They were also strongly condemned by Peruvian and international human rights organizations, some foreign governments and international governmental organizations. In August the UN Special Rapporteurs on extrajudicial, summary or arbitrary executions, on torture, and on the independence of the judiciary, and the Chairman of the UN Working Group on Enforced or Involuntary Disappearances, jointly wrote to the Peruvian Government. The UN experts stated that both laws "favour impunity [and] are contrary to the spirit enshrined in human rights instruments, including the Vienna Declaration approved by the World Conference on Human Rights on 25 June 1993". The experts also concluded that the second law, in prohibiting the judiciary from reviewing the amnesty law, "violates the basic principles of the rule of law". In August the chairman of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities endorsed the UN experts' statement and added that the Sub-Commission would

examine a draft resolution on the amnesty laws in 1996. In November, 20 members of Congress submitted a bill repealing those articles of the amnesty laws which benefited human rights violators and seeking to create a *Comisión de Verdad*, Truth Commission, to investigate violations of human rights and of humanitarian law since May 1980. The bill had not been debated by the end of the year.

In August Congress approved a law outlining the basic structure and functions of the *Defensoría del Pueblo*, Ombudsman's Office, a new institution charged with upholding human rights. The law provided for the Ombudsman's Office to inspect establishments run by the Peruvian National Police but not by the armed forces. By the end of year the Ombudsman's Office and the new *Tribunal de Garantías Constitucionales*, Tribunal for Constitutional Guarantees, another government institution relevant to the protection of human rights, had yet to come into operation.

Peru retained a law in the 1993 Constitution which extended the scope of the death penalty. According to an Advisory Opinion by the Inter-American Court of Human Rights issued in December 1994, "the promulgation of [such] a law ... is a violation of [the American Convention on Human Rights]" (see *Amnesty International Report 1994*).

By the end of 1995 the government had failed to establish the commission, first announced in August 1994 to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, to review cases of prisoners said to have been falsely accused of "terrorism".

The June amnesty laws closed thousands of unresolved human rights cases documented between May 1980 and June 1995, including at least 5,000 "disappearances" and extrajudicial executions, and hundreds of cases of torture, ill-treatment, death threats and intimidation (see *Amnesty International Reports 1981 to 1995* and below). Unresolved cases included allegations that police tortured eight trade union leaders from Cuzco department detained on anti-terrorism charges in April 1981; the killing of eight journalists and their guide by peasants, reportedly ordered to do so by the army, in Uchuraccay, Ayacucho department, in August 1983; the "disappearance" of at least 100

inmates from two prisons in Lima, the capital, following an operation by members of the security forces to quell an uprising by PCP militants in June 1986; the detention and massacre by soldiers of some 30 peasants from the town of Cayara, Ayacucho department, in May 1988; the massacre of 12 men, three women and one child in the courtyard of a house in Barrios Altos, Lima, in November 1991; the killing of 31 peasants in three separate incidents during a major army offensive against PCP strongholds in the Alto Huallaga region of Huánuco in April 1994; and the possible "disappearance" of university student José Clemente Cigüeñas Linares, following his abduction by four men dressed as civilians, in a street in Lima in January 1995. The amnesty laws also pardoned those few members of the security forces serving prison sentences for their involvement in human rights violations. For example, within days of the laws coming into force, members of the army who were widely believed to belong to the "death squad" *Grupo Colina*, and who had been imprisoned for their part in the murder of nine students and a professor from La Cantuta University in July 1992, were freed (see *Amnesty International Reports 1993 to 1995*). Amnesty International deplored the two amnesty laws and called on the government to have the laws immediately repealed.

Following public criticisms of the amnesty laws by human rights defenders, several received anonymous death threats. For example, in November, 10 human rights activists received a wreath for their own funeral signed by "the Colina family", a reference to the *Grupo Colina* "death squad".

Twenty-six prisoners of conscience and at least 500 possible prisoners of conscience remained in prison at the end of the year. Among them was Eugenio Bazán Ventura, who had been held for 17 months before being sentenced in March 1994 to 30 years' imprisonment. He had been convicted on the basis of uncorroborated claims by the police that he had participated in the laying of land mines near the village of Araqueda, in the province of Cajabamba, Cajamarca department. Witnesses testified that Eugenio Bazán, who was allegedly tortured and forced to sign a confession by the police, was not present in the village on the day the mines were

laid. His appeal before the Supreme Court of Justice was still pending at the end of the year.

Seven prisoners of conscience were released during the year. They included Santosa Layme Béjar, released in February, and María Elena Foronda and Oscar Díaz Barboza, released in October (see *Amnesty International Report 1995*). However, the Supreme Court of Justice was reported to have overturned High Court verdicts acquitting some 300 former prisoners of conscience and possible prisoners of conscience charged with "terrorism", because of administrative and procedural errors during High Court hearings. As a result these prisoners faced renewed detention and retrial. For example, prisoners of conscience Juan Alberto Huapaya Palomino and César Augusto Sosa Silupú were redetained in July and November respectively after the Supreme Court of Justice overturned their acquittals by a High Court. Retrials were still pending at the end of the year.

Peru's anti-terrorism laws continued to fall far short of international fair trial standards. According to official figures, since 1992 more than 5,000 prisoners had been convicted of "terrorism" and sentenced to imprisonment. All were denied the right to have their cases heard in public and to cross-examine members of the security forces involved in their detention and interrogation. Hundreds of such prisoners were tried before military tribunals.

Complaints of torture by detainees suspected of "terrorism" continued to be filed. In August a military patrol reportedly arrested 32 men and nine women from the village of Chaluayacu, district of Pólvora, San Martín department, and transferred them to a military base in the town of Tocache. A group of soldiers were said to have beaten and threatened to kill them with their firearms. The following day the men were apparently beaten on their buttocks and backs with a strip of wood and a sand-filled leather tube. Pedro Rodríguez Miranda survived near-drowning in a water-tank and strangulation with a cord. All the detainees were said to have been forced to sign a document in which they admitted to being "subversives". By the end of September all but four of the 41 detainees had been released. A complaint about their treatment was filed before a provincial prosecutor in Tocache.

Dozens of Ecuadorian civilians detained by members of the security forces in the context of the border conflict with Ecuador were also reported to have been tortured. For example, Ecuadorian journalists Ramiro Cueva and Pablo Reyes were detained near Puerto Pizarro, Tumbes department, on 12 February. They were taken to a nearby naval base where they were undressed, handcuffed, and buried in sand up to their necks. Ramiro Cueva was apparently punched in the stomach and kicked in the testicles and Pablo Reyes had electric shocks applied to his chest. On the same day, both were released without charge.

Nine people were reported to have "disappeared". They included five people detained by members of the Navy in three villages in the rainforest province of Pedro Abad, Ucayali department, between January and April.

Dozens of civilians were deliberately and arbitrarily killed by the PCP. Many of those killed had been previously tortured. Among the victims were local officials, community leaders and captured members of civil defence patrols. In February members of the PCP were reported to have detained and killed seven people during three separate attacks near the towns of Aucayacu and Tingo María, Huánuco department. Four civilians died and at least 16 others were injured when a car bomb, attributed to the PCP, exploded in May in the residential and commercial district of Miraflores, Lima.

Amnesty International appealed to the authorities to bring to justice members of the security services responsible for the thousands of unresolved human rights violations perpetrated over the past 15 years. The organization also appealed to the authorities to release all prisoners of conscience immediately and unconditionally, to bring the anti-terrorism laws into line with international fair trial standards, and to abolish the death penalty. The authorities responded to many appeals for the release of prisoners of conscience, giving information about the legal situation of the prisoner.

In February Amnesty International wrote to the Minister of Justice, to the president of Congress and to the president of the Congressional Human Rights and Pacification Commission requesting information about special measures to

review cases of prisoners falsely accused of terrorism. The authorities did not reply to the request.

Also in February, Amnesty International urged the authorities to ensure that the security forces fully respected the human rights of Ecuadorians detained in the context of the border conflict with Ecuador and to initiate a prompt and effective investigation into the alleged torture of the two Ecuadorian journalists detained in Puerto Pizarro.

Amnesty International called on the armed opposition to end human rights abuses and to fully abide by humanitarian standards enshrined in Common Article 3 of the four Geneva Conventions of 1949.

Amnesty International published two reports, *Peru: Reforms of anti-terrorism laws fail to match international human rights standards* and *Women in Peru: Rights in jeopardy*, in October and in November respectively.

In an oral statement to the UN Commission on Human Rights in February, Amnesty International included reference to its concerns about unfair trials and torture in Peru.

PHILIPPINES



Over 200 political prisoners, including some possible prisoners of conscience, remained in detention. Reports of widespread ill-treatment of criminal suspects by police continued. There was a decline in the number of human rights violations committed in the context of the insurgency, but dozens of people were reported to have been extrajudicially executed and at least four people "disappeared" allegedly while in police or military custody.

At least 68 people were sentenced to death but no executions were carried out. Armed opposition groups committed human rights abuses, including hostage-taking and deliberate and arbitrary killings.

Efforts by President Fidel Ramos' government to hold formal peace talks with the National Democratic Front (NDF), representing the Communist Party of the Philippines (CPP) and its armed wing the New People's Army (NPA), remained stalled. Peace negotiations with the Muslim separatist Moro National Liberation Front (MNLF) progressed slowly; in November the two sides held a further round of inconclusive talks on the creation of an autonomous region in Muslim-populated areas of the southern island of Mindanao. In October the government reached an agreement granting full amnesty to the right-wing military rebel *Rebolusyonaryong Alyansang Makabansa* (RAM), Revolutionary Nationalist Alliance, responsible for a series of failed coups against the government of former President Corazon Aquino. No compensation for the relatives of over 150 people killed in the coup attempts was agreed.

In September the government and representatives of 10,000 victims of human rights violations under the government of former President Ferdinand Marcos agreed to accept a compromise US\$ 100 million damages settlement to be paid out of a US\$ 2 billion award made against the Marcos estate by a federal court in Hawaii, USA, in 1994. Serious disputes over the implementation of the proposed settlement continued at the end of the year.

Over 200 political prisoners were released but at least 209 remained in detention at the end of the year. The government continued to claim that there were no political prisoners in the Philippines, and that all detainees were held for criminal not political offences, in particular the illegal possession of firearms. Some detainees were possible prisoners of conscience: they had been detained after peaceful political activities and were allegedly falsely accused of belonging to an armed group or possession of firearms.

Despite periodic government attempts to dismiss officers of the Philippine National Police (PNP) who committed human rights violations, there were scores of incidents of ill-treatment of criminal

suspects. The police practice of arresting criminal suspects without warrant remained widespread. Criminal suspects were frequently "invited" for questioning, then held in prolonged administrative detention before the laying of formal charges, by law required within 12 to 36 hours, depending on the seriousness of the offence. Such suspects were particularly vulnerable to police ill-treatment and torture, including near-drowning and electric shocks. In April Manolo Cuntapay, a farmer charged with theft and detained in Cauayan jail, Isabela province, was allegedly beaten with a shovel and burned with cigarettes by three policemen. In March Jerry Butial was arrested in Manila on suspicion of being a member of the communist assassination unit "Alex Boncayao Brigade". He was reportedly beaten and subjected to water torture by police attempting to extract a confession.

There was an overall decline in levels of insurgency and in related human rights violations committed by government personnel. However, despite the government's stated commitment to the protection of human rights, periodic human rights violations by security force personnel continued. Human rights worker Julius Marquez was abducted by armed men believed to be members of the Military Intelligence Group of the Armed Forces of the Philippines (AFP) on 6 January in Ilocos Sur province. He was held incommunicado and allegedly threatened with "disappearance". Julius Marquez claimed that he was intimidated into signing a document applying for amnesty as an NPA member before being released into the custody of a local politician on 13 January.

In April community health worker Noel Campilan "disappeared" in Davao del Norte province, amid allegations that he had been targeted by members of the security forces for alleged links to the NPA. No information regarding his whereabouts had emerged by the end of the year.

In August, eight civilians – all members of the Manobo indigenous group – were killed during an alleged military exercise in Agusan del Sur province. Military aircraft reportedly strafed and bombed a Manabo hamlet, although the civilian inhabitants attempted to wave white cloths. Military officials later claimed the exercise was part of an anti-insurgency operation.

In what appeared to be a clear case of "salvaging" (the term used in the Philippines for extrajudicial executions), 11 suspected members of a bank robbery gang were reportedly shot dead in Manila in May while in police custody. Investigations by the Senate and the National Bureau of Investigation (NBI) implicated 98 police officers, including four police generals. Charges of murder were filed by the Ombudsman against 27 of the officers in November.

Despite the official cease-fire with the MNLF, AFP operations against suspected renegade MNLF units and members of the Muslim separatist group *Abu Sayyaf*, especially on the island of Basilan, led to indiscriminate bombings of civilian areas, "disappearances" and arbitrary arrests.

Security force personnel suspected of human rights violations were rarely brought to justice and public confidence in the judiciary remained at a low ebb. Intimidation of witnesses, at times combined with offers of compensation, frequently led to "amicable" settlements out of court. Trials related to complaints about human rights violations remained subject to long delays, with cases being transferred to various courts or stalled. In January a regional trial court transferred the case of Gary Dalayhon, a 16-year-old street child who was shot dead in July 1993 after being questioned by members of the PNP, to the *Sandiganbayan* Court in Manila. This court, set up to deal with cases against government officials, had not considered the case by the end of the year. In July former militia member Agustin Agpawan, one of those involved in the killing of human rights activist Chris Batan, who was shot dead in February 1993, was finally sentenced to life imprisonment (see *Amnesty International Report 1995*). However, five of his co-accused remained at large. Meanwhile, the whereabouts of the overwhelming majority of those who "disappeared" under the governments of former Presidents Ferdinand Marcos and Corazon Aquino remained unknown. No government personnel believed responsible were brought to trial.

Between 1993, when the death penalty was restored, and the end of 1995, over 90 people were sentenced to death for a range of crimes including murder, rape and drug-trafficking, including at least 68 in 1995. No executions took place, partly

because of disagreements over methods of execution.

Armed opposition groups were responsible for human rights abuses. In Mindanao, alleged members of the *Abu Sanyaf* group led an attack on Ipil town in April killing over 50 people, including civilians. The *Abu Sanyaf* group and suspected members of other armed opposition groups continued to kidnap civilians for ransom. NPA attacks on government targets and reports of human rights abuses by NPA guerrillas continued to decline. However, in December the "Alex Boncayao Brigade" ambushed three Chinese-Filipino businessmen in Manila, accusing them of labour abuses. Four people were killed in the attacks.

Throughout the year Amnesty International called for the government to conduct independent and impartial investigations into cases of alleged extrajudicial executions, "disappearances" and ill-treatment or torture. The organization called for those responsible to be brought to justice without excessive delay, and for the reinforcement of the witness-protection program. Amnesty International welcomed the conclusion of the case against Chris Batan's murderer, but expressed concern over the fact that his accomplices remained at large. The organization called for the rapid dismantling of militia groups and asked the Defence Secretary to clarify the deaths of eight Manobo people. No substantive reply had been received by the end of the year. Amnesty International called for all death sentences to be commuted.

POLAND

Three people were sentenced to death.

The Constitutional Committee of the National Assembly continued to work throughout the year on a new constitution. There was criticism from President Lech Wałęsa of proposals to reduce presidential powers and from the Catholic Church because the proposed draft did not refer to Catholic precepts and values.

In July the government approved a draft law abolishing the death penalty and introduced life imprisonment. In November a five-year moratorium on the death penalty came into force.

During the year suspected perpetrators of past human rights abuses were brought to trial. In April General Wojciech Jaruzelski and 11 other former senior communist officials were indicted for the killings of 44 protesting workers in Gdansk and Gdynia in 1970. In May, two former police officers went on trial in Warsaw for the killing of Grzegorz Przemysk, a 19-year-old high school student, in 1983 (see *Amnesty International Report 1984*). Another officer in the same case was charged with withholding evidence.



Three people were sentenced to death for murder. The sentences were passed in April, May and June.

Amnesty International called on the authorities to commute the death sentences and welcomed the steps taken towards the abolition of the death penalty.

PORTUGAL



There were further allegations of torture and ill-treatment by law enforcement officers. Judicial inquiries into such allegations were very slow. Hearings were

opened in the trials of some law enforcement officers charged with ill-treatment but were subject to frequent delays.

In May the European Committee for the Prevention of Torture, established under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment to examine the treatment of people deprived of their liberty, carried out a second visit to follow up the criticisms and recommendations made after its 1992 visit (see *Amnesty International Report 1995*).

There were further allegations of torture and ill-treatment. The practices most commonly alleged were kicking, punching and beating with truncheons. Complaints of verbal abuse were also common. Most of the reported incidents resulted from officers behaving in a violent, arbitrary and undisciplined way when faced with petty incidents and misunderstandings with the public.

In June Joaquim Teixeira, a computer specialist from Vila Real, alleged that he and a friend had been ill-treated by officers of the *Polícia de Segurança Pública* (PSP), Public Security Police. They had been sitting outside a club in the early hours of the morning and Joaquim Teixeira was playing a harmonica. The police told him to stop and ordered both men to show their identity cards. Joaquim Teixeira claimed the officer insulted him and an argument ensued. He said he was threatened with a beating and then hit in the stomach with a truncheon. When he tried to seize this he was hit in the face. He was arrested, handcuffed and taken to a police station, where he claimed that he was beaten with a truncheon, kicked and punched by a group of officers, and that his friend was punched in the face. Joaquim Teixeira was then taken to a hospital, which issued a medical certificate noting that he was a "victim of aggression", that he was vomiting, required stitches to three head wounds and had injuries to his back, chest, sides and face. He was taken back to the police station and charged with assaulting officers and resisting arrest. A judge released him on bail.

In July Duarte Teives, a renowned Lisbon lawyer, complained that PSP officers had assaulted him in front of witnesses. He and his wife had parked their car in front of the city hall, where his wife worked and for which she had a special

parking permit. When the officers challenged them she went to fetch the permit and Duarte Teives remained with the car. The officers insisted he move it, which he refused to do. When they threatened him with arrest he replied that the order was unlawful. Duarte Teives alleged that an officer then pushed him violently to the ground, handcuffed him and threw him into the back seat of the patrol car with such force that when he hit the opposite door it opened. He said an officer then kicked him in the testicles and in the leg, fracturing it, and that during transfer to the police station he was repeatedly slapped in the face. He was finally taken to the cells in the building of the Civil Government, escorted, at his request, by senior officials to guarantee his safety. He was later charged with resisting arrest, failing to identify himself, insulting the police and damaging a police car. He was then freed and taken to hospital, where he remained for 24 hours.

Inquiries into such allegations were slow, and trials subject to many delays. In May the Military Tribunal in Lisbon sentenced five officers of the paramilitary *Guarda Nacional Republicana* (GNR), National Republican Guard, to terms of imprisonment for using unnecessary violence against Francisco Carretas and Arnaldo Brandão in 1992 (see *Amnesty International Reports 1994 and 1995*). The trial had first opened in November 1994 but was suspended on three separate occasions because of the officers' failure to attend. The senior officer, a corporal, was sentenced to 14 months' imprisonment and four other soldiers were each sentenced to one year's imprisonment. Two soldiers were acquitted for lack of evidence. One of the soldiers found guilty had already received a suspended sentence for assault in another case. The court found that Francisco Carretas and Arnaldo Brandão had been detained by the GNR in Almada in February 1992 and taken first to the GNR post and later to a neighbouring wood where they were punched, kicked and beaten with truncheons. Francisco Carretas was treated in hospital for a fractured coccyx, and injuries to his neck, right ear, scalp, buttocks, chest, ribs and spine. His friend suffered injuries to his rib-cage and back (see *Amnesty International Reports 1994 and 1995*). The officers were released pending appeals. In

December the Supreme Military Tribunal upheld the convictions.

The court hearing in the trial of six GNR officers charged with causing physical harm to Paulo Portugal by assaulting him in 1991 (see *Amnesty International Report 1993*) opened in November.

Amnesty International urged the authorities to ensure that all allegations of torture and ill-treatment were promptly and thoroughly investigated and that those responsible were brought to justice. In August Amnesty International wrote to the Minister of Justice seeking information about the progress of the inquiry by the Ombudsman, announced in 1992, into the *Polícia Judiciária* (PJ), Judicial Police. The inquiry was to look into 32 separate complaints of ill-treatment by PJ officers in the Lisbon and Coimbra area (see *Amnesty International Reports 1994* and *1995*). Amnesty International had received no information about the results of this inquiry by the end of the year.

ROMANIA



At least four prisoners of conscience were held. There were reports of torture and ill-treatment by law enforcement officers, resulting in at least one death. There were shootings by police officers in disputed circumstances, resulting in at least one death.

In January the decision of the Constitutional Court concerning Article 200, paragraph 1, of the Penal Code (see *Amnesty International Report 1995*) came into force allowing for the prosecution of adults who engaged in consenting homosexual relations, but only if such acts were committed in public or resulted in "public

scandal". The ruling, which did not provide guidelines for applying these standards or define "public scandal", could lead to the imprisonment of adults solely for engaging in consensual homosexual relations in private.

The Romanian Parliament continued to work on the revision of the Penal Code throughout the year (see *Amnesty International Report 1995*). It adopted an amendment to Article 200, paragraph 1, reflecting the Constitutional Court's ruling. Several other amendments approved by the Chamber of Deputies in November imposed excessive restrictions on the right to freedom of expression. However, in November the Chamber of Deputies rejected the draft law as a whole.

In July a resolution of the European Parliament urged the Romanian Government to respect its obligations under international human rights treaties. The resolution also called on the Romanian Government to "abandon tolerance of nationalist violence... by ensuring that the police and security forces are no longer immune from prosecution in cases where they failed to take action against outbreaks of nationalist violence". In particular, it emphasized the need for improved human rights education of the police and security forces.

In December Council of Europe rapporteurs visited Romania to assess implementation of recommendations made on Romania's admission to the organization.

At least four people were imprisoned solely because of their homosexuality. They were prisoners of conscience. Valentin-Walter Stoica had been sentenced under Article 200, paragraph 1, in April 1993 to 18 months' imprisonment for engaging in a homosexual act with another prisoner with whom he shared a prison cell. He did not serve this sentence concurrently with the penalty imposed for a previous conviction for theft because of an apparent breach of criminal procedure. He was imprisoned again in August 1994 and conditionally released in April 1995.

Adrian Dabija was sentenced by the court in Constanța to two years' imprisonment for engaging in a consensual homosexual act with another man in April 1994. In July Cătălin Bucur and Ștefan Ciocârlan were arrested in Focșani and held in preventive detention pending an investigation under Article 200, paragraph

1. In October the Ministry of Justice reported that 14 men had been imprisoned under this law during 1993 and 1994.

There were frequent reports of torture and ill-treatment of detainees, although relatively few official complaints of ill-treatment were made. Investigations were seldom thorough and impartial and were often unnecessarily obstructed and prolonged by inadequate methods of gathering evidence. Prosecutors did not exercise sufficient control over police officials who participated in investigations into alleged abuses committed by their colleagues. Only rarely were cases brought to court. Two army officers were brought to trial in Bucharest in September for the killing of Andrei Frumuşanu and Aurica Crăiniceanu in 1991 (see *Amnesty International Reports 1993 to 1995*).

Robert Radu was reportedly tortured during interrogation in Constanţa in January. He was allegedly beaten with a club on the arms, legs and head by a police officer and suffered a fractured shin. The officer then dictated a statement, which Robert Radu wrote down, before taking him to hospital. The officer reportedly threatened to kill Robert Radu unless he said that he had injured himself falling down the stairs. The officer threatened Robert Radu on several subsequent occasions after he had filed a complaint about his torture.

In April Viorel Constantin was punched and kicked by police officers and civil guards outside a bar in Tândărei, Ialomiţa county. He had complained to one of the civil guards who several days earlier had kicked his 14-year-old son, Catalin, because he did not have an identity card. According to a medical certificate, Viorel Constantin suffered multiple bruising and scratches on the chest and the back, a cracked collar-bone and a ruptured ear-drum.

In July in the village of Gura Văii a police officer arrested 16-year-old Gabriel Mitu on suspicion of theft. Alfred Pană, the boy's stepfather, inquired about the reasons for the arrest and was handcuffed and taken to the Sudiţi police station. Gabriel Mitu was reportedly slapped and punched in the face, beaten on the hands with a rubber truncheon, and coerced into signing a confession. Gabriel Mitu later stated that before he and his stepfather were separated, he had seen his stepfather

being beaten by the police chief and his assistant, who had hit Alfred Pană's head against the wall. When they were released the following day, Alfred Pană's head was bruised and his face was smeared with blood. He complained of headaches and abdominal pains and several witnesses confirmed that he also had difficulty walking. Two days later Alfred Pană died. A nurse, accompanied by two police officers who had been involved in the ill-treatment of Alfred Pană and Gabriel Mitu, examined the body and concluded that Alfred Pană's death was caused by "a cardio-respiratory arrest, second degree hypertension and intoxication with ethyl alcohol". The police officers then made Alfred Pană's sister sign a statement renouncing the family's right to demand an autopsy.

Many victims of ill-treatment were Roma. In most instances such treatment appeared to be racially motivated. Many of the victims were either not aware of their right to file complaints, or believed that to do so would only worsen their situation. Some were openly threatened by law enforcement officers. This was further compounded by a pattern of impunity for law enforcement officers responsible for ill-treating Roma or for failing to protect Roma adequately from racist violence. In May information came to light that an investigation into a violent attack by soldiers on Roma in Bucharest in 1992 (see *Amnesty International Reports 1993 and 1995*) concluded that "the soldiers acted in legitimate self-defence". In August the Bucharest Military Prosecutor dropped all charges against three officers for lack of evidence. They had been under investigation for their conduct during racist violence in Hădăreni in September 1993 when two Roma were killed and one burned to death (see *Amnesty International Reports 1994 and 1995*).

Indiscriminate beatings by police officers allegedly searching Roma neighbourhoods for criminal suspects were reported in March in a suburb of Bucharest, in August in Botoşani and Acâş, in Satu Mare county, and in September and October in Bălteni, in Dâmboviţa county.

Police officers also failed to protect Roma adequately from racist violence. In January, 20 police officers observed a group of villagers incite anti-Roma violence in Băcu. They failed to prevent the

group from setting fire to three Roma houses and destroying another house which was under construction. There was no investigation into the conduct of the police officers. The authorities stated that their intervention was "firm and adequate".

There were also reports of possible excessive use of force by police officers resulting in at least one death. In January Nicolae Sebastian Balint was observed by two police officers in Băile Herculane while allegedly trying to steal a car. When ordered to leave the vehicle, he reportedly attacked a police officer and started to run away. The officer pursued Nicolae Sebastian Balint, ordered him to stop and then fired a warning shot. The next shot hit Nicolae Sebastian Balint and he died on the way to Orșova hospital. In June Marcel Ghinea, a 17-year-old Rom, was shot and wounded by a police officer in Voluntari while allegedly attempting to steal goods from a parked vehicle. In August Marian Constantin Voșan was shot and wounded by police officers in Arad as he was running away. He had been observed by police officers holding a car wheel and ordered to give himself up. In September Mihai Ciobanu was shot three times in the thigh and foot by police officers after he was reportedly caught stealing from a car in Bucharest.

Amnesty International urged members of parliament throughout the year to ensure that the revised Penal Code was consistent with Romania's legal obligations under international human rights treaties. In February Amnesty International called on President Ion Iliescu to ensure that the authorities took all necessary measures to protect Roma in Băcu from further racist violence and to initiate an investigation into the conduct of police officers who had failed to protect Roma adequately. The organization also urged the President to initiate an independent inquiry into all incidents in which law enforcement officers had failed to adequately protect Roma lives and property in Romania since 1990. Amnesty International repeatedly called for the immediate release of prisoners detained under Article 200, paragraph 1. It urged the authorities to investigate reports of torture and ill-treatment and to bring those responsible to justice. In May Amnesty International published a report, *Romania: Broken commitments to human*

rights, in which it made extensive recommendations regarding legislative and judicial reforms, the prevention of torture and other ill-treatment of detainees as well as the effective protection of Roma from racist violence. In October Amnesty International published a report describing the Romanian authorities' response and the organization's outstanding concerns.

The authorities made public information on people imprisoned under Article 200, paragraph 1. They also responded giving information about investigations into reports of torture and ill-treatment. Following the publication of Amnesty International's report in May, the Chief of the General Police Inspectorate criticized the organization for being systematically misinformed and denied all allegations of ill-treatment or inadequate conduct by police officers. In October the authorities released reports by the Ministry of the Interior, the General Prosecutor's Office and the Ministry of Justice. In most cases of alleged torture or ill-treatment by police officers new investigations had been initiated. In one case of excessive use of force, which took place in 1994, a police officer was charged with manslaughter.

RUSSIA



At least two conscientious objectors may have been imprisoned. There were numerous allegations of torture and ill-treatment in detention. Prisoners awaiting trial were held in conditions which amounted to cruel, inhuman or degrading treatment, resulting in one instance in the death of 11 prisoners. Human rights violations by government forces in the context of the conflict in the self-proclaimed Chechen Republic-Ichkeriya continued to be reported, including detention without trial, torture and ill-treatment, and extrajudicial executions. At least 28 people were reported to have been judicially

executed and a further 34 who had their petitions for clemency turned down faced imminent execution. An estimated 500 to 600 prisoners were believed to be held on death row. There were reports of inadequate legal protection for refugees and asylum-seekers. Forces loyal to Chechen President Dzhokhar Dudayev were reported to have killed at least 40 civilians and taken hundreds hostage.

In March the State Duma voted to remove Sergey Kovalyov as Commissioner for Human Rights of the Russian Federation (see *Amnesty International Report 1995*), reportedly because of his criticism of the Russian Government's military activity in the Chechen Republic.

A peace agreement signed by Russian and Chechen negotiators in July included provisions for an immediate cessation of hostilities. However, peace had not been restored to the region by the end of the year.

On 17 December there was a general election to the State Duma. Of 43 competing parties and blocs, four – the Communist Party, Liberal Democratic Party, "Our Home is Russia" and "Yabloko" – received the five per cent vote share necessary to qualify for seats in the Duma.

A new Russian Criminal Code had not been adopted by the end of the year. Although drafts of the new Code had proposed limiting the scope of the death penalty, in April and May two articles were added to the existing Criminal Code which extended the scope of the death penalty.

In July the UN Human Rights Committee examined the fourth periodic report of the Russian Federation on implementation of the International Covenant on Civil and Political Rights. The Committee made recommendations on the treatment of minorities, legal reform, the death penalty and treatment of women, and expressed concern about human rights violations in the context of the conflict in Chechnya.

Parliament again failed to introduce the necessary enabling legislation or to amend the Criminal Code to reflect the constitutional right of conscientious objectors to a civilian alternative to compulsory military service. Young men continued to risk imprisonment for refusing their call-up papers on grounds of conscience. A number of serving conscripts deserted to avoid involvement or further participation in

military operations in the Chechen Republic. In May two conscripts, Aleksandr Vasilkov and Ruslan Kurdyukov, were returned to Russian jurisdiction from Lithuania, where they had sought asylum because they did not wish to take part in military operations "against the Chechen people". It was feared that on their return to Russia they may have been detained on account of their conscientiously held beliefs.

There were numerous allegations of torture and ill-treatment in detention, both in criminal cases and in the context of the conflict in Chechnya. The presidential Human Rights Commission stated in its second report on human rights practices in Russia, covering 1994 and 1995, that, "in 1994, more than 20,000 Interior Ministry employees were disciplined for breaking the law when conducting investigations and interrogations, and there is reason to believe that this figure seriously underestimates the real scale of violations". Reports from the autonomous Republic of Mordovia indicated that torture and ill-treatment of criminal suspects under investigation were routine. At least 20 cases came to light during the year. Members of the Criminal Investigation Department (CID) of the Ministry of Internal Affairs were reported to have beaten Nikolay Andreyevich Abramov following his arrest in April 1994 on suspicion of theft. He was reportedly subjected to torture methods called the "envelope" (in which the victim's legs are pulled up to the head), and the "swallow" (in which the victim's back is arched painfully).

There were numerous allegations of torture and ill-treatment in the so-called "filtration points" used to hold people detained in connection with the Chechen conflict. According to reports, Magomed Maksharipovich Meyriyev, an ethnic Ingush, was punched, kicked and beaten with rifle butts and truncheons by Russian soldiers at various locations while detained from 3 January to 15 February. Magomed Meyriyev was eventually released with 14 other people who had also reportedly been beaten.

Several allegations of rape were made against Russian forces in the Chechen Republic. It was reported that in January four masked Russian soldiers entered the house of Olga Sokulova in the village of Assinovskaya, ransacked it and raped her.

No investigation was known to have taken place into these allegations.

A preliminary investigation by the Main Military Procuracy into the deaths of four naval cadets in January 1993 (see *Amnesty International Report 1994*), concluded that the deaths were a result of negligence and abuse of power by officials. By May 1995, 11 naval personnel and a civilian had been tried and convicted in connection with the deaths, although their sentences were not known. One criminal case against a senior officer was closed as a result of an amnesty.

The conditions in some pre-trial prisons amounted to cruel, inhuman or degrading treatment. In July, 11 prisoners reportedly died of heat stroke in an overcrowded prison in Novokuznetsk, Kemerovo region, where up to 25 people were being held in cells meant for 10, and the air temperature in the facilities was as high as 48 to 51°C. In October the Chairman of the State Duma Security Committee stated that as many as 274,700 people were held in prisons and remand centres throughout Russia, although these institutions were designed to hold only 173,800.

Human rights violations carried out by government forces in the context of the conflict in the Chechen Republic included detention without trial, torture and ill-treatment (see above) and extrajudicial executions.

During the Budennovsk hostage crisis in June (see below), two ethnic Chechens – Khamad Kurbanov, President Dudayev's representative in Moscow, and Ramzan Muzayev, secretary of the *Chechen-Press* information agency – were detained in Moscow. They were held for a month without charge, under a 1994 presidential decree which contravenes the Russian Constitution.

In April about 250 civilians, including women and children, were reportedly killed by Russian forces who were attempting to capture the town of Samashki, near the Chechen capital of Grozny. Russian troops allegedly burned down houses and threw grenades into basements where residents had taken cover, in an operation described by the International Committee of the Red Cross as "an indiscriminate attack against civilians and a flagrant violation of humanitarian law". The three daughters of Bekist Abdullayeva were reportedly among those killed when Russian

soldiers threw a grenade into the basement where the family was sheltering from a bombardment. Soldiers in tanks and armoured vehicles had closed off the street and advanced, destroying and burning each house as they went. Those hiding in her house screamed out that there were no men in the basement, but soldiers threw in grenades without checking who was inside.

Throughout the year hundreds of death sentences were passed, and at least 28 executions were carried out. According to the Ministry of Internal Affairs, 16 executions were carried out in 1995. However, according to unofficial sources in the Presidential Clemency Commission, the number of executions in 1995 was 90. It was also reported that every year the Russian courts pass more than 200 death sentences. Amnesty International learned that since March 1992, when the Clemency Commission was first established, 338 petitions for clemency had been upheld. However in 1995 there was a decline in the number of successful petitions for clemency. In November, 34 prisoners reportedly had their petitions – the last resort against execution – turned down by President Boris Yeltsin, and faced imminent execution. The President reportedly granted clemency to only five prisoners during 1995. Amnesty International estimated that between 500 and 600 prisoners were held on death row at the end of the year.

Reports indicated that legal provisions for refugees and asylum-seekers were inadequate. In September Lee Sen Yen, a citizen of the Democratic People's Republic of Korea (DPRK) serving a prison term in Russia, was returned to the DPRK by the Russian authorities, reportedly under an agreement allowing prisoners to be sent to serve their sentences in their home country. He had requested asylum in the former Soviet Union on at least two occasions, and a decision on his most recent request, made in 1993, was never taken. It was feared that Lee Yen Sen, who alleged that he was subjected to torture in police detention in his home country in the 1970s, could face further human rights violations.

Forces loyal to Chechen President Dudayev were reported to have killed at least 40 civilians. On 14 June a group of armed Chechens under field commander Shamil

Basayev, who stated that he was acting independently and without the knowledge or permission of President Dudayev, were reported to have killed at least 40 civilians in the town of Budennovsk and taken hostage some 1,000 civilians at the local hospital. Some hostages were reportedly forced to act as human shields for Chechen fighters during a subsequent assault on the hospital by Russian government forces.

The head of the Information Service of the Chechen Republic announced that in March a captured Russian serviceman had been killed by Chechen forces. Nikolay Bairov, a pilot, was said to have been sentenced to death by a Chechen court-martial for staging an air raid on the town of Shali.

Amnesty International urged the government to release any conscientious objectors held as prisoners of conscience, and to introduce a civilian alternative to military service for conscientious objectors.

The organization urged the authorities to initiate thorough and impartial investigations into all allegations of torture and ill-treatment in detention, including the 11 deaths in custody in Novokuznetsk, to make the results public, and to bring to justice those responsible.

In a report, *Armed conflict in the Chechen Republic: Seeds of human rights violations sown in peacetime*, the organization urged the Russian authorities to hold a comprehensive and impartial investigation into the deliberate killings of civilians during the conflict in the Chechen Republic; to make public the results of that investigation; to bring those responsible to justice; and to take steps to protect non-combatants in accordance with international law.

The organization asked the authorities for information concerning the detention of Khamad Kurbanov and Ramzan Muzayev and urged that the men be released if they were not to be charged with a recognizably criminal offence.

Amnesty International continued to urge the Russian President to commute all death sentences. The organization urged the Government of Russia to introduce an immediate moratorium on all executions and to abolish the death penalty.

Amnesty International called on the authorities to ensure that no asylum-seekers

were returned to countries where they could face human rights violations, and to ensure the effective protection of asylum-seekers by adhering to fair and satisfactory asylum procedures which meet international standards.

Amnesty International urged General Dzhokhar Dudayev to condemn publicly human rights abuses by Chechen forces and to take steps to ensure that no forces under his command committed such acts in future. The organization also called on the Chechen authorities to ensure that all detainees were treated humanely.

RWANDA



Tens of thousands of people accused of having participated in genocide and other crimes against humanity in 1994 were detained without charge or trial, bringing the total detained since July 1994 to over 62,000 people. Only seven were brought to court but their trial was adjourned. Many were detained in appalling conditions; over 2,300 died in detention between July 1994 and the end of 1995. Torture was common in unofficial detention centres. There were frequent reports of "disappearances". The army extrajudicially executed hundreds of civilians. Three soldiers were sentenced to death but no executions were reported. Armed opposition groups committed grave human rights abuses.

Growing divisions over human rights issues emerged within the government of President Pasteur Bizimungu. Officials who criticized the Rwandese Patriotic Army (RPA) were increasingly deprived of influence. In March the chief prosecutor for Kigali fled to Belgium; he had been

repeatedly threatened after denouncing human rights violations by the army. Prime Minister Faustin Twagiramungu and four ministers, including the Ministers of the Interior and of Justice, were forced out of the government in August.

The judicial system remained paralysed following the 1994 massacres (see *Amnesty International Report 1995*). In July the Transitional National Assembly rejected the draft legislation which would have allowed foreign judicial experts to work in Rwanda. In October, six judges were appointed to the Supreme Court, removing one major obstacle to the operation of the judicial system.

There was increased tension in western Rwanda, near the border with Zaire, as the RPA reinforced its presence in response to increased armed attacks by exiled forces of the former Rwandese government army and the *interahamwe* militia.

The UN Human Rights Field Operation for Rwanda reached its full strength of 150 human rights monitors in February, but did not make public either the results of its investigation into the 1994 genocide or reports on current human rights abuses. The UN Assistance Mission for Rwanda (UNAMIR) had its mandate, which included training a new police force, extended. The UN High Commissioner for Human Rights, the UN Special Rapporteur on Rwanda and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions visited Rwanda. The International Criminal Tribunal for Rwanda, established by the UN in 1994, made slow progress as a result of limited funding and the failure of states to enact legislation permitting cooperation with the tribunal. Investigations to establish criminal responsibility for the 1994 massacres were initiated and six judges were elected in May. The first indictments against eight people were issued in December. In August the UN Security Council lifted the arms embargo on the Government of Rwanda until 1 September 1996. In October the UN established an international commission of inquiry to investigate reports of military training and arms transfers to former Rwandese government forces, based mainly in Zaire.

Nearly two million, mostly Hutu, refugees remained in exile in Tanzania, Zaire and Burundi. Members of the former Rwandese government army and the *interahamwe* militia responsible for mass kill-

ings in 1994 were reportedly rearming and retraining in exile. They launched numerous cross-border raids from Zaire and Tanzania (see below). They also used violence and threats to prevent refugees from returning to Rwanda. Few refugees returned during the year, and the governments of Zaire and Tanzania expressed increasing frustration at the burden of hosting hundreds of thousands of refugees. In late August Zairian officials forcibly returned around 13,000 Rwandese refugees. After negotiations with the UN High Commissioner for Refugees, the Zairian Government agreed to suspend the forcible repatriations (see *Zaire* entry).

Tens of thousands of people, mostly Hutu, were arrested and accused of involvement in genocide. Many were arbitrarily detained on the basis of little or no evidence, or following unsubstantiated allegations. By November the total number detained since July 1994 and held without charge or trial had reached more than 62,000. Committees set up to recommend the release of those against whom there was insufficient evidence failed to release more than around 100 prisoners, some of whom were rearrested. Among those detained was 12-year-old Augustin Minani, who was apparently arrested because soldiers believed his brother had participated in massacres. He was arrested with five other boys in September 1994 and badly beaten. Two nuns, Bernadette Mukarusine and Marie Mukanyangezi, were apparently falsely accused by a family that had recently returned to Rwanda and occupied their convent. They were still held in Kigali prison at the end of the year.

Only one trial in connection with the 1994 massacres started during the year. Seven defendants, including a teenage boy, appeared before the High Court in April, but the trial was adjourned the same day after prosecution documents were found to be incomplete. Six of the seven defendants reportedly had no legal counsel.

Conditions in prisons and detention centres were extremely overcrowded and insanitary. In the first few months of the year, seven prisoners were reportedly dying every day in Kigali Prison. In March, 22 people died from suffocation after more than 70 detainees were crowded into a single cell designed for 10 at the Muhima Gendarmerie building in

Kigali. Gitarama Prison, which was built for 600 inmates, held 6,847 when Amnesty International delegates visited it in June. Among the inmates were over 100 children and 20 babies with their mothers. There were no sanitary facilities and cells were so overcrowded that prisoners could not lie down. An extension to Gitarama Prison finally opened in November. In June, the government identified several new prison buildings to relieve overcrowding but only three had been opened by the end of the year, with international assistance. By November around 4,500 prisoners had been transferred to a new prison site at Nsinda, in the southeast.

Many detainees were tortured after being arrested, usually before being moved to official prisons. The commonest methods were beatings and *kandoya* (three-piece tying), where the victim's arms are tied behind the back above the elbows. In May a 17-year-old boy known as Bendera was tortured by soldiers several times a day in a military detention centre in Gisenyi, where he was held for two weeks before being transferred to another detention centre and finally to Gisenyi Central Prison.

There were frequent reports of "disappearances". Efforts to trace the "disappeared" were hampered by the lack of official or complete registers of detainees. Among those whose fate and whereabouts remained unknown was Manassé Mugabo, a journalist at Radio UNAMIR, who "disappeared" in August and was feared dead. It was thought that he may have been targeted because of his work as a journalist broadcasting news about the situation in Rwanda.

The army extrajudicially executed hundreds of unarmed civilians. The worst single incident was at Kibeho camp for the internally displaced where on 22 April soldiers opened fire on a crowd which was refusing to move from the camp. Several thousand women, men and children were shot, bayoneted or trampled to death in the ensuing stampede. The number of victims was disputed; the government put the figure at 360, while independent estimates ranged from 2,000 to 8,000. An international commission of inquiry into the incident published a report in May. The commission, which did not comply with international standards for such investigations, failed to determine

the number of fatalities and concluded that both soldiers and armed extremists within the camp had been responsible for the killings. By the end of the year the government had still not announced the findings of its own inquiry.

Troops killed at least 110 people when they opened fire on villagers in Kanama, in the northwest near the border with Zaire, on 12 September. The majority of the victims were women and children. The killings were apparently in reprisal for the alleged killing of an RPA lieutenant by an armed group. Several people were reportedly arrested in connection with the killings but the government had not published the results of its inquiry by the end of the year.

Several local government officials and other public figures who spoke out against human rights abuses were killed. Official involvement was not always clear but a pattern of killings committed by, or with the complicity of, members of the army emerged. Pierre-Claver Rwangabo, the regional administrator of Butare prefecture, was killed in March, after protesting publicly against mass arrests by soldiers. No official inquiry was known to have taken place. Judge Bernard Nikuze, acting President of the High Court in Butare, was killed in August; the motives for his assassination were unclear but he was known to have spoken out against human rights violations. At least two soldiers were arrested in connection with his death. Prisoners released from detention on grounds of insufficient evidence were also targeted. In July Placide Koloni, a sub-regional administrator in Gitarama prefecture, was killed in his home together with his wife, two daughters and a family servant. Soldiers were reportedly seen near his house at the time of the murders. Placide Koloni had been dismissed from his post by the previous government, apparently because he had tried to protect people during massacres, then reinstated by the new government. He was arrested in February and accused of participating in the 1994 killings, but released on the recommendation of a screening committee. He was killed three days later.

Two RPA soldiers were sentenced to death by court-martial in May after an unfair trial for alleged involvement in an attack on the Tanzanian Embassy in 1994. These were the first death sentences

passed by a new military tribunal since the government came to power. A third soldier, a sergeant, was sentenced to death for murder in December. The sentences had not been carried out by the end of the year.

Armed opposition groups, made up of members of the former Rwandese government army and *interahamwe* militia, continued to commit grave human rights abuses, including deliberate and arbitrary killings. These abuses were committed both in refugee camps in Tanzania and Zaire and during frequent armed incursions into Rwanda. For example, Dr Anatole Bucyendore, a regional medical officer and head of the AIDS prevention program in Rwanda, was shot dead and his two-year-old child stabbed to death in Gisenyi in February. While in a refugee camp in Goma, Zaire, Dr Anatole Bucyendore had been warned that he would be killed by the *interahamwe* if he returned to Rwanda. In September armed groups operating from camps in Tanzania killed a number of civilians in Kibungo in south-eastern Rwanda. The victims included young children such as Makobwa, a six-year-old girl, who was hacked to death with a machete.

Amnesty International repeatedly appealed to the government to bring an end to mass arbitrary arrests, detention without charge or trial, torture, "disappearances" and extrajudicial executions. The organization also condemned human rights abuses by armed opposition groups. An Amnesty International research team was based in Rwanda from January to July to investigate past and recent human rights abuses in Rwanda, Burundi and eastern Zaire. Amnesty International visited the region again in September to investigate human rights issues facing refugees.

In an oral statement to the UN Commission on Human Rights in February, Amnesty International included reference to its concerns in Rwanda.

In April, a year after the start of the mass killings in 1994, Amnesty International published a report, *Rwanda: Crying out for justice*, which highlighted the failure of the Rwandese authorities and the international community to bring to justice those responsible for the genocide and other human rights violations.

Amnesty International expressed disap-

pointment in May at the report of the international commission of inquiry into the massacre at Kibeho.

In June Amnesty International published a report, *Rwanda: Arming the perpetrators of the genocide*, expressing concern about large supplies of weapons reaching armed opposition groups in eastern Zaire, who were committing further human rights abuses, and calling on governments to prevent the supply of arms to the former Rwandese government armed forces and militia who, as in 1994, were likely to use the weapons to commit further human rights abuses.

Amnesty International called on foreign governments to provide more support for the International Criminal Tribunal for Rwanda and to assist in the reconstruction of Rwanda's judicial system. In June the organization publicly appealed to the Organization of African Unity (OAU) to call on its Member States to cooperate with the International Criminal Tribunal for Rwanda.

Amnesty International condemned the forcible repatriation of Rwandese refugees from Zaire in August and called on the international community to help end the humanitarian and human rights crisis in the area.

In September Amnesty International published a report, *Rwanda and Burundi: A call for action by the international community*, which examined the role of the UN and OAU in helping to restore respect for human rights, and addressed recommendations for action to the UN, OAU and governments around the world.

SAINT LUCIA



The first execution since 1986 was carried out. No new death sentences were imposed. Eight prisoners remained under sentence of death at the end of the year.

The first execution since April 1986 took place when Joseph Solomon, sentenced to death for murder in 1994, was hanged on 17 October. An earlier death sentence imposed on Joseph Solomon for rape and murder in 1979 had been commuted and he was released from prison in 1993 after serving 14 years of a life sentence. The Attorney General issued a public statement after the execution, expressing the view that the resumption of hangings would have a deterrent effect on crime.

No new death sentences were imposed. Eight prisoners, all convicted of murder, remained under sentence of death.

Amnesty International wrote to the Saint Lucia authorities in October expressing deep regret at the execution of Joseph Solomon. It urged the government to commute the death sentences of those remaining on death row and to take steps to abolish the death penalty.

SAINT VINCENT AND THE GRENADINES



The first executions for four years were carried out when three prisoners were executed on the same day. Three prisoners remained under sentence of death.

Three prisoners were hanged for murder on 13 February, the first executions since 1991. The warrants were issued only four days before, allowing little time to appeal. Only when an attorney for one of the prisoners was alerted and lodged an unsuccessful application for a stay of execution did it become known that the prisoners were due to be executed.

It was believed that two of the prisoners, David Collins and Franklyn Thomas, had not been able to pursue final appeals

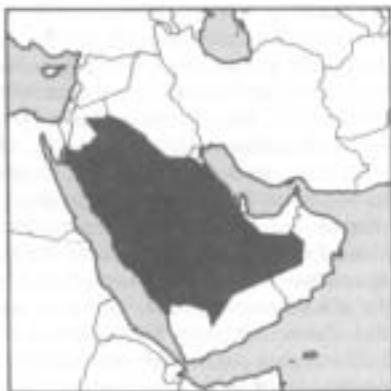
to the Judicial Committee of the Privy Council in London, the final court of appeal for Saint Vincent and the Grenadines, owing to lack of funds. The third prisoner, Douglas Hamlett, had been convicted of murder and sentenced to death solely on the basis of an identification made by a 14-year-old boy who saw him from a distance in the rain.

Local human rights groups condemned the secrecy surrounding the execution process. They called on the government to allow death row prisoners the right to a hearing before the Mercy Committee before a decision was taken to issue execution warrants.

No death sentences were passed during the year. Three prisoners remained on death row.

Amnesty International wrote to the Prime Minister, James F. Mitchell, condemning the executions as a retrograde step and expressing concern at the secrecy and speed with which they were carried out.

SAUDI ARABIA



Scores of political suspects, including possible prisoners of conscience, were detained and up to 200 others arrested the previous year remained held without trial and without access to lawyers. Over 20 political prisoners were convicted after unfair trials; one prisoner was sentenced to death and reportedly executed. There were allegations of torture and ill-treatment, and one person was reported to have died in police custody as a result of torture. The judicial punishments of amputation and flogging continued to be imposed. There was a sharp increase in the

number of executions; at least 192 people were executed during the year.

The government of King Fahd bin 'Abdul-'Aziz maintained its ban on political parties and trade unions. Press censorship continued to be strictly enforced.

Scores of political suspects were arrested and detained during the year. They included Shi'a Muslims and suspected Sunni Islamist critics of the government. Many were denied visits by relatives for weeks or months after arrest and had no access to lawyers. Others were released after interrogation about their political activities.

Among those detained in connection with Shi'a religious activities were at least six people arrested in the Eastern Province. Zuhair Hajlis, Shakir Hajlis, Ridha al-Huri and Mahdi Hazam were reportedly arrested in March for taking part in a ceremony commemorating the death of the son of the late Ayatollah Khomeini of Iran. In April Sheikh Ja'far 'Ali al-Mubarak, a leading religious scholar from Safwa, was arrested, apparently for refusing to sign an undertaking not to preach. He had been arrested and held without charge or trial on two previous occasions since 1985 (see *Amnesty International Report 1989*). The sixth detainee, 'Abd al-Jabbar Habib al-Sheikh, was also believed to have been detained in connection with his Shi'a religious beliefs.

The majority of detainees arrested during the year were suspected Sunni Islamist opponents of the government. They included Dr Nasser al-'Umr, a professor of religious studies at the University of Riyadh, who was arrested in March, and Sheikh 'Abdul-Rahman bin Muhammad al-Dakhil, who was arrested in July.

Up to 200 other political detainees arrested in 1993 and 1994 (see *Amnesty International Report 1995*) continued to be held without charge or trial and without access to any legal assistance. They included possible prisoners of conscience such as Sheikh Salman bin Fahd al 'Awda and Sheikh Safr 'Abd al-Rahman al-Hawali, who were arrested in 1994 for giving public lectures criticizing the government (see *Amnesty International Report 1995*).

The majority of a group of suspected government opponents arrested in 1993, all said to be followers of the Salafiyya Sunni Muslim doctrine, were reportedly

released (see *Amnesty International Reports 1994 and 1995*). However, the remainder were believed to be still held without trial.

Over 20 political prisoners arrested in 1994, some of whom may have been prisoners of conscience, were tried and convicted on charges relating to alleged attacks against security officers and links with the banned Committee for the Defence of Legitimate Rights (CDLR), based abroad. One of them, 'Abdullah 'Abd al-Rahman al-Hudhayf, was sentenced to death. The government announced that he was executed on 12 August in Riyadh, but opposition sources claimed that he had died in custody as a result of torture. The other defendants were sentenced to prison terms ranging from three to 18 years. One of them, Ibrahim 'Abd al-Rahman al-Hudhayf, was sentenced to 300 lashes in addition to 18 years' imprisonment. None were allowed access to lawyers throughout their detention or trial. All appeared to have been punished for their political dissent rather than the criminal charges brought against them.

The fate of 'Ali L'aibj Abu Khanjar, one of at least 30 Iraqi refugees arrested following a protest in Rafha refugee camp in 1993 and held without charge or trial, remained unknown (see *Amnesty International Report 1995*).

Torture and ill-treatment of political detainees was reported, but prison conditions apparently improved in September when the detainees reportedly began to be allowed regular family visits. Married prisoners were apparently allowed private meetings with their wives.

One detainee was reported to have died in custody during the year. An Indonesian national was reportedly beaten to death by a policeman in the holy city of Mecca following his arrest, apparently for overstaying his visa to Saudi Arabia.

New information came to light about the torture and ill-treatment of detainees in 1994. The victims included political and criminal prisoners. The most common methods of torture used included *falaqa* (beatings on the soles of the feet), beatings, suspension by the wrists, and electric shocks. Among the victims was Gulam Mustafa, a Pakistani national, who was reportedly subjected to electric shocks and had a metal stick inserted into his anus while held in a detention centre for drug

offenders in Jeddah in May 1994. He was reportedly left bleeding and unable to walk, and received no medical attention. He was subsequently released and deported to Pakistan.

The judicial punishments of amputation and flogging continued to be imposed for a wide range of offences, including theft, consumption of alcohol and sexual offences. At least nine people, two Saudi Arabian nationals and seven foreign nationals from Egypt, Nigeria, Pakistan and Somalia, had their right hands amputated in Mecca, Jeddah, Riyadh and al-Khamis. They had been convicted on charges of theft, burglary and robbery.

The punishment of flogging was widely used. Among the victims of this punishment were 11 people sentenced to between 200 and 1,500 lashes each – to be carried out 50 lashes at a time – in addition to prison sentences of between two and 15 years. The 11 were convicted of being members of a gang which carried out kidnappings, rapes and robberies.

Dr Mohammed Kamel Mohammed Khalifa, an Egyptian doctor working in Saudi Arabia, received 80 lashes in May. He had been tried on charges of slandering a Saudi Arabian headmaster whom he had accused of sexually abusing his son; his original sentence of 200 lashes had been reduced on appeal.

Mohammad 'Ali al-Sayyid, an Egyptian national working in Saudi Arabia, was serving a sentence of 4,000 lashes in addition to seven years' imprisonment, for burglary. According to former prisoners held with him at al-Buraida Prison in al-Qaseem Province in 1995, every two weeks he was taken, with his legs shackled, to the market-place where a policeman administered 50 lashes. Each flogging session was said to have left him with bruised or bleeding buttocks and unable to sleep or sit for three or four days.

There was a sharp increase in the number of executions, the vast majority carried out by public beheading. At least 192 prisoners, including seven women, were executed. Most of them were convicted of drug-related offences or murder. The majority were foreign nationals, including Afghan, Chadian, Egyptian, Filipino, Nigerian, Pakistani, Somali, Turkish and Yemeni nationals. Defendants facing the death penalty have no right to be formally represented by defence lawyers during

their trials. Confessions, even when obtained under torture, are apparently accepted by the court as evidence and may be the sole evidence on which conviction is based. In addition defendants who are foreign nationals are reportedly not always provided with adequate interpretation facilities during trial.

Scores of prisoners were reported to be on death row. They included five Somali nationals, one of whom, 'Abd al-'Aziz Muhammad Isse, apparently claimed during his trial that the crimes with which he was charged had occurred before his arrival in Saudi Arabia from Somalia. Although this information was available from the airport at which he arrived, it was apparently not taken into account during his trial. Two other Somalis convicted on the same charges were executed in Jeddah on 31 May.

Amnesty International continued to express concern about the detention of people for the peaceful expression of their political or religious beliefs. It called for the immediate and unconditional release of any prisoners of conscience and for all other political prisoners to receive a fair and prompt trial or be released. The organization urged the authorities to initiate investigations into allegations of torture and ill-treatment.

Amnesty International asked the Saudi Arabian authorities for information about the execution or the death of 'Abdullah 'Abd al-Rahman al-Hudhayf, but its appeals remained unanswered.

Amnesty International also continued to express its concern about the alarming increase in the number of executions and to call for an end to the use of the death penalty. In public statements the Saudi Arabian authorities stated that the sharp rise in the number of executions was due to an increase in drug-trafficking offences. However, the authorities provided no clarification as to why prisoners were denied the right to be defended by a lawyer or why confessions obtained under torture were apparently accepted as evidence by the courts.

In April Amnesty International submitted information about its concerns in Saudi Arabia for UN review under a procedure established by Economic and Social Council Resolutions 728F/1503, for confidential consideration of communications about human rights violations.

SENEGAL



More than 200 suspected supporters of an armed separatist organization, including many possible prisoners of conscience, were detained without trial in connection with political unrest in the Casamance region. Many of the detainees were reportedly tortured by government forces, who were also responsible for "disappearances" and possible extrajudicial executions. Armed separatists in Casamance also committed human rights abuses, including deliberate and arbitrary killings of civilians.

An 18-month cease-fire ended when renewed fighting broke out in Casamance in January between government forces and armed separatists belonging to the *Mouvement des forces démocratiques de Casamance* (MFDC), Democratic Forces of Casamance Movement. The fighting continued throughout the year.

Tension was further heightened in April when four French tourists went missing in Casamance; they remained unaccounted for at the end of the year. Both the government and the MFDC accused each other of being responsible for the abductions and the army launched a concerted operation to find the tourists, attacking MFDC bases in the process.

In September the government created a national commission for peace in Casamance, composed of members appointed by the Prime Minister and chaired by a former minister of foreign affairs. This commission, which included no MFDC representative, went to Casamance and met the two parties to the conflict in order to renew the dialogue between them.

Father Diamacoune Senghor, Secretary General of the MFDC, was placed under house arrest in Ziguinchor in April after he publicly accused the French and Senegalese Governments of having organized the tourists' abduction. Father Senghor was never brought before a judge or charged. He was released in December.

Following Father Senghor's arrest, four other MFDC leaders, including Edmond Bora, and hundreds of unarmed villagers were detained by the army; many were beaten. Some were quickly released, but more than 200 others were reportedly charged with threatening state security. They included former prisoners who had been arrested in 1992 and 1993 and held without trial until their release in an amnesty in July 1993 (see *Amnesty International Report 1994*). In June more than 170 of the detainees were transferred to Dakar, where most remained held without trial at the end of the year. The four MFDC leaders were sent back to Ziguinchor in October and held under house arrest until their release in December. Thirteen women detained in Dakar were released in November and 34 other detainees, including minors and old people, were released in December. At least 40 others continued to be detained without trial in Ziguinchor. Most of the prisoners had no access to a lawyer. Many of those held appeared to be prisoners of conscience. They included Kéba Ndiaye, the mayor of Goudoump, who was arrested in May, after one of his employees alleged that he had collected money for the MFDC, and severely ill-treated. He was released in December.

Many of those detained in Casamance were reported to have been tortured or ill-treated. Witnesses were said to have seen detainees at the civil prison in Ziguinchor who were bleeding and almost unable to walk.

Reports of torture and ill-treatment of prisoners were also received from other parts of the country but, as in previous years, the authorities appeared reluctant to investigate such allegations, or took action only after prolonged delay. No steps were taken to investigate the alleged torture of Mody Sy and Ramata Guèye or the death in custody of Lamine Samb (see *Amnesty International Reports 1994 and 1995*).

In a few cases police officers and gendarmes were arrested, but only several months after complaints had been lodged

against them. None had been tried by the end of the year. In July, two gendarmes were arrested and charged with torturing Babacar Thior, a criminal suspect, at the gendarmerie in the Foire district of Dakar in 1993. Babacar Thior's body was doused with inflammable liquid that was set alight causing first- and second-degree burns. A formal complaint was lodged in 1994 but delay in carrying out the arrests was apparently due to resistance by the Ministry for the Armed Forces, which has responsibility for the gendarmerie.

Also in July, five police officers were arrested for allegedly torturing Marème Ndiaye, a criminal suspect, in 1994. She was reported to have been raped and to have had inflammable liquid poured onto her genitals. The five police officers had not been brought to trial by the end of 1995.

There were reports of "disappearances" and extrajudicial executions perpetrated by the army in the course of its operations against the MFDC in Casamance. Youba Badji, a suspected MFDC leader, was detained in the Niaguis area in January and reportedly tortured, then hanged and secretly buried by soldiers. In February several people were arrested by the army and "disappeared" in the same area, including Bakary Diédhiou, who may have died as a result of torture after having molten plastic dripped onto his skin. In July, six people belonging to the entourage of a traditional queen, Anna Sambou of Djiwant, "disappeared" after they were detained near Edjoungo by the security forces. Their relatives were told unofficially that the six had been executed extrajudicially at Niambalang bridge.

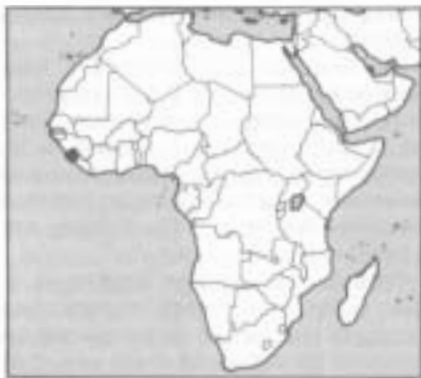
In April and again in October, a local human rights organization reported the presence of mass graves in the Niaguis area where the victims of extrajudicial executions were apparently buried, but no official investigation took place.

The MFDC also committed gross human rights abuses, including deliberate and arbitrary killings of civilians because of their ethnic origin or because they were suspected of assisting government forces. The victims included Boubacar Bal and Mamadou Sy, two fishermen who were killed at Kaléane village in February, apparently because they were from northern Senegal, and a traditional leader, Elhadj Kéba Sagna, who was killed in April in

the village of Boulom. His two wives were wounded.

In November Amnesty International submitted information about its concerns regarding the use of torture in Senegal to the UN Committee against Torture, pursuant to Article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Amnesty International published a report, *Senegal: Comments by Amnesty International on the second periodic report submitted to the United Nations Committee against Torture*, in which it expressed concern at the apparent reluctance of the authorities to open judicial inquiries into allegations of torture and to take adequate steps to prevent torture. The UN Committee against Torture was due to examine Senegal's compliance with the Convention against Torture in November, but was unable to do so as the government said it would not be able to send a delegation to the session.

SIERRA LEONE



Suspected government opponents were subject to arbitrary arrest and detention, torture and ill-treatment and extrajudicial execution. Those held included prisoners of conscience. Eight soldiers were accused of plotting to overthrow the government but had not been tried by the end of the year. Four other soldiers were sentenced to death by military courts but no executions were reported. Armed opponents of the government committed gross human rights abuses, including deliberate and arbitrary killings, torture and hostage-taking.

There was continued conflict between government forces and the armed opposition Revolutionary United Front (RUF) in which both sides committed gross abuses, including deliberate killings of civilians. Thousands of people were forced to flee their homes because of the fighting and either became internally displaced or fled to neighbouring Guinea and Liberia. It was impossible in many cases to attribute responsibility for specific abuses: attackers almost always wore army uniforms but it was often unclear whether they were RUF rebels, government soldiers acting under orders, or government soldiers committing crimes on their own account. In some cases, attacks attributed to the RUF by government sources, such as those on civilians in Kono District, a mineral-rich area of Eastern Province, appeared actually to have been carried out by soldiers intent on looting property and illegally mining diamonds.

The National Provisional Ruling Council (NPRC), headed by Captain Valentine Strasser, which seized power in a military coup in 1992, proposed an immediate cease-fire and negotiations in April. This was rejected by the RUF, which continued to call for the withdrawal of foreign troops and for the NPRC to cede power to a national conference. International efforts to mediate by the UN, the Organization of African Unity and the Commonwealth had not resulted in talks between the government and the RUF by the end of the year.

The military government announced in April that the ban on political activity in force since 1992 would be lifted in preparation for parliamentary and presidential elections scheduled for late 1995. However, the NPRC passed a decree barring former President Joseph Saidu Momoh and 56 other former government officials from holding public office for 10 years. Despite the continuing conflict, a national consultative conference recommended in August that both parliamentary and presidential elections should take place by February 1996. Fifteen political parties were registered; the RUF did not apply for registration as a political party.

Government soldiers were responsible for widespread human rights violations, including torture, mutilation and extrajudicial executions. The victims included captured rebels and suspected RUF sympathizers, but also many civilians who were

killed or injured by looting troops. Many captured rebels were summarily executed; victims were often mutilated and then beheaded. For example, two RUF fighters captured at Lunsar, Northern Province, in January were summarily decapitated by government troops, and 15 rebels captured in the Bo area of Southern Province in September were reported to have been publicly executed by the army.

Strong evidence also emerged that Patrick P. B. Kebbie, a prominent lawyer killed in December 1994 (see *Amnesty International Report 1995*), had been shot by government soldiers and not, as was officially claimed, by RUF forces. However, there was no official inquiry into his death. Nor was any action taken by the government against two soldiers who were found by an official inquiry to have contributed to the deaths of an Irish priest and a Dutch family in 1994 (see *Amnesty International Report 1995*), despite a recommendation that they be charged and tried. They were both allowed to return to active military service.

The fate of many people who were detained as rebel suspects was unclear at the end of the year and there were fears for their safety. More than 100 people were detained in the area of Freetown, the capital, after an upsurge in rebel activity in January. Unlike previous suspects, who had been held without charge or trial at the Central Prison, Pademba Road, they were taken to Cockerill Military Headquarters. Some were released after questioning but it was unclear how many. At least 60 captured or suspected rebels were reported to be detained at the Military Headquarters in November, some of whom may have been tortured. There were fears that others may have been extrajudicially executed in military custody.

In November, four members of the RUF were arrested in Guinea and transferred to the custody of Sierra Leonean security forces, apparently under the terms of a defence agreement between the two countries. They were subsequently detained in Freetown. They were accused of attempting to procure arms in Guinea but had not been formally charged by the end of 1995.

Government soldiers were also responsible for torture and ill-treatment in circumstances unrelated to the conflict. In March, for example, a woman was reportedly whipped by a soldier at Bo when

market traders demonstrated outside the NPRC office against the detention of other traders for allegedly selling rice at inflated prices. In early October a man was reported to have died in Koidu, in Eastern Province, after being beaten by soldiers. He was taken to the NPRC office for questioning about a theft and apparently died within an hour. There was no official inquiry into his death. Nor was there any independent inquiry after a group of soldiers forcibly entered homes in Freetown in late October and physically assaulted civilians following a disagreement between a soldier and a resident.

Several people accused of criticizing the government were held without charge or trial for brief periods. They included M'ban Kabu, a leading member of the National Coordinating Committee for Peace, which was formed in April to promote a negotiated settlement between the NPRC and the RUF. He was detained in July and held for 10 days for allegedly criticizing the NPRC's use of mercenaries and calling for the withdrawal of foreign troops. A journalist who reported the comments attributed to M'ban Kabu was also arrested: Ibrahim Karim Sei, editor of an independent weekly newspaper, the *Standard Times*, was held for eight days and then released uncharged.

Several other journalists were also detained, including Siaka Massaquoi, editor of *The Vision*. A former President of the Sierra Leone Association of Journalists (SLAJ), he and Chernor Ojuku Sesay, former editor of *The Pool*, were held for questioning for 24 hours in January. Siaka Massaquoi was redetained in April with another journalist from *The Vision* and held for three days, apparently because the government objected to a SLAJ statement about the conflict. They were prisoners of conscience. Chernor Ojuku Sesay was detained for a further five days after being deported from Gambia in October; he had written an article for a Gambian newspaper accusing Gambian police of beating two Sierra Leoneans.

Several people associated with the former government (see *Amnesty International Report 1995*) remained under house arrest following their release from Pademba Road Prison in 1994. They included Dr Bu-Buakei Jabbe, a former Minister of Lands, Housing and Environment. The government said that they had not

paid compensation for moneys allegedly misappropriated under the former government, but no criminal charges were brought against them.

Four journalists on an independent newspaper, *The New Breed*, and a printing company manager who had been redetained in December 1994 (see *Amnesty International Reports 1994 and 1995*) were released on bail in January. They had been arrested in October 1993 and charged with seditious publication and libel after reporting allegations of government corruption. After repeated postponements of their trial, four of the defendants, including Dr Julius Spencer, the newspaper's director, and editor Donald John, were convicted and fined in August.

Eight soldiers were arrested and accused of treason in October after the government announced the discovery of a coup plot. They were held in Pademba Road Prison where they were reportedly denied visits, and had not been brought to trial by the end of the year.

Prison conditions remained harsh. Detainees in cells at the Criminal Investigation Department (CID) headquarters in Freetown were reportedly held in particularly overcrowded and unsanitary conditions.

At least four soldiers were sentenced to death after military trials in Freetown, which were chaired by a High Court judge. They had no right of appeal to a higher court. Lieutenant-Colonel Chernor M. Deen was sentenced in January after being convicted of aiding and communicating with rebel forces. In October, three border guards received death sentences after being convicted of murder, conspiracy and robbery. None of the four had been executed by the end of the year.

RUF forces were responsible for gross human rights abuses, including torture, hostage-taking and deliberate killings of civilians. In January, at least 15 people, including a woman who had recently given birth and the 17-year-old daughter of the local traditional leader, were deliberately killed by RUF forces at Kambia, Northern Province. In July RUF forces killed two women who were among a number who had been taken prisoner during attacks on several villages around Bo. The bodies of more than 30 other civilians were reportedly discovered in Petema and Kalia, two other villages near Bo, including those of

boys who had apparently refused to join rebel forces. In October at least 30 civilians were reported to have been deliberately killed by rebel forces who attacked villages in Bo and Moyamba Districts. The victims included 10 women who were beheaded. At Mattru village, 16 children were burned to death after being locked in a house which rebels set alight. In November, nine people, apparently accused of providing information to soldiers, were reportedly beheaded by rebels some 30 kilometres from Kenema in Eastern Province.

RUF forces also raped and mutilated prisoners. A woman from Koidu reported that she and other women sheltering together in a house during a rebel attack in May were forced outside and raped. Some of the victims were then killed. Two women had their hands cut off near Kenema in July. Many victims of rebel attacks during October and November around Bo had their hands cut off or suffered other forms of mutilation.

RUF forces also took hostages. They abducted 15 foreign nationals in January and held them with two British aid workers whom they had abducted in November 1994 (see *Amnesty International Report 1995*). The RUF called for the withdrawal of foreign troops and for an end to foreign military assistance to the government as a condition of the hostages' release, but they were, in fact, freed in March and April without these demands being met.

RUF forces also abducted large numbers of Sierra Leoneans, some of whom were killed when they attempted to escape or refused to join rebel forces. More than 100 schoolchildren were abducted from Kambia in January, at least two of whom were shot dead when they tried to escape, and over 100 civilians were abducted from Port Loko, Northern Province, in early June, including more than 50 secondary school students. Their fate and whereabouts were unknown at the end of the year.

Amnesty International repeatedly called on all those involved in the conflict to cease their abuse of human rights. In September Amnesty International published a report, *Sierra Leone: Human rights abuses in a war against civilians*, which documented abuses by both sides. It made specific recommendations to the government and rebel forces and also called on the international community to

use its influence to end human rights abuses. The organization expressed concern about the safety of hundreds of civilians captured by the RUF and urged the RUF to release hostages and treat all prisoners humanely. In July Amnesty International called for the release of prisoner of conscience M'ban Kabu. It also urged that defendants accused of plotting to overthrow the government in October receive a fair trial, with right of appeal to a higher court. The organization sought assurances that the four members of the RUF detained in November would be treated according to international standards and also called for the commutation of death sentences imposed in January and October.

SINGAPORE



At least 40 conscientious objectors to military service were held throughout the year; all were prisoners of conscience. A further 46 people were imprisoned for peacefully exercising their right to freedom of expression. One former prisoner of conscience continued to be subject to government orders restricting his freedom of expression and association. Criminal offenders continued to be sentenced to caning. At least 50 people were executed and at least 32 death sentences were passed.

At least 40 conscientious objectors to military service were held throughout the year. All were reported to be members of the Jehovah's Witnesses' religious group, which has been banned in Singapore since 1972. They all refused to perform military service on religious grounds and were prisoners of conscience. They included

Ho Li Sing who was sentenced in September to 15 months' detention. Young men who refuse to comply with military orders are court-martialled and sentenced to an initial 12 or 15 months' detention in military barracks. A second refusal to comply results in a further two years' imprisonment. There is no alternative civilian service for conscientious objectors to military service in Singapore.

In February, 69 other Jehovah's Witnesses, including four foreign nationals, were arrested and charged with membership of an illegal society or possession of undesirable literature. The four foreign nationals had the charges against them dismissed and were allowed to leave the country. The others, including two juveniles, were released on bail. During the first series of trials held in November and December, all were found guilty and fined. Forty-six members of the group who were unwilling on conscientious grounds to pay the fines were imprisoned for up to four weeks. They were prisoners of conscience. Further trials were due to continue in early 1996.

Restriction orders limiting freedom of association and expression continued to be imposed on Chia Thye Poh, a former prisoner of conscience. The restriction order imposed on Vincent Cheng was reported to have been lifted during the year (see *Amnesty International Reports 1991 to 1995*).

Caning, which constitutes a cruel, inhuman and degrading form of punishment, remained mandatory for some 30 crimes, including attempted murder, rape, armed robbery, drug-trafficking, illegal immigration and vandalism. It remained an optional penalty for a number of other crimes, including extortion, kidnapping and causing grievous injury. In May the Court of Appeal upheld lawyer Ramanathan Yogendran's conviction and sentence of 12 strokes of the cane for five criminal offences, including fabricating evidence and criminal intimidation (see *Amnesty International Report 1995*). Ramanathan Yogendran's defence lawyer had reportedly argued that he should be spared the caning on grounds of ill-health. It was not known whether the sentence had been carried out by the end of the year. In July Ng Chun Hian, aged 17, was sentenced to 18 strokes of the cane in addition to a prison sentence for attempted

rape and armed robbery. The caning was carried out in Changi Prison in October.

At least 50 executions were carried out by hanging, the majority for drug-related offences. Despite the lack of official information, there were reliable indications that the real figure was much higher. In May the Ministry of Information and the Arts revealed that 76 prisoners had been executed in 1994. In March Flor Contemplacion, a Filipina domestic worker, was executed for murder despite international concern about the fairness of her trial and last-minute claims that fresh evidence proved her innocence. Three other people – Thai nationals Don Promphinit and Krishna Maikham and Malaysian national Nasrul Esyam bin Shamsudin – were executed on the same day. They had been convicted of drug-trafficking.

At least 32 other people were sentenced to death, of whom 23 were convicted of drug-trafficking and nine of murder. They included Mohamed Ahmed, a 60-year-old drug addict, who was sentenced to death in August for trafficking in heroin after he failed to convince the judge that the drugs were for his own consumption.

Amnesty International urged the government of Prime Minister Goh Chok Tong to release all prisoners of conscience and to lift the restrictions on Chia Thye Poh. It also urged the authorities to end the punishment of caning and commute all death sentences.

SOMALIA



Continuing conflict between militias of various clan-based factions resulted in gross human rights abuses, including hundreds of deliberate and arbitrary killings,

dozens of politically motivated detentions, torture and ill-treatment. Over 20 people had limbs amputated on the orders of Islamic courts and several others condemned to death by courts of various kinds were executed.

The two-year mandate of the UN peace-making operation (UNOSOM II) ended in March 1995. The remaining 20,000 UN troops and 700 civilian staff withdrew and UN funding for the UN-established police, courts, prisons, and regional and district administration councils stopped. The UN failed to stop political violence or to establish a transitional government for the former Republic of Somalia, which had disintegrated in 1991.

Throughout 1995 there was no recognized central government or effective system of law and justice. There was renewed fighting in Mogadishu, particularly after the UN's withdrawal, between rival militias and especially those of General Mohamed Farah Aideed in south Mogadishu and Ali Mahdi in north Mogadishu. Each of these political leaders claimed overall governmental authority – with General Aideed declaring himself head of a “national government” in June – although neither achieved international recognition. Clan-based political organizations allied either to General Aideed or to Ali Mahdi's Somali Salvation Alliance (SSA) controlled other regions. In some areas, such as the northeast region, there was greater stability, but there was also fighting between rival groups at different times in the towns of Belet Weyne and Kismayu, and particularly around Baidoa in the last quarter of the year after General Aideed's forces attacked the area, which had been under the control of the local Digil-Mirifle clan.

In the self-declared Somaliland Republic in the northwest, there was an interim administration headed by Mohamed Ibrahim Egal. Intermittent fighting took place throughout the year around Burao town with militias of the Garhajis clan and, in October, with militias of the Issa clan near the Djibouti border.

The criminal justice system remained almost totally ineffective, despite the UNOSOM presence up to March. Arbitrary detentions and summary informal trials were common. Cruel, inhuman or degrading punishments, including amputations and flogging, were inflicted. In Somali-

land some efforts were made to establish a new justice system and regional administration, and to draft a constitution.

In March the UN Commission on Human Rights renewed the mandate of the Independent Expert on Somalia and a new Independent Expert had been appointed by the end of the year. By the end of the much-criticized UN operation in March, the UN had taken no action against UN troops accused of human rights violations or responded to Amnesty International's appeals calling for investigations into human rights abuses and for efforts to promote human rights. In Canada a public civilian inquiry established in March into the behaviour of the Canadian contingent in the UN force in Somalia in 1993 was continuing at the end of the year. In March the last of seven soldiers tried by court-martial in connection with the beating to death of a Somali teenager was convicted of negligence, demoted and severely reprimanded. In November an appeal court-martial increased the sentence imposed on one soldier, convicted of negligence in this incident, from 90 days to one year's imprisonment and ordered the retrial of an officer who had been acquitted. In Belgium in October a court-martial convicted a Belgian officer of ordering mock executions of detained Somali children in 1993 but only sentenced him to a suspended sentence of eight days; it acquitted nine soldiers of torturing the children and halted the prosecutions on related charges of six other soldiers (see *Amnesty International Report 1995*).

The continuing conflict was accompanied by gross human rights abuses by some of the factions, particularly General Aideed's forces. These abuses included hundreds of deliberate killings of civilians, torture and the forced displacement of defeated clans or vulnerable minority communities. Clan elders were among those deliberately killed by opposing clans and women were raped. The fighting added to the million or more refugees who had fled from Somalia in previous years, while up to a half a million other Somalis were internally displaced. Owing to the continued insecurity in many areas, few humanitarian organizations were able to continue their work. Several aid workers were killed and others abducted, allegedly by gunmen linked to certain political factions, although this was difficult to verify.

Information on prisoners of conscience and political detainees held by political factions was difficult to obtain, although the number of those detained – as distinct from opponents who were summarily executed – was believed to be small. Twenty-one international aid workers were detained in Baidoa for some days in September by General Aideed's forces who captured the town. Two Somali journalists reporting for international news agencies, Aden Mohamed Ali and Ali Mussa Abdi, were detained by General Aideed's forces in August and September respectively. Articles they had written were seen as giving a negative image of General Aideed's declaration of a "national government". Both journalists were held in harsh conditions for several days – Ali Mussa Abdi was kept blindfold, handcuffed and incommunicado – before being transferred to a former police station where conditions were less severe and where they were allowed family visits. Aden Mohamed Ali was subsequently taken to the former central prison and was released uncharged after 17 days in custody. He then left the country. Ali Mussa Abdi, who said he had previously received 22 death threats on account of his journalistic work, escaped to safety in north Mogadishu after three weeks.

Some critics of General Aideed from within his own organization were also detained briefly, including Khadija Abdi Fandhe, a women's association leader, who was held under house arrest for some days in July for opposing General Aideed.

In March, 12 fishermen – 11 Pakistani nationals and a Palestinian – were arrested by General Aideed's forces and detained in harsh conditions until October. They were reportedly held hostage in an attempt to press the Government of Pakistan on conditions for their release.

An Islamic court, which was established in north Mogadishu in August 1994 in territory controlled by Ali Mahdi, subjected prisoners to cruel, inhuman or degrading punishments including amputations and floggings. In 1995 about 18 people convicted of theft had their right hand, or their right hand and left foot, amputated. Scores of other people were flogged for disobeying Islamic laws on alcohol, dress or sexual behaviour. Prisoners were arrested by the court's own militias and detained in its own prison. At

first, trials consistently fell short of international fair trial standards. Defendants had no right to legal defence representation or to appeal to a higher court against their conviction or sentence, but in the latter part of the year these rights were reportedly instituted and, with changes in the court's interpretation of Islamic law, this reduced the incidence of amputations. Islamic courts were also established in Gedo and other regions controlled by other political groups, and one court, in Belet Weyne, ordered four amputations in December.

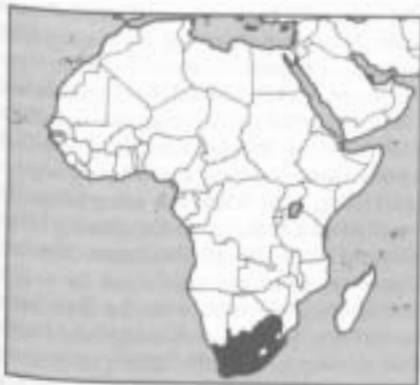
In Somaliland, hundreds of members of Garhajis clan militias were captured and detained in Hargeisa prison. Administration officials stated that they would be put on trial for treason, which carries the death penalty. Some of the detainees were released. Preliminary proceedings started in October in Hargeisa against opposition Garhajis leaders, who were tried *in absentia*, including the former head of the Somaliland administration, Abdirahman Ali Ahmed "Tur", and General Jama Mohamed Ghalib, both of whom had links with General Aideed. Two journalists were briefly detained in September in Hargeisa for publishing articles criticizing the Somaliland administration.

Execution as a form of punishment was retained in all existing court systems – secular, Islamic and traditional clan courts. Several people were reported to have been condemned to death during the year by the Islamic court in north Mogadishu and executed.

Amnesty International called on all Somali political organizations to end human rights abuses and, in particular, to fully respect Common Article 3 of the Geneva Conventions, which protects the rights of civilians and other people not actively involved in fighting during internal armed conflicts.

In November Amnesty International published a report, *Somalia: Building human rights in the disintegrated state*. This again called for an end to human rights abuses, and for the rule of law to be established. It also called for international action to assist in the development of comprehensive human rights protection programs in consultation with relevant Somali civil organizations.

SOUTH AFRICA



Hundreds of people were killed in continuing political violence in KwaZulu Natal, some of whom appeared to have been extrajudicially executed. Torture and ill-treatment continued to be reported. Investigations into past human rights violations produced further evidence implicating the security forces in political killings. The death penalty was abolished.

The process of democratizing South Africa's political structures continued, with local government elections held in most parts of the country in November. The African National Congress (ANC), the majority party in the Government of National Unity, won a significant majority.

In November the Constitutional Assembly made available the draft new Constitution, due to be finally adopted in 1996, for public comment, but political parties had not reached consensus on all aspects by the end of the year. The Inkatha Freedom Party (IFP) boycotted the constitution-writing process, demanding that the government agree to international mediation over certain issues.

The Constitutional Court, which began hearings in February, issued several rulings affecting human rights. In April the Court overturned a provision in the Criminal Procedure Act placing the onus on the accused to prove that a confession had been extracted under duress. The Court's ruling required the prosecution to prove that a confession was voluntary before admitting it as evidence. In June it abolished the death penalty for ordinary crimes (see below). Also in June the Court declared whipping to be unconstitutional as a sen-

tence for juvenile offenders. Thousands of juveniles had been sentenced to this punishment in the past.

New human rights institutions were established. The Act establishing the Commission on Truth and Reconciliation became law in July. In November President Nelson Mandela, in consultation with the Cabinet, appointed 17 commissioners from a list of candidates interviewed in open hearings by an independent panel. Archbishop Desmond Tutu was named as chairperson. The Commission is to investigate "gross human rights abuses" committed between 1960 and 1993; to grant amnesties to perpetrators under certain conditions, including "full disclosure" of their crimes; and to recommend compensation for victims.

The members of the statutory Human Rights Commission (see *Amnesty International Report 1995*) were selected in April and formally appointed in September. In October a Public Protector, or Ombudsman, was appointed.

In October the new Police Service Act came into effect. It included provision for an Independent Complaints Directorate, with the power to investigate alleged misconduct by the police.

The judicial commission of inquiry into illegal arms dealing submitted its first report in June. The report recommended that new criteria be developed to exclude sales to governments which repress human rights. In August the Cabinet appointed a ministerial committee with authority over the arms trade and issued new guidelines which included taking into account the human rights situation of the recipient country.

Political violence remained high in the province of KwaZulu Natal, with over 800 deaths documented by the non-governmental Human Rights Committee. Other sources put the number of deaths at more than 1,000. The killings included massacres of entire families by gunmen. There were also frequent reports of people being forced to undergo paramilitary training.

The high death rate, together with the inability or unwillingness of the provincial police to protect vulnerable communities, led the national government to send 1,000 soldiers and police reinforcements to the province in August. The number of deaths subsequently declined, but rose again in December, when there were at

least three massacres in the lower South Coast area. The victims included supporters of both the IFP and the ANC.

In the worst of these December incidents, hundreds of heavily armed alleged IFP supporters attacked homes of ANC supporters in the Shoba Shobane area near Port Shepstone on 25 December. At least 20 people were killed and scores of homes burned and looted within sight of the local Izingolweni police station. The day before, these homes had been raided by police from Port Shepstone looking for weapons. Although several days earlier human rights monitors had appealed to the police to organize patrols to protect the community, survivors told journalists that the police did not intervene until about four hours after the attack began. The national Commissioner of Police announced an investigation into allegations that the police had deliberately failed to prevent the massacre.

In March an IFP official in Malukazi, James Msomi, was allegedly assaulted by soldiers searching for weapons in his home and, following his arrest, in a military vehicle and at a Defence Force base. He was reportedly released uncharged. In September Protas Nash Ngubane, an IFP chairperson in Impendle, was taken from his home by police and later found dead. An independent post-mortem revealed that he had been shot in the head in what appeared to be an execution-style killing.

Some families in the province appeared to have been systematically targeted by gunmen acting with the acquiescence of local police. In January the home in KwaMsane of an ANC official, Bheki Ntuli, was attacked by gunmen who killed his mother and a family friend and seriously injured his brother, "JJ" Davidson Ntuli, chairperson of the local ANC branch. In May police from the Mtubatuba-based Internal Stability Unit allegedly assaulted "JJ" Ntuli outside the Ntulis' home while alleged IFP supporters looted it. On the same day, after police had taken "JJ" Ntuli and other occupants of the house into custody at the local police station, unidentified people burned the Ntulis' home to the ground. In December another brother was killed by gunmen near KwaMsane.

In trials relating to the political violence, an IFP *induna* (traditional leader), Qaphela Dladla, was sentenced to eight terms of life imprisonment for the murder

of eight people who were distributing Independent Electoral Commission pamphlets in Ndwedwe near Durban in April 1994 (see *Amnesty International Report 1995*). Four co-defendants were acquitted on grounds of insufficient evidence.

Torture of political detainees continued to be reported, primarily in KwaZulu Natal. Three witnesses who had testified to police investigating a politically motivated killing near Mandini were allegedly assaulted and tortured in October by other police officers. In another case, Samuel Magano, a trade unionist, died in police custody several hours after he had been arrested by police in Mmabatho, North West province, in July. The police said that he was arrested in connection with a robbery and had "dropped dead as he got out of the [police] vehicle". The post-mortem indicated that he died from asphyxiation. The provincial Minister for Safety and Security ordered the suspension from duty of 17 police officers, who appeared in court in September. The case was postponed.

Elsewhere in the country, there were frequent reports of torture and ill-treatment of criminal suspects. Lawyers and non-governmental human rights organizations continued to document cases of electric shock, suffocation and other forms of torture by members of police investigation units. In one case, Mxonsi "Advice" Dlamini was arrested by police at his home in Gauteng province in October. Four police officers took him to a building next to the Katshehlong police station, where they allegedly kicked, punched and assaulted him with a knife, and repeatedly pulled a piece of rubber tubing tightly across his mouth and nose.

In September a police officer who attempted to stop an assault on a suspect was himself assaulted. Warrant Officer Oliver, of the Cape Town Internal Investigation Unit, heard screams coming from a toilet in Nyanga police station where two members of the Internal Stability Unit were interrogating a suspect. When he intervened, Warrant Officer Oliver was himself threatened and head-butted in the face by one of the interrogators. He later charged the policeman involved with assault.

Following months of appeals from human rights organizations and the Johannesburg-based Police Reporting Officer,

the Commissioner of Police for Gauteng province announced, in September, the suspension of four members of the police Vanderbijlpark Murder and Robbery unit. The suspended policemen were under investigation in 36 separate cases involving torture, assault or murder. However, 20 other police officers under investigation or facing charges for similar acts remained on duty. Investigations had been ordered in 1994 by the national Minister for Safety and Security, and by October 1995 the Attorney-General had agreed to prosecute in 21 cases, in addition to prosecuting for murder the police officer who shot dead Don Molebatsi, a witness and complainant in this investigation. (See *Amnesty International Report 1995*.)

According to police statistics, 195 people died in police custody during the first nine months of the year, the majority of them in Gauteng, KwaZulu Natal and the Free State provinces. According to these statistics, more than 80 per cent of the victims died at the time of arrest or on the way to hospital as a result of injuries inflicted by police.

Evidence emerged during the year of the involvement of senior political and security force officials in political killings. In December the former Minister of Defence, General Magnus Malan, and 19 others were charged in the Durban Supreme Court with 13 counts of murder, four of attempted murder and one of attempted murder and conspiracy to commit murder, in connection with the 1987 massacre of 13 people in KwaMakhutha township, south of Durban. The accused included former top-ranking military intelligence officers, a former member of the police Security Branch, the Deputy Secretary-General of the IFP, and four officers of the former KwaZulu "homeland" Police. All the accused were released on bail. The indictment of General Malan and the other former military officers threatened to cause a rift within the Government of National Unity, with the right wing calling for the defendants to be given amnesties. The case against the 20 accused resulted from investigations by a special unit, the Investigation Task Unit, appointed by the national Minister of Safety and Security in 1994 (see *Amnesty International Report 1995*).

Two suspended KwaZulu Police officers and an IFP member convicted of the

murder of a police sergeant and four youths were sentenced to prison terms of up to 75 years (see *Amnesty International Report 1995*). Passing sentence in the Durban Supreme Court in August, the trial judge stated that the three had clearly been part of a "hit squad" and he called for an investigation into the defendants' unchallenged allegations that they had acted under orders from people in authority, who included members of the current provincial government.

The trial of Colonel Eugene de Kock, former head of the security police counter-insurgency unit in Vlakplaas, began in the Pretoria Supreme Court in February (see *Amnesty International Report 1995*). He faced 121 charges, including eight of murder. The Court heard evidence that Colonel de Kock's unit had transferred arms to high-ranking IFP officials; had been involved in ambushing a minibus and shooting dead the four occupants; had assaulted a person who later "disappeared"; had killed a member of their unit because he had wanted to make public police involvement in the murder of human rights lawyer Griffiths Mxenge; and had planned the murder of former Vlakplaas commander, Captain Dirk Coetzee, who had made public in 1989 the unit's involvement in assassinations (see *Amnesty International Report 1990*).

The Constitutional Court held a hearing in February on the constitutionality of the death penalty. In June it ruled that the death penalty violates the right not to be subjected to cruel, inhuman or degrading punishment, the right to life, the right to dignity and the right to equality. The Court rejected arguments that the death penalty acts as a deterrent, or that public opinion should be decisive on issues of constitutional rights. The Court forbade the state to execute any prisoner already sentenced to death and ordered the death sentences to be commuted. The Cabinet later approved referral of cases of 459 prisoners on death row to the trial courts for imposition of fresh sentences.

Before the Constitutional Court ruling, 15 people had been sentenced to death in 1995 but there had been no executions.

A number of political parties called for a referendum on the death penalty, but a National Party motion in the national parliament in June was defeated. The November draft of the final Constitution

presented three options on the clause protecting the right to life, including two permitting judicial executions.

In January Amnesty International submitted a memorandum to the Parliamentary Committee on Justice commenting on the Promotion of National Unity and Reconciliation Bill. Amnesty International urged the Committee to ensure that the many positive features of the Bill were not undermined by provisions for amnesty and secrecy, and that all provisions were consistent with the country's obligations under international law. In July Amnesty International publicly supported the call made by South African human rights groups for an accountable appointment process which would ensure the selection of credible and impartial candidates for the proposed Truth and Reconciliation Commission.

In February an Amnesty International delegate attended the Constitutional Court hearings on the death penalty, and in June Amnesty International welcomed the Court's ruling.

Amnesty International delegates visited South Africa in June to investigate the continuing political killings in KwaZulu Natal, the provision of forensic services for the effective investigation of suspicious deaths, and progress in the investigations ordered into police torture of arrested suspects. In November Amnesty International's Secretary General led another delegation which met, among others, government ministers and police officials, members of human rights organizations, victims of the political violence in KwaZulu Natal, and local Amnesty International members. In official meetings, the delegates expressed concern about the continuing problem of torture and of impunity for the perpetrators of political killings in KwaZulu Natal.

SPAIN

Judicial inquiries continued into allegations of a clandestine "dirty war" in the 1980s against the armed Basque group *Euskadi Ta Askatasuna* (ETA), Basque Homeland and Liberty. Two prisoners of conscience were imprisoned. There were further allegations of ill-treatment by law enforcement officers. Numerous trials

were held of officers charged with torture and ill-treatment in previous years. ETA committed human rights abuses, including deliberate and arbitrary killings and hostage-taking.



Special legislation regarding armed groups remained in force. People suspected of belonging to or collaborating with an armed group could be held incommunicado for up to five days by judicial order, 48 hours longer than the legal limit for other suspects, and denied the right to designate lawyers of their choice.

In February Spain signed Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. It was ratified in June. In November the death penalty was removed by law from the Military Penal Code. The death penalty for common crimes had been abolished by the 1978 Constitution.

Investigations at the highest judicial level, including the National Court and the Supreme Court, continued into allegations of the involvement of security forces and politicians in a "dirty war" against supposed ETA members. A clandestine organization, the so-called *Grupos Antiterroristas de Liberación* (GAL), Anti-Terrorist Liberation Groups, was allegedly responsible for carrying out this illegal campaign. GAL was reportedly composed of security officers and contract gunmen and was believed to have had links with the highest ministerial levels in Spain, including the former Minister of the Interior, José Barrionuevo. Most of the incidents occurred in the Basque area of France, near the Spanish border. Between 1983 and 1987, 27 people were murdered, including 10 people with no known connections with

ETA. In some cases people were kidnapped.

In March, two corpses were identified as ETA members José Antonio Lasa and José Ignacio Zabala. They had reportedly been abducted by GAL in Bayonne, France, in 1983. Both corpses showed signs of extensive beatings and torture, including loss of finger and toe nails. They were killed by blows to the skull followed by shots in the back of the head.

Two conscientious objectors to military service, imprisoned for desertion, were prisoners of conscience. Manuel Blázquez Solís and José Antonio Escalada, who had spent three months in pre-trial detention in 1991 (see *Amnesty International Reports 1992 and 1993*), were imprisoned in December by order of a military tribunal which had sentenced them to 17 months' imprisonment in 1994. They were charged with desertion after leaving the navy, in which they were serving as conscripts, at the start of the Gulf conflict in 1991. They applied for conscientious objector status although the law allows this only before "incorporation into the armed forces". At the end of the year they were awaiting the outcome of an appeal before the Constitutional Court.

There were further allegations of ill-treatment by law enforcement officers. In August a judicial investigation opened into the complaint of ill-treatment by the national police of Guillermo Guzmán, a disabled man, in Vitoria. In his complaint he stated that he had gone to the police station in August to report the theft of his money and documents by a gang of youths. When he was leaving the station he remonstrated with two uniformed officers and an argument ensued, after which he claimed that the officers assaulted him with truncheons. He stated that he was repeatedly knocked to the ground. The officers left him injured on the ground outside the station until passers-by took him to hospital. Multiple injuries were diagnosed to his head and body and blood was detected in his urine.

Numerous judicial actions were pursued against prison officers and security forces on charges of ill-treatment in previous years.

Two Civil Guards and three local policemen were found guilty in March of ill-treating and causing physical and mental injuries to two tourists from Denmark

in Ibiza in 1991 (see previous *Amnesty International Reports*). One officer, who was given the heaviest sentence of 30 days' imprisonment, admitted to beating one of the complainants, Mohamed Hegazy, with a truncheon for approximately 15 minutes in order "to calm him down". The trial took place after lengthy delays and the personal intervention of the Attorney General to reopen the inquiry into the allegations against the officers.

In May the Provincial Court in Valencia ordered the reopening of a judicial inquiry into the alleged suicide by hanging of José Luis Iglesias Amaro in Picassent prison in 1992 (see *Amnesty International Report 1995*).

In October, three Civil Guards in Bilbao made statements to the court after they had been indicted on charges of torturing alleged members of the ETA "Bizkaia" commando in 1992 (see *Amnesty International Report 1993*).

During the year officers previously convicted of torture and ill-treatment were pardoned. In March, two Civil Guard officers convicted of torturing Joaquín Olano in 1983 (see previous *Amnesty International Reports*) were given pardons. They had previously been pardoned after another conviction for torturing a Basque politician. However, sentences were enforced after long delays on officers found guilty of torturing Tomás Linaza in 1981 (see previous *Amnesty International Reports*).

Attacks by the armed Basque group ETA on the security forces and civilians continued throughout the year. Fifteen people were killed and approximately 95 were injured. ETA was responsible for an unsuccessful car-bomb attack on José María Aznar, the leader of the main opposition party, *Partido Popular* (PP), Popular Party, in April, and the murder of its spokesman in the Basque region, Gregorio Ordóñez, in January. Armed groups also continued to kidnap people for ransom.

Amnesty International appealed for the release of Manuel Blázquez Solís and José Antonio Escalada and called for legislation to provide for conscientious objection developed after joining the armed forces. Amnesty International urged the authorities to ensure that all allegations of ill-treatment were thoroughly and impartially investigated and to bring those responsible to justice. In public statements it also

condemned unreservedly abuses by armed opposition groups such as kidnapping, deliberate and arbitrary killings and hostage-taking as a contravention of international humanitarian standards.

SRI LANKA



Thousands of Tamil people, including hundreds of prisoners of conscience, were arrested, particularly in the latter part of the year. Hundreds were detained without charge or trial for periods ranging from 24 hours to several months. There were reports of torture and ill-treatment, particularly of prisoners held in military custody. Several people died in custody as a result of torture. At least 55 people were reported to have "disappeared" and more than 40 others to have been extrajudicially executed. An armed opposition group was responsible for numerous human rights abuses, including deliberate and arbitrary killings of Sinhalese civilians.

Meetings between representatives of the government and the armed opposition Liberation Tigers of Tamil Eelam (LTTE), which had been suspended (see *Amnesty International Report 1995*), resumed early in the year. A cessation of hostilities agreement came into force on 8 January. On 18 April, however, the LTTE called an end to the truce. In the following months, fighting between the security forces and the LTTE intensified in the east. Between July and November, the security forces undertook large-scale operations in the Jaffna peninsula, the LTTE stronghold in the north. They took control of Jaffna town in December. At the end of the year, the

security forces retained control of approximately half of the Jaffna peninsula and towns and main roads in the east while the LTTE controlled Mullaitivu and Killinochchi districts in the north and large parts of the countryside in the east.

The state of emergency remained in force in the northeast of the country, parts of Puttalam, Anuradhapura and Polonnaruwa districts and in the capital, Colombo, and surrounding areas. It was extended to all parts of Gampaha district in June and to parts of Moneragala district in December.

Throughout the second half of the year, access to the Jaffna peninsula was severely restricted. As a result, independent information about alleged human rights abuses was limited. There were a number of reports of killings of civilians during indiscriminate bombing and shelling by the security forces in the Jaffna peninsula, but the reports were difficult to verify owing to restrictions on access.

In mid-June, the government took several initiatives apparently designed to strengthen human rights protection. It issued emergency regulations to re-establish the powers of the Human Rights Task Force (HRTF), a body set up in 1991 to monitor the welfare of detainees. The HRTF's status had become unclear after earlier regulations lapsed in 1994 (see *Amnesty International Report 1995*). The government also issued directives to the heads of the security forces, aimed at protecting the fundamental rights of people arrested and detained. Security forces were directed to issue "arrest receipts"; to inform relatives of detainees and the HRTF of arrests; to grant the HRTF access to places of detention at any time; to record statements of detainees in a language of their choice; and to take specific protective measures when arresting children and women.

Thousands of Tamil people, including hundreds of prisoners of conscience held solely on account of their ethnic origin, were detained in the northeast and in Colombo. In many cases, the security forces did not adhere to the directives, in particular the requirement to issue "arrest receipts". The large majority of those arrested were released within 48 hours, but others were held for months without charge or trial. At the end of the year an estimated 600 detainees were held under

the Emergency Regulations or Prevention of Terrorism Act.

There were reports of torture, including rape, particularly by army personnel in the east. In January, three Tamil women were reportedly raped by soldiers at Coomachcholai and Kayankaddu, Batticaloa district, in reprisal for an attack by the LTTE on the nearby army camp at Thampanamveli. Other reports were received of rape, by the police in Amparai in May and by the army in Trincomalee in August. There were also reports of torture of Tamil political prisoners by the army in the east. Methods of torture included electric shocks, hanging upside-down, applying chilli powder to genitals and keeping prisoners blindfolded with rags soaked in petrol. In Colombo members of the Special Task Force (STF), the Criminal Investigation Department and the army were alleged to be responsible for torturing Tamil prisoners.

Several people died in custody as a result of torture. Ratnaweera Patabendige Dayananda died in January after he was taken into custody by the police in Galle. He had three injuries to the head caused by blunt weapons and multiple injuries all over his body. The magistrate inquiring into his death ruled that the injuries could not have been caused by a fall, as claimed by the police.

At least 55 people "disappeared" after being arrested by members of the security forces in the east and in Colombo. The bodies of 31 people abducted in Colombo between late April and late August were later found in lakes and rivers in the vicinity. Among them was Vijendra Naresh Rajadurai who had been forced into a white van at Wellawatte, Colombo, on his way home after work on 26 June. His body and those of four others were found in Alawwa, some 60 kilometres to the north-east of Colombo, on 29 June. An official investigation found evidence that the victims had been held prisoner, tortured and then killed by strangulation or drowning.

An estimated 40 Tamil civilians were extrajudicially executed in the east, particularly during May, June, July and November. Some of the killings apparently took place in reprisal for attacks by the LTTE on members of the security forces. Others occurred during cordon-and-search operations. Members of the police, army, STF and Muslim home guards, a civil defence

force, were reported to be responsible for the killings.

Three commissions of inquiry established in late 1994 to look into human rights violations, in particular "disappearances" that had occurred after 1 January 1988 (see *Amnesty International Report 1995*), began their work in January and within two months had received information about 30,000 cases of "disappearance". The Presidential Commission of Inquiry into Involuntary Removal of Persons (PCIRP), established in 1991 to investigate "disappearances" reported after 11 January 1991, concluded its investigations. Its final report, reportedly submitted to the President in November, had not been made public by the end of the year. A number of internal army and police inquiries were held into reports of extrajudicial executions and "disappearances", often resulting in the transfer of the alleged perpetrators. In few cases was prosecution initiated. In late August, 18 members of the security forces and seven civilians were arrested on suspicion of being responsible for the "disappearance", torture and killing of at least 21 people in Colombo in the preceding months.

Little progress was reported in the inquiries into the deaths of people whose bodies were found during exhumations of a dozen clandestine graves in 1994. In October the trial resumed of five police officers charged with murdering 12 prisoners in Nittambuwa, Gampaha district, in February 1990 (see *Amnesty International Reports 1991 and 1992*). The trial of eight army personnel and a school principal charged in connection with the "disappearance" of a group of young people at Embilipitiya between late 1989 and early 1990 was postponed (see *Amnesty International Report 1995*). In October the investigations into their "disappearance" were reopened.

The LTTE was responsible for gross human rights abuses, including attacks on Sinhalese civilians living in or near the northeast. In May, for example, 42 villagers were deliberately shot dead by LTTE forces at Kallarawa, north of Trincomalee, in the east. Among those killed were at least 12 women and six children. In a further eight attacks in October and November, more than 120 Sinhalese civilians were similarly killed. The LTTE also detained scores of people suspected of

providing information to government forces, at least 30 of whom were "executed". Mahattaya, the former deputy leader of the LTTE detained in 1993 (see *Amnesty International Report 1994*), was reportedly "executed" in November. There were reports of torture of prisoners, in at least two cases resulting in death.

An Amnesty International delegation visited the country in February and met President Chandrika Bandaranaike Kumaratunga, several members of the government, members of the commissions of inquiry into past human rights violations and members of the PCIRP and HRTF. Amnesty International submitted a memorandum to the government setting out measures to prevent grave human rights violations. These included a review of security legislation and the strengthening of constitutional and legal protection. Amnesty International sought clarification of the mandate and working methods of the commissions.

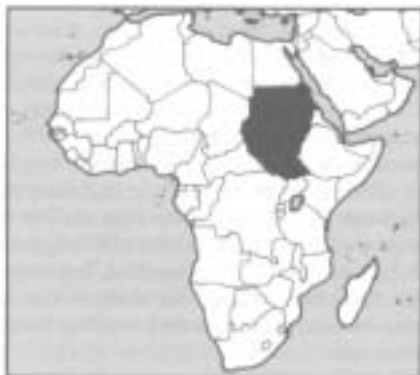
In April Amnesty International published a report, *Sri Lanka: Time for truth and justice*, setting out observations and recommendations relating to the work of the commissions of inquiry. After the resumption of the armed conflict, Amnesty International expressed concern at reports of arbitrary arrests, "disappearances" and extrajudicial executions. It called for the introduction of human rights safeguards, including the restoration of the HRTF's powers to monitor the welfare of detainees. It also called for full and impartial investigations into all reports of "disappearances" and extrajudicial executions. In early June the President responded giving assurances that several incidents of extrajudicial executions reported in May were being investigated by the security forces and that "if the circumstances warrant it further action will be taken against those responsible". No response had been received by the end of the year to a request for information on the outcome of the investigations and any subsequent action.

Amnesty International appealed to the LTTE for an immediate halt to deliberate and arbitrary killings of civilians. It also called for the release of prisoners of conscience and for the LTTE to publish information on the whereabouts of those held by its forces.

In September, amid reports of an escalation of the conflict in the Jaffna

peninsula, Amnesty International appealed to the government and the LTTE to take all necessary measures to protect civilians and those taking no active part in the fighting.

SUDAN



Hundreds of suspected opponents of the government, many of them prisoners of conscience, were detained without charge or trial for periods ranging from a few days to several months. Political detainees were tortured and prisoners were routinely flogged as judicial punishment. Scores of children were abducted by paramilitary forces and hundreds of people were extrajudicially executed in the war zones. At least nine death sentences were reported and at least two executions carried out. Armed opposition groups committed human rights abuses, including deliberate and arbitrary killings of scores of unarmed civilians.

Members of virtually every sector of society, both in northern Sudan and in war zones in southern Sudan and the Nuba mountains, suffered human rights violations. The government of President Omar Hassan Ahmad al-Bashir continued to suppress all independent political activity and to maintain a state of emergency.

The authorities took a number of steps designed to give the impression of action over human rights. In March the government closed a secret detention centre, the notorious "City Bank ghost house"; in May it produced an official list of 80 political detainees hitherto held in secret; and in August it announced that it had released 50 political prisoners and that there were no longer any political detainees.

However, the inmates of the "City Bank ghost house" – which was just one of several secret detention centres – were transferred to a wing of Kober prison taken over by the security services. The May list of detainees was incomplete and within days of the August releases there were further political detentions.

Anti-government street protests and riots broke out in mid-September in Khartoum, the capital, and other northern cities. They were sparked off by arrests of suspected government opponents and reflected widespread discontent with economic conditions. There were violent clashes between demonstrators and government supporters in which over 10 people were reportedly killed and many more wounded.

The conflict between the government and armed opposition groups, which has persisted since the formation of the Sudan People's Liberation Army (SPLA), led by John Garang de Mabior, in 1983, continued in parts of southern and western Sudan. In March the government announced a cease-fire, but the army and the government's paramilitary Popular Defence Force (PDF) continued to carry out military operations in which civilians were forcibly displaced and killed and villages were burned down. There were millions of internally displaced people within Sudan, and hundreds of thousands of Sudanese refugees in neighbouring countries.

The South Sudan Independence Army (SSIA), led by Riek Machar Teny-Dhurgon, was torn by internal feuding. In January an expelled senior commander formed the Gogrial Aweil Nyamlell Tonj Rumbek Yirol Movement (GANTRY), which operated in northern Bahr al-Ghazal as a government militia. In August the SSIA split into two factions which fought against each other in central Upper Nile.

The SPLA and SSIA (Machar) signed agreements in July and August respectively with the UN aid operation, Operation Lifeline Sudan, establishing ground rules for the delivery of humanitarian assistance. They included explicit commitments to respect basic humanitarian principles, and agreement to establish mechanisms for monitoring adherence to these principles.

The UN Commission on Human Rights passed a resolution in March strongly

condemning human rights abuses throughout the country and setting in motion the creation of a UN monitoring team to assess reports of human rights abuses. The government continued to deny the UN Special Rapporteur on Sudan access to the country.

In March the African Commission on Human and People's Rights of the Organization of African Unity adopted a resolution expressing concern about the human rights situation in Sudan.

Hundreds of people, many of them prisoners of conscience, were arrested, including members of banned political parties, trade unionists, lawyers, students, southern Sudanese, refugees and non-Sudanese nationals. Most were detained without charge or trial for periods ranging from a few days to a few months. Many were held in secret detention centres or "ghost houses" and, after March, in a section of Kober prison taken over by the security services.

Prisoners of conscience held at the start of the year included Yousif Hussein, a leading member of the banned Sudan Communist Party (SCP) detained since June 1993, and Mohamed Babiker Mokhtar, a former leader of the banned Federation of Sudanese Employees and Professionals, detained since August 1994. Both men were released in April but rearrested in September and held until December.

Prisoners of conscience were detained briefly throughout the year, including Gordon Micah Kur, a southern Sudanese former police officer and social worker, who was held from February to June for what was officially described as "hostile activity". He had previously been imprisoned between 1989 and 1991.

Thirteen leading members of the *Ansar* order of Islam and the banned Umma party were arrested in Khartoum in May, including Sadiq al-Mahdi, a former prime minister, and Sara Nugdallah, a university lecturer, who was held until mid-July. There were reports of further arrests in the towns of Kosti, Gedaref and al-Obeid. One prisoner of conscience, Abdel Rasoul al-Nur, was released in June; the others were released in late August under an amnesty.

Under the August amnesty, 32 political detainees were released. Nineteen were reported to be members of the Umma party and the others members of the banned Ba'ath Arab Socialist Party and the SCP. A

few days later, 18 political prisoners convicted after unfair trials in 1991 and 1994 were also released. They included 'Abd al-Rahman Abdallah Nugdalla and at least nine others convicted after unfair military trials in October 1991 (see *Amnesty International Report 1992*). Also released were five men convicted on the basis of confessions extracted under torture in April 1994 (see *Amnesty International Reports 1994* and *1995*). The authorities announced that there were no longer any political prisoners in Sudan. However, within days three Islamist political opponents of the government were arrested.

At the start of September, 23 students and recent graduates were detained in Omdurman and accused of being communist plotters. These arrests sparked violent street protests in Khartoum and other northern cities during which as many as 800 people – some of them prisoners of conscience – were arrested. Although the majority of demonstrators were released within days, others were held for several weeks.

The authorities apparently used the street protests as a pretext to round up scores of political opponents, many of them with left-wing views, such as prisoners of conscience Siddiq Yusuf, an engineer, and Kamal al-Gizouli, a lawyer and poet. There were further arrests of prisoners of conscience after the demonstrations ended. The majority were released after several weeks of incommunicado detention but some, including Mohamed Ibrahim Abdu (known as Kabaj), a businessman, and Salah Samareit, a trade unionist, were not released until December.

Although human rights activists reported a reduction in the frequency of torture of political detainees in northern Sudan, many incidents still took place both upon arrest and in "ghost houses". Many of the victims were people from the south and Nuba suspected of involvement with the SPLA, both in the war zones and in the capital. Methods reported included beatings, forcing detainees to stand for long periods, and prolonged exposure to the sun. Following his arrest in January, Baha'a al-Tayeb, a recent graduate, was badly beaten by security officials. He was released in March.

Scores of students arrested before, during and after the September protests were reported to have been beaten by security

officials and government supporters working with the security police. A young man was reported to have been briefly held on 13 September by security officials who broke both his arms before setting him free. Shehab Ali Yusuf, a student accused of tearing pages out of a copy of the *Qur'an* during the protests, was badly beaten after his arrest in September.

Floggings were imposed as judicial punishment. Many of the victims were women convicted of brewing alcohol, after summary trials by Public Order Courts which failed to meet international standards of fair trial. Many were internally displaced, having fled from the south where the brewing and selling of alcohol is not illegal, and had no other livelihood.

The fate and whereabouts of scores of children abducted by PDF and other government militia forces in northern Bahr al-Ghazal and the Nuba mountains were not clarified by the authorities. Many were believed to be held in domestic slavery by their abductors. Others were reported to have been placed in camps run by the authorities, often in remote rural areas on the fringes of the Nuba mountains and southern Sudan, in preparation for recruitment into paramilitary forces.

The fate of hundreds of prisoners who had "disappeared" in previous years remained unknown. A commission of inquiry established by the government to investigate hundreds of extrajudicial executions and "disappearances" in Juba in 1992 (see *Amnesty International Report 1993*) again failed to produce any report.

Hundreds of unarmed civilians were extrajudicially executed in the war zones. In April at least four boys were reported to have been shot dead as they attempted to escape from a camp at Abu Dikiri, southwest of the Nuba mountains. In the same month, three villagers were extrajudicially executed by soldiers who burned down Dabiker on the edge of the Moro hills. In March and May scores of civilians were killed by PDF troops clearing people from the railway line in northern Bahr al-Ghazal in advance of government trains. In July GANTRY forces in northern Bahr al-Ghazal killed unarmed civilians in an attack on Panliet. In September the same group killed and abducted civilians at Panthou.

At least nine death sentences were passed: nine women were sentenced to be

hanged after, being convicted of selling drugs. It was not known whether the sentences were carried out. At least two executions were carried out during the year.

SPLA soldiers committed human rights abuses, including torture and deliberate and arbitrary killings of captured prisoners and unarmed civilians. In January SPLA soldiers were reported to have beaten young boys near Nimule who were being rounded up against their will to serve as soldiers, and to have raped women near Kajo Kaji with impunity. In July SPLA forces and their armed civilian allies deliberately and arbitrarily killed more than 200 people, including over 120 children, in villages around Ganyiel in southern Upper Nile. Villagers were shot in their homes and children were thrown into burning buildings. The attack was apparently in retaliation for the killing of over 100 civilians by SSIA soldiers in October 1994.

Throughout the year Amnesty International urged the authorities and the leaders of the armed opposition to end human rights abuses. In January Amnesty International launched a major international campaign calling on the government, SPLA and Paigun to take immediate steps to end killings, "disappearances", torture and arbitrary detention. It also called on the international community to create an international civilian human rights monitoring team. Its report, *Sudan: The tears of orphans - no future without human rights*, examined the human rights situation in Sudan since the 1989 coup that brought the government to power.

In July Amnesty International published *Sudan: Women's human rights - an action report*, and in October, *Sudan: Monitoring human rights*, which renewed its call for the creation of an independent civilian human rights monitoring team with full access to all parts of Sudan.

The organization made two attempts to send a delegation to Sudan. In February, as part of its response to Amnesty International's campaign, the government declared that Amnesty International was banned from visiting. However, in April the Foreign Minister extended a verbal invitation. In October the government refused to accept Amnesty International's delegation. In the same month an Amnesty International delegation visited southern Sudan and held meetings with

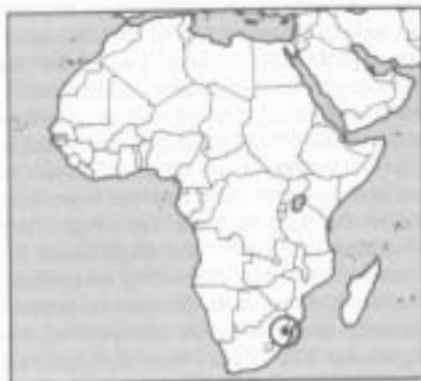
the SPLA Deputy Commander-in-Chief and the leader of the SSIA.

The government did not respond to the substance of Amnesty International's appeals. In February the authorities issued a 23-page statement, *The crocodile tears*, accusing Amnesty International of insulting Islam, of being allied to the political opposition, and of being misinformed. In March Sudanese official trade unions issued a similar statement that accused the organization of overlooking abuses by armed opposition groups.

In June the SPLA, in response to Amnesty International's campaigning, wrote acknowledging that there had been serious human rights abuses by some of its members and expressing determination that these should be rectified. However, in October SPLA senior commanders denied that incidents reported by Amnesty International had involved their forces. Both the SPLA and SSIA leaderships expressed willingness to allow independent investigators to monitor reports of human rights abuse.

Amnesty International included reference to its concerns in Sudan in an oral statement to the UN Commission on Human Rights in February.

SWAZILAND



Prisoners of conscience, including political opponents of the government, journalists and trade unionists, were detained for short periods. There were allegations of torture by police. Two people remained under sentence of death.

All party political activity continued to be banned and the rights of freedom of assembly and expression restricted, in the

face of continuing demands from trade unionists, students and other sectors of society for political and other reforms. Tension between the government and the Swaziland Federation of Trade Unions (SFTU) over industrial relations issues remained unresolved at the end of the year.

In July the government released the long-awaited report of the judicial commission of inquiry into the November 1990 incidents on the University of Swaziland campus, when students were severely beaten by police and soldiers following class boycotts (see *Amnesty International Reports 1991 and 1992*). The report criticized the beatings as "brutal and excessive", but recommended the prosecution only of Superintendent Stanley Bhembe, the Assistant Police Commissioner at the time, who was found to have ordered the beatings, and the payment of compensation only to victims who sustained permanent injuries from the assaults. The long delay in the release of the report added to suspicions that controversial findings had been suppressed.

Swaziland ratified the African Charter on Human and Peoples' Rights.

Political activists and trade unionists were detained for short periods for alleged participation in illegal meetings, rallies and strikes. Many were prisoners of conscience. Seven members of the opposition organization the People's United Democratic Movement (PUDEMO) were arrested in April in connection with a demonstration held in Mbasheni to protest at the suspension of the Constitution in 1973. The trial of 49 supporters of PUDEMO and of the Swaziland Youth Congress on charges of participating in an illegal demonstration in December 1994 had not been concluded by the end of the year. The defendants applied to the High Court for an order that the presiding magistrate should withdraw from the case because of concerns about bias on the part of the magistrate. The matter had not been resolved by the end of the year. In January the police had allegedly assaulted some of the accused, who had been released on bail, when they went to arrest them for failing to appear in court.

There was constant harassment of the SFTU Secretary General, Jan Sithole, whom the government attempted to deport from Swaziland claiming that he was not a citizen. He received anonymous telephone

death threats in July. In the following month he was abducted, on the eve of a critical meeting between government, employers and union representatives, by four armed and hooded men. They seized his car and forced him into the car boot before abandoning the vehicle in the road. He was found some hours later by a passer-by. No one was brought to justice for this apparent attempt on his life.

Journalists were detained on a number of occasions apparently in reprisal for published articles critical of government officials. In March, four journalists from the *Swazi Observer* newspaper were arrested on charges relating to a technical breach of a 1938 law. Before the arrests, the Director of Public Prosecutions (DPP) had allegedly threatened one of the journalists in connection with a report critical of a cabinet minister. After the journalists' arrest, the DPP allegedly visited them in the police cells, verbally abused them, and attempted to obstruct bail proceedings. In an urgent High Court hearing three days after their arrest, the presiding judge reportedly criticized the DPP for abusing his position of authority and referred to the arrest warrants as oppressive and amounting to intimidation. In May the High Court ordered the trial magistrate to withdraw from the case on the grounds of bias. Several weeks later, in June, the DPP ordered the arrest of senior staff and journalists from both the *Swazi Observer* and the *Times of Swaziland* on charges of breaches of publishing regulations. Those arrested were released on bail. In August the DPP withdrew charges against the *Times of Swaziland* staff. However, the *Swazi Observer* staff were found guilty in the magistrate's court of the charges and sentenced to a fine or four years' imprisonment. The newspaper lodged an appeal.

The courts heard evidence that suspects in criminal investigations had been tortured by police. A lawyer representing a University of Swaziland student charged with car theft told a court in March that the defendant had been nearly suffocated with a rubber tube during interrogation. The presiding magistrate examined the student, noting injuries to his eyes and hands. In two separate cases in February before the High Court, defendants alleged that they had confessed to certain crimes after being subjected to a form of torture locally known as "kentucky", in which

the victims were suspended from a horizontal pole placed behind the knees with their wrists and ankles shackled together behind them and kicked and spun around. At the judge's request the method was demonstrated in court. In March the Commissioner of Police ordered an investigation into the allegations.

Two prisoners, including one whose appeal had been rejected by the Appeal Court, were under sentence of death at the end of the year. The other prisoner's appeal was due to be heard in 1996. Two other prisoners under sentence of death had their convictions overturned and were released during the year. There were no executions.

Amnesty International expressed concern to the government about the pattern of detentions and harassment of political opponents, journalists and trade unionists, and appealed to the government to ensure that the rights of non-violent freedom of expression and association were fully respected. It called upon the government to ratify all international human rights treaties and to incorporate their provisions into domestic law and practice.

SWITZERLAND



Scores of conscientious objectors to military service were sentenced to terms of imprisonment or compulsory work by military tribunals. There were further allegations of ill-treatment of detainees by law enforcement officers.

Although a national referendum in 1992 voted to introduce, in principle, a civilian alternative to military service, this was still not available during the year.

However, in October parliament gave its final approval to a draft law under which conscripts demonstrating their inability to reconcile military service with their consciences would qualify for the right to perform a civilian service one and a half times the length of ordinary military service. The law was not expected to come into operation until October 1996.

Under the Military Penal Code refusal of military service remained a criminal offence. However, where a tribunal concluded that a conscript was unable to reconcile military service with his conscience because of "fundamental ethical values" he was sentenced to a period of work in the public interest and did not acquire a criminal record. Conscientious objectors who failed to qualify for a sentence of compulsory work because, for example, the military tribunals considered that they opposed military service on political grounds, continued to be sentenced to terms of imprisonment. However, few conscientious objectors were reported to have served prison sentences during 1995 as many cantons had moratoriums on such sentences. Those imprisoned were prisoners of conscience.

There were further allegations of ill-treatment by law enforcement officers. Many of the alleged victims were foreign nationals. Hassan L., a Libyan national, lodged a complaint against police officers after he received near-fatal injuries in February. He was arrested and detained, apparently on suspicion of a drug-related offence. He admitted he was drunk when he was approached by several men in the Letten area of Zurich and he claimed that he did not at first realize they were police officers because they were dressed in plain clothes. He stated that when they began to hit him he picked up a stone to defend himself, but that a bystander warned him that the men were police officers before he could use it. He alleged that after being knocked to the ground, he was handcuffed, seized by the feet and dragged along the ground towards a police vehicle while officers kicked his ribs, chest and neck and jumped on his chest. He claimed that in all some four or five officers assaulted him and that he eventually lost consciousness. He also reported that after transfer to a police station he was punched and struck again. He began to suffer severe pains and was admitted to a

hospital intensive care unit. The hospital issued a medical certificate within hours of his detention recording a chest injury affecting the lining of the lung, two fractured ribs, contusions to his left knee, lower right leg and right cheekbone. As a result of the injury to his lung and consequent breathing difficulties, Hassan L.'s life was in danger for several days. The police accused Hassan L. of using violence against them. Administrative and judicial investigations were opened into the circumstances of the arrest.

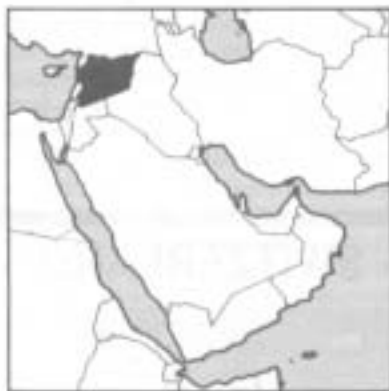
In April cousins Ali Doymaz and Abuzer Tastan, Turkish Kurds with official refugee status in Switzerland, were returning from a visit to Italy when their car was intercepted by three police cars carrying five or six police officers. Ali Doymaz' brother, normally resident in Italy, was also in the car although he had no legal right of entry into Switzerland. Abuzer Tastan alleged that, after checking their identity papers, the police officers dragged them out of the car and hit him on his head, arms, shoulders, back and stomach and that when he asked them not to hit him in the stomach as he suffered from stomach problems, they hit him there again. He claimed that after transfer to a police station in Chiasso, he was beaten and kicked again, made to stand with his arms spread wide open, subjected to racist insults and finally handcuffed to a hot-water radiator. Ali Doymaz said police officers first kicked him and pushed him with their guns and that after transfer to the police station they kicked him again, punched him in the face, pulled his chair from under him making him fall to the floor, subjected him to racist insults and handcuffed him to a hot-water radiator. Both men were accused of smuggling an illegal immigrant into the country and released after paying bail. Medical reports issued by independent doctors who examined the two men recorded swelling on Ali Doymaz' head and face, a red weal on his left collar bone and painful movement in his left shoulder. Abuzer Tastan had bruising on his forearms and it was noted that he was suffering severe stomach pains although he had been cured of a duodenal ulcer a month previously. Both men lodged a formal complaint against the police in June.

Amnesty International expressed concern that people continued to be punished

for refusing military service on grounds of conscience but welcomed the further progress made towards the introduction, in practice, of a civilian alternative to military service.

The organization sought information from the authorities on the steps taken to investigate cases of alleged ill-treatment and the outcome of inquiries opened into such allegations. Some authorities gave information about the status of investigations or court proceedings. Others stated that the allegations were unfounded or that injuries sustained by detainees were the result of police officers using the degree of force necessary to subdue a person violently resisting arrest.

SYRIA



At least 1,500 political prisoners, including prisoners of conscience, were released, the majority following a presidential amnesty issued in November. At least 200 prisoners of conscience remained held. Some were serving prison sentences, while others were detained without charge or trial. Long-term political detainees, including prisoners of conscience, continued to be tried before the Supreme State Security Court (SSSC); at least 21 were convicted after unfair hearings and sentenced to prison terms of between three and 22 years. Several political prisoners continued to be held after their sentences had expired. Scores of prisoners who "disappeared" in previous years remained unaccounted for.

President Hafiz al-Assad issued an amnesty on the occasion of his 25th anniversary in power as a result of which at least

1,500 political prisoners, including prisoners of conscience, were released in November and December. A General Amnesty Law (Decree No. 18), which was issued by the President and approved by the People's Assembly in December, was believed to be mainly concerned with prisoners held for non-political offences.

The majority of the 1,500 political prisoners released were alleged members and supporters of the *al-Ikhwan al-Muslimun* (Muslim Brotherhood) who were among thousands arrested in the early 1980s in connection with the movement (see previous *Amnesty International Reports*). Most were released in November and December following the presidential amnesty; others were released in March. It was not known how many of those held in connection with the Muslim Brotherhood continued to be held. Among other prisoners released were doctors, engineers and lawyers who had been arrested following a one-day general strike in 1980 (see previous *Amnesty International Reports*). In August the Syrian Government stated that 18 medical professionals had been released between 1980 and 1992.

At least 200 prisoners of conscience continued to be held. Some were detained without charge or trial, while others were serving prison sentences, mostly imposed after unfair trials. About a dozen prisoners continued to serve sentences for alleged links with *al-Hizb al-Shuyu'i al-Maktab al-Siyassi*, the Communist Party-Political Bureau (CPPB). Riad al-Turk, a leading member of the CPPB who was arrested in 1980, remained in incommunicado detention without charge or trial. He had been held incommunicado for 15 years and in that time had been allowed only two visits from his wife and daughter (see *Amnesty International Report 1995*). Ten prisoners of conscience, sentenced in March 1992 to between five and 10 years' imprisonment in connection with the unauthorized Committees for the Defence of Democratic Freedoms and Human Rights in Syria, remained in prison. They included Aktham Nu'aysa, a lawyer, who was reported to be in poor health (see *Amnesty International Report 1995*).

As in previous years long-term political detainees, including prisoners of conscience, were brought to trial before the SSSC, whose procedures fall far short of international fair trial standards (see *Am-*

nesty International Report 1995). Many, including prisoners of conscience, had been held without charge or trial for up to 13 years. They were tried on charges of belonging to, or activities relating to, various unauthorized political organizations. Many were sentenced to prison terms, while dozens were acquitted or had the charges against them dropped. At least 12 defendants charged in connection with the *Hizb al-'Amal al-Shuyu'i*, Party for Communist Action, were sentenced to prison terms during the year. They included 'Abd al-'Aziz al-Khayyir, arrested in February 1992, who was sentenced to 22 years' imprisonment in August. This was the longest sentence known to have been passed by the SSSC since July 1992. Some defendants were acquitted; others were released after being sentenced to prison terms almost equivalent to the period they had already spent in pre-trial detention.

At least nine political detainees suspected of links with unauthorized Kurdish organizations were tried before the SSSC during 1995 and sentenced to three years' imprisonment. They had been held incommunicado since 1992 and had reportedly been released by the end of the year, after serving their sentences. Other trials scheduled in March were postponed. Defendants included 'Aladdin Ahmad Hamam who had been arrested in October 1992 and was reportedly held in 'Adra prison.

Most of the political detainees held for alleged links with the *Hizb al-Ba'th al-Dimuqrati al-Ishtiraki al-'Arabi*, Arab Socialist Democratic Ba'th Party, were serving prison terms averaging 15 years imposed by the SSSC in 1994.

Most of those tried for alleged links with two unauthorized Nasserist political movements, the *Hizb al-Ittihad al-'Arabi al-Ishtiraki fi Suriyya*, Arab Socialist Union Party, and *al-Tanzim al-Shabi al-Dimoqrati al-Nasari*, the Nasserist Democratic Popular Organization, were released. However, Marwan 'Az al-Din Ghazi and Ahmad Ma'tuq remained detained in connection with the Nasserist Democratic Popular Organization. Both had appeared before the SSSC in 1993 and 1994, but no information was available regarding the outcome of the trial.

Three long-term prisoners of conscience, all former government and Ba'th

Party officials detained without charge or trial since 1970, were released in January. They were: Muhammad 'Id 'Ashawi, aged 65, Fawzi Rida, also in his sixties, and 'Abd al-Hamid Miqdad (see previous *Amnesty International Reports*).

Up to 80 Kurds were arrested during the year in connection with unauthorized political organizations or activities. More than 60 of them were arrested by the security forces in February and March, apparently after the Kurds defied a ban by the authorities on celebrations for the traditional *Nawruz* (Kurdish New Year Festival). Most were believed to have been released weeks or months later. Seventeen other Kurds were reportedly arrested in November and December. Their arrests were said to have followed the distribution of leaflets expressing solidarity with the Kurds stripped of Syrian nationality 33 years earlier.

Hundreds of Palestinians and Lebanese nationals arrested on political grounds in previous years in Lebanon or Syria remained in detention (see previous *Amnesty International Reports*). Most were held incommunicado and their whereabouts were unknown. At least 19 Palestinians who had completed their sentences reportedly remained in detention awaiting deportation. There were also reports that scores of Palestinians, who had been arrested in the mid-1970s and 1980s, had received sentences ranging from 10 years' to life imprisonment. Twenty-six Palestinians arrested in connection with Palestinian political movements and held since 1985 and 1987 were released in June.

At least 80 Lebanese nationals remained held in Syrian jails. They included Butrus Abu-'Abbud, who was arrested in May 1993 at the Lebanese border and was reportedly held in Far' Falastin detention centre in Damascus. His arrest was said to be connected with his political activities in Lebanon.

At least three political prisoners remained in custody despite having completed their prison sentences. They included Khalil Brayez, a writer and former army officer who was in his sixties. He was abducted by Syrian security forces in Lebanon in 1970, possibly in connection with the publication of two books that were critical of the Syrian army during the 1967 war. He had been in de-

tention for 25 years, 10 years beyond the expiry of the 15-year sentence imposed in 1970.

Scores of political prisoners arrested in previous years remained unaccounted for and it was feared that they had "disappeared". They included Wafa' Fahmi 'Ubaidat, a Jordanian national, who was reportedly arrested while visiting Damascus in October 1986. Her fate and whereabouts remained unknown.

Amnesty International continued to appeal for the immediate and unconditional release of all prisoners of conscience and for all political prisoners to receive fair and prompt trials, or be released. It urged the authorities to initiate impartial investigations into all torture allegations.

In April Amnesty International published a report, *Syria: Repression and impunity - the forgotten victims*. The report was based on a memorandum submitted to the Syrian Government in July 1994 (see *Amnesty International Report 1995*).

In July Amnesty International received a memorandum from the Syrian Government which addressed some of the organization's concerns. The memorandum stated that individual human rights are protected in Syria by all mandatory legislation including the Constitution, and that the state of emergency, although in force because of the exceptional circumstances in Syria, has rarely been implemented except in a very limited way. The memorandum went on to argue that due procedure is carefully followed by the sssc and that there are no prisoners of conscience, no "disappearances", no torture, and no impunity for human rights violations in Syria. Amnesty International received no response regarding the numerous individual cases it had previously submitted to the government.

In November Amnesty International wrote to the Syrian authorities welcoming the news that political prisoners, including prisoners of conscience, had reportedly been released, and seeking details about the releases and the amnesty. Amnesty International urged the Syrian Government to release all prisoners of conscience and other political prisoners who had not been charged with recognizably criminal offences and fairly and promptly tried.

Amnesty International submitted in April information about its concerns in

Syria for UN review under a procedure established by Economic and Social Council Resolutions 728F/1503, for confidential consideration of communications about human rights violations.

TAIWAN



Two aboriginal activists were imprisoned; both were prisoners of conscience. There were reports of torture and ill-treatment of detainees resulting in at least one death. Several military conscripts died, apparently as a result of torture. At least 15 people were sentenced to death. At least 16 people were executed, some after trials which appeared to fall short of international fair trial standards.

The ruling Kuomintang party suffered a setback in elections to the Legislative Yuan (parliament) in December, but maintained its majority. The Republic of China, Taiwan, pursued attempts to reduce its international isolation; President Lee Teng-hui visited the Middle East in March and made a nominally private visit to the USA in June. Political contacts with the People's Republic of China remained difficult during most of the year, partly because of President Lee's visit to the USA.

In March parliament adopted a law granting compensation to the relatives of victims of killings perpetrated by government troops in 1947, known as the "28 February" killings. The law, and formal apologies by President Lee for the killings, ended decades of refusals by the authorities to acknowledge responsibility for the killings.

In July the Council of Grand Justices, a constitutional tribunal, declared that legislation against "hooliganism", which

allowed restrictions on detainees' access to lawyers and denied defendants the possibility of cross-examining prosecution witnesses, was unconstitutional. The government indicated that the legislation would be abolished by the end of 1996. In December the Council ruled that prosecutors' powers to order the detention and release of criminal suspects were also unconstitutional, stating that only judges could exercise these powers. New detention procedures were to be developed by the Ministry of Justice, but these had not been made public by the end of the year.

Mayau Kumu and Iciang Parod, members of the Amei ethnic group, were imprisoned for one-year terms, in May and November respectively. Both had earlier received suspended prison terms for organizing a demonstration in 1991 in favour of aboriginal people's rights. The suspension of their sentences was revoked by courts in 1995 because of their further involvement in peaceful demonstrations in 1993 and 1994. They were prisoners of conscience. Mayau Kumu was released in December.

Nine prison guards and one prisoner were indicted following the death of inmate Chu Jui-jen in September in Chiayi Prison. According to the prosecution, Chu Jui-jen had been held in isolation since July. In September he was hung from an iron gate for several hours and beaten as a punishment for talking back to a senior guard. He was subsequently denied medical attention. The trial had not concluded by the end of the year.

In April, five police officers were sentenced by an appeal court to prison terms of between eight and 10 years for beating a detainee to death during interrogation in August 1993. Hung Chien-chung had been detained that month by police in the central city of Taichung on suspicion of rape.

At least seven army and navy conscripts died in suspicious circumstances. This reinforced concerns that conscripts faced harsh punishments while undergoing military service and that safeguards against the use of violence by military personnel against conscripts were insufficient. Lan Shih-chung, an army conscript, died in March following several months' hospitalization for wounds sustained in September 1994. He had allegedly been harassed by officers because he had refused to apply for an extension of his

period of military service. His family was informed that an investigation into his death was carried out in March, but not of its outcome. In August navy conscript Hsieh Kun-tsang died outside a disciplinary training camp in the southern city of Kaohsiung. Officials initially alleged that he had killed himself while trying to escape from the camp, but in November, 17 camp officers, including its commander, received prison sentences of between four and 11 years in connection with his death. Appeals by the officers against the sentences had not been concluded by the end of the year. In September an army conscript, Yeh Tzu-hsien, was found dead at a construction site in the capital, Taipei. Military prosecutors stated that he had committed suicide by jumping from a building. An autopsy concluded that he had been hit by a vehicle before his death. The outcome of official investigations into Yeh Tzu-hsien's death was not known by the end of the year.

At least 15 people were sentenced to death and at least 16 were executed during the year, some after trials which appeared to fall short of international standards for fair trial. Most had been convicted of murder. In February the Supreme Court confirmed death sentences against Su Chien-ho, Liu Ping-lang and Chuang Lin-hsiung on charges of robbing, raping and murdering two people in 1991. The defendants had claimed since 1991 that their convictions were based on forced "confessions". Successive appeals by the defendants and others to President Lee Teng-hui to commute the death sentences remained unanswered at the end of the year. Prisoners under sentence of death continued to be at risk of cruel, inhuman or degrading treatment. Restrictions on the long-term use of shackles were reportedly introduced during the year, but it was unclear to what extent these were followed.

In December Amnesty International published a report, *Taiwan (Republic of China): Three men face execution after unfair trial*, summarizing its concerns on the trial of and death sentences passed on Su Chien-ho and his co-defendants, and wrote to President Lee Teng-hui to urge him to exercise his constitutional powers to commute the sentences. The organization had received no response by the end of the year.

TAJKISTAN



A journalist apparently "disappeared", but was later released from custody. A man suspected of being responsible for the deaths of two people who "disappeared" in 1993 was arrested. At least three death sentences were passed. The government declared a moratorium on carrying out death sentences imposed for crimes connected with the recent civil war. Government troops were taken hostage by the armed forces of the political opposition.

Talks aimed at settling the armed conflict between government forces and armed groups supporting the outlawed opposition (see *Amnesty International Report 1995*) continued during the year. Two further rounds of talks were held in Kazakhstan and Turkmenistan, but little progress was made on substantive issues. The cease-fire declared in 1994 remained in place throughout 1995, although there was a serious breakdown in April and intermittent violations by both sides during the rest of the year. The continuing peace talks included discussion about new constitutional arrangements and the convening of a provisional government. However, the government, led by President Imamali Rakhmonov, went ahead in March with elections to a restyled parliament, the *Majlis Oliy*.

Tajikistan acceded to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in January.

There was new evidence that remnants of the People's Front of Tajikistan, a paramilitary group linked to the government and believed to be responsible for political

killings and "disappearances" in 1992 and 1993, were still active, although outside effective government control. In June and September the southern town of Kurgan-Tyube was wracked by serious armed clashes between two rival army units made up of former People's Front fighters, following the murder of the commander of one of the units. In September an Austrian member of the UN observer mission to Tajikistan (UNMOT) was killed, reportedly in cross-fire, while investigating the armed clashes in Kurgan-Tyube.

Mirzo Salimov, a former journalist for an opposition newspaper who had recently returned from self-imposed exile in Russia, was detained in May by uniformed men who forced him into a car at gunpoint. It was initially feared that he had "disappeared", since inquiries by his family to law enforcement agencies failed to elicit any information about his whereabouts. However, three weeks later he was released from the custody of state law enforcement officers after being charged with anti-state crimes. He subsequently left the country.

In November police arrested Khoja Karimov, a member of parliament and former People's Front field commander, for the murder of the brothers Saidsho and Siyarsho Shoyev who "disappeared" in 1993 (see *Amnesty International Report 1994*).

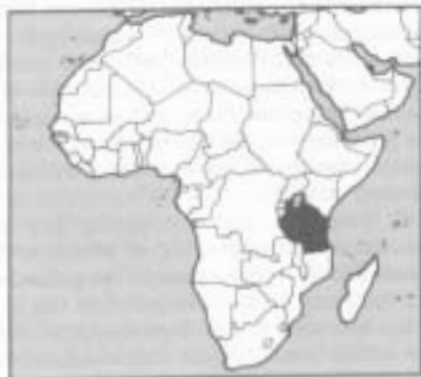
At least three people convicted of murder were sentenced to death during the year, one of them for crimes committed during the civil war in 1992. No judicial executions were known to have taken place. In June, at the close of the fourth round of peace talks, government representatives announced a moratorium on the carrying out of death sentences passed on opposition supporters for crimes connected with the civil war, pending the final outcome of peace negotiations.

In October opposition insurgents captured over 50 government troops in combat operations in the Tavildera district. Statements by representatives of the opposition leadership indicated that the captured troops were being held hostage to force the government to resume peace talks. Seventeen were released at the end of October, but the fate of the others was unknown at the end of the year.

Amnesty International called on the authorities to clarify the whereabouts of Mirzo Salimov and to guarantee his safety.

It welcomed the steps taken regarding the "disappearance" of the Shoyev brothers and continued to call for investigations into other reports of extrajudicial executions and "disappearances" during 1992 and 1993. It urged the commutation of all pending death sentences. The organization condemned the hostage-taking by the armed opposition.

TANZANIA



At least six journalists arrested during the year were prisoners of conscience. Courts continued to impose sentences of caning. At least two people were sentenced to death during the year; it was not known if any executions were carried out. Grave human rights violations were committed against refugees from Central Africa.

Presidential and parliamentary elections held in October were won by the ruling *Chama Cha Mapinduzi* (CCM), Party of the Revolution, and a new government was formed by President Benjamin Mkapa. In the run-up to the elections there were allegations of harassment by the authorities of members and supporters of opposition parties, notably in Zanzibar. The opposition Civic United Front (CUF) was repeatedly denied permits by the authorities to hold public meetings in the north of Zanzibar. Following the elections in Zanzibar, which returned to power the government of Dr Salmin Amour, there were reports that CUF members and supporters in Zanzibar were harassed and detained. The election result in Zanzibar was questioned by election observers and opposition parties.

The authorities continued to use criminal charges to harass journalists. At least

12 were facing charges at the end of the year. Six journalists were arrested during the year and held for several days. For example, in March Edna Ndejenbi was arrested in Moshi. Seven other journalists covering the visit of August Mrema, the leader of the opposition National Convention for Construction and Reform, were reportedly beaten by the police. Edna Ndejenbi was held for 12 hours before being charged with using abusive language likely to cause a breach of the peace and released. She was tried and acquitted in June. Also in March the editor and two publishers of the daily newspaper *Majira*, Sam Makilla, Rashidi Mbuguni and Richard Nyaulawa, were arrested following the publication of an article critical of the government. They were charged with sedition and withholding information and released on bail.

In July the publisher and editor of the *Shaba* newspaper, Oliver Msuya and Yassin Sadiki, were arrested after publishing details of a letter attributed to the Interior Minister, Ernest Nyanda, in which the writer said that the Prime Minister, Ceopa Msuya, had instructed him to investigate and interfere with the activities of August Mrema. The two detainees were held for five days before being released without charge, but were required to report to a police station regularly. In November *Kafiki*, a Swahili weekly, was banned, allegedly for publishing information likely to cause unrest.

Over 100 supporters of the CUF were harassed, ill-treated and arrested during an apparent crack-down on opposition members after the election in Zanzibar. The majority were released without charge after several days in custody. However, some were detained for longer: two CUF officials, Juma Othman and Ahmed Omar, were arrested in October, charged with treason, and held until the charge was dropped in November. Juma Othman was subsequently charged with giving false information to civil servants. He had not been tried by the end of the year.

Courts continued to impose sentences of caning – a cruel, inhuman or degrading punishment. In November, two youths were sentenced to 10 strokes of the cane after being convicted of attempting to steal a car. It was not known whether the sentence had been carried out by the end of the year.

At least two people were sentenced to death for murder. In early 1995 the Court of Appeal upheld the government's appeal against a ruling by the High Court in June 1994 (see *Amnesty International Report 1995*) that the death penalty violated the Tanzanian Constitution.

At the end of March the Tanzanian Government closed its border to refugees fleeing from Burundi, in breach of its obligations under international and regional treaties. The move followed a new influx into Tanzania of around 50,000 refugees, mostly Rwandese who had been living in Burundi, and some Burundi refugees who were fleeing a wave of killings in Burundi. There were also incursions into Tanzania by Burundi government soldiers, ostensibly in pursuit of armed opposition fighters. Refugees who managed to cross the border into Tanzania after March were forcibly returned to Burundi by the Tanzanian authorities. There were reports that between April and June Tanzanian soldiers forced groups of refugees to return to Burundi after robbing and beating them, and raping some women refugees. A group of 300 Burundi refugees was forcibly returned in April. Several were reportedly killed by Burundi soldiers who were waiting for them on the other side of the border. Between three and six people were reportedly killed within an hour by soldiers who attacked them with knives and machetes. Many more were feared to have suffered a similar fate. Despite urgent representations, at the end of the year the border between Tanzania and Burundi remained closed and the Tanzanian Government continued to forcibly return asylum-seekers attempting to escape grave human rights abuses in Burundi. (See *Rwanda* and *Burundi* entries.)

Rwandese armed opposition groups based in refugee camps in Tanzania, made up of members of the former Rwandese government army and *interahamwe* militia, committed grave human rights abuses. These included deliberate and arbitrary killings in refugee camps in Tanzania and during armed incursions into Rwanda.

Amnesty International criticized Tanzania for betraying its international obligations not to forcibly return refugees who were clearly at risk of human rights violations in their own countries. The organization also called on the government to carry out impartial investigations into

allegations' of ill-treatment of refugees by Tanzanian soldiers.

In January Amnesty International published a report on several African countries, including Tanzania, about the use of criminal charges such as sedition to harass government critics, and called for an end to such practices (see **Kenya** entry). In June the organization called upon the government to ratify those international human rights treaties which it had not yet ratified.

THAILAND



At least four death sentences were imposed during the year, although there were no reports of any executions. Prisoners and asylum-seekers were reportedly held in conditions amounting to cruel, inhuman or degrading treatment. Hundreds of Burmese asylum-seekers were arrested for "illegal immigration" and arbitrarily detained.

Prime Minister Chuan Leekpai called elections for July, following the withdrawal of one political party from his five-party coalition government. Banharn Silpa-archa, leader of the Chart Thai Party, became Prime Minister when he formed a new seven-party coalition government following the elections.

In January several amendments to the 1991 Constitution were approved by parliament, including lowering the voting age to 18 and reducing the size of the non-elected Senate. Despite the commitment made by the government to the UN World Conference on Human Rights in Vienna in June 1993 that Thailand would accede to the International Covenant on Civil and

Political Rights, by the end of the year it had not done so.

In May a senior police official publicly stated that a shoot-to-kill policy against dangerous criminals was one way to reduce serious crime.

Draft legislation to impose the death penalty for illegal trade in weapons and their use in crime was rejected by a government committee in April (see *Amnesty International Report 1995*). In September the Corrections Department, the Ministry of the Interior, and the Justice Ministry debated whether to impose the death penalty for amphetamine manufacture and trafficking. In October the Public Health Minister announced the imposition of the death penalty for amphetamine traffickers in possession of more than 100 grams.

The whereabouts of 39 people who went missing during the security forces' violent crack-down on pro-democracy demonstrations in May 1992 (see *Amnesty International Reports 1993 to 1995*) had still not been established by the end of 1995; they may have been victims of extrajudicial executions. In May the Civil Court dismissed for the second time a suit filed by the relatives of the 39 missing people who were seeking compensation from military officials involved in the crack-down. The Court ruled that the officials were protected under an amnesty decree issued in May 1992.

Prominent social critic and Buddhist scholar Sulak Sivaraksa was acquitted of lese-majesty charges in April (see *Amnesty International Reports 1994 and 1995*). Kamron Pongsanan, a truck driver, was arrested in August under the commodity control provisions of the 1952 Anti-Communist Act when he attempted to transport an oil shipment to Uttaradit, once considered a communist-infiltrated zone. He was released on bail in September after protests by human rights groups, who called for the repeal of the law on the grounds that communist insurgency was no longer a threat to public security.

At least four death sentences were imposed during 1995, one for murder, one for rape and murder and two for heroin-trafficking. Some 100 people were believed to be under sentence of death at the end of the year. In September a Ministry of Interior official stated that one of these prisoners would be executed in October in order to deter others from committing

crimes. However, the execution did not take place, and there were no other reports of executions during the year.

There were continuing reports of prisoners being held in conditions amounting to cruel, inhuman or degrading treatment. These included the use of heavy leg-chains for prolonged periods. In August the government informed Amnesty International that prison conditions for foreign nationals conformed to the UN Standard Minimum Rules for the Treatment of Prisoners.

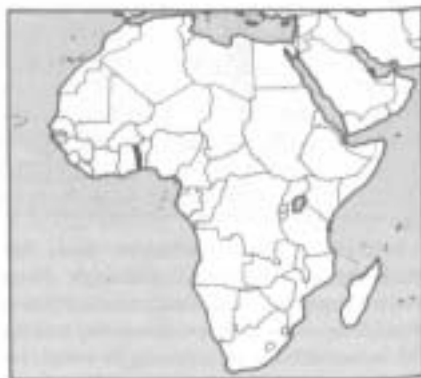
Immigration officials and police continued to detain asylum-seekers and refugees from Myanmar and other countries in harsh conditions, including severe overcrowding and poor medical care. Detained asylum-seekers were not given an opportunity to challenge the legality of their detention, as required by international standards. Asylum-seekers convicted of "illegal immigration" had to pay a fine or serve a prison sentence at the Immigration Detention Centre (IDC) in Bangkok. Burmese asylum-seekers in Bangkok were arrested in increased numbers during 1995. They were often not tried or charged, but were held in the IDC and then forcibly taken to areas near the Thai-Myanmar border. Many returned to Bangkok, only to be rearrested. Burmese asylum-seekers continued to be held by the Thai authorities in the designated Maneeloy Safe Area in Raatchaburi province, where they were subjected to severe overcrowding. Two Burmese asylum-seekers were among dozens who agreed to go to the Safe Area but were still held at the Special Detention Centre in Bangkok by the end of the year. They had been arrested in December 1993 for "illegal immigration" while attending a seminar on non-violent action for change in Bangkok. At least 25 Burmese asylum-seekers were arrested in November in a government crack-down on peaceful protests by Burmese before a regional intergovernmental meeting. By the end of the year, 23 had been released.

At least 10,000 Karen people from Myanmar fled to Thailand after the Myanmar armed forces and the Democratic Kayin Buddhist Organization (DKBO), a breakaway Karen faction, launched an offensive against the armed insurgent group, the Karen National Union (KNU), in eastern Myanmar. From February onwards, the

DKBO attacked Karen camps inside the Thai border, killing at least four Thai civilians (see Myanmar entry).

In June Amnesty International asked the Thai authorities to transfer a severely handicapped Mon asylum-seeker from Myanmar to the Maneeloy Safe Area; he was subsequently moved from the IDC in Bangkok in July. In September Amnesty International appealed to the authorities not to execute a convicted criminal after reports indicated that officials were planning to execute him as a deterrent. In October Amnesty International urged the authorities to investigate reports of prolonged shackling of convicted prisoners, and in December the organization called on the government to release Burmese asylum-seekers arrested that month.

TOGO



At least seven possible prisoners of conscience were detained during the year and one prisoner of conscience was released. There were reports of torture and ill-treatment. One person appeared to have been extrajudicially executed and several people were shot dead by soldiers for road traffic offences.

Throughout the year, there were reports that the *Forces armées togolaises*, Togolese Armed Forces, harassed and intimidated opposition supporters and human rights activists. In January Georges Katé, a supporter of one of the main opposition parties, the *Comité d'action pour le renouveau* (CAR), Action Committee for Renewal, was wounded by two people in military uniform. During the same month, soldiers searched the house of Robert Ahlonko Dovi, former president of

the *Commission nationale des droits de l'homme* (CNDH), National Commission for Human Rights, who had taken refuge in Benin in 1993 after receiving threats, and that of his brother. In February the vice-president of the *Ligue togolaise des droits de l'homme* (LTDH), Togolese Human Rights League, which had expressed concern at the secret detention of a military officer, was pressed by army officers in the presence of the Procurator of the Republic to sign a letter denying the LTDH's previous statement. In April members of the gendarmerie ransacked Akoto, the home village of Kokouvi Alphonse Masseme, former Minister of Internal Affairs and a prominent member of the opposition.

There was continuing violence in the course of which armed opposition supporters allegedly killed at least seven people, including two children.

Members of the CAR, who had left the National Assembly after a dispute in 1994, reoccupied their seats in August.

At least seven possible prisoners of conscience were detained, but one prisoner of conscience was released. In mid-January, following a presidential decree, prisoner of conscience Martin Dossou Gbenouga, publisher and director of an independent newspaper, *La Tribune des démocrates*, was released (see *Amnesty International Report 1995*). A week earlier his five-year prison sentence had been reduced to one year by the appeal court.

In June Billy Knok, publisher and director of the satirical newspaper *Le Kpakpa désenchanté*, was arrested and held for several hours. Police interrogated him about an article which criticized the gendarmerie. In November Fulbert Atisso, director of the newspaper *L'Eveil*, was arrested for publishing an article claiming that the army had extrajudicially killed four people in September in Akoto. He was detained for more than four weeks at the Civil Prison in Lomé before being released in December. Masseme Koffitseh, who was detained in September, was held for over two months, apparently because he was the nephew of the opposition leader Kokouvi Alphonse Masseme. He was released without charge in November.

Two soldiers who had taken refuge in Benin in 1993 were arrested on their return to Togo. They had fled after at least 20 people, including civilians and soldiers, were summarily executed following

an attack on an army barracks (see *Amnesty International Report 1994*). Adjété Ako, a non-commissioned officer, and sergeant Djekpo Jolevi were arrested in February and August respectively. They were possible prisoners of conscience. They were still held at the end of the year without charge or trial at the gendarmerie in Lomé. In April Lieutenant Andoué Badié was arrested, reportedly for calling for the release of an army officer who had been arrested in 1994 and held in unacknowledged detention, and for urging reforms within the army. A month later, Lieutenant Awaté was arrested and held for one month for failing to inform his superiors that Lieutenant Badié was calling for reforms. Lieutenant Badié, a possible prisoner of conscience, was still detained uncharged at the end of the year.

Corporal Nikabou Bikagni, a political prisoner serving a three-year prison sentence apparently imposed because of his allegiance to a former prime minister, was released in January under a December 1994 amnesty decree (see *Amnesty International Report 1995*).

Jérôme Alhadji Koko, the chauffeur of exiled former CNDH president Robert Ahlonko Dovi, was arrested in January for possession of illegal arms and ammunition. At the end of the year he was still held without trial at Lomé Civil Prison.

There were further reports of torture. Kokou Koudaya testified that he had been tortured after his arrest in Kara in March 1994. He said that soldiers interrogating him about leaders of the opposition repeatedly tortured him and forced him to sign a self-incriminating statement. His body was extensively scarred. In a written statement, Kokou Koudaya said that soldiers had injected a green liquid into his body and that he had been handcuffed and forced to remain in an upright position for two months. He said that his companion, Delphine Amenyo, who had been arrested at the same time, died in custody 17 days later as a result of torture. Salifou Zakari, a Ghanaian national, was arrested in March 1994 and held at the military camp in Landja where he was tortured. He was subsequently transferred to the gendarmerie and then to the Civil Prison in Kara. During his interrogation, soldiers asked him if he knew Kokou Koudaya. Both Kokou Koudaya and Salifou Zakari were released without charge in August

after the CNDH inquired about them. The government took no action to investigate the complaints of torture or to bring to justice those responsible.

In March David Kossi Akakpo, a clerk who had been working with Robert Ahlonko Dovi (see above), was killed in Aflao-Akato Demé in what appeared to be an extrajudicial execution.

On several occasions soldiers killed road-users for driving offences. In May a motorcar driver was shot dead for failing to stop at the place indicated by a soldier. In June, two motorcyclists and a passenger were shot dead by police for not observing the highway code. The authorities undertook no investigations into these killings.

Two Amnesty International delegates, who visited Togo in March to attend the 17th ordinary session of the African Commission on Human and Peoples' Rights, also met the Prime Minister and the Minister of Justice. The Amnesty International delegates welcomed the release of prisoners of conscience under the December 1994 general amnesty law, but expressed concern that it appeared to grant impunity for human rights violations. The delegates urged the government to order prompt, thorough and independent investigations into all cases of alleged human rights violations. Amnesty International repeatedly expressed concern to the authorities about human rights violations, including extrajudicial executions and torture.

TRINIDAD AND TOBAGO



At least 14 death sentences were imposed and at least 94 prisoners remained under sentence of death, but there were no executions. One prisoner died in suspicious circumstances. At least four sentences of flogging were imposed.

The International Commission of Inquiry into the hanging of Glen Ashby by the Government of Trinidad and Tobago published its report in March. Glen Ashby's execution in July 1994 was the first death sentence to be carried out in Trinidad and Tobago since 1979. His execution took place while legal appeals were still pending and a stay of execution had been issued by the Judicial Committee of the Privy Council (JCPC) in London, the final court of appeal for Trinidad and Tobago (see *Amnesty International Report 1995*). Officials responsible for the execution refused to testify to the Commission. The Commission, which was composed of senior jurists from several Commonwealth countries, concluded that the hanging was illegal under the law of Trinidad and Tobago. The five members of the Commission also concluded that sufficient evidence existed to cite the Attorney General, the Registrar of the Court of Appeals and the Commissioner of Prisons for contempt of court. The Attorney General was dismissive of the Commission's conclusions and no action had been taken on the findings by the end of the year.

At least 14 death sentences were imposed for murder and at least 94 prisoners remained under sentence of death, but there were no executions.

In February Eustace Piper was found dead in his prison cell in suspicious circumstances. He had earlier been stabbed while struggling with guards during an escape attempt made while returning from court. His death appeared to have been caused by inadequate medical attention or further ill-treatment. Three of the guards were also injured in the incident.

At least four people were sentenced to corporal punishment. Among them was Multiza Ali who was sentenced in April to 25 years' imprisonment and 20 strokes of the birch for manslaughter. It was unclear whether any of the sentences of corporal punishment had been carried out by the end of the year.

In March Amnesty International wrote to the Minister of National Security expressing concern about the death in custody of Eustace Piper and sought further information about the circumstances of his death and the outcome of any investigation. In September Amnesty International wrote to the Minister of National Security stating that the imposition of

corporal punishment amounted to cruel, inhuman and degrading punishment, and calling on the government to abolish it. There had been no reply from the government by the end of the year.

TUNISIA



Hundreds of prisoners of conscience were arrested during the year on suspicion of supporting unauthorized political opposition parties. Over 1,000 political prisoners arrested in previous years remained imprisoned, most of them prisoners of conscience. Torture and ill-treatment continued to be reported, particularly during *garde à vue* (incommunicado) detention, which was often illegally prolonged. At least five detainees died in custody.

In May the ruling party *Rassemblement constitutionnel démocratique* (RCD), Democratic Constitutional Rally, won 4,084 out of 4,090 seats in the municipal elections.

The government of President Zine el 'Abidine Ben 'Ali used detention and other measures to punish and silence government opponents and critics and their relatives. Many had their passports confiscated or were prevented from leaving the country. Others were repeatedly detained for questioning and threatened with prosecution. Former prisoners of conscience were increasingly ordered to report to police stations regularly. This measure, known as administrative control, was often imposed by the police without any court order. Unprecedented restrictions were imposed on the activities of local and international non-governmental organizations and news media.

Hundreds of prisoners of conscience were arrested and detained for political reasons during the year. Many were released without charge or trial but scores were convicted and sentenced. More than 1,000 others continued to serve prison terms. The vast majority were convicted of supporting the unauthorized Islamist political party *al-Nahda*, and others of supporting the unauthorized *Parti*

communiste des ouvriers tunisiens (PCOT), Tunisian Workers' Communist Party. Three prisoners of conscience were released by presidential pardon in June and November.

Mohamed Mou'adda, leader of the main legal opposition party, the *Mouvement des démocrates socialistes* (MDS), Movement of Democratic Socialists, was arrested in October, one day after the MDS made public a memorandum addressed to the President condemning the increased restrictions on freedom of expression and political activities. Mohamed Mou'adda was accused of activities threatening the external security of the state and of receiving funds from a foreign state. He was still detained awaiting trial at the end of the year.

Najib Hosni, a human rights lawyer arrested in June 1994, remained detained without trial, in breach of Tunisian law which limits pre-trial detention to 14 months. He was charged with falsifying a land contract in 1989 but there were fears that he might have been detained on account of his human rights activities. In November he was reportedly tortured in the Ministry of the Interior. No investigation was known to have been carried out into the allegations.

Wives and relatives of exiled *al-Nahda* supporters were frequently arrested and questioned about the whereabouts and activities of their husbands or relatives. Several reported being ill-treated and threatened with rape while detained. Scores of people, including relatives of Islamist prisoners, were imprisoned for allegedly giving financial assistance to the families of imprisoned or exiled *al-Nahda* supporters, or for having themselves received financial assistance. Most were also accused of participating in unauthorized meetings and supporting an unauthorized association.

Tourkia Hamadi, a mother of two, was sentenced to six months' imprisonment in May on charges of maintaining an unauthorized association and assisting her husband, Fadel Beda, to leave the country. She had been repeatedly arrested and questioned about her husband, a supporter of *al-Nahda*, who fled from Tunisia in 1992 to seek political asylum in France. He was sentenced, *in absentia*, to three years' imprisonment on charges of supporting *al-Nahda*.

Other prisoners of conscience continued to be imprisoned under legislation which defines "terrorist" activities in vague terms (see *Amnesty International Report 1994*).

'Ali Ba'azaoui, a high-school teacher in Kairouan, was arrested in May and accused of belonging to an unauthorized association (the PCOT) and distributing leaflets calling for the boycott of municipal elections, accusations he denied. In June he was sentenced to three years' imprisonment. His sentence was increased on appeal in August by the addition of three years' administrative control.

Hundreds of known and suspected supporters of *al-Nahda* were imprisoned. Many were accused of having participated in unauthorized meetings, often several years earlier. Most denied having links with *al-Nahda* and some stated in court that they had participated only in meetings of the *Union générale tunisienne des étudiants* (UGTE), Tunisian General Union of Students, before it was banned in 1991.

'Imed 'Ebdelli, a philosophy student at Tunis University, was arrested in March. He was held in *garde à vue* detention in the Ministry of the Interior for 27 days, during which he was reportedly beaten and ill-treated. In May he was tried and sentenced to three years' imprisonment on charges of belonging to *al-Nahda* and participating in unauthorized meetings. He had been arrested on previous occasions, most recently in November 1991 when he was held in illegally prolonged *garde à vue* detention and reportedly tortured. Between his release in January 1994 and his arrest in March 1995 he had to report daily to police stations.

Several Tunisians living or studying abroad were imprisoned on their return to Tunisia. They were convicted under legislation introduced in November 1993 which punishes political activities undertaken outside Tunisia, including participating in peaceful meetings and demonstrations, even when these activities are not illegal in the country where they are alleged to have taken place (see *Amnesty International Reports 1994 and 1995*).

Sofiane Mourali and Hafedh Ben Gharbia, both university students in Germany, were arrested in March and April respectively at Monastir airport. Both were prisoners of conscience. They were held in

illegally prolonged *garde à vue* detention, during which Sofiane Mourali was reportedly tortured. In May Sofiane Mourali was sentenced to three years' imprisonment and five years' administrative control, and Hafedh Ben Gharbia to 14 months' imprisonment, on charges of belonging to *al-Nahda*, participating in unauthorized meetings, and taking part in a demonstration by the UGTE in Germany. They denied the charges. Hafedh Ben Gharbia, who suffered from severe depression, was reportedly not given the necessary medical care.

Torture and ill-treatment continued to be reported in police stations, detention centres and prisons throughout the country and in the Ministry of the Interior in Tunis, the capital. Methods of torture reported included suspension in contorted positions, immersion of the detainees' head in water mixed with chemicals, electric shocks and beatings. Most reports concerned detainees held in *garde à vue* detention, often illegally prolonged beyond the maximum 10-day period allowed by Tunisian law. There were also increasing reports of ill-treatment and denial of medical care in prisons.

Bachir 'Abid, 'Ali Jallouli and 'Abdel Moumen Belanes, three students arrested in November and charged with activities on behalf of the unauthorized *Union de la jeunesse communiste*, Union of Communist Youth, were reportedly tortured during prolonged incommunicado detention in the Ministry of the Interior. They alleged that they were subjected to electric shocks on sensitive parts of their bodies; suspended in contorted positions, with their arms and legs behind their backs, and beaten; and suspended by their feet while their heads were plunged into a bucket of water mixed with bleach. They also reported being deprived of food and sleep for up to seven days, during which they were tied to a chair and kept awake by a needle which pierced their necks if their heads drooped. They remained awaiting trial at the end of the year.

Mohamed Hedi Sassi and Hamma Hammami, two PCOT activists arrested in 1994 (see *Amnesty International Report 1995*), were reportedly ill-treated in prison, particularly between March and July. When they went on hunger-strike to protest at their ill-treatment, they were punished by being kept chained by the foot in isolation cells and forbidden visits

by their families and lawyers. Hama Hammami was released by presidential pardon in November. No judicial investigation was carried out into these and other cases of allegations of torture and ill-treatment.

Trials of those accused of political offences violated international standards of fair trial. Defendants' complaints that they were tortured and ill-treated during *garde à vue* detention to force them to sign statements were systematically disregarded by judges. Courts routinely failed to act on requests from detainees and their lawyers for investigations into allegations of torture and ill-treatment.

At least five detainees were reported to have died in custody during the year. One was Sahnoun Jaouhari, a former leading member of the *Ligue tunisienne des droits de l'homme* (LTDH), Tunisian Human Rights League, and a leading member of *al-Nahda*. He died in January in 9 Avril Prison. He had been arrested in 1991 and reportedly tortured. He was reported to have been seriously ill long before his death, but had apparently not received the necessary medical care. His family was not allowed to see the body before it was buried.

No investigations were carried out into deaths during *garde à vue* detention in police custody during previous years, including cases where there was strong evidence that the death had been caused by torture. No information was provided on the case of Kamal Matmati who "disappeared" after arrest in 1991 (see *Amnesty International Report 1995*).

Amnesty International continued to call for the release of all prisoners of conscience, and for an end to the imposition of administrative control on prisoners of conscience after their release. It called for full and independent investigations into allegations of torture and ill-treatment, and for an end to prolonged incommunicado detention. In November Amnesty International issued a report, *Tunisia: Repression thrives on impunity*. The Tunisian authorities replied on some of the cases raised by Amnesty International, but failed to address the concerns raised.

TURKEY



Hundreds of prisoners of conscience were held during the year. Torture of political and criminal detainees in police stations continued to be routine, and there were at least 15 deaths apparently resulting from torture in police custody. At least 35 people "disappeared" in security force custody and scores of people were killed in circumstances that suggested that they had been extrajudicially executed by members of the security forces. For the 11th successive year there were no executions, but death sentences were passed. Armed opposition groups were responsible for deliberate and arbitrary killings.

State of emergency legislation remained in force throughout the year in 10 southeastern provinces, where the conflict between government forces and armed members of the secessionist *Partiya Karkeren Kurdistan* (PKK), Kurdish Workers' Party, claimed 2,000 lives, including those of civilians, during the year.

In October the Turkish parliament approved an amendment to Article 8 of the Anti-Terror Law, under which most prisoners of conscience were held. Under the amended law, "separatist propaganda" remained an imprisonable offence. However, the phrase "irrespective of the methods and aims and ideas" was removed.

Hundreds of prisoners of conscience were held during the year. Some were detained for short periods before being released, while others were serving prison sentences. Those serving sentences under Article 8 of the Anti-Terror Law were retried following the amendment of the law in October. More than 100 were released,

but others remained imprisoned. Ibrahim Aksoy, president of the *Demokrasi ve Değişim Partisi*, Democracy and Change Party, was convicted under Article 8 because of his writings and speeches. He was arrested in October to serve a term of six months' imprisonment.

Reports of torture by police and gendarmes (soldiers carrying out police duties in rural areas) were commonplace in many parts of Turkey, particularly in the major cities and the southeast. There were reports of more than 15 deaths in custody, apparently resulting from torture. Detainees held under the Anti-Terror Law, which covers non-violent as well as violent political offences, can be held for up to 30 days in incommunicado detention. Şükrü Taş reported that he was tortured during interrogation at Istanbul Police Headquarters in January. According to his account, he was held naked and blindfold in a damp room smelling of excrement and suspended by his arms which were bound behind his back. The police also beat him on the soles of the feet, pulled his hair, squeezed his testicles and attempted to rape him with a truncheon. The Chief of Istanbul Police denied that Şükrü Taş had been tortured but a medical report issued by the Forensic Medicine Institute the day after his release recorded bruising on the thigh and several "stripe-like" marks. The Istanbul Treatment Centre of the Turkish Human Rights Foundation also found evidence consistent with Şükrü Taş' allegations of torture.

Children were also allegedly tortured. In some cases the allegations were corroborated by medical evidence. In July, 13-year-old Tayfun Kirs reported that during interrogation at Ankara Police Headquarters he was hit on the feet and back with truncheons and subjected to electric shocks. The Forensic Medicine Institute found cuts on his arms and shoulders, swelling on his left ankle, and bruising and swelling about his left ear.

There were many reports of ill-treatment of prisoners by police or gendarmes who entered prisons during hunger-strikes and other protests by political prisoners. Prisoners were also reportedly beaten while travelling to or from court hearings. In September, three political prisoners – Yusuf Bağ, Uğur Sarıaslan and Turan Kılınç – were reportedly beaten to death by gendarmes and Special Team members

who forced entry into a barricaded wing at Buca prison near Izmir in western Turkey, where conditions are notoriously harsh.

At least 35 people were reported to have "disappeared" in the custody of police or gendarmes. Mehmet Şirin Maltu, a Kurdish farmer, was detained in January by members of the security forces who arrived at his village, Yanbölük, near Kozluk in Batman province, in a convoy which included an armoured vehicle. He was brought back to the village in custody once on the following day when his family home was searched with a metal detector. Released detainees reportedly later saw him in custody at Batman Gendarmerie Headquarters, but his detention was not registered with the local prosecutor. His family never saw him again. Hasan Ocak was allegedly detained by police in Istanbul in March and seen by a fellow detainee at Istanbul Police Headquarters. When his family examined photographs in the archives of the Forensic Medicine Institute, they discovered that his body had been found on vacant ground in the Beykoz district and later buried as that of an unidentified person. Shortly afterwards, the body of Rıdvan Karakoç, wanted by the police and missing since February, was also identified in photographs at the Forensic Medicine Institute. His body had been found on the same patch of ground as that of Hasan Ocak and also buried without informing his family.

There were nearly 100 political killings, many of which may have been extrajudicial executions. Among the victims were people who had previously been arrested on political charges or had served sentences for political offences, and people involved in organizations which challenged government policy towards the Kurdish minority, such as *Halkın Demokrasi Partisi* (HADEP), People's Democratic Party, a mainly Kurdish political party. Hacı Sait Macir, a HADEP member, was shot dead in January by two armed men at his café in Adana. His wife reported that her husband had frequently been harassed by police and that the week before the attack Hacı Sait Macir had been taken to Serinev Police Station, where police officers threatened to kill him. A young man and two young women – Mustafa Selçuk, Seyhan Ayyıldız and Şirin Erol – were killed in April by police who raided a building

in the Batıkent district of Ankara, the capital. The police claimed that the three were armed members of the illegal organization DHKP-C, Revolutionary People's Liberation Party-Front (formerly *Devrimci Sol*, Revolutionary Left), and that they were unavoidably killed in the course of an armed clash. Legal counsel for Mustafa Selçuk's family were denied access to the scene of the killings and to his autopsy. Delegates from the Turkish Human Rights Association (HRA) and the Progressive Jurists' Association examined the building and reported that the distribution of bullet holes and bloodstains suggested that the three had been shot dead at close range after being made to lie on the floor. A formal complaint accusing the police of unlawful killing was rejected by the Ankara Chief Prosecutor in July. The Minister for Human Rights, Algan Hacaloğlu, was reported to have described the killings as "an execution without trial".

Twenty-two people were shot dead by police during disturbances in Istanbul in March. Following an armed attack on a local café, possibly by members of right-wing groups, members of the Alawite religious minority marched on a local police station. Video footage which shows police under attack from demonstrators throwing sticks, stones and other missiles also clearly shows police officers shooting directly into the crowd. In July, 20 police officers were indicted for unlawful killing and wounding, but in November their trial was suspended pending approval of the prosecution by the Istanbul provincial governor.

For the 11th successive year, no judicial executions were carried out. However, the death penalty remained in force and a number of death sentences were imposed during the year.

Armed PKK members were responsible for at least 60 deliberate and arbitrary killings. In January, two Iranian Kurds, Asker Tahiroğlu and Zeya Nazım, were abducted and apparently interrogated under torture by PKK "Metropolitan Teams" before being shot dead. Their bodies, which were later found on waste ground near Istanbul, bore deep cuts and their ear lobes had been cut off. Village guards (villagers armed and paid by the government to fight the PKK) captured by the PKK during the course of attacks were frequently executed, in some cases together with their extended fam-

ilies. In June armed PKK members raiding the Olukbaşı Plateau, in the Osmaniye region of Adana, reportedly abducted and shot dead Ali Niyazi Bila, Ali Yokuş and Aliye Yokuş. In August armed PKK members abducted and killed Zülküf Kılıç and his two young brothers, Kadir Kılıç, aged 16, and Halim Kılıç, aged 13, from the village of Ağa in the Çat district of Erzurum.

The DHKP-C was responsible for the strangling of Latife Eren in March at Istanbul's Sağmalcılar Prison, where she was remanded in custody charged with membership of the organization. It appeared that she was killed because she was believed to be an informer. In June the DHKP-C also killed Hasan Levent in Istanbul. He had reportedly given information to the police about the whereabouts of an alleged member of the organization who was later killed in a police raid.

The armed Islamist organization İBDA-C, Islamic Raiders of the Big East-Front, reportedly claimed responsibility for a number of attacks in which civilians were killed and wounded, including a bomb attack on the owner of a number of brothels in Istanbul, in which the owner's driver, Necati Akça, and guard, Mehmet Urhan, were killed.

Amnesty International published a number of reports during the year including *Turkey: A policy of denial* in February; *Turkey: Mothers of the "disappeared" take action* in May; and *Turkey: Unfulfilled promise of reform* in September. Throughout the year the organization appealed for the release of prisoners of conscience and urged the government to initiate full and impartial investigations into allegations of torture, extrajudicial executions and "disappearances". In February an Amnesty International delegate observed a hearing in the trial of six officials of the HRA at Diyarbakır State Security Court. The human rights activists faced charges of membership of the PKK, but Amnesty International believed that the real reason for their prosecution was their human rights work (see *Amnesty International Report 1995*). Their trial was continuing at the end of the year.

The Turkish Government continued to refuse to admit an Amnesty International researcher into Turkey (see *Amnesty International Report 1995*). In June an Amnesty International delegate was detained by the Turkish authorities and held for two days in incommunicado detention before being

deported. Amnesty International protested at the treatment of its delegate but the Turkish Government failed to respond or give any explanation for the deportation.

Amnesty International continued to urge the UN Commission on Human Rights to take action against the gross violations of human rights in Turkey.

TURKMENISTAN



An opposition activist who was briefly detained was a prisoner of conscience. She was allegedly beaten during her detention. Two men convicted of anti-state crimes were possible prisoners of conscience, as were two others who were convicted of assisting an escape attempt by one of the former. Scores of people were detained following an anti-government demonstration, some of whom were believed to be still in detention at the end of the year. At least one man held in connection with the demonstration was reportedly tortured, and an opposition activist was seriously assaulted by suspected government agents. At least two people were sentenced to death.

Gulnara Nurmuradova, an opposition activist and daughter of the dissident writer Shirali Nurmuradov, was detained by police for three days in April and questioned about her father and about her own opposition activities. She alleged that in the course of this questioning she was beaten by police officers. She subsequently fled the country.

Khoshali Garayev and Mukhametkuli (previously given as Mukhammad) Aymuradov were sentenced in June by the Supreme Court to 12 and 15 years' imprison-

ment respectively after being convicted of crimes including activities aimed at overthrowing the constitutional order and preparing terrorist acts. They had been detained in late 1994 (see *Amnesty International Report 1995*), accused of plotting to assassinate President Saparmurad Niyazov. Evidence suggested that the charges were fabricated.

Bayram Vellekov and Yevgeny Starikov were tried with Khoshali Garayev and Mukhametkuli Aymuradov. They were charged with "concealing a crime" for having failed to turn Mukhametkuli Aymuradov in to the authorities when he sought help from them while on the run after escaping from pre-trial detention early in 1995. There was no indication that violence was used during this escape attempt, which the prison authorities themselves appeared to have facilitated in order to entrap Mukhametkuli Aymuradov. Bayram Vellekov and Yevgeny Starikov were convicted and each sentenced to two years' imprisonment.

Scores of people were detained in July after a peaceful anti-government demonstration in the capital, Ashgabat. Most were released shortly afterwards, but 27 remained in custody and were tried at the end of December. Twenty were sentenced to terms of imprisonment, reportedly for hooliganism, and seven for drug-related offences. Those reportedly sentenced for hooliganism included brothers Azhdar and Alamurad Amanmuradov, identified as organizers of the demonstration, and journalists Mukhamed Muradly and Yovshan Annakurban, who had apparently been accused of instigating it. They were possible prisoners of conscience.

There was no news of Valentin Kopysov (previously given as Kopusev), a possible prisoner of conscience, who had reportedly been confined against his will to a psychiatric hospital for political reasons since early 1994 (see *Amnesty International Report 1995*).

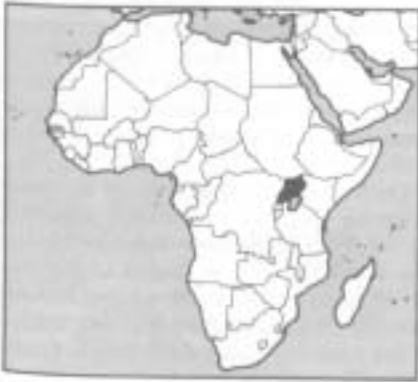
One of those detained briefly after the July demonstration, Sukhanberdy Ishonov, hanged himself after being released. His body was found reportedly bearing the marks of a severe beating to which he had allegedly been subjected in order to force him to name the organizers of the demonstration. In August Khudayberdi Khalli, a government opponent and a former prisoner of conscience (see

Amnesty International Report 1994), was abducted, beaten unconscious and dumped outside Ashgabat by suspected government agents.

Reports were received of two death sentences passed during the year, both for drug-trafficking; the true figure was probably much higher. It was not known whether any executions took place.

Amnesty International called for a judicial review of the cases against Khoshali Garayev and Mukhametkuli Aymuradov and against Bayram Vellekov and Yevgeny Starikov, and for clarification of the charges against all those arrested in connection with the July demonstration in Ashgabat. It continued to seek further information about the detention of Valentin Kopysov. The organization called for investigations into the alleged torture of Sukhanberdy Ishonov and the assault on Khudayberdi Khalli. It continued to call for the abolition of the death penalty.

UGANDA



One prisoner of conscience, a journalist, was held for four months. More than 100 people were detained without charge, or charged with treason. There were reports of torture and ill-treatment of prisoners. Courts continued to impose sentences of caning. Extrajudicial executions were reported. At least 17 people were sentenced to death. There were no reports of executions. Armed opposition groups were responsible for serious human rights abuses.

Armed conflict continued during the year between the National Resistance Army, whose name was changed in October to the Uganda People's Defence

Forces, and two armed opposition groups, the Lord's Resistance Army (LRA) operating in the north, and the West Nile Bank Front operating in the northwest.

The Constituent Assembly promulgated a new Constitution in October. The Constitution provided for the setting up of a Human Rights Commission to investigate human rights violations and for the establishment of political parties, but political activity continued to be restricted. For example, opposition parties were not allowed to operate branch offices or hold public rallies. The death penalty was retained.

In June Uganda acceded to the International Covenant on Civil and Political Rights and it acceded to its (First) Optional Protocol in November.

Several public meetings by members of opposition political parties and the government were stopped by armed police and Local Defence Units (LDUs) in accordance with Internal Affairs Ministry guidelines banning Constituent Assembly delegates from addressing meetings outside their constituencies. The LDUs, which operate in collaboration with the security forces, are not part of the formal police force or the army and there is no statute governing their functions or powers. In September a ban was placed on all public meetings in Kitgum District following increased insurgency in the area by the LRA.

Legislative and presidential elections scheduled for December 1995 were postponed until 1996.

The report of the Commission of Inquiry established in 1986 to investigate human rights abuses between 1962 and 1986, before the government of President Yoweri Museveni came to power (see *Amnesty International Report 1995*), was published in mid-1995. The Commission found that widespread arbitrary arrests, detentions and imprisonment had been condoned during this period and recommended the repeal of laws which allowed for detention without trial. The report also noted that many people had been subjected to torture and that political trials by the Military Tribunal had been unfair and unconstitutional. The government reportedly accepted most of the Commission's recommendations, including the establishment of a permanent Human Rights Commission which was included in the new Constitution.

In September a nine-day strike by medical workers for higher pay was declared illegal. Three leading officials of the Ugandan Medical Workers' Union were arrested, including the Chairman, Dr Apollo Nyangasi, and the Secretary General, Dr Sam Lyomoki. They were charged with neglect of duty and disobeying a lawful order and were released on bail after four days in custody.

In August, two editors were arrested after publishing articles critical of President Yoweri Museveni. Haruna Kanaabi, editor of the *Shariat* newspaper, was charged with sedition and denied bail. He was convicted in December and sentenced to five months' imprisonment, but released eight days later after having spent four months imprisoned on remand. He was a prisoner of conscience. Haji Hussein Musa Njuki, editor of *Assalaam* was taken to Mariandina Clinic in Kamwokya, because he was seriously ill. He died four days later of severe anaemia and heart failure. Earlier, in April, Lawrence Kiwanuka, editor of *The Citizen* newspaper, was arrested and charged with sedition. He was a possible prisoner of conscience. He was released on bail and fled to Kenya alleging that he had received threats.

At least 110 people were arrested and charged with treason or misprision of treason during the year. In the past the authorities had used treason charges, which automatically preclude the granting of bail for 480 days, as a means of holding suspected government opponents for long periods without bringing them to trial. Some were detained for several months before being charged: for example, Major Reuben Ikondere was arrested in May and detained in Makindye Military Police barracks until a *habeas corpus* petition resulted in the authorities bringing him to court in October.

The majority of the 168 or more suspected LRA rebels arrested in 1994 (see *Amnesty International Report 1995*) and 1995 who were detained without charge or trial in Gulu military barracks in northern Uganda were released, most of them before April. Several others were reported to have been transferred to police custody and charged with treason.

Eight Burundi army officers detained without charge or trial since November 1994 in Makindye Military Police barracks were released during the year. They were

alleged to have participated in a 1993 coup attempt in Burundi. One other was still held without charge or trial at the end of the year.

There were further reports of torture by members of the LDUS and the security forces. In October, two suspected tax defaulters were allegedly tortured by LDU members in Malera, Kumi district. Both men were admitted to hospital in a critical condition. One was urinating blood; he claimed that his genitals had been kicked and tied with string. At least three people were reported to have died in custody in suspicious circumstances. One of them, Ebonga George, was found hanged in Ayer sub-county administration police cells in July. A post-mortem revealed that he had died of internal bleeding, that he had swollen cheeks and a ruptured bladder and that he was probably dead before he was hanged.

Human rights violations by members of the army continued. In April Charles-Byalega Atwooki died at Muhoti army barracks, reportedly as a result of torture. In May, two suspected rebels were said to have been tortured at Singo military training camp, Kiboga district. One, Jackson Kiija, reportedly died as a result of his injuries. There were apparently no judicial inquiries into this death, or into any of these reports of torture by LDUS, police or soldiers.

Courts continued to impose sentences of caning – a cruel, inhuman or degrading punishment. In October Stephen Ikodian was sentenced to five strokes of the cane for attempted rape. In November Mikairo Oketcho was sentenced to 100 strokes of the cane by Kotch Clan court, Tororo district.

Extrajudicial executions by members of the LDU in the north of the country continued. In October, three alleged criminals were shot dead by an LDU firing-squad. The three had been accused of "terrorizing people" in Minakulu and Chegere sub-counties in Apac district.

At least 17 people were sentenced to death, including one woman, Justine Nankya, for murder or aggravated robbery. The Supreme Court confirmed the death sentence on at least two people convicted of treason in 1993. No executions were reported, for the first time since 1986.

The LRA was responsible for serious human rights abuses, including rape and

deliberate and arbitrary killings. In April more than 200 civilians were deliberately killed in raids by the LRA, including 159 in Gulu district. In response, Uganda severed diplomatic relations with Sudan, which allegedly provided assistance to the LRA, for two months. The LRA reportedly abducted at least 400 children aged between eight and 16 during the year, many of whom were reported to have been ill-treated. The fate and whereabouts of many of them remained unknown at the end of the year.

In January Amnesty International published a report on several African countries, including Uganda, in which criminal charges such as sedition have been used to harass government critics, and called for an end to such practices (see **Kenya** entry). Amnesty International visited Uganda in August to attend a conference on documenting human rights abuses against women and to meet representatives of human rights organizations.

UKRAINE



Ukraine officially committed itself to abolishing the death penalty and to introducing a moratorium on executions, although there were reports that death sentences and executions continued to be imposed. At least 74 death sentences were passed in the first six months of the year, and at least two executions were carried out. The true number of death sentences and executions was believed to be much higher. There were reports of ill-treatment in detention, in one case resulting in death. Allegations of cruel, inhuman and degrading treatment of HIV-positive prisoners were reported.

In June the parliament ended the political crisis between the legislature and the executive branch by ratifying the "law on power" proposed by President Leonid Kuchma. The political situation in Crimea remained tense throughout the year and there were outbursts of violence between Crimean Tatars and the local authorities in June. On 1 November the Supreme Soviet of Crimea adopted a new Constitution of Crimea, giving it the status of an autonomous republic. Leaders of the Crimean Tatars went on hunger-strike to protest against the exclusion from the Constitution of provisions granting equal political representation for different ethnic minorities.

In July the UN Human Rights Committee examined the fourth periodic report of Ukraine concerning the country's compliance with the International Covenant on Civil and Political Rights. The Committee made strong recommendations in several areas, including the use of the death penalty, discrimination against women, torture and ill-treatment in police custody, inhumane prison conditions, legal reform and independence of the judiciary.

In November Ukraine officially joined the Council of Europe and committed itself to an immediate moratorium on all executions and to total abolition of the death penalty. Official statistics for 1994 issued by the Ministry of Justice in May showed that 143 people had been sentenced to death and 60 people were executed, while only two people had their death sentences commuted. Tensions between the Minister of Justice and the Procurator General over the issue of the death penalty continued even after Ukraine's accession to the Council of Europe and the public commitment of Ukraine to abolition and a moratorium on executions. There were reports that executions were continuing and that death sentences were still being imposed at the end of the year. Vitaly Gumenyuk was sentenced to death by the regional court of Zhitomir on 25 October, shortly before Ukraine joined the Council of Europe.

Among those known to have been executed in 1995 was Vasily Krivonos, who had been sentenced to death for murder in November 1993. At the time of the crime for which he was convicted he had just turned 18. He was said to have had learning difficulties and psychiatric problems,

and had claimed that his confession was obtained under duress (see *Amnesty International Report 1995*). Vasily Krivonos was executed in January, but his mother was only informed of his death at the end of March.

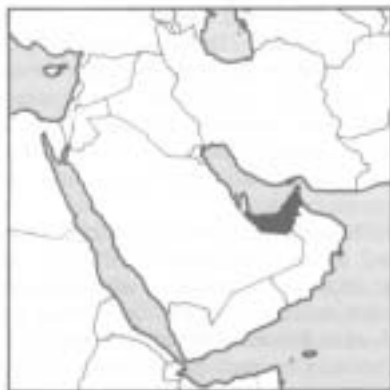
Allegations of ill-treatment in detention were reported. Mikolaj Szpakowicz, a Polish citizen, died in September 1994 of a ruptured bladder after allegedly being beaten by Ukrainian police. He was reportedly detained by three policemen after leaving a bar in the town of Pochayev, Ternopil Region. They drove him to a nearby forest and demanded money, then kicked him when they found he had no hard currency. He was taken to hospital but died 10 days later.

There were reports of cruel, inhuman and degrading treatment of HIV-positive prisoners. According to these reports, HIV-positive prisoners in the Donetsk prison were not allowed to use the bath house facilities, and were denied adequate medical and dental care.

Amnesty International urged the President to commute all death sentences. The organization welcomed Ukraine's commitment to abolish the death penalty and introduce a moratorium on all executions. It called on the government to investigate reports of continuing executions despite the country's public commitments to the Council of Europe. Amnesty International urged the authorities to investigate the death of Mikolaj Szpakowicz. In April the Ternopil Regional Prosecutor's Office informed Amnesty International that a criminal investigation into the death had found that Mikolaj Szpakowicz had been detained by police for public drunkenness, but refused to get into the police vehicle, whereupon one officer struck him in the abdomen with his knee. The police officer was sentenced to eight years' imprisonment in March 1995 in Ternopil for exceeding his authority and intentionally inflicting serious bodily injury.

Amnesty International called for an improvement in the treatment of HIV-positive prisoners. Replying in May, the Interior Minister regretted that their conditions were in many respects dictated by the country's current economic situation and reported that specialized medical and dental care had been introduced for HIV-positive prisoners at Donetsk prison.

UNITED ARAB EMIRATES



Two possible prisoners of conscience were arrested and one of them remained held throughout the year. At least 27 people were sentenced to flogging. At least five prisoners were executed and the legal status of two other prisoners sentenced to death in previous years remained unclear.

In April the scope of the death penalty for drug-related crimes was expanded to include offences previously punishable by imprisonment. The new law was promulgated following recommendations from the President, Al-Sheikh Zayed bin Sultan an-Nahyan.

Two possible prisoners of conscience, both Iraqi nationals, were arrested in January, following raids on their homes in Sharjah by members of the State Security police. Sheikh 'Abd al-Mun'im al-'Ali and 'Abd al-Jalil 'Ilwan were detained incommunicado in the State Security Headquarters in Abu Dhabi, where they were reportedly tortured. 'Abd al-Jalil 'Ilwan was released in August and expelled from the country. Sheikh 'Abd al-Mun'im al-'Ali, a critic of the Iraqi Government, continued to be held in detention without charge or trial at the end of the year. There was concern that he might be forcibly returned to Iraq, where he could face imprisonment as a prisoner of conscience, torture or execution.

In February the President issued an amnesty for 121 prisoners to mark the end of the Islamic holy month of Ramadan. It was not known whether any of those released were prisoners of conscience.

At least 27 people, including 15 women, were sentenced to flogging. The majority were foreign nationals and their punishments ranged from 60 to 250 lashes. Twenty-six were convicted of "morals" offences in the Emirate of Sharjah. They included two women sentenced to 90 lashes and imprisonment followed by deportation, after being convicted of "lesbianism and prostitution". It was not known whether the sentences were carried out. They also included a Filipina maid and an Indian national who were sentenced in September to 180 lashes each, followed by deportation with their baby, for having an illicit relationship out of wedlock. The sentences were reportedly carried out in September.

Sarah Balabagan, a Filipina maid, reportedly aged 16, was tried for the murder of her employer, who she claimed had raped her. In June a court in al-Ain found her guilty of manslaughter and a victim of rape. It sentenced her to seven years' imprisonment and ordered her to pay \$40,000 compensation to the relatives of the deceased. The court also awarded her \$27,000 compensation for the rape. The President of the United Arab Emirates reportedly ordered a retrial of the case. Following a retrial by a different court in September, she was found guilty of murder and sentenced to death. However, this verdict was quashed by an appeal court in al-Ain which sentenced her in October to 100 lashes, and one year's imprisonment. The relatives of the deceased had given up their right to request her execution.

At least five people were convicted of murder and executed. They included a Sri Lankan woman, Sithi Faruq, and an Indian national, 'Abd al-'Aziz 'Abd al-Maguid, who were executed in April in Ra's Al-Khaimah and Abu Dhabi.

The legal status of two prisoners sentenced to death in previous years was unclear. The sentence on Mashal Badr al-Hamati (see *Amnesty International Report 1995*) was not ratified by the President, but it remained unclear whether it had been commuted. The sentence on John Aquino, a Filipino national sentenced to death in 1989, had reportedly been upheld by the Federal Supreme Court, but it was not known whether it was ratified by the President.

Amnesty International wrote to the President about the two possible prisoners

of conscience, calling for their release if they were held solely for the non-violent expression of their beliefs, and seeking assurances that they would not be returned to Iraq where they would be at risk of human rights violations. Amnesty International repeatedly expressed concern at the use of flogging as a judicial punishment and appealed for its commutation in all cases. The organization also appealed to the President to halt the expansion of the use of the death penalty, and to commute the death sentences. The United Arab Emirates Government responded in July justifying its use of the death penalty in the face of rising drug offences. In its appeal Amnesty International had drawn attention to the doubt cast on the deterrent argument advanced as a justification for the use of the death penalty.

UNITED KINGDOM



Three people died in disputed circumstances while in police custody, and restraining practices by police and prison officers reportedly contributed to other deaths in custody. Measures against officials responsible for human rights violations appeared inadequate. Inquests in Northern Ireland did not ensure proper investigations into disputed killings. Detainees faced deportation to a country where they would risk human rights violations. Armed political groups carried out human rights abuses in Northern Ireland.

In Northern Ireland, the cessation of military activities declared by armed political groups in 1994 was maintained and talks continued between the government and individual political parties. Loyalist

armed groups, including the Ulster Defence Association and the Ulster Volunteer Force, seek to maintain Northern Ireland as part of the United Kingdom (UK). Republican armed groups, including the Irish Republican Army (IRA), seek unification of Northern Ireland with the Republic of Ireland. In June the government stated that it would review all emergency legislation, but this review had not been initiated by December and all emergency legislation remained in force. It included powers to hold detainees for seven days before bringing them before a judge; to prevent access to lawyers for up to 48 hours; to deny lawyers access to their clients' interrogation; and the use of special interrogation centres where detainees can be held virtually incommunicado.

In April measures in the Criminal Justice and Public Order Act came into force in England and Wales which curtailed the right to silence of a suspect during interrogation and trial (see *Amnesty International Report 1995*).

The UN Human Rights Committee examined the UK's fourth periodic report in July and concluded that "the legal system of the United Kingdom does not ensure fully that an effective remedy is provided for all violations of the rights contained in the [International Covenant on Civil and Political Rights]". The Committee also expressed concern about several specific issues, including police investigations into incidents involving the police or army, which it said "lack sufficient credibility". The UN Committee against Torture, after its examination of the UK's second periodic report in November, expressed concern about emergency provisions in Northern Ireland, methods adopted in forcible deportations, the *refoulement* of asylum-seekers and discriminatory practices against black citizens by police and immigration authorities.

Three people died in police custody after reportedly being hit by police officers using newly issued batons. Brian Douglas, a well-known black community member, died in police custody in May from haemorrhages and a fractured skull. He had been detained five days earlier with Stafford Soloman for allegedly possessing a knife, CS gas and cannabis. Stafford Soloman sustained a broken wrist. Both Gary Allsopp and Wayne Douglas collapsed and died about an hour after their arrests,

in July and December respectively. Police post-mortems gave heart failure as the cause of death.

Two black people died after being restrained by prison officers; in both cases the cause of death remained unknown. Dennis Stevens was found dead in October in a cell in Dartmoor prison after being kept in a restraining body-belt for many hours. In December Alton Manning, a remand prisoner, died in Blakenhurst prison after a struggle with prison officers.

Three police officers charged with manslaughter in connection with the death of Joy Gardner were acquitted in June. Three police officers from a special deportation squad, two local police officers and an immigration officer raided the home of Joy Gardner, who faced deportation to Jamaica, in July 1993. When she was prevented from telephoning her lawyer, a struggle ensued. She was placed in a body-belt with her hands cuffed, her thighs and ankles bound in leather straps, and adhesive tape was wrapped around her mouth and chin seven times. She died four days later (see *Amnesty International Report 1995*). Disciplinary charges were brought against a senior supervisory officer of the deportation squad for neglect of duty; proceedings were pending at the end of the year.

In November an inquest found that Richard O'Brien, an Irish man, had been unlawfully killed in 1994. He died after London police officers handcuffed him, knelt on his back and dragged him into a van, where he was left lying face down. The coroner was critical of police training on methods of restraint.

No officers were prosecuted in connection with the death of Shiji Lapite, of Nigerian origin, in December 1994. He collapsed and died shortly after his arrest for "acting suspiciously", allegedly from asphyxia because of the "chokehold" method of restraint used by police officers.

Four people of Palestinian origin were held in connection with the bombing of the Israeli Embassy and a Jewish community centre in London in July 1994. The conditions of their detention, in particular those of the female prisoners in Holloway Prison, led to psychological ill-treatment and a marked deterioration of physical and mental health. The women were kept in virtual isolation, and denied regular access to exercise facilities and adequate

medical attention. Moreover, they were subjected to routine strip-searching before and after every visit.

The remaining three defendants of the "Ballymurphy Seven" were acquitted in March after a judge ruled that material which had not been disclosed by the prosecution to defence lawyers might have affected the reliability of their confessions (see *Amnesty International Reports 1994 and 1995*). The seven had been charged with a bomb attack in Northern Ireland on the basis of confessions which they claimed had been obtained under duress in Castlereagh interrogation centre.

During 1995 complaints were made of police misconduct by detainees held in special interrogation centres. A review of the complaints procedure in Northern Ireland was announced in October.

The government continued to prevent inquests held in Northern Ireland from examining the full circumstances of a number of disputed killings which had taken place in previous years. The government issued Public Interest Immunity certificates to prevent the disclosure of evidence. None of the security force members involved in the killings gave oral evidence.

The inquest held in 1994 into the killings in 1990 of John McNeill, Edward Hale and Peter Thompson (see *Amnesty International Report 1995*) was legally challenged in April. A High Court judge quashed its findings and ordered another inquest. The second inquest, begun in September, was postponed after the families' lawyer challenged the coroner's decision not to recall security force witnesses who gave evidence at the first inquest.

The inquest into the killing of Pearse Jordan in 1992 began in January but was postponed twice because new evidence was brought to light and because of legal challenges. Pearse Jordan, an unarmed IRA member, was shot in the back by police officers as he ran away after the stolen car he was driving was rammed by two unmarked police cars (see *Amnesty International Report 1993*). Eye-witnesses claimed that no warning was given before shots were fired.

An inquest into the killing of eight IRA members and one civilian in 1987 by members of the Special Air Service (SAS) regiment of the British army ended in June. The jury found that the men had died from multiple gunshot wounds. They

were ambushed during an attack on a police station in Loughgall. The families of the IRA members instructed their lawyer to withdraw from the hearing because the lawyer did not have the same access to evidence as lawyers acting for the police and the soldiers. At a judicial review hearing in September, lawyers for the families argued that the lack of advance copies of witness statements meant the families' lawyers could not effectively pursue the question of why the men were shot dead instead of being arrested. No judgment had been issued by the end of the year.

In January the House of Lords dismissed the appeal of British soldier Lee Clegg against his murder conviction for the killing of Karen Reilly (see *Amnesty International Reports 1992 and 1993*). However, in July Lee Clegg was released after having served four years of his life sentence and was reinstated into the army.

In February, two soldiers were sentenced to life imprisonment after being convicted of murdering Peter McBride in September 1992 (see *Amnesty International Report 1993*).

In March the Director of Public Prosecutions announced that there would be no prosecutions as a result of the second "Stevens inquiry". Chief Constable John Stevens had been asked to carry out a further inquiry into alleged collusion between the security forces and Loyalist armed groups in Northern Ireland (see previous *Amnesty International Reports*). He submitted three reports, in February and October 1994 and January 1995, but the findings remained secret. A newspaper reported that the Stevens inquiry had presented detailed evidence of the involvement of four members of the security forces in killings.

In September the European Court of Human Rights (ECHR) found that the government had violated the right to life of three unarmed IRA members shot dead by undercover SAS soldiers in Gibraltar in 1988 (see *Amnesty International Reports 1989 and 1995*). The ECHR stated that it was "not persuaded" that the killings "constituted the use of force which was no more than absolutely necessary" and that there was a "lack of appropriate care in the control and organization of the arrest operation".

Two men were still held without charge at the end of the year, pending

deportation for "national security" reasons to India, where they would face possible torture or extrajudicial execution for campaigning for a separate Sikh state in Punjab. Raghbir Singh was arrested in March and applied for political asylum in April. He had lived in the UK since 1980. The ECHR ruled in June that the UK had violated the European Convention for the Protection of Human Rights and Fundamental Freedoms by attempting to deport Karamjit Singh Chahal to India (see *Amnesty International Reports 1992 and 1995*).

Seven men were killed in Northern Ireland as "punishment"; six by Republican armed groups and one by Loyalists. Four others were wounded after shootings. Reports of "punishment" beatings, in which large groups of masked men used baseball bats, hammers and sticks with protruding nails to beat defenceless victims, increased. During 1995, according to police figures, there were 217 such beatings: 141 carried out by Republicans and 76 by Loyalists. However, in the majority of cases responsibility was not claimed by any organization. In other instances, people were forced to leave Northern Ireland under threat of violence. During the year a group of families campaigned for the IRA to reveal the location of about 10 bodies of people allegedly killed by the IRA in the 1970s.

In August Amnesty International issued a report, *United Kingdom: Summary of human rights concerns*, which identified laws, procedures and practices of law enforcement which the organization believes do not conform to international standards and have led to human rights violations. The organization expressed concern about the government's failure to investigate independently and fully serious allegations of human rights violations; to make public the results of internal investigations; and to bring perpetrators of human rights violations to justice.

Amnesty International urged the authorities to carry out independent investigations into the full circumstances of deaths in custody and to review the methods of restraint being used.

Amnesty International observed part of the proceedings of the trial related to the death of Joy Gardner. After the trial, the organization called for an independent

inquiry into the role and accountability of all agencies, both public and private, involved in the deportation process. In August the organization published *United Kingdom: Death in police custody of Joy Gardner*.

Amnesty International welcomed the ruling by the ECHR that the government had violated the right to life when its agents killed three IRA members in Gibraltar. The organization urged the government to institute an independent review of legislation and procedures on the use of lethal force. The organization also highlighted the inadequacy of the inquest procedure to fully investigate killings by the security forces.

Amnesty International urged the government not to deport Karamjit Singh Chahal and Raghbir Singh to India, where the organization believed they would be at serious risk of torture or extrajudicial execution.

In April Amnesty International submitted written comments to the ECHR on the case of *Murray v. UK* (see *Amnesty International Report 1995*). Amnesty International stressed that the right to silence is an essential safeguard of the internationally recognized presumption of innocence and the right not to testify against oneself. Amnesty International also expressed concern about the denial of the rights of suspects arrested under emergency legislation in Northern Ireland.

Amnesty International continued to urge the Secretary of State for Northern Ireland to review the life sentences of Patrick Kane, Sean Kelly and Michael Timmons who were convicted of the murder of two army corporals (see *Amnesty International Reports 1994 and 1995*).

Amnesty International expressed concern that routine strip-searching of female prisoners at Holloway prison was being carried out not for the purposes of security but in order to humiliate and degrade prisoners. The organization urged the prison authorities to ensure that the prisoners were not ill-treated.

In July and November Amnesty International submitted information about its concerns to the UN Human Rights Committee and the UN Committee against Torture.

Amnesty International continued to express concern about reports of human rights abuses carried out by armed political groups in Northern Ireland.

UNITED STATES OF AMERICA



Fifty-six prisoners were executed in 16 states. Two states carried out their first executions in more than 30 years. More than 3,000 prisoners were under sentence of death in 38 states. At least 14 prisoners were under sentence of death under federal law. Political activists in San Francisco continued to be repeatedly arrested. There were reports of police shootings and deaths in police custody in disputed circumstances, and widespread allegations of torture and ill-treatment by police and prison officers. Chain-gangs, which constitute cruel, inhuman and degrading treatment, were introduced in prisons in several states.

The UN Human Rights Committee considered the initial report of the USA on implementation of the International Covenant on Civil and Political Rights (ICCPR). In its comments in April, the Committee expressed concern about the extension of the death penalty under federal law as well as state laws to permit the execution of offenders aged under 18 at the time of the crime. Deaths in custody and ill-treatment by the police, conditions of detention in maximum security prisons, and state laws which criminalize homosexual relations between consenting adults in private, were also exposed as matters of concern. The Committee recommended that the USA withdraw reservations to the ICCPR (including to Article 6(5) which prohibits death sentences on people under 18), which the Committee said were incompatible with the object and purpose of the treaty.

New York reinstated the death penalty in September, becoming the 38th state to authorize its use.

The death penalty continued to be used extensively. Fifty-six prisoners were executed, a record number in any one year since executions resumed in 1977. This brings the total number of executions since 1977 to 313. Two states – Pennsylvania and Montana – carried out executions for the first time in more than 30 and 50 years respectively. Texas carried out 19 executions. Executions were also carried out in Missouri (six), Illinois and Virginia (five each), Oklahoma and Florida (three each), Alabama, Arkansas, North Carolina and Georgia (two each) and South Carolina, Delaware, Arizona and Louisiana (one each).

Jesse Jacobs was executed in Texas in January. He was sentenced to death in 1986 for murder. Seven months after his trial, Jesse Jacobs appeared as a prosecution witness at the trial of his sister for the same crime. The prosecution, having earlier portrayed Jesse Jacobs as being solely responsible for the murder, now argued that his sister, not he, had shot the victim. His sister was convicted of voluntary manslaughter and sentenced to 10 years' imprisonment. Although the state had presented two opposing versions of who had committed the murder, the authorities refused to review Jesse Jacobs' conviction or commute his death sentence.

Varnall Weeks, a black man, was executed in Alabama in May. He had been diagnosed as being severely mentally ill with paranoid schizophrenia. No evidence of Varnall Weeks' mental condition had been introduced at his trial. An Alabama judge acknowledged that Varnall Weeks was "insane" and suffered from delusions, but he refused to stay the execution, ruling that Varnall Weeks' ability to answer a few questions about his execution proved that he was legally competent.

US Army Captain Lawrence Rockwood was court-martialled in May for making an unauthorized visit to a prison while serving as an officer with the US-led Multinational Force in Haiti in September 1994. He argued that he was compelled to act to stop human rights violations that he suspected were being committed in the prison. He was dismissed from the army after being convicted of charges including "conduct unbecoming to an officer".

There were new reports that members of Food Not Bombs (FNB), a group distributing free food and information to the homeless in San Francisco, were repeatedly arrested and that some were beaten and ill-treated while in police custody (see *Amnesty International Report 1995*). One FNB member, the Reverend Al Craig, was alleged to have been repeatedly thrown to the floor and hit on the back, head and neck after his arrest in June.

There were reports of police shootings and deaths in police custody in disputed circumstances, and allegations of torture and ill-treatment by police and prison officers. Lawrence Meyers, an unarmed black teenager, was fatally shot in the back of the head by a white police officer in Paterson, New Jersey, in February, when he tried to flee from a car which was under police surveillance. A grand jury voted not to file criminal charges against the officer, who said the gun went off accidentally during a struggle, a version which was disputed by several witnesses. Lawrence Meyers was one of more than a dozen black and latino youths to have been shot dead or injured by New Jersey police officers in disputed circumstances since 1990.

In March an officer from the New York City Transit Police Department was charged with first-degree assault for "recklessly shooting" and wounding a black undercover police officer, Desmond Robinson, in August 1994; his trial was still pending at the end of the year. In April a former officer with the New York City Housing Police was convicted of criminally negligent homicide. He had shot dead an unarmed black man, Douglas Orfaly, as he sat in his car in March 1992. The former officer was sentenced to one to four years' imprisonment.

In May a New York City police officer was charged with criminally negligent homicide in the case of Anthony Baez, who died from asphyxia during an altercation with six police officers in December 1994, after his football had accidentally hit two parked police cars. A judge later dismissed the charge because of an error in the indictment papers, but the Bronx District Attorney announced in October that he would seek a new indictment. A trial was pending against the same officer on a charge of assaulting a teenager in 1993.

Sixteen other police officers from the Bronx area of New York City were also charged in May with serious assaults on suspects, perjury and theft. Trials in these cases were pending at the end of the year.

In February an investigation conducted by the Los Angeles District Attorney's office found there was no evidence of criminal wrongdoing by the officer who had been video-taped beating teenager Felipe Soltero in July 1994 (see *Amnesty International Report 1995*).

In July a court awarded substantial damages to three black men who were the first among scores of plaintiffs to file a civil rights lawsuit alleging a pattern of brutality and racism by Los Angeles County Sheriff's deputies in Lynwood, California (see *Amnesty International Reports 1992 and 1993*).

In January a federal court ordered the authorities to discontinue what it described as a pattern of brutality and neglect at Pelican Bay State Prison, California, including repeated assaults on prisoners by guards; the punitive shackling of inmates to toilets or other cell fixtures; and grossly inadequate medical and mental health care. The court also stated that conditions in the prison's Special Housing Unit (SHU), where inmates were isolated in sealed, windowless cells with no work, educational or recreational programs, "may press the outer bounds of what most humans can psychologically tolerate". However, it fell short of ruling that conditions in the SHU violated the Constitution, although it ordered the removal of mentally ill prisoners from the unit. Amnesty International had earlier written to the authorities expressing concern at conditions in the prison (see *Amnesty International Reports 1993 and 1994*).

More than a dozen female prisoners and former inmates alleged that they had been subjected to systematic sexual abuse by guards in five prisons in Arizona between 1987 and 1995. The allegations – which formed part of a lawsuit which was still pending at the end of the year – included rape and sexual assault and claims that women who reported abuses suffered reprisals by guards.

Chain-gangs, last used in the USA 30 years ago, were reintroduced into the prison systems of Alabama, Arizona and Florida and legislation permitting the use of chain-gangs was passed in Utah. The

practice – in which prisoners are shackled together with leg-irons and forced to do hard labour such as rock-breaking for hours at a time – constitutes cruel, inhuman and degrading treatment.

In January the US authorities began to forcibly repatriate 3,900 Haitian asylum-seekers held at the US Naval Base in Guantánamo Bay, Cuba (see *Amnesty International Report 1995*), without following internationally accepted procedures for considering asylum claims. By July the majority (including unaccompanied minors) had been returned to Haiti, although a few were admitted to the USA as refugees.

In May the Attorney General announced that most Cubans remaining in the Guantánamo base (some 21,000 at that time) would be gradually paroled into the USA and that all Cubans intercepted at sea attempting to enter the USA, or who entered Guantánamo illegally, would be returned to Cuba where they could apply for refugee status. Those who claimed a "genuine need for protection" would have their claims examined before return.

Amnesty International made numerous appeals on behalf of prisoners sentenced to death, urging clemency in all cases.

In March Amnesty International published a report, *USA: Human Rights Violations – A Summary of Amnesty International's Concerns*, which it submitted to the UN Human Rights Committee. The issues covered in the report included the death penalty, torture and ill-treatment by police and prison officers, and conditions in maximum security prison units.

Amnesty International sent an observer to the court-martial of Lawrence Rockwood in May.

In June Amnesty International wrote to the Governor of Louisiana urging that he follow the recommendation of the Board of Pardons in March that Gary Tyler's life sentence be commuted to 60 years' imprisonment, making him eligible for parole (see previous *Amnesty International Reports*). The Governor, however, failed to implement the recommendation.

In June Amnesty International wrote to the US Attorney General reiterating its concerns regarding the trial of Leonard Peltier and urging that there be a special executive review of the case (see previous *Amnesty International Reports*). The Attorney General replied in July stating that the case was being reviewed.

In November Amnesty International wrote to the San Francisco authorities expressing concern at continuing arrests and ill-treatment of FNB members and asking for a response to the questions raised in its October 1994 communication on this issue. No reply was received by the end of the year.

Amnesty International wrote to the New York City authorities several times to inquire about investigations into deaths in police custody, ill-treatment and disputed shootings, including the case of Anthony Baez.

In August Amnesty International wrote to the Texas authorities to express concern about reports that some 30 guards had systematically ill-treated inmates in four prisons and that a prisoner in Terrell Unit had been beaten to death by guards in November 1994. The allegations were under investigation by state and federal authorities at the end of the year. Amnesty International also wrote to the authorities in Alabama, Arizona, California, Florida, Hawaii, Massachusetts, New Hampshire, New Jersey, Ohio, Oklahoma, Oregon, Virginia and to the federal authorities about other allegations of deaths and ill-treatment in custody. Cases included police shootings of black and latino teenagers in New Jersey; the allegations of sexual abuse in Arizona; and the case of Ulysses Kurt Kim, a prisoner in the Halawa Correctional Facility in Hawaii, who required hospital treatment in August for 20 open sores caused by being held in wrist and leg shackles for two weeks in a bare cell.

Amnesty International condemned the introduction of chain-gangs and also wrote to the Alabama authorities to express concern that prisoners who refused to work on a chain-gang were punished by being handcuffed to a "hitching rail" (a metal rail used for tying up horses) where they were reportedly left to stand in the sun all day with their limbs stretched taut.

In January Amnesty International testified at a meeting of the American Correctional Association (ACA) about conditions in H-Unit, Oklahoma State Penitentiary (see *Amnesty International Report 1995*). The ACA had delayed accrediting the prison after receiving Amnesty International's report criticizing conditions in H-Unit but it reaccredited the prison in January without any changes having been made.

In January Amnesty International called for a halt to the forcible repatriation of Haitians because of serious security concerns in Haiti at that time and because the procedures did not conform to internationally accepted standards.

In May Amnesty International wrote to the Attorney General seeking clarification of the procedures for evaluating asylum claims from Cubans intercepted at sea, which it feared might not conform to international standards.

URUGUAY



There was an increasing number of reports of ill-treatment of detainees by the police. Human rights violations committed during the period of military rule remained uninvestigated.

President Julio María Sanguinetti of the Colorado Party, who was elected in November 1994, took office in March, replacing Luis Alberto Lacalle.

In November the Inter-American Convention on the Forced Disappearance of Persons was approved by Parliament. By the end of the year the ratification instrument had not been deposited.

There were increasing reports of ill-treatment of detainees by members of the police. Judicial proceedings were initiated in several cases as a result of formal complaints of torture and ill-treatment of detainees during police patrol operations. In January a chief inspector of police and a police sergeant were charged with a number of serious crimes, including homicide, in Soriano Department in 1994. The police sergeant was charged with the killing of Narciso Fleitas, a 62-year-old labourer who reportedly died of internal injuries

caused by a beating. Also in January, four members of the police were charged with attempted homicide, inflicting serious injuries and concealment in connection with the wounding of Ceferino Nery Acosta in Montevideo in that month. According to reports, after being wounded during a confrontation with the police, Ceferino Nery Acosta was taken away by police and shot again.

In March the Criminal Court of Appeals revoked an acquittal by a lower court of a policeman, a sergeant, and a chief of police and ordered judicial proceedings to continue. The police officers had allegedly subjected a man whom they had detained and questioned in a Montevideo street to a mock execution and had fractured his lower jaw. The policeman and sergeant were charged with inflicting deliberate and serious injuries, and the chief of police was charged with failing to report the crime. No further progress in the judicial proceedings was reported by the end of the year.

Judicial inquiries into many other reported cases of alleged ill-treatment of youths by police were still in progress at the end of the year. These included, for example, the arrest and detention for several hours of over 20 youths who were trying to gain entry to a rock concert in Montevideo in April. Formal complaints filed by a number of those arrested stated that they were punched and beaten during arrest and that they were thrown to the ground and trampled on at the 13th Police Station. A medical report on one of the youths, Pablo Javier Delgado, registered burns consistent with injuries caused by electric shocks. The case was raised before parliament.

A judicial investigation into the killing of Alvaro Fernando Morroni and the injury of over 50 other demonstrators by police in August 1994 at the Filtro Hospital in Montevideo continued throughout the year (see *Amnesty International Report 1995*). In March the public prosecutor assigned to the case concluded that members of the police had committed "excesses", that the use of firearms during the combined security forces operation was unjustified, and that the crimes of homicide and grievous bodily harm had been committed. The prosecutor also concluded that irregularities had been committed by the authorities, including the

Ministry of Interior, which prevented the identification of the individuals responsible for the attacks on the demonstrators. Criminal charges of negligence were filed against seven members of the police. A judicial investigation into the death of Alvaro Fernando Morroni had not concluded at the end of the year. The public prosecutor requested that judicial proceedings be initiated against seven members of the police. A judge upheld the request for proceedings against four of them. Subsequently, their defence lawyer appealed against the judge's decision.

There was renewed interest in the fate of political detainees who "disappeared" in the 1970s, but the government again failed to take measures to bring to justice those responsible for human rights violations during the period of military rule. In March members of parliament requested official information about the investigation into more than 20 unidentified corpses found at several locations along the Uruguayan banks of the River Plate between 1976 and 1979. The corpses, showing clear signs of torture, were buried in unmarked graves, some of them in the cemetery of Colonia in southwestern Uruguay. The request followed revelations by former members of the Argentine armed forces that "disappeared" political detainees were thrown from military aircraft into the ocean and the River Plate (see **Argentina** entry). The members of Parliament also asked the Uruguayan Government to pursue inquiries with the Argentine authorities about more than 100 Uruguayans who "disappeared" in Argentina during the years of military rule (1976 to 1983).

A civil court case brought by Sara Méndez in 1991 challenging the adoption of a boy she believes to be her "disappeared" son, Simón Riquelme, (see previous *Amnesty International Reports*) was rejected by a judge in August. An appeal filed before the Appeals Court against the judge's decision had not been decided by the end of the year.

In November Amnesty International wrote to the authorities requesting information as to what steps had been taken to clarify the fate of Uruguayan victims of "disappearances". The organization also asked to be informed of the outcome of judicial investigations into torture and ill-treatment of detainees by the police.

UZBEKISTAN



At least 12 people detained during 1995 were probable prisoners of conscience. Reports continued to be received of torture and ill-treatment of detainees in police custody. An opposition leader, his son and a human rights activist were assaulted by suspected government agents. Two people apparently "disappeared". At least 10 people were sentenced to death and at least one person was executed.

A referendum in March confirmed the extension of President Islam Karimov's term in office until the year 2000 and presidential elections scheduled for 1997 were cancelled. A new Criminal Code entered into force in April.

In September Uzbekistan acceded to the International Covenant on Civil and Political Rights and its (First) Optional Protocol, the International Covenant on Economic, Social and Cultural Rights and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In March the Supreme Court sentenced six men associated with the outlawed political party *Erk* (Freedom) to up to 12 years' imprisonment. They were convicted of offences including conspiracy to seize power and calling for the violent overthrow of the state. The six – Murad Dzhurayev, Erkin Ashurov, Nemat Akhmedov, Shavkat Kholbayev, Khoshim Suvanov and Shavkat Mamatov – were arrested in 1994 and had already spent up to 11 months in detention. There were persistent allegations that the charges against them were groundless, that some had been tortured and ill-treated, and that they were being punished solely because of their

involvement in distributing the banned *Erk* party newspaper. They were probable prisoners of conscience. A seventh defendant, Dilarom Iskhakova, was sentenced to six years' imprisonment, suspended for three years because she was a single parent.

At least four other *Erk* party activists or sympathizers, all probable prisoners of conscience, were still serving sentences at the end of the year following conviction on allegedly fabricated criminal charges. In January Mamadali Makhmudov, an associate of the exiled *Erk* leader, Muhammad Salih, was sentenced by the City Court in Tashkent, the capital, to four years' imprisonment for embezzlement and abuse of office. The charge on which he had been arrested in 1994 – illegal possession of a firearm – had been dropped. In July Rashid Bekzhanov, Muhammad Salih's brother, was sentenced by the Khorezm Regional Court to five years' imprisonment, apparently on a charge connected with illegal business activity. The charge on which he had been arrested in 1994 – of distributing anti-government leaflets – had been dropped. Also held throughout the year were Abdulla Abdurazakov, a member of the *Erk* central committee, sentenced in 1994 to three and a half years' imprisonment for slander, and Gaipnazar Koshchanov (see *Amnesty International Report 1995*). Sherali Ruzimradov (see *Amnesty International Report 1995*) was believed to have been released.

Mukhtabar Akhmedova, a social and environmental activist, was tried before the Tashkent City Court in June on charges of defaming the Governor of Tashkent and President Karimov. She had been in police custody since January. She was a probable prisoner of conscience. The charges against her reportedly related to her having criticized the Governor over plans for the demolition of houses in Tashkent, and to unpublished writings critical of the President found during a search of her home. Mukhtabar Akhmedova was sentenced to four years' imprisonment but was immediately released in accordance with a presidential amnesty issued the previous month.

Akhmatkhan Turakhanov, a probable prisoner of conscience (see *Amnesty International Report 1995*), was released in May after serving an 18-month prison sentence for illegal possession of a weapon.

Reports continued to be received of torture and ill-treatment of detainees. In January the trial opened of Iosif Koinov, aged 76, who had been arrested in 1994 and charged with killing a lodger at his home. He alleged in court that he had been beaten and tortured with electric shocks to make him confess. In February the trial was halted and he was released. The charge was dropped in June. In April Dmitry Fattakhov, Aleksey Smirnov and Oleg Gusev were arrested for murder. Aleksey Smirnov and Oleg Gusev alleged that they were severely beaten to force them to confess. Aleksey Smirnov was released from custody in June and went into hiding, and Oleg Gusev was released in December. However, allegedly as a consequence of his treatment in detention, Dmitry Fattakhov was reported to have become mentally ill, and in December he was ordered to be confined in a psychiatric hospital until fit to stand trial.

Nadira Khidoyatova and Asiya Turiniyazova were arrested in July by officers of the National Security Committee on charges of illegally exporting animal skins. At the time both were pregnant. They alleged that while in investigative detention National Security Committee officials compelled them to undergo abortions. The women were released from custody in October pending trial, and the National Security Committee official in charge of the case was dismissed from his post.

In March Mikhail Ardzinov, Deputy Chairman of the unregistered Human Rights Society of Uzbekistan, was attacked on a Tashkent street by two men whom he identified as police officers. He was not seriously injured, but the men took his briefcase and stole papers including notes taken by him at the trial of Murad Dzhurayev and his co-defendants (see above). In April the former Vice-President of Uzbekistan and prominent government opponent, Shukrulla Mirsaidov, and his son Khusan Mirsaidov, were abducted in a Tashkent street by unknown men who dragged them into separate cars. Shukrulla Mirsaidov reported that he was taken to a room where he was stripped naked, drugged and photographed and videoed lying on a sofa with a naked woman. He was later dumped, half-naked, in a field. Khusan Mirsaidov was beaten and had gas sprayed in his face before being dumped in another location. Shukrulla Mirsaidov

had been the victim of a previous assault by suspected government agents in 1993 (see *Amnesty International Report 1994*).

Abduvali Mirzoyev, an Islamic prayer leader from Andizhan, and his assistant Ramazan Matkarimov "disappeared" in August after they were reportedly detained at Tashkent airport by people believed to be officers of the National Security Committee. Their whereabouts, and those of Abdullo Utayev, an Islamic activist who "disappeared" in 1992 (see *Amnesty International Report 1994*), remained unknown.

The new Criminal Code retained the death penalty as a possible punishment for 13 offences. It abolished the death penalty for women. No statistics were published on the application of the death penalty, but at least 10 death sentences were passed and at least one person, sentenced to death in 1994, was executed. The true figures were believed to be far higher.

Amnesty International called for clarification of the basis for the criminal charges against possible prisoners of conscience or for judicial review of their criminal convictions. It called for investigations into allegations of torture and ill-treatment in pre-trial detention and into the assaults on Mikhail Ardzinov and Shukrulla and Khusan Mirsaidov, and for those found responsible to be brought to justice. It called for clarification of the whereabouts of Abduvali Mirzoyev, Ramazan Matkarimov and Abdullo Utayev, and for them to be released if they were not to be charged with a recognizably criminal offence. Amnesty International called for the commutation of all death sentences and continued to press the authorities to abolish the death penalty.

VENEZUELA

Dozens of prisoners of conscience were detained during the year. The widespread use of torture by the security forces continued to be reported and at least one person "disappeared" in custody. Prison conditions remained extremely harsh. Dozens of people were killed in the context of police operations ostensibly designed to combat crime and may have been extrajudicially executed.

In July President Rafael Caldera announced the reinstatement of full constitutional guarantees in most of the country. Some guarantees had been suspended in 1994, purportedly to help prevent social disturbance and combat corruption in the context of a deepening economic crisis (see *Amnesty International Report 1995*). Suspended constitutional guarantees were not restored in several border areas.



Peaceful grass-roots activists continued to be detained as prisoners of conscience. In March at least 80 activists, including human rights defenders, were arbitrarily arrested in several parts of the country for their peaceful activities by members of the *Dirección de los Servicios de Inteligencia y Prevención* (DISIP), Directorate of Intelligence and Prevention Services. They were held in incommunicado detention for short periods before being released without charge.

Scores of people continued to be imprisoned under the *Ley de Vagos y Maleantes*, Law on Vagrants and Crooks, despite government promises to repeal the law which government and judicial authorities have acknowledged infringes the Constitution and international human rights treaties ratified by Venezuela, including the International Covenant on Civil and Political Rights. The law permits administrative detention for periods of up to five years without judicial appeal or review. Six students were detained under the law in October after a peaceful demonstration. Carlos José González, Osman José Colina Hernández, Guillermo Tamayo Rivas, Juan José Villamizar, Luis Gerónimo Velásquez and José Vargas Pérez were detained by members of the *Guardia Nacional* (GN), National Guard, who raided the premises of Carabobo University in

Naguanagua, Valencia, Carabobo state. They were held in conditions that amounted to ill-treatment for nine days, then released without charge.

Prisoners of conscience detained in previous years continued to be held, including Henry Landino Contreras, who was arrested in 1993. Pedro Luis Peña Arévalo and José Luis Zapata, who were arbitrarily detained for their homosexuality in 1992 under the Law on Vagrants and Crooks, also remained imprisoned (see *Amnesty International Report 1995*).

The widespread use of torture and ill-treatment by the security forces continued to be reported, and those responsible continued to benefit from impunity. Victims included men, women, children and disabled people. Methods of torture included: beatings; suspension from wrists or ankles for prolonged periods; near-asphyxiation with plastic bags; electric shocks; and mock executions. Torture was used extensively by members of the police and army to extract confessions from suspects and to intimidate detainees. Such confessions continued to be accepted as evidence by the courts. State attorneys regularly failed to act effectively on complaints of torture and official forensic doctors frequently avoided documenting cases of torture. Medical treatment for the victims of torture continued to be unavailable or grossly inadequate.

Among the scores of cases of torture reported were those of Julio Rafael Tovar, Carlos Ramón Apoto, Eduardo Manuel Farfán and 15-year-old Angel Jaidar Iruiz, who were arrested by members of the GN in January in their homes in Caicara del Orinoco, Bolívar state. They were beaten and nearly drowned in front of several members of the community, including relatives. They were then transferred to a local police station where they were subjected to further beatings; mock executions; semi-asphyxiation with plastic bags containing caustic substances; suspension from the wrists; and electric shocks. A state attorney reportedly witnessed the torture but failed to intervene. Three of the victims were seriously injured, but they were reportedly denied medical treatment. They remained in prison, on charges based on their forced confessions, at the end of the year. The fourth, Julio Rafael Tovar, "disappeared" in custody. The arresting officers claimed that he had

escaped and jumped into the Orinoco river. Those responsible were not brought to justice.

In February and March, 23 peasants, including two women and a 14-year-old boy, were arrested in their homes in Cararabo, Apure state, by members of the navy. They were all interrogated about an attack by Colombian guerrillas on 26 February against the local Venezuelan navy garrison during which eight armed forces personnel were killed. The peasants were reportedly subjected to beatings, electric shocks, semi-asphyxiation, mock executions and threats using trained dogs. Juan Vicente Palmero, one of the detainees, reportedly died under torture, although his body was never recovered. The other 22 detainees were released without charge in April. Although the Defence Minister announced an investigation into the incident, those responsible were not brought to justice.

In November Daniel José Urbano Frisneda, a physically disabled man, was arrested by members of the GN in Catia, Caracas, and beaten before being transferred to a local police station where he remained in incommunicado detention for six days in extremely harsh conditions and was denied medical treatment. He was allegedly forced to sign blank statements before being transferred to the *Retén de Catia*, a prison in Caracas where conditions were notoriously harsh and where he remained at the end of the year, reportedly held under the Law on Vagrants and Crooks.

Prison conditions continued to deteriorate and often amounted to cruel, inhuman or degrading treatment. Although the government acknowledged the lack of security for prison inmates, serious overcrowding and extremely poor sanitary conditions, they failed to act to reform the prison system.

Few of those responsible for gross human rights violations in previous years were brought to justice. For example, those responsible for the torture of at least 41 people arrested by the army in Zulia in 1993, and the torture of four community activists detained in Valencia in 1994, had not been brought to justice by the end of the year (see *Amnesty International Reports 1994 and 1995*). Most of the officials responsible for the killings of at least 108 prisoners in the prison of Sabaneta,

Maracaibo, in January 1994 (see *Amnesty International Report 1995*) also continued to enjoy impunity.

Dozens of people were killed by members of the police during operations ostensibly aimed at combating crime and may have been extrajudicially executed. In January José Ricardo Monsalve, 17-year-old Yoriki José Mujica and José Luis Hernández were killed by members of the *Policía Metropolitana*, Metropolitan Police, who raided their homes without search warrants. José Luis Hernández was reportedly extrajudicially executed for having witnessed the killing of the other two victims. Those responsible were not brought to justice. In March Richard López Paz, a university student, was shot dead at close range by a member of the state police of Aragua during a demonstration in Aragua. A police officer was remanded in custody for the killing. In April Alexander Arias was shot dead at close range by members of the GN who had asked him for his identification card during a raid on a neighbourhood in Caracas. Witnesses and relatives of the victim later received threats from police officials warning them not to demand an investigation. Those responsible were not brought to justice. In August César Eduardo Martínez Pérez was arrested together with two others by members of the DISIP in the streets of Caracas. His body was later found bearing signs of torture, but officials claimed he had died in a shoot-out. Those responsible were not brought to justice.

Most law enforcement officers responsible for killings in previous years continued to benefit from impunity. For example, no one was brought to justice for the extrajudicial execution of six prisoners who escaped from *Centro Penitenciario de Aragua*, a prison in Aragua, in January 1994; or for the killings of three Yukpa Indians in Zulia in February 1994; or for the killing of Sergio Rodríguez Yance, a human rights activist, in 1993; or for the massacre of at least 63 inmates in the *Retén de Catia* prison in 1992 (see *Amnesty International Reports 1993 to 1995*).

Amnesty International met the Minister of Foreign Affairs during his visit to London in March and expressed concern about human rights violations in Venezuela. The organization called for the reinstatement of all constitutional guarantees suspended the previous year; for the

abolition of the Law on Vagrants and Crooks; and for an end to impunity benefiting the perpetrators of serious human rights violations. While the Minister expressed the government's willingness to end human rights violations, the authorities failed to take effective steps to address the organization's concerns.

VIET NAM



At least 70 prisoners of conscience and possible prisoners of conscience were known to be held throughout the year. At least five people were arrested on political grounds, and 15 others were sentenced to prison terms of up to 15 years after unfair trials; all were believed to be prisoners of conscience. At least three people were sentenced to death and at least 10 executions were reported. Information came to light indicating that dozens of executions had regularly taken place in previous years.

The ruling Vietnamese Communist Party continued to pursue its policy of economic liberalization and to seek closer links with the international community. The press and broadcast media remained under state control and restrictions on freedom of worship continued, in spite of government statements to the contrary. The repatriation to Viet Nam of thousands of Vietnamese asylum-seekers from countries in the region continued throughout the year; Amnesty International found no evidence of ill-treatment of these people on their return. In October the National Assembly passed the new Civil Code, a significant step in the establishment of a comprehensive legal framework in the

country. The law includes articles on the relationship between the individual and the state and was due to come into effect in 1996.

State President Le Duc Anh received many visits from foreign government representatives throughout the year, indicating a more open policy on the part of the Vietnamese Government. In April a parliamentary delegation from Australia visited Viet Nam for discussions with the authorities on a number of issues, including human rights, judicial procedures and prison conditions. The visit was significant because it had been postponed in 1994 when the Vietnamese authorities objected to comments by one of the proposed delegates about human rights concerns. Viet Nam became the seventh member of the Association of South-East Asian Nations (ASEAN) in July. In the same month, diplomatic relations with the USA were restored, and in August US Secretary of State Warren Christopher visited Viet Nam, marking the normalization of relations between the two countries 20 years after the end of the Viet Nam war and the reunification of Viet Nam.

In February the report of the UN Working Group on Arbitrary Detention, which visited the country in 1994, was discussed at the 51st session of the UN Commission on Human Rights. The Working Group acknowledged a number of improvements made in recent years, but recommended relaxation of the limitations and restrictions on the rights to freedom of speech, opinion, assembly, association, belief and religion. It also suggested that prisoners still detained for their activities prior to 1975 be released as part of Viet Nam's commemoration of reunification. The Vietnamese Government issued a strong statement denouncing media reporting of the Commission's discussions, stating that "as a sovereign country, there is no reason for Viet Nam to allow a delegation ... to investigate the so-called human rights situation ... [which] would constitute ... interference in its internal affairs."

At least 70 prisoners of conscience and possible prisoners of conscience arrested in previous years were known to be detained throughout the year, although the true figure may have been higher. Dr Nguyen Dan Que, a medical doctor and member of Amnesty International who was sentenced to 20 years' imprisonment

in 1991, remained in detention (see *Amnesty International Reports 1991 and 1992*). He suffered from very poor health, including peptic ulcers and kidney stones. He continued to be held in virtual solitary confinement and was allowed only one short visit per month from his family. Nguyen Van Thuan, a poet and writer, was detained in hospital in Ho Chi Minh City throughout the year after suffering a serious stroke in 1994. He had been arrested in 1990 and sentenced to 12 years' imprisonment for his involvement in two political groups – the High Tide of Humanism Movement and the Freedom Forum – both peaceful movements advocating political change (see *Amnesty International Report 1992*). Doan Thanh Liem, a lawyer sentenced to 12 years' imprisonment in 1992 (see *Amnesty International Reports 1993 and 1994*) was also in poor health during the year and apparently in need of urgent medical treatment. Other prisoners of conscience included at least seven Catholic priests of the Congregation of the Mother Co-Redemptrix, most of them serving long sentences after their arrest in 1987 and conviction on charges of "sowing disunity between the people and the government" (see *Amnesty International Report 1995*).

The Supreme Patriarch of the Unified Buddhist Church of Viet Nam (UBCV), Thich Huyen Quang, was moved in January to a remote area of Quang Ngai province where he was detained in isolation. He had been arrested at the end of December 1994 after spending 10 years under house arrest (see *previous Amnesty International Reports*). The government initially denied that Thich Huyen Quang had been detained, but in a statement released on 25 January the Foreign Ministry said he had been moved "because he often disturbed the monks at his pagoda and local people". In August a statement released by the government indicated that Thich Huyen Quang was likely to face trial along with Thich Long Tri, the third most senior monk in the UBCV, who had been arrested in October 1994 (see *Amnesty International Report 1995*). However, a later statement contradicted this, and neither had been tried by the end of the year. Both monks were believed to be prisoners of conscience.

At least five people were arrested for peaceful religious or political activities

during the year. Thich Quang Do, Secretary General and second most senior official of the UBCV, was arrested in January at Thanh Minh pagoda in Ho Chi Minh City where he had been living after spending more than 10 years under house arrest. In a statement made after his arrest, the government announced that Thich Quang Do would stand trial for "provoking trouble contrary to Vietnamese law" and that he would be tried as "a Vietnamese delinquent and not as a Buddhist". In August Thich Quang Do and five other UBCV followers, including three monks, were brought to trial and convicted of "undermining the policy of unity". The trial took place *in camera* and lasted less than two days. Thich Quang Do was sentenced to five years' imprisonment after apparently refusing to ask for leniency. Fellow UBCV monks Thich Khong Than, Thich Nhat Ban and Thich Tri Luc, who had all been arrested in November 1994, were sentenced to between two and a half and five years' imprisonment. Nhat Thuong, a lay follower of the UBCV, was sentenced to three years' imprisonment, while Dong Ngoc received a suspended sentence after requesting leniency. All five men were believed to be prisoners of conscience, detained solely for their religious activities with the UBCV. The sentences passed on four of them who lodged appeals were later upheld. During the trial, monks in Ho Chi Minh City came under increased surveillance by the security forces and a small number were arrested for short periods.

In June, two former members of the Vietnamese Communist Party were arrested for expressing criticism of the Party and government policies. Do Trung Hieu and Hoang Minh Chinh, aged 76, who had both been imprisoned in previous years, were detained because of their writings calling on the Vietnamese Government to respect human rights and freedom of expression. Do Trung Hieu had also written an article criticizing government policy towards the UBCV. In November the two men were convicted of "abusing democratic liberties and violating the interests of state and social organizations" after an unfair trial. Do Trung Hieu was sentenced to 15 months' imprisonment and Hoang Minh Chinh, who was in very poor health, received a 12-month sentence. Both were prisoners of conscience.

Two dissidents were arrested in December; both were believed to be prisoners of conscience. Nguyen Xuan Tu (better known as Ha Si Phu), a well-known scientist and writer, was detained, apparently in connection with recent writings calling for political change and interviews given to a US radio station. Le Hong Ha, a former high-ranking member of the Communist Party and Chief of Cabinet of the Interior Ministry, had been expelled from the Communist Party in June at the request of President Le Duc Anh. No official charges had been laid against them by the end of the year.

Nine men, all of whom were believed to be prisoners of conscience, were convicted after an unfair trial. They were sentenced in August to prison terms ranging from four to 15 years for their involvement in the Movement to Unite the People and Build Democracy, a non-violent political group which advocates political change. The nine had been arrested and detained in November 1993 for attempting to organize a conference on democracy and economic development in Ho Chi Minh City. Most had been involved in anti-communist movements before the reunification of Viet Nam in 1975 and had spent periods in "re-education" camps after 1975. The leader of the group, Nguyen Dinh Huy, had previously been imprisoned for 17 years for his alleged "counter-revolutionary" political beliefs. The trial, which took place in Ho Chi Minh City, lasted for two days. The nine appeared not to have had access to their assigned defence counsel during the course of the trial. Under existing laws and practice, defence counsel are not permitted to cross-examine witnesses or challenge statements made by the prosecution in such trials. All nine defendants were found guilty of "acting to overthrow the people's government". Nguyen Dinh Huy was sentenced to 15 years' imprisonment, Pham Tuong to 14 years, Bui Kim Dinh to 12 years, Nguyen Ngoc Tan and Dong Tuy to 11 years, Nguyen Van Bien to eight years and Nguyen Van Chau to four years. Nguyen Tan Tri and Tran Quang Liem, both US citizens, received prison sentences of seven and four years respectively. Both were deported to the USA in November.

In April the government announced an amnesty for thousands of prisoners to commemorate the 20th anniversary of the

reunification of Viet Nam. The authorities did not publish the names of those released, but it is believed that some political prisoners may have been among them. In a statement issued before a second amnesty in September, in which no political prisoners or prisoners of conscience appeared to have been released, the government denied that any political prisoners were held in Viet Nam.

At least three people were sentenced to death during the year and 10 executions were reported. This ended a long-standing practice by the Vietnamese authorities of not reporting executions. New information which came to light during the year suggested that executions had regularly taken place in previous years and that the decision to announce these executions was part of a government policy designed to deter crime. The Australian parliamentary delegation which visited Viet Nam in April reported that a Supreme Court official had informed them that about 100 people had been sentenced to death during 1994 and that 90 of them had been executed.

During the year Amnesty International called for the immediate and unconditional release of Buddhist prisoners of conscience, including Thich Huyen Quang and Thich Quang Do. In response, the government issued a statement denying that Buddhists had been arrested and asserting Viet Nam's respect for freedom of belief. The organization appealed for the unconditional release of Dr Nguyen Dan Que and asked that he be given immediate access to appropriate medical treatment. Amnesty International also called for the release of the nine prisoners of conscience sentenced during the year for their involvement in the Movement to Unite the People and Build Democracy. The organization expressed regret at the use of the death penalty by the Vietnamese authorities. An Amnesty International delegate visited Viet Nam in March and met with representatives of various organizations with an interest in human rights.

WESTERN SAMOA



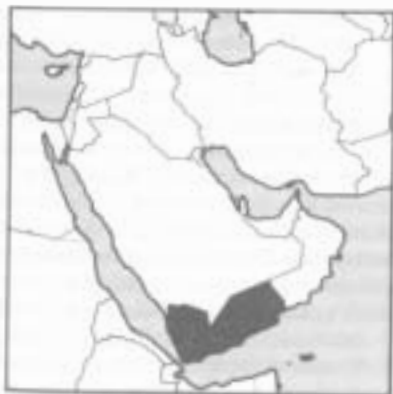
Two former parliamentarians were charged with sedition following non-violent political protests against the government.

Two community leaders were charged with sedition in February on the basis of statements they had made at a peaceful demonstration in March 1994. Faamatuainu Tala Mailei and Toalepaialii Toesulusulu Siueva, leaders of a traditional group of chiefs, *Tumua ma Pule*, had spearheaded protests against the introduction of a new consumer tax. They were also instrumental in bringing the matter to the attention of the Head of State, Malietoa Tanumafili II, and in handing him a petition reportedly signed by 133,000 Samoans. The protests were apparently interpreted by the Prime Minister as a seditious act seeking the unlawful removal of the government.

In February Amnesty International wrote to the government expressing concern that, if convicted and sentenced to prison terms, the two accused would become prisoners of conscience. In June the organization sent a trial observer to report on the case. When the trial opened at the Magistrates Court in June, the police prosecutor did not produce any evidence to support the charges. After his appeal for an adjournment was rejected, the case was dismissed and all charges were dropped.

In a letter to Amnesty International in July the government expressed its appreciation of the organization's efforts for the protection of human rights in this case. Amnesty International remained concerned that, despite the court's decision, provisions on sedition in the Western Samoan Crimes Act could continue to be applied in a way that violated the constitutional right to freedom of expression.

YEMEN



Scores of political prisoners, including prisoners of conscience, were detained without charge or trial. Allegations of torture and ill-treatment were widespread, and one prisoner reportedly died in custody. The judicial punishment of flogging was widely used and at least 14 people were sentenced to amputation of limbs. The fate and whereabouts of hundreds of people who "disappeared" in previous years remained unknown. At least seven people died in circumstances suggesting that they might have been extrajudicially executed. At least 41 people were executed. Hundreds of foreign nationals, including many recognized refugees, were forcibly returned to their countries. Serious human rights abuses against civilians were committed by armed political groups.

A new penal code and a code of criminal procedures, enacted in October 1994 as a result of the unification of the former Yemen Arab Republic (YAR) and the People's Democratic Republic of Yemen (PDRY) in 1990, were enforced throughout the country. The penal code provides for corporal punishments, such as flogging and amputation, and the death penalty, including stoning to death. Many provisions of the code of criminal procedures fall far short of internationally agreed standards.

Following consideration of Yemen's second periodic report on its implementation of the International Covenant on Civil and Political Rights in April, the UN Human Rights Committee recommended that Yemen should undertake "... a thorough review ... of the legal framework for

the protection of human rights ... to ensure full conformity with the Covenant". No such review was known to have been initiated by the end of the year.

Scores of people, including prisoners of conscience, were arbitrarily arrested on political grounds by the Political Security (PS) force, particularly in 'Aden, Abyan and Sana'a. They were invariably held incommunicado for the first weeks or months and were denied access to lawyers throughout their detention. Those held included critics of the government, members of opposition parties and people suspected of having links with the *al-Jabha al-Wataniya Lilmu'ardha* (MOG), National Front for the Opposition, an opposition organization based abroad.

Fadhl 'Ali Mubarak, a journalist with the daily newspaper *14 October*, was arrested with others in January by the PS in Abyan after issuing a leaflet criticizing the authorities' failure to implement the general amnesty announced by President 'Ali 'Abdullah Saleh during the civil war in 1994 (see *Amnesty International Report 1995*). They were detained for over a month before being released without charge. In May Fadhl 'Ali Mubarak was re-arrested, together with another group of people, including Hussein Muhammad Nasser, President of the Union of Journalists in Abyan. They were reportedly suspected of having links with the MOG. All were detained in the PS headquarters in Abyan for over a month without charge or trial and denied access to lawyers.

Arrests of suspected political opponents intensified following demonstrations in various parts of the country against an increase in fuel and domestic gas prices announced by the government in March. Widespread arrests of members of various opposition parties were reported in 'Aden, Abyan, Dhamar and Hudaida. Some were interrogated and released, but others were detained by the PS for weeks or months.

The majority of those arrested were suspected of having links with the MOG. Nabil Ahmad 'Abd al-Karim al-'Amudi and 'Adil 'Ali Ahmad Mahdi al-Yazidi were among a group of students from 'Aden University arrested in May and detained in the PS headquarters in 'Aden until August, when they were released. All were initially held incommunicado and were allegedly tortured during interrogation.

At least 21 political prisoners, including one prisoner of conscience, all under sentence of death imposed after unfair trials, remained held. In August 1988 the Supreme Court upheld the death sentence against Mansur Rajih, a prisoner of conscience imprisoned since 1983 (see *Amnesty International Report 1995*); the sentence had not been ratified by the President at the end of the year. Twenty suspected members of the National Democratic Front (NDF), an opposition group in the former YAR, also remained on death row (see *Amnesty International Report 1995*). The death sentences against some of them were upheld by the Supreme Court while others were still pending an appeal at the end of the year.

A number of political prisoners, including possible prisoners of conscience, detained in 1994 were released. They included 29 members of *Hizb al-Haq* (see *Amnesty International Report 1995*) who were released without charge between January and April. Amin Ahmad Qasim, a businessman arrested in December 1994 reportedly for his business connections with the Yemeni Socialist Party (see *Amnesty International Report 1995*), was released in June. He had initially been held incommunicado by the PS in Sana'a and had been under house arrest since January. His son, Ghassan Amin Qasim, was arrested by the PS in March and detained for a month before being released without charge.

The trial of three people, charged with carrying out bomb attacks in 'Aden during July and August, began in October in 'Aden. The defendants stated in court that they had been tortured during interrogation in order to extract "confessions" from them. The court apparently agreed to a request that the defendants be medically examined, but it was not known whether any examination was carried out. The trial of Adam Salah al-Din Mansur, an Algerian national (known also as Abu 'Abd al-Rahman), and 20 Yemeni nationals, began in December in Sana'a. Eight were tried *in absentia*. Charges against them included the murder of members of the security forces during an armed clash which reportedly took place in September in al-Dali'. Both trials were still in progress at the end of the year.

Torture and ill-treatment of political detainees and common law prisoners were

widespread. Many of the political detainees held by the PS, particularly those held for their suspected links with the MOC, were allegedly subjected to beatings and other ill-treatment during interrogation. A number of critics of the government, including academics, journalists and writers were tortured after being abducted by unidentified groups believed to be connected with the PS. Among the victims was Abu Bakr al-Saqaf, a philosophy professor at the University of Sana'a and an outspoken critic of the government. He was abducted in January outside his house in Sana'a, and again in December. On the first occasion, he and Zin al-Saqaf, a friend, were abducted by five armed men, one of whom was wearing military uniform. They were driven to a deserted area in the south of Sana'a where they were severely beaten. Zin al-Saqaf's arm was broken. The victims sought investigations into the incidents, but no findings were known to have been made public by the end of the year.

A number of common law prisoners alleged that they were tortured in prisons and detention centres. Muhammad 'Abdallah al-Hayd alleged that he and dozens of other prisoners held in Si'un Prison were beaten with iron bars while their legs were shackled and their hands tied behind them; urinated on; and walked on by soldiers or guards while forced to lie naked on slabs of concrete.

At least one person was reported to have died in custody, possibly as a result of torture, and new information came to light about a death in custody in 1994. 'Ali Bin Salmin Bin Qawiran al-Qirzi, aged 65, reportedly died in an army prison in al-Makalla in May or June. He had apparently been detained by members of the armed forces in al-Makalla in order to force his son, who was suspected of theft, to give himself up. Mu'adhab Suleyman Salih died in July 1994 after 24 hours in the custody of the criminal investigation police in Hudaida, reportedly as a result of torture. His lawyer and relatives requested an investigation, but by the end of 1995 no investigation was known to have been carried out.

The judicial punishment of flogging was widely imposed, particularly on those convicted of consumption of alcohol. In some cases floggings were carried out in public. At least 14 people were sentenced

to amputation in April by a court in Sana'a. Five of the 14 defendants were convicted of highway robbery and sentenced to cross-amputation of the right hand and the left foot. The other nine were convicted of theft and sentenced to amputation of the right hand. The court verdict was believed to be subject to appeal but the outcome was not known.

The fate of hundreds of people who "disappeared" in previous years remained unknown (see previous *Amnesty International Reports*). In October the government announced that mass graves, believed to contain the bodies of people who "disappeared" in the former PDRY in 1986, had been discovered near 'Aden airport. The President reportedly ordered an investigation into these "disappearances", but did not apparently state whether cases of people who "disappeared" before and after 1986 in both the former PDRY and YAR, and since the civil war in 1994, would also be investigated.

At least seven people were reportedly shot dead in June when security forces in 'Aden opened fire on supporters of the 'Aden football team who were protesting after a dispute between their team and a team from Sana'a. No investigation into the killings was known to have been carried out. It was feared that the killings might have been extrajudicial executions.

At least 41 people were executed during the year. Most were believed to have been convicted of premeditated murder, although one, a Sudanese national executed in September in Sana'a, was reportedly convicted on charges that included witchcraft. Hundreds of people, most of whom had been sentenced in previous years, were believed to remain under sentence of death at the end of the year.

In August the government reportedly deported more than 3,000 foreign nationals it claimed were living illegally in Yemen. They included hundreds of people, mainly Somali nationals, who had been recognized as refugees by the UN High Commissioner for Refugees. In November, 280 other Somali refugees were reportedly detained in a prison in Ta'z, but it was not known whether they were at risk of being sent back to Somalia.

Armed political groups were reported to have committed grave human rights abuses, including killings of members of

religious minorities. In April, two people from the Al al-Husseini tribe were reportedly shot dead by an Islamic group, the Sheikh Baker Group, in Tarim, Hadramout. The killings were said to have occurred when members of the Al al-Husseini tribe intervened to stop the desecration of the graves of holy men in Tarim by the Islamic group. The President was reported to have ordered an investigation into the incident, but no findings were known to have been made public by the end of the year. In September, one man was shot dead and seven others were wounded in Haraz. The eight, all members of the Bohara religious minority, were reportedly ambushed by an armed Islamic group on their return from a religious ceremony.

In some instances, human rights abuses by some Islamic armed groups appeared to have been carried out with the acquiescence of the authorities. In May an armed Islamic group in Lahj, said to be connected with the *Jihad* movement, flogged a defendant, Qassim Jubran, before his trial on charges of consumption of alcohol was concluded by the al-Huta court. The group also stopped the defence lawyer, Bader Ba Saneed, at gunpoint and physically assaulted him in the presence of the judge and an Amnesty International trial observer. Both the flogging and the attack on the lawyer were carried out in full view of local government forces who made no attempt to intervene.

Amnesty International continued to call for an end to the detention of prisoners of conscience and for their immediate and unconditional release. The organization also continued to call for prompt and fair trials for all political prisoners; for investigations into allegations of torture and ill-treatment, "disappearances", killings by government forces and armed groups; and for the commutation of the judicial punishments of flogging and amputation, and of all death sentences. In May an Amnesty International delegation visited Yemen and raised the organization's concerns with government ministers and other officials.

The government responded positively on some cases of arbitrary arrest and released the detainees. However, no clarification was provided regarding the killings by security forces in 'Aden or the abduction and beatings of individuals.

YUGOSLAVIA

(FEDERAL REPUBLIC OF)



Some 160 people, almost all ethnic Albanians, were sentenced to up to eight years' imprisonment on political charges. They were convicted after trials which violated their right to fair trial; some were possible prisoners of conscience. Prisoners of conscience included at least 30 ethnic Albanians who were summarily sentenced to up to 60 days' imprisonment on political charges. Other prisoners of conscience included conscientious objectors to military service, the majority of them ethnic Albanians. Several thousand ethnic Albanians were briefly detained for questioning about their political activities or alleged possession of arms. There were widespread reports of torture and ill-treatment by police and at least five men died after torture or ill-treatment in police custody. Seven ethnic Albanians were shot dead by members of the security forces in disputed circumstances. At least five men were sentenced to death for murder, but no executions were reported. The authorities forcibly returned many thousands of male Serbian refugees to Serbian-held areas of Croatia and Bosnia-Herzegovina for forcible conscription into Bosnian Serb forces.

In May and August the Croatian Army attacked and recovered Serb-held areas of Croatia in western Slavonia and the Krajina region, leading to the mass exodus of Serbs from these areas to the Federal Republic of Yugoslavia. By the end of the year the total number of refugees was over 400,000. In November the UN Security Council suspended economic sanctions against Serbia and Montenegro after the

Presidents of Bosnia-Herzegovina, Croatia and Serbia reached a peace agreement in Dayton, Ohio, USA. In December the President of Montenegro pardoned and released 50 political prisoners, including 21 Slav Muslims convicted in December 1994 (see *Amnesty International Report 1995*).

Ethnic tensions remained high in Kosovo province, where ethnic Albanians, the majority population, continued to call for the province's secession.

Some 160 people, almost all ethnic Albanians, were convicted and sentenced to imprisonment on political charges following trials which violated international fair trial standards. They included 139 men, almost all ethnic Albanian former police employees, who were tried between April and September. They were found guilty of preparing to set up a clandestine police force and were convicted of having sought to jeopardize Yugoslavia's territorial integrity by force of arms, under Articles 116 and 136 of the Yugoslav Criminal Code. They received prison sentences of up to eight years. Most were released pending appeal, but 22 remained in detention. The defendants were among some 4,000 ethnic Albanian police employees who were dismissed or resigned from their posts after refusing to recognize measures introduced by the Serbian government in 1990 which effectively abolished the province's autonomy. At their trial, the defendants denied the charges against them and argued that their activities had consisted of trade union work. Almost all of them alleged that following their arrest in November and December 1994 (see *Amnesty International Report 1995*), police officers tortured or otherwise ill-treated them in order to extract false "confessions". In July a court in Priština convicted 69 defendants. Among them was Avdi Mehmedoviqi, a former police chief, who told the court that police beat him until he lost consciousness five or six times. Proceedings at the trial of another 44 defendants before a court in Prizren were repeatedly adjourned because of the ill-health of defendants which their lawyers said had been caused, or severely aggravated, by torture. Defendants at other trials in Peć and Gnjilane made similar allegations. Lawyers at these trials complained that their access to the defendants and to court files had been restricted or delayed, thus undermining their right to defence. They

also complained that the investigations had been largely carried out by police officers, rather than by the investigating judge, as required by law.

Prisoners of conscience included over 30 ethnic Albanians who were sentenced to up to 60 days' imprisonment for holding "illegal meetings". In most cases the defendants were teachers who had held classes for ethnic Albanian students who reject the curricula and education in the Serbian language required in official state schools. They included Qazim Azemi, director of a high school in Vučitrn, who in March was sent to serve a 20-day prison sentence. He received similar sentences on two further occasions during the year.

Most ethnic Albanian men of draft age were unwilling, on political grounds, to serve in the Yugoslav armed forces. An unknown number were sentenced to imprisonment for draft evasion or for desertion from the (former) Yugoslav National Army, including Sabit Veliqi who was sentenced by the Military Court of Niš to four months' imprisonment in March for draft evasion. He began his sentence in October. The right to perform civilian service for those refusing military service on conscientious grounds was introduced in 1994, but the length of service, 24 months, was twice the length of military service and the right to perform civilian service did not apply retroactively.

Several thousand ethnic Albanians in Kosovo province were detained for up to three days in police custody for questioning about their political activities or alleged possession of weapons. Many were prisoners of conscience. Approximately 2,000 families were searched for arms.

There were daily reports that ethnic Albanians had been tortured or ill-treated in custody or during arms searches at their homes. The victims of ill-treatment were often political activists or teachers. Children were also among the victims. Many victims sustained serious injuries which required medical treatment; some were hospitalized. They included Miradie Selmani who was briefly detained in February by police in Gnjilane who said they were investigating forged passports. She was beaten and threatened with rape. In June Rifat Morina complained that on 30 May he had been detained for 12 hours by police in Prizren and repeatedly beaten until he lost consciousness. He said that

since mid-February he had been summoned to the police station some 15 times and had been beaten on almost every occasion. Police officers had repeatedly demanded that he hand over a gun and, when they found he did not have one, tried to force him to give the names of men who did. In June Isak Maxhuni, an activist of the Democratic League of Kosovo (LDK), the main political party representing ethnic Albanians, was threatened and ill-treated by police who searched his house for weapons. His brother, Gani Maxhuni, was beaten until he lost consciousness. He was taken to hospital where he remained for some 10 days. In November, two police officers forced Fejzullah Fejzullahu, an LDK activist from Gnjilane, into a car, put a gun to his head, blindfolded him and threatened to kill him unless he gave them information about alleged paramilitary activity in the area. They drove him to a police station in a nearby town. There he was beaten and held till the following day, when he was driven back to Gnjilane, beaten at the police station there and released without charge.

There were also reports that police had beaten and ill-treated Slav Muslims in the Sandžak region. In September Husno Bihorac, an activist of the Democratic Action Party, representing Sandžak Muslims, was arrested in Novi Pazar by police who searched his home for guns; none were found. He was beaten at police stations in Novi Pazar, Raška and Kraljevo before being released the same day. His injuries included a damaged ear-drum and severe bruising to the soles of his feet.

Serbs and Montenegrins were also ill-treated. In March Dušan Lukić was arrested in Belgrade by police who suspected he was about to steal a car. He was transferred to hospital two days later, reportedly suffering from brain injuries, damaged kidneys and broken ribs. He died three weeks later in hospital. His family filed a complaint against named police officers, but by the end of the year no charges had been brought.

Torture in police custody appeared to have also caused, or contributed to, the death of four ethnic Albanians. Among them was Shefki Latifi, an LDK activist, who was arrested in July together with a friend. They were both beaten at Podujevo police station and then released. Shefki

Latifi died a few hours later, after suffering a heart attack. A photograph of his body showed marks of heavy bruising on his back and buttocks. A medical certificate recorded his death as natural and no police officer was charged with ill-treating him. Earlier, in April, Abedin Ahmeti died after a severe beating in Kosovska Mitrovića police station. A police officer was subsequently arrested and sentenced to five years' imprisonment for his murder.

Seven ethnic Albanians were shot dead by members of the security forces in disputed circumstances. In June a soldier of the Yugoslav Army shot dead a 10-year-old ethnic Albanian boy, Isa Berisha, in the compound of a military barracks in Djeneral Janković on the border with Macedonia. Military sources reportedly claimed that the boy had entered the compound to steal cigarettes; his family claimed he was pursuing a stray goat. A military prosecutor in Niš initiated proceedings against a soldier for "violating patrol duties" in connection with the boy's death, but no charges appeared to have been brought by the end of the year.

Five men were sentenced to death for multiple murder. They included Novica Stošić, convicted in February by a court in Montenegro, and Dejan Andjelković and Zlatan Zakić, convicted in April by a court in Prizren. No executions were reported.

Following Croatia's retaking of Serb-held areas of Croatia and subsequent military gains in western and northwestern Bosnia-Herzegovina, many thousands of Serbs from these areas fled to the Federal Republic of Yugoslavia. However, not all were allowed into the country. In May several thousand Serbian refugees from Croatia, who had fled western Slavonia after it had been retaken by the Croatian Army, were kept waiting at the border and then forced, under police escort, to pass through Serbia into Serbian-held eastern Croatia (eastern Slavonia). In June, July and August, thousands of male Serbian refugees of military age were forcibly returned to Serb-controlled areas of Bosnia-Herzegovina and Croatia to be mobilized into Serbian armed forces there. In June an estimated 4,000 were returned. In August even larger numbers were reportedly arrested by Serbian police, often directly from refugee reception centres, and sent to a military training base in Erdut or to Bijeljina (Serbian-held areas of Croatia

and Bosnia-Herzegovina respectively). Although considerable numbers of Bosnian Muslims found refuge in the Federal Republic of Yugoslavia, others were arrested and handed over to Bosnian Serb leaders. In July Rašid Halilović, a wounded Bosnian Muslim from Srebrenica who reached Serbian territory and was treated at a hospital in Loznica, was reportedly arrested by Serbian police and handed over to the Bosnian Serb *de facto* authorities. Later in July an estimated 50 to 60 Bosnian Muslim refugees from Žepa who tried to flee to Serbia were reportedly arrested by the Yugoslav Army at the border and forcibly returned.

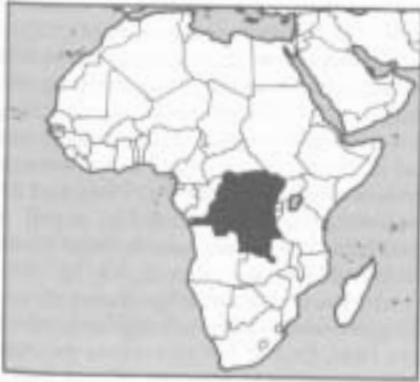
Amnesty International called for the release of prisoners of conscience and for other political prisoners to receive fair trials. It urged the authorities to institute independent and impartial investigations into all allegations of torture and ill-treatment and called for the perpetrators to be brought to justice. In July an Amnesty International delegate attempted to observe part of the proceedings against 44 ethnic Albanian former police employees before a court in Prizren, but the court session was almost immediately adjourned. In June and August the organization wrote to the authorities calling for an end to the forcible return of refugees and urging that those already sent back be enabled to return to the Federal Republic of Yugoslavia at the earliest opportunity. No response had been received from the Yugoslav authorities raised by the end of the year.

ZAIRE

Prisoners of conscience and possible prisoners of conscience were among scores of people who were detained for short periods for their political activities. Torture and ill-treatment of detainees continued to be reported. Dozens of extrajudicial executions and other unlawful killings by security forces were reported throughout the country. At least 15,000 Rwandese and Burundi refugees in eastern Zaire were forcibly repatriated. Seven soldiers remained under sentence of death but no executions were reported.

In January the opposition alliance, the *Union sacrée de l'opposition radicale, alliés et société civile* (USORAS), Sacred

Union of the Radical Opposition, Allies and Civil Society, presented a submission to the Supreme Court, challenging the legitimacy of Léon Kengo wa Dondo's appointment as Prime Minister for one year in July 1994. The Supreme Court had not acted when, at the end of June, the High Council of the Republic-Transitional Parliament voted to extend the transitional period for two years. This implied the extension of Léon Kengo wa Dondo's transitional government for the same period. Elections scheduled for July were postponed for two years. The government said that conditions necessary for free and fair elections had not been met.



The government sought to restrict the activities of human rights workers who had been active in promoting human rights since President Mobutu Sese Seko announced political reforms in 1990. In January it reintroduced a 1965 decree-law dealing with non-profit-making associations, requiring all human rights groups to obtain legal recognition. In a joint statement submitted to the UN Commission on Human Rights, five Zairian human rights groups protested at the reintroduction of the law, saying that it suppressed freedom of association and contravened the 1994 Constitutional Act of the Transition as well as international treaties to which Zaire is a party.

In April the activities of the *Association zairoise de défense des droits de l'homme* (AZADHO), Zairian Association for the Defence of Human Rights, were declared illegal in an official statement from the Procurator General of the Supreme Court. Subsequently there were reports that AZADHO members in different parts of Zaire were threatened and attacked by both local officials and the military.

Ethnically motivated violence continued in the southeast parts of North Kivu region. The violence, which in 1993 had cost at least 7,000 lives (see *Amnesty International Report 1994*), flared up again in August 1994. An estimated 500 to 1,000 people were killed between mid-August 1994 and the end of June 1995. At least 150 more were reportedly killed in December. Zairian troops, brought in to quell the violence, reportedly took part in looting instead of restoring security. The Zairian authorities, both local and national, accused Rwandese refugees who were members of the former Rwandese government militia and who had fled into Zaire since mid-July 1994, of supporting the Banyarwanda – Zairians of ethnic Rwandese origin. These claims, which Banyarwanda organizations denied, greatly contributed to the tension in the region. There were violent clashes among various ethnic groups in the area, including the Banyarwanda, Hunde, Nande and Nyanga groups. There were also clashes within the Banyarwanda.

About 500 people were reportedly killed after Mwami Ngulu Maneno, a Nyanga customary chief, was killed by an armed Hunde militia in February. In another incident in late May and early June, between 60 and 85 people, mostly non-Banyarwanda, died in clashes between various ethnic groups. The unrest displaced hundreds of people from their homes.

In early 1995, about 1,500 Zairian troops were deployed in camps where Rwandese refugees had been killed by former Rwandese government soldiers and militia and by looting Zairian soldiers (see *Amnesty International Report 1995*). The Zairian troops were paid by the UN High Commissioner for Refugees (UNHCR) and monitored by the UN's 27-member Civilian Security Liaison group.

The mandate of the UN Special Rapporteur on Zaire was extended by one year. The Special Rapporteur recommended that the UN High Commissioner for Human Rights should provide two human rights specialists to be based in the capital, Kinshasa, to monitor the human rights situation in Zaire. By the end of the year his recommendation had not been implemented.

Scores of people, including 40 trade unionists as well as human rights activists,

journalists and political activists, were arrested on political grounds, most of them in Kinshasa. The majority were prisoners of conscience. In most cases they were detained by the security forces, generally for short periods. In Kinshasa, most political detainees were charged and brought to trial, in contrast to previous years. However, in all but a few cases, the trials were stalled by procedural issues and the detainees were granted provisional release.

In February Martin Kavundja, a trade union leader and member of USORAS, was arrested together with two others for calling for a general strike. They were prisoners of conscience. They were released after three days after a court found fault with the procedures under which they had been detained.

Three trade union leaders, including Benjamin Mukulungu who had been arrested in August 1994 (see *Amnesty International Report 1995*) and subsequently released, and 34 other civil servants were arrested in March, when a peaceful demonstration organized by the civil servants' trade union to demand payment of salary arrears was violently disrupted by the security forces. The detainees were accused of disturbing public order. A week later the Supreme Court ordered their provisional release. They had been detained on the basis of a colonial law passed in 1959 which severely restricts the right to hold demonstrations and public meetings. The civil servants' defence counsel challenged their detention on the grounds that it contravened their right under the 1994 transitional Constitution to freedom of association, assembly and demonstration.

Journalists continued to be singled out for repressive measures. Modeste Mutinga, editor-in-chief of *Le Potentiel*, a newspaper close to the opposition, was arrested in March by armed members of the Civil Guard, apparently in connection with a series of articles which were critical of the government. He was reported in August to have been released without charge.

In early June, Amuri bin Mastaki, an AZADHO representative in Kabambare district, Maniema Region, was arrested by members of the National Gendarmerie, apparently because he had accused the head of the local administration and the commander of the local police of being involved in corruption. He was reportedly

held for 48 hours in a cell, where he was stripped naked and allegedly tortured.

In July Antoine Gizenga, leader of the *Parti lumumbiste unifié* (PALU), United Lumumbist Party, and his wife were arrested at their home in Kinshasa by members of the security forces. Antoine Gizenga's wife was released immediately but he was held and accused of organizing an unauthorized demonstration earlier that day to protest against the extension of Léon Kengo wa Dondo's period of office, and of possessing an assault rifle which the authorities claimed was found in his house. He was a prisoner of conscience. Antoine Gizenga was released in early August.

Torture and ill-treatment of detainees continued to be reported. Buya Djuku Hardy was one of three people arrested in February in Kinshasa, apparently by soldiers in civilian clothes, for participating in a symbolic ceremony in commemoration of those who had died in the struggle for democracy. Buya Djuku Hardy and her two companions were held in a cell in Civil Guard premises where Buya Djuku Hardy alleged she was raped by three members of the security forces before being released without charge or trial six days later. One of the two others received medical treatment after his release for injuries allegedly caused by torture when in custody. No investigations were reported to have been carried out into these allegations of torture.

In Shaba region, 18 people, including workers of *Gécamines*, the state-owned mining company, and students, were arrested in July by members of the Civil Guard and the *Service national d'intelligence et de protection* (SNIP), National Intelligence and Protection Service. They were accused of planning a strike in the town of Kambove, about 150 kilometres from Lubumbashi. According to a local human rights group they were held at the SNIP detention centre in Lubumbashi for several days, where they were stripped, beaten, whipped with "cordelettes" (belts) and stabbed with knives and bayonets, suffering serious injuries. Ten were released after a week without being charged. The remaining eight were held for a few more days then released without charge. Their allegations of torture were apparently not investigated.

Dozens of extrajudicial executions and other unlawful killings by the security

forces were reported throughout the year. Perpetrators enjoyed virtual impunity: none were known to have been brought to justice. For example, there was apparently no inquiry into the killing of Isamene Kisikanda, a 68-year-old man, by unidentified armed men in his house in Kisangani, Haut-Zaïre Region, in December 1994. The killing was apparently linked to Isamene Kisikanda's political activities as a secretary of the *Parti démocrate et social chrétien*, Social Christian Democratic Party. A local human rights group called for an inquiry into the killing but none is known to have taken place.

At least seven demonstrators were killed and 23 others injured in July when security forces violently broke up a reportedly peaceful demonstration organized in Kinshasa by PALU to protest against the extension of the transitional period. No inquiry into this apparently excessive use of force was reported.

On 25 December, members of the security forces killed at least 14 civilians in Goma, North Kivu. The victims included a 73-year-old man and a seven-year-old boy. The authorities were not reported to have carried out any investigation into the killings.

Seventeen soldiers under sentence of death for occupying a studio in Kinshasa's radio station in 1992 benefited from a Presidential amnesty granted in January to all political prisoners. They had been convicted *in absentia* after an unfair trial (see *Amnesty International Report 1993*). At least seven people remained under sentence of death but no executions were reported to have been carried out during the year.

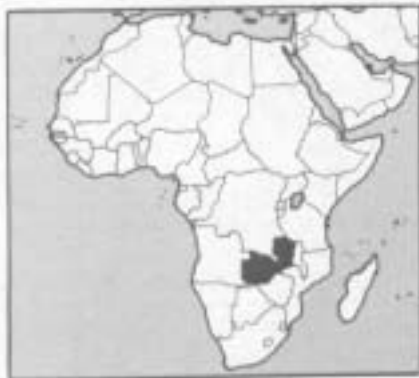
In mid-March the Zairian Government rejected a UNHCR proposal to shelter about 50,000 refugees from Burundi, 20,000 of whom had already crossed the border into Zaïre and settled in South Kivu Region following a renewed outburst of violence in neighbouring Burundi. In mid-August the government decided to forcibly deport more than one million Rwandese and tens of thousands of Burundi refugees whose presence it said endangered Zaïre's interests and was a threat to national security. About 15,000, including about 13,000 Rwandese and about 2,000 Burundi refugees, were forcibly repatriated between 19 and 24 August when, under international pressure, the expulsions were temporarily

stopped. The Zairian Government then threatened to forcibly return any refugees who had not returned voluntarily by the end of the year. This threat was later withdrawn after talks involving the UNHCR and the Zairian and Rwandese authorities.

Amnesty International appealed to the Zairian Government to stop the forced repatriation of Rwandese and Burundi refugees. It also appealed to the authorities to prevent soldiers using excessive force against peaceful demonstrators and called for an immediate and impartial inquiry into killings of protesters.

In a report published in September, *Zaire: Human rights activists under threat*, Amnesty International expressed concern about the arrest and harassment of human rights activists.

ZAMBIA



Two journalists were briefly held as prisoners of conscience. There were reports of torture and ill-treatment of prisoners in police custody. At least 10 people were sentenced to death but there were no reports of executions.

A new draft constitution, published in June, contained controversial citizenship provisions which appeared designed to disqualify the former head of state, Kenneth Kaunda, from standing in presidential elections scheduled for 1996. The ruling Movement for Multi-Party Democracy, led by President Frederick Chiluba, intensified pressure on Kenneth Kaunda in October by threatening to deport him on the grounds that he was not a Zambian citizen, but this threat was subsequently withdrawn. In September the Commission

on Human Rights, established by the government in 1993 to investigate allegations of human rights abuses under both previous and current governments, reported its findings to the government (see *Amnesty International Report 1995*), but these had not been made public by the end of the year. Also in September, the government established an inquiry into the death earlier in the month of an opposition politician, Baldwin Nkumbula, amid unconfirmed reports that he may have been the victim of a politically motivated killing. The inquiry had not been completed by the end of the year.

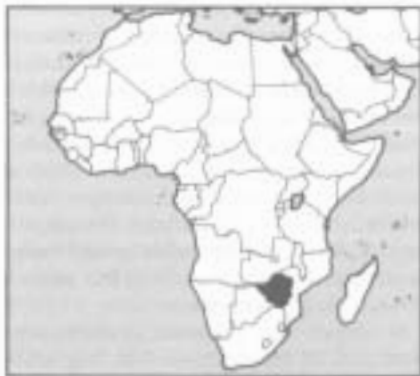
In June Fred M'membe, managing director of *The Post* newspaper, and Masautso Phiri, its editor-in-chief, were briefly held as prisoners of conscience. They were detained for over 24 hours and charged with criminal defamation of the President in connection with an article which reported claims by a Zairian woman that she had been the lover of President Frederick Chiluba since 1983. The two men were released on bail and had not been tried by the end of the year.

There were new reports of torture and beatings in police custody. In October Daniel Nkonde was reported to have died in Lusaka Central Police Station as a result of beatings by police officers. No inquest was known to have been held by the end of the year.

At least 10 people were sentenced to death during the year after being convicted of murder or aggravated robbery. There were no reports of executions.

In January Amnesty International published a report on several African countries, including Zambia, in which criminal charges such as defamation have been used to harass government critics, and called for an end to such practices (see **Kenya** entry). Amnesty International repeated this call in June when Fred M'membe and Masautso Phiri were detained and charged with criminal defamation of the President. Also in June, Amnesty International called upon the government to ratify those international human rights treaties which it had not yet ratified. Amnesty International was also concerned about continuing allegations of torture and ill-treatment of people held in police custody.

ZIMBABWE



Three journalists were held briefly as prisoners of conscience. At least 135 people were reportedly injured, some seriously, by the police during student protests. At least six people were sentenced to death and there was one execution.

The ruling Zimbabwe African National Union–Patriotic Front (ZANU–PF) was returned to power in a general election in April, winning all but two of 150 parliamentary seats. In July the government intervened to prevent a local gay and lesbian organization from participating in the Zimbabwe International Book Fair, whose theme was “Human Rights and Justice”. President Robert Mugabe incurred wide international criticism for publicly asserting that gay men and lesbians should be denied their human rights.

Three journalists briefly detained and charged with criminal defamation were prisoners of conscience. In May Elias Rusike, Trevor Ncube and Simba Makonike of the *Financial Gazette* were charged in connection with a story alleging that President Mugabe had secretly married his former secretary. The three men were detained for over 48 hours before being released. In August they were found guilty as charged but were fined rather than sent to prison. Elias Rusike and Trevor Ncube appealed against the conviction. The appeals had not been heard by the end of the year.

Reverend Ndabaningi Sithole, the veteran leader of the ZANU (Ndonga) opposition party, was arrested in October and charged in connection with alleged attempts by an armed opposition group

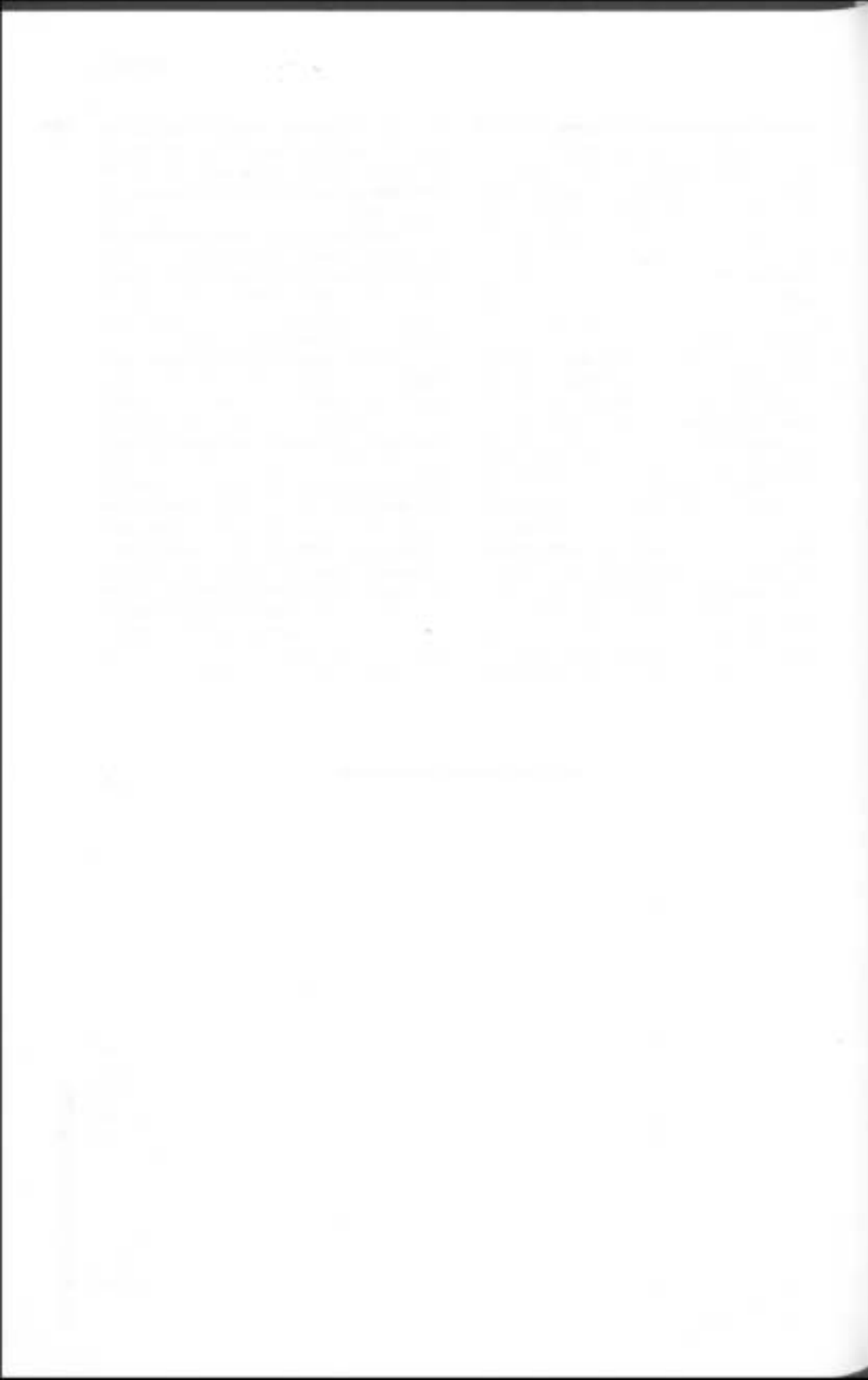
based in Mozambique to assassinate President Mugabe and overthrow the government. He was released on bail but four others remained in custody on the same charge. None had been tried on this charge by the end of the year, although two of them, Simba Mhlanga and William Namakonya, were tried and convicted on charges of possessing arms of war and were sentenced to 15 and 12 years' imprisonment respectively.

At least 135 people were reportedly injured, some seriously, as a result of the deliberate use of excessive force by the police against student protesters in late June and early July. On 29 June, for example, the riot squad of the Zimbabwe Republic Police stormed the campus of the University of Zimbabwe. They fired tear-gas canisters randomly at students and staff and into university buildings, including lecture halls and halls of residence. Blind and disabled students were rounded up and assaulted with baton sticks. The police denied that excessive force had been employed, but a report issued by the University of Zimbabwe in July concluded

that such allegations were justified. There were unconfirmed reports that the officer in charge of the riot squad during the disturbances was subsequently moved to another post.

At least six people were sentenced to death after being convicted of murder. There was one execution. Morgan Dikwi, convicted in 1992 of the murder of a policeman, was hanged in November. The execution was the first since 1988.

In January Amnesty International published a report on several African countries, including Zimbabwe, in which criminal charges such as defamation have been used to harass government critics, and called for an end to such practices (see **Kenya** entry). Amnesty International repeated this call in May when Elias Rusike, Trevor Ncube and Simba Makonike were detained and charged with criminal defamation. In June the organization called upon the government to ratify those international human rights treaties which it had not yet ratified. Amnesty International was also concerned about the renewed use of the death penalty.



APPENDICES

APPENDIX

TABLE 1. Summary of the data used in the analysis.

1

AMNESTY INTERNATIONAL VISITS 1995

DATE	COUNTRY	PURPOSE
January	Mexico	Research/Talks with government
January	Turkey	Trial observation
January	France	Trial observation
January	Jordan	Research
January	USA	Talks with government
January	Germany	Research/Talks with government
January/February	Greece	Research/Trial observation
January to June	Rwanda/Burundi	Research/Talks with government
February	Sri Lanka	Research/Talks with government
February	Russia	Research
February	South Africa	Trial observation/Research/Talks with government
February	Turkey	Trial observation
February	Israel/Occupied Territories/ Palestinian Authority areas	Research
February/March	Ethiopia	Talks with government
February/March	Ethiopia	Trial observation/Intergovernmental meeting
March	Burundi	Research/Talks with government
March	Thailand	Research on region
March	Croatia	Research/Talks with government/ Intergovernmental meeting
March	Russia	Research/Talks with government
March	Algeria	Research
March	Spain	Trial observation
March/April	Brazil	Talks with government
March/April	Haiti	Talks with government/Research
March/April	Kenya	Research
March/April	Uruguay	Research
March/April	Paraguay	Research
March/April	Guatemala	Research/Talks with government
April	Chile	Research
April	Cambodia	Research
April	Viet Nam	Research
April	Haiti	Research
April	Guinea	Research on region/Talks with government
April	Indonesia	Research
April	USA	Trial observation
April	Israel/Occupied Territories	Trial observation/Research
April/May	Thailand	Research on region
April/May	Nepal	Research
April/May	United Kingdom	Research/Trial observation
April/May	North Korea	Research/Talks with government
April/May	Croatia	Research
May	Egypt	Research
May	USA	Trial observation

APPENDIX I

May	Denmark	Talks with government/Research
May	United Kingdom	Trial observation
May/June	Romania	Research/Talks with government
May/June	Yemen	Research/Talks with government
May/June	Turkey	Research
June	Algeria	Research
June	South Africa	Research/Talks with government
June	Lesotho	Research/Talks with government
June	Haiti	Talks with government/Intergovernmental meeting
June	Ethiopia	Intergovernmental meeting
June/July	Ecuador	Research
June/July	Russian Federation	Research on region/Talks with government
June/July	Western Samoa	Trial observation
July	Brazil	Research/Talks with government
July	Federal Republic of Yugoslavia	Trial observation/Research
July	Egypt	Research
July	Israel/Occupied Territories	Research
July/August	Uganda	Research
July/August	Bosnia-Herzegovina	Research
August	Croatia	Research
August	Israel/Occupied Territories	Research
August/September	South Africa	Talks with government/Research
August to December	Russia	Research
September	Zimbabwe	Research
September	Colombia	Research
September	Turkmenistan	Research
September	Croatia	Research
September	Germany	Research
September	France	Trial observation
September/October	Rwanda	Research/Intergovernmental meeting/ Talks with government
September/October	Burundi	Research/Intergovernmental meeting/ Talks with government
September/October	Zaire	Research/Intergovernmental meeting/ Talks with government
October	Armenia	Research/Talks with government
October	Sudan/Kenya	Research
October	United Kingdom	Research
October/November	USA	Research/Talks with government
October/November	Colombia	Research/Talks with government
October/November	Philippines	Research
October/November	Bosnia-Herzegovina/Croatia	Research
October/November	Mexico	Talks with government/Research
October/November	Egypt	Trial observation/Research
October/November	South Africa	Talks with government/Research
October/November	Botswana	Talks with government/Research
November	Kenya	Research
November	Azerbaijan	Research
November	South Korea	Research/Talks with government

November	Singapore	Research
November/December	Cambodia	Research
November/December	Jordan	Research/Trial observation
November/December	Russian Federation	Research on region/Talks with government
November/December	Benin	Research
December	Hong Kong	Research on region/Intergovernmental meeting
December	Greece	Research/Talks with government/Trial observation
December	Turkey	Research
December	Israel/Occupied Territories	Research
December	Morocco	Research/Talks with government
December	Pakistan	Talks with government/Research

APPENDIX II

STATUTE OF AMNESTY INTERNATIONAL Articles 1 and 2

As amended by the 22nd International Council,
meeting in Ljubljana, Slovenia, 12 to 20 August 1995

Object and Mandate

1. The object of AMNESTY INTERNATIONAL is to contribute to the observance throughout the world of human rights as set out in the Universal Declaration of Human Rights.

In pursuance of this object, and recognizing the obligation on each person to extend to others rights and freedoms equal to his or her own, AMNESTY INTERNATIONAL adopts as its mandate:

To promote awareness of and adherence to the Universal Declaration of Human Rights and other internationally recognized human rights instruments, the values enshrined in them, and the indivisibility and interdependence of all human rights and freedoms;

To oppose grave violations of the rights of every person freely to hold and to express his or her convictions and to be free from discrimination, and of the right of every person to physical and mental integrity, and, in particular, to oppose by all appropriate means irrespective of political considerations:

- a) the imprisonment, detention or other physical restrictions imposed on any

person by reason of his or her political, religious or other conscientiously held beliefs or by reason of his or her ethnic origin, sex, colour, language, national or social origin, economic status, birth or other status, provided that he or she has not used or advocated violence (hereinafter referred to as 'prisoners of conscience'; AMNESTY INTERNATIONAL shall work towards the release of and shall provide assistance to prisoners of conscience);

- b) the detention of any political prisoner without fair trial within a reasonable time or any trial procedures relating to such prisoners that do not conform to internationally recognized norms;
- c) the death penalty, and the torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons, whether or not the persons affected have used or advocated violence;
- d) the extrajudicial execution of persons whether or not imprisoned, detained or restricted, and "disappearances", whether or not the persons affected have used or advocated violence.

Methods

2. In order to achieve the aforesaid object and mandate, AMNESTY INTERNATIONAL shall:
 - a) at all times make clear its impartiality as regards countries adhering to the different world political ideologies and groupings;
 - b) promote as appears appropriate the adoption of constitutions, conventions, treaties and other measures which guarantee the rights contained in the provisions referred to in Article 1 hereof;
 - c) support and publicize the activities of and cooperate with international organizations and agencies which work for the implementation of the aforesaid provisions;
 - d) take all necessary steps to establish an effective organization of sections, affiliated groups and individual members;
 - e) secure the adoption by groups of members or supporters of individual prisoners of conscience or entrust to such groups other tasks in support of the object and mandate set out in Article 1;
 - f) provide financial and other relief to prisoners of conscience and their dependants and to persons who have lately been prisoners of conscience or who might reasonably be expected to be prisoners of conscience or to become prisoners of conscience if convicted or if they were to return to their own countries, to the dependants of such persons and to victims of torture in need of medical care as a direct result thereof;
 - g) provide legal aid, where necessary and possible, to prisoners of conscience and to persons who might reasonably be expected to be prisoners of conscience or to become prisoners of conscience if convicted or if they were to return to their own countries, and, where desirable, send observers to attend the trials of such persons;
 - h) publicize the cases of prisoners of conscience or persons who have otherwise been subjected to disabilities in violation of the aforesaid provisions;
 - i) investigate and publicize the disappearance of persons where there is reason to believe that they may be victims of violations of the rights set out in Article 1 hereof;
 - j) oppose the sending of persons from one country to another where they can reasonably be expected to become prisoners of conscience or to face torture or the death penalty;
 - k) send investigators, where appropriate, to investigate allegations that the rights of individuals under the aforesaid provisions have been violated or threatened;
 - l) make representations to international organizations and to governments whenever it appears that an individual is a prisoner of conscience or has otherwise been subjected to disabilities in violation of the aforesaid provisions;
 - m) promote and support the granting of general amnesties of which the beneficiaries will include prisoners of conscience;
 - n) adopt any other appropriate methods for the securing of its object and mandate.

The full text of the Statute of Amnesty International is available free upon request from: Amnesty International, International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom.

AMNESTY INTERNATIONAL AROUND THE WORLD

There were 4,354 local Amnesty International groups registered with the International Secretariat at the start of 1996, plus several thousand school, university, professional and other groups, in 92 countries around the world. In 54 countries these groups are coordinated by sections, whose

addresses are given below. In addition, there are individual members, supporters and recipients of Amnesty International information (such as the monthly *Amnesty International News*) in over 150 countries and territories.

SECTION ADDRESSES

Algeria:

Amnesty International,
Section Algérienne,
BP 377 Alger,
RP 16004

Argentina:

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25 de Mayo 67, 4º Piso,
1002 Capital Federal,
Buenos Aires

Australia:

Amnesty International,
Australian Section,
Private Bag 23, Broadway,
New South Wales 2007

Austria:

Amnesty International,
Austrian Section,
Apostelgasse 25-27,
A-1030 Wien

Bangladesh:

Amnesty International,
Bangladesh Section,
100 Kalabagan,
1st Floor, 2nd Lane,
Dhaka-1205

Belgium:

Amnesty International,
Belgian Section (*Flemish branch*),
Kerkstraat 156,
2060 Antwerpen

Amnesty International,
Section belge francophone,
Rue Berckmans 9,
1060 Bruxelles

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Amnesty International,
BP 01 3536,
Cotonou

Bermuda:

Amnesty International,
Bermuda Section,
PO Box HM 2136,
Hamilton HM JX

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Rua dos Andreadas 1560,
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São Paulo, SP

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Amnesty International,
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214 Montreal Rd, 4th Floor, Vanier,
Ontario, K1L 8L8

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Section canadienne francophone,
6250 boulevard Monk,
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Amnistía Internacional,
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Casilla 4062,
Santiago

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Apartado Aéreo 76350,
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Côte d'Ivoire:

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Abidjan 04

Denmark:

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1166 Copenhagen K

Ecuador:

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**COUNTRIES AND TERRITORIES WITHOUT SECTIONS
BUT WHERE LOCAL AMNESTY INTERNATIONAL GROUPS EXIST
OR ARE BEING FORMED**

Albania	Egypt	Pakistan
Aruba	Gambia	Paraguay
Azerbaijan	Gaza Strip and West Bank	Poland
Bahamas	Georgia	Romania
Barbados	Grenada	Russia
Bolivia	Hungary	Slovakia
Botswana	Jamaica	South Africa
Bulgaria	Jordan	Taiwan
Cameroon	Kuwait	Thailand
Central African Republic	Lithuania	Togo
Chad	Macao	Turkey
Costa Rica	Malaysia	Uganda
Croatia	Mali	Ukraine
Curaçao	Malta	Yemen
Cyprus	Moldova	Zambia
Czech Republic	Mongolia	Zimbabwe
Dominican Republic	Morocco	

APPENDIX IV

INTERNATIONAL EXECUTIVE COMMITTEE

Ross Daniels/Australia
Celso Garbarz/Israel
Ian Gorvin/International Secretariat
Mary Gray/United States of America
Menno Kamminga/Netherlands
Gerry O'Connell/Italy
Robin Rickard/United Kingdom
Mahmoud Ben Romdhane/Tunisia
Susan Waltz/United States of America

Update on Abolition of the Death Penalty

Amnesty International is unconditionally opposed to the death penalty and works for its abolition worldwide. The organization regularly monitors death sentences and executions around the world and appeals for clemency whenever it learns of an imminent execution.

During 1995, at least 2,931 prisoners were executed in 41 countries and 4,165 people were sentenced to death in 79 countries. These figures include only cases known to Amnesty International; the true figures are certainly higher. A small number of countries accounted for the great majority of executions.

Progress towards worldwide abolition of the death penalty continued in 1995. South Africa abolished the death penalty for common crimes and Mauritius and Spain abolished it for all crimes. By the end of the year more than half the countries in the world had abolished the death penalty in law or practice.

In South Africa, the Constitutional Court ruled on 6 June that capital punishment was contrary to the country's interim Constitution which came into force in 1994. The ruling referred to the provision of the death penalty for murder, aggravated robbery or attempted robbery, kidnapping, child-stealing and rape under the South African Criminal Procedure Act. The Court's reasoning would appear to apply also to treason in time of war, the remaining crime for which the death penalty is provided, but the Court did not rule on this point.

Spain became totally abolitionist on 28 November when a bill removing the death penalty from the Military Penal Code was published in the official gazette, *Boletín Oficial del Estado*. When the bill came before the Congress of Deputies and the Senate for the last time in September and November respectively, there were no dissenting votes, a sign of the political consensus for the abolitionist cause.

In Mauritius, the parliament voted in November to abolish the death penalty for all offences. Amnesty International's sections in Spain and Mauritius had long campaigned for abolition.

In June, preparatory to joining the Council of Europe, Albania and Moldova

committed themselves to impose an immediate moratorium on executions and to ratify within three years Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which provides for the abolition of the death penalty in peacetime. Ukraine made the same commitment in connection with its accession to the Council of Europe in November. In December the Moldovan parliament voted to abolish the death penalty.

By the end of 1995, 56 countries and territories had abolished the death penalty for all offences and 15 for all but exceptional offences, such as wartime crimes. At least 30 countries and territories which retained the death penalty in law were considered abolitionist in practice, in that they had not executed anyone for the past 10 years or more or had made an international commitment not to carry out executions.

During the year, Croatia, Italy and Macedonia became parties to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty – bringing the number of States Parties to 29. Twenty-three countries were parties to Protocol No. 6 to the European Convention on Human Rights at the end of the year and three countries were parties to the Protocol to the American Convention on Human Rights to Abolish the Death Penalty. A number of other countries had signed one or another of the protocols, indicating their intention to become parties.

The recommendation adopted by the Parliamentary Assembly of the Council of Europe in October 1994 calling for the creation of a further protocol to the European Convention on Human Rights providing for the abolition of the death penalty in all circumstances (see *Amnesty International Report 1995*) was before the Committee of Ministers of the Council of Europe. Favourable reports on the proposal were adopted by the Council's Steering Committee for Human Rights and by its European Committee on Crime Problems. The Committee of Ministers had not acted on the proposal by the end of the year.

SELECTED INTERNATIONAL HUMAN RIGHTS TREATIES

States which have ratified or acceded to a convention are party to the treaty and are bound to observe its provisions. States which have signed but not yet ratified have expressed their intention to become a party at some future date; meanwhile they are obliged to refrain from acts which would defeat the object and purpose of the treaty.

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
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(AS OF 31 DECEMBER 1995)

Afghanistan	x			x	x(20)		
Albania	x			x	x	x	x
Algeria	x	x		x	x(22)	x	x
Andorra							
Angola	x	x		x		x	x
Antigua and Barbuda					x	x*	x*
Argentina	x	x		x	x(22)	x	x
Armenia	x	x		x	x	x	x
Australia	x	x	x	x	x(22)	x	x
Austria	x	x	x	x	x(22)	x	x
Azerbaijan	x			x		x	x
Bahamas						x	x
Bahrain							
Bangladesh							
Barbados	x	x		x			
Belarus	x	x		x	x(28)		

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Belgium	x	x	s	x	s	x	x
Belize					x	x	x
Benin	x	x		x	x	x	x
Bhutan							
Bolivia	x	x		x	x	x	x
Bosnia-Herzegovina	x	x*		x	x	x	x
Botswana						x	x
Brazil	x			x	x	x	x
Brunei Darussalam							
Bulgaria	x	x		x	x(22)(28)	x	x
Burkina Faso						x	x
Burundi	x			x	x	x	x
Cambodia	x			x	x	x	x
Cameroon	x	x		x	x	x	x
Canada	x	x		x	x(22)	x	x
Cape Verde	x			x	x		x
Central African Republic	x	x		x		x	x
Chad	x*	x*		x*	x*	x	x
Chile	x	x		x	x	x	x
China					x(28)	x	x
Colombia	x	x		x	x	x	x
Comoros							
Congo	x	x		x		x	x
Costa Rica	x	x	s	x	x	x	x

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Côte d'Ivoire	x			x	x*	x	x
Croatia	x	x*	x*	x	x(22)	x	x
Cuba					x*		
Cyprus	x	x		x	x(22)	x	x
Czech Republic	x	x		x	x	x	x
Denmark	x	x	x	x	x(22)	x	x
Djibouti						x	x
Dominica	x			x		x	x
Dominican Republic	x	x		x	#	x	x
Ecuador	x	x	x	x	x(22)	x	x
Egypt	x			x	x	x	x
El Salvador	x	x*		x		x	x
Equatorial Guinea	x	x		x		x	x
Eritrea							
Estonia	x	x		x	x		
Ethiopia	x			x	x	x	x
Fiji						x	x
Finland	x	x	x	x	x(22)	x	x
France	x	x		x	x(22)	x	x
Gabon	x			x	s	x	x
Gambia	x	x		x	#	x	x
Georgia	x	x		x	x		
Germany	x	x	x	x	x	x	x
Ghana						x	x

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Greece				x	x(22)	x	x
Grenada	x			x			
Guatemala	x			x	x	x	x
Guinea	x	x		x	x	x	x
Guinea-Bissau				x		x	x
Guyana	x	x		x	x		
Haiti	x					x	x
Holy See						x	x
Honduras	s	s	s	x		x	x
Hungary	x	x	x	x	x(22)	x	x
Iceland	x	x	x	x	s	x	x
India	x			x			
Indonesia					s		
Iran (Islamic Republic of)	x			x		x	x
Iraq	x			x			
Ireland	x	x	x	x	s	x	x
Israel	x			x	x(22)	x	x
Italy	x	x	x*	x	x(22)	x	x
Jamaica	x	x		x		x	x
Japan	x			x		x	x
Jordan	x			x	x		
Kazakstan							
Kenya	x			x		x	x
Korea (Democratic People's Republic)	x			x			

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Korea (Republic of)	x	x		x	x*	x	x
Kuwait							
Kyrgyzstan	x	x		x			
Lao People's Democratic Republic							
Latvia	x	x		x	x		
Lebanon	x			x			
Lesotho	x			x		x	x
Liberia	s			s		x	x
Libyan Arab Jamahiriya	x	x		x	x		
Liechtenstein					x(22)	x	x
Lithuania	x	x		x			
Luxembourg	x	x	x	x	x(22)	x	x
Macedonia (Former Yugoslav Republic)	x	x	x*	x	x	x	x
Madagascar	x	x		x		x	
Malawi	x			x		x	x
Malaysia							
Maldives							
Mali	x			x		x	x
Malta	x	x	x	x	x(22)	x	x
Marshall Islands							
Mauritania						x	x
Mauritius	x	x		x	x		
Mexico	x			x	x		
Micronesia (Federated States of)							

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Moldova	x			x	x*		
Monaco					x(22)	x	
Mongolia	x	x		x			
Morocco	x			x	x(28)	x	x
Mozambique	x		x			x	x
Myanmar (Burma)							
Namibia	x	x	x	x	x	x*	
Nauru							
Nepal	x	x		x	x		
Netherlands	x	x	x	x	x(22)	x	x
New Zealand	x	x	x	x	x(22)	x	x
Nicaragua	x	x	s	x	s	x	x
Niger	x	x		x		x	x
Nigeria	x			x	s	x	x
Norway	x	x	x	x	x(22)	x	x
Oman							
Pakistan							
Panama	x	x	x	x	x	x	x
Papua New Guinea						x	x
Paraguay	x	x*		x	x	x	x
Peru	x	x		x	x	x	x
Philippines	x	x		x	x	x	x
Poland	x	x		x	x(22)	x	x
Portugal	x	x	x	x	x(22)	x	x

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Qatar							
Romania	x	x	x	x	x	x	x
Russian Federation	x	x		x	x[21]	x	x
Rwanda	x			x		x	x
St Christopher and Nevis							
St Lucia							
St Vincent and the Grenadines	x	x		x		x	
Samoa						x	x
San Marino	x	x		x			
São Tomé and Príncipe	s*			s*		x	x
Saudi Arabia							
Senegal	x	x		x	x	x	x
Seychelles	x	x	x	x	x	x	x
Sierra Leone					s	x	x
Singapore							
Slovakia	x	x		x	x	x	x
Slovenia	x	x	x	x	x[22]	x	x
Solomon Islands				x		x*	x*
Somalia	x	x		x	x	x	x
South Africa	s			s	s		
Spain	x	x	x	x	x[22]	x	x
Sri Lanka	x			x	x		
Sudan	x			x	x	x	x
Suriname	x	x		x		x	x

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Swaziland							x
Sweden	x	x	x	x	x(22)	x	x
Switzerland	x		x	x	x(22)	x	x
Syrian Arab Republic	x			x			
Tajikistan					x*	x	x
Tanzania	x			x		x	x
Thailand							
Togo	x	x		x	x(22)	x	x
Tonga							
Trinidad and Tobago	x	x		x			
Tunisia	x			x	x(22)	x	x
Turkey					x(22)	x	x
Turkmenistan							
Tuvalu						x	x
Uganda	x*	x*		x	x	x	x
Ukraine	x	x		x	x(28)		
United Arab Emirates							
United Kingdom	x			x	x	x	x
United States of America	x			s	x		x
Uruguay	x	x	x	x	x(22)	x	x
Uzbekistan	x*	x*		x*	x*		
Vanuatu							
Venezuela	x	x	x	x	x(22)		x
Viet Nam	x			x			

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Yemen	x			x	x	x	x
Yugoslavia (Federal Republic of)	x	s		x	x(22)	x	x
Zaire	x	x		x		x	x
Zambia	x	x		x		x	x
Zimbabwe	x			x		x	x

s – denotes that country has signed but not yet ratified

x – denotes that country is a party, either through ratification, accession or succession

* – denotes that country either signed or became a party in 1995

(22) denotes Declaration under Article 22 recognizing the competence of the Committee against Torture to consider individual complaints of violations of the Convention

(28) denotes that country has made a reservation under Article 28 that it does not recognize the competence of the Committee against Torture to examine reliable information which appears to indicate that torture is being systematically practised, and to undertake a confidential inquiry if warranted

SELECTED REGIONAL HUMAN RIGHTS TREATIES

(AS OF 31 DECEMBER 1995)

ORGANIZATION OF AFRICAN UNITY (OAU) AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS (1981)

Algeria	x	Madagascar	x
Angola	x	Malawi	x
Benin	x	Mali	x
Botswana	x	Mauritania	x
Burkina Faso	x	Mauritius	x
Burundi	x	Mozambique	x
Cameroon	x	Namibia	x
Cape Verde	x	Niger	x
Central African Republic	x	Nigeria	x
Chad	x	Rwanda	x
Comoros	x	Saharawi Arab Democratic Republic	x
Congo	x	São Tomé and Príncipe	x
Côte d'Ivoire	x	Senegal	x
Djibouti	x	Seychelles	x
Egypt	x	Sierra Leone	x
Equatorial Guinea	x	Somalia	x
Eritrea	x	South Africa	x
Ethiopia	x	Sudan	x
Gabon	x	Swaziland	x
Gambia	x	Tanzania	x
Ghana	x	Togo	x
Guinea	x	Tunisia	x
Guinea-Bissau	x	Uganda	x
Kenya	x	Zaire	x
Lesotho	x	Zambia	x
Liberia	x	Zimbabwe	x
Libya	x		

x – denotes that country is a party, either through ratification or accession

This chart lists countries which were members of the OAU at the end of 1995.

ORGANIZATION OF AMERICAN STATES (OAS)

	American Convention on Human Rights (1969)	Inter-American Convention to Prevent and Punish Torture (1985)	Inter-American Convention on the Forced Disappearance of Persons (1994)*
Antigua and Barbuda			
Argentina	x(62)	x	s
Bahamas			
Barbados	x		
Belize			
Bolivia	x(62)	s	s
Brazil	x	x	*
Canada			
Chile	x(62)	x	s
Colombia	x(62)	s	s
Costa Rica	x(62)	s	s
Cuba			
Dominica	x		
Dominican Republic	x	x	
Ecuador	x(62)	s	
El Salvador	x	x	
Grenada	x		
Guatemala	x(62)	x	s
Guyana			
Haiti	x	s	
Honduras	x(62)	s	s
Jamaica	x		
Mexico	x	x	
Nicaragua	x(62)	s	s
Panama	x(62)	x	s
Paraguay	x(62)	x	s
Peru	x(62)	x	
St Christopher and Nevis			
St Lucia			
St Vincent and the Grenadines			
Suriname	x(62)	x	
Trinidad and Tobago	x(62)		
United States of America	s		
Uruguay	x(62)	x	s
Venezuela	x(62)	x	s

s – denotes that country has signed but not yet ratified

x – denotes that country is a party, either through ratification or accession

(62) – denotes Declaration under Article 62 recognizing as binding the jurisdiction of the Inter-American Court of Human Rights (on all matters relating to the interpretation or application of the American Convention)

* By the end of 1995, this Convention had not yet entered into force.

This chart lists countries which were members of the OAS at the end of 1995.

COUNCIL OF EUROPE

	European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)	Article 25	Article 46	Protocol No. 6*	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)
Albania	s				
Andorra	s				
Austria	x	x	x	x	x
Belgium	x	x	x	s	x
Bulgaria	x	x	x		x
Cyprus	x	x	x		x
Czech Republic	x	x	x	x	x
Denmark	x	x	x	x	x
Estonia	s			s	
Finland	x	x	x	x	x
France	x	x	x	x	x
Germany	x	x	x	x	x
Greece	x	x	x	x	x
Hungary	x	x	x	x	x
Iceland	x	x	x	x	x
Ireland	x	x	x	x	x
Italy	x	x	x	x	x
Latvia	s				
Liechtenstein	x	x	x	x	x
Lithuania	x	x	x		s
Luxembourg	x	x	x	x	x
Macedonia	s				
Malta	x	x	x	x	x
Moldova	s				
Netherlands	x	x	x	x	x
Norway	x	x	x	x	x
Poland	x	x	x		x
Portugal	x	x	x	x	x
Romania	x	x	x	x	x
San Marino	x	x	x	x	x
Slovakia	x	x	x	x	x
Slovenia	x	x	x	x	x
Spain	x	x	x	x	x
Sweden	x	x	x	x	x
Switzerland	x	x	x	x	x
Ukraine	s				
Turkey	x	x	x		x
United Kingdom	x	x	x		x

s - denotes that country has signed but not yet ratified

x - denotes that country is a party, either through ratification or accession

Article 25: denotes Declaration under Article 25 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, recognizing the competence of the European Commission of Human Rights to consider individual complaints of violations of the Convention

Article 46: denotes Declaration under Article 46 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, recognizing as compulsory the jurisdiction of the European Court of Human Rights in all matters concerning interpretation and application of the European Convention

Protocol No.6: Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms: concerning abolition of the death penalty (1983)

This chart lists countries which were members of the Council of Europe at the end of 1995.

SELECTED STATISTICS

AMNESTY INTERNATIONAL MEMBERSHIP

At the beginning of 1996 there were more than 1,000,000 Amnesty International members and subscribers in 192 countries. There were 4,354 local Amnesty International groups registered with the International Secretariat, plus several thousand school, university, professional and other groups, in 92 countries.

PRISONER CASES AND RELEASES

At the end of 1995 Amnesty International groups were working on 4,012 long-term assignments, concerning over 7,000 individuals, including prisoners of conscience and other victims of human rights violations. During the year action began on 389 new Action Files, many of which concerned more than one individual. A total of 295 cases involving the release of prisoners of conscience and possible prisoners of conscience was recorded.

URGENT ACTION APPEALS

During 1995 Amnesty International initiated 441 actions which required urgent appeals from the Urgent Action Network. There were also 318 calls for further appeals on actions already issued. Members of the Urgent Action Network were therefore asked to send appeals on 759 occasions. These actions were on behalf of people in 90 countries.

The 441 new actions were issued on behalf of people who were either at risk or had been the victim of the following human rights violations: torture – 141 cases; “disappearance” – 60 cases; judicial execution – 132 cases; political killings and death threats – 103 cases; and legal concerns – 116 cases. (These categories are not mutually exclusive; more than one concern may have been featured in an action.) Other concerns included ill-health, deaths in custody, *refoulement* (forcible repatriation) of asylum-seekers, corporal punishment and forcible exile.

REGIONAL ACTION NETWORKS

Amnesty International's Regional Action Networks deal with human rights abuses in every country of the world. During the year, approximately 2,380 Amnesty International local groups participated in the

Regional Action Networks, which worked on the cases of thousands of victims of human rights violations.

AMNESTY INTERNATIONAL FUNDING

The international budget adopted by Amnesty International for 1995 was £15,473,000. This sum represents approximately one quarter of the estimated income likely to be raised during the year by the movement's national sections to finance their campaigning and other activities. Amnesty International's national sections and local volunteer groups are primarily responsible for funding the movement. An international fund-raising program is being developed. No money is sought or accepted from governments. The donations that sustain Amnesty International's work come from its members and the public.

RELIEF

During 1995 the International Secretariat of Amnesty International distributed £242,153 in relief (financial assistance) to victims of human rights violations such as prisoners of conscience and recently released prisoners of conscience and their dependants, and to provide medical treatment for torture victims. In addition, the organization's sections and groups distributed a further substantial amount, much of it in the form of modest payments by local groups to their adopted prisoners of conscience and dependent families.

Amnesty International's ultimate goal is to end human rights violations, but so long as they continue it tries to provide practical help to the victims. Relief is an important aspect of this work. Sometimes Amnesty International provides financial assistance directly to individuals. At other times, it works through local bodies such as local and national human rights organizations so as to ensure that resources are used as effectively as possible for those in most need. When Amnesty International asks an intermediary to distribute relief payments on its behalf, it stipulates precisely the intended purpose and beneficiaries, and requires the intermediary to report back fully on the expenditure of the funds.

Mass killings, torture and 'disappearances' shame the entire international community. Responsibility for these outrages does not lie only with those who pull the trigger or apply the electric shock. It also lies with governments which supply arms and equipment used to torture, maim and kill.

These governments put profits and political advantage ahead of human rights. Regardless of the consequences, they allow weapons to be supplied to forces with a record of abusing human rights. They should be held accountable when this equipment is used to commit atrocities.

This **AMNESTY INTERNATIONAL REPORT**, covering 146 countries, exposes human rights abuses in every region of the world. Arbitrary killings by government forces and armed opposition groups go unpunished and unchecked. Torture is rife. Prisoners of conscience are confined behind bars. Political prisoners face trials that are a travesty of justice – or are jailed with no trial at all.

This report is part of Amnesty International's worldwide campaign to bring these abuses to an end.



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