

**AMNESTY
INTERNATIONAL
REPORT
1982**



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**This report covers the period
January to December 1981**

AMNESTY INTERNATIONAL is a worldwide movement which is independent of any government, political grouping, ideology, economic interest or religious creed. It plays a specific role within the overall spectrum of human rights work. The activities of the organization focus strictly on prisoners:

- It seeks the *release* of men and women detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, provided they have not used or advocated violence. These are termed "*prisoners of conscience*".
- It advocates *fair and early trials* for all political prisoners and works on behalf of such persons detained without charge or without trial.
- It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

AMNESTY INTERNATIONAL acts on the basis of the United Nations Universal Declaration of Human Rights and other international instruments. Through practical work for prisoners within its mandate, Amnesty International participates in the wider promotion and protection of human rights in the civil, political, economic, social and cultural spheres.

AMNESTY INTERNATIONAL has over 2,600 adoption groups and national sections in 41 countries in Africa, Asia, Europe, the Americas and the Middle East, and individual members, subscribers and supporters in a further 113 countries. Each adoption group works on behalf of at least two prisoners of conscience in countries other than its own. These countries are balanced geographically and politically to ensure impartiality. Information about prisoners and human rights violations emanates from Amnesty International's Research Department in London. 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.

AMNESTY INTERNATIONAL has consultative status with the United Nations (ECOSOC), UNESCO and the Council of Europe, has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States and is a member of the Coordinating Committee of the Bureau for the Placement and Education of African Refugees of the Organization of African Unity.

AMNESTY INTERNATIONAL is financed by subscriptions and donations of its worldwide membership. To safeguard the independence of the organization, all contributions are strictly controlled by guidelines laid down by the International Council and income and expenditure are made public in an annual financial report.

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Contents

1	Preface
3	Political killings by governments
6	A worldwide campaign
13	Africa
16	Angola (the People's Republic of)
19	Benin (the People's Republic of)
21	Botswana (the Republic of)
22	Burundi (the Republic of)
22	Cameroon (the United Republic of)
23	Central African Republic (the)
25	Chad (the Republic of)
26	Comoros (the Federal and Islamic Republic of the)
28	Congo (the People's Republic of the)
29	Djibouti (the Republic of)
30	Equatorial Guinea (the Republic of)
32	Ethiopia
35	Gabon (the Gabonese Republic)
37	Gambia (the Republic of the)
40	Ghana (the Republic of)
42	Guinea (the Revolutionary People's Republic of)
45	Guinea-Bissau (the Republic of)
46	Ivory Coast (the Republic of the)
48	Kenya (the Republic of)
49	Lesotho (the Kingdom of)
52	Liberia (the Republic of)
54	Madagascar (the Democratic Republic of)
56	Malawi (the Republic of)
57	Mali (the Republic of)
59	Mauritania (the Islamic Republic of)
61	Mozambique (the People's Republic of)
62	Namibia
66	Niger (the Republic of the)
67	Rwanda (the Rwandese Republic)
69	Sao Tome and Principe (the Democratic Republic of)
70	Seychelles (the Republic of)
71	Sierra Leone (the Republic of)

- 72 Somalia (the Somali Democratic Republic)
 75 South Africa (the Republic of)
 80 Sudan (the Democratic Republic of the)
 84 Swaziland (the Kingdom of)
 85 Tanzania (the United Republic of)
 86 Togo (the Togolese Republic)
 88 Uganda (the Republic of)
 93 Upper Volta (the Republic of the)
 94 Zaïre (the Republic of)
 99 Zambia (the Republic of)
 102 Zimbabwe (the Republic of)
- 105 **The Americas**
- 109 Argentina (the Argentine Republic)
 113 Bolivia (the Republic of)
 116 Brazil (the Federative Republic of)
 118 Chile (the Republic of)
 123 Colombia (the Republic of)
 128 Costa Rica (the Republic of)
 128 Cuba (the Republic of)
 131 Dominica (the Commonwealth of)
 132 Dominican Republic (the)
 133 El Salvador (the Republic of)
 138 Grenada
 139 Guatemala (the Republic of)
 145 Guyana (the Republic of)
 146 Haiti (the Republic of)
 148 Honduras (the Republic of)
 152 Mexico (the United Mexican States)
 157 Nicaragua (the Republic of)
 161 Paraguay (the Republic of)
 164 Peru (the Republic of)
 168 Suriname (the Republic of)
 169 United States of America (the)
 172 Uruguay (the Eastern Republic of)
- 177 **Asia**
- 181 Afghanistan (the Democratic Republic of)
 184 Bangladesh (the People's Republic of)
 188 Brunei (the Sultanate of)
 189 Burma (the Socialist Republic of the Union of)
 190 China (the People's Republic of)
 194 India (the Republic of)
 199 Indonesia (the Republic of) and East Timor
 205 Japan
 206 Kampuchea (the People's Republic of)
 208 Korea (the Democratic People's Republic of)
 209 Korea (the Republic of)

- 214 Laos (the Lao People's Democratic Republic)
 217 Malaysia (the Federation of)
 220 Maldives (the Republic of)
 221 Nepal (the Kingdom of)
 222 Pakistan (the Islamic Republic of)
 229 Papua New Guinea
 230 Philippines (the Republic of the)
 238 Singapore (the Republic of)
 241 Sri Lanka (the Democratic Socialist Republic of)
 244 Taiwan (the Republic of China)
 247 Thailand (the Kingdom of)
 248 Vanuatu (the Republic of)
 249 Viet Nam (the Socialist Republic of)
- 253 **Europe**
- 256 Albania (the People's Socialist Republic of)
 258 Bulgaria (the People's Republic of)
 261 Czechoslovakia (the Czechoslovak Socialist Republic)
 264 Federal Republic of Germany (the)
 267 France (the French Republic)
 270 German Democratic Republic (the)
 272 Greece (the Hellenic Republic)
 273 Hungary (the Hungarian People's Republic)
 275 Ireland (the Republic of)
 276 Italy (the Italian Republic)
 280 Poland (the Polish People's Republic)
 286 Portugal (the Portuguese Republic)
 286 Romania (the Socialist Republic of)
 289 Spain (the Spanish State)
 292 Switzerland (the Swiss Confederation)
 294 Turkey (the Republic of)
 297 Union of Soviet Socialist Republics (the)
 304 United Kingdom (of Great Britain and Northern Ireland, the)
 307 Yugoslavia (the Socialist Federal Republic of)
- 313 **The Middle East and North Africa**
- 316 Algeria (the People's Democratic Republic of)
 318 Bahrain (the State of)
 319 Egypt (the Arab Republic of)
 323 Iran (the Islamic Republic of)
 327 Iraq (the Republic of)
 330 Israel (the State of) and the Occupied Territories
 333 Jordan (the Hashemite Kingdom of)
 335 Libyan Arab Jamahiriya (the Socialist People's)
 337 Morocco (the Kingdom of) and Western Sahara
 343 Saudi Arabia (the Kingdom of)
 345 Syria (the Syrian Arab Republic)
 348 Tunisia (the Republic of)
 350 Yemen (the People's Democratic Republic of)

viii

353 **Missions: January-December 1981**

357 **Appendices**

- 357 I Statute of Amnesty International: Articles 1 and 2
359 II Amnesty International News Releases
360 III Amnesty International around the world:
National Sections
Groups
Individuals
365 IV International Executive Committee
365 V States which have ratified the International Covenants
367 VI Selected Statistics

Preface

Amnesty International plays a specific role in the international protection of human rights. It seeks the immediate and unconditional release of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed prisoners of conscience. It works for fair and prompt trials for all political prisoners, and works on behalf of such people detained without charge or trial. It opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation. This report documents the organization's work in 1981. The record shows how much remains to be done.

As the year ended, thousands of men and women were in prison because of their beliefs, many were still held after years without charge or trial. Prisoners were subject to torture, and people had been executed or were under sentence of death in a number of countries, often for politically related offences. Still others were put to death without any pretence of judicial or legal process, selected and killed by governments or their agents.

In many countries men, women and children remained unaccounted for after being taken into custody, often violently, by security forces, or abducted by agents acting with the complicity of governments; they had "disappeared". Their families and friends could gain no information about their fate or whereabouts.

The International Council of Amnesty International, the movement's supreme governing body, stated this year that governments and state security forces who attempt to cover up the abduction and "disappearance" of their political opponents should be made publicly accountable for the fate of the victims. It called for a global publicity campaign to counter this contemporary technique of official repression. This campaign was launched on Human Rights Day, 10 December 1981.

Unlawful and deliberate killings carried out by order of a government or with its complicity have claimed the lives of countless victims. During the year Amnesty International determined to campaign

against such killings worldwide, and this report begins with a chapter highlighting the problem.

These two practices which are often related — the “disappearance” of people abducted by the authorities and deliberate killings by governments — represent an outright attack on values and rights which the world community has struggled to establish. These are not new abuses, but the international community must now take effective measures to end them. Governments must not be allowed to evade responsibility when they choose to obliterate suspected opponents. They must accept real accountability by permitting independent investigations, pressing for investigations of complaints in other countries and taking the other actions necessary to expose these abuses.

Amnesty International does not grade governments or countries according to their record on human rights. The techniques of repression and their impact vary from country to country. Secrecy and censorship often prevent the free flow of information about human rights abuses. There are certain countries where Amnesty International does not have sufficient information about human rights violations to include an entry in this report: that cannot be taken to indicate that human rights violations are not taking place.

Nor is the length of a country entry any basis for a comparison of the extent and depth of Amnesty International's concerns. Previous Amnesty International reports have been criticized by commentators who have used the lengths of entries to judge the importance that Amnesty International attached to its work on a given country or the seriousness of human rights violations. This is a misunderstanding of the problems that Amnesty International confronts, and its approach to them. One country entry records the fact of hundreds of political executions in a single paragraph. Another describes over several pages complex legal changes affecting human rights guarantees. A word count is no basis for a comparison. The purpose of this report is to record the efforts Amnesty International made to protect individuals in the diverse situations where their inalienable rights were transgressed. This is a report about people, not statistics.

Political killings by governments

Salvadorian soldiers piled the dead bodies of 22 young people on a parking lot in San Salvador on the night of 10 January 1981. The faces of the five girls had been obliterated. Witnesses said that the young people had been eating in a house when a patrol of soldiers surrounded it at 3.30 pm. The soldiers fired automatic weapons and threw in two grenades. There was no evidence that the victims had returned the fire.

In Syria, on the night of 23 April 1981, security forces were reported to have sealed off the town of Hama, carried out house-to-house searches, dragged residents from their homes, lined them up in the streets and shot them. Reports put the number of dead at 350, with 600 injured. Amnesty International has the names of over 100 people reported to have been killed on the night. A group of Muslim Brotherhood fighters, *Mujahideen*, who had clashed violently with the security forces a few days earlier, had been seen driving towards the town. The massacre was believed to be in reprisal.

In India, on 18 September 1981, police killed an alleged member of the Marxist-Leninist Naxalite movement in Tamil Nadu. The press reported that he was “killed . . . in an encounter with the police when he was attempting to throw a bomb”. One newspaper investigated accounts of the killing by a civil liberties organization. It reported that “there are people who saw him being arrested while he was reading a newspaper in a teashop . . . he was taken to Kalkathiyur village and shot”.

In 1981 thousands of people were unlawfully and deliberately killed for political reasons, without any form of legal process, by order of their government or with its complicity. Circumstances differed greatly yet there were sufficient common factors to lead Amnesty International to believe that such killings must be confronted worldwide.

Amnesty International has been concerned about such political killings by governments, sometimes on a massive scale, in countries of widely differing ideologies. In Kampuchea, between 1975 and 1979, at least 300,000 people were killed in purges by the military and

security forces of the *Khmer rouge* government. Initially most victims were personnel of the former government, but the killings later extended to members of the bourgeoisie and intelligentsia, to members of ethnic groups, and to members of the ruling movement who were felt to be "out of line" with official policy. In Indonesia an estimated 500,000 people were killed as a result of a purge launched by the army between 1965 and 1966. In Uganda under President Idi Amin, between 1971 to 1979, estimates of the numbers killed by security forces ranged from 100,000 to 500,000.

Some killings have been systematically ordered at the highest level of government. In Guatemala thousands of people described by government representatives as "subversives" and "criminals" have been shot on the spot or seized and killed later. The government attributes the killings to "independent" paramilitary groups beyond official control, but evidence obtained by Amnesty International indicates that many have been carried out by units of the regular security services.

In other cases, although such killings may not have been ordered by the government, killings by government agents have not been stopped by higher authorities. In India where hundreds of Naxalites have been killed by police since the movement started in the late 1960s the central government has denied responsibility, claiming that law and order was a matter for the state authorities. In rare cases where the central government has prompted states to establish judicial inquiries into killings by police, it has failed to take action when inquiries were subsequently curtailed by state governments.

Where there is a background of armed conflict, political killings by government forces have often been officially described as killings in combat. In Caquetá, Colombia, an army patrol dragged three unarmed men from a house on the farm where they were working on the morning of 26 April 1981 and accused them of giving food and supplies to guerrillas operating in the area. According to eye-witnesses, they initially threatened to kill the three men on the spot but eventually took them into the hills nearby. The three men were found the next day shot dead, their bodies badly mutilated. An army news bulletin subsequently stated that the men had ambushed an army patrol and had been killed in an "exchange of fire".

The terms extrajudicial executions or extra-legal executions are used by Amnesty International to distinguish political killings by governments from the "judicial" death penalty — the execution of a death sentence imposed by a court after a prisoner has been convicted of a crime for which this penalty is provided by law. It also distinguishes them from deaths resulting from the use of reasonable force in law enforcement, as permitted under national and international

legal standards, and from killings in armed conflict, not forbidden under international humanitarian law.

The international community has recently begun to take up this issue and consider what can be done to stop political killings by governments. A resolution deploring and condemning extra-legal executions was adopted by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in September 1980. (See *Amnesty International Report 1981* for text.)

Amnesty International is unconditionally opposed to the execution of any prisoner, whether the death penalty has been imposed by a court or not. It is also opposed to the killing of individuals or groups not in detention selected because of their political beliefs or activities, religion or ethnic origin, where such killings can reasonably be assumed to be the result of government policy.

Measures to counteract these killings exist in principle in all countries, since all legal systems identify murder as a crime. Extra-legal executions are clearly incompatible with existing standards of international law. In practice effective measures often do not exist or are hard to apply.

For a number of years Amnesty International has tried to prevent political killings by governments through appeals to the authorities concerned. The extent of the practice and its recurrence in different countries leads Amnesty International to believe that the problem must now be confronted by the international community as a matter of the utmost urgency.

A worldwide campaign

Human rights transcend the boundaries of nation, race and belief; so does the international responsibility for protecting those rights. The pressure of world public opinion, expressed in the concerted actions of ordinary people from all around the world, must be brought to bear if this principle is to be universally respected. This is the vision which launched Amnesty International. Today, it has more than 325,000 members, subscribers and supporters in over 150 countries and territories committed to that ambition.

Amnesty International is a worldwide voluntary movement independent of any government, political or religious movement. It seeks the release of prisoners of conscience, fair and prompt trials for political prisoners and an end to torture and executions. It does so by direct appeals to governments, indirectly through the raising of public awareness, and through promoting international human rights standards and encouraging respect for those standards.

The funds to sustain these activities are raised by Amnesty International's membership. The movement is financed by its members and the public: Amnesty International does not accept government money for its international budget. (Such donations are accepted for Amnesty International's program of humanitarian relief assistance, on condition that the organization retains sole responsibility for the allocation of the funds.) This financial independence is essential to keep the movement free from pressure, and maintain its impartiality. Amnesty International's accounts are open to public scrutiny. This year, because of a shift in the accounting period, it is not possible to bind them into this report but copies are freely available from Amnesty International, International Secretariat, 10 Southampton Street, London WC2E 7HF, United Kingdom.

Work for individual prisoners

7

Amnesty International members come from most walks of life and most ethnic, cultural and national backgrounds. In over 50 countries they are organized into small groups, doing practical work to protect prisoners held around the world. Research into the cases of possible prisoners of conscience is carried out at the International Secretariat, and dossiers on individual prisoners compiled. When Amnesty International determines that a prisoner of conscience is being held, the prisoner is "adopted" by one or more groups which then try to achieve his or her immediate and unconditional release. Group members appeal to the authorities holding the prisoner, and mobilize public and professional interest in the case. Government and prison officials are faced with an insistent, continuous and informed appeal urging the prisoner's release. When a case is being investigated because there is not enough evidence to determine whether or not the prisoner is a prisoner of conscience, the group will try to gather further information, and ask the authorities to supply details of the charges against the prisoner.

Each group works for at least two prisoners, held in countries other than its own. The cases are balanced politically and geographically to reflect the movement's impartiality. Groups also send material assistance to adopted prisoners and their families, such as money, medicine or clothing. In 1981 there were 2,671 groups in 53 countries, working on behalf of over 4,900 prisoners (some of whom had been adopted by more than one group).

As well as the steady work of these groups, networks have been set up to respond rapidly in cases where prompt action is essential. During 1981 there were 308 urgent action appeals on behalf of individuals and groups of prisoners in 67 countries. The cases included prisoners in need of immediate medical treatment, prisoners who had "disappeared" in unacknowledged custody, prisoners threatened with torture or facing execution.

Each month the *Amnesty International Newsletter* highlights the plight of three prisoners of conscience and asks its readers to send direct personal letters or telegrams on their behalf. Increasingly, these cases are being published by newspapers and magazines in various countries. This has opened the possibility for even wider participation in this campaign which reaches all Amnesty International members and supporters as well.

Once a year the movement organizes Prisoners of Conscience Week in a special effort to draw public attention to the issue. In 1981 it published a report detailing the cases of 16 prisoners of conscience

selected to symbolize the fate of thousands of others. Members around the world held public meetings, vigils and religious services, and sent delegations to embassies to press for their release.

Campaigns

Work to win the freedom of individual prisoners of conscience goes hand-in-hand with wider campaigns. These special efforts draw attention to human rights violations within a particular country; raise awareness about a specific type of human rights abuse; maintain international pressure on particular aspects of Amnesty International's concerns. Campaigns for the abolition of torture and a program of activities to abolish the death penalty have become permanent features of Amnesty International's work.

During the year Amnesty International members and groups cooperated in special actions to help prisoners in the German Democratic Republic, Guatemala, Iraq, Spain, Taiwan, Czechoslovakia, Chile and the People's Republic of China. In March a major effort was launched to combat human rights abuses in the Republic of Korea (South Korea), urging the government to stop using political imprisonment, torture and unfair trials to repress dissent.

In December Amnesty International initiated a worldwide campaign to expose and halt the use by governments of "disappearances" as a means of eliminating suspected opponents. Uncounted thousands have been abducted and made to "disappear" either by government forces or with their complicity. Many of the victims are feared dead, but the special mark of "disappearances" is that people remain unaccounted for, missing without trace, and that government officials claim to have no knowledge of them.

Amnesty International is unconditionally opposed to the death penalty. In 1981 France abolished the death penalty for all offences, and several other Western European countries made moves towards its abolition. By the end of the year 24 countries had abolished the death penalty for all offences, and 17 for all but exceptional offences, such as war crimes. The Ivory Coast abolished the death penalty for political offences.

During the year 3,278 prisoners are known to have been executed in 34 countries, and 3,209 sentenced to death in 52 countries. These figures include only cases known to Amnesty International: the true figures are certainly higher. The majority of executions reported took place in Iran.

On 29 September 1981 the 43rd Assembly of the World Medical Association adopted a resolution stating "it is unethical for physicians to participate in capital punishment". Several national medical associations also passed resolutions opposing the participation of doctors in executions.

Refugees

Amnesty International's statutory objectives relate exclusively to prisoners. However, its work towards achieving those objectives leads it to oppose the forcible return of anyone to a country where they might reasonably fear the threat of being imprisoned as a prisoner of conscience, tortured or killed. It presents information about the risks refugees face in their countries of origin to specialized refugee organizations and to governments considering applications for political asylum. National sections have applied to their own governments for visas or letters of consent for prisoners of conscience whose only alternative to indefinite imprisonment was exile.

Relief

During 1981 the International Secretariat of Amnesty International distributed £104,855 in relief payments to help prisoners of conscience and their families and to assist the rehabilitation of torture victims. National sections and adoption groups also sent help to many thousands of prisoners and their families. The relief program is not a substitute for the primary objectives of securing freedom for prisoners of conscience and an end to the use of torture, but aims to alleviate suffering. When relief payments are distributed by bodies outside Amnesty International or through intermediaries the organization takes care to stipulate the precise prisoner-related purpose for which the payments are intended, and whenever possible obtains receipts from the beneficiaries. The relief program of the International Secretariat is supervised by a sub-committee of the International Executive Committee which also advises national sections on relief activities.

International organizations

The protection of the individual citizen goes beyond the boundaries of the individual state — it is a matter of international responsibility and concern. This is the principle on which Amnesty International is founded, and the concept that lies behind the creation of international human rights standards and mechanisms to monitor and enforce those standards. To promote international standards, to strengthen them, and to try to ensure effective means of enforcing them are important aspects of Amnesty International's work, particularly through the United Nations (UN), but also through other international and regional bodies.

Amnesty International has consultative status (category II) with the Economic and Social Council (ECOSOC) of the UN. This allows it to submit information to the UN, to express its views on matters within its area of expertise to a number of UN bodies, and to be represented at meetings which deal with human rights issues. A principal body within the UN for the promotion and protection of human rights is the Commission on Human Rights which has established procedures to consider reports that "appear to reveal a consistent pattern of gross and reliably attested violations of human rights". Each year Amnesty International submits evidence of such patterns in a number of countries. Since the commission's Working Group on Enforced or Involuntary Disappearances was set up Amnesty International has presented to it cases of individuals in a number of countries who have "disappeared". Amnesty International also regularly presents evidence to the commission's Ad Hoc Group of Experts on southern Africa, to the Special Rapporteur on the Situation of Human Rights in Chile, and has provided information under mechanisms set up to respond specifically to reports of human rights violations in Bolivia, El Salvador, Guatemala and Kampuchea. It has made statements before the Fourth Committee of the General Assembly and the Special Committee on Decolonization on human rights violations within its mandate in Brunei, East Timor and Namibia, and before the Special Committee on Apartheid. In providing this information Amnesty International seeks an adequate response from the international community in the firm belief that it has a duty to enforce the international standards proclaimed by it through the mechanisms established by the UN to deal with human rights abuses. These are in many respects still lacking in power and subject to political pressures although significant advances have been made in recent years.

Amnesty International also seeks to draw the attention of member

states to particular types of human rights violations through its statements. For example during 1981 it addressed the problem of "extra-legal executions" — political killings sanctioned by governments.

In theory existing international standards cover most of the human rights questions of concern to Amnesty International: political imprisonment, fair trial and torture. However many states have so far failed to enter into legally binding agreements to protect and promote these rights within their own jurisdictions. Amnesty International has consistently pressed all governments to ratify the international covenants on human rights and the Optional Protocol to the International Covenant on Civil and Political Rights. The Human Rights Committee, set up under the International Covenant on Civil and Political Rights, monitors compliance with this covenant. To this end, it studies reports submitted by states that are party to the convention, and under the Optional Protocol considers complaints on behalf of or from individuals.

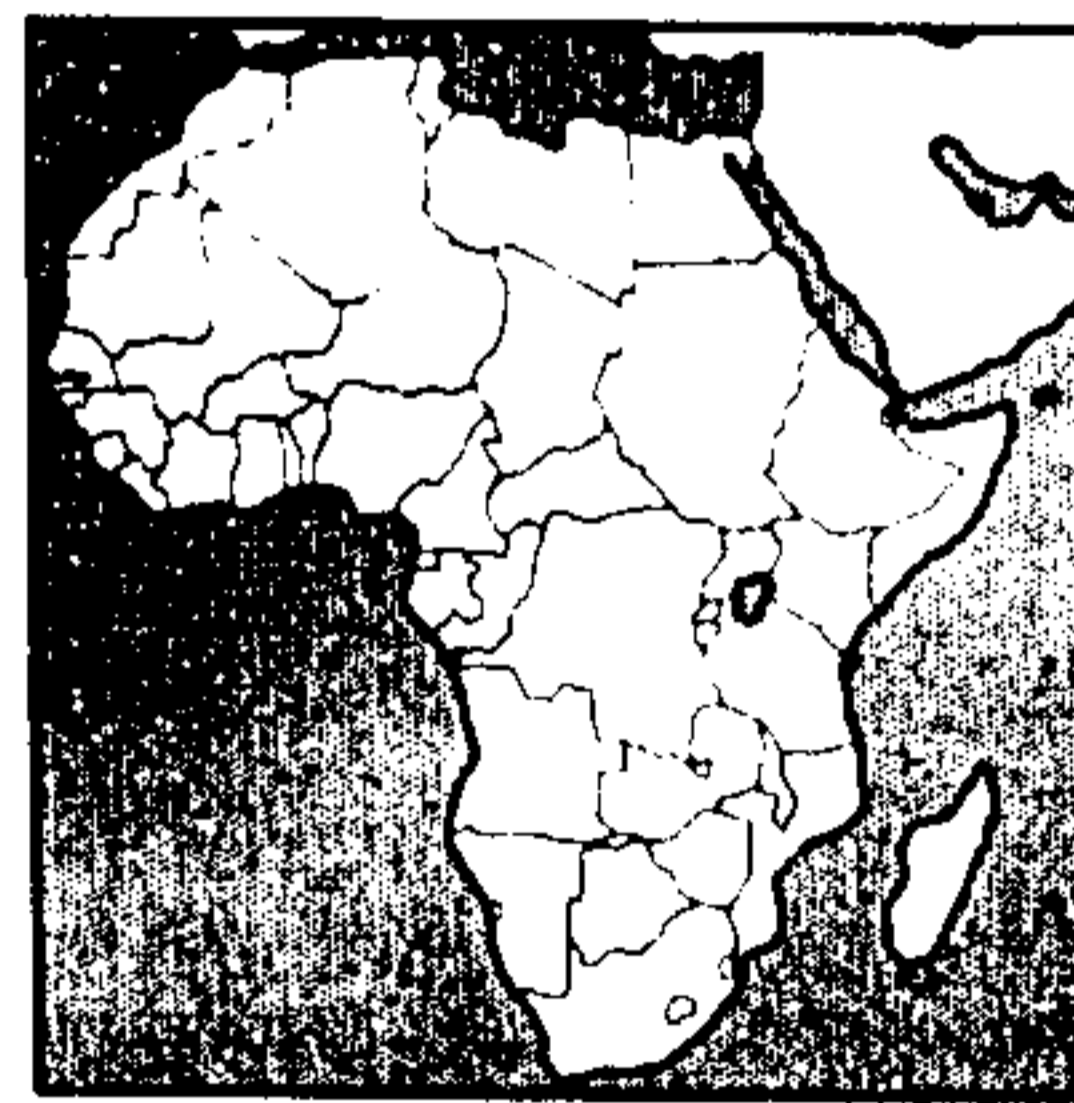
Amnesty International also regularly submits information to the United Nations High Commissioner for Refugees on cases of people threatened with being sent or returned to countries where they risk becoming victims of human rights violations within Amnesty International's mandate.

In the United Nations Educational, Scientific and Cultural Organization (UNESCO), where Amnesty International has category B status, a special procedure for dealing with human rights violations was first established in 1978. Amnesty International submits cases to the Committee on Conventions and Recommendations which deals with these complaints. It has also pressed for greater UNESCO activity in the field of human rights education.

Amnesty International has no formal status with the International Labour Organisation (ILO) but it has made information available on such issues as forced labour and the imprisonment or "disappearance" of trade unionists to organizations which do work formally with the ILO.

Important regional inter-governmental organizations such as the Council of Europe, the Organization of American States and the Organization of African Unity have now been formed in many areas: information on Amnesty International's work with these bodies can be found in the introductions to the regional sections of this report.

Africa



Africa continued to present significant human rights problems in 1981. There were violations of human rights of concern to Amnesty International in many countries, under diverse political systems. Amnesty International received extensive information in 1981 about the imprisonment of prisoners of conscience, torture and ill-treatment of prisoners, detention without trial, unfair political trials, "disappearances" and extra-legal executions, and the application of the judicial death penalty in Africa.

Amnesty International received insufficient information about its concerns in Cape Verde, Mauritius, Nigeria and Senegal to allow their inclusion in this report. Their omission does not necessarily indicate that there were no human rights violations.

Several instances of the forcible repatriation of political refugees or asylum seekers to countries where their life or freedom would be threatened illustrated collusion between governments to disregard accepted principles of refugee protection and infringe fundamental human rights. Guinea twice obtained the collaboration of other governments in securing the enforced repatriation of political refugees. In April three Guineans were forcibly repatriated from Ivory Coast, imprisoned and tortured. In November Liberia summarily repatriated some 40 Guineans. In May a defendant in a major political trial in Zambia alleged that he had been kidnapped in Zaïre by Zambian security forces and forcibly taken back to Zambia. The security of refugees from South Africa also gave cause for concern: in January at least three were abducted by South African military forces who carried out a raid into Mozambique; and in February a South African refugee resident in Swaziland was kidnapped, apparently by South African security agents. Botswana withdrew recognition from four refugees in January and returned them to South Africa, where they were detained without trial. Lesotho deported 15 asylum seekers in

August, at least four of whom were subsequently reported to be facing trial in South Africa. In December the arrest of a prominent exiled politician and refugee by Malawi security forces gave rise to claims that he had been abducted with his wife and son while visiting eastern Zambia.

Detention without trial remained widespread. When used for interrogation purposes, detention without trial was often associated with torture and ill-treatment of prisoners. This was the case, for example, in Guinea, Lesotho, South Africa, Uganda and Zaïre. When it was used as the basis for the indefinite imprisonment of political opponents — for example, in Cameroon, Comoros, Madagascar, Namibia, Somalia and Sudan — those detained often suffered harsh conditions in violation of the United Nations Standard Minimum Rules for the Treatment of Prisoners. In South Africa many uncharged detainees were held incommunicado for long periods on the grounds that they would be called as state witnesses in future trials of political opponents of the government.

Information received by Amnesty International concerning the ill-treatment of political detainees and harsh prison conditions pointed to the need for new and more adequate safeguards to be introduced into the legislation and procedures of many African countries. It argued also for more countries to permit regular inspection of their prisons, particularly those set aside for political offenders, by independent international humanitarian agencies.

Amnesty International was also concerned about shortcomings in a number of trials involving people accused of politically motivated offences. Some of these trials — for example, in the Comoros, Equatorial Guinea, Rwanda and Sudan — were conducted before special security courts in which the normal legal safeguards and rights of defendants were curtailed. In Mozambique, trials *in camera* continued before the Revolutionary Military Tribunal and some resulted in executions. In Malawi, the Traditional Court, where defence representation is not permitted, was the setting for a trial of two politicians charged with sedition. In many political trials in South Africa prosecution witnesses, often detainees themselves, gave evidence *in camera* and in some cases defendants were convicted largely on the basis of confessions allegedly obtained under duress. Amnesty International continued to appeal for the release of prisoners tried and convicted in their absence in previous years in Benin and Guinea, where special courts had been created by giving executive organs of government judicial functions in such a way that the existing judiciary was effectively by-passed.

The death penalty continued to be of major concern. It is retained in the legislation of all African countries except Cape Verde. In 1981

executions were reported in at least 13 countries, including Angola, the Central African Republic, Liberia, Mauritania, Mozambique, Namibia, Somalia and Zaïre. Frequent executions continued in South Africa, where 96 people were hanged in 1981. In the Gambia the first execution since independence in 1965 was carried out in September. In Swaziland, after four years in which no-one was executed, eight people were hanged in July. However, in Zimbabwe all death sentences handed down during the first year of independence were commuted in April 1981.

The year saw certain welcome developments in respect of human rights both at the regional level and within individual countries. In July 1981 an African Charter on Human Rights and Peoples' Rights was adopted unanimously by African heads of state and government attending the Nairobi summit meeting of the Organization of African Unity (OAU). The African Charter on Human and People's Rights sets out the rights and duties of individuals to be recognized by states party to it. It also provides for an African Commission on Human and Peoples' Rights to promote and protect human rights in Africa.

Under its provisions the charter would come into force three months after a majority of OAU member states had become party to it, following which the 11-member commission would be elected and begin work. By the end of 1981 no states had become party to the charter, although seven had taken the preliminary step of signing it.

Regional mechanisms for the protection of human rights such as that contemplated by the charter represent a complement to, rather than a replacement for, other international human rights mechanisms. Few African states have signed or ratified the international covenants on human rights. In 1981 the Central African Republic acceded to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, together with its Optional Protocol. Senegal made the declaration under Article 41 of the International Covenant on Civil and Political Rights recognizing the competence of the Human Rights Committee to receive and consider communications submitted by other States Parties who have made the declaration.

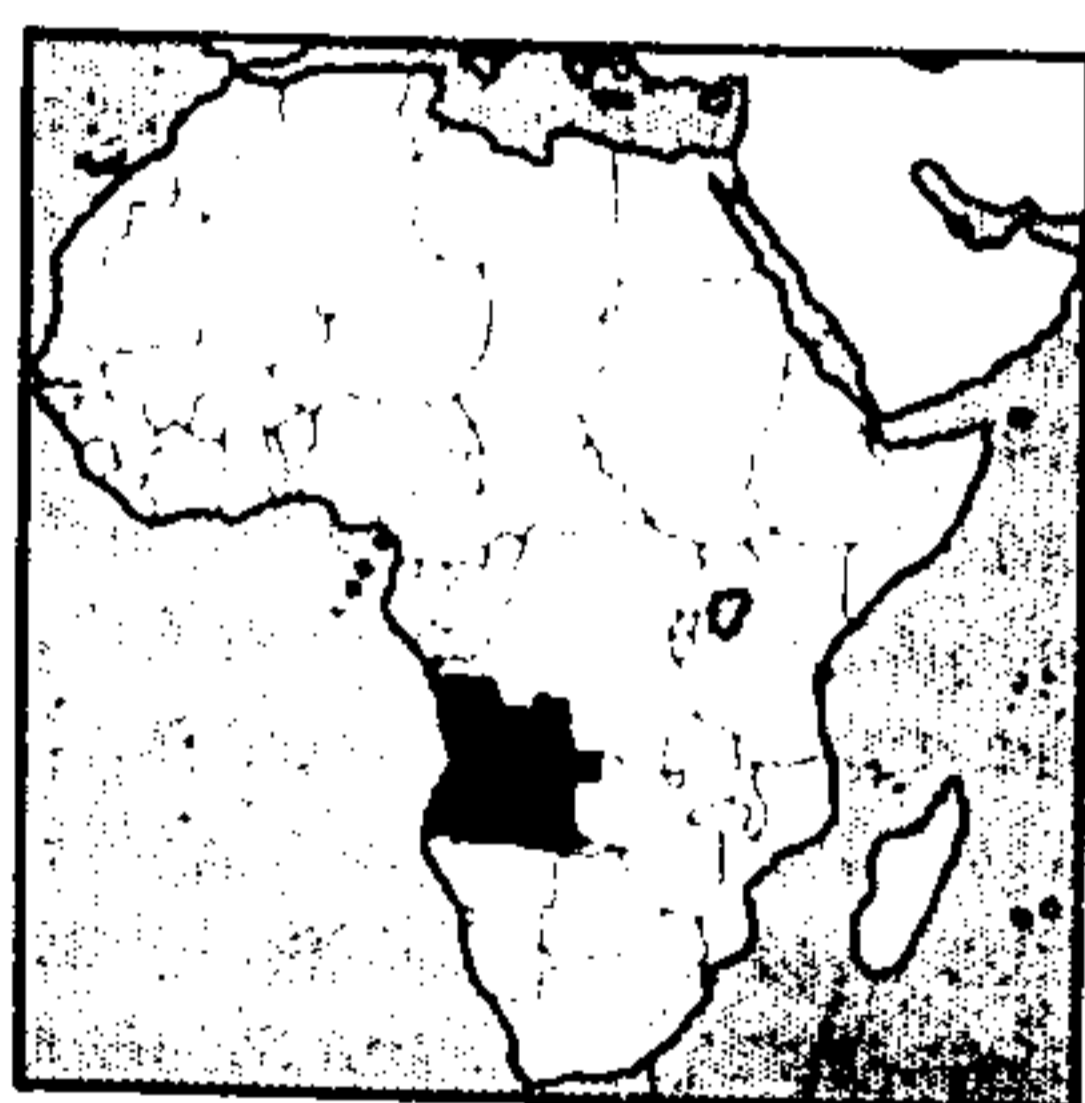
At the non-governmental level, the African Bar Association (ABA) decided to establish its own Human Rights Committee, with constituent committees in ABA member countries, "to protect and educate the public on their fundamental and human rights and to supervise and monitor the enforcement and breaches of human rights in member countries".

1981 also brought some encouraging developments at the national level. For example, there were significant releases of prisoners of

conscience and long-term political detainees in countries such as Benin, Liberia, Mali and, in particular, Ethiopia, although many prisoners of conscience remained detained there and the government failed to account adequately for a number of prisoners who "disappeared" in 1979.

Amnesty International sent missions to Zaïre in July 1981 and Guinea in December to discuss Amnesty International's concerns with their respective governments. Both missions established a degree of constructive dialogue with governments which had previously been critical of Amnesty International's campaigning in support of human rights in their countries. Amnesty International missions also went to the Gambia in January, to observe a trial, and to Comoros in May, where the major concern was the prolonged detention without trial of political opponents of the government. Lesotho was the subject of two Amnesty International missions: the first in September, following a number of political killings, and the second in December, after a spate of detentions and the death in custody of one political detainee.

Amnesty International submitted information on Ethiopia, Uganda and Zaïre to the United Nations Working Group on Enforced or Involuntary Disappearances.



Angola

Amnesty International continued to be concerned by reports of the imprisonment of prisoners of conscience and by the long-term detention without charge or trial of suspected members of armed opposition groups. It was also concerned about the use of the death penalty.

There were frequent reports of fighting between government troops and armed opposition groups during 1981. South African forces based in neighbouring Namibia also mounted a series of attacks on targets in southern Angola, in Kunene and Huila provinces, during which hundreds of civilians were killed. South African spokesmen said that these attacks were attempts to suppress the activities of South West Africa People's Organization (SWAPO) guerrillas.

In the southeast of the country guerrillas belonging to the *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola, claimed to control

large parts of Kuando-Kubango province. UNITA guerrillas also launched attacks in the centre of the country and in the capital, Luanda. For example, they claimed responsibility for an attack on an oil refinery in Luanda at the end of November 1981. In the north of the country guerrillas belonging to the *Frente de Libertação do Enclave de Cabinda* (FLEC), Cabinda Enclave Liberation Front, were reportedly still active in mid-1981. Armed bands claiming allegiance to the *Frente Nacional de Libertação de Angola* (FNLA), Angola National Liberation Front, were also involved in sporadic fighting in Zaïre and Uige provinces. Accurate reports about the treatment of prisoners captured in all these areas of fighting were difficult for Amnesty International to obtain.

Responsibility for internal security rested primarily with the special Ministry for Internal Security created in 1980. However, different units of the security forces, including the army and the militia as well as the Ministry for Internal Security and the criminal investigation police, continued to use independent powers of arrest and detention without charge or trial.

Some suspected members of armed opposition groups were brought for trial before the People's Revolutionary Tribunal, a special court established in 1976 to try prisoners accused of endangering the security of the state or of economic sabotage. However, most people arrested for political reasons were held in custody without charge or trial by branches of the security forces. The People's Revolutionary Tribunal has a detention review commission, *comissão de revisão*. However uncharged detainees are not necessarily allowed to appeal to this commission to review their cases. They may be held for months or even years without an opportunity to challenge the grounds for their detention. During 1981 a number of political detainees were reported to have been released on the orders of the review commission.

Information about prisoners of conscience continued to be difficult to obtain, partly because of the internal armed conflict and the practice of accusing suspected opponents of the government of links with armed opposition movements. However, during 1981 Amnesty International received information about a number of people arrested for criticizing the government without using or advocating violence. It investigated the reasons for the detention of some of these prisoners. For example, Lieutenant Nito, an army officer, was reportedly arrested in early 1980 for protesting against the presence of Cuban soldiers in Angola.

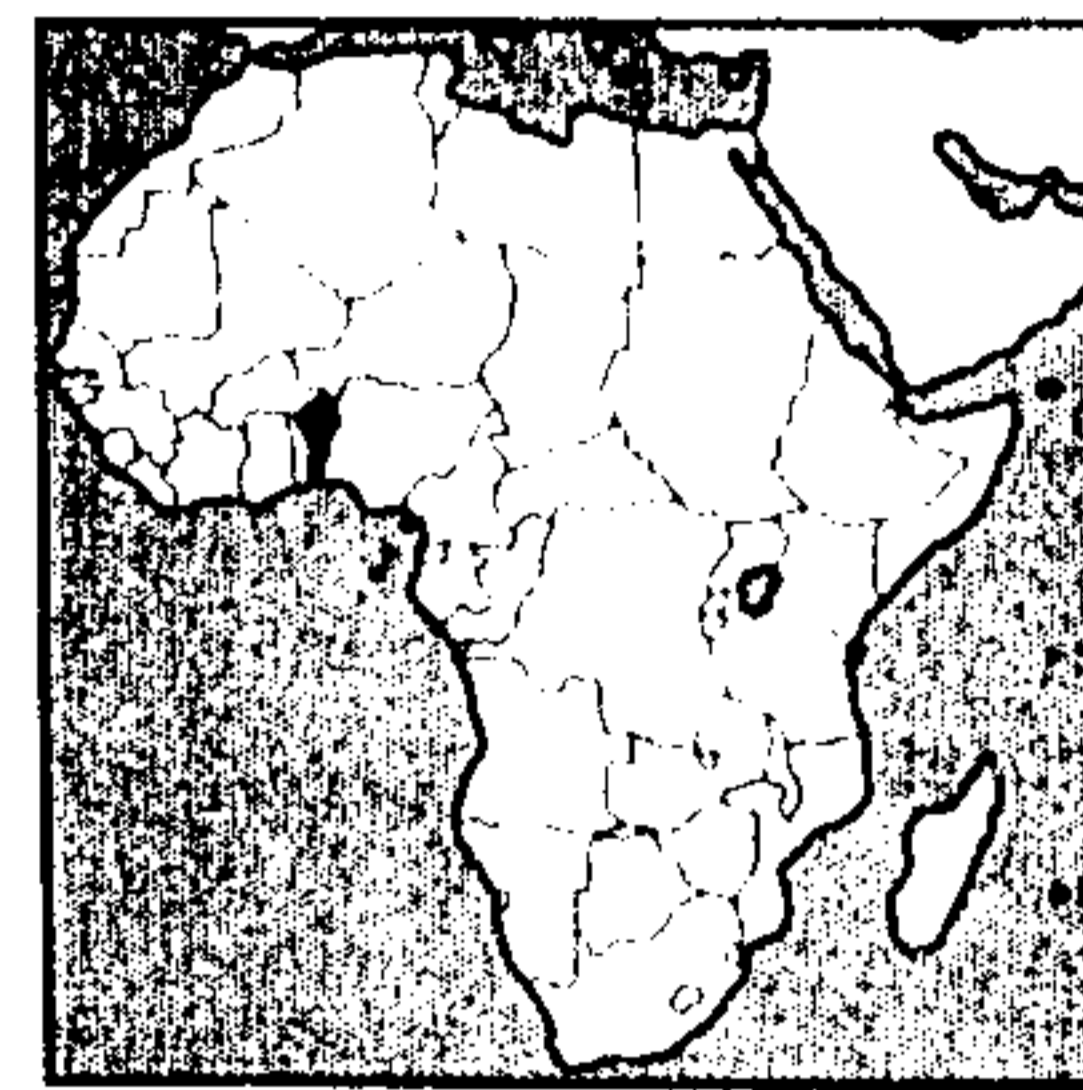
Amnesty International was also concerned about the detention without charge or trial of people accused of links with armed opposition movements. Members of UNITA were reportedly detained at the *Casa de Reclusão* (detention centre) in Luanda and at São

Nicolau detention camp, near Moçâmedes. Some of the detainees accused of links with UNITA were arrested during recent years, but others had been held for much longer periods. For example, Godfrey Nangonya, a UNITA provincial commissar, was imprisoned by the Portuguese from 1962 until 1974. He was then held without charge or trial after being rearrested in Kunene province at the beginning of 1976.

Civilians accused of links with the FNLA were also detained without trial, either in Luanda or at detention camps such as São Nicolau camp and Tari camp, near Kibala in Kuanza-Sul province. They included former senior FNLA officials who returned to Angola from Zaïre under amnesty, such as Kiasonga Manuel Peterson, the head of the FNLA's security unit until 1973. He was arrested in Luanda several weeks after returning to Angola with his family in February 1979. They also included civilians accused of links with the FNLA. Landana Manuel Singi, a trade union official, was arrested in May 1980 and detained without charge in São Paulo prison in Luanda on suspicion of sympathizing with the FNLA. He had apparently authorized a junior official to visit a neighbouring country and was arrested and accused of links with the FNLA when the official failed to return to Angola. Like many others arrested and accused of links with the FNLA, he had lived in Zaïre as a refugee before Angola became independent in 1975.

Members of the FLEC were reported to be detained at a camp near Malembo, in Cabinda province, where civilian political detainees were also held.

During the first half of 1981 Amnesty International repeatedly appealed to the Angolan authorities to commute death sentences imposed on alleged members of the FLEC or the UNITA convicted of violent offences by the People's Revolutionary Tribunal. In March 1981, 18 suspected members of the UNITA were condemned to death in Huambo and six others given prison sentences for involvement in bomb attacks on civilian targets. In May 1981 six suspected members of the FLEC were sentenced to death in Cabinda for their part in similar bomb attacks; four others were given prison sentences of from two to 20 years. Insufficient information was available about the trial proceedings to assess whether they had been given fair trials. After both trials the condemned prisoners were believed to have been able to appeal to a special appeals tribunal in Luanda. However, in neither case were the appeals reported to have been successful and the condemned prisoners were believed to have been executed by firing-squad.



Benin

The main concerns of Amnesty International were the detention without trial of suspected political opponents, unfair trials of political prisoners, and the ill-treatment of prisoners.

Amnesty International continued to seek the release of 22 students and teachers detained without charge or trial for alleged involvement in protests against government education policies. They were all arrested between March and November 1979. During 1981 three more students — Boniface Koundou, Rafael Agboton and Mathias Dognon — arrested in connection with the 1979 protests, were adopted as prisoners of conscience.

Following Amnesty International appeals for the release of student Urbain Sossouhounto government officials informed the organization that he was detained "in conformity with the laws and regulations in force in the Popular Republic of Benin". They also stated that the authorities "could not tolerate that individuals took part in subversion and anarchy with impunity while taking refuge behind so-called human rights". No further information on the reasons for his detention was provided. Amnesty International received no response when it pointed out that his rights, enshrined in the constitution of Benin, known as the *Loi fondamentale*, had been violated. This guarantees the rights to freedom of conscience, expression and association, to freedom from arbitrary arrest and to defence counsel.

Since the military coup which brought Colonel Mathieu Kerekou to power in October 1972 political trials had not been heard before the courts. Instead they usually took place before an executive body, the *Conseil national de la révolution* (CNR), the National Council of the Revolution, which was convened as a Revolutionary Tribunal in 1975, 1976 and 1979. Judicial functions were also assumed by the Council of Ministers, known as the *Conseil exécutif national* (CEN), and the *Comité central du parti révolutionnaire du peuple béninois*, Central Committee of the Revolutionary Party of the People of Benin. Both sentenced individuals to prison for political offences. Individuals tried by these executive bodies were not allowed to be present at their hearings, and were denied the rights to defence counsel and to appeal. Many were not officially informed of the sentences passed on them.

Amnesty International sought the release of Benoit Hounsou and Barnabé Dohounon who were among 13 people arrested in 1975 and

convicted of participation in attempts to overthrow the government. They were not allowed to attend their trial. There were serious shortcomings in their trial, including the absence of defence counsel and denial of the right of appeal.

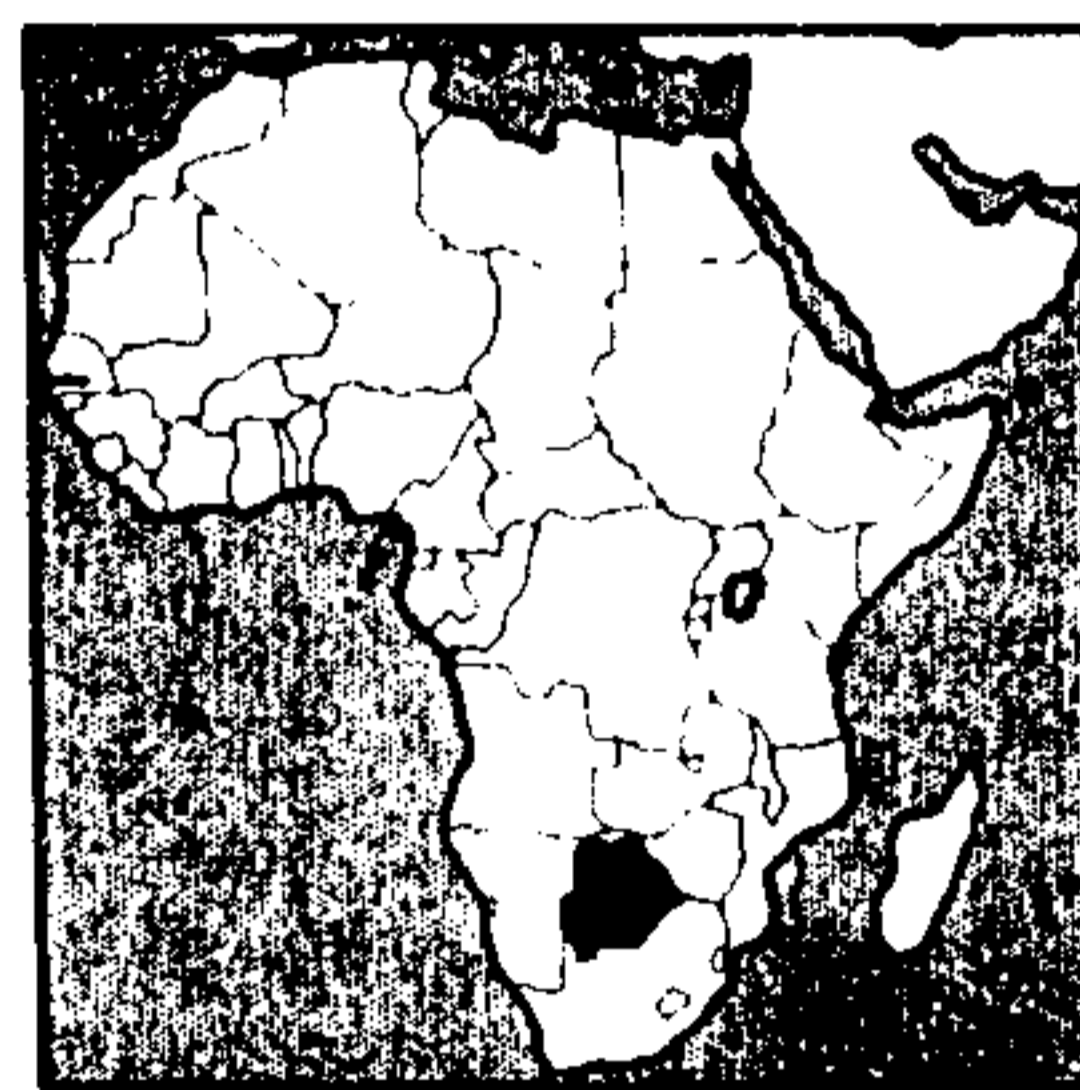
Amnesty International was investigating the cases of six former officials, including Pascal Chabi Kao, Théophile Paoletti and Michel Bamenou Toko, all former ministers in the deposed government of Hubert Maga, who had been held without charge or trial for more than eight years. The cases of Colonel Alphonse Alley, Major Jean-Baptiste Hacheme and Paul Kponou, arrested in May 1973 after the alleged discovery of a plot to overthrow the government, were also being investigated. They were reportedly tried in their absence and sentenced to terms of imprisonment of between 10 and 20 years by the Central Committee of the government. They were allowed neither defence counsel nor the right to bring forward evidence or witnesses in their own defence.

In early January 1981 Amnesty International appealed publicly for the release of about 100 individuals arrested in late 1980 in a clamp-down on alleged dissident officials and supporters of an unofficial trade union. They were all believed to have been released by April 1981. The appeal called for the release of all other political detainees held without trial in Benin and drew attention to prisoners convicted in unfair trials.

Amnesty International continued to appeal for the release of three former presidents — Hubert Maga, Sourou Migan Apithy and Justin Ahomadegbe — held under house arrest without charge or trial since October 1972. In late April 1981 they were released and shortly afterwards authorized to leave Benin if they wished.

Amnesty International was concerned by reports of harsh prison conditions and ill-treatment of political detainees held in the capital, Cotonou. In the Central Prison detainees were held in overcrowded and poorly-ventilated cells and the standards of sanitation and hygiene throughout the prison were low. Unconvicted political detainees, including 12 of the students and teachers arrested in 1979, received no food from the authorities, and were dependent on other prisoners or on their families. There was severe overcrowding at the *Commissariat central* (central police station) in Cotonou. Up to 30 detainees were held in a cell known as *la grille* (the cage) approximately three metres wide by four metres long. As many as eight detainees were often held in cells measuring only three metres by one-and-a-half metres. Only a few detainees had room to lie down and others were forced to remain standing. Standards of hygiene were also unacceptably low. Some detainees were reportedly subjected to a form of ill-treatment known as *la rodéo* (the rodeo) in which they were

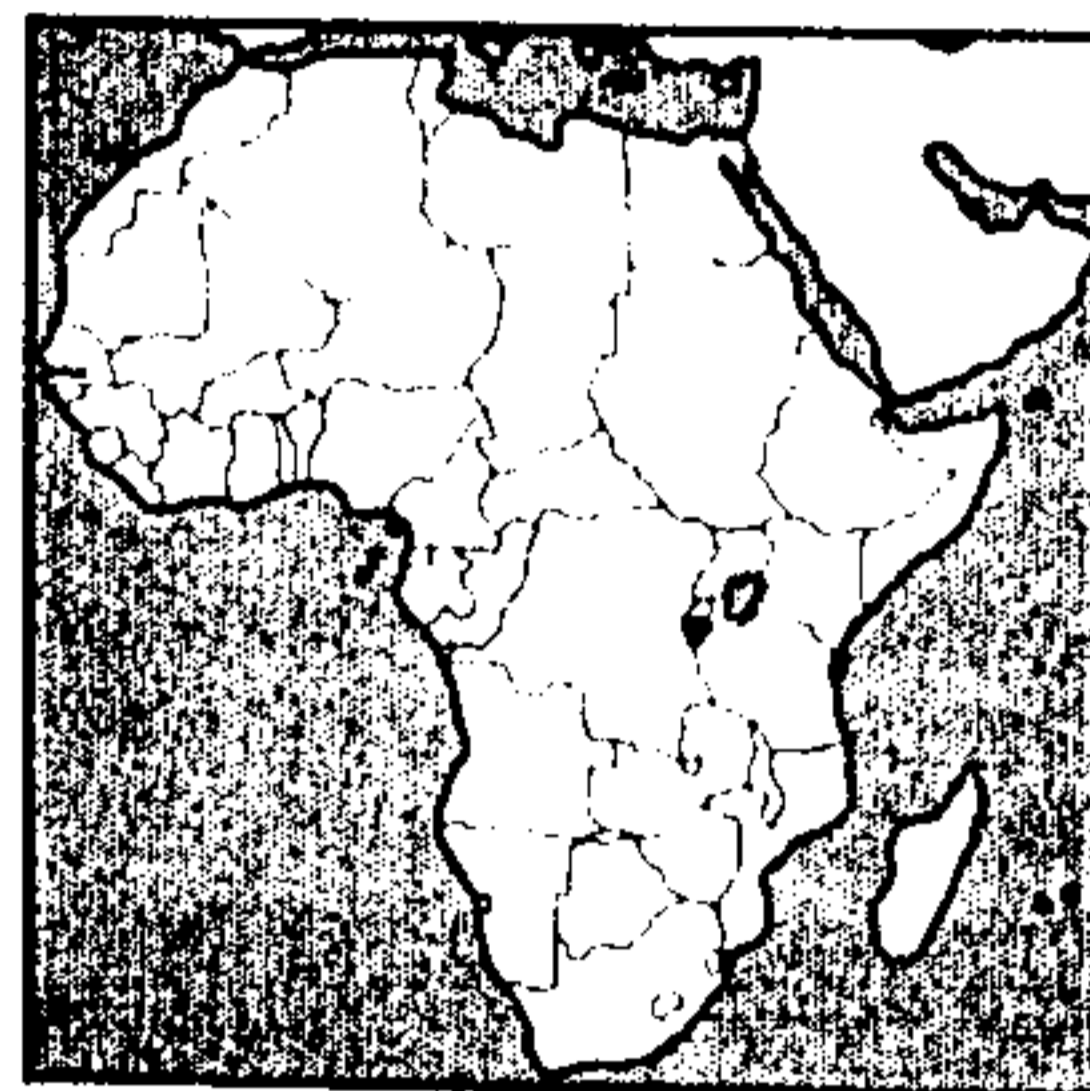
forced to run or crawl carrying heavy weights until exhausted, and to stare at the sun for long periods. In both the prison and the police station medical facilities were grossly inadequate.



Botswana

Amnesty International was concerned about the forcible repatriation of four refugees to South Africa in January 1981. This occurred after the government decided to move many South African refugees to Dukwe, northwest of Francistown, to a camp previously occupied by Zimbabwean refugees. There was some resistance by the refugees to the move. The authorities withdrew recognition from four refugees and summarily expelled them to South Africa. They were then detained without charge for a time by South African security police. All four were believed to have been released before 25 February 1981. Amnesty International informed the Botswana Government of its concern about the deportations and requested more details of those involved. In response, the government named them as Michael Lithoko, Wilson Fanyana Mashaba, Joseph Minare and Strike Mashilane.

In late March 1981 Daniel Kwelagobe, Minister of Public Service and Information, gave a public assurance that Botswana had not changed its policy of granting asylum to political refugees from South Africa. This appeared to be borne out by developments during the rest of the year. No further incidents involving the summary repatriation of refugees were known to have occurred in 1981.



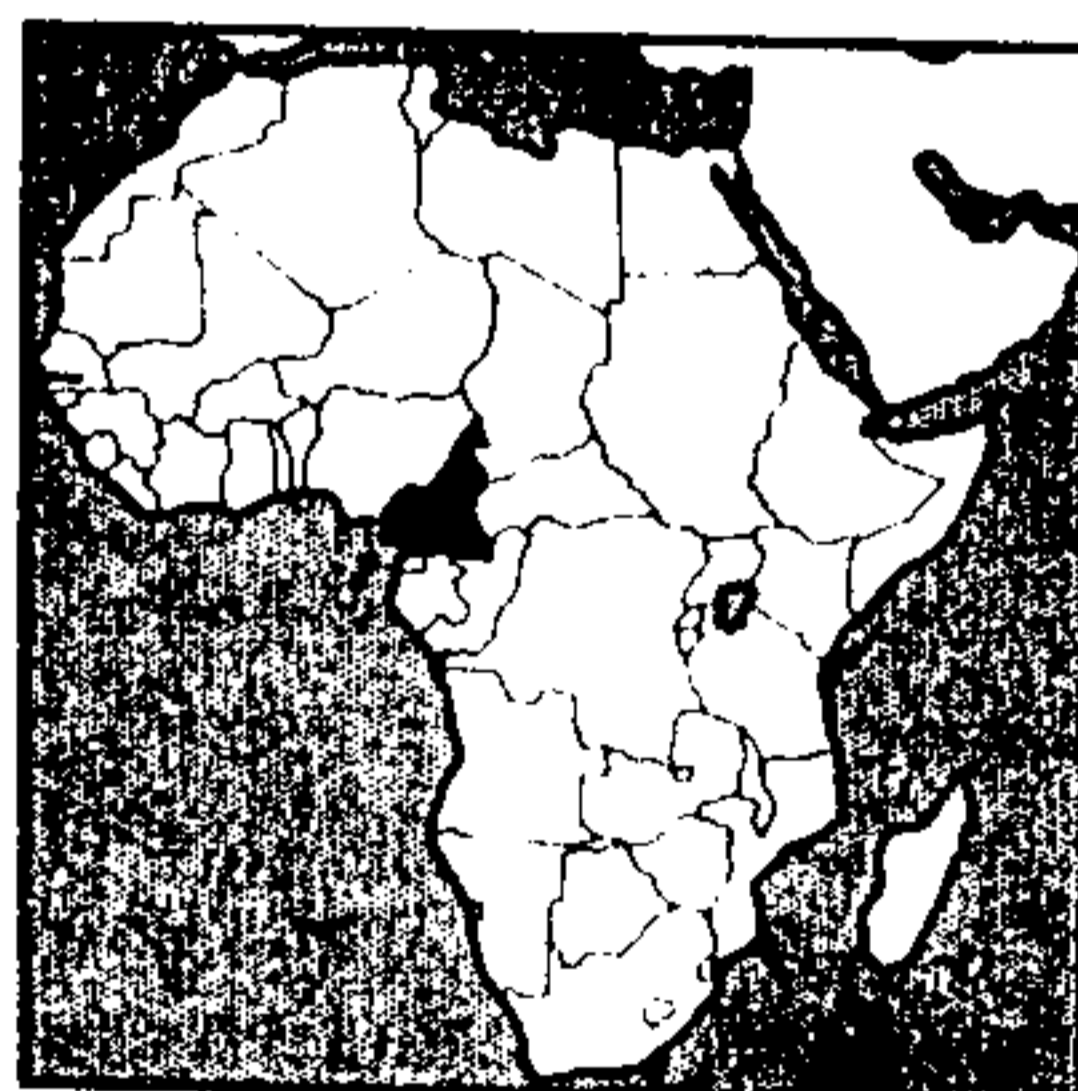
Burundi

Amnesty International was concerned about the detention without trial of Zaïrian refugees and the use of the death penalty.

In July 1981 seven Zaïrian refugees were arrested after demonstrating outside the office of the United Nations High Commissioner for Refugees in Bujumbura. They were released after two days,

on 9 July, but were then rearrested on 11 July and detained in Mpimba Central Prison for more than two months. They were accused of "making threats and of bad behaviour", but were eventually released without being brought to trial.

In December 1981 two men were executed by hanging in Bujumbura, reportedly in public. One of them had been condemned to death in 1978 on a charge of cannibalism. His wife, convicted on the same charge, later had her death sentence commuted upon appeal to life imprisonment. The second man who was executed had been convicted of murdering three people; his death sentence had been upheld when he appealed against it in April 1981.



Cameroon

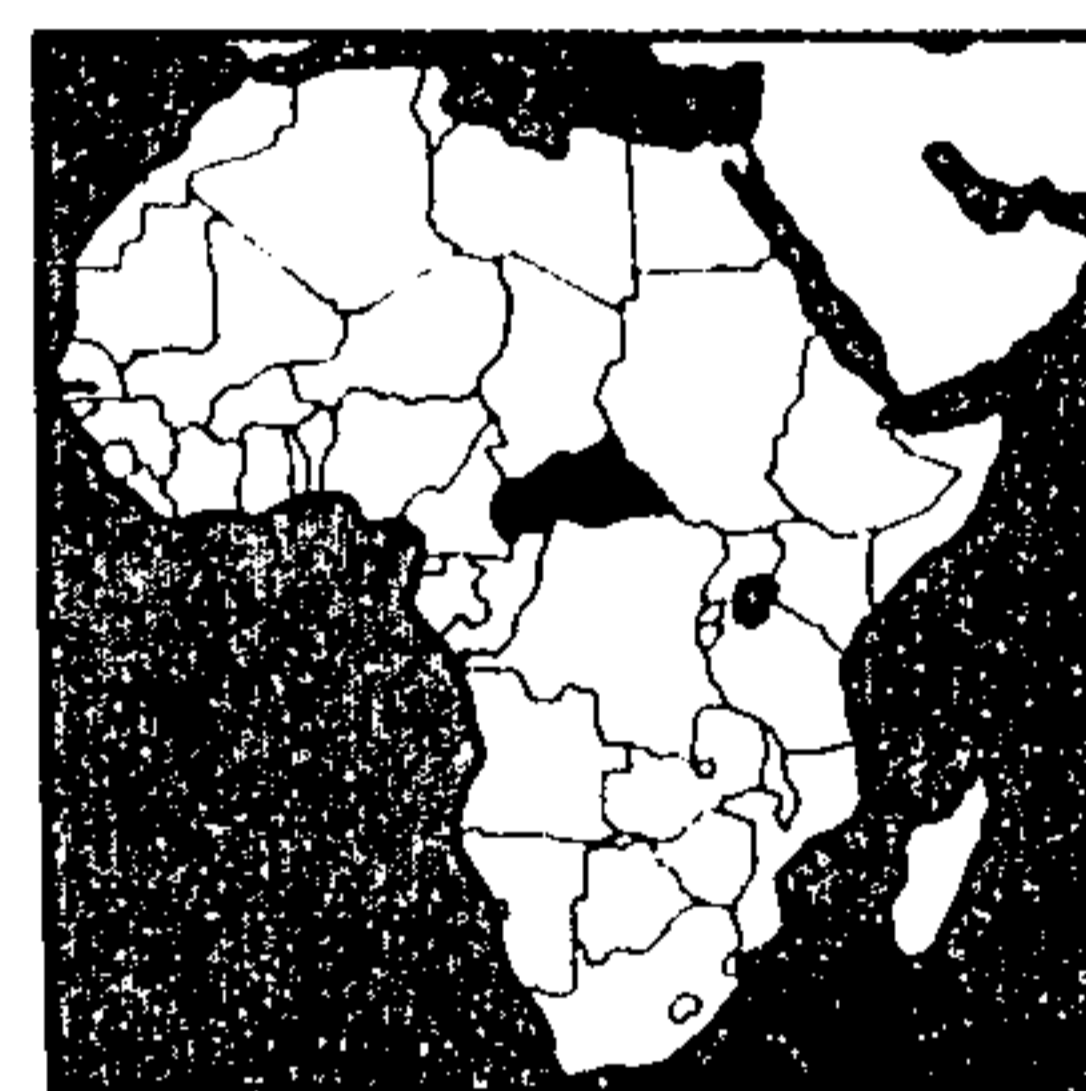
The major concerns of Amnesty International were long-term detention without trial of suspected political opponents of the government, and the poor prison conditions in which they were held.

Throughout 1981 Amnesty International sought the release of the remaining detainees held without charge or trial since July 1976, when some 200

students, teachers and white-collar workers were arrested for allegedly distributing anti-government leaflets. Gaspard Mouen, Martin Ebelle-Tobo, Henri Moukouri, André Moune and Emmanuel Bille were reported to be still in detention. The first three were held at the *Centre de rééducation* ("Re-education" Centre) at Tchollire, which was believed to be the one prison in Cameroon holding only untried political prisoners or administrative internees. The other two were

held at the *Prison de production* (labour camp) at Yoko, which has a section for administrative internees. Numerous appeals for the release of these prisoners were made to the authorities throughout the year, but no answer was received. Amnesty International was also concerned by reports that other prisoners were being held without charge or trial, including three army officers arrested in September 1979 after an alleged coup attempt, and at least 20 Jehovah's Witnesses. This religious sect was banned by the government in May 1970.

Amnesty International was concerned by reports that suspects held in custody by the police or the paramilitary police, known as the *Brigade mixte mobile* (BMM), were routinely beaten and ill-treated. Standards of food and hygiene were reported to be very low at both Yaounde central prison and at the "Re-education" Centre at Tchollire. In both prisons detainees only received one meal a day, consisting mainly of millet or cassava. Severe overcrowding was reported in the "disciplinary wing" at Yaounde prison. Both prisons lacked adequate medical facilities, and access to families and friends at Tchollire and Yoko was very restricted.



Central African Republic

Amnesty International was concerned about the incommunicado detention without trial of members of opposition political parties accused of politically motivated crimes, and the use of the death penalty.

1981 saw a series of political changes in the country. In February a new constitution was adopted which allowed for a multi-party political system. In March a presidential election was held. President David Dacko, who assumed power after the overthrow of Emperor Bokassa in September 1979, was confirmed in office. However, opposition candidates contested the result and four people were reportedly killed during violent demonstrations in Bangui. A state of siege was declared, but was lifted after 10 days at the end of March 1981.

In May 1981 President Dacko announced that the parliamentary elections scheduled to take place in June were being postponed for a

year. Two months later, on 14 July, a bomb exploded at a crowded cinema in Bangui. Three people were killed and some 32 injured. The *Mouvement centrafricain de libération nationale* (MCLN), Central African National Liberation Movement, publicly claimed responsibility for the explosion. It stated that it was a protest against the delays in introducing parliamentary democracy and the continuing presence of French troops in the country.

Shortly after the bomb explosion a state of siege was declared. President Dacko announced that a special court (*tribunal d'exception*) was being set up to try those involved. He banned the MCLN and another political party, the *Front patriotique oubanguien-Parti du travail* (FPO-PT), Oubangui Patriotic Front-Labour Party. (The MCLN leader had been a member of the FPO-PT until 1980.) He also suspended the activities of the largest opposition party, the *Mouvement de libération du peuple centrafricain* (MLPC), Central African People's Liberation Movement. Eight members of the MCLN and 13 members of the FPO-PT were arrested and accused of complicity in the bomb attack. At the end of July the state of siege ended, and both the ban on the FPO-PT and suspension of the MLPC were lifted. The special court remained in existence, however, and began its inquiries into the cases of the 21 people who had been arrested. On 7 August some of those detained went on hunger-strike. They were protesting against their conditions of detention and demanding to be informed about the progress of the pre-trial inquiries. Less than a week later, on 13 August, six of the prisoners, all members of the FPO-PT, were released uncharged.

On 1 September 1981 President Dacko was overthrown in a bloodless military coup. He was replaced by General André Kolingba, Commander-in-chief of the armed forces, who established a military government: the *Comité militaire de redressement national*, Military Committee for National Recovery. He suspended the activities of all political parties, but no new arrests took place. However, the 15 FPO-PT and MCLN detainees remained in custody. Their cases continued to be investigated by the *Premier avocat général de la République*, Deputy Procurator General, under military supervision.

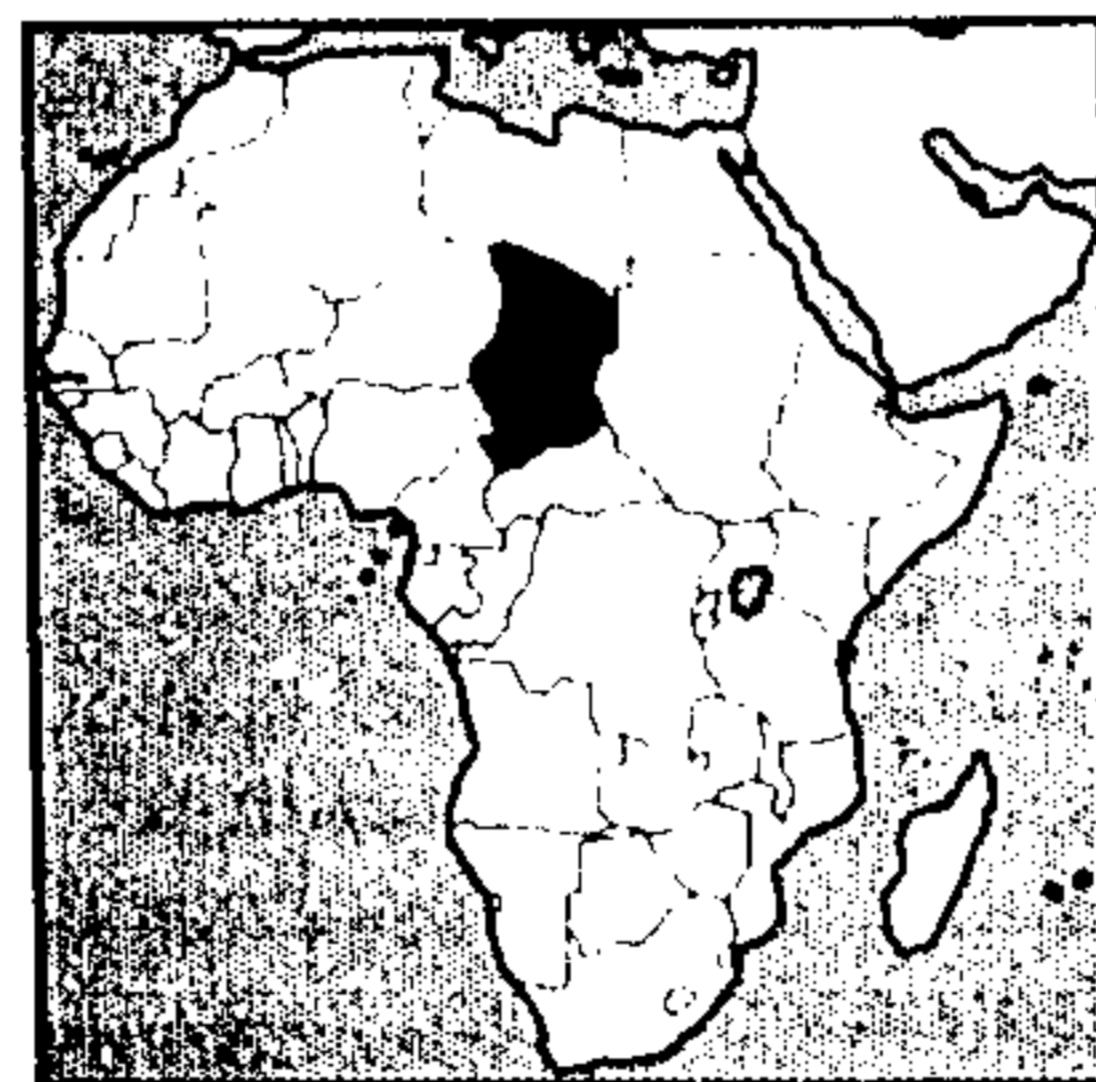
The eight detained members of the MCLN were reportedly held incommunicado at the headquarters of the *Compagnie nationale de sécurité* (CNS), National Security Company, in Bangui. They had not been brought to trial by the end of 1981.

Maurice Gouandjia, a member of the FPO-PT, was also detained at the CNS headquarters. The other members of the FPO-PT in detention were held at Kassai military camp. They too had not been brought to trial by the end of 1981. The FPO-PT denied that its members were involved in the bomb attack. Amnesty International

took up the cases of Marc Nditifei Boysembe and the six other detained FPO-PT members for investigation. Those at Kassai military camp were reportedly held incommunicado in harsh conditions. They were not allowed visits from lawyers and were reportedly denied adequate medical attention although some were said to be suffering from skin and stomach ailments.

Six former officials convicted of having committed murder under the rule of Emperor Bokassa were executed by firing-squad in January 1981. Their appeals and requests for clemency had been refused. Amnesty International had appealed for the sentences to be commuted. In July 1981 a former senior member of the security forces, Jean-Pierre Inga, was convicted of murdering two children during demonstrations in January 1979 and was condemned to death. He had already been sentenced to death in February 1980, but his first conviction was annulled by the Supreme Court in August 1980. He was not known to have been executed by the end of 1981.

In May 1981 the government ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, together with the Optional Protocol to the latter which allows individuals to present complaints to the Human Rights Committee. The two covenants and the Optional Protocol came into force in the country in August 1981.



Chad

Fighting continued throughout 1981 between the forces of the coalition government led by President Goukouni Oueddei and the *Forces armées du nord* (FAN), Armed Forces of the North, led by the former Defence Minister, His-sene Habre. There was also conflict between different factions supporting the coalition government. Amnesty In-

ternational was unable to obtain accurate information about prisoners said to have been captured by the different parties to the conflict. It was consequently unable to verify several reports of summary executions carried out in the east of the country, where the fighting with the FAN was heaviest.

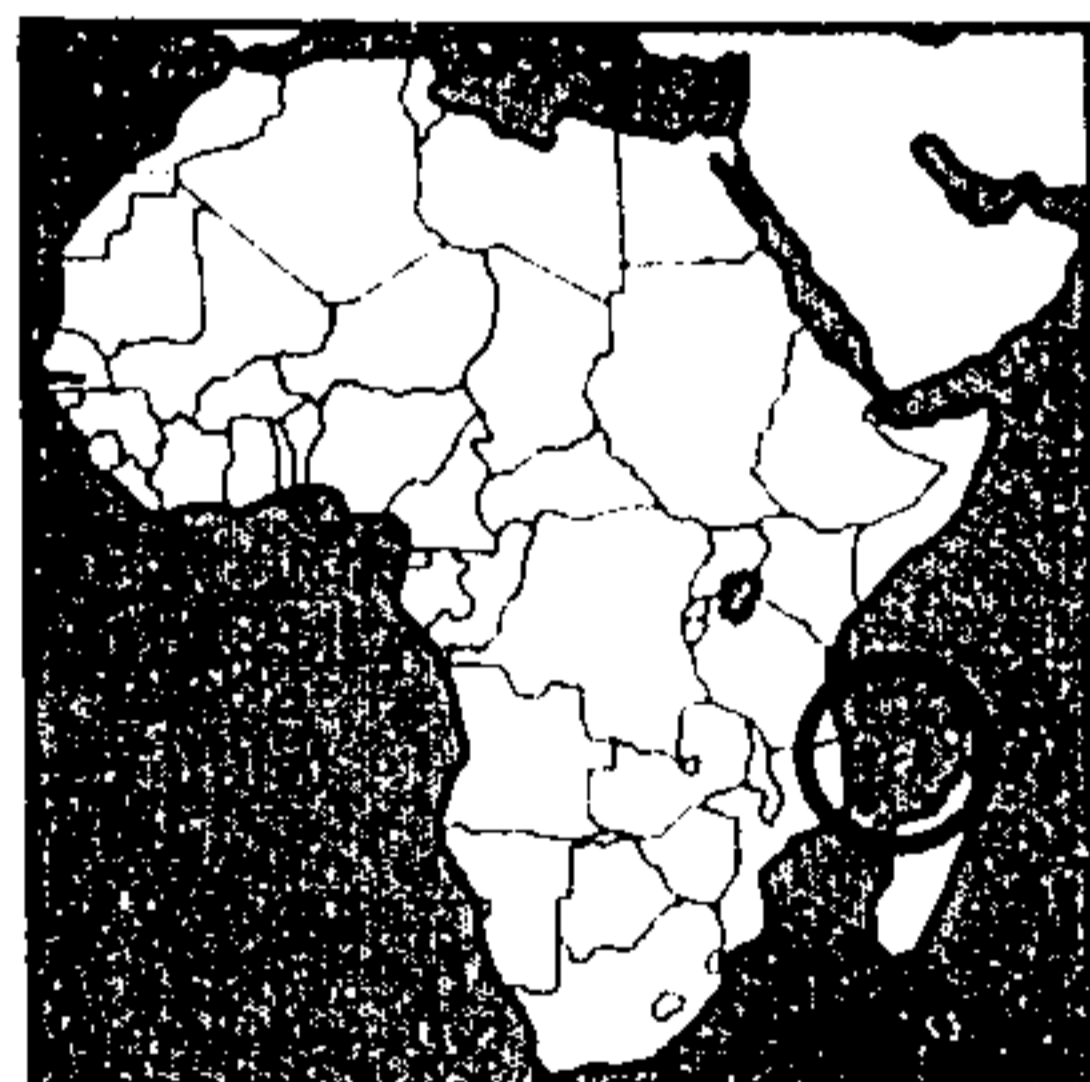
In the capital, N'Djamena, life gradually began returning to normal after the fighting which had disrupted the town in 1980.

However the administration of justice remained summary and sporadic. In May 1981 a Special Criminal Court was established to try the cases of Hissene Habre and five of his close colleagues in their absence. After summary hearings all six defendants were convicted on charges of armed rebellion, treason, murder and contacts with foreign governments. Hissene Habre was sentenced to death and the five others to long prison terms.

In July 1981 the government announced an amnesty for all Chadian refugees. No returning refugees, it said, would face criminal charges for their part in the fighting against the government. Only the six people convicted in May 1981 were excluded from the amnesty. The Special Criminal Court was subsequently abolished.

A number of Chadian and foreign journalists were known to have been detained without charge or trial. For example, Salem Galeh, a journalist who had returned to N'Djamena not long before, was arrested by military police on 19 September 1981, apparently because of a dispatch he was trying to send out of the country. Detentions were also reported in the south of the country in September 1981, following mutinies by soldiers at Doba, Koumra, Moundou and Sahr.

A court martial was set up in August 1981 to try government soldiers accused of kidnapping and murder. Two soldiers were tried in N'Djamena by this court on 28 August 1981 and were sentenced to death. They had no right of appeal and were both publicly executed by firing-squad on 1 September 1981.



Comoros

Amnesty International was concerned about the detention without trial of political prisoners, unfair procedures in political trials, ill-treatment of prisoners, and harsh prison conditions.

Amnesty International had repeatedly called on the government to try or release certain officials and soldiers arrested when the present government came to power in May 1978. Thirty-three were still detained without charge or trial in May 1981 when Amnesty International sent a mission to the Comoros at the invitation of the government. The delegate met President Ahmed Abdallah and members of the government and

security forces and discussed Amnesty International's concerns with them. Twenty-four of the 33 prisoners were released during the mission. President Ahmed Abdallah stated that the nine who remained in detention in Moroni Central Prison (including Salim Himidi, former Minister of the Interior, who had been adopted by Amnesty International as a prisoner of conscience) would be brought to trial by August 1981. Amnesty International's delegate pressed for them to be charged or released without further delay. The delegate expressed concern at the continued detention without charge of 11 detainees held at Voidjou Military Camp since February 1981 for alleged possession of subversive documents and video-cassettes.

The delegate was allowed to interview certain prisoners in private. He confirmed that prison conditions at Moroni Central Prison and Voidjou Military Camp were harsh. Prisoners were not allowed visits or correspondence and had no books other than the Quran. They had no beds, sleeping mats or blankets. Diet and hygiene were poor. At Moroni Central Prison some exercise had been permitted since jurisdiction over the prison had been transferred from the security forces to the army in January 1981, and some prisoners had been admitted to hospital. At Voidjou Military Camp prisoners continued to be held incommunicado in unlit cells, and were denied medical attention and exercise. Several detainees held there were in urgent need of medical treatment as a result of neglect and ill-treatment, physical traces of which the delegate observed.

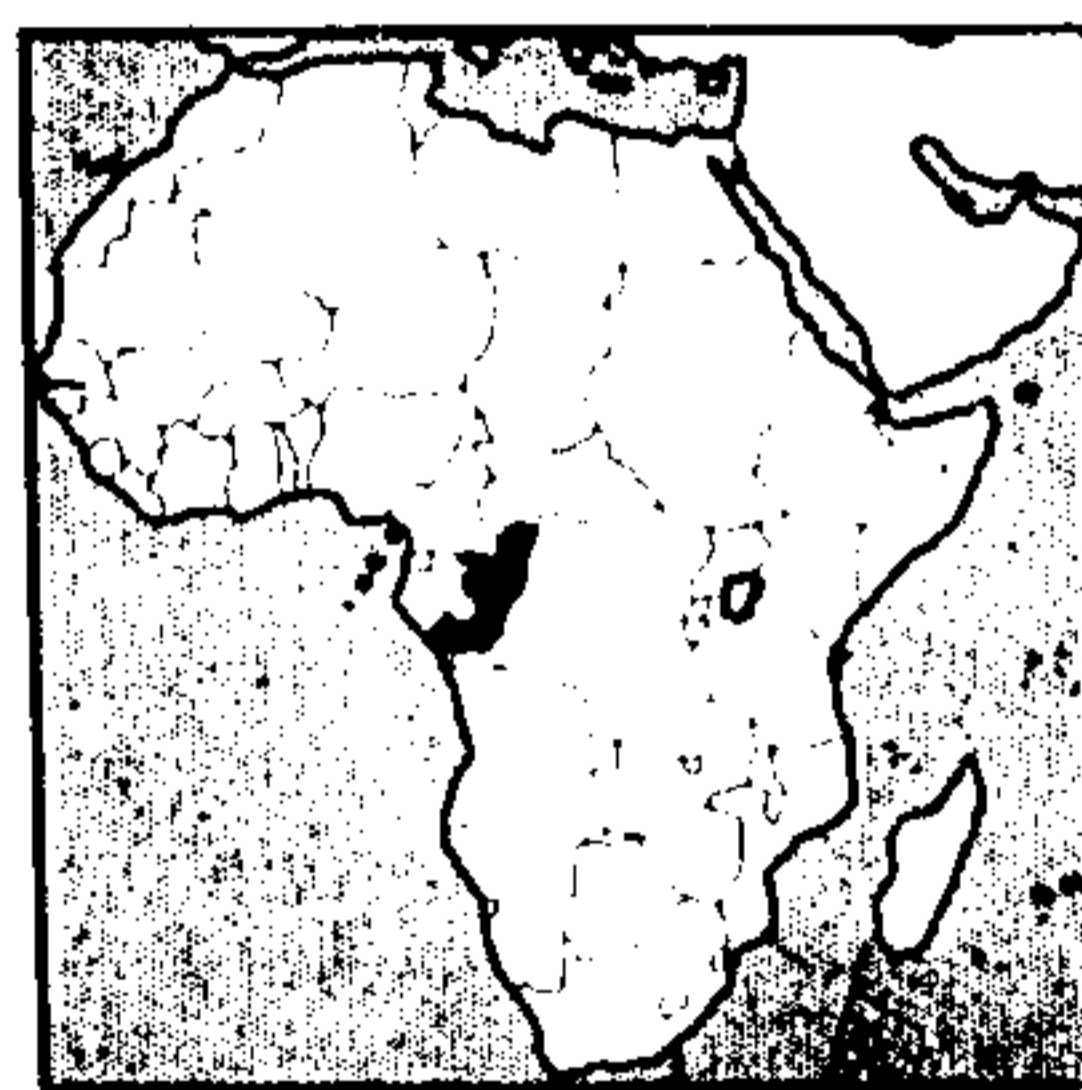
The mission expressed concern at aspects of the constitution and procedures of the Special Court of Justice — established in 1979 to try cases involving political offences committed under the previous government — which were incompatible with international standards of fair trial. Amnesty International was particularly concerned that defendants had no legal representation, no right of appeal, and were not told the charges before the hearing. The delegate also called on the government to amend the recent law establishing a State Security Court. The law brought any offence considered by the court to be politically motivated within the competence of the court. It also extended the court's jurisdiction to people as young as 14 years. The law gave defendants no right to challenge the competence of the court, no right of appeal and no guarantee of legal representation.

After the mission, in August 1981, Amnesty International submitted a memorandum to the government. It appealed to the government to release Salim Himidi and all prisoners of conscience immediately; to ensure that all those arrested were either charged and tried, or released; to give all prisoners a prompt and fair trial according to international standards; and to guarantee humane treatment in detention. Amnesty International also urged the government to

abolish the death penalty — no judicial executions had taken place in the Comoros for several years — and to ratify the International Covenant on Civil and Political Rights and its Optional Protocol.

The government had not responded to the memorandum by the end of 1981. Some improvement in prison conditions was reported but Amnesty International remained concerned about continuing detention without charge or trial.

In November 1981 Mouzaoir Abdallah, a former Minister of Foreign Affairs who had been under close surveillance since December 1978, was arrested at Moroni airport on his return from a visit abroad. About 100 of his supporters were arrested at the same time, although most were later released. By the end of 1981 Mouzaoir Abdallah had not been charged, although he had been publicly accused of endangering the security of the state. Amnesty International's requests for information about the detainees, and appeals for them to be charged or released, met with no response.



Congo

Amnesty International was concerned about the detention without charge or trial of more than 35 political prisoners, and the use of the death penalty.

Throughout 1981 Amnesty International appealed to the government to either bring to trial or release former head of state Joachim Yhombi-Opango, who was ousted in February 1979, and

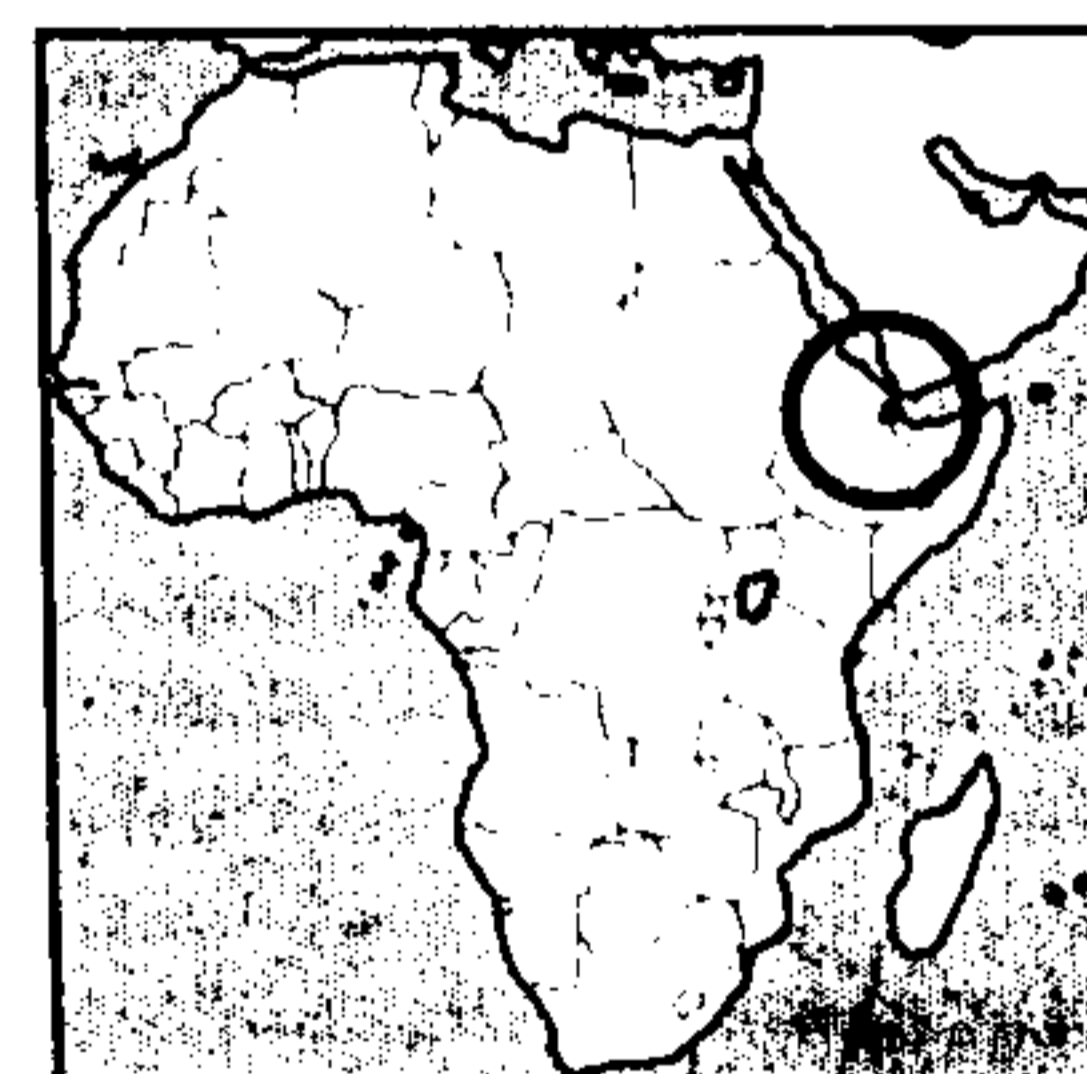
three of his associates. They had been detained without charge since March 1979.

In July 1981 Amnesty International renewed its appeals on behalf of more than 30 Angolan refugees detained without charge or trial since the beginning of 1977. The detainees had all come from Angola's Cabinda province and sought refuge in Congo. In January 1977 guerrillas belonging to the *Frente de Libertação do Enclave de Cabinda* (FLEC), Cabinda Enclave Liberation Front, had attacked a railway linking Dolisie and Pointe-Noire, some 30 kilometres from Congo's border with Cabinda. More than 100 Cabindans were subsequently interned in Congo. They were not believed to include the guerrillas responsible for the attack.

In May 1981 about 34 of these detainees were reported to be still

held at an air force base near Pointe-Noire. Others had been released earlier and five had reportedly died in detention. Those still detained included Francisco Pezo Bambi, who arrived in Congo in 1971 and subsequently became a teacher at the "Trois Glorieuses" lycée in Pointe-Noire. Like the other detainees he had not been charged with any criminal offence. From July onwards Amnesty International sent a series of appeals to the Congolese authorities, but no reply had been received by the end of 1981.

In October 1981 Amnesty International appealed to President Sassou-Nguesso to commute the death sentences on six people whose appeals had been rejected by the Supreme Court. All six were believed to have been convicted of murder. Amnesty International did not learn whether the death sentences were commuted or whether any of the prisoners were executed. In November 1981 it was reported that the Congolese authorities had agreed to extradite a Zaïrian who had been condemned to death in Kinshasa in January 1980. He had escaped from prison in Zaïre to Congo shortly before he was scheduled to be executed in March 1981. It was not known whether he was executed upon being returned to Zaïre.

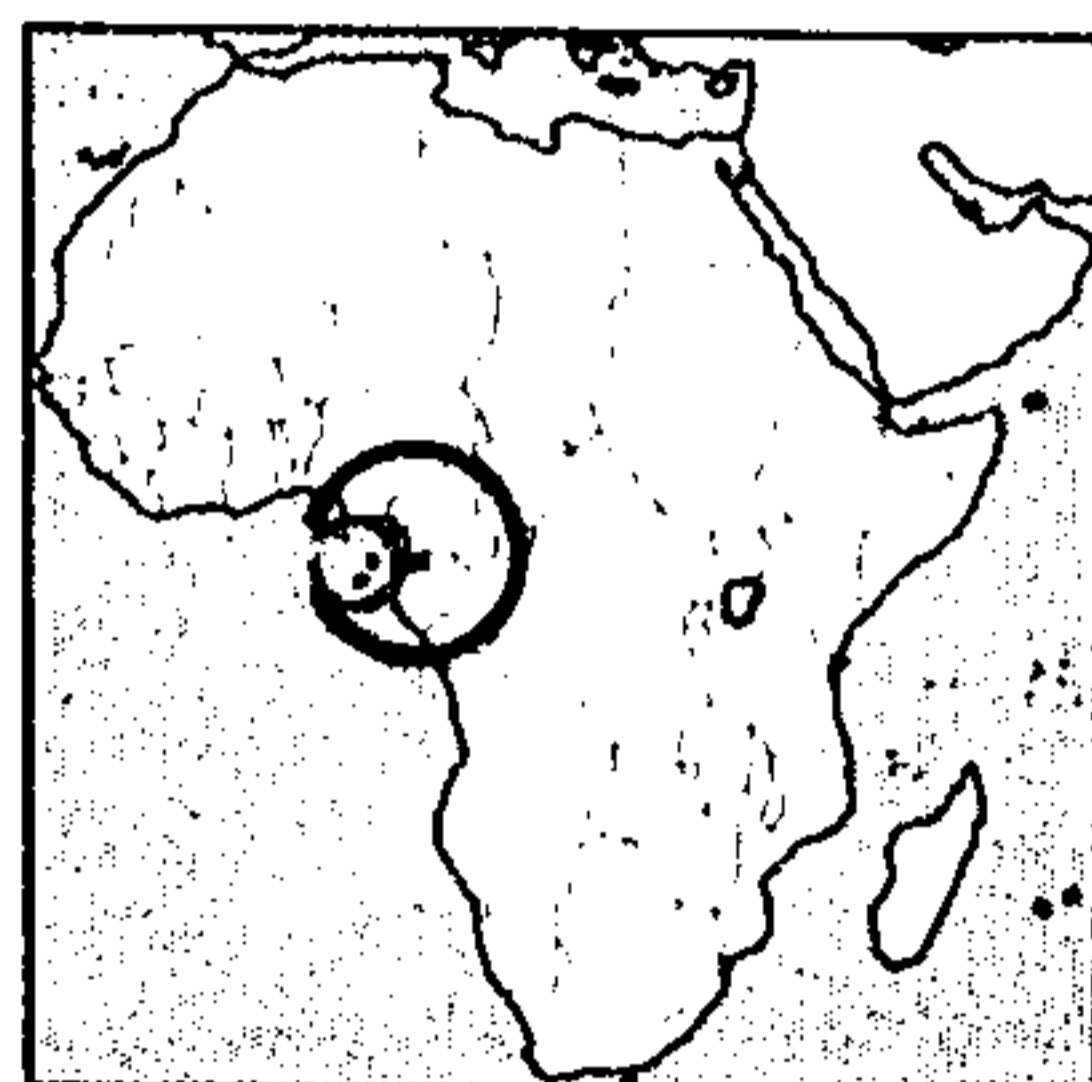


Djibouti

Amnesty International was concerned by the detention in September 1981 of all 13 members of the executive committee of the newly-formed *Parti populaire djiboutien* (PPD), the Djibouti People's Party, which had sought registration as a legal opposition party in August 1981. They were arrested on 7 September after the PPD published its

first bulletin. Those detained included six members of parliament. Among them were two former prime ministers — Ahmed Dini Ahmed and Abdallah Mohamed Kamil — and Mohamed Houmed Mohamed "Souleh", who had been detained and tortured in 1979 after denouncing in the National Assembly the use of torture by the security forces. The President publicly accused them of subversion and anti-state activities, but they were not formally charged. They were held in custody (*garde à vue*) for longer than the 10 days allowed by law, without reference to the courts. They were detained incommunicado in remote military outposts. Amnesty International appealed for their release as prisoners of conscience.

On 19 October 1981 the constitution was amended by the National Assembly to make the ruling *Rassemblement populaire pour le progrès* (RPP), the People's Movement for Progress, the only legal party. This made the PPD illegal. On 25 October 1981 six of the detained PPD members, including Abdallah Mohamed Kamil, were released.



Equatorial Guinea

Amnesty International was concerned about detention without charge, unfair conduct of political trials, and the death penalty.

In April 1981 the head of state, Lieutenant-Colonel Obiang Nguema Mbasogo, announced that a conspiracy to overthrow the government had been discovered. More than 150 people were

arrested including several former government ministers. The government alleged that the conspiracy had been led by Andrés Moisés Mba Ada, a businessman who had left the country shortly before.

In early May, following reports that the detainees were held incommunicado and had not been charged, Amnesty International asked the government for information. It later requested an assurance that they were being well treated. In mid-May the authorities announced that many detainees had already been released, but that about 15 accused of conspiracy against the government would be put on trial.

However, when the trial opened on 8 June, a total of some 70 people, civilians as well as soldiers, appeared before a military court in Malabo charged with offences against the security of the state. The President of the military court was Commander Eulogio Oyo Riqueza, the country's Second Vice-President. The hearings lasted five days. At the end of the trial 30 defendants were acquitted and released: those set free were reported to include former government ministers Pedro Ekong Andeme and Angel Masie Ntutumu.

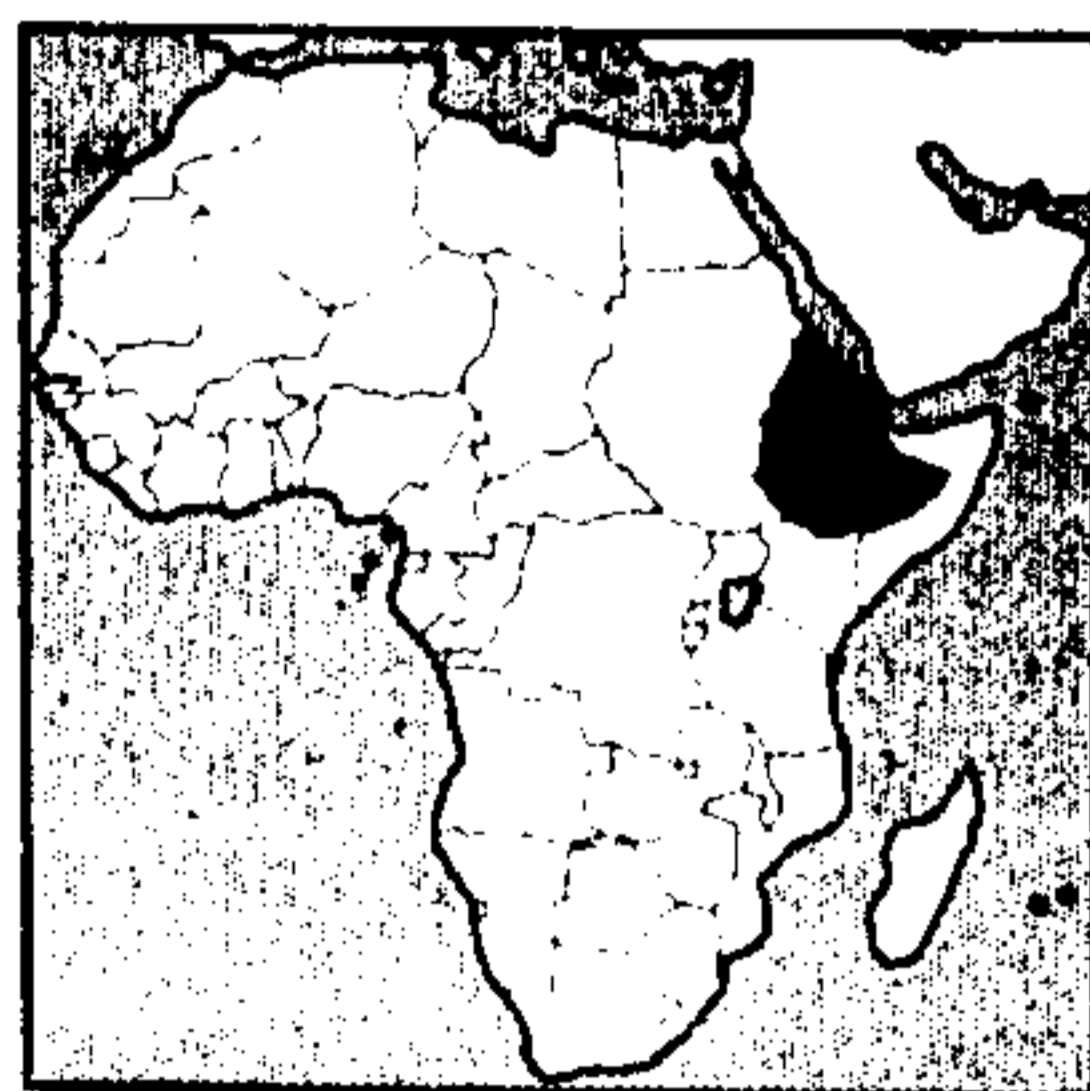
The military court convicted 42 people. Damián Owono Mituy, a soldier, was condemned to death for serving as a channel to bribe military officials and civil servants. He was executed by firing-squad soon after the trial, without the opportunity to appeal. Eleven others were convicted on charges of corruption and endangering national

reconstruction and were sentenced to 30 years' imprisonment. Andrés Moisés Mba Ada was convicted in his absence of embezzling public funds and of destabilizing the state: he was sentenced to 20 years' imprisonment. Twenty-nine others were convicted of complicity in the plot to overthrow the government and sentenced to six months' imprisonment. Much of the evidence produced at the trial to prove that there had been a conspiracy to overthrow the government was insubstantial. Opposition sources subsequently claimed that the alleged conspiracy had been invented by the government as a pretext to arrest its opponents.

Before the trial began Amnesty International made several unsuccessful attempts to obtain from the government the names of the accused and the details of the charges against them. The government responded by inviting an Amnesty International representative to the trial, but, in spite of repeated requests, failed to inform Amnesty International of the names of the defendants and the charges against them. As a result Amnesty International did not send an observer to the trial. After learning that one of the defendants had been sentenced to death and executed, Amnesty International appealed to the head of state to commute any further death sentences that might be imposed.

In August 1981 the head of state announced a partial amnesty for convicted political prisoners to mark the second anniversary of his accession to power. The 29 prisoners who had been given six-month sentences in June 1981 were all released. Also freed were two former senior officials and two soldiers who had been convicted in September 1979 of crimes including murder and burning villages.

In September 1981 the formation of a new opposition party was announced in Paris by Daniel Oyono Mba, a former minister under President Masie Nguema. The new party was called the *Bloque Unico de las Fuerzas Democráticas Guineanas*, Single Block of Guinean Democratic Forces. Within a few days about 20 people were arrested in Malabo and accused of conspiring against the security of the state, on account of their links with the new party. The government later claimed that the detainees had all been released within a few days, except for Luis Oyono, the brother of the leader of the new party.



Ethiopia

Amnesty International's concerns were the detention without trial of political prisoners, the government's failure to account for "disappeared" prisoners, torture, extra-legal executions and harsh prison conditions.

Armed conflict continued in Eritrea, Tigre, the Ogaden and parts of the Oromo-populated areas in the south and west. Civilians in these regions, Eritrea in particular, suffered greatly. Others fled to other parts of Ethiopia or neighbouring countries.

Political arrests continued in Addis Ababa and other parts of the country of alleged supporters of the armed opposition movements, and others categorized as "counter-revolutionaries".

From about June 1981 members of the Ethiopian Evangelical Mekane Yesus Church (EEMYC), part of the Lutheran World Federation, with some half a million members mostly of Oromo origin, were the target of harassment and persecution. In the western province of Wollega church workers were arrested, churches closed and worship restricted. The EEMYC headquarters in Addis Ababa was expropriated by the government on 16 November 1981. Many more EEMYC workers in Wollega, some of whom were allegedly killed, were arrested later in the year. Underlying this persecution, occasionally directed also at other smaller Protestant churches in the same areas, was a pattern of harassment or arrest of Oromos in different parts of Ethiopia on suspicion of supporting the Oromo Liberation Front (OLF).

The Beta Israel community of about 28,000 members in Gondar province, known also as "Falashas" or Ethiopian Jews, was also the target of persecution. From mid-1981 many members of the community were arrested as "counter-revolutionaries" for practising their religion, community schools were closed and members dismissed from local government employment. Some of those arrested were alleged to have been tortured.

The number of political prisoners arrested in previous years and still detained in 1981 was difficult to determine. The government published no information on numbers or names of political prisoners. About 150 to 200 prisoners arrested during the revolution in 1974 were still detained without trial, and some thousands of others arrested between 1975 and 1980 were believed to be still held without charge or trial in 1981. They included members of the former imperial government, members of "nationalities" or ethnic groups associated

with armed opposition movements, and alleged supporters of banned opposition groups such as the Ethiopian People's Revolutionary Party (EPRP) or the All-Ethiopia Socialist Movement (*Me'isone*).

The Provisional Military Administrative Council (PMAC) released 549 prisoners between 5 and 14 September to mark the seventh anniversary of the 1974 revolution. Possibly a third were political detainees. Some other long-term political prisoners had been released earlier, but hopes of a more general amnesty for political prisoners were unfulfilled. This was, however, the largest and most publicized amnesty since the revolution. Amnesty International cabled the PMAC Chairman, Lieutenant Colonel Mengistu Haile Mariam, welcoming the releases and calling for a general amnesty for all political prisoners.

A government official stated that the prisoners had been released "after careful scrutiny of the charges against them", if their attitudes and behaviour were "compatible with the building of a new system undertaken by revolutionary Ethiopia". The cases of many detainees, who were mostly held without legal formality, were apparently examined by a review committee of officials of the Ministries of Justice and Public Security, the police, the prison administration and the Central Investigatory Organ (which examines the cases of all political prisoners).

Among those released were prominent members of the overthrown government of Emperor Haile Selassie, such as Berhane Meskal Wolde Selassie, Minister in the Imperial Court and Habte Selassie Tafesse, Minister of Tourism, both detained in 1974; Ermias Kebede, Administrator-General of the Ethiopian Orthodox Church, and Bishop Paulos, detained in 1976; Tafarra Degueffe and Debebe Habte Yohannes, bank officials detained in 1976; Bahru Zewde, a university lecturer detained in 1976 (released in August 1981); and about 60 army and air force officers (many of them Eritreans) detained in 1975. The officers had earlier gone on hunger-strike demanding to be charged and tried or released.

Amnesty International was concerned about the continued failure of the authorities to clarify the "disappearance" in prison in 1979 of several long-term political detainees, including Haile Fida, former chairman of the central committee of the All-Ethiopia Socialist Movement (*Me'isone*). Their whereabouts were still unknown at the end of 1981. The fate of the Reverend Gudina Tumsa was also unclear. He was believed to have been abducted in July 1979 by unidentified gunmen presumed to be government security officers. However, the government claimed in 1981 that he had not been arrested and was not detained under its jurisdiction, and that he had joined the Oromo Liberation Front. Amnesty International submitted

information on 16 cases of "disappearance" in Ethiopia to the United Nations Working Group on Enforced or Involuntary Disappearances.

Prison conditions for political prisoners also gave considerable cause for concern although treatment varied considerably. Some women from the imperial family arrested in 1975 and other women prisoners were detained in a former clinic in Alem Bekagne Prison in Addis Ababa. They received food, clothing and other basic necessities from relatives, and could exchange brief censored letters with them, although they were only allowed family visits once or twice a year. Some suffered from illnesses caused or exacerbated by their conditions and prolonged detention. They usually had access to medical attention but Rebecca Asrate was reportedly denied proper treatment for a severe skin complaint. Among other prisoners held separately in Alem Bekagne Prison were three grandsons of the late Emperor and three sons of the executed Ras Asrate Kassa, as well as many political detainees arrested since 1975, including Tsehai Tolessa, wife of the Reverend Gudina Tumsa, detained in early 1980.

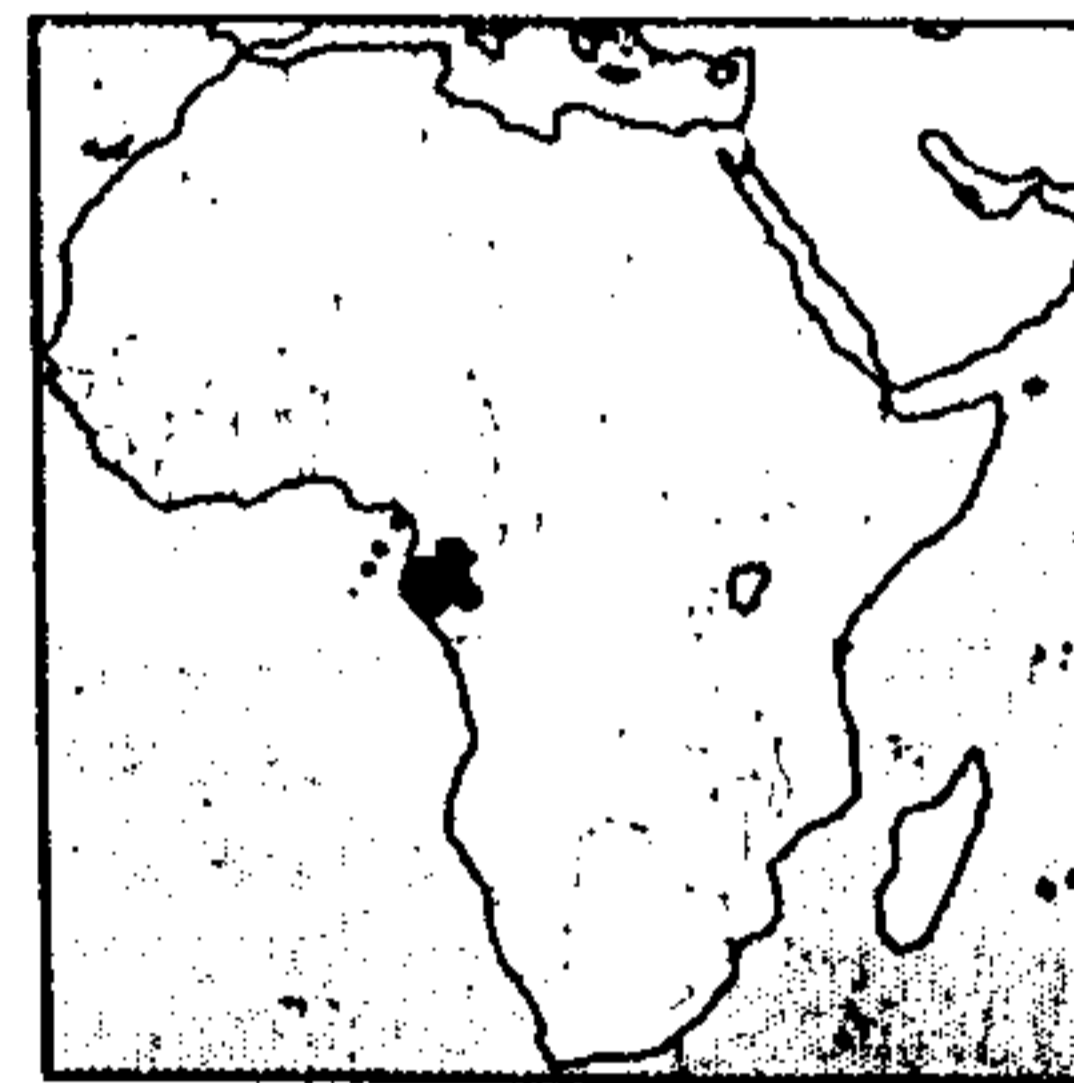
Members of the deposed imperial government and other former prominent officials detained in 1974 suffered harsher prison conditions. They were held in the cellars of the former Menelik Palace ("Old Guebe"), the PMAC headquarters, and were only allowed a short period in the open air each day. Among these 150 to 200 prisoners, some over 70 years old, were Germatchew Tekle Hawariat, former Crown Counsellor, Haile Mariam Workneh, Dean of Holy Trinity Cathedral, and former government ministers Seyoum Haregot, Mamo Tadesse and Ketema Yifru. Also believed to be held there, but not underground, were Zegeye Asfaw, former Minister of Justice, Abba-Biyya Abba-Jobbir, a Supreme Court judge, and Gezahegne Kassahun, a trade union leader, all detained in February 1980.

The "third police station", headquarters of the Central Revolutionary Investigation Department, was the main prison to which political prisoners were taken after arrest by the security forces or urban-dwellers' association (*kebelle*) defence guards. Torture during interrogation was reportedly common. Prisoners were held incommunicado, with little food, and in dirty overcrowded cells. Amnesty International received reports that some had been killed and their bodies secretly disposed of outside the prison.

The military police headquarters in Addis Ababa was reserved for "hard core" political prisoners. Prisoners were held — often for long periods — in solitary confinement and incommunicado, in small concrete cells without windows or furniture. Torture was reportedly routine.

Amnesty International intervened several times during 1981 on behalf of Ethiopian students threatened with being forcibly returned

to Ethiopia from a number of countries, mainly the USSR, Bulgaria, Hungary and Czechoslovakia. Amnesty International believed that they risked being arrested on arrival because of their political opinions or activities against the Ethiopian Government. Amnesty International was also investigating reports that a number of refugees who had fled to Djibouti in July 1981 were returned to Ethiopia at the border by the Djibouti authorities.



Gabon

Amnesty International was concerned about legislative changes introduced by the government to suppress political opposition, and about mass arrests in December 1981.

In February 1981 the government approved changes in the law introducing heavier penalties for people convicted of criticizing the head of state or senior government officials. This followed the arrest and expulsion of a teacher of Beninese nationality suspected of criticizing President Omar Bongo in an unpublished article. In March President Bongo publicly demanded new measures to prevent the circulation of leaflets and other "rumour-mongering". A new Ministry of Security was created in April 1981 which was also given responsibility for combating violent crime.

The government created a special emergency court (*tribunal d'exception*) at the end of May 1981 to try people charged with offences against public order. This followed violent demonstrations in Libreville, the capital, and in Port-Gentil. They were sparked off by incidents at a football match on 20 May 1981 in neighbouring Cameroon, during which members of a Gabonese team had been injured. The demonstrators attacked and injured a number of Cameroonian citizens living in Gabon, killing at least two. However, the number of people who were charged and tried by the special court was not known. Amnesty International sought information about the proceedings of this court to assess whether they were in accordance with internationally recognized standards.

Sami Gaston Ngosso, a Cameroonian journalist visiting Gabon, was arrested on 10 June 1981 soon after he arrived in Libreville, and detained without charge for three days. During this time he was held

incommunicado and not given any food to eat. He was eventually released without being told why he had been arrested and was expelled from Gabon.

In September 1981 President Bongo publicly claimed that there was not a single political prisoner in Gabon. Later in the year, however, more than 100 people were arrested for political reasons. It was reported that during November 1981 leaflets criticizing the government were circulated around the Omar Bongo University campus in Libreville. On 28 November seven officials or former officials were arrested, including Jules Mba, a former ambassador, and Jérôme Nguimbi, a former member of the National Assembly. The precise charges against them were not made public, but they were later accused by government officials of preparing leaflets which advocated new political parties and of disrupting public order. President Bongo also claimed that they had prepared a 17-page document criticizing his government which was intended for submission to the French Government. They were apparently suspected of links with an illegal opposition group, the *Mouvement de redressement national* (MORENA), Movement for National Recovery. This challenged the one-party state and the position of the ruling party, the *Parti démocratique gabonais* (PDG), Gabonese Democratic Party.

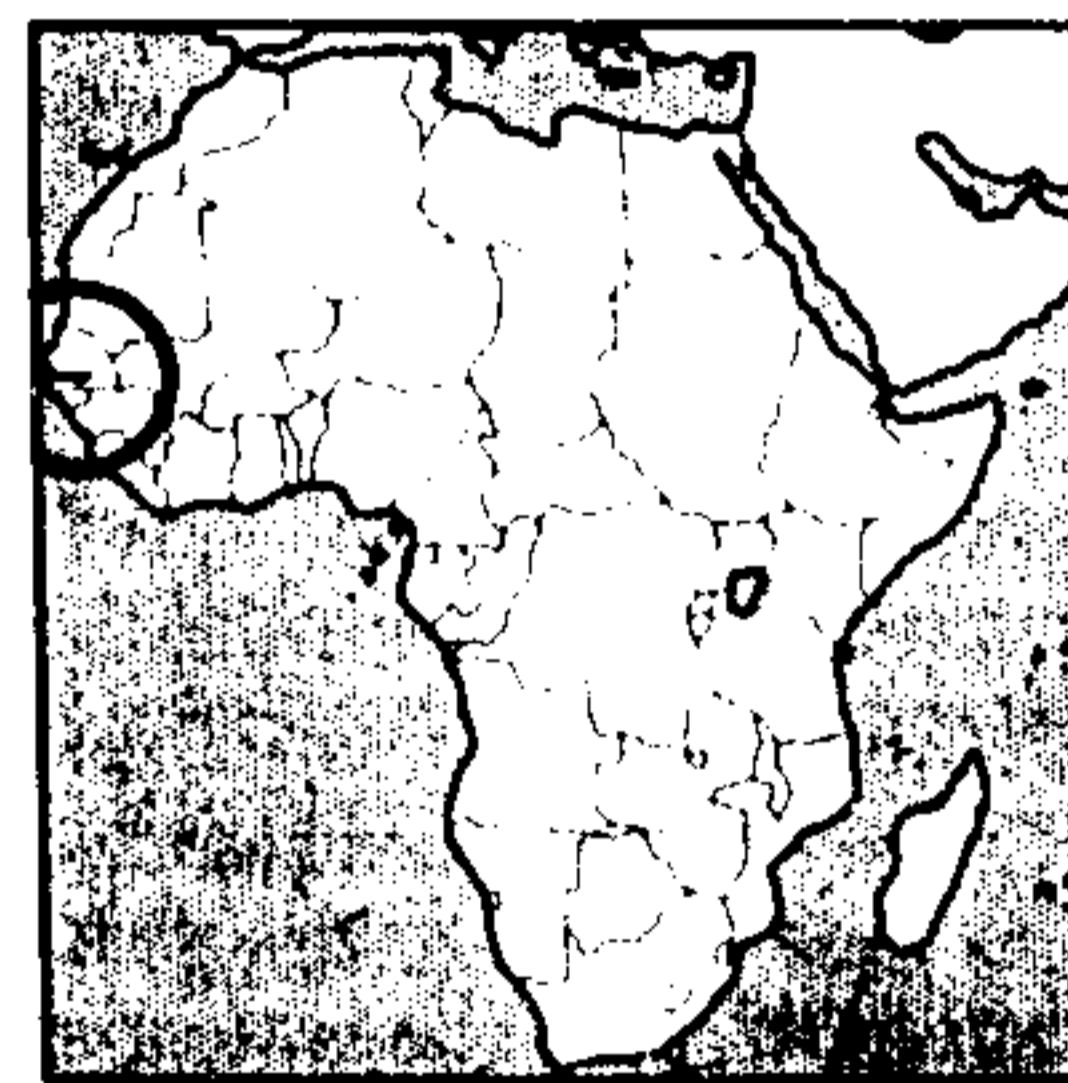
On 1 December 1981 a large number of demonstrators gathered at Libreville's central bus and lorry terminal (*gare routière*). The demonstrators carried posters and handed out leaflets calling for the resignation of the government, the formation of a new political party in addition to the PDG, and the release of the seven arrested on 28 November. They also protested against the rising cost of living.

After the demonstration a large number of demonstrators and suspected sympathizers were arrested. Unofficial reports suggested that more than 200 people had been arrested although a government minister later claimed that only about 10 people were in custody. Among those detained were teachers, government officials and professionals, including employees of the state airline, Air Gabon. They also included the Rector of the Omar Bongo University, Jean-Pierre Nzoghe Nguema. He was later accused of writing a critical letter to President Bongo and of promoting tribalism by appointing members of his own ethnic group, the Fang, to positions in the university.

Soon after the arrests Amnesty International inquired about the reasons and sought assurances that the detainees were being treated in accordance with internationally recognized standards. They were reported to be held incommunicado at various detention centres controlled by the security services, such as the Presidential Guard; the *Centre de documentation* (CEDOC), Documentation Centre; the

Direction de contre-ingérence et de la sécurité militaire (DCISM), Directorate for Counter Intelligence and Military Security; and the *Brigade de recherches* (Research Brigade), part of the National Gendarmerie. In past years political detainees held by these units were reported to have been tortured.

Several weeks after the arrests more than 20 detainees were still being held without their cases being referred to the courts, contrary to the code of penal procedure. Amnesty International expressed its concern to President Bongo and called for the detainees to be charged or released without delay. It also urged the President to ensure that detainees had access to relatives and lawyers. However, at the end of 1981 Amnesty International received reports that the detainees were still being held incommunicado and that some had been badly beaten. For example, Victor Nguimbi, an Air Gabon employee who had carried a banner at the demonstration on 1 December 1981, was said to be seriously ill after being repeatedly beaten.



Gambia

The trial of six members of a political group called the Movement for Justice in Africa (MOJA), which opened in November 1980, continued through the first six months of 1981. They were charged with "managing an unlawful society" and "possessing firearms and ammunition". All had been arrested on 31 October 1980, some 48 hours after the

authorities had declared MOJA and the Gambia Socialist Revolutionary Party (GSRP) to be "unlawful societies". This followed the killing of the Deputy Commander of the Field Forces, the Gambia's army, and official announcements that Libyan agents had been involved in an attempt to overthrow the government. On 4 April 1981 the Magistrate's Court ruled that four of the accused had no case to answer and should be released. The court continued proceedings against the two remaining defendants — Koro Tijan Sallah and Fakebba Juwara — and on 10 July 1981 found them guilty of "managing an unlawful society". After paying a fine they were released. An appeal was lodged.

Amnesty International expressed concern that the charges against the six accused might relate to their activities as members of MOJA

before it was banned, activities which were then lawful. An Amnesty International observer attended the trial in late December 1980 and early January 1981. He concluded that the trial had been conducted fairly. However, the magistrate's ruling of 10 July was not available in 1981. Without it, it was not possible to determine whether the charge had been applied retroactively.

On 30 July 1981, while President Jawara was out of the country, an armed rebellion took place and most of the capital was seized by insurgents. A new 12-person government, calling itself the National Revolutionary Council, was formed under Kukli Samba Sanyang. He announced that a "dictatorship of the proletariat" would be created in the Gambia. President Jawara declared that a "foreign power" was behind the rebellion and called upon neighbouring Senegal to intervene. Senegalese troops were dispatched to the Gambia and quickly encircled Banjul and the rebel headquarters in Bakau. In response, the rebels threatened to kill 34 hostages, including President Jawara's wife and children and several government ministers. The rebels also freed a large number of prisoners, perhaps as many as 100, held in Banjul's Mile Two prison and provided them with arms. There was widespread looting in Banjul, and the rebels and former prisoners were reported to have shot and killed large numbers of people, perhaps as many as several hundred. By 5 August the remaining pockets of resistance were overwhelmed by the Senegalese troops and all of the hostages freed. Kukli Samba Sanyang and nine other rebels were reported to have fled to Guinea Bissau. The final death toll, from killings during the rebellion and the military action to suppress it, was estimated at between 500 and 2,000.

A state of emergency was declared. Wide powers of search, arrest and detention of individuals "suspected of having participated, aided or abetted in the rebellion" were given to the police and to the Senegalese forces. A curfew was imposed and all meetings and processions banned. One week after the end of the rebellion 83 people had been arrested. This figure increased to 814 by mid-September 1981 and to over 1,000 by the end of the year. Most of the detainees were held at the Field Force depot and primary school in Bakau, although about 100 were moved to Mile Two prison in Banjul in September 1981. Amongst those arrested were some 100 soldiers of the Gambian Field Forces, several hundred people arrested for looting and other criminal offences, and members of both the official and the banned opposition. Several senior members of the National Congress Party (NCP), including its leader Sherrif Dibba, were arrested, as were reported sympathizers with the MOJA. A tribunal of preliminary investigation, known as the Review Tribunal, was established in mid-August 1981 consisting of a chairperson and five

members, appointed by the government. According to official sources its function was to "make recommendations to the President as to who should continue to be detained and who should not . . ." and all individuals appearing before it would be "free to exercise their right to legal counsel of their choice . . .". According to the Gambia's 1970 Constitution, detainees arrested during a state of emergency should be brought before "an independent and impartial tribunal" within one month of being detained, and thereafter at six-monthly intervals. Reports received by Amnesty International indicated that a large number of those who appeared before the Review Tribunal did so without defence counsel. There appeared to have been too few defence lawyers available to handle the large number of cases and, in the absence of government-sponsored legal aid, many detainees might have been unable to afford lawyers' fees. By the end of the year the tribunal had reportedly investigated the cases of some 400 individuals.

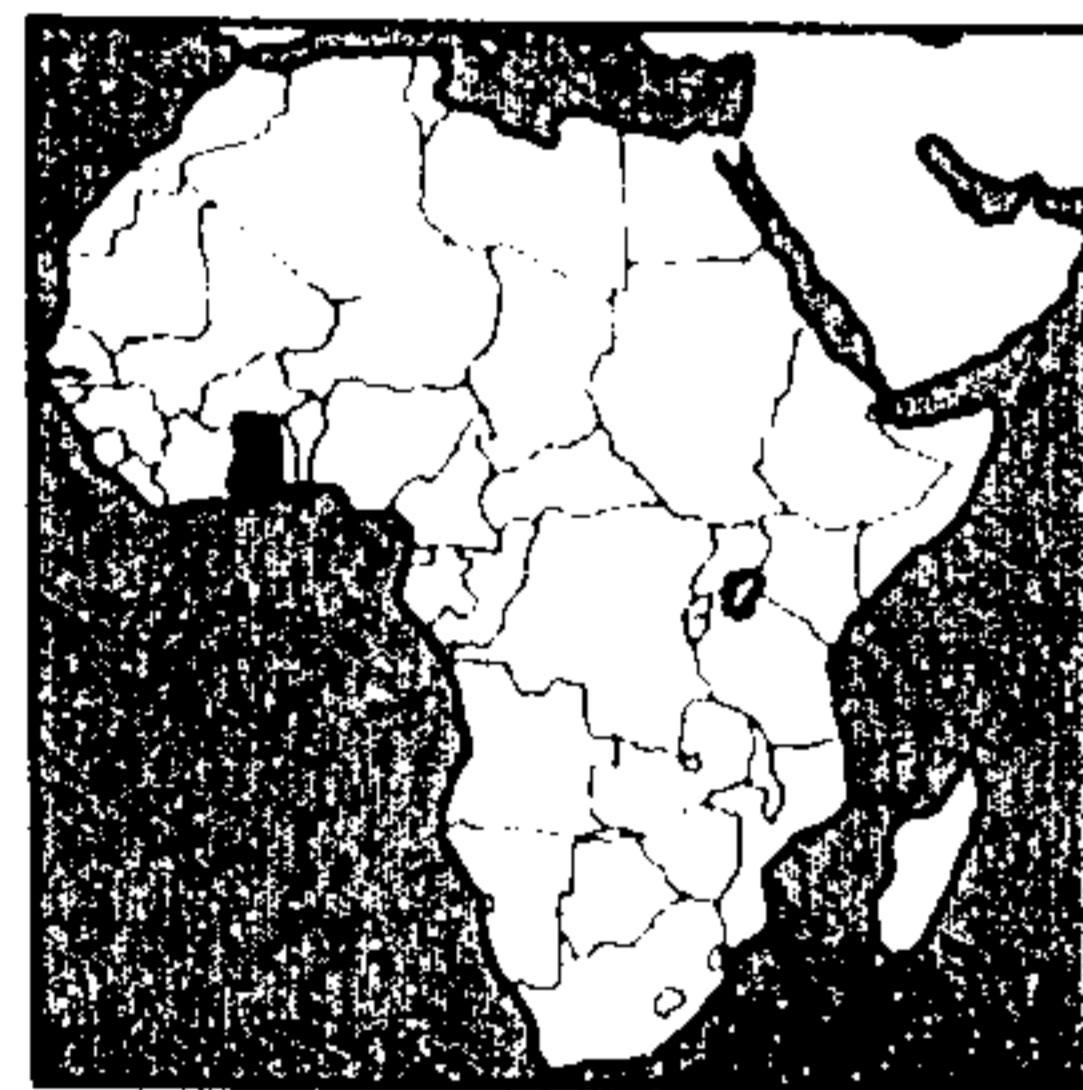
In late August 1981 Amnesty International expressed its concern to the authorities about reports that a number of detainees arrested at the time of the rebellion, probably between 10 and 20, had died of suffocation earlier that month in Banjul's police station, which did not fall to the rebels. Among those reported dead were Femi Djeng, a well-known journalist with Radio Gambia, and Nyanga Sallah, brother of Koro Tijan Sallah. Concern was also expressed at reports that detainees in Bakau were being refused visits from families, and that some had no defence counsel at their hearing before the Review Tribunal. The authorities replied that there was no substance to these reports, and gave assurances that all detainees were being "treated in accordance with the law and established principles of human rights".

On 25 September 1981 it was announced that five courts would be created, as a special division of the Supreme Court, to try those detainees whom the authorities wished to prosecute. The government also announced that the judges and prosecuting attorneys for these courts were to be recruited from four Commonwealth countries (Sierra Leone, Ghana, Nigeria and Sri Lanka) to ensure the "objectivity" of the proceedings. The first of these courts began its hearings on 18 November 1981. On 21 December 1981 Tapha Camara, Mbemba Camara, Simon Talibo Saneh, Mamadou Banda, Aliou Salla, Mamadou Sonko and Mass Corr were convicted of high treason and conspiracy and were sentenced to death. Mbemba Camara was also convicted of murder. The accused were assisted by defence lawyers during the trial. They all lodged appeals against their convictions and sentences which had not begun by the end of 1981.

Amnesty International was concerned by reports that conditions of imprisonment, particularly at the Field Force depot in Bakau, were harsh. Detainees were reported to be held in overcrowded rooms, with

poor sanitation and hygiene; food was inadequate. Although many detainees were reportedly beaten and ill-treated during August, these practices were apparently stopped. Visits by relatives and friends were allowed at the Field Force depot, although with occasional restrictions. Some detainees, including NCP leader Sherrif Dibba, were reportedly being held in total isolation in Mile Two prison.

On 30 September 1981 Mustapha Danso was executed by firing-squad. In December 1980 he had been convicted of murdering the Deputy Commander of the Field Force, and sentenced to death. Although he was granted the right to appeal, no proceedings had taken place before the July 1981 rebellion, during which he was released from Mile Two prison by the rebels. It was reported that Mustapha Danso murdered several people in the days following his release. The 30 September execution was the first reported in the Gambia since independence in 1965.



Ghana

Amnesty International was mainly concerned about the continued imprisonment of people arrested after the 1979 coup who were not given a fair trial.

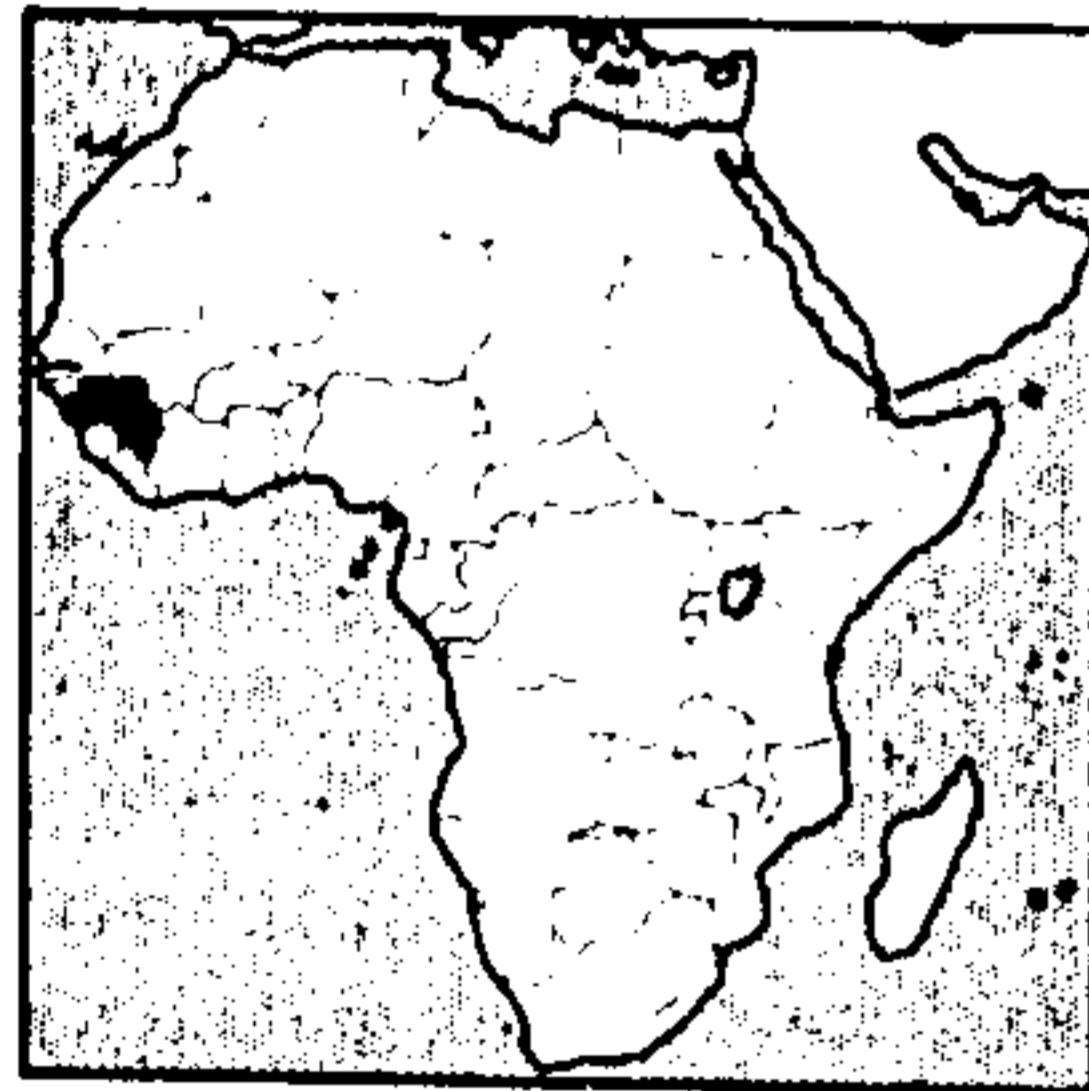
Throughout 1981 prisoners convicted of "economic crimes" during the rule of the Armed Forces Revolutionary Council (AFRC), between June and September 1979, tried to get their sentences revoked by the courts (see *Amnesty International Report 1980*). *Habeas corpus* applications submitted by at least 27 prisoners, who had received sentences of between five and 95 years' imprisonment after hurried trials without defence counsel, were referred to the Supreme Court by Accra's High Court in September 1980. Also before the Supreme Court was a writ submitted by B.S.K. Kwakye, former Inspector General of Police. He asked the court to state that his 25-year prison sentence, imposed in his absence by the AFRC, was unlawful. During 1980 and 1981 various high courts had freed a number of individuals sentenced by the AFRC and quashed some prison sentences passed in the absence of the defendants. However, a ruling on whether Ghana's courts were empowered to reverse AFRC decisions was still awaited. Some 30 individuals sentenced by the AFRC and its courts remained in prison, and sentences passed in

their absence were in force against more than 60 others. Debate in political and judicial circles centred on the interpretation of Article 15(2) of the "Transitional Provisions" of Ghana's 1979 Constitution. This forbade the courts to grant "any remedy or relief" in respect of any "executive, legislative or judicial action taken or purported to have been taken by the AFRC". In mid-November 1981 the Supreme Court rejected the writ submitted by B.S.K. Kwakye, and ruled that it had no power to intervene in "judicial or purported judicial" actions taken by AFRC courts. The government swiftly ordered the rearrest of all those sentenced by the AFRC and its courts who had been released since the return to civilian rule in September 1979. No information was available to Amnesty International about the number of arrests.

In August 1981 the Accra High Court refused to issue an injunction to bar Ghana's Military Intelligence from following Captain Kojo Tsikata, a close associate of former AFRC leader Flight-Lieutenant Jerry Rawlings. Captain Tsikata had claimed that beatings allegedly suffered during interrogation by Military Intelligence officers constituted inhuman treatment and that his continuous surveillance by Military Intelligence constituted "unlawful interference in his human, constitutional and civil rights".

In late March 1981 Amnesty International appealed for the commutation of death sentences imposed on Harouna Osmanu and Salifuh Musah, both convicted of murder. It was not known at the end of 1981 whether they had been executed.

On 31 December 1981 the government of President Hilla Limann was overthrown in a military coup led by Flight-Lieutenant Jerry Rawlings, and the Provisional National Defence Council (PNDC) was formed. The constitution was suspended, parliament dissolved and all political activity banned.



Guinea

In late December 1981 an Amnesty International mission visited Guinea. Several meetings were held with government ministers including President Sekou Toure, Dr Sikhe Camara, Minister of Justice, and Sekou Cherif, Minister of the Interior and of Security, at which Amnesty International's concerns regarding Guinea were discussed.

Amnesty International's concerns were the detention without trial of suspected political opponents of the government, the forcible repatriation of refugees, ill-treatment of detainees and poor prison conditions.

The fate of the thousands arrested in 1970, 1971 and 1976 remained unknown and the government continued to withhold all information regarding the fate and whereabouts of political detainees. In late 1980 the last 16 prisoners known to have survived their detention since 1971 and 1976 were released from Boiro camp in the capital, Conakry. Appeals for information regarding the fate of some 200 named detainees were addressed to the authorities in 1981 by families resident outside Guinea and international organizations, but received no response. Amnesty International's mission to Guinea submitted to the authorities a list of some 80 individuals, most of whom were arrested between 1970 and 1976, and asked for information on their fate and whereabouts. The authorities agreed to supply this information to Amnesty International.

Amnesty International continued to seek the release of Camara Senni, nicknamed "la Presse", and Senkoumba Diaby. They were arrested in August 1977 after demonstrations by market women against restrictions on private trading. Both were reportedly accused of organizing the transportation of demonstrators, although they were never tried or sentenced. Amnesty International was investigating the cases of two *gendarmes* (police officers), Keita Mohamed and Camara Himy, who were arrested at the same time and also held without charge or trial. The cases of four individuals arrested in 1979 after the alleged discovery of a plan to dynamite public buildings were also being investigated by Amnesty International. In late 1979 Bah Mahmoud and Diallo Mouctar returned to Guinea and were arrested, as were two alleged accomplices, an Islamic religious leader or *Imam*, Diallo Karamoko Gadiy, and a young herdsman, Bah Boye. At least six other individuals arrested in Boke at the same time were reported to have died in Boiro camp after total deprivation of food and water, known as the "black diet".

Amnesty International was also investigating the cases of individuals arrested after the explosion of a grenade in May 1980 at the *Palais du peuple* (People's Palace). Lieutenant Camara Moussa Bayo, chief of security at the Presidency, and Wilkinson Honoré, director of a state enterprise, were among some 40 people arrested after the explosion who remained in detention without charge or trial throughout 1981. In February 1981 some 100 individuals were arrested. They included members of the presidential guard on duty at the airport in February 1981, as well as trainee pilots and airport staff. As many as 50 of those arrested were reported to have been released by the end of 1981.

The Amnesty International mission submitted to the authorities a list of the 22 detainees on whose behalf it had worked. Officials told the mission delegates that no prisoners of conscience were detained in Guinea, and that all the individuals for whom Amnesty International had appealed had used violence or advocated its use. They also stated that at least two of these prisoners had been released, and that the remainder had been tried, convicted and sentenced. They undertook to provide Amnesty International with detailed information following the mission about the charges against each prisoner on the list and the term of imprisonment imposed.

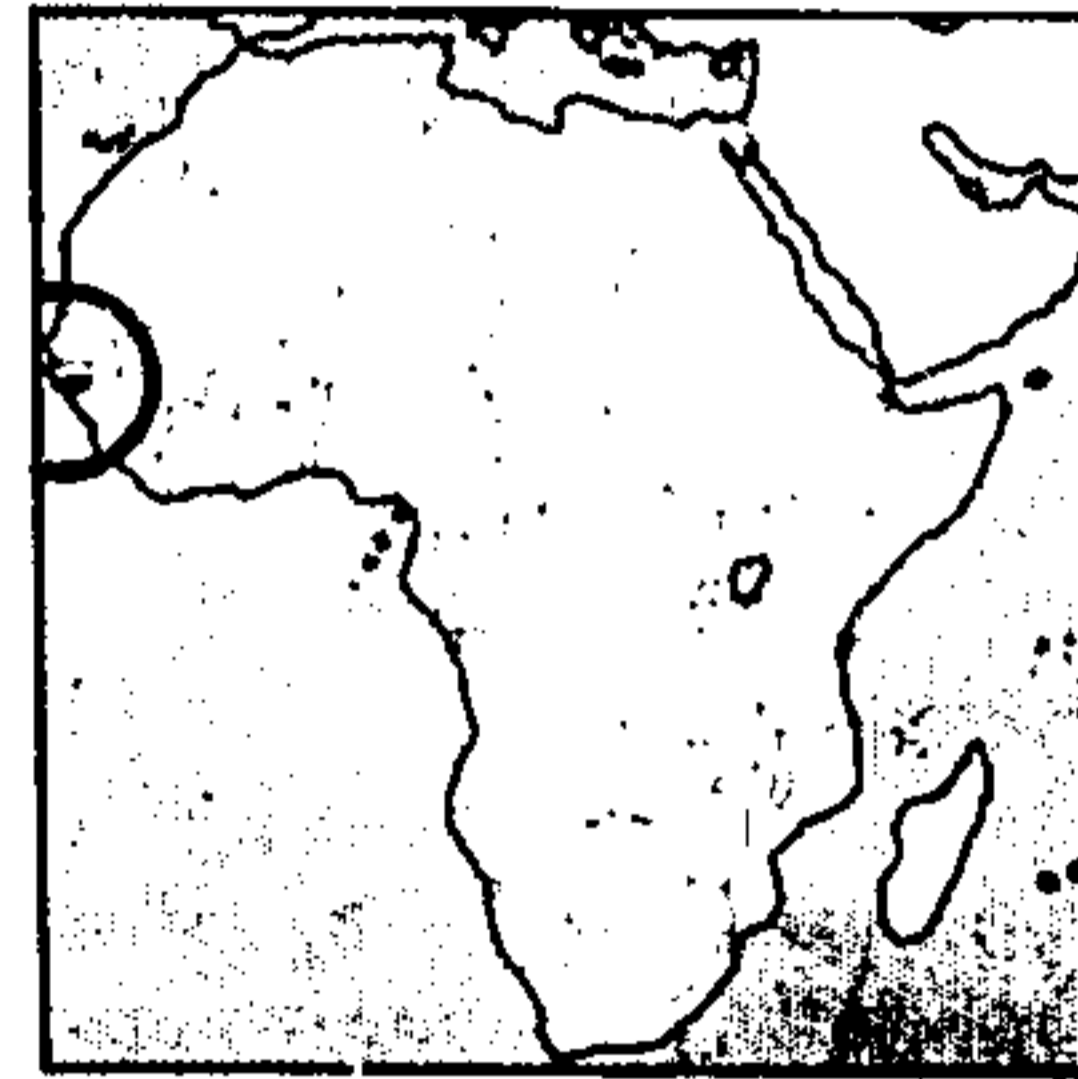
Amnesty International was concerned about the forcible repatriation of Guineans living in neighbouring African countries who were suspected of opposition to the government of President Sekou Toure. The Guinean Government was believed to have obtained the assistance of the Ivory Coast authorities in the forcible and extra-legal repatriation of three Guineans to Conakry in April 1981. On arrival they were detained in Boiro camp and reportedly badly beaten by prison officers. Two were returned to the Ivory Coast in May 1981, but Barry Mouctar remained in detention in Boiro camp, apparently accused of involvement in the May 1980 grenade attack. Before his enforced return to Guinea he had been living in the Ivory Coast for some 16 years. His case was investigated by Amnesty International. The Guinean Government was believed to have had collaboration from the Liberian authorities in the forcible repatriation of at least three Guinean exiles from Liberia in late November. According to several reports an official Guinean aircraft was permitted to land at Monrovia airport to take away the exiles. Among them was Cheik Mohamed Kone, a member of a political group called "Concerned Citizens of the Republic of Guinea", which had called for the end of the one-party system in Guinea in early November 1981.

Amnesty International continued to investigate the cases of students arrested in April 1979 in Kankan, following protests about poor educational facilities and restrictions on freedom of expression.

At least six students were arrested. Between March and May 1980 there were several disturbances in educational establishments in Kindia. Students at the agricultural college went on strike to oppose the appointment of a new rector and some installations were destroyed. Over 100 students were reportedly arrested and taken to Keme Boureïma camp in Kindia. It was not known how many were still detained, nor whether some of those released might have been forcibly conscripted into the army as had happened in the past. In January 1981 seven students were reportedly arrested in Kankan following the appearance of anti-government slogans on walls. All were taken to Keme Boureïma camp and some were reportedly tortured with electric shocks and deprived of food and water for four days. It was not known how many remained in detention at the end of 1981.

Although conditions in Boiro camp had improved since 1978, standards of sanitation, nutrition and medical care remained poor. Amnesty International was concerned by reports that on entry to Boiro camp prisoners were severely beaten and ill-treated by guards. Amnesty International's mission delegates were allowed to visit Boiro camp in December 1981 and to interview five prisoners of their choice: Camara Senni, Senkoumba Diaby, Keita Mohamed, Camara Himy and Bah Mahmoud. The authorities however refused to give Amnesty International access to Boiro camp's prison register, and told the delegates that no information could be supplied regarding deaths in detention.

Amnesty International was concerned that statements made by President Sekou Toure in early 1981 might have given official sanction to summary killings. He was reported to have authorized both nationals and foreigners resident in Guinea to "kill all thieves with any means at their disposal".



Guinea-Bissau

Amnesty International was concerned about detention without trial of officials of the deposed administration of former President Luis Cabral and of suspected political opponents of the government.

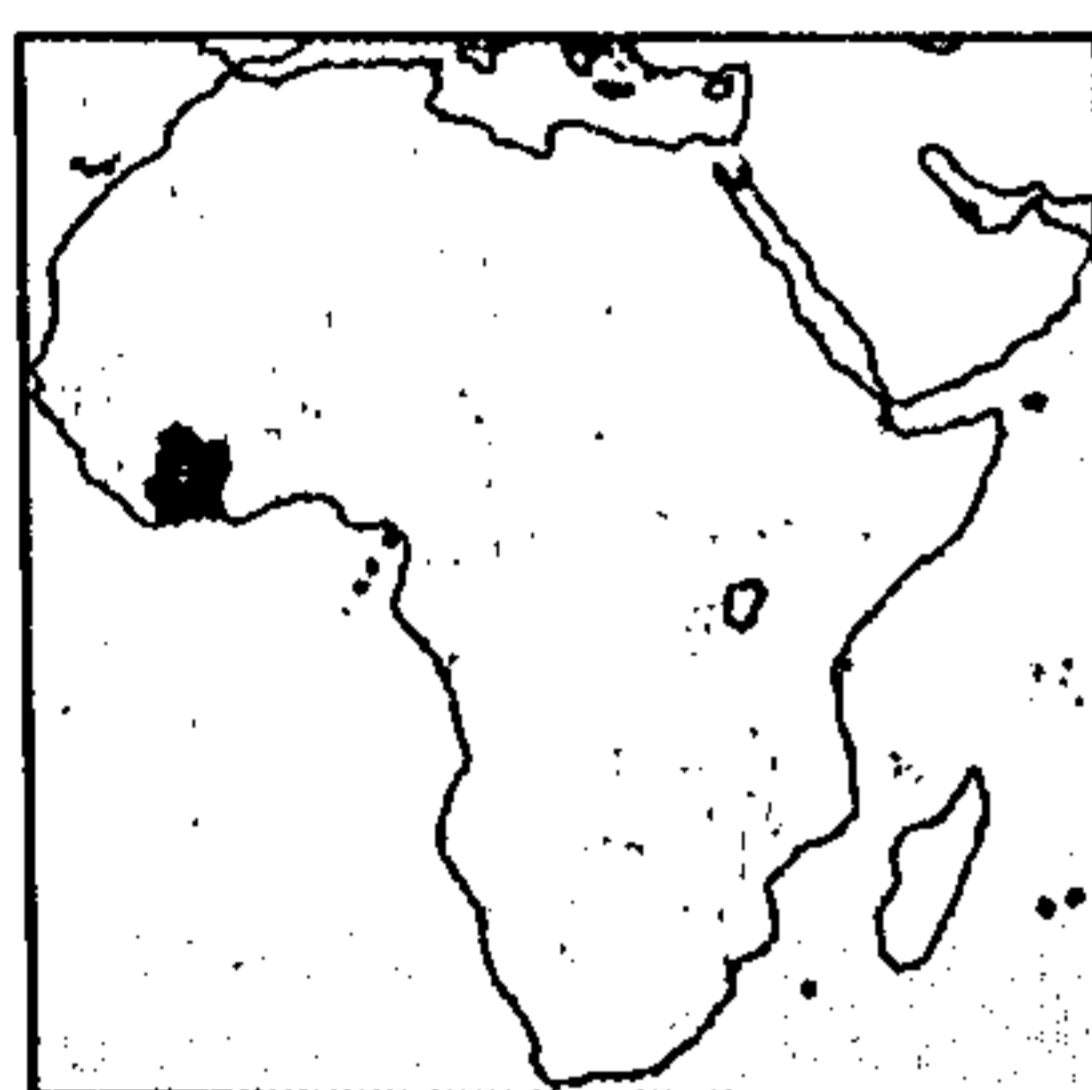
Immediately after the coup on 14 November 1980 led by Major João Bernardo Vieira, Luis Cabral and some 20 former officials of his administration were arrested. The new authorities promptly announced the discovery of mass graves allegedly containing the corpses of as many as 500 people secretly and illegally executed on the orders of the previous government. They also claimed that the previous administration was corrupt and had mismanaged the economy. Conflicting statements were made by the new government as to the judicial position of the arrested officials. They suggested alternately that all would be released or that some would be brought to trial for "monstrous crimes".

In late February 1981 some 200 students were arrested in Bissau, the capital, after demonstrations against proposed educational reforms and the arrest of four other students. All had been released by early March 1981.

In late March 1981 Rafael Barbosa, former President of the *Partido Africano da Independência da Guiné e Cabo Verde* (PAIGC), the African Party for the Independence of Guinea and Cape Verde, the country's sole political party, was arrested with several other people for alleged anti-government activities. He had been released at the time of the November 1980 coup after spending more than five years in prison for alleged treason. In late April and again in July 1981 Amnesty International appealed to the authorities to try or release all the political detainees held in Guinea-Bissau, including Rafael Barbosa and the former senior officials arrested in November 1980. No answer was received.

In mid-November 1981, 12 of the former officials were released on the orders of the Central Committee of the PAIGC. Former President Luis Cabral was released on 31 December 1981 and went into exile. Amnesty International remained concerned about the fate of seven other former officials, including Umaru Djalo, former Minister of Defence, and Constantino Teixeira, former Minister of the Interior, who remained in detention without trial. According to government reports two others died in prison; former Army Chief of Security André Gomes was reported to have committed suicide in prison in

late December 1980, and Lay Seck died in prison in September 1981, reportedly from heart failure.



Ivory Coast

Amnesty International's concerns were detention without trial, the forcible conscription of trade union activists, the forcible repatriation of exiles, and gross ill-treatment of detainees.

Eighteen journalists and technicians at the *Radio-Télévision ivoirienne* (RTI), the national broadcasting agency, and the *Agence ivoirienne de presse* (AIP),

the national press agency, were arrested in December 1980 and then forcibly conscripted into the army and sent to the military camp at Séguéla. About 100 other workers were locked out and threatened with dismissal. Staff at the RTI and AIP had gone on strike in late 1980 for salary increases and improvements in training programs. Conscription in the Ivory Coast was not universally applied, and in this case as in others in the past was used to punish critics of the government. Also arrested in early December 1980 were eight white-collar workers suspected of holding an unofficial union meeting and possessing Marxist literature. They were accused of "subversive activities, threatening the internal and external security of the state, and insulting the President of the Republic". They were not charged or brought to trial. After two months' detention at the *Commissariat central* (central police station) they were held in an underground cell at the headquarters of the *Sûreté nationale* (National Security Agency) in the capital, Abidjan, without access to family or lawyers. In its appeals to the authorities in January and April 1981 Amnesty International called for the immediate release or prompt trial of all these individuals. No answer was received.

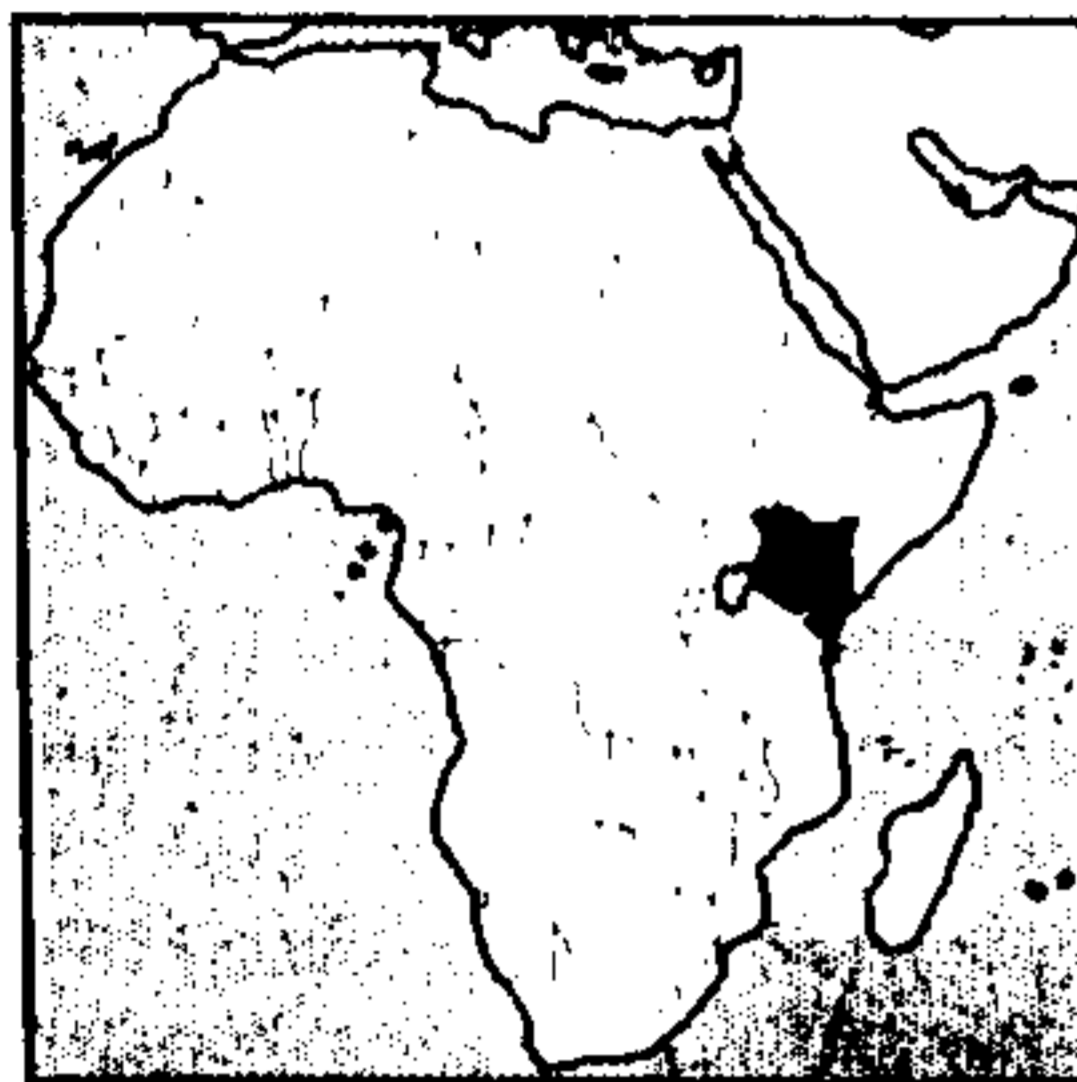
After a public appeal by Amnesty International in mid-May 1981 for their release, Minister of Information Amadou Thiam denied that any prisoners of conscience were held in the Ivory Coast. He stated that only six journalists had been forcibly conscripted and claimed that they were doing military service which was obligatory for all Ivoirians. He also stated that all the trade unionists arrested in December 1980 had been released after 48 hours in custody. In a second public statement Amnesty International reiterated its appeal

for the release of the 18 journalists conscripted for political reasons and of the eight trade unionists detained without trial in Abidjan. In mid-June 1981 a disciplinary commission of the Ministry of Civil Service opened hearings on the case of the journalists and technicians who had been conscripted or locked out. On 4 September 1981 the authorities announced a full pardon and the 18 conscripted journalists and technicians were allowed to return to their jobs in Abidjan. On 23 December 1981 the eight trade unionists who had been held without trial for more than a year were released.

In May 1981 Amnesty International expressed its concern to the Ivorian authorities about the reported *refoulement* (expulsion or forcible return of refugees to territories where their life or freedom would be threatened) of three Guinean exiles in mid-April 1981. They were flown from Abidjan to Conakry (the capital of Guinea), where they were detained. Two of them were returned to the Ivory Coast after three weeks' detention. However, truck driver Barry Mouctar continued to be held without trial in Guinea.

In March 1981, 46 people died of suffocation in a small, badly ventilated cell at the *gendarmerie* (police station) at Agban, a suburb of the capital. Most were Ghanaians, who were among several hundred foreign workers arrested during an operation purportedly to suppress urban crime. Although President Houphouët-Boigny was reported to have condemned these deaths and to have ordered an official inquiry, there were no reports of proceedings being instituted against the *gendarmerie* officials responsible. Amnesty International was concerned by reports that migrant workers from neighbouring west African states, particularly from Upper Volta, had been singled out for arbitrary arrest and ill-treatment in detention. According to reports, migrant workers were systematically and regularly beaten in the *Commissariat central* and the *Ecole de police* (police training school) at Cocody. Conditions were extremely harsh in several detention centres in Abidjan. At the *Commissariat central* detainees were held in overcrowded, insanitary and frequently flooded pens, and were brutally treated by guards. At the *Sûreté nationale* some detainees were held in overcrowded and insanitary conditions in two underground cells, and were denied visits from relatives.

In July 1981 the National Assembly of the Ivory Coast abolished the death penalty for political offences.



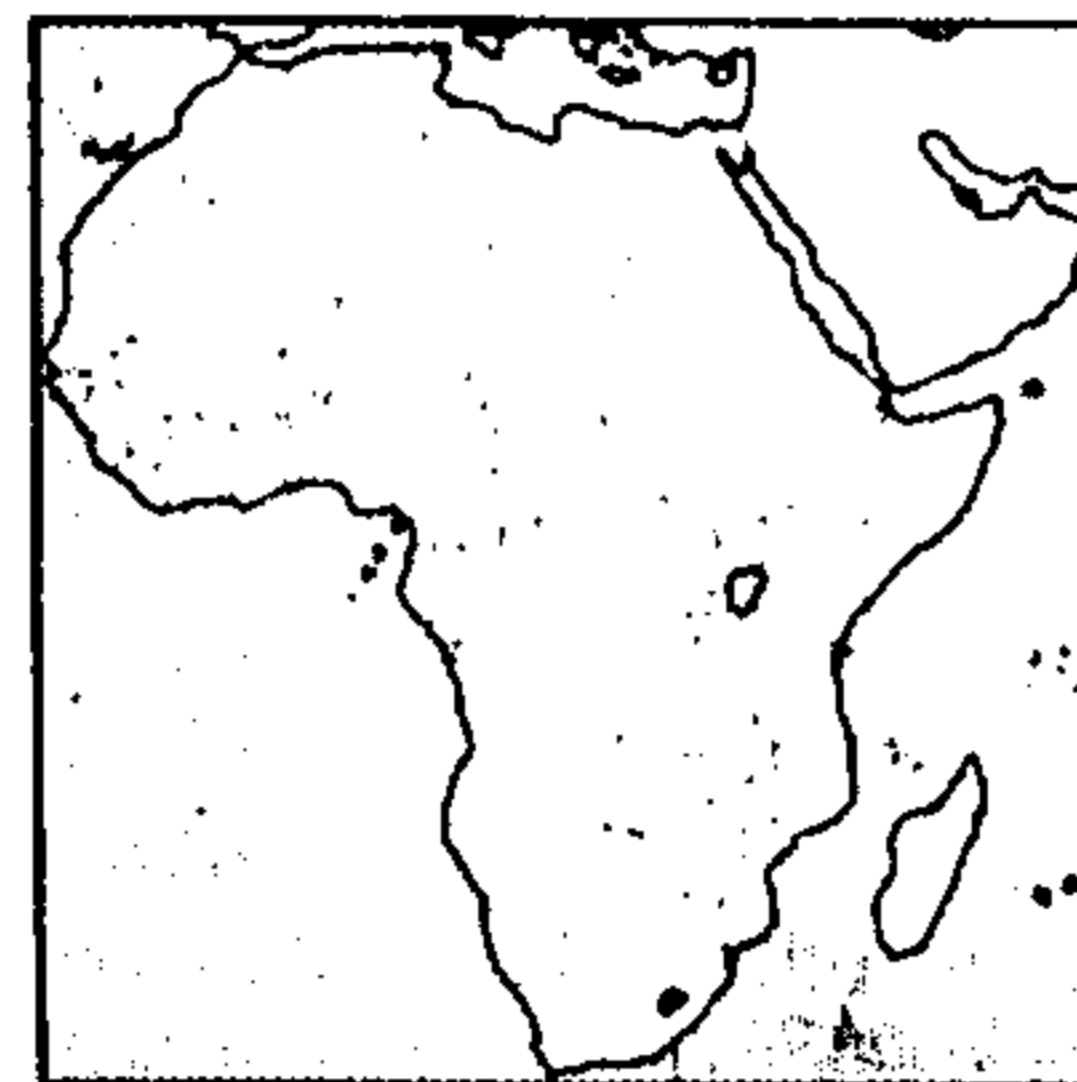
Kenya

Amnesty International learned that several people regarded as critics of the government were arrested for short periods during 1981. On 22 May 1981 six journalists from *The Nation* newspaper were arrested. Five were detained uncharged for three days — 24 hours beyond the legally permitted limit. President Daniel arap Moi had publicly

accused the newspaper of being "irresponsible and rebellious", and of misreporting a strike by doctors. The newspaper had earlier criticized the government decision to bar former Vice-President Oginga Odinga from standing for election to parliament. The five journalists were freed on 25 May without being charged.

In October 1981 Amnesty International learned of the arrest of George Anyona, a former member of parliament who had been adopted by Amnesty International as a prisoner of conscience when he was detained without trial from 1977 to 1978. He was detained incommunicado for five days after his arrest on 22 October and then charged with possession of seditious publications. He was remanded in custody but granted bail three weeks later. On 10 December the charge was withdrawn. He had earlier been barred from standing for parliament.

Amnesty International remained concerned about the use of the death penalty as the mandatory penalty for robbery with violence and for homicide. Several people were known to have been convicted of these offences and sentenced to death during 1981. The government did not publish statistics on the death penalty.



Lesotho

Amnesty International sent two missions to Lesotho in the last quarter of 1981 following a series of political killings, the detention without trial of more than 40 people under the Internal Security (General) Act of 1967, and the death in police custody of a detainee.

On 4 September a group of armed men attacked the home of Benjamin Masilo, Chairman of the Christian Council of Lesotho (CCL) and Vice-President of the Lesotho Evangelical Church (LEC), killing his young grandson. Benjamin Masilo narrowly escaped death and went into exile abroad. He subsequently alleged that his attackers were members of the paramilitary Police Mobile Unit (PMU). On 7 September armed men who identified themselves as police officers abducted Edgar Motuba, editor of the LEC weekly newspaper *Leselinyana la Lesotho*. Edgar Motuba was an outspoken critic of the government and a former detainee who had previously been threatened on several occasions by members of the PMU. He was found murdered the next day. The bodies of Lechesa Koeshe and Sello Machache, two friends who had accompanied him when he was taken from his home, were found beside him.

On 6 September security police arrested Litsietsi Putsoa, also a member of the CCL executive committee. He was detained uncharged under the Internal Security (General) Act and held incommunicado until he was visited in detention by an Amnesty International delegate in late September. He complained to Amnesty International's delegate that he had been assaulted during interrogation by security police officers. He was later released uncharged after more than a month in detention.

The murder of Edgar Motuba and the attempted murder of Benjamin Masilo occurred shortly after a series of bomb attacks in Maseru which damaged the international airport and two main hotels. Responsibility for these attacks was claimed by the Lesotho Liberation Army (LLA), the military wing of the exiled faction of the Basutoland Congress Party (BCP) led by Ntsu Mokhehle. The LLA had become increasingly involved in guerrilla warfare in Lesotho since early 1979. The long-standing antagonism between the BCP and the ruling Basutoland National Party (BNP) government of Prime Minister Leabua Jonathan dates from 1970, when the government declared a state of emergency and cancelled the results of a general election which it appeared to have lost.

The purpose of the Amnesty International mission to Lesotho in September was to obtain information about the murder of Edgar Motuba and the attack on Benjamin Masilo, and to inquire into the detention of Litsietsi Putsoa. Amnesty International's delegate met senior officials of the government and the security forces. He expressed concern over the apparent lack of progress made by the authorities in investigating these incidents. During the mission other killings of civilians were brought to his notice, including that of Odilon Seheri, a former senior civil servant in the Ministry of Education and private secretary to the Head of State, King Moshoeshoe II. Odilon Seheri's incinerated body had been found in a burnt-out car earlier in the year. According to some sources he too had been abducted and murdered. No inquest into his death had been carried out by the time of the Amnesty International mission.

Following a bomb explosion in early October at Teyateyaneng, in which two alleged members of the LLA were killed, a number of students and others were detained by security police under the Internal Security (General) Act. They were held uncharged under a provision which permits 60 days' incommunicado detention for interrogation. Their names were not disclosed by the authorities and their relatives were unable to obtain information as to their whereabouts or the reasons for their arrest. On 11 November the authorities announced that one detainee, Setipa Mathaba, had died in security police custody. A post-mortem examination was carried out in the presence of a private pathologist representing his family, but its findings had not been made available by the end of 1981.

On 11 November Amnesty International appealed to the government to charge or release all detainees without delay and permit them immediate access to relatives and legal counsel. In late November Amnesty International issued an international appeal on behalf of eight named detainees, all students at the Lerothole Technical Institute in Maseru, who had been detained between 13 and 29 October.

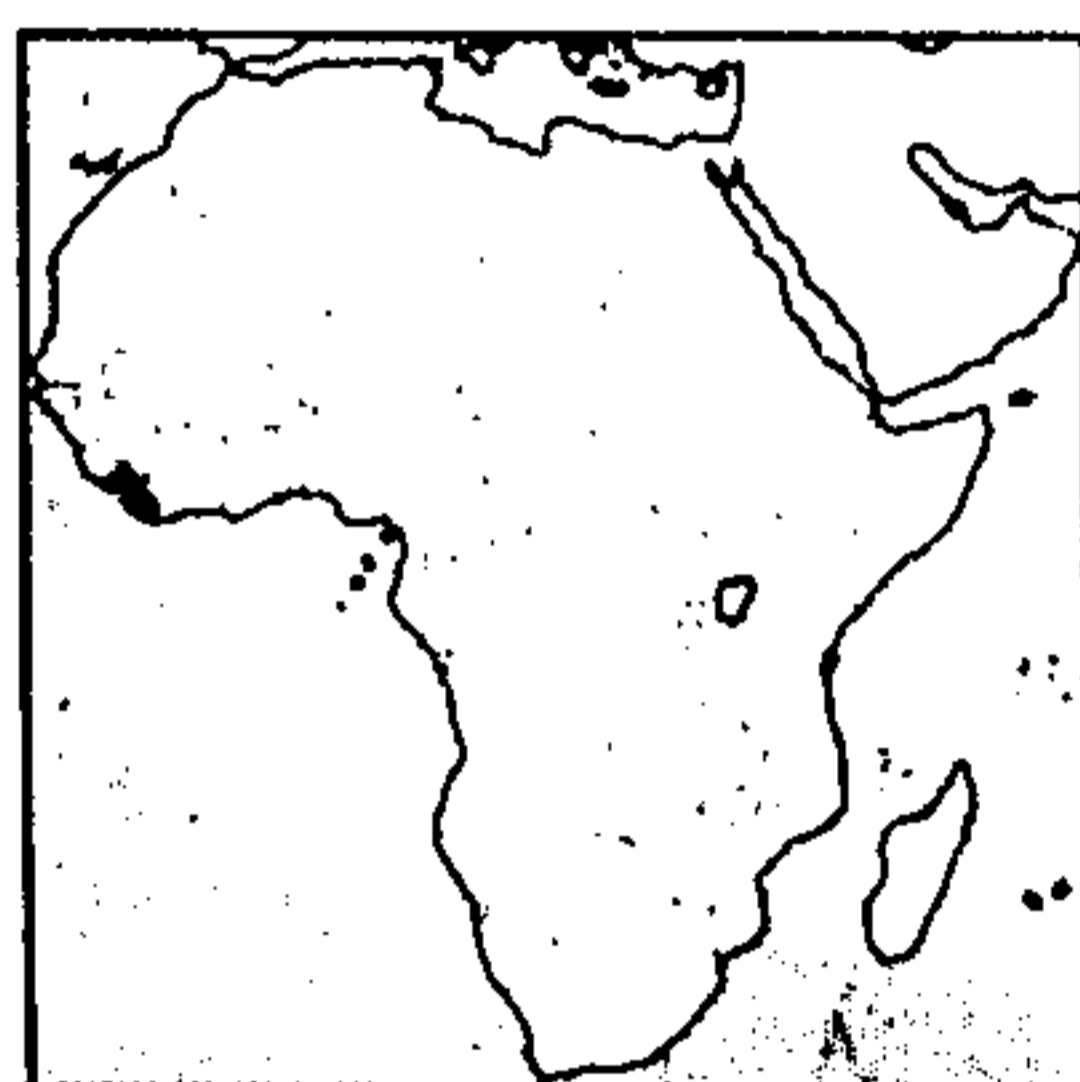
There were also disturbances in November at the National University of Lesotho in Roma. Following the detention of a student, Makabi Kabi, other students boycotted lectures. King Moloi and Mofusi Lekalake, respectively President and Vice-President of the Students' Representative Council, fled to Botswana, allegedly to escape assassination by a secret "death squad" calling itself "Koeoko" and according to some reports made up of members of the PMU. In view of these developments Amnesty International sent a second mission to Lesotho in December. The delegate sought from the authorities a report on the progress of investigations into the September killings. He was also granted access to 10 detainees of the

45 then known to be held. Although they were interviewed in the presence of a magistrate and senior police officer, they almost all alleged that they had been assaulted under interrogation, denied information on where they were detained, held in solitary confinement and blindfolded whenever they were moved from one place to another. The detainees' allegations were generally consistent and mutually corroborative. According to the authorities and the detainees themselves they had not been in contact with one another before meeting the Amnesty International delegate. Their allegations were consistent also with information from former detainees.

Amnesty International's delegate wrote to Prime Minister Jonathan on 26 December to request an urgent meeting to discuss the findings of the mission. He drew attention particularly to "*prima facie* evidence of brutal and potentially fatal systems of interrogation", evidence of cruel and inhuman conditions of detention, and "*prima facie* evidence of the existence of a group or groups of individuals, allegedly involving members of the PMU, which have been instrumental in the issuing of death threats, 'hit lists' and who are implicated in acts of violence, murder and attempted murder".

In March the first major political trial since 1975 began in the Maseru High Court. The defendants, 11 alleged supporters of the LLA, were charged with high treason. They were said to have participated in an attack on a police station in the Mafeteng district in early 1980. Three were acquitted and discharged in May. Five were convicted of treason and sentenced to prison terms of from two to seven years, and three others were jailed for sedition for from two to four years.

In August the government announced that 15 South African nationals had been deported following an increase in crime. All were believed to have been asylum seekers. The government claimed that none were genuine refugees who had left South Africa because of persecution. However, at the end of the year Amnesty International received information that at least four of those deported had been charged in South Africa with political offences and would soon go on trial there.



Liberia

The concerns of Amnesty International were the detention without charge or trial of political prisoners, the ill-treatment of detainees, and the death penalty.

Amnesty International sought the release of some 80 former high-ranking officials, senior officers and businessmen. Most were detained at the time of the coup in April 1980 which brought

Master-Sergeant Samuel Doe and the People's Redemption Council (PRC) to power. Although most of the detainees were not formally charged the PRC stated shortly after taking power that officials of the former administration would be charged with "high treason, rampant corruption, misuse of public office and abuse of civil and human rights". By the end of 1981 all but four had been released. In April 1981, 19 political detainees were freed including six former ministers or deputy ministers. Three generals were released in May 1981. In early September 1981, 39 more political detainees were freed. These were mainly senior officials of the administration of the late President Tolbert. They also included Brigadier General Rudolph Kolako and five other high-ranking officers, arrested in May 1980 and accused of plotting to overthrow the PRC, who had been sentenced to 10 years' imprisonment in July 1981. The other soldiers released were General Frank Senkpeni and Colonels Taylor and Coleman who, until their arrest in December 1980, had presided over Liberia's Supreme Military Tribunal. In May 1981 the authorities announced the lifting of all restrictions on the freedom of former political detainees to travel overseas. On 23 December 1981 the remaining 19 political detainees were freed. In a public statement on 23 December Head of State Samuel Doe revealed that two of the prisoners arrested in 1980 had died in detention. Two others — A.B. Tolbert, son of the late president and a former member of parliament, and Varney Dempster, former chief of police — had been removed from prison and were "presumed dead". The responsibility for these extra-legal executions was attributed by the Head of State to the late Major General Thomas Weh Syen, who had been Vice-Chairman of the PRC between April 1980 and August 1981. Head of State Samuel Doe also declared a general amnesty for Liberians living in exile and the abolition of the "wanted list", published in September 1980.

The authorities continued to restrict the right to freedom of speech throughout 1981. In a clamp-down on student political activity in late

June 1981, the authorities banned Conmany Wesseh, a student leader and member of Liberia's Constitutional Commission, from making public statements and having contacts with the press and from travelling overseas. Shortly afterwards, when letters protesting against this ban appeared in the independent *Daily Observer* newspaper, editor Kenneth Best and 10 journalists and employees of the paper were arrested, as was Conmany Wesseh. The 10 journalists and employees were freed after several days in detention, and Kenneth Best and Conmany Wesseh one week later. The ban on Conmany Wesseh's rights was rescinded.

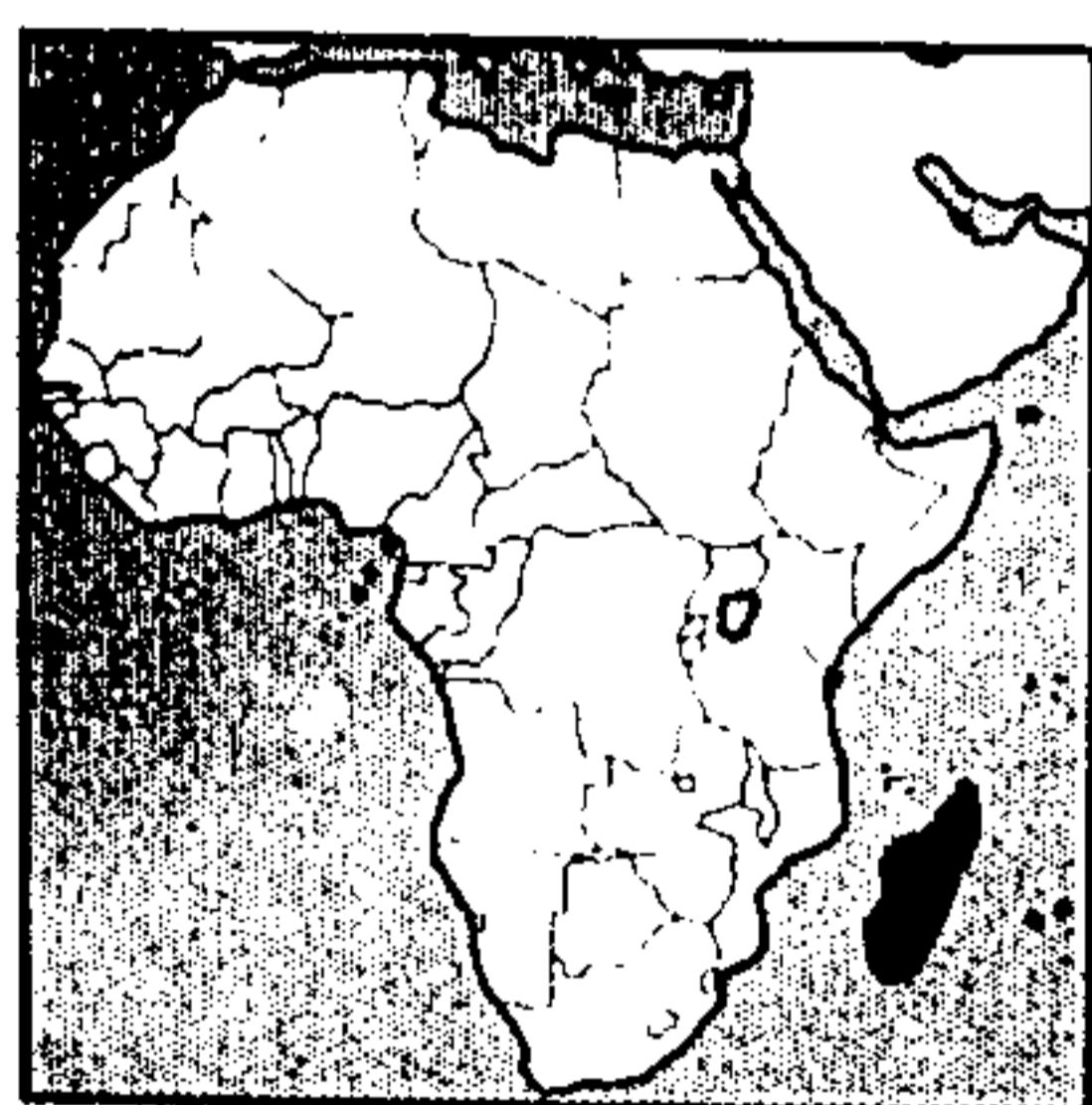
On 20 November 1981 the government announced that some 300 foreigners had been arrested in an operation against "illegal aliens". They also announced that as many as 40 Guineans resident in Liberia, termed "undesirable aliens without any means of support", had been deported back to Guinea. Amnesty International was concerned by reports that this group included three leading members of a political group called the "Concerned Citizens of the Republic of Guinea", one of whom was Cheik Mohamed Kone, who were reportedly detained on arrival in Conakry (the capital of Guinea) and held without trial. Their forcible repatriation to Guinea, where they could justifiably fear imprisonment for their expressed political beliefs, contravened a fundamental principle of international refugee law.

During the year the authorities claimed to have uncovered two attempts by soldiers to overthrow their administration. In early June 1981, 14 lower-ranks soldiers were arrested and accused of plotting to overthrow the government and to assassinate several of its leading members. After a summary trial in June 1981, without defence counsel, 13 of the soldiers were sentenced to death. Amnesty International appealed to the Head of State for commutation of their sentences. The authorities did not reveal the fate of the 13 soldiers. According to several reports all 13 were secretly executed in the Post Stockade prison, Monrovia. Three civilians, including the Vice-President of the University of Liberia, Professor Patrick Seyon, were also arrested in early June in connection with this alleged plot, but were released on 11 June after appearing before the Supreme Military Tribunal. On 10 August 1981 Head of State Samuel Doe publicly accused PRC Vice-Chairman Major General Weh Syen and four PRC members of plotting to assassinate him and other members of the PRC. The Supreme Military Tribunal was convened to carry out an *in camera* "fact-finding investigation" before a trial with defence counsel. On 13 August 1981, however, the tribunal sentenced the five accused to death and they were executed the following morning. Two civilians received 10-year prison sentences for allegedly withholding

information about the plot. Amnesty International expressed its concern to the authorities about the summary execution of the five, whose trial did not conform to international standards of fairness, and appealed to the Head of State to exercise his powers of clemency in all death penalty cases.

Detainees were reported to have been badly beaten and ill-treated by soldiers. During his detention in June 1981 in the Post Stockade prison Professor Patrick Seyon was believed to have been repeatedly struck with rifle butts, and to have suffered serious internal injuries. In July 1981 police officers reportedly administered 25 lashes of the whip to suspects arrested after an alleged theft. Conditions at the remote Bella Yallah prison were believed to be extremely harsh, making imprisonment there a brutal punishment. Although overcrowding at the Post Stockade and the South Beach prisons, both in Monrovia, was believed to have lessened, conditions were insanitary and the food insufficient and of poor quality. Medical care was inadequate, and visits by friends and relatives sometimes banned.

In March 1981 seven people sentenced to death for murder before the April 1980 coup were executed. On 15 June 1981 Private Peter Worlubah was sentenced to death after being convicted of murder by the Supreme Military Tribunal. It was not learned whether he was executed. On 7 August 1981 three soldiers — Privates Antony Juteh, Eugene Sirleaf and Joseph Weah — were executed after being found guilty of murder. Amnesty International appealed to the authorities for the cessation of all executions.



Madagascar

Amnesty International was concerned about prisoners of conscience, the detention without trial of political prisoners, and alleged torture and ill-treatment of prisoners.

In February 1981 university staff and students demonstrated in Antananarivo, the capital, against the appointment of the new rector and over other academic issues. The demonstration was followed

by riots in which at least six people were killed. Several people were arrested, including four members of the *Syndicat des enseignants et chercheurs de l'éducation supérieure* (SECES), the Union of Teachers

and Researchers in Higher Education, which had participated in a strike at the university. Among the detainees charged with endangering state security was Professor Randriamampandry, professor at the Faculty of Medicine and President of the Madagascar Human Rights Committee. He and three other detainees were adopted by Amnesty International as prisoners of conscience.

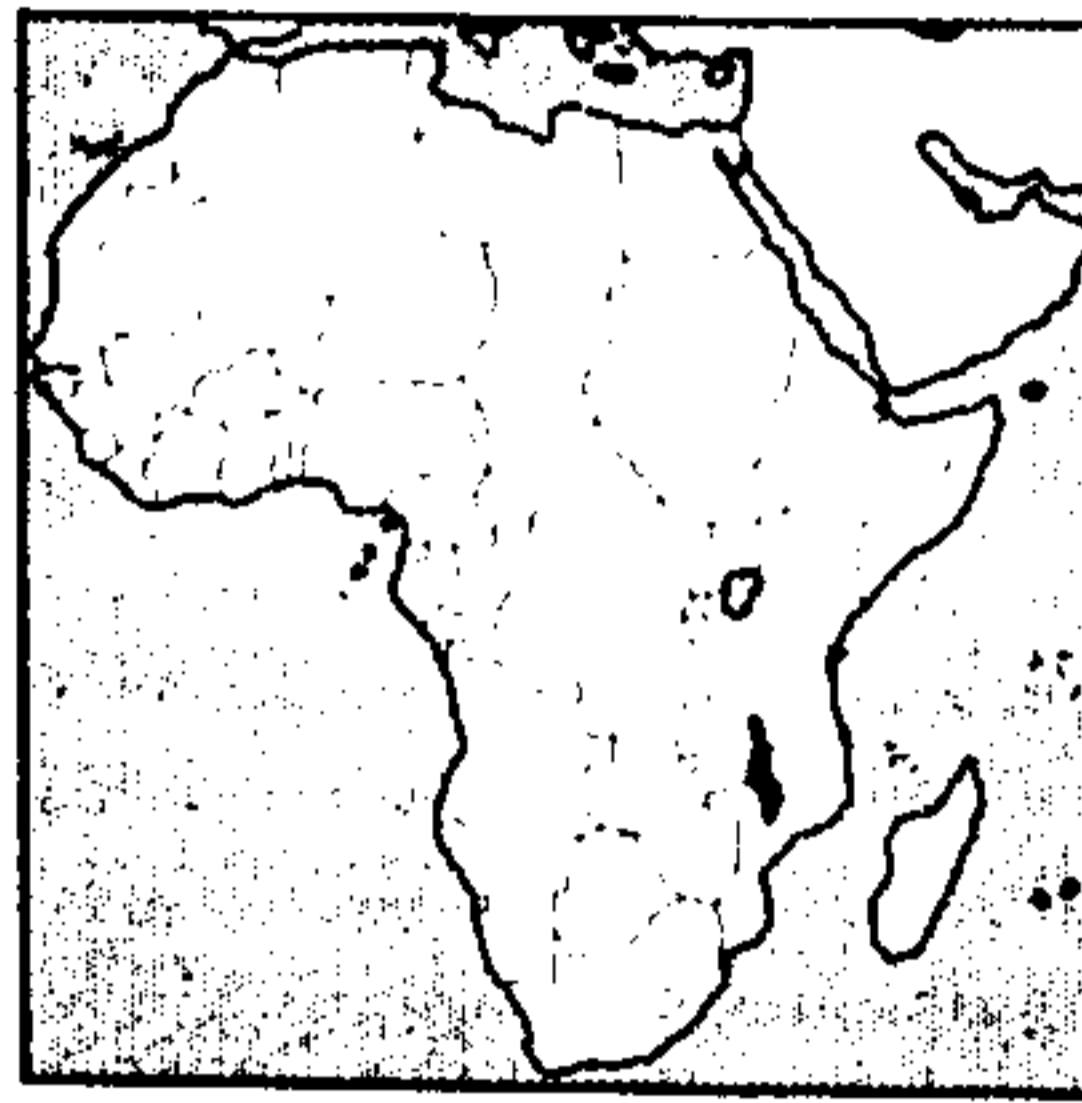
One of the demands of the student demonstrators was the release of Monja Jaona, leader of the *Mouvement national pour l'indépendance de Madagascar* (MONIMA), the National Independence Movement of Madagascar. He was arrested in November 1980 and held under house arrest at a remote army camp near Ihosy, following demonstrations in Toliary by MONIMA supporters. He was released in March 1981 when MONIMA rejoined the National Front for the Defence of the Malagasy Socialist Revolution (the coalition of all permitted political parties).

Professor Randriamampandry and the three other prisoners adopted by Amnesty International were released into provisional liberty on Independence Day, 26 June 1981. The charges against them were not dropped, but no further judicial proceedings took place. Amnesty International investigated the cases of six other people arrested at the same time who were also charged with endangering state security. They were released in November 1981 without having been tried.

Amnesty International continued to investigate the cases of three long-term detainees: Richard Andriamaholison and Jean-Astier Rakoto-Abel, both senior police officers, and Marson Rakotirinina, an army officer. They were arrested in October 1977 and later charged with endangering or plotting against state security. No trial date had been set by the end of 1981. Amnesty International's repeated appeals for them to be tried or released, and inquiries about the reasons for their prolonged detention without trial, met with no response.

Amnesty International received allegations of torture and ill-treatment of prisoners in the security police headquarters, *Direction générale de l'information et de la documentation* (DGID), by means of electric shocks, beatings on the body and feet, and denial of food. Conditions in other prisons in Madagascar, where some prisoners were held on charges of endangering state security, were characterized by severe overcrowding, poor hygiene and diet, inadequate medical attention, and frequent ill-treatment of prisoners.

An Amnesty International mission sought to visit Madagascar in April 1981 for talks with government officials but no visa was granted.



Malawi

Amnesty International continued to be concerned about the use of detention without trial, and the lack of effective safeguards against ill-treatment of political detainees. Information from diverse sources suggested that political detainees received harsh treatment, often being isolated completely and denied contact with relatives.

Amnesty International was unable to verify these reports or estimate the number of political detainees. Information on individual prisoners or developments affecting human rights was difficult to obtain. In May 1981 the Deputy Speaker of Parliament was reported to have said that hundreds of people had been arrested for possession of "subversive letters" distributed by "infiltrators masquerading as religious leaders". He warned that people who received such letters should hand them to the authorities or face "rotting in detention".

The government did not publish the names of political detainees or provide other information. Nor was it known to have permitted any international humanitarian organization or agency to visit Malawi's prisons. There was no response to a request by Amnesty International to send a trial observer to Malawi in early 1981. The trial was of two defendants, Gwanda Chakuamba, a former cabinet minister, and Sofiliano Faindi Phiri, formerly one of 15 nominated members of parliament. They were jointly convicted of sedition by the Southern Region Traditional Court at Blantyre in March 1981. In addition, Gwanda Chakuamba was convicted on several other charges under the Public Security Regulations. He was sentenced to 22 years' imprisonment with hard labour. Sofiliano Faindi Phiri was jailed for five years with hard labour. He was subsequently adopted as a prisoner of conscience by Amnesty International. Amnesty International believed the defendants had not received a fair trial (see *Amnesty International Report 1981*).

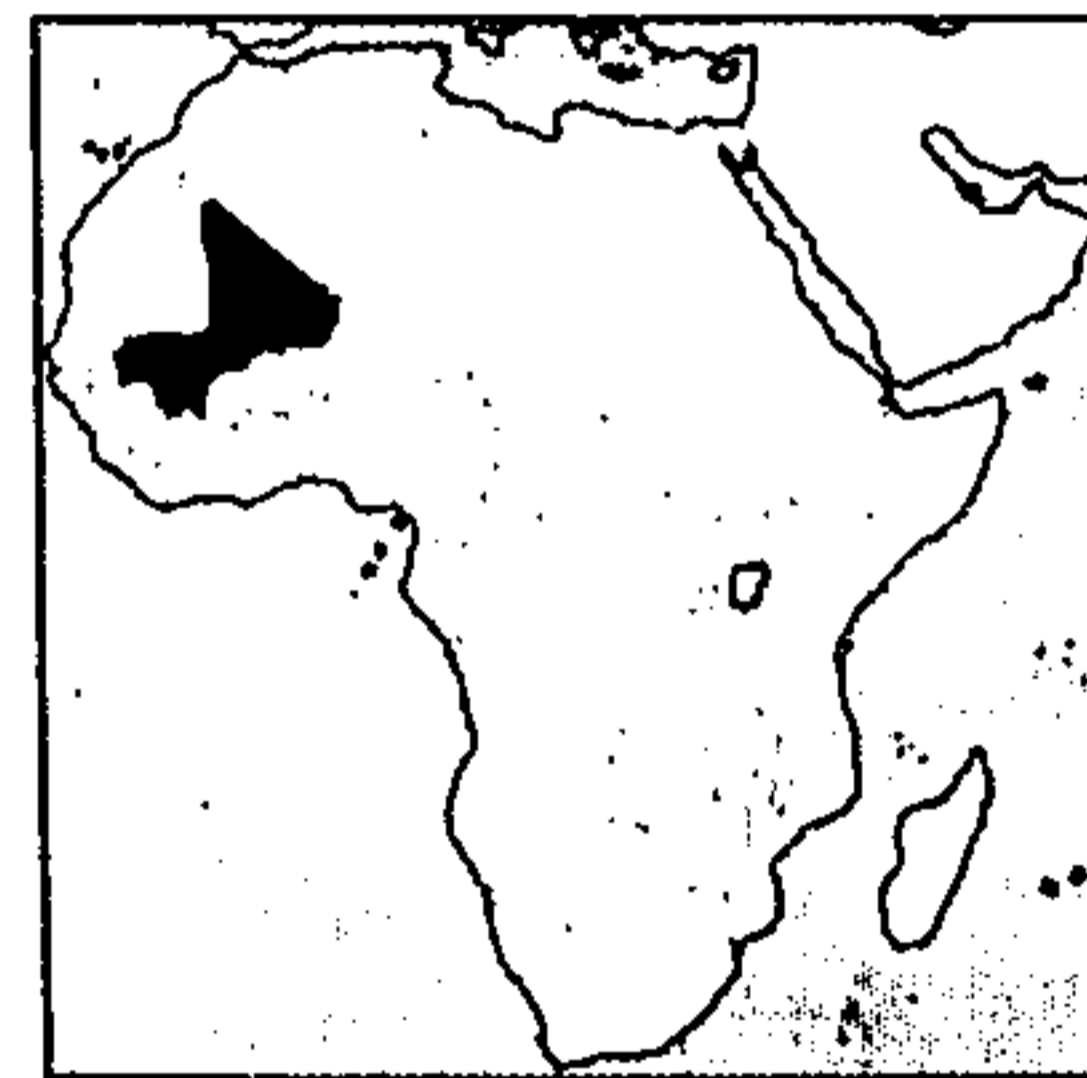
In July 1981 President Banda announced the release of a number of prisoners, including several who had been held in prolonged detention without trial, to mark the 17th anniversary of independence. Those freed were believed to have included Fern Sadyalunda, a former member of parliament.

In November 1981, when President Banda paid an official visit to the Federal Republic of Germany (FRG), the FRG Section of Amnesty International appealed to him to release all prisoners of conscience and to review all cases of prolonged detention without

trial. Amnesty International also called on the government to initiate a full inquiry into prison conditions and to allow inspection of Malawi's prisons by an international humanitarian organization.

On 24 December 1981 Malawi security forces arrested Orton Chirwa, a former government minister and leader of the Malawi Freedom Movement (MAFREMO), one of three externally-based political organizations opposed to President Banda's government. His wife, Vera, and 26-year-old son, Fumbani Chirwa, were also detained. The government claimed that all three were arrested in Mchinji district in Central Region while attempting to return to the country illegally from Zambia. Other sources challenged this version of events. They alleged that they had been forcibly abducted by Malawi security agents from Chipata in eastern Zambia, an area to which the Malawi Government has laid territorial claim. The Chirwas had apparently gone there to visit a relative. A former Minister of Justice and Attorney General, Orton Chirwa left Malawi after the post-independence cabinet crisis of 1964. He subsequently formed MAFREMO in exile in Tanzania where he worked as a lawyer and became president of the Tanganyika Law Society.

In March 1981 it was reported that MAFREMO and two other exile political groups — the Socialist League of Malawi (LESOMA) and the Congress for the Second Republic (CSR) — were attempting to form a united front against President Banda's government. In early April President Banda reportedly told a political rally at Lilongwe that Dr Attati Mpakati, the LESOMA leader, would be "shot on sight" if he returned to Malawi. Dr Mpakati had earlier been seriously injured in February 1979 by a letter-bomb allegedly sent to him by Malawi security agents.



Mali

Amnesty International's main concerns were political imprisonment, the detention and banishment without charge or trial of prisoners of conscience, poor prison conditions, and the death penalty.

Amnesty International continued to work on behalf of 46 teachers and a student arrested between July 1980 and March 1981 for alleged involvement in autonomous trade union activities (see *Amnesty International Report 1981*). Twelve teachers arrested in July 1980 had served short prison

sentences for "opposition to the legitimate authority" by November 1980, and were put "at the disposal of the Ministry of the Interior" and banished in early December to remote administrative outposts. Amnesty International also appealed for the release of Ibrahima Samba Traore, a teacher who had lived in France, and was held without trial in Bamako, the capital, from September 1980. Twenty teachers arrested in Bamako in mid-November 1980 were also banished in early December 1980 to the Gao region. Mamadou Lamine Kanoute, also a teacher arrested in November 1980, remained in detention in a Bamako police station. Between January and March 1981, 12 more teachers and a student were arrested and held without trial in police stations in Bamako. In April 1981 the teachers arrested in November 1980 and in 1981 and Ibrahima Samba Traore were charged with "secret association". This carries a penalty of one to three years' imprisonment and a heavy fine.

On 10 July 1981 President Moussa Traore announced an amnesty for the detained or banished teachers. According to the official statement "the teachers who had been transferred . . . will be allowed to return to their functions . . . [and] . . . all the teachers held in preventive detention will be freed". All the teachers and the student detained in Bamako were released, and the teachers arrested in July 1980 and in 1981 allowed to return to their jobs. The restrictions on the freedom of movement of the 20 teachers sent to Gao were also lifted. However, this group was later informed that they would not be able to return to their teaching posts in Bamako, and the majority received postings in Gao and other rural areas.

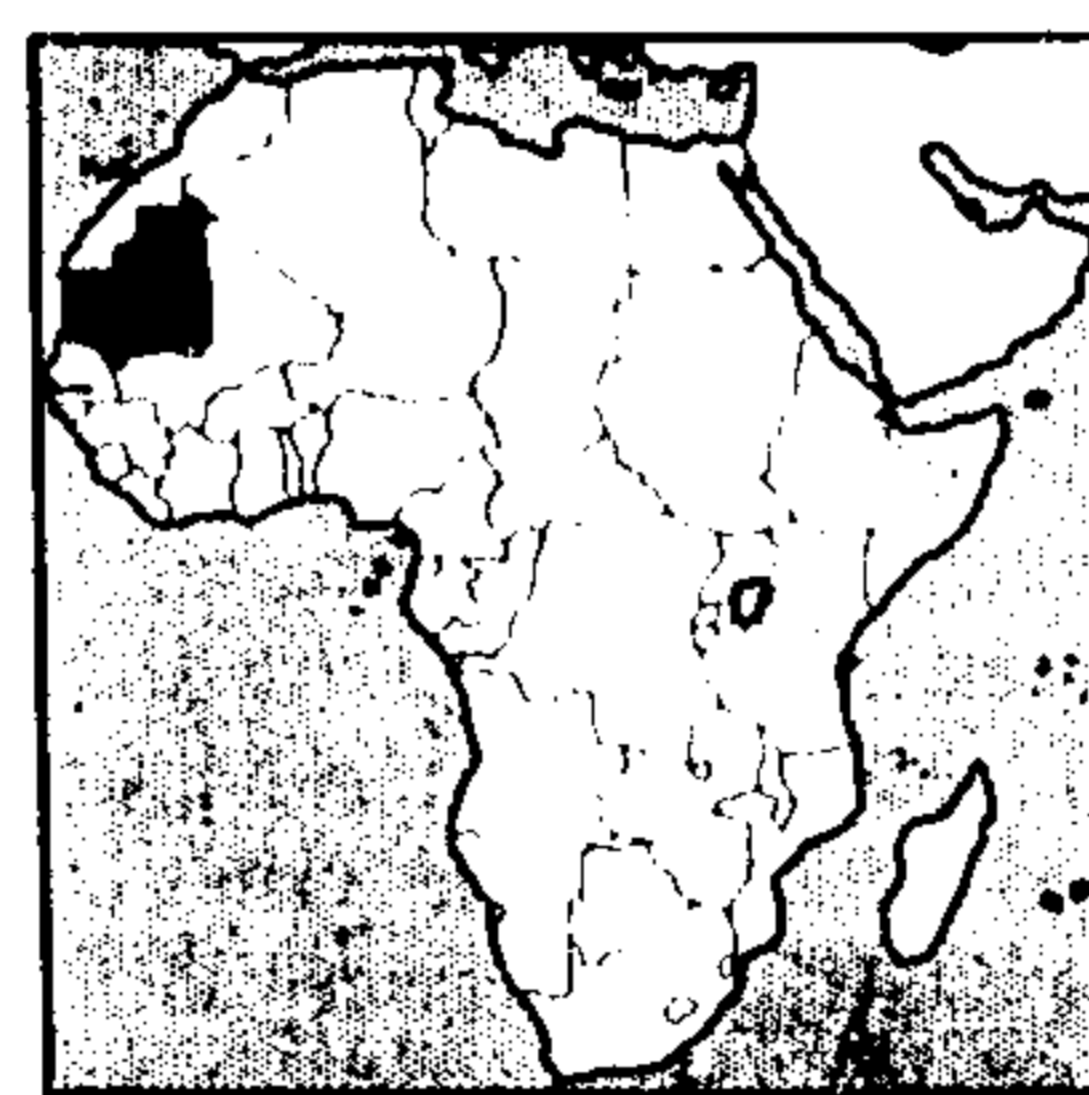
Amnesty International continued to work for the release of Dr Mamadou Gologo and Idrissa Diakite, convicted on charges of "insulting the head of state". They were sentenced to four years' imprisonment in October 1979 after the distribution of leaflets criticizing the government. Dr Gologo was allowed to remain in hospital throughout the year for the treatment of an eye ailment.

Conditions of detention in several of Bamako's police stations were reported to be harsh, with detainees being held in dark, poorly-ventilated and overcrowded cells. Standards of sanitation and hygiene were very low. Conditions at the *Prison centrale* (Central Prison) were reportedly poor, with frequent overcrowding and inadequate food. The Taoudenit "Special Re-education Centre" was used to hold political prisoners. Its extreme Saharan temperature and the severity of the regime made imprisonment a brutal punishment. The food provided was of low nutritional value and many prisoners were reported to be forced to march barefoot some 20 to 40 kilometres a day.

In early February 1981 Amnesty International publicly appealed

to delegates attending an extraordinary congress of the country's sole political party, the *Union démocratique du peuple malien* (UDPM), the Democratic Union of the Malian People. It called for the release of all prisoners of conscience in the country, an end to torture (see *Amnesty International Report 1981*), and an improvement in prison conditions. No reply was received. In mid-March 1981 Amnesty International representatives met the Minister of Foreign Affairs, Blondin Alioune Beye, and reiterated their concerns.

In mid-March 1981 the Special State Security Court imposed three death sentences, one *in absentia*, on three gendarmes allegedly involved in a plot to assassinate President Traore on New Year's Eve 1980. These death sentences were not believed to have been carried out in 1981.



Mauritania

The main concerns of Amnesty International were detention and banishment without charge or trial, unfair trials of alleged opponents of the government, judicial amputations and floggings, and the death penalty.

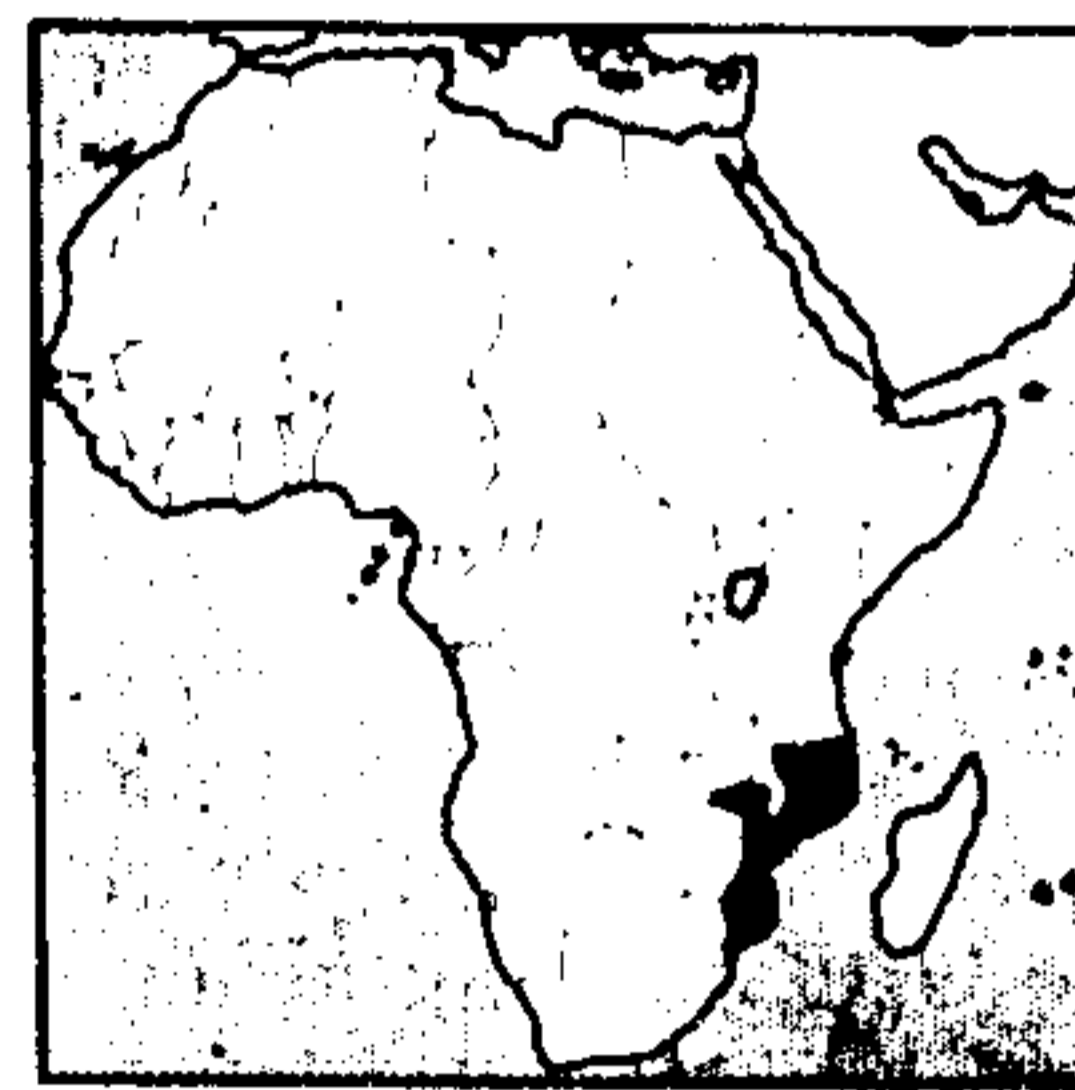
Throughout 1981 Amnesty International appealed for the release of senior officials of the deposed government of former President Moktar Ould Daddah. They were held under house arrest or banished to rural areas without charge or trial. Former ministers Ahmed Ould Daddah and Hamdi Ould Mouknass were arrested in late 1979, and remained under house arrest ever since, although Hamdi Ould Mouknass was allowed to travel overseas for medical treatment. In April 1980 former ministers Mohameden Ould Babbah, Abdoulaye Baro and Abdallah Ould Ismael were arrested and placed under house arrest or banished to rural areas. None was charged or tried. Amnesty International continued to investigate the case of Sidi Cheikh Ould Abdellahi, also a former minister, arrested in May 1980.

In late December 1980 Ahmed Baba Miske, former Ambassador to the United Nations, and at least four others were arrested after the authorities claimed to have uncovered a "pro-Libyan" plot to overthrow the government. Ahmed Baba Miske and Mohammed El-Wafi were placed under house arrest in Akjoujt, while the others were

believed to have been imprisoned. Charges against them were dismissed by a civil court in late February 1981 and all were released.

On 16 March 1981 former senior officers of the Mauritanian army staged an armed attempt to overthrow the ruling *Comité militaire de salut national* (CMSN), the Military Committee for National Salvation in Nouakchott (see *Amnesty International Report 1981*). The attack was repulsed by forces loyal to the CMSN and at least nine rebels and 50 alleged sympathizers were arrested. Lieutenant-Colonel Ahmed Salem Ould Sidi, former Vice-President of the CMSN, Lieutenant-Colonel Mohammed Ba Ould Abdel Kader, former Minister of Education and member of the CMSN, and Lieutenants Moustapha Niang and Mohammed Doudou Seck were convicted of "high treason, desertion, murder and conspiracy with the enemy" and sentenced to death by the Special Military Tribunal. Five others received sentences of life imprisonment with hard labour. Despite appeals for clemency from Amnesty International and other organizations, the four men sentenced to death were executed in late March 1981. About 20 alleged sympathizers were freed in late March, but in April 1981 the Supreme Military Tribunal imposed death sentences *in absentia* on three alleged participants in the coup attempt. The authorities were reported in July 1981 to have ordered the release of all the individuals who had been detained following the coup attempt, but it was not known whether this order also applied to those who were tried and sentenced to imprisonment in March 1981. Lieutenant-Colonel Mohammed Ba Ould Abdel Kader and Moustapha Niang had previously been sentenced to death *in absentia* by the Special Military Tribunal in November 1980 and February 1981 respectively. Both were convicted of desertion and treason. Amnesty International was concerned that these trials were held in the absence of the accused, *in camera*, and without defence representation.

Amnesty International was also concerned about the cruel penalties imposed by the *Shari'a*, Islamic law, court established in July 1980. The first sentences imposed by this court were publicly carried out in 1980 and included two executions by firing-squad, three amputations of the right hand, and nine public floggings. In late May 1981, 29 individuals convicted of theft by the *Shari'a* court were publicly whipped, and on 12 June 1981 another individual had his right hand amputated by a doctor, also after conviction for theft. Amnesty International called for an end to these penalties and appealed to medical personnel not to participate in amputations.



Mozambique

Amnesty International was concerned by the use of detention without trial and the death penalty, and by the trial of political prisoners before the Revolutionary Military Tribunal.

There were further clashes during the year between government forces and guerrillas belonging to two opposition groups, *Africa Livre*, Free Africa, and the apparently more active *Resistencia Nacional Moçambicana* (RNM), Mozambique National Resistance. In October the government alleged that civilians taken prisoner by RNM guerrillas in the Chimoio area had been tortured and mutilated. At the end of the year two expatriate workers, John Burlison and Moises Carril, were reportedly abducted by the RNM.

In early 1981 a series of arrests followed a South African military raid into Mozambique at the end of January. Houses occupied by members of the African National Congress (ANC) were destroyed in the raid and several ANC members killed. Others were forcibly taken back to South Africa. On 14 February eight members of the Mozambican armed forces were paraded at a rally in Maputo and publicly accused of treason. President Samora Machel said that they would be tried before the Revolutionary Military Tribunal when investigations had been completed. However, no trial was known to have taken place by the end of 1981. One of the soldiers was reported to have escaped in July.

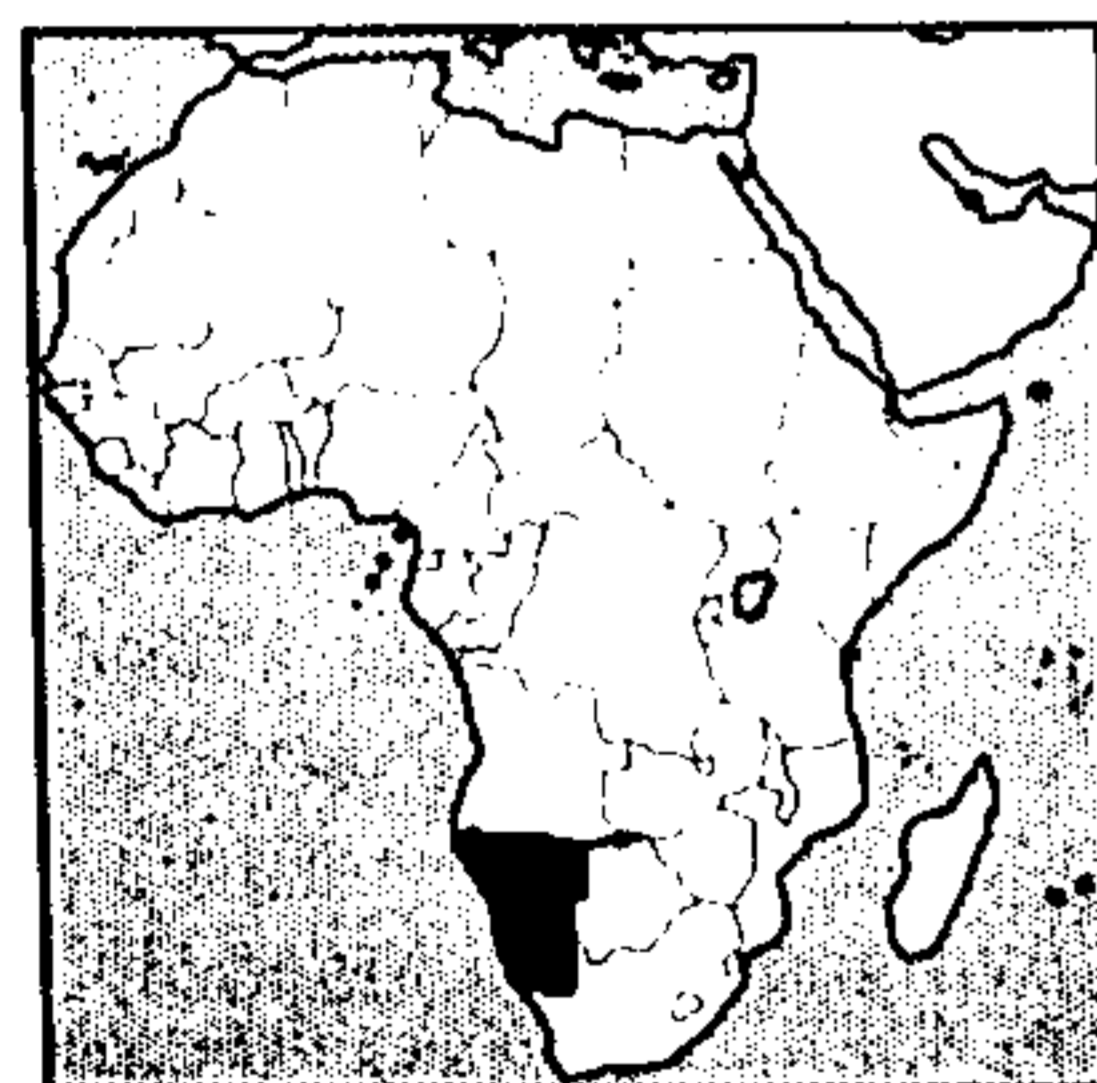
In March six United States citizens were expelled for alleged espionage and a number of people were detained. Several foreign nationals among those arrested were all believed to have been released by early May. A number of Mozambicans were also arrested, but it was not known whether they too were freed.

Several large groups of prisoners were released during 1981. In August President Machel toured Niassa province and visited a "re-education" camp at Msawize. Those detained there reportedly included former members of the Portuguese secret police held since 1974. The President announced that the camp would be closed and that the inmates, numbering almost 500, would be resettled in the Niassa area. Their families would be permitted to join them. The following month President Machel visited two more "re-education" camps at Chaimite and Ruarua in Cabo Delgado province. Their inmates reportedly included former nationalist guerrillas and others sent for "re-education" for alleged criminal offences. He reportedly

ordered the release of 684 detainees from Chaimite and said that some had been held there unjustly. At Ruarua the President criticized the detention there for minor offences of former guerrillas of the *Frente de Libertação de Moçambique* (FRELIMO), Front for the Liberation of Mozambique. He ordered 76 to be released.

On 5 November, at a public rally in Maputo, President Machel condemned what he described as violations of the constitution and the law by members of the defence and security forces. He announced a series of measures to make the police and security forces more accountable to the public and criticized the use of prolonged detention without trial. He stated also that corporal punishment, beatings and torture of prisoners were illegal and would not be tolerated by the government.

The death penalty was imposed on at least 11 people accused of politically motivated offences and all were subsequently executed. In February four alleged members of *Africa Livre* were sentenced to death by the Revolutionary Military Tribunal at Quelimane after being convicted of armed rebellion and terrorism. Amnesty International appealed for clemency before they were executed. Two more people were executed in July. Enoch Cau, an alleged South African spy, and Alberto Seane, convicted of armed rebellion, were shot. They had been sentenced to death in June by the Revolutionary Military Tribunal. Like all defendants before this court they had been tried *in camera* and without defence representation. Further executions were reported in early October when five alleged members of the RNM were shot. They had been convicted in September of armed rebellion, terrorism, and belonging to a clandestine organization, by the Revolutionary Military Tribunal sitting at Chimoio.



Namibia

Amnesty International was concerned about the use of detention without trial and administrative restriction, allegations of torture and ill-treatment of political detainees, and the death penalty.

South Africa continued to exercise power in Namibia despite United Nations' calls for the withdrawal of its administration. There was continued fighting

between South African military forces and nationalist guerrillas belonging to the South West Africa People's Organization (SWAPO)

during 1981. South African troops carried out a series of cross-border raids into southern Angola, one of which resulted in the killing of several hundred Angolan civilians and the capture of more than 100 civilians and soldiers, who were taken back to Namibia and imprisoned.

SWAPO guerrillas remained active in northern Namibia. A number of civilians, police officers and others were reportedly killed by SWAPO guerrillas for allegedly collaborating with the South African administration. Civilians in the north were also said to have been killed by South African soldiers and members of locally-recruited paramilitary forces, such as the Home Guard in Ovamboland, because they were thought to support or sympathize with SWAPO.

International negotiations to find a constitutional settlement for Namibia continued after the failure of the Geneva settlement conference in January 1981. They had not succeeded by the end of the year. However, within Namibia, the internal administration dominated by the Democratic Turnhalle Alliance (DTA), headed by the Republican Party leader, Dirk Mudge, was given a larger role in government. In September the South African Government transferred certain executive powers to the Council of Ministers; these included responsibility for the courts, the prison service and the police. However, the security police remained directly responsible to the South African Government in Pretoria.

In November the Council of Ministers introduced the Combating of Terrorism Bill in the National Assembly. It replaced a number of security laws and abolished the death penalty for political offences, replacing it with a maximum 20-year sentence. Under the bill, the Terrorism Act of 1967 was to be withdrawn together with other South African security laws applicable in Namibia, notably the Internal Security Amendment Act of 1976. The Terrorism Act had in the past formed the basis for the prosecution and imprisonment of Namibian political prisoners, some 50 of whom remained imprisoned on Robben Island in South Africa. Section 6 of the Terrorism Act was also frequently used as the legal basis for indefinite incommunicado detention without trial for interrogation until 1979. It was then largely superseded by Proclamation AG.9 of 1977, which was amended in May 1979 to include similar detention provisions. Neither Proclamation AG.9 of 1977 nor Proclamation AG.26 of 1978, which provides for indefinite administrative detention, were among the laws to be replaced by the Combating of Terrorism Act. On the contrary, Proclamation AG.9 was amended and further strengthened by the end of 1981 by the Second Security Districts Amendment Act. This permits any member of the security forces to interrogate detainees held under AG.9.

The Prohibition and Notification of Meetings Act was also approved by the National Assembly late in the year. This prohibits meetings of more than 20 people of any organization in any way involved in violent opposition to the administration. It prescribes a sentence of up to three years' imprisonment and a fine.

Detention without trial continued to be used extensively, particularly in Ovamboland, Kavango, and other parts of the north. However, it was difficult to obtain information about individual detainees or their places of detention and impossible to estimate the number of people detained during the year. The South African authorities rarely disclosed information about detainees and frequently did not notify detainees' families of their arrest. Most detainees were held incommunicado under Proclamation AG.9 of 1977, which effectively empowers the security police to detain them without charge or trial for interrogation for an unlimited period. This proclamation has effect in areas designated as "security districts". These cover most of the northern half of the country, from the capital, Windhoek, to the border with Angola. Detainees held under the proclamation may be held anywhere in the country.

Amnesty International learned in August of the detention of Pastor Juuso Shikongo, a Lutheran priest held in Ovamboland since April 1981. No reasons were given for his arrest and he was held uncharged under Proclamation AG.9. Amnesty International appealed on his behalf to Danie Hough, the South African Administrator-General, but received no response. Pastor Shikongo was later reported to have been released uncharged. Detentions were also reported in the Windhoek area and in Tsumeb in August and September after members of the legal, internal wing of SWAPO organized a party rally to mark the annual "Namibia Day" declared by the United Nations. Immanuel Ngatjizeko, a SWAPO official, was released uncharged a few days later but at least six others remained in detention under Proclamation AG.9. It was not known whether they had been freed by the end of 1981.

In November it was reported that an action due to be heard in the Windhoek Supreme Court in early 1982 concerned the alleged murder by security police of a political detainee arrested in August 1980. Johannes Kakuva, a peasant farmer, was alleged to have been tortured and ill-treated when he and 24 others were detained in Ovamboland and accused of feeding and sheltering SWAPO guerrillas, and then to have "disappeared". The security police denied that he was either tortured or murdered in detention. They claimed that he was abducted and taken into Angola by SWAPO guerrillas whom he had agreed to lure into a security police ambush. The security police acknowledged, however, that Johannes Kakuva was permanently

blindfolded during his interrogation by security police officers, apparently so that he would not be able to identify, or be identified by, others detained at the same police station.

Amnesty International remained concerned about the detention without trial of more than 100 Namibian refugees forcibly abducted in May 1978 during a South African military raid on Kassinga in Angola. They had been held virtually incommunicado under Proclamation AG.9 since their abduction and were alleged to have been tortured when first in custody. The South African authorities did not disclose the names of the detainees and their relatives were not known to have been informed or to have been permitted to visit them in detention at Mariental, southeast of Windhoek. In July Amnesty International submitted information about this group of detainees to the *Ad Hoc* Working Group of Experts on Southern Africa of the United Nations Commission on Human Rights.

Strict official secrecy surrounded the position of SWAPO guerrillas captured by South African security forces. They were not formally recognized as prisoners of war but nor were they prosecuted for political offences. They appeared to be detained indefinitely without trial but it was not known under which legal provision. In September the South African army announced that eight SWAPO guerrillas had been captured during a raid into Angola and the South African Minister of Police told Parliament in Cape Town that 23 SWAPO guerrillas had been taken prisoner in Ovamboland between 1 July and 7 September. However, no overall figure for captured SWAPO guerrillas was disclosed and their status remained unclear.

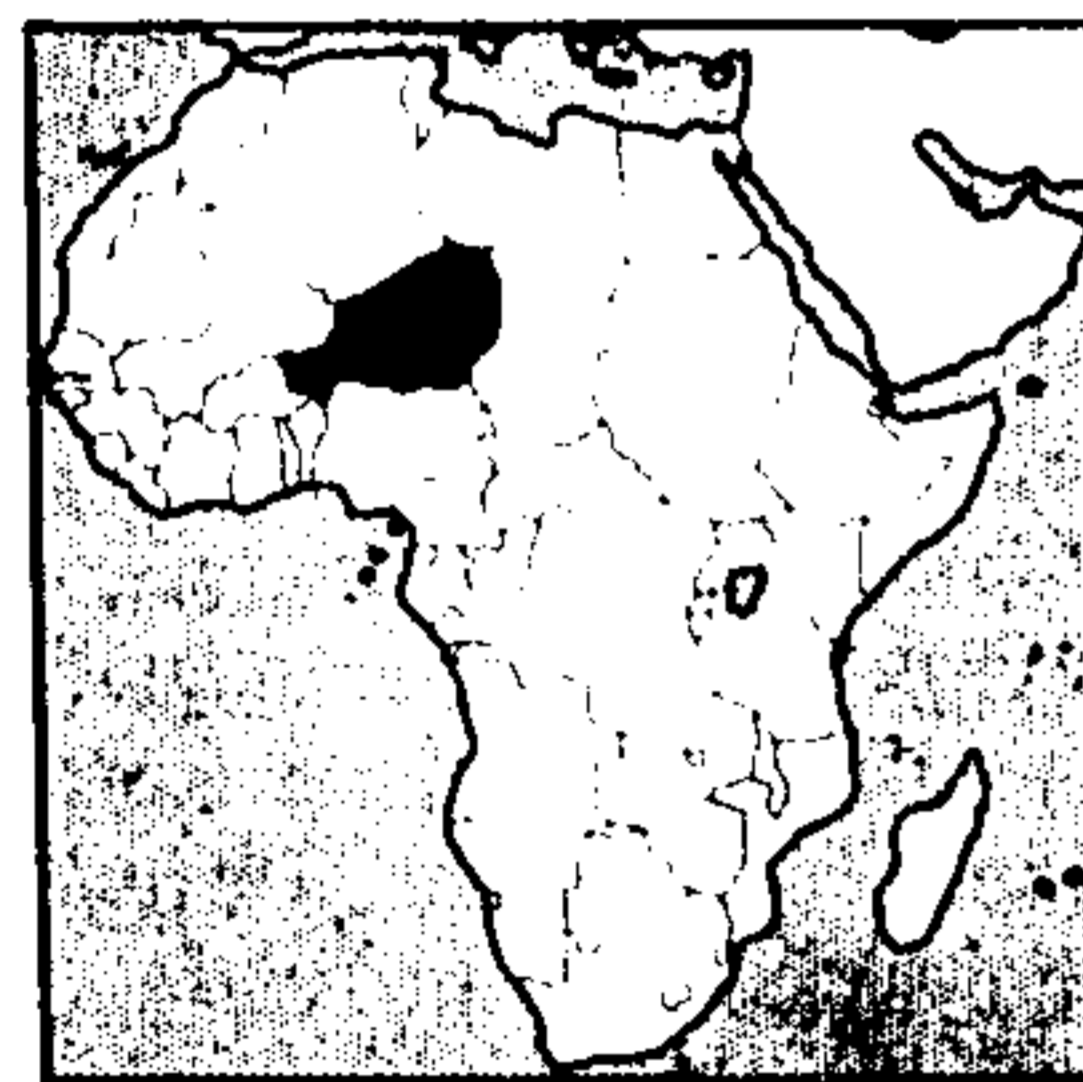
At least 20 prisoners of conscience adopted by Amnesty International remained restricted under so-called "release warrants" throughout 1981. They were restricted upon being released from indefinite administrative detention without trial, mostly in 1979 and 1980. Their release warrants restricted them to particular districts, prohibited them from attending gatherings of five or more people and required them to report regularly to the police. They were also commonly held under house arrest during the hours of darkness and prohibited from receiving visitors at home without advance authorization from the police. Release warrants are imposed on an indefinite basis. Contravention of any of their restrictions may lead to rearrest and detention under Proclamation AG.26 or AG.9.

Three prisoners whose cases had been investigated by Amnesty International were released in late 1981 after completing eight-year sentences on Robben Island. Jeremiah Ekandjo, Martin Kapawasha and Jacob Nghidinua, all members of the SWAPO Youth League, had been convicted under the so-called "Sabotage Act" in 1973. Like other convicted political prisoners they were permitted no remission

of sentence and served the full eight-year terms imposed by the Supreme Court.

At least five people were known to have been sentenced to death for murder in 1981 and at least one execution was carried out at Windhoek prison. In July, however, the South African Appeal Court in Bloemfontein upheld an appeal by Markus Kateka, a farmworker who had been sentenced to death by the Windhoek Supreme Court in October 1980. He had been convicted under the Terrorism Act for assisting SWAPO guerrillas who attacked his employer's farm. He had initially been refused leave to appeal by the trial judge but this decision was overruled by the Chief Justice of South Africa. As a result of the appeal his sentence was reduced to 17 years' imprisonment. Amnesty International had earlier appealed for clemency.

The death penalty was withdrawn for political offences at the end of 1981 with the introduction of the Combating of Terrorism Act. It remained in force for murder and a number of other violent criminal offences.



Niger

Amnesty International's concerns were the detention and house arrest without trial of political prisoners, and poor prison conditions.

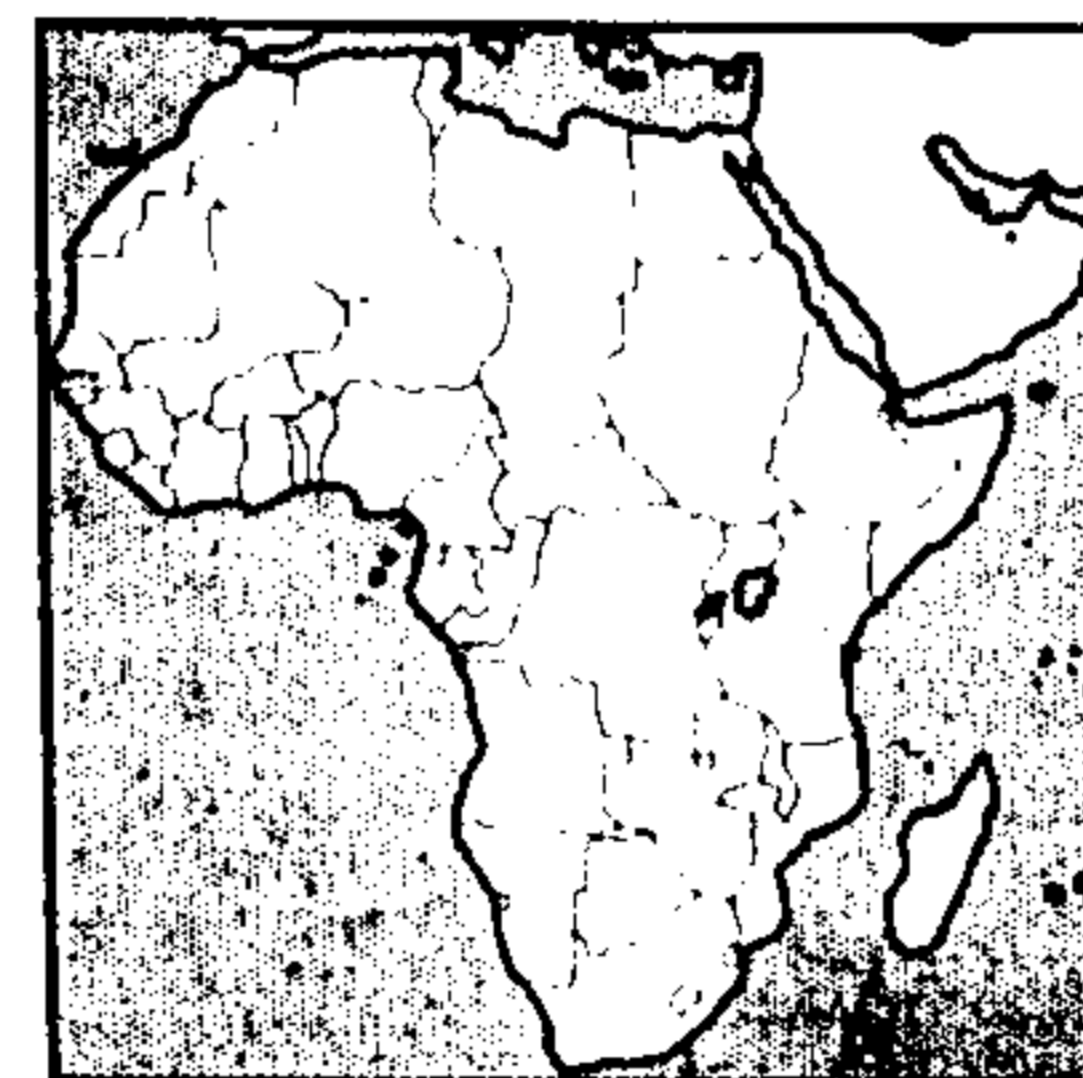
Former President Hamani Diori and former leader of the *Sawaba* (Freedom) Party Djibo Bakary had been held under house arrest since their release from prison in 1980 and allowed only restricted visits. Hamani Diori, who was placed under house arrest with his son Mounkaila, had been imprisoned since his overthrow in April 1974 by the present head of state, Colonel Seyni Kountche. Djibo Bakary had been detained without trial since 1975 for alleged involvement in an attempted coup.

About 17 people, relatives of Hamani Diori and former officials in his government, remained in detention without charge or trial. They included Hamani Diori's brother, Djiba Balle, and two former government ministers, Aboubacar Moussa and Ibrahima Issa. Three other detainees had been held for more than five years for alleged involvement in plots against the government. Cyrille Gabriel and Mai Tourare Gadjo were arrested in 1975 and held without trial; Sanoussi

Jackou was reportedly tried *in camera* by a military tribunal after his arrest in 1976 but no judgment was made public. Several former officials of the Hamani Diori government were reportedly arrested in late 1980, apparently suspected of links with the Libyan Government. At the end of 1981 it was not known whether they were still detained.

Most of the detainees were held in the remote desert prison at Agadez in the Saharan region, where conditions were reported to be harsh. The remainder were held at Tillabery in southern Niger. Prisoners at Agadez and Tillabery were apparently rarely allowed visits or letters from their families. Medical facilities were also said to be inadequate.

Shortly before the 21st anniversary of independence on 15 April 1981 Amnesty International appealed to the authorities to bring to trial or release all these detainees. No answer was received.



Rwanda

Amnesty International was concerned about prisoners detained in connection with offences against state security in 1980 and 1981, and about the treatment of other political prisoners who had been imprisoned since 1974.

A group of 50 soldiers and civilians were brought to trial in September 1981. Most were charged with complicity in a plot to overthrow the government in March 1980. They were tried by the State Security Court at Ruhengeri, in the northwest of the country. The principal defendant was Théoneste Lizinde, a former head of the Security Police. He was arrested in April 1980 and accused of being the leader of a conspiracy against the head of state, General Juvenal Habyarimana. Some of the other defendants had been arrested in April or May 1980 and were detained for long periods before they were formally charged. Others were arrested during the following months. For example, Hassan Hamud, a businessman of Omani nationality, was arrested in July 1980 and accused of financing the assassination of President Habyarimana. Other businessmen were arrested at the end of 1980. There were further arrests in May 1981 when Major Jacques Maniraguha, the Head of Protocol at the Presidency, was detained. Some 15 other suspects were released uncharged at about this time.

Some defendants, including Théoneste Lizinde and Alphonse-Marie Kagenza, a former ambassador to Uganda, were charged with plotting to kill the head of state. However, many others were charged with involvement in the distribution of leaflets circulated in Kigali during March 1980. Many of the leaflets complained about President Habyarimana's policies but they did not advocate his overthrow. The authorities said complicity in their production or distribution was an offence under Article 166 of the penal code, which makes it a crime to distribute information which might incite people against the authorities or otherwise cause disturbance.

The trial took place before the State Security Court, which was established in 1975. It started on 17 September 1981 and was heard in two sessions which lasted for a total of five weeks. The hearings were public and many people followed them on the radio or over a loudspeaker outside the court house. Although the defendants had the right in law to appoint defence lawyers, none was defended by a lawyer. Lawyers were reported to have refused to take on these cases because they felt it would be dangerous.

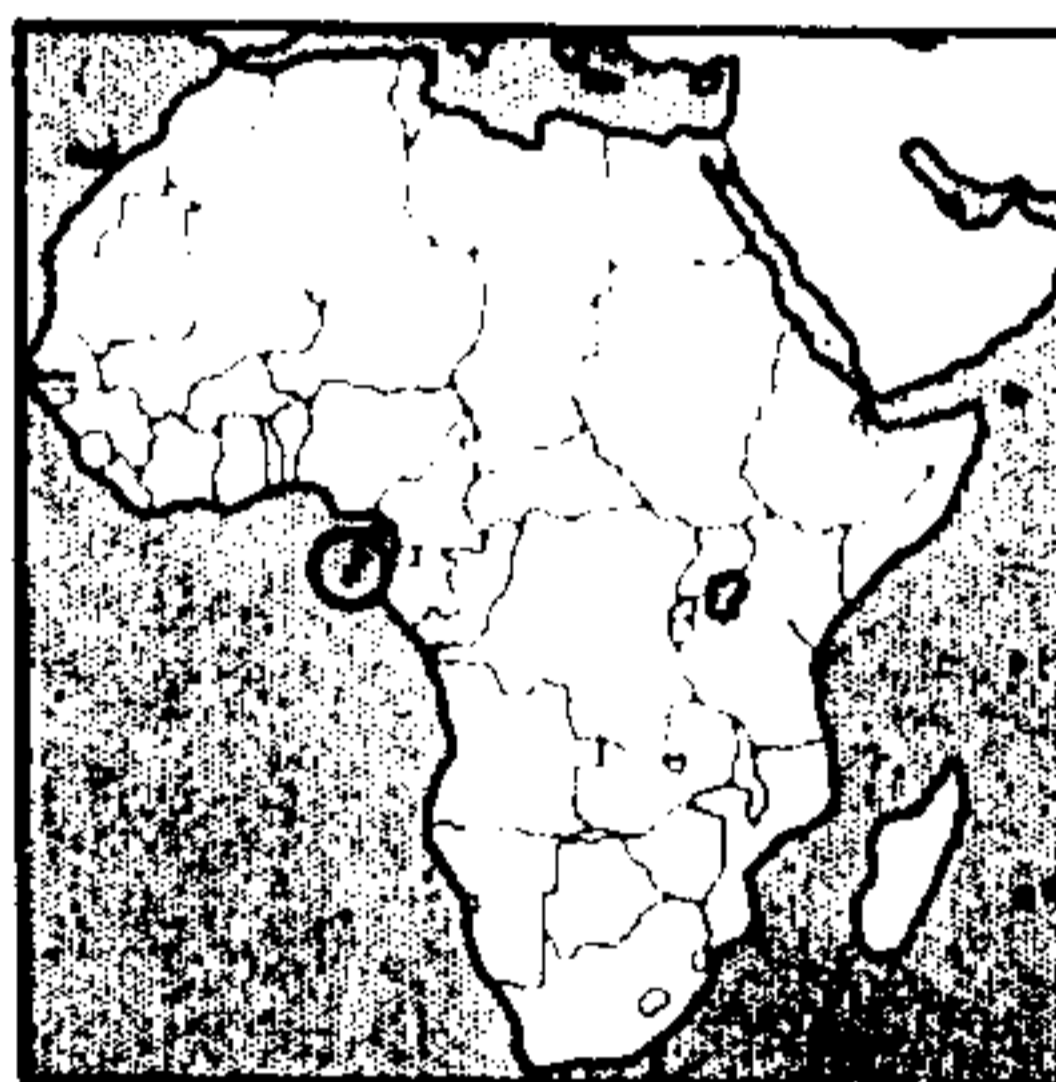
The court announced its verdicts on 24 November 1981. Out of 50 defendants, 26 were convicted and 24 acquitted. The public prosecutor had asked the court to impose the death penalty on 22 defendants; Théoneste Lizinde and Alphonse-Marie Kagenza were sentenced to death. Nine others were given sentences of 10 years or more, while 15 people were sentenced to between two and eight years' imprisonment. Sixteen of those sentenced were convicted solely of distributing documents under Article 166 of the penal code.

Amnesty International was investigating the cases of a number of the defendants before the trial. It had been concerned by reports that some of the detainees were ill-treated during their incommunicado detention in a special unit for political detainees at Ruhengeri prison. Several defendants alleged at their trial that they had been beaten or tortured in custody. The allegations were dismissed by the court because the prisoners could not show any scars or other physical signs of ill-treatment.

After the trial ended in November 1981 Amnesty International appealed to the authorities to allow the two prisoners who had been condemned to death to appeal. It was not known whether the cases had been taken to appeal, but by the end of 1981 the death sentences had not been carried out. The organization also continued to investigate the cases of some other defendants, particularly those convicted under Article 166 of the penal code, in the belief that they might be prisoners of conscience.

During 1981 Amnesty International received information about prisoners who were arrested in March 1974 and convicted in June

1974 for having tried to overthrow the government. The prisoners were almost all former senior officials in the government of President Kayibanda, who was overthrown by General Habyarimana in July 1973. The verdicts of the June 1974 trial were never made public and the convicted prisoners were subsequently held incommunicado in Ruhengeri prison. Since 1974 about 30 of these prisoners were reported to have died in prison, but no official information was made available about their fate. In 1981 the families of many of the prisoners did not know if they were alive or dead.



Sao Tome and Principe

Amnesty International was concerned about detention without charge or trial and unfair trials of political prisoners.

Amnesty International learned of the release of Miguel Trovoada, an adopted prisoner of conscience (see *Amnesty International Report 1980*), and of several other political prisoners. It continued to investigate the cases of five convicted prisoners.

The former prime minister Miguel Trovoada was released in July 1981 under an amnesty to mark the sixth anniversary of the country's independence. He had been held without charge or trial at Sao Tome's central prison for 21 months after his arrest in October 1979.

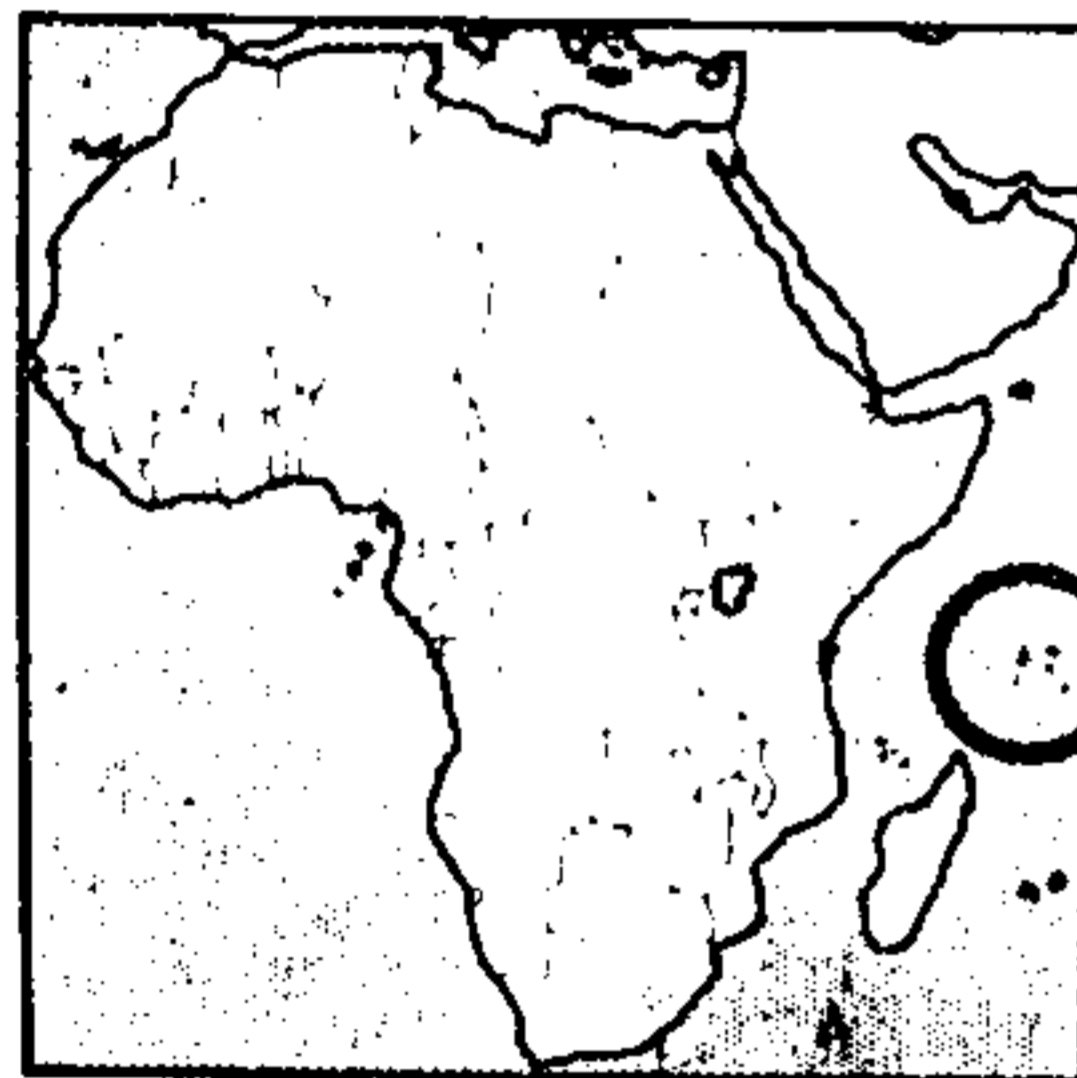
Three other prisoners of concern to Amnesty International were also released in July 1981. One was Antonio Almeida, detained without trial since November 1980 when he was arrested and accused of trying to overthrow the government. Two Portuguese nationals arrested at the same time were reportedly released in late 1980.

The other prisoners of concern to Amnesty International released in July 1981 were Leonilde Seita Diogo and Manuel Gomes da Silva. They were convicted by a special court in November 1977 of complicity in the so-called "Cobra 77" conspiracy to invade both Angola and Sao Tome and Principe. Amnesty International believed that they had not been given a fair trial. It remained concerned about the continued imprisonment of three other people convicted at the same time and was investigating their cases.

Amnesty International also continued to investigate the cases of Alcino de Lima and Albertino Neto. They were convicted of

conspiracy against the government in March 1979 and sentenced to 22 and 21 years' imprisonment respectively. Three others convicted at the same trial were released in 1980. Amnesty International believed that the trial in March 1979, like the one in November 1977, was unfair. The defendants were convicted on insufficient evidence and had no adequate opportunity to defend themselves.

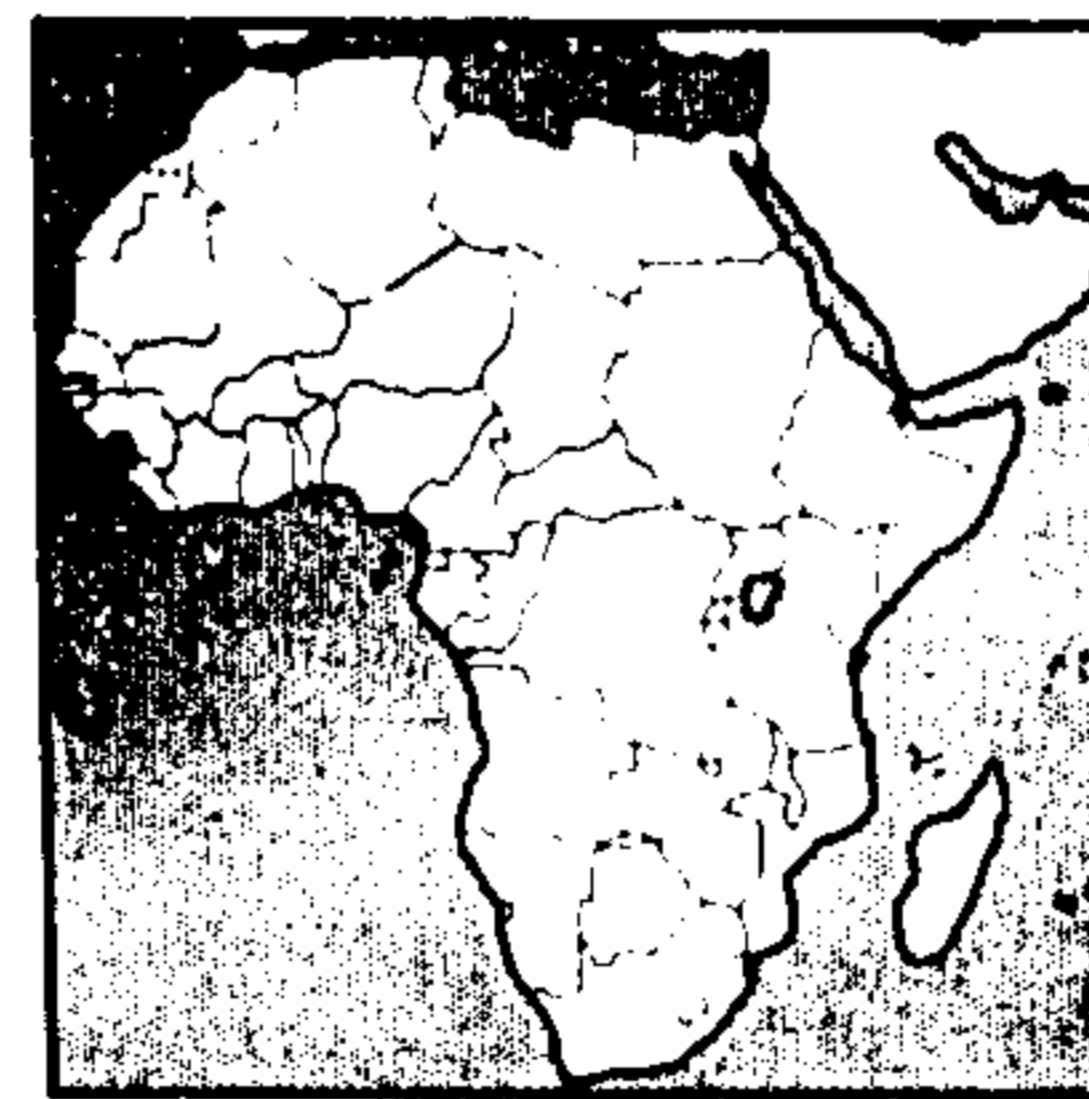
In December 1981 demonstrators on the island of Principe protested against the shortages of essential goods on the island. They claimed there was a relative abundance of food and other supplies on the island of Sao Tome. Government forces intervened to suppress the demonstration and shot and wounded several demonstrators. An unknown number of demonstrators were arrested, but by the end of the year Amnesty International did not know if they had been released or if some remained in detention.



Seychelles

A number of Seychellois nationals were arrested and believed to be detained under the Preservation of Public Security Regulations, which permit indefinite detention without charge or trial, following the unsuccessful attempt by foreign mercenaries to overthrow the government of President France-Albert René on 25 November 1981. Forty-five mercenaries

escaped to South Africa, but six were captured in Seychelles. Together with an alleged accomplice (a South African citizen) arrested shortly afterwards, they were due to appear in court in 1982 to face charges which could include treason, the only offence in Seychelles carrying the death penalty. On 15 December 1981 the United Nations Security Council decided to send a commission of inquiry to Seychelles to investigate "the origin, background and financing" of the mercenary attack. At the end of the year Amnesty International was seeking information about the detention and treatment of at least 15 Seychellois nationals arrested in December. The government did not state the reasons for their detention and gave no indication whether they might face charges relating to the mercenaries' attack.



Sierra Leone

Amnesty International was concerned about the detention without trial of trade unionists and poor prison conditions.

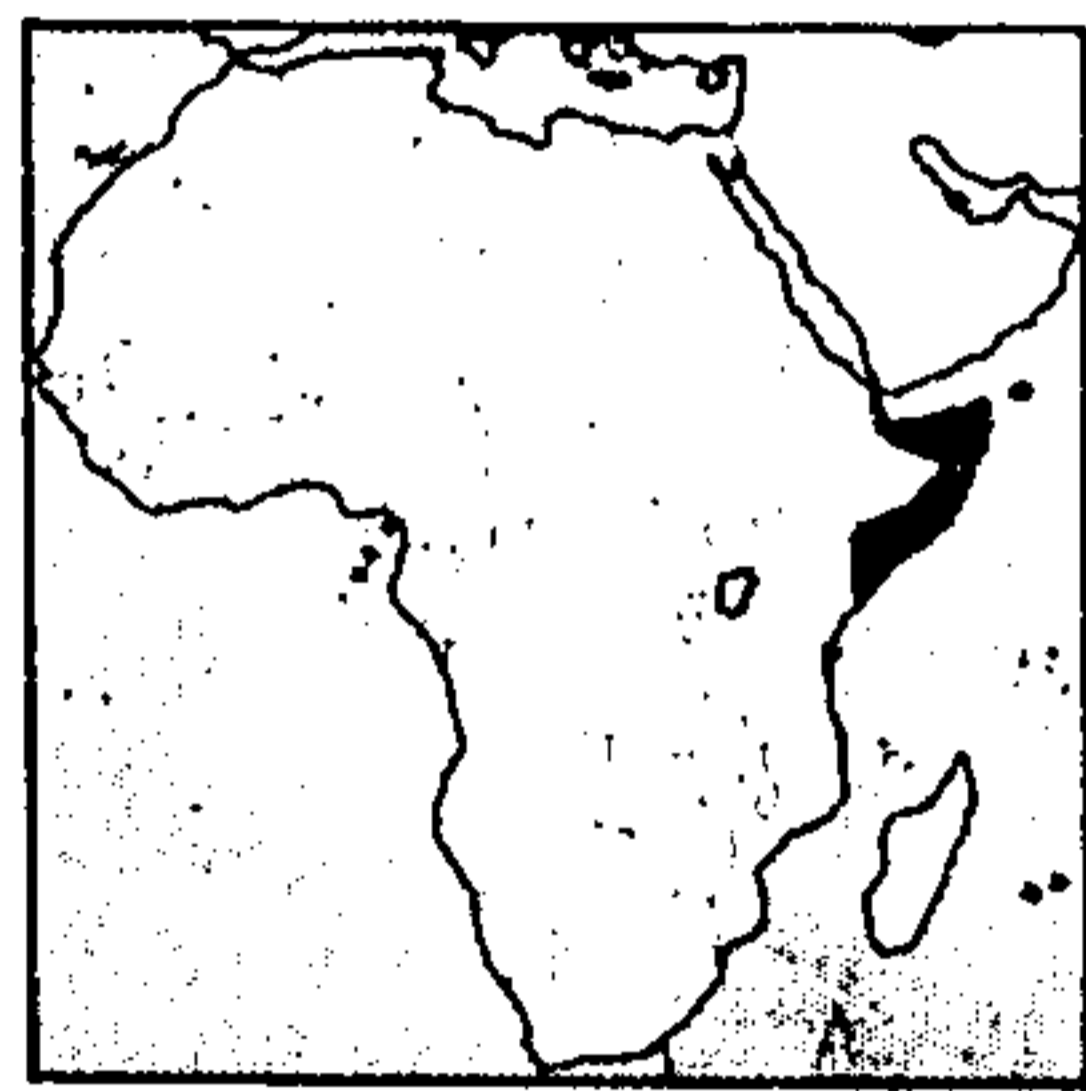
In June 1981 the Sierra Leone Labour Congress (SLLC), a federation of 15 trade unions, submitted a memorandum to the government containing a list of proposed reforms in the field of economic policy, including tighter controls on food prices. On 14 August, when the SLLC had apparently received no response, it called a national strike in protest. After five days the government agreed to reduce the price of rice by 60 per cent and the strike was called off. However, negotiations with the government on the rest of the SLLC's proposals broke down and the strike resumed on 1 September.

On the same day President Siaka Stevens declared a three-month state of emergency which empowered the President to detain without trial anybody "acting in any manner prejudicial to public safety and order". About 15 leading trade unionists were immediately arrested and the headquarters of the SLLC was sealed off by security forces. There were clashes between the paramilitary force, the Special Security Division, and supporters of the strike in the capital, Freetown. The opposition newspaper *The Tablet* had its offices ransacked and presses wrecked. On 19 September violence broke out in the provincial town of Makeni after a visit by President Stevens. About 50 people were apparently arrested, and eight youths subsequently sentenced to five years' imprisonment for rioting and looting. In all, at least six people were reported to have been killed in the violence in Freetown and three in Makeni.

The arrests continued and by the end of September about 180 people were detained in Pademba Road Prison, Freetown. Most were trade unionists but some were critics of the government and people involved in the rioting. The detainees included James Baimba Kabia and Ibrahim Langley, Secretary General and President of the SLLC respectively, trade union leaders such as Tejan Abdul Kassim, Alimamy Baimba Mansaray and Uriah Davies, and journalists such as Ibrahim Ben Kargbo, assistant editor of *The Tablet*, and Lans Joe Sesay of the *Daily Mail*. Conditions at Pademba Road Prison were believed to be harsh: food was poor and bedding inadequate; the detainees were kept locked in their cells 24 hours a day and allowed to wash only rarely.

In response to international trade union organizations who called

for the release of the trade unionists President Stevens said that the strike call had been illegal and would have led to a breakdown of law and order. On 28 September Amnesty International asked the authorities for information as to whether the detainees had been charged and whether they had access to their families and lawyers. No reply was received. At the beginning of October all the detainees were released and the government set up a Commission of Inquiry to look into the status, administration and activities of the SLLC.



Somalia

Amnesty International's concerns were the detention without trial of government opponents, allegations of ill-treatment of prisoners, harsh prison conditions, and the death penalty.

Most of the 56 prisoners adopted by Amnesty International as prisoners of conscience or under investigation as possible prisoners of conscience were

detained indefinitely without charge or trial under the Preventive Detention Law of January 1970. They were arrested by the National Security Service (NSS) at various times between 1973 and 1981, without explanation or legal recourse. The names and numbers of political detainees were not disclosed by the government but they were believed to number several hundred. The state of emergency decreed by President Siyad Barre on 21 October 1980 gave additional powers of detention to new regional and district revolutionary committees. Amnesty International had no information on arrests by these committees.

The prisoners of conscience detained without trial included Mohamed Abshir Musse, who was detained in June 1973, having previously been held under house arrest from October 1969 until April 1973. He was believed to have been rearrested in 1973 because of his known opposition to military rule. Abdullahi Farah Ali ("Holiif"), former Brigadier General of Police (1962 to 1969), and ambassador successively to Egypt, Tanzania and Sudan between 1969 and 1974, was detained in 1975 as another suspected opponent of the government. Sheikh Mohamed Moallim Hassan, former Assistant Director of the Department of Religious Affairs in the Ministry of Justice and Religious Affairs, was detained in 1975 for

criticizing the government's Marxist-Leninist ideology as anti-Islamic. Mohamed Ibrahim Egal, Prime Minister from 1967 until the military coup of October 1969, was detained in 1976 without official explanation. He had been arrested with the whole government in 1969, and detained in a presidential villa in Afgoi; in 1975 he was summarily tried by the National Security Court and sentenced to 30 years' imprisonment for embezzlement, but was released unconditionally a year later and appointed ambassador to India. Yusuf Osman Samantar ("Barda'ad"), Secretary General of the Somali Democratic Union until all political parties were banned in October 1969, was detained in 1978.

Other political prisoners had been tried and sentenced by the National Security Court, mostly under the National Security Law of September 1970 (known as the "Law of 26 Articles"). The National Security Court, which has regional sections, is composed mainly of army and police officers, often without legal training. Legal representation is permitted but most legal safeguards for defendants in civil courts are absent. Trials are generally summary and defendants have no right of appeal. Yusuf Ali Barre, who was sentenced by the National Security Court in 1977 to 10 years' imprisonment for possession of subversive documents, has been adopted as a prisoner of conscience. Amnesty International was investigating the cases of certain other prisoners sentenced by the court in recent years.

About 30 people were arrested in Mogadishu in January 1981 after a series of explosions for which the Ethiopia-based opposition Somali Salvation Front (SOSAF) claimed responsibility. Some were released during 1981, but by the end of 1981, 10 people were still detained without charge or explanation. Amnesty International believed that they were prisoners of conscience. They included three members of parliament, who were also members of the central committee of the sole permitted political party, the Somali Revolutionary Socialist Party (SRSP): Abdullahi Warsame Nur, former Auditor General; Mohamed Ali Warsame, former Minister of Education; and Mohamed Yusuf Weirah, former Minister of Finance. They were arrested shortly after speaking out in parliament against abuses by the security forces in Mudug Region.

In November and December 1981 about 40 people were arrested and detained without charge in the northern town of Hargeisa. They included doctors and veterinary surgeons, teachers, civil servants and businessmen. They had reportedly been involved in self-help community projects which the government believed were politically motivated and associated with leaflets criticizing the government. Some were alleged to have been ill-treated after arrest. Amnesty International asked the government about their legal status and urged

that they be released or charged and tried.

A number of political prisoners were released during 1981. They included some prisoners arrested in January 1981, such as Abdulaziz Nur Hersi, former Minister of Labour; Abdullahi Musse Bogor ("Kinka"), a senior civil servant; and Mohamed Farah Hassan, a trade unionist. Two prisoners whose cases Amnesty International had been investigating for some years were released in September — Ahmed Ismael Bogor, a former military attache to the Somali Embassy in Egypt, who had fled to Saudi Arabia but was detained on his return to Somalia in 1975, despite official guarantees of safe return; and Abdullahi Yusuf Haji ("Goure"), a businessman sentenced to life imprisonment in 1974 by the National Security Court. About 10 army officers detained without charge or trial since the April 1978 coup attempt were also freed in September. Two other officers had been released earlier in the year.

President Siyad Barre declared an amnesty for over 5,000 prisoners to commemorate the 12th anniversary of his government on 21 October 1981. A few political prisoners may have benefited from it but Amnesty International could obtain no details. The President also declared an amnesty for Somali exiles abroad, but without any legal guarantee of safe return.

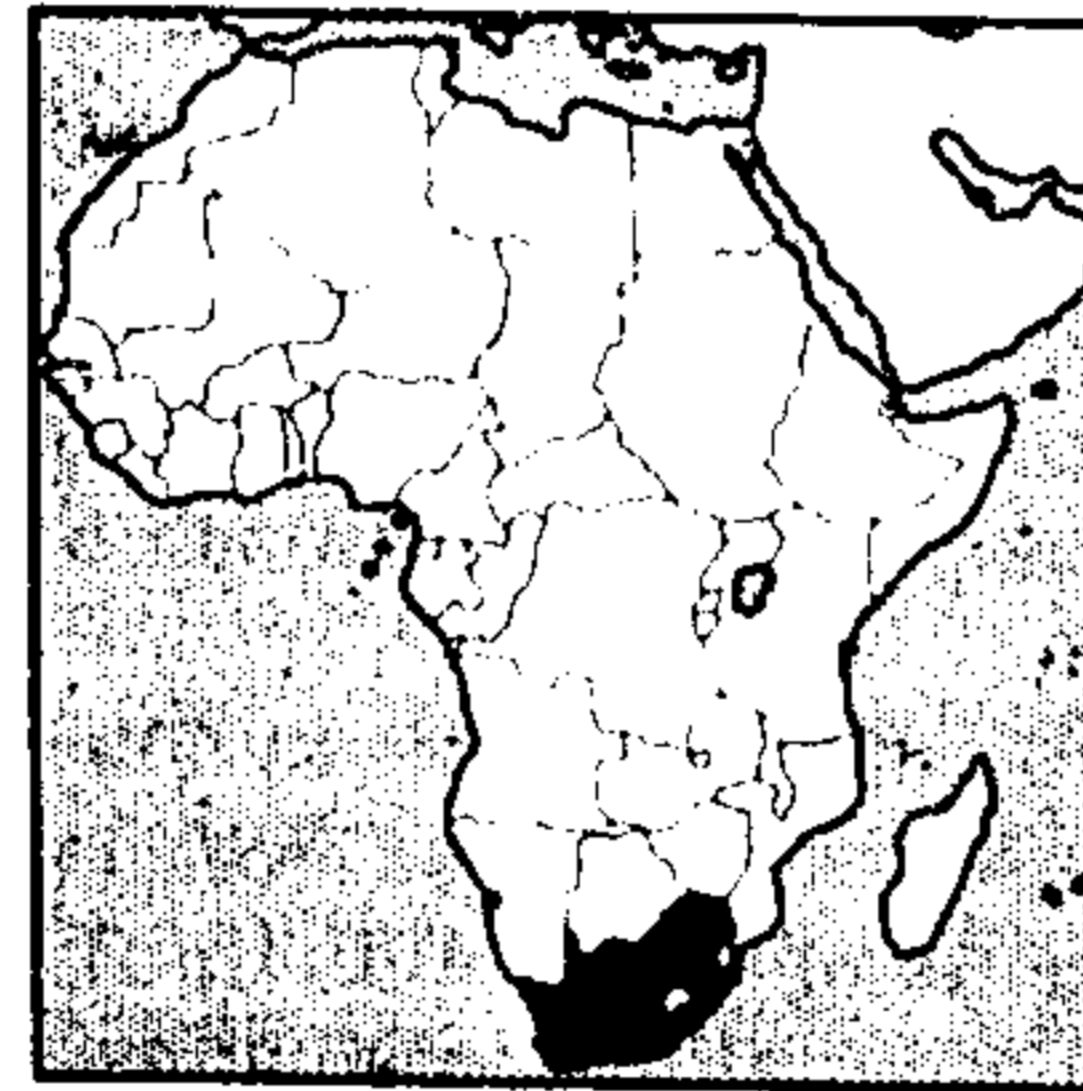
Most political prisoners were held in the modern maximum security prisons of Labatan Jirow, near Baidowa, or Lanta Bur, near Afgoi. In these prisons many prisoners were held incommunicado in long-term solitary confinement. Political prisoners were denied visits or correspondence with their families, who often had no information about their whereabouts or condition. Some prisoners were held for long periods in small cells without light, or in cells permanently lit with artificial light. Several prisoners held under these conditions were alleged to have become mentally unbalanced or to have suffered other severe medical complaints, particularly related to eyesight, hearing and blood pressure. Prison diet was poor and medical attention inadequate.

Amnesty International continued to investigate allegations of ill-treatment or torture of prisoners in Labatan Jirow prison, Lanta Bur prison and National Security Service offices. In November 1981 Amnesty International appealed on behalf of 13 political prisoners believed to be seriously ill and called for proper medical care for all prisoners. Among them was Saida Botan Elmi, detained without trial since 1978. She was still seriously ill as a result of prolonged torture after her arrest, including rape, electric shocks and submersion in water, apparently in reprisal for her husband's defection to SOSAF. No replies to this appeal were received.

Conditions in the older prisons such as Mogadishu Central Prison,

where many army officers arrested in 1978 and the politicians arrested in January 1981 were held, were said to be overcrowded and unhygienic.

Amnesty International's information on the use of the death penalty in Somalia was fragmentary. The National Security Law (1970) provides for the death penalty for a large number of offences, including treason, sedition, going on strike, and "using religion to destroy the unity of the nation". In June 1981 four people were reported to have been executed for embezzlement of large sums of public funds.



South Africa

Amnesty International was concerned by the imprisonment, banning or banishment of prisoners of conscience, the use of detention without trial, allegations of torture and harsh prison conditions, and the death penalty. The conduct of a number of political trials also gave cause for concern.

The ruling National Party and Prime Minister P. W. Botha were returned to office in a general election at the end of April. At the beginning of the year new constitutional arrangements came into force when a 61-member advisory body, the President's Council, took office in Cape Town. Headed by a Vice State President, it included government-appointed representatives of the white, "coloured", Indian and Chinese population groups. However, representation was not on a proportional basis and representatives of the majority African population were excluded.

Soon after the election, official celebrations were held to mark the 20th anniversary of the Republic. Black and white students and others mounted a concerted boycott campaign and held "anti-Republic Day" demonstrations. There was also intensified activity by African National Congress (ANC) guerrillas who committed acts of sabotage throughout the country. After demonstrators burnt the national flag while protesting against the government's *apartheid* policies, a new law was introduced making it an offence punishable by five years' imprisonment to violate the flag or injure the reputation of the State President or Vice State President.

A number of student leaders, black trade unionists and others were

detained in May and June at the time of the anti-Republic Day protests. They included Andrew Boraine, President of the white National Union of South African Students (NUSAS) and son of a Progressive Federal Party (PFP) member of parliament; Firoz Cachalia, Chairman of the Black Students' Society at Johannesburg's University of the Witwatersrand; and Wantu Zenzile, President of the black Congress of South African Students (COSAS). Leading black trade unionists such as Joe Mavi, President of the Black Municipal Workers' Union, and Sisa Njikelana, Vice-President of the South African Allied Workers' Union (SAAWU), were also among those arrested. All were first held incommunicado for 14 days under Section 22 of the General Law Amendment Act, No. 62 of 1966. They were then transferred to indefinite detention without charge or trial under Section 6 of the Terrorism Act, which authorizes unlimited incommunicado detention for interrogation, or under Section 10 of the Internal Security Act, which provides for indefinite administrative detention. Most of the detainees were released uncharged after a few weeks. However, some, including Andrew Boraine and Firoz Cachalia, were restricted under five-year banning orders upon release. Amnesty International adopted them as prisoners of conscience.

The detentions linked to the anti-Republic Day protests in May and June were among many similar actions taken by the authorities during the year against critics and opponents of *apartheid*. In all, more than 600 people were believed to have been detained throughout South Africa in 1981. Almost all those detained were held incommunicado and without charge for interrogation before being charged or released or placed in preventive detention. Many were young people, some less than 16 years of age. They included at least three alleged ANC members abducted by South African security forces who carried out a raid into Mozambique in January, refugees forcibly repatriated from Botswana and Lesotho, and Dhaya Pillay, a refugee abducted from Swaziland in February and returned a few weeks later.

Some detainees were held incommunicado for prolonged periods. Zwelakhe Sisulu and Thami Mazwai, journalists detained in June, were still held uncharged at the end of the year. Relatives had no access to them and the security police would not disclose where they were held. The authorities would say only that, having been held for several months for interrogation under Section 6 of the Terrorism Act, they had been transferred to detention under Section 12B of the Internal Security Act. This provides for the incommunicado detention of potential witnesses for the state in political trials. Even less information was made available to relatives and lawyers about Siphos Pityana, Maxwell Madlingozi and other leading officials of the Motor

Assemblers' and Components Workers' Union (MACWUSA) who were detained by Port Elizabeth security police in June. At the end of 1981 it was known only that they were detained under Section 6 of the Terrorism Act. No reasons for their arrest or any other details of their imprisonment had been released by the security police. Their cases, like that of Thami Mazwai, were being investigated by Amnesty International. Zwelakhe Sisulu was adopted as a prisoner of conscience.

Some political opponents of the government were repeatedly detained without trial. For example, Thozamile Gqweta, President of SAAWU, had already been detained four times since the beginning of 1981 when he was arrested on 10 December, yet he had not once been charged or convicted of an offence. Thabo Ndabeni, National Organizer of the Azanian People's Organization (AZAPO) was detained for almost three weeks in April, released and then rearrested in mid-June and held incommunicado under the Terrorism Act.

Following the detention of a number of students and trade union activists in September and October, some of their parents and other relatives came together to form the multi-racial Detainees' Parents Support Committee. Based initially in the Johannesburg area and composed largely of relatives of white detainees, this quickly developed into an important pressure group campaigning for the release of individual detainees and highlighting the wider problem of detention without trial. Its membership increased after further arrests in late November. Security police detained Rita Ndzanga, Emma Mashinini and other black trade unionists, white trade union activists such as Neil Aggett and Renee Roux, and Cedric Mayson, a former banned person and Amnesty International adopted prisoner of conscience. The committee achieved some success at the end of the year when the security police permitted a number of detainees held under the incommunicado provision of the Terrorism Act to receive short, non-contact visits from relatives.

Detention without trial was also used extensively in the Transkei and Venda "homelands", declared "independent" in 1976 and 1979 respectively, and in the Ciskei. In all three areas political dissenters were held in incommunicado detention without trial for long periods, and there were allegations of torture. At least two detainees died in security police custody: Manana Mggqweto, aged 60, died in September after two weeks' detention in the Transkei; and Isaac Tshifhiwa Muofhe died on 12 November, allegedly as a result of torture, two days after his arrest by Venda security police.

Allegations of torture were made throughout the year by former detainees and by defendants and witnesses in political trials. In most cases the allegations were impossible to verify. The victims had been

detained incommunicado and often held for long periods after the alleged torture occurred. However, the number and diversity of those alleging torture, and the general consistency of their claims, indicated that detainees were commonly treated brutally during interrogation by security police.

In early December Amnesty International issued an international medical appeal on behalf of Khosi Mbatha. It was alleged that she had suffered a stroke or heart attack as a result of ill-treatment under interrogation. She had been detained together with her husband, Alex, on 22 October and held incommunicado. She was moved to a hospital under a false name, and in strict security, when she became ill.

In June the Appeal Court set aside a seven-year prison sentence imposed in 1979 on Linda Mario Mogale, a Soweto student leader. It accepted that the "confession" which formed the basis for his conviction had been obtained under torture. Daniel Mathee, a security police officer who had subsequently been promoted, had pulled out two of Linda Mario Mogale's teeth with a pair of pliers, assaulted him, and inflicted electric shocks while interrogating him in May 1978. Despite the Appeal Court judgment he was unable to obtain damages from the Minister of Police because of a provision stipulating that no civil action can be instituted if more than six months have elapsed. Linda Mario Mogale had been held incommunicado for over seven months after he was tortured. The authorities declined to prosecute Daniel Mathee and it was reported that he would not be disciplined by the police.

There was a succession of political trials in 1981 some of which resulted in the imprisonment of prisoners of conscience. It was common for part of the proceedings to be conducted *in camera*, the officially stated purpose being to safeguard state witnesses against possible reprisals. In a number of trials alleged confessions obtained by the security police from defendants and others detained as witnesses constituted the main basis for convictions. Some detainees called as state witnesses had been held incommunicado for many months before they gave evidence in court. Others refused to give evidence and were jailed for contempt of court. For example, Bonisile Norushe, a trade unionist who had been detained since June 1980, was imprisoned for one year in February when he refused to be a state witness. The maximum sentence for contempt of court is five years' imprisonment.

Two trials stood out. That of Oscar Mpetha, a 71-year-old trade unionist, and 18 others charged under the Terrorism Act began in Cape Town in early March amid popular demonstrations in support of the accused. It continued intermittently and for much of the time *in camera* until the end of the year by which time the state's case had still

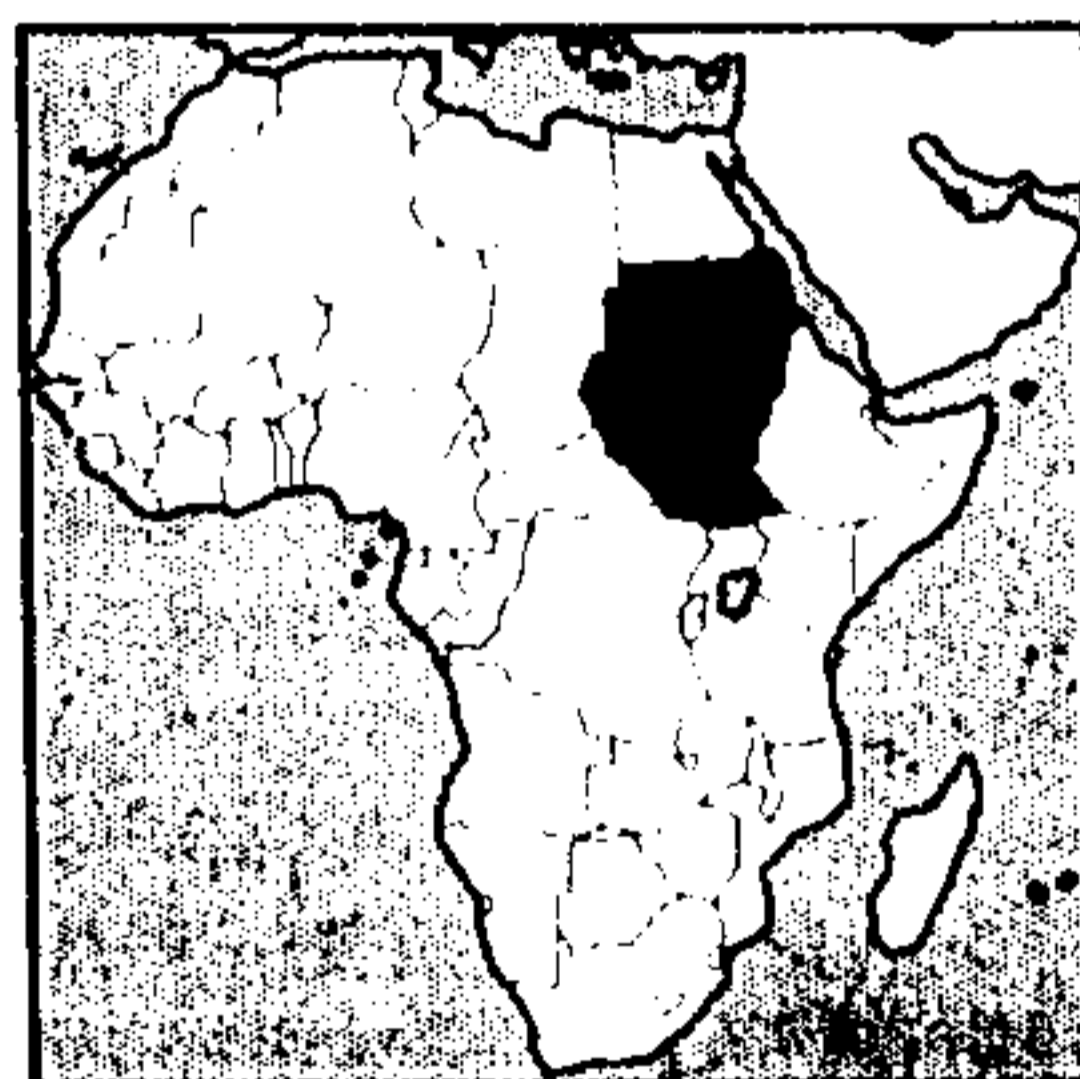
to be completed. The other major trial was that of Bobby Tsotsobe, Johannes Shabangu and David Moise, three alleged members of the ANC who were charged with treason in April. They were alleged to have carried out a series of sabotage attacks, including one on a police station and another which caused extensive damage to an important oil-from-coal installation. In August they were convicted and sentenced to death by the Pretoria Supreme Court after a trial in which defendants and some witnesses testified that they had been tortured. Amnesty International issued an appeal for clemency in August and the prisoners had not been executed by the end of 1981. Like three other alleged ANC members sentenced to death for treason in 1980, they lodged an appeal against the death sentence and were waiting for it to be heard at the end of the year.

In mid-1981 Minister of Justice H.J. Coetsee suddenly withdrew the restriction orders on some 26 banned people. Half of them had less than a year to go before their existing five-year banning orders were due to expire. However, a few, including Nohle Mohapi, widow of a political detainee who died in custody in 1976, had more than three years to complete. No reasons were given for the lifting of these banning orders, just as no reasons had been given for their imposition. Some banning orders were also allowed to expire, notably that of Albertina Sisulu, wife of the imprisoned ANC leader Walter Sisulu, and mother of Zwelakhe Sisulu, which expired at the end of July. She had been continuously restricted under banning orders for more than 16 years.

However, a number of new banning orders were imposed and several existing orders were renewed for a further term during 1981. Zwelakhe Sisulu and Marimuthu Subramoney, both journalists and respectively President and Vice-President of the Media Workers' Association of South Africa (MWASA), had been banned at the end of 1980. Three more black journalists connected with MWASA — Phil Mtimkulu, Joe Tlholoe and Mathata Tsedu — were banned in January 1981. A fourth, Charles Nqakula, was banned in July. As banned people may not prepare material for publication or be quoted, all were effectively deprived of their livelihoods. At least four student leaders and two people who had both been banned before were banned for five years in June and July after the anti-Republic Day protests. Most had already been detained without trial. In July Dr Fatima Meer's banning order was extended without explanation for a further five-year term. Mewa Ramgobin, already banned for 15 years for his participation in the Natal Indian Congress, was served with a fourth five-year banning order in September. At the end of December Winnie Mandela's banning and banishment to Brandfort was extended for five more years.

Amnesty International continued to adopt banned people as prisoners of conscience and campaigned throughout the year for the unconditional withdrawal of all banning and banishment orders. Amnesty International also adopted as a prisoner of conscience Charles Yeats, a white conscientious objector who was court-martialled in May for refusing to do military service in the Defence Force. He was sentenced to one year's imprisonment in detention barracks, where he was subjected to periods of solitary confinement when he continued to protest against the army's refusal to recognize him as a conscientious objector. In December he was retried, sentenced to one year's imprisonment in a civil prison and discharged from the army. Richard Steele, another conscientious objector who had been adopted by Amnesty International as a prisoner of conscience, was released from detention barracks in February after completing his one-year sentence.

The death penalty remained a major concern. It was used extensively against people convicted of murder and other violent criminal offences and was imposed also on three alleged ANC members convicted of treason. In March the government announced that 130 executions had been carried out in 1980 and gave the following racial breakdown: one white, one Indian, 43 "coloureds" and 85 Africans. In mid-July it was reported that the execution of six prisoners at Pretoria Prison on 10 July brought the number of hangings carried out since the beginning of the year to 69. By the end of the year a total of 96 people had been executed.



Sudan

Amnesty International's concerns were the detention without trial of government opponents, unfair trials, and poor prison conditions.

Many political opponents of the government were detained indefinitely without charge or trial under the State Security Law. In March 1981 Saad Bahar, a retired army brigadier, and Saddig Ballo, a former member of parliament, were among 11 people of different opposition groupings arrested and accused of planning to overthrow the government. Amnesty International's investigations yielded no response from the authorities and the prisoners were still detained without charge at the end of the year.

A member of the southern regional parliament, Gabriel Mathiang Rok, the deputy chairman of the Sudanese parliamentary group, was arrested on 1 June 1981. He was charged with inciting students in the south to demonstrate against the government's decision not to site an oil refinery there, near the oil-fields. He was released uncharged after two months in detention.

In June 1981 hundreds of trade unionists were arrested after a strike by the 43,000-strong Sudan Railway Workers Union — Sudan's largest official trade union — over the dismissal of 20 union members and soaring prices. All strikes were banned on 16 June. When the strike continued, Abbas al-Khidir, President of the Railway Workers Union and a nominated member of parliament, was detained with the union's entire Executive Committee. Many members of the railway union and allied unions which joined them on strike were also detained. President Gaafar Mohamed Numeiri decreed an amendment to the State Security Law imposing the death penalty or life imprisonment on anyone convicted by the State Security Court of organizing or participating in a strike. Amnesty International appealed for the release of the detained trade unionists on the grounds that they were prisoners of conscience. It protested strongly against the threat to execute people for trade union activities under the retroactive decree. On 6 July President Numeiri released Abbas al-Khidir and the Railway Workers Union leaders. The other trade unionists were later released without being tried, but many were dismissed from their jobs. The amendment to the State Security Law was dropped.

An unprecedented series of arrests of "aliens, tramps, pedlars and criminals" began in July 1981 and continued for some months. Thousands of the urban poor and unemployed were detained as the government faced increasing protests at rising prices of basic commodities. The government alleged that those arrested belonged to a clandestine Libyan-backed organization planning to overthrow the Sudanese Government. Details of the arrests were difficult to obtain and Amnesty International could not verify this figure. Amnesty International asked the government the grounds for the arrests and the legal status of the detainees. It expressed concern at reports that many were held incommunicado in harsh conditions, some in newly designated detention areas such as football stadiums, without adequate food or shelter. The government replied that the majority of those arrested had been released and that others were to be charged. It denied the allegations of ill-treatment.

In November 1981 about 20 members of the banned Democratic Unionist Party were detained, including a former adopted prisoner of conscience Osman el-Hag Omer, a lawyer. Amnesty International was investigating their cases.

Towards the end of December 1981, 21 prominent southern politicians were detained after being called to Khartoum by President Numeiri to discuss the contents of a letter they had written to him under the name of "The Council for the Unity of Southern Sudan". The letter protested at the decision to divide the south into three new regions. It claimed that this violated the 1972 "Addis Ababa Agreement" which had ended the civil war and given considerable regional autonomy to the south. Most of the 21 were soon released but five of the group's leaders remained in detention — Samuel Aru Bol, Clement Mboro, Joseph Oduho, Martin Majier Gai, and Michael Wal. The first four were elected members of the southern regional parliament until its dissolution on 5 October 1981. Amnesty International expressed its concern to the government that they appeared to have been arrested for the expression of non-violent political views and inquired about their legal status and treatment in Kober Prison. The government later stated that they would be charged with attempting to establish an illegal political organization. Amnesty International adopted them as prisoners of conscience.

Many of the 170 prisoners adopted by Amnesty International as prisoners of conscience had been in detention since 1979 or 1980, when many known members or alleged supporters of banned political parties were arrested. They included about 30 members of the Arab Ba'athist Socialist Party, arrested in March 1979 for opposition to the government's support for the peace treaty between Egypt and Israel. Several were released during 1981, including Youssif Himat Hassan, a bank manager, on whose behalf Amnesty International had appealed on medical grounds.

Over 120 members or alleged sympathizers of the Sudan Communist Party, detained during demonstrations and rioting against the government in 1979, remained in detention at the end of 1981. Very few were released during the year. Those still detained at the end of 1981 included Mohamed Murad, a lecturer in history at the University of Khartoum, Youssif Hussein, a member of the party's central committee and Mokhtar Abdullah, a trade unionist.

Six members of the Democratic Unionist Party, arrested with about 50 others in May 1980 and accused of involvement in a coup conspiracy, were released in 1981. They had not been charged or tried. They included Seif Alawala Abdel-Majid, a doctor on whose behalf Amnesty International had launched a medical appeal. A number of teachers and students arrested in the south in August 1980, after demonstrations and protests against working conditions by teachers' and students' unions, were also released towards the end of 1981 without having been charged or tried.

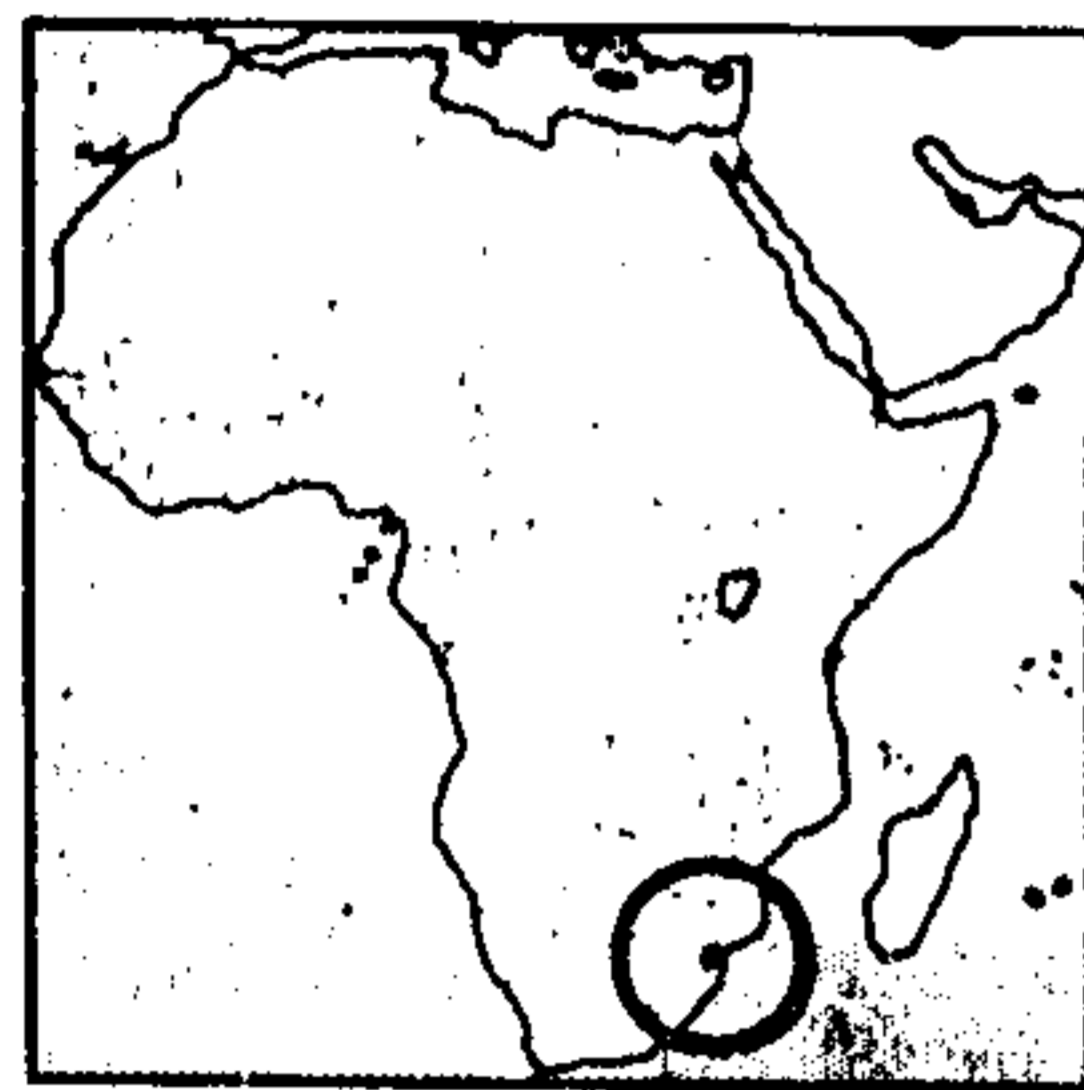
During 1981 Amnesty International received information from

various sources, including a letter from a prisoner in Kober Prison, contradicting information from the Sudanese authorities that certain prisoners of concern to Amnesty International had been released. Amnesty International wrote to Attorney General Hassan el-Turabi seeking clarification, but received no response.

A small number of political detainees were charged and tried by State Security Courts for membership of an illegal political organization. The only permitted political party in Sudan was the official Sudanese Socialist Union. In the cases known to Amnesty International the charges made no reference to the use or advocacy of violence. Those convicted were often detained under the State Security Law after the expiration of sentences of from six months' to a few years' imprisonment. Defendants in State Security Courts had the right to legal defence but no right of appeal.

A special court was established for the trial of el-Tigani el-Tayeeb, a member of the central committee of the Sudan Communist Party, and Abdu Hashim Hamdallah, a businessman not known to have been involved in political activities. They were arrested in November 1980. El-Tigani el-Tayeeb was charged with treason and inciting war on the government, which carries a mandatory death penalty. In preliminary hearings during 1981 the charges carrying the death penalty were dropped; the remaining charges included various political offences. The trial had not yet begun at the end of 1981. Amnesty International was investigating the cases.

Amnesty International was concerned about prison conditions for political prisoners. Most political detainees were held in Kober Prison in Khartoum, where detainees went on hunger-strike on 28 February 1981, protesting at worsening conditions under a new prison governor. The strike ended after three days when the authorities restored family visits and reading material and improved the prison diet and medical treatment. Amnesty International was investigating allegations of ill-treatment of certain foreign prisoners in Kober Prison, and ill-treatment by military interrogators of political prisoners held in Dabak Detention Centre, a few kilometres north of Khartoum.



Swaziland

Amnesty International was concerned about the use of detention without trial and the death penalty, and the kidnapping of a South African refugee.

In February 1981 Dhaya Pillay, a South African refugee resident in Swaziland since 1977, was forcibly abducted and taken into South Africa by a group of armed men apparently because he was thought to be a member of the African National Congress (ANC). He was detained and interrogated by South African security officers but returned to Swaziland on 11 March after international protest and the arrest of four of his alleged kidnapers by Swazi police. Three were reported to be members of a Mozambique opposition group and the fourth a black South African. They appeared in court in early March to face charges relating to the kidnapping. The hearing was conducted *in camera* and they were granted bail. No further court proceedings were known to have taken place. Amnesty International appealed to South African Prime Minister P.W. Botha to clarify whether or not Dhaya Pillay was detained and to investigate the incident. No response was received. A statement issued subsequently by the South African authorities claimed that Dhaya Pillay had been detained at the border for contravening immigration laws.

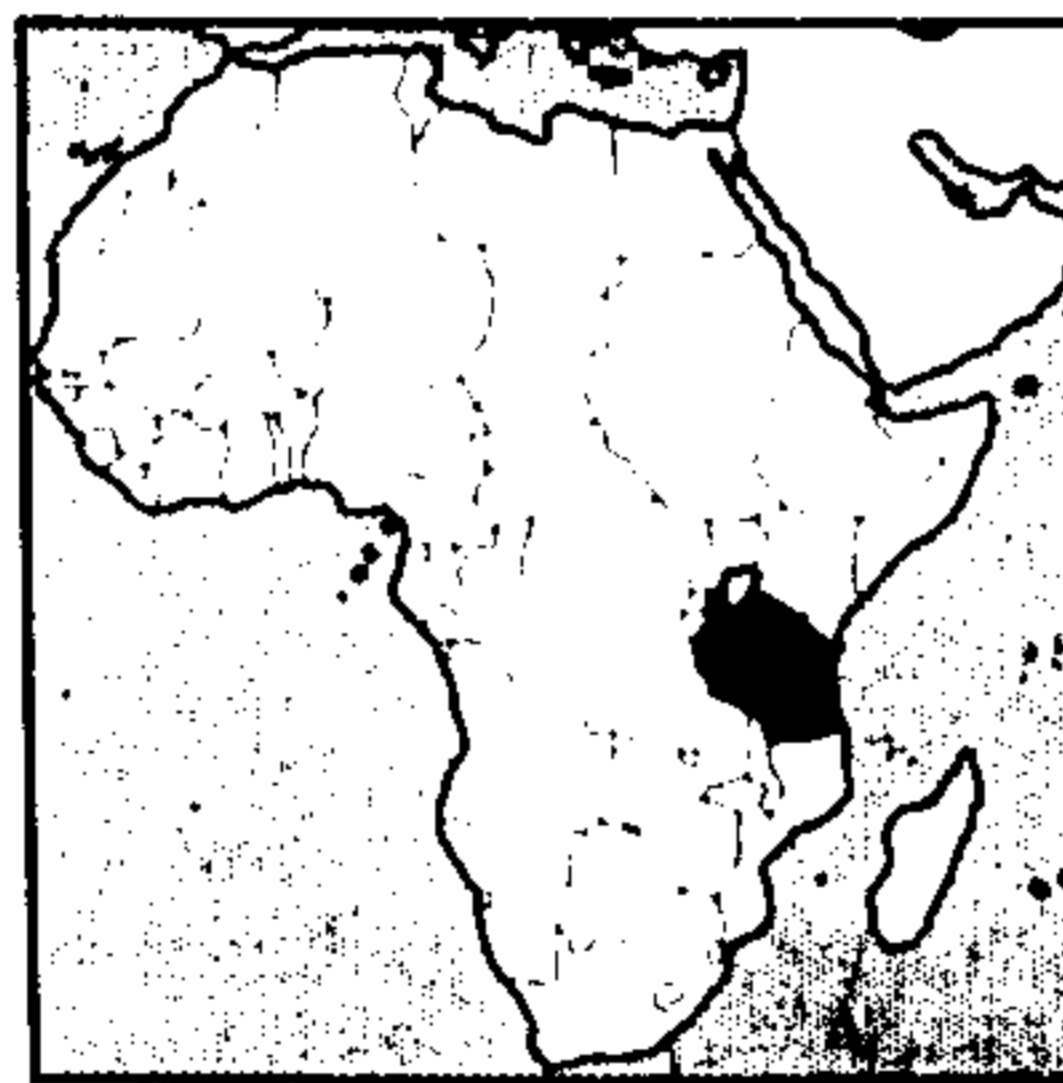
Further incidents involving South African refugees occurred later in the year. On 7 December two alleged members of the ANC were killed. They died when the car in which they were travelling was shot at near the border with South Africa. Amid conflicting reports, it was not clear whether they had been killed by Swazi security forces or by South African security agents who had crossed into Swaziland.

In November Amnesty International learned of the detention without trial of Godfrey Siphon Mdhuli, a well-known lawyer who had returned to Swaziland in August after several years in Lesotho. He had left Swaziland in early 1978 when Ambrose Simelane, a business colleague and former leading member of the opposition Ngwane National Liberatory Congress party banned in 1973, was placed under a detention order which resulted in his being detained without trial for two years. After Godfrey Mdhuli's departure the tribunal established by the Citizenship Order of 1974 stripped him of his Swazi citizenship and effectively rendered him stateless. Godfrey Mdhuli returned to Swaziland in August only after government assurances that he would not be detained. However, he was arrested on

29 October and placed under a 60-day detention order. This was renewed for a further 60 days when it expired in late December. Amnesty International appealed to Prime Minister Prince Mabandla Dlamini on 17 November 1981 and again on 18 December 1981 to release or try Godfrey Mdhuli.

The death penalty became a major concern in 1981. After four years in which no executions were known to have been carried out, eight people were hanged in July. All were believed to have been convicted of ritual murder. They took place at a time of heightened public concern about this crime and as two new cases of alleged ritual murder were about to go before the courts. One resulted in Philippa Mdluli being sentenced to death in late August. In November Superintendent Jeremiah Dube, a senior police officer, and three other people accused of ritual murder were acquitted.

Prisoners under sentence of death were excluded from an amnesty granted in September to mark King Sobhuza II's diamond jubilee which resulted in the early release of more than 650 criminal prisoners.



Tanzania

Amnesty International continued to be concerned about the Preventive Detention Act (1962), which empowers the President to order the indefinite detention without charge or trial of any person held to be "dangerous to peace and good order" or "acting in a manner prejudicial to the defence of Tanganyika or the security of the State". Amnesty

International believed that as many as 100 people might have been detained under the act on mainland Tanzania during 1981. It did not know if any were detained on political grounds. Most detainees were believed to be criminal suspects whom the authorities decided to detain without trial rather than charge and take to court.

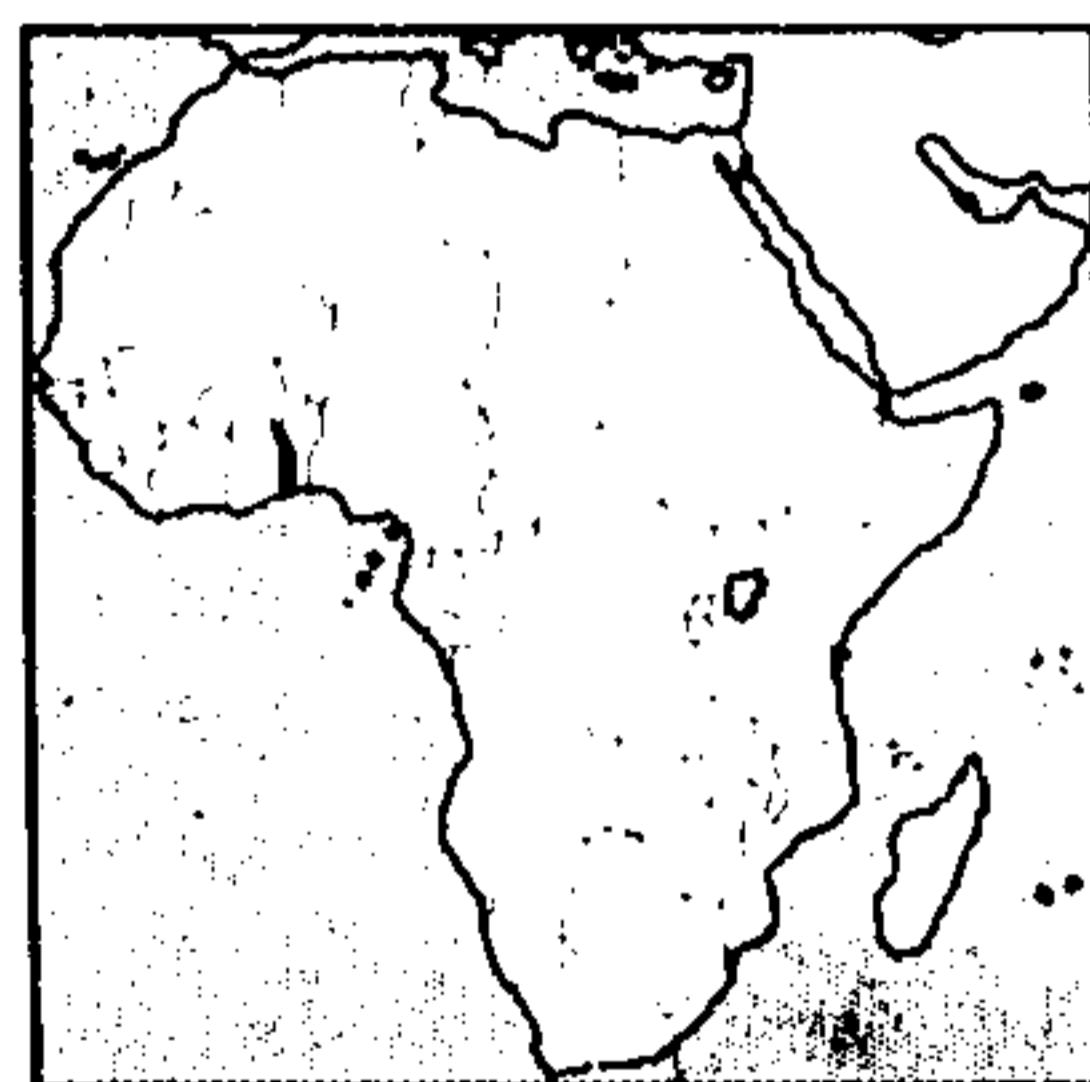
On Zanzibar 16 people were held under Zanzibar's Preventive Detention Act (1962) at the beginning of 1981. They were arrested in June 1980 and publicly accused of plotting to overthrow the ruling Zanzibar Revolutionary Council (ZRC). Ten were released uncharged on 26 April 1981. The other six were still in detention at the end of 1981.

On 9 December 1981 President Nyerere released 3,745 prisoners in a special amnesty to mark the 20th anniversary of Independence. It was not known if any people detained under the Preventive Detention Acts were freed.

In March 1981 the trial ended of eight senior police and security officers accused of causing the death by torture of two prisoners in 1976. They were convicted and sentenced to prison terms of five to eight years. The charges related to the arrest and torture of hundreds of people in Mwanza Region in January 1976 in a special high-level security operation investigating a wave of murders.

In November 1981 over 20 prisoners in Molo Prison were admitted to hospital with severe eye complaints as a result of nutritional deficiencies. At least two had gone blind permanently. In December 1981 Amnesty International wrote to the Minister of Home Affairs, Brigadier Muhiddin Kimario, expressing its concern and calling for special attention to prisoners' diet by prison governors.

Little information was available to Amnesty International on the use of the death penalty. It was believed that the practice of commuting all death sentences in Zanzibar was maintained by the ZRC Chairman, Aboud Jumbe. On 9 December 1981 President Julius Nyerere commuted the death sentences on 48 condemned prisoners as part of the Independence anniversary amnesty. Amnesty International wrote to President Nyerere welcoming this measure and asked him to exercise the presidential prerogative of mercy in all future cases.



Togo

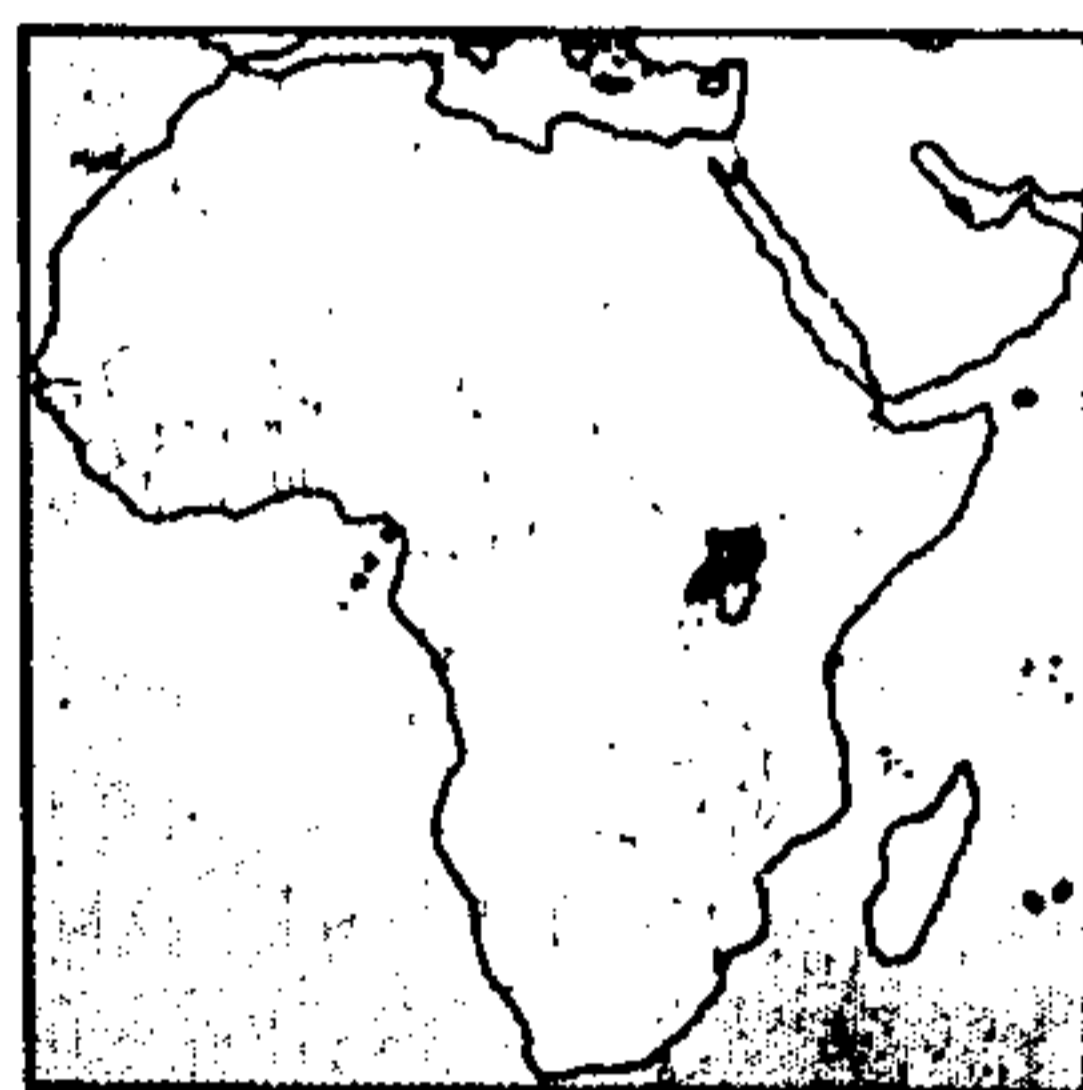
Amnesty International's main concerns were the detention without trial of suspected political opponents of the government, the ill-treatment of detainees, and the imprisonment of alleged government opponents after a trial in August 1979 which fell short of internationally recognized standards.

The authorities continued to detain without charge or trial individuals suspected of political opposition. In May and October 1981 Amnesty International asked the authorities for information about individuals arrested and detained reportedly for political reasons. Among these were Takpati Gilbert, a government

administrator at Lama Kara arrested in early 1981, Fini Koffi Louis and Elizabeth Mensah, both arrested in March 1981, and journalist Placca Akouete, arrested in February 1981. In December 1981 the government replied that Takpati Gilbert had been released in August 1981, after being held for "professional misconduct" and the "publication of subversive documents". The other three were among six individuals held for printing or distributing "subversive documents", and were apparently being held without trial. Three other people about whom information was requested were apparently being held for embezzlement. Amnesty International appealed to the authorities to end detention without trial for political reasons, and to ensure respect for the right to freedom of conscience and expression in Togo.

Amnesty International continued to investigate the cases of Kodjovi Emmanuel de Souza, Kouao Stéphan Sanvee, Kwassi Jean Savi de Tove, Kouassivi Alphonse de Souza and Abalo de Souza, who were convicted in August 1979 by the State Security Court of conspiracy to overthrow the government. Death sentences on the first two were commuted to life imprisonment and the others received prison sentences of between five and 10 years. The trial failed to establish adequately the guilt of the accused (see *Amnesty International Report 1980*). There were procedural irregularities, particularly with regard to the right to defence counsel at all stages of the judicial process. In early January 1982 President Eyadema pardoned and released Kouassivi Alphonse de Souza and Abalo de Souza.

Amnesty International was concerned about reports of harsh conditions of detention at the *gendarmerie* (police) headquarters in the capital, Lome, and repeatedly called for improvements. Detainees were held in dark, overcrowded cells, with little ventilation, poor sanitation and no exercise. Visits were very restricted and prisoners were reported to be beaten by guards. Conditions at the Central Prison in Lome were believed to be harsh for political detainees, who were rarely allowed out of their cells and received poor food.



Uganda

Amnesty International's concerns were arbitrary arrests, detention without trial, torture, "disappearances" and deaths in detention, and numerous extra-legal executions.

Dr Milton Obote — President of Uganda from 1962 to 1971 when he was overthrown by General Idi Amin — returned to power in Uganda in the

December 1980 general election in which his party, the Uganda People's Congress (UPC), won a majority of parliamentary seats. The Democratic Party (DP) and the Uganda Patriotic Movement (UPM), whose one elected member fled Uganda in early 1981, formed the parliamentary opposition, although they disputed the election results. At the beginning of 1981 the effects of the repression and economic disruption of President Idi Amin's government (1971 to 1979) were still apparent.

On 6 February 1981 two opposition guerrilla forces launched a series of armed attacks on military, police and prison establishments in different parts of the country. The two groups were the Uganda Freedom Movement (UFM), and the People's Revolutionary Army (PRA), later known as the National Resistance Movement (NRM). The Uganda army (Uganda National Liberation Army — UNLA) responded by arresting hundreds of members of opposition political parties and others suspected of supporting the guerrilla groups, and arbitrarily killed citizens in the areas of the attacks. The guerrilla attacks continued intermittently throughout 1981 in some central parts of Uganda and the West Nile region, with ambushes of army units and assassinations of several government officials. Continuing disturbances in the West Nile region, where the guerrilla Uganda National Rescue Front — a grouping of former soldiers of President Amin's army — was active, led to tens of thousands of people fleeing to Sudan and Zaire.

Those arrested after the guerrilla attacks of early February included three UPM leaders: Jaber Bidandi-Ssali, the UPM Secretary General; Rhoda Kalema, a former deputy government minister; and the Reverend Christopher Okoth. The UPM offices were closed. DP leaders arrested included three members of parliament — Professor Yoweri Kyesimira, E. Muzira and Henry Bwambale. Amnesty International appealed to President Obote to guarantee the detainees full protection of their basic human rights and asked for information about the grounds for their arrest, their legal status, and their whereabouts in detention.

Four students at Makerere University — Pascal Bahikayo, Joseph Esanyu, Silvio Owaku and Charles Mukembo — were arrested on the campus on 23 February. Amnesty International expressed concern about their reported "disappearance". It was later discovered that they had been taken to a "safe-house" in Nakasero in Kampala, beaten for three days under constant interrogation and then transferred to Katabi military barracks at Entebbe, controlled by Tanzanian soldiers. About 70 other political detainees were temporarily held there, including Jaber Bidandi-Ssali. A month later the students were taken to Luzira military prison and released on 27 August.

Further guerrilla attacks towards the end of March were followed by the arrest of more members of the opposition accused of being guerrilla sympathizers. They included the UPM publicity secretary, Bakulu-Mpagi Wamala, and DP officials. Some detainees, such as Rhoda Kalema, E. Muzira and Henry Bwambale, had by then been released without being charged.

In June Amnesty International appealed to the government to ensure the safety of two more opposition members of parliament arrested on 21 June. Elijah Kitaka-Gawera was subsequently charged with murder, but released on bail on 6 October. Yafesi Sabiti was alleged to have been caught smuggling guns to guerrillas and had reportedly been tortured. Daniel Musisi, a doctor, was arrested in Entebbe on 28 November but not charged — he was reportedly tortured at Makindye military barracks; Alex Waibale, a DP member of parliament, was arrested in Jinja with 14 others on 25 November and charged with involvement with guerrillas; Chris Kasibayo and the seven other members of his law firm in Kampala were arrested on 29 December. By the end of 1981 Amnesty International was investigating the cases of over 100 prisoners, mostly detained without charge or trial, who had been arrested at various times and in several different parts of the country during 1981.

In mid-December three prisoners arrested in April were released — the Reverend Vincent Okot, the Reverend Christopher Okoth, and Haji Ali Sserunjogi, a DP member of parliament. On 31 December President Obote announced plans for the release of a substantial number of detainees.

Amnesty International was concerned about the legality of arrests made on alleged security grounds. Large numbers of civilians were arrested by the army and detained secretly and illegally in army barracks. Many others were detained in civil prisons, such as Luzira Upper Prison, under the Public Order and Security Act (1967). The legal safeguards in the act were often ignored and many detainees appeared to be held illegally, without detention orders, but all attempts to challenge detentions through the courts failed.

The number of people arrested during 1981 on suspicion of involvement with the guerrillas was difficult to estimate. The government provided no information about arrests of civilians by the army, or about the numbers of people detained in civil prisons. Thousands of people were believed to have been arrested and held for days or weeks, with hundreds remaining in detention for several months. Amnesty International believes that many of these arrests were carried out arbitrarily against political opponents of the government.

Some prisoners were alleged to have "disappeared" after arrest by soldiers. Their relatives had either received no response from the authorities about what had happened to them, or were told that they had not been detained. Amnesty International was investigating the cases of Stephen Mulira of the Lint Marketing Board, arrested at a roadblock in Kampala on 4 April and taken by soldiers to an army interrogation centre in Nile Mansions, after which he "disappeared"; Kabazaire, a former chief magistrate, and George Kananura, a former accountant in the Uganda Embassy in the United States of America, who "disappeared" after being arrested together near Mbarara on 28 May; and Beatrice Kyomugisha, a university lecturer in education who was arrested on 10 September, reportedly tortured at Kireka military barracks, and not seen since. In these cases and several others it was widely believed that the victims had been killed in detention, although no evidence was available to confirm this.

At the beginning of 1981 about 5,800 prisoners remained in detention without charge or trial, and without prisoner of war status, since their capture or surrender during the overthrow of President Amin in 1979. They were mostly members of the then Uganda army and security services, such as the State Research Bureau. Soon after his inauguration in December 1980 President Obote stated that their cases would be reviewed either to bring them to court or to release them. Three hundred were released in January 1981 and a further 4,000 by December 1981.

Amnesty International urged the government to give these prisoners a fair trial or release them, but did not adopt any as prisoners of conscience. At the end of 1981 only a few had been charged and tried, including Bob Astles, head of President Amin's Anti-Corruption Unit, who was acquitted of murder but rearrested pending further charges. Kassim Obura, President Amin's Commissioner of Police, who was sentenced to death for murder, appealed against conviction.

Amnesty International received persistent allegations of torture in various military barracks. Detainees were held incommunicado, denied medical treatment, and given very little food or water. Reports consistently claimed that civilians detained in Makindye military barracks in Kampala were routinely subjected to prolonged beatings

by soldiers using rifle-butts, sticks, iron bars and barbed wire. Some were taken to a special shed inside the barracks for particularly severe beating, often to the point of death. Others were transferred after interrogation by Military Intelligence officers to a "death cell" from which prisoners were frequently taken out and killed. The bodies were said to be dumped in rivers or wasteland some distance from Kampala.

Other methods of torture reported from Makindye barracks, Kireka, Mbuya, Malire, Bombo and certain other military barracks in and around Kampala included the bayoneting of prisoners, severe beatings, rape of women and sexual tortures. Torture was also reported in "safe houses" in Kampala under the control of the security forces.

Prisoners held in civil prisons administered by the Uganda Prisons Service, such as Luzira Upper Prison, were better treated. During 1981 about 2,000 detainees were held in this prison. Most were members of former President Amin's security forces detained since 1979. About 500 to 800 others were more recent detainees. All prisoners there were denied family visits or access to lawyers. Conditions were very difficult at times because of insufficient food or inadequate medical attention.

Conditions in the adjacent Luzira Military Prison were much harsher. In August 1981 a letter was smuggled out by civilian detainees containing the names of 75 of the 260 prisoners held without charge or trial. The letter appealed to governments and international organizations to save them from "annihilation" and "slow death". It said that only 109 of the 260 prisoners had been served with detention orders. They had been arrested by soldiers, police officers, Tanzanian soldiers, UPC party officials and other security agents. Their ages ranged from 12 to 80 years. They were held incommunicado, locked in their cells 24 hours a day, and given poor and insufficient food which they had to eat on the ground without utensils. They slept on concrete floors without blankets or bedding and could not bathe. Many of their clothes had turned to rags. They had almost no medical treatment. At least three detainees had died in detention in the preceding months through starvation or untreated illnesses. Amnesty International appealed to the government to investigate these claims and take immediate steps to improve conditions in this and other prisons. It received no response other than denials that prison conditions were bad.

During 1981 some hundreds of civilian prisoners were allegedly killed in army barracks such as Makindye and Kireka. Even greater numbers of unarmed people were reportedly killed by the army during military operations in areas of guerrilla activity. After guerrilla

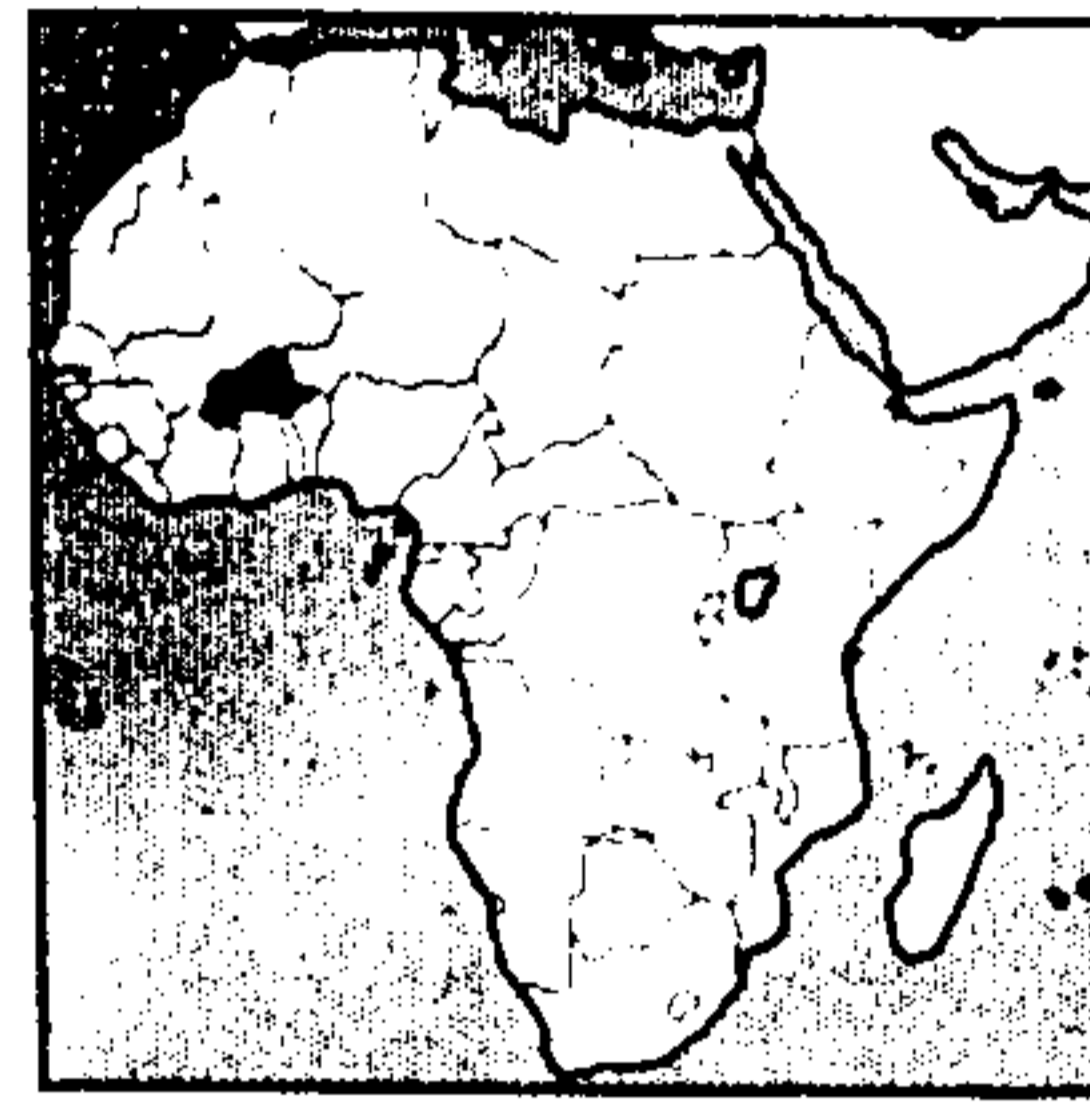
attacks the army set up road-blocks in the locality, searched houses and reportedly killed civilians suspected of involvement with guerrillas.

Large numbers of people were killed in the north west of Uganda (the West Nile region — Arua, Nebbi and Moyo districts), the south-west (Bushenyi district) and around Kampala (in Luwero and Mpigi districts particularly). Guerrillas were active in these areas. On 25 June 1981 about 60 people (half of them children) were massacred in Ombachi mission in West Nile by a Uganda army unit. Red Cross doctors at the mission had treated some wounded guerrillas. On 5 September about 16 people were reportedly killed by the Ugandan army in Wakiso village in northeast Mpigi district. They were lined up and shot some hours after a guerrilla attack on an army unit there. On 10 September over 30 people were killed at Matuga village, not far away, after another guerrilla action. A guerrilla attack on an army unit near Ssemutto village in south Luwero at the end of November 1981 led to several raids by the Ugandan army on surrounding villages. At least 60 people were killed. Amnesty International appealed to the government to inquire into these killings, but received no direct response. Government spokesmen claimed that these and similar killings had been committed by "guerrillas dressed in army uniforms".

On 24 September 1981 Ugandan religious leaders sent a document to President Obote entitled "In Search for Peace and Development in our Nation Uganda". It claimed that over a hundred people had been killed by the army in and around Kampala in the previous three weeks, and called for much greater discipline within the army and the restoration of the rule of law. The Minister of Defence, Paulo Muwanga, subsequently admitted that there was serious indiscipline amongst soldiers from Bombo and Kampala barracks and said that over 1,000 soldiers had been arrested for misconduct. The government announced that a Security Committee would be established to monitor security in the country, consisting of representatives from the government, the DP and the church. The committee's work had not started by the end of 1981 and its terms of reference were still unclear.

Uganda retains the death penalty for treason, murder and armed robbery. Several people were charged with treason during 1981, but none were tried.

In early December Amnesty International asked the government to receive a mission to discuss its concerns with government officials regarding human rights violations. The government agreed to receive a mission, which was arranged for early 1982.



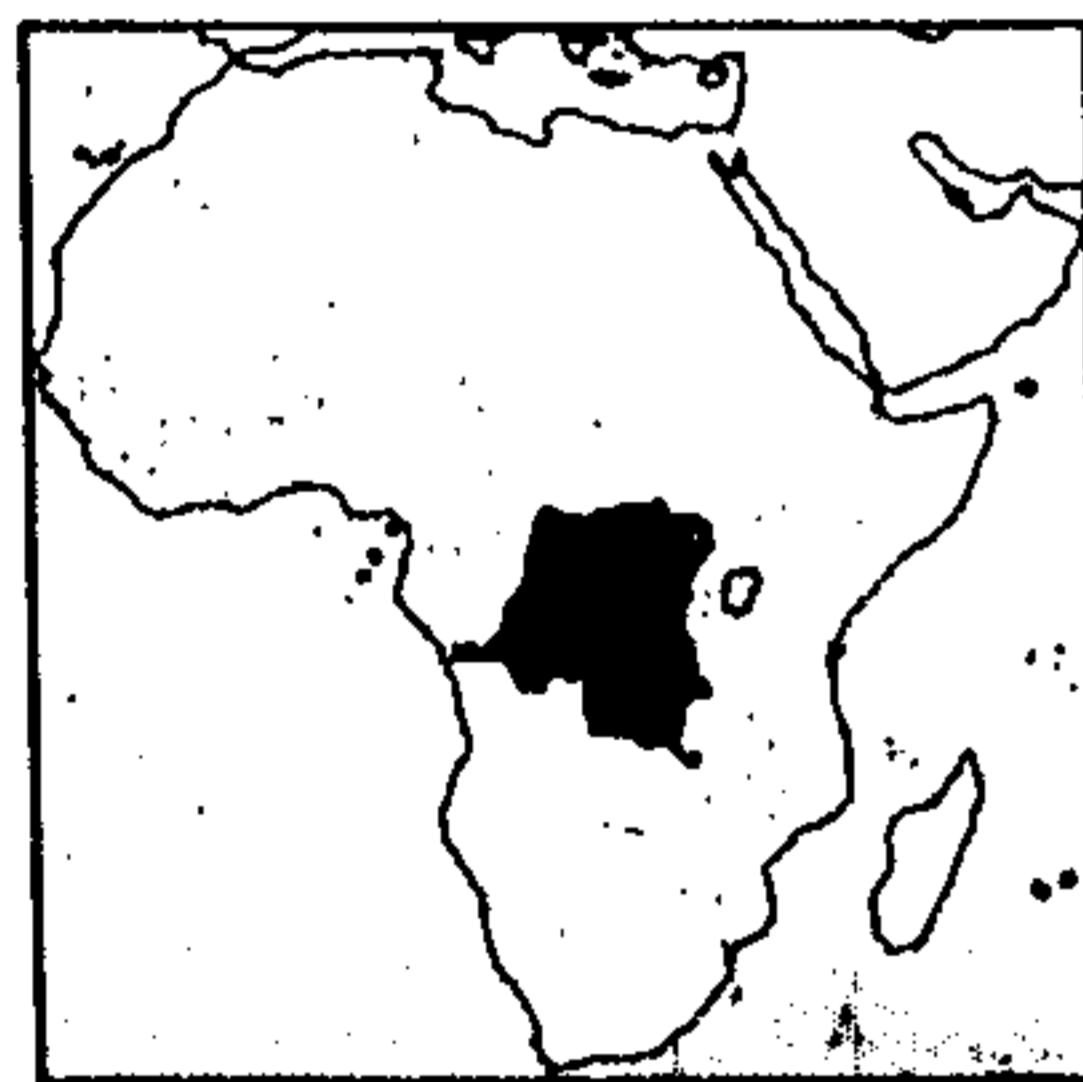
Upper Volta

Throughout 1981 Amnesty International appealed for the trial or release of some 30 former senior officials arrested after the 25 November 1980 coup which brought to power the *Comité militaire de redressement pour le progrès national* (CMRPN), the Military Committee of Recovery for National Progress. The CMRPN abolished the constitution of

December 1977 and banned all political parties. Those arrested and held without trial included former head of state General Sangoule Lamizana, National Assembly President Gérard Kango Ouedraogo, Prime Minister Joseph Conombo, 17 government ministers and several former high-ranking officials. Most were held in the military camps at Ouagadougou, the capital, and Bobo-Dioulasso, where they were not allowed visits. In June 1981 the authorities published a decree stipulating that the detainees were "administrative internees", with retroactive effect to the date of their arrest. The authorities did not respond to Amnesty International's appeals for their prompt trial or release.

Amnesty International was concerned by the arrest and detention without trial of trade unionists during 1981. In late February 1981 six teachers and three members of the *Syndicat des techniciens et ouvriers voltaïques* (STOV), Trade Union of Technicians and Workers of Upper Volta, were arrested and detained for several weeks. Reports suggested that they were suspected of being members of the banned *Parti communiste révolutionnaire voltaïque* (PCR), Revolutionary Communist Party of Upper Volta. In early April 1981 the authorities banned meetings organized by the *Association des étudiants voltaïques de Ouagadougou* (AEVO), the Association of Upper Voltan students in Ouagadougou, and arrested its President, Joseph Ilboudo. He was detained without trial at the *gendarmérie* (police station) in Ouagadougou. Also arrested at that time was Norbert Zongo, who was reportedly deported from Togo following allegations by Upper Voltan students in Lomé (the capital of Togo) that they were being harassed by the Togolese authorities for political reasons. He was held without trial in Dori, a remote town in northern Upper Volta. In late May 1981 the STOV union section in Ouagadougou called its members out on strike. The authorities arrested some 15 trade unionists, 10 of whom were interned in Dori. On 1 November 1981 the authorities banned all strikes and decreed that defiance of the ban would lead to three to six months' imprisonment

and a heavy fine. Following a strike call issued in mid-November 1981 the *Confédération syndicale voltaïque* (CSV), Trade Union Confederation of Upper Volta, one of the country's four trade union confederations, was dissolved by the authorities and a warrant for the arrest of its leader, Soumane Toure, was issued. On 25 November 1981 the 10 STOV members held in Dori were released.



Zaïre

Amnesty International remained concerned by the detention without charge or trial of suspected opponents of the government, the imprisonment of prisoners of conscience convicted after unfair trials, the administrative banishment of other prisoners of conscience, harsh prison conditions, and reports of torture and ill-treatment of prisoners.

In July 1981 an Amnesty International mission visited Zaïre at the invitation of the government. The purpose was to discuss its concerns with members of the government, representatives of the ruling party, the *Mouvement populaire de la révolution* (MPR), People's Movement for the Revolution, and other senior officials concerned with state security, justice and prisons. The mission delegates also visited prisoners in Makala central prison in Kinshasa; Luzumu prison, 60 kilometres southwest of Kinshasa; N'Dolo military prison; and a detention centre at the headquarters of the internal security service, the *Centre national de recherches et d'investigations* (CNRI), National Research and Investigation Centre.

After the mission Amnesty International submitted a memorandum to President Mobutu Sese Seko. It contained an analysis of the penal system, based on information given to Amnesty International during the mission and information received during the preceding year. It described in detail the cases of eight prisoners illustrating Amnesty International's concerns. The memorandum pointed out the problems caused by the large number of civilian and military security services in Zaïre, all of which were authorized to carry out arrests and to detain suspects incommunicado without charge and without reference to the judiciary indefinitely. It concluded by suggesting that an independent commission should be set up to review the cases of

uncharged detainees and that a central registry should be established to coordinate information about all uncharged detainees held by the security services.

During a visit to London in December 1981 President Mobutu met Amnesty International's Secretary General and invited the organization to send a further mission to Zaïre. Amnesty International was told that the government was planning a detention review commission. The Secretary General was also informed that the prisoner of conscience Dikonda wa Lumanyisha, whose case had been detailed in the memorandum, would be freed at the end of the year.

Amnesty International remained concerned about the detention without trial of many prisoners arrested during 1980 and about a series of arrests in 1981. Some detainees were released during 1981 but others remained in custody. The authorities often alleged that detainees had been involved in subversive activities and used this to detain them for long periods while their cases were investigated. This was the case when Dikonda wa Lumanyisha, a social scientist, was arrested in Kinshasa in March 1981 for having allegedly been interviewed incognito in a Belgian television program. Wamba dia Wamba, a history lecturer at the University of Dar es Salaam, was arrested in December 1981 by members of the *Service de renseignement et de sécurité militaires*, Military Intelligence and Security Service, known as "G2". He was detained at Kinshasa's Ngobila beach when he arrived by boat from Brazzaville and accused of possessing subversive documents. He had lived outside Zaïre since 1971 and was returning to visit his family when he was arrested. He had been involved with a group of Zaïrian exile academics who had published commentaries on developments in Zaïre.

It was difficult to establish why certain individuals were arrested and detained by different branches of the security services; for example, Wamba dia Wamba was arrested by the Military Security Service, although Dikonda wa Lumanyisha was held by the CNRI. In most cases reported to Amnesty International long-term detainees were eventually transferred to the custody of the CNRI, which either held them at one of its three detention centres or sent them into internal banishment. Kapepa Ibonga, arrested in Kinshasa in October 1980 and accused of being in possession of subversive documents, was still held at the CNRI detention centre in Kinshasa at the end of 1981. Musokayi Ilunga Mwabi, a doctor who had been arrested in September 1979, was released from the CNRI detention centre in Kinshasa in December 1980 and then restricted to the town of Mwene Ditu, in Kasai Oriental region.

Internal banishment was used to punish former detainees and to

silence critics of the government. Following their arrest in January 1981 for having signed an open letter to President Mobutu, 13 People's Commissioners (elected members of the Legislative Council) and a member of the MPR Political Bureau were deprived of their civil and political rights by the Disciplinary Commission of the MPR Central Committee and sent into internal banishment. They were moved from place to place and from May 1981 onwards were restricted to villages or towns in their regions of origin. All 14 were adopted by Amnesty International as prisoners of conscience. In August 1981 the authorities announced that President Mobutu had lifted all restrictions on the 13 People's Commissioners, but several months later Amnesty International confirmed that they were in fact still confined to isolated villages. The restrictions were not lifted until the end of December 1981.

Amnesty International also learned that a number of detainees of non-Zairian origin who had been arrested for political reasons by the CNRI or the external security service, the *Service national d'intelligence* (SNI), National Intelligence Service, were expelled from Zaïre and forcibly repatriated to their countries of origin. In June 1981, for example, Godfrey Miyanda, a Brigadier General in the Zambian armed forces, was returned to Zambia. He had escaped arrest on treason charges in Zambia in October 1980 by crossing into Zaïre, but was arrested in Lubumbashi and transferred to Kinshasa, where he was held by the SNI without charge or trial for eight months. He was forcibly repatriated to Zambia and rearrested upon his arrival there.

Arrests and detentions without charge were particularly widespread in Kivu region. Most of the people reported to have been arrested in mid-1980 in Sud-Kivu sub-region, designated a military "operational zone", were released or escaped from detention during 1981. However, further arrests took place in Uvira and in Fizi zone. Jean Anzuruni, who had been detained without charge since July 1980, escaped from detention in Uvira in January 1981. His wife, Citoyenne Tchala, was then arrested, imprisoned for a month and then restricted to Uvira town. Others arrested in Sud-Kivu were transferred initially to Bukavu and then to Kinshasa. For example, Kibanga, an official of the *Jeunesse du MPR* (JMPR), MPR Youth, in Fizi zone, was arrested after a group of Belgian and French journalists had visited the zone in January 1981. Kibanga was accused of having spoken critically about conditions in Fizi zone to the journalists. He was detained first in Uvira and then in Bukavu and at the CNRI detention centre in Kinshasa.

Amnesty International learned of a number of arrests in September 1981 at Bukavu, the capital of Kivu region. A doctor of Rwandan

origin, Sebera Inkaka, was detained on 25 September and accused of complicity in the distribution of leaflets which criticized a new Zairian nationality law adopted in June 1981. Under the terms of the new law former refugees from Rwanda who had fled to Zaïre in the early 1960s and been given Zairian nationality in 1972 lost this nationality and had to reapply for it. Dr Sebera was released after three weeks but was rearrested on 16 November 1981 and was still detained incommunicado by the CNRI at the end of the year. In September 1981 several teachers were arrested in Bukavu during a strike for higher wages. Two were released after a few days, but the chairman of the local teachers' trade union branch (*Président du comité syndical des enseignants de Bukavu*), Chahihabua Mutambuisa, was held without charge by the CNRI for two-and-a-half months and then only released conditionally (*en liberté provisoire*).

In Kinshasa more than 1,200 civilians were arrested in late September and early October 1981. The official reason for these arrests was that their identity papers were not in order. However, the detainees included school children and others who held valid papers at the time of their arrest, but whose identity documents were then deliberately destroyed. The detainees were taken to N'Dolo military camp and soon transferred, either to their home villages or to undisclosed destinations. The wave of arrests was similar to previous round-ups of young unemployed men sent to a "re-education" camp at Lokandu in Kivu region. However, this time a far wider range of people was detained. It was not known what happened to them after their transfer from N'Dolo camp. They were not charged, nor were they able to appeal against their detention and removal from Kinshasa. Amnesty International's inquiry about the arrests did not receive a response.

Amnesty International was also concerned by the continuing imprisonment of prisoners of conscience convicted by military courts or by the State Security Court. Although some convicted prisoners of conscience were released during 1981 after completing their sentences or being given remission, seven military prisoners convicted in March 1978 of complicity in a plot to overthrow President Mobutu were still held at the end of 1981 at Angenga Military Prison in Equateur region and at N'Dolo Military Prison in Kinshasa. Two civilians convicted in November 1980 of membership of an illegal political party were serving three-year sentences at Makala prison in Kinshasa.

In July 1981 a diplomat and two students who had been living in Brazzaville were convicted by the State Security Court of giving a document to a Yugoslav diplomat based in Brazzaville. The trial was *in camera* and the three defendants were given little opportunity to defend themselves. Two were sentenced to 10 months' imprisonment

and the third to 12 months. Amnesty International's delegates were given conflicting information about the charges against these prisoners during their mission to Kinshasa. They were alleged by one official to have divulged state secrets, but were reported by another official to have been arrested by the SNI for having helped the former State Commissioner for Higher Education, Mungul-Diaka, to escape from house arrest and cross the Zaïre river to Brazzaville in January 1980. The prisoners were reported to have been tortured by the SNI and served their sentences at the special *Deuxième cité de l'OUA* (OUA 2), Second OAU City, a detention centre, which is under military rather than civilian administration. Two of the three had been released by the end of 1981 after completing their sentences.

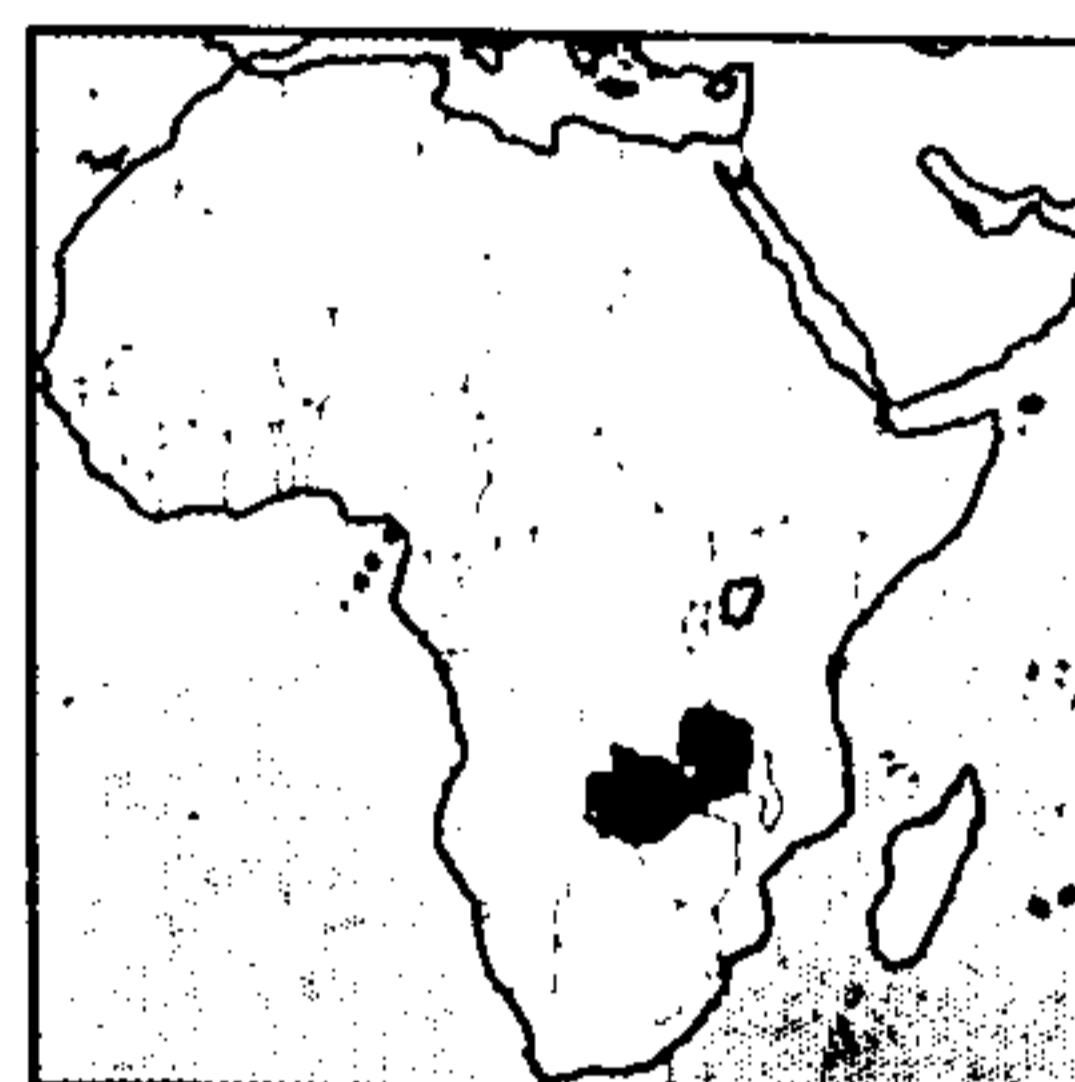
Amnesty International received other reports of torture during 1981. Dikonda wa Lumanyisha was reported to have been repeatedly beaten and subjected to a finger torture known as the "dactylo" by the CNRI in March 1981. A Kinshasa baker, Nkanu Mbote, was arrested by the Military Security Service in January 1981 because he was suspected of trying to kidnap the daughter of the Service's commander, Colonel Bolozi Gbudu Tanikpma. In addition to being beaten and subjected to a mock execution, Nkanu Mbote was reported to have been given poison and apparently lost his sanity until he received medical attention months later. He was detained at the National Gendarmerie detention centre, known as "B2", until June 1981. He was later cleared of all charges against him by a court in Kinshasa.

In late 1981 other individuals were reportedly tortured in the custody of the Military Security Service; they included Muteba Tshitenge, who was accused of possessing subversive documents and tortured in November 1981 at the OUA 2 detention centre. Amnesty International also received reports that detainees held by the Military Security Service, the National Gendarmerie and the CNRI in Kivu region had been tortured during the year. Political detainees held by the various security services all over Zaïre were reported to have been regularly beaten throughout 1981. No adequate measures were known to have been taken by the Zaïrian authorities to prevent such ill-treatment.

Amnesty International also learned of the deaths of several detainees in the custody of the armed forces in Sud-Kivu sub-region in March 1981. The bodies of two detainees were found shot through the head at the edge of Lake Tanganyika. No investigation of these killings was known to have taken place.

Amnesty International remained concerned by the frequency with which the death penalty was imposed by the courts and by the number of executions which were carried out. For example, nine prisoners

were sentenced to death by a local court (*tribunal de première instance*) in Mbandaka after being convicted of armed robbery and criminal association (*association de malfaiteurs*). Their sentences were confirmed by the Appeal Court in November 1981. In March 1981, 21 people convicted in early 1980 of armed robbery and murder were hanged at Luzumu prison. When some of the victims did not die immediately on the gallows, they were shot dead by guards.



Zambia

Amnesty International's main concerns were detention without trial, allegations of ill-treatment of prisoners, and the conduct of a political trial in which 13 defendants faced charges of treason.

At least 15 people arrested in October 1980 after President Kenneth Kaunda announced that a conspiracy to overthrow the government had been uncovered, were still detained uncharged at the beginning of 1981. They were held under administrative detention orders of unlimited duration imposed under the Preservation of Public Security Regulations and signed by the President. In late 1980 two of the detainees, Edward Shamwana and Valentine Musakanya, had separately applied for writs of *habeas corpus* to obtain their release. Edward Shamwana, a prominent lawyer and Commissioner of the High Court who was reportedly about to be appointed Acting Chief Justice at the time of his arrest, was unsuccessful. Valentine Musakanya obtained a writ of *habeas corpus* only to be rearrested immediately and served with a new detention order. Fresh attempts to obtain *habeas corpus* writs were made by both men in early 1981 but were not successful. They then prepared a comprehensive petition which they tried to have presented to the Speaker and members of the National Assembly. The petition argued that the President's use of the Preservation of Public Security Regulations to authorize indefinite detention without trial was in breach of the constitution. However, the petition was banned by the President on 23 March 1981 before it could be considered by members of parliament.

Ashroff Mansoor, a Sri Lankan lawyer living in Zambia who had helped the detainees compile their petition, was arrested on 27 March, the day the banning of the petition was announced. He was

charged with possession of a prohibited publication, namely the petition. He was acquitted on 20 April by a magistrate but then summarily deported. When the petition was banned Edward Shambwana and Valentine Musakanya were moved from Lusaka prison to prisons at Chipata and Lundazi in eastern Zambia. They remained virtually in solitary confinement until they were returned to Lusaka to be charged in May 1981.

Amnesty International urged the government in January 1981 and again in April to release these detainees if they were not to be charged and brought to trial. In May 12 were charged with treason. In addition Brigadier-General Godfrey Miyanda, earlier described as a leading conspirator by President Kaunda, was brought back to Zambia from Zaïre in May in unexplained circumstances and added to the list of accused. He claimed that he had been kidnapped in Zaïre by Zambian security officers and forcibly returned in chains to Lusaka. He later sought a writ of *habeas corpus* alleging illegal detention, but in November the High Court dismissed his application and declared his detention valid.

The 13 defendants were all remanded in custody after their first court appearance in May but their trial did not start at once. The Attorney General ordered them to be sent for summary trial in the High Court without a preliminary hearing in a magistrates' court. The defendants objected, arguing that the Attorney General had exceeded his powers, but their efforts to obtain a preliminary hearing were unsuccessful. The trial was eventually set down to start in November but procedural argument caused further delays and it had not begun by the end of the year.

In August one of the defendants, Major-General Christopher Kabwe, was suddenly released without explanation. He had been appointed to command the air force only days before his arrest in October 1980 and was regarded as one of the principal accused. He was apparently released unconditionally although his name was added to the list of witnesses to be summoned to give evidence for the state. His release coincided with the arrest of Mundia Sikatana, a Lusaka lawyer, whose partner had gone to South Africa shortly before the discovery of the alleged conspiracy and had subsequently been named as a main conspirator. Mundia Sikatana was placed under a presidential detention order. He was also added to the list of accused in the treason trial although he was said to have previously received a presidential pardon in return for information about the alleged plot.

Two other lawyers were among a number of people detained in June and July following reports that the government had discovered a plan to set free the treason trial defendants and overthrow the government. Geoffrey Haamaundu, a Lusaka lawyer, was arrested in

June and allegedly beaten during interrogation by security officers. His case was taken up for investigation by Amnesty International. On 2 July Nkaka Chisanga Puta, Valentine Musakanya's defence counsel, was arrested at his office in Ndola. He was taken to Lilayi Police Training Camp near Lusaka where he was allegedly threatened and tortured during three days' interrogation. His relatives were not informed and his whereabouts were not disclosed until more than a week after his arrest. No detention order was issued until 9 July, by which time he had been illegally detained for seven days. He was placed under a presidential detention order of indefinite duration on 14 July, and this was still in force at the end of the year. An application for *habeas corpus* was dismissed by the Lusaka High Court in late November although the trial judge reportedly ordered that he should be compensated for the ill-treatment he had suffered in custody. He was adopted as a prisoner of conscience by Amnesty International.

Allegations of torture were also made by Ronald Chansa, an army major arrested in June in connection with the alleged escape plot. In an affidavit to the High Court, he claimed that he had been beaten and subjected to mock execution while under interrogation by security police at Lilayi and then taken blindfolded to an unidentified place where he was tortured. He too was held under a presidential detention order and had not been charged by the end of 1981.

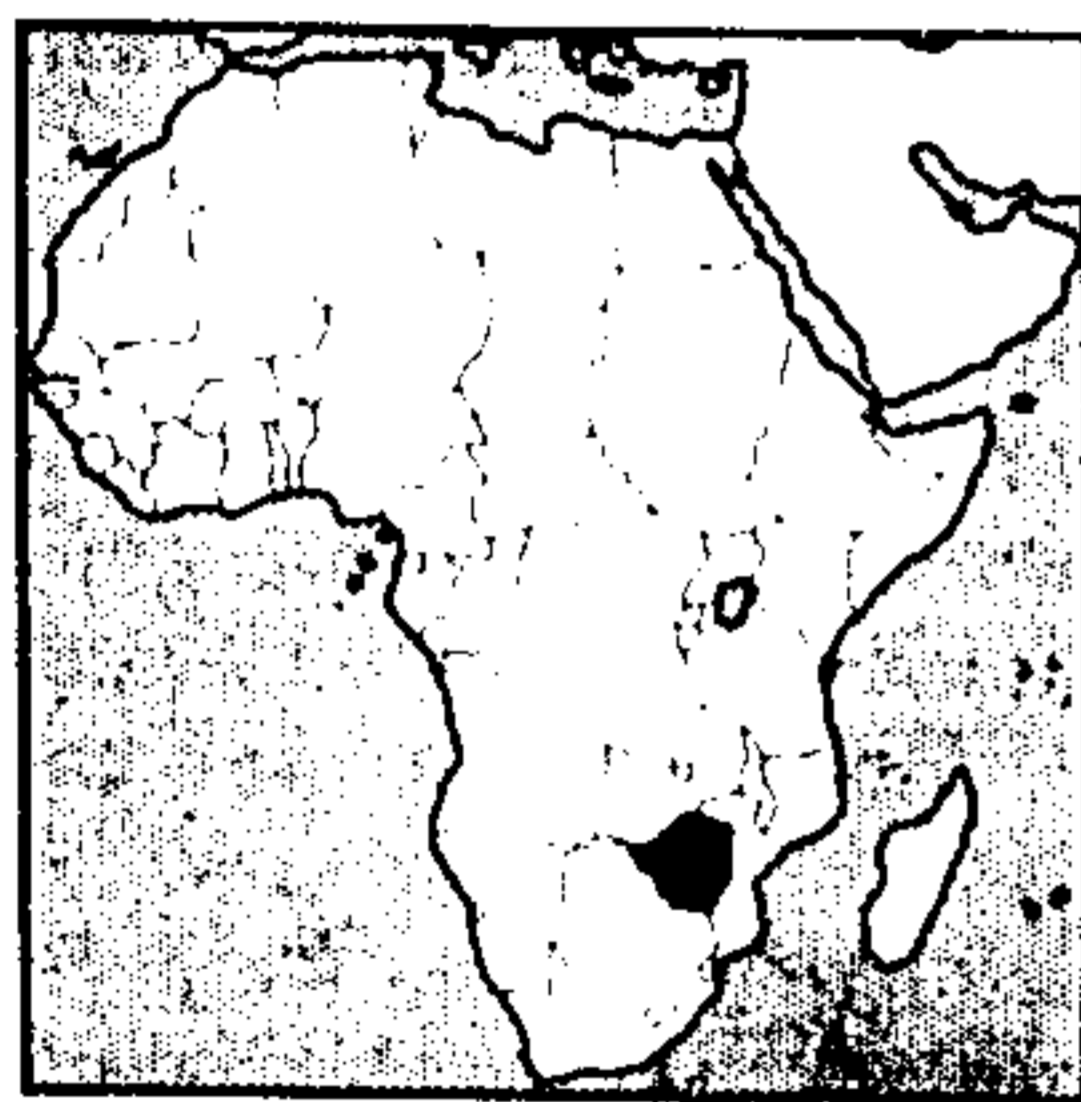
On 27 July four leading trade union officials were detained under the Preservation of Public Security Regulations following months of industrial unrest, particularly on the Copperbelt, and growing tension between the government and trade unions. Those detained were Frederick Chiluba, Chairman of the Zambia Congress of Trade Unions (ZCTU), Newsteadimba, the ZCTU's Secretary General and his deputy, Chitala Sampa, and Timothy Walamba, Vice-Chairman of the Mineworkers' Union of Zambia. President Kaunda accused the trade union leaders of instigating strikes and holding secret meetings with the aim of bringing down the government. For a time further industrial strife seemed imminent but there was no general strike. The four trade union leaders all challenged their detention orders in the High Court by applying for writs of *habeas corpus* and on 28 October Frederick Chiluba's release was ordered by the Lusaka High Court. The state gave notice that it would appeal against the judgment but no new detention order was imposed. The Ndola High Court ordered the release of Newsteadimba on 9 November and, four days later, the release of Chitala Sampa and Timothy Walamba, ruling that their detention orders were invalid.

Amnesty International was not able to estimate the number of detainees held under the Preservation of Public Security Regulations but they were believed to total more than 100. They included several

held without charge or trial for a number of years, such as Emmanuel Mwamba, a businessman and former diplomat who had been held since August 1979 for allegedly distributing subversive literature. Another detainee, Faustinos Lombe, was detained without trial from late 1978 to March 1981, when the Supreme Court ordered his release. He was rearrested in July 1981 under a new detention order and was still reportedly held uncharged at the end of the year.

The use of detention without trial was criticized by the Law Association of Zambia and by a number of members of parliament and former prominent politicians in early 1981. However, in May Ludwig Sondashi, Minister of State for Legal Affairs, rejected calls for a government review of the detention laws but invited the Law Association to make proposals on possible amendments.

No political detainees were included in an amnesty granted in October to mark the 17th anniversary of independence although more than 150 criminal prisoners were released.



Zimbabwe

Amnesty International remained concerned by the continued existence of emergency legislation providing for detention without trial. Under the state of emergency, continuously in force since 1965, the Emergency Powers Regulations permit incommunicado detention without charge or trial for up to 30 days.

The regulations provide also for administrative detention orders of indefinite duration, similar to those which had been used by former governments to detain many hundreds of nationalist leaders and supporters.

The state of emergency was renewed for the second time since independence in January 1981. Richard Hove, Minister of Home Affairs, told the House of Assembly that it had to be reimposed because of "an unacceptable level of violence" in the country, which he attributed to criminals and dissident former guerrillas. In July 1981 the emergency was again renewed for a further six months. The Minister of Home Affairs told Parliament that it was needed because of the large number of unlicensed firearms in the country and the threat this posed to law and order. He added that emergency powers were useful in countering currency offences and smuggling.

Among those detained under the Emergency Powers Regulations in 1981 were Sydney Malunga, a member of parliament, and Mark Nziramasanga, publicity officer of the Patriotic Front (PF) party headed by Joshua Nkomo. Both former Amnesty International adopted prisoners of conscience, they had been detained with several other PF members in late 1980 after the PF issued a statement claiming that their members were being harassed and intimidated by members of the majority Zimbabwe African National Union - Patriotic Front (ZANU-PF) party. They were freed unconditionally on 19 January 1981.

November and December 1981 saw a new series of detentions after a number of incidents of alleged sabotage. At least 14 whites were arrested including Wally Stuttford, one of the 20 white members of parliament representing Ian Smith's renamed Republican Front (RF) party. The authorities alleged that they had been involved in a conspiracy to overthrow the government, but none had been charged or tried by the end of December.

The death penalty was imposed on a number of occasions in 1981, mostly for murder. In April, however, President Banana commuted all death sentences in an amnesty to mark the first anniversary of independence. At least 17 prisoners were believed to have benefited from this act of clemency. Announcing the amnesty the Minister of Justice, Simbi Mubako, stated that the use of the prerogative of mercy on that occasion did "not represent a change in the law in regard to capital punishment or as establishing any precedent". No executions were believed to have been carried out between April and December 1981, although at least 10 people were reported to have been sentenced to death in that period.

The Americas



In recent years the emphasis of Amnesty International's work on the Americas has shifted considerably. Although the organization remained concerned about the imprisonment of prisoners of conscience, arbitrary detention without trial and torture, it became increasingly concerned with protection of the basic right to life. This change of emphasis reflects the altered pattern in the violation of human rights in the region generally — and in Central America in particular, where increased political tension was followed by a marked upsurge in extra-legal executions.

In El Salvador during 1981, against a background of internal armed conflict, thousands of people were abducted by security forces and remained unaccounted for or were the victims of torture and killings. Amnesty International delegates visited a number of countries in the region to interview Salvadorian refugees in August 1981. The information they gathered, including eye-witness testimonies, confirmed Amnesty International's assessment that the military and police forces of El Salvador were responsible for extensive violations of the human rights of unarmed civilians from all sectors of Salvadorian society. Amnesty International continued to receive allegations of widespread killings and "disappearances" in Guatemala. The organization published a report on Guatemala in February 1981 which concluded that government agencies were directly responsible for killings and abductions ascribed by the authorities to extremist "death squads". Neither the Government of El Salvador nor that of Guatemala initiated effective investigations into the killings and "disappearances" reported by Amnesty International.

There was a decline in the number of "disappearances" reported in other countries of the region. Nevertheless, Amnesty International

was disturbed to receive reports of the "disappearance" during the year of some 50 people in Honduras. In addition, in Argentina and Chile large numbers of people remained unaccounted for after their detention in previous years by the security forces. Until the Chilean and Argentine Governments provide clarification of the "disappearances" Amnesty International regards the fate of the victims as a matter of continuing concern.

International concern about the problem of "disappearances" in the region has been increasing. In January 1981 the United Nations Working Group on Enforced or Involuntary Disappearances, set up in March 1980 by the United Nations Commission on Human Rights, issued its first report. This dealt with "disappearances" in 15 countries including Argentina, Bolivia, Brazil, Chile, El Salvador, Guatemala, Mexico, Nicaragua, Peru and Uruguay. The most detailed section of the report dealt with Argentina where more than half the approximately 13,000 cases of unexplained "disappearances" presented to the working group had originated.

On a regional level the determination of relatives to pursue the truth about the "disappeared" was symbolized by the creation in 1980 of the *Congreso Latinoamericano de Familiares de Detenidos-Desaparecidos*, Latin American Congress of Relatives of Detained-Disappeared Persons, which held its second meeting in Caracas in December 1981 with the participation of representatives from eight countries in the region.

Many of the violations of human rights outlined in this report could be attributed to the states of emergency which were in force in a number of countries in the region — notably Argentina, Chile, Colombia, El Salvador, Haiti, Paraguay and Uruguay. The exceptional legislation almost invariably reduced the rights of the individual guaranteed by the constitution, even where those rights were specified as being inviolable.

Under the terms of states of emergency many people alleged to be a threat to national security were arbitrarily detained without trial. In fact many of those detained had never used or advocated violence, but were lawyers working for the defence of human rights, trade union leaders, peasant leaders or members of the political opposition, imprisoned for the non-violent exercise of their human rights.

The largest numbers of prisoners of conscience known to Amnesty International were imprisoned in Argentina and Uruguay. Others were held in Chile, Haiti and Paraguay. Throughout the year the organization received distressing reports of inhumane conditions in the two major military prisons for political prisoners in Uruguay. In November 1981 Amnesty International published a testimony by a former Uruguayan prisoner of conscience describing the continual

harassment and arbitrary punishment to which prisoners were subjected. During 1981 the Human Rights Committee established under the International Covenant on Civil and Political Rights examined the cases of two prisoners of conscience and adopted the view that the Uruguayan Government was under an obligation to release them immediately and compensate them for the violations they had suffered. There were reports from Argentina that the prison regime was causing psychological disturbances, particularly among long-term detainees, some of whom had never been charged. Although Amnesty International learned of the release of 40 adopted Argentine prisoners of conscience in 1981, over 800 people remained in preventive detention, many of whom were prisoners of conscience.

In Chile the government continued to use administrative banishment against its critics. In Haiti dozens of prisoners were held without trial or in unacknowledged detention.

During the year Amnesty International was concerned about the arbitrary resentencing of Cuban prisoners convicted of politically-motivated offences after they had completed their original long-term sentences. More than 50 prisoners had been given additional sentences since 1977 because of their allegedly rebellious attitude while in prison.

Military courts continued to try civilians under emergency legislation in Colombia, Chile, Argentina and Uruguay. The procedures in these courts fell far short of internationally recognized standards for a fair trial.

Amnesty International issued many urgent appeals for people facing torture or extra-legal execution. Torture has become a routine method of interrogating or intimidating prisoners in many countries of the region. Specific, consistent reports of torture were received from Guatemala, El Salvador, Chile, Uruguay, Haiti and Colombia among other countries.

Work continued during 1981 for the abolition of the death penalty and against executions in the USA, the English-speaking Caribbean and Cuba. Amnesty International appealed to Prime Minister Edward Seaga of Jamaica for the commutation of the death sentence passed on Lloyd Collins for murder but he was executed on 12 May 1981. Urgent appeals were also sent to the Minister of Home Affairs of the Bahamas, Clement T. Maynard, for the commutation of the death sentence passed on Gregory Johnstone for murder. He was executed on 28 April 1981. Amnesty International received reports of executions for politically motivated crimes in Cuba but very little information was available. By the end of the year 924 people were under sentence of death in the USA — the highest recorded figure in the country's history.

Thousands of refugees, mainly from El Salvador but also from Guatemala and Haiti, sought political asylum in neighbouring countries and in the USA. Amnesty International communicated its concerns to the Governments of the USA, Mexico and Honduras regarding the treatment of Central American and Caribbean refugees on their territory. Salvadorians who had been deported from the USA back to their country of origin had faced serious danger of abduction, torture and extra-legal execution. There was also concern at the procedures being applied to Haitian asylum seekers in the USA. In Mexico there was a serious incident of forcible repatriation of Guatemalan peasants who had fled across the border to escape persecution by the armed forces of their country. In Honduras, refugees, particularly those from El Salvador, were not afforded effective protection by the government to prevent their becoming the victims of abduction, "disappearance" and killings.

The Inter-American Commission on Human Rights of the Organization of American States (IACHR) prepared reports on Guatemala, Nicaragua and Bolivia during the course of 1981. Amnesty International presented material on Guatemala and Bolivia to the IACHR, including a copy of its memorandum to the President of Bolivia, General Luis Garcia Meza, published in February 1981. In the memorandum Amnesty International condemned arrests without a warrant, the torture of prisoners and extra-legal executions of leaders of the political opposition.

The annual report of the IACHR, submitted to the Eleventh General Assembly of the Organization of American States (OAS) in St. Lucia in December 1981, urged "those member states in whose countries such events have occurred, to put an immediate end to the very serious practice of summary executions committed by the security forces or paramilitary groups that act with the consent of the government" and "to undertake the necessary efforts to determine the whereabouts of persons disappeared after detention". Amnesty International participated in the General Assembly of the OAS as a Special Guest and sent a letter to the heads of delegations participating explaining Amnesty International's concerns in the region.

Amnesty International welcomed the acceptance by the governments of Peru, Venezuela and Honduras of the compulsory jurisdiction of the Inter-American Court of Human Rights on all matters related to the interpretation or application of the American Convention on Human Rights. During the year Barbados ratified the American Convention on Human Rights and Mexico acceded to it. Peru recognized the right of the Inter-American Commission on Human Rights to hear inter-state complaints. Honduras ratified the International Covenant on Economic, Social and Cultural Rights, and

Mexico and Saint Vincent and the Grenadines acceded to that covenant and the International Covenant on Civil and Political Rights. Saint Vincent and the Grenadines also acceded to the Optional Protocol to the latter covenant.

During the year Amnesty International presented information on human rights violations in a number of countries in the region. Relevant information on Argentina, Bolivia, El Salvador, Guatemala, Honduras and Mexico was sent to the UN Working Group on Enforced or Involuntary Disappearances. This information included details of 217 cases of unexplained "disappearances" in El Salvador and 615 such cases in Guatemala. Responding to resolutions of the UN Commission on Human Rights dealing with human rights violations in Bolivia, Chile, El Salvador and Guatemala, Amnesty International sent information to assist the studies authorized by the commission. It also made submissions on Argentina, Haiti and Uruguay under the special procedures for dealing with consistent patterns of gross violations of human rights. In a special memorandum to the Secretary-General of the UN, Dr Kurt Waldheim, in October 1981, Amnesty International expressed its concern about the scale of human rights violations in Guatemala and the failure of the authorities to conduct investigations into the "disappearances" or deaths of thousands of Guatemalan citizens in recent years.

Amnesty International addressed the problems of extra-legal executions and "disappearances" in the Americas at a meeting in Madrid organized under the auspices of the Parliamentary Assembly of the Council of Europe in October.



Argentina

Amnesty International's main concerns continued to be the unresolved question of the "disappeared" prisoners, and arbitrary detention without trial.

On 29 March 1981 Amnesty International wrote to the new President, General Roberto Viola, urging him to implement a series of measures to restore respect for human rights. These included accounting

for all the prisoners registered as "disappeared"; releasing or bringing to trial all those detained without charge *a la disposición del Poder Ejecutivo Nacional* (PEN), at the disposal of the executive power,

under the state of siege (known as the PEN detainees); and reviewing the convictions of prisoners sentenced by military tribunals. The organization also expressed concern that government agents were continuing to make arrests without following legal procedures. This led to fears that the illegal practices of the police and security forces which occasioned large numbers of "disappearances" in the past were still being used.

Although the government did not reply there were indications that the release of PEN detainees would be accelerated. On 4 September 1981 the Minister of the Interior, General Horacio Liendo, stated that 844 detainees were held under PEN but that there were releases each week. He said that many detainees were declining the option of leaving Argentina, preferring to wait for the possibility of being released unconditionally or placed in *libertad vigilada*, restricted liberty. PEN detainees have a constitutional right to go into exile as an alternative to imprisonment. During 1981 more than 40 prisoners of conscience adopted by Amnesty International were released or placed in restricted liberty. However, during the year many PEN detainees applied for the right of option and had their requests rejected. According to a recent study by Argentinian lawyers, over the past five years less than five per cent of such petitions have been granted. In August 1981 certain Amnesty International national sections raised with their own governments the recommendations of the Parliamentary Assembly of the Council of Europe of 25 November 1980 (endorsed by the Committee of Ministers in March 1981) concerning 80 PEN detainees with visas for European countries. The Parliamentary Assembly had invited these governments "to bring pressure to bear, using all appropriate means at their disposal, on the Argentinian authorities to allow these detainees to leave the country as soon as possible".

The right of the executive to hold PEN detainees indefinitely was being challenged in the courts and there was mounting pressure on the *junta* from political parties, the church and the Bar Association, to revoke the state of siege which had been in force since 1974. The immediate effect would be the release of most political prisoners and the return to Argentina of many exiles.

In May 1981 the Supreme Court set a potentially important precedent by upholding the decision of a court of appeal in Bahía Blanca. The court had ruled that the prolonged detention under PEN of Benito Alberto Moya was unreasonable and instructed the executive to let him leave the country. The Supreme Court modified the order and allowed the government 15 days to choose between compliance with the right of option order and placing him in restricted liberty. Benito Alberto Moya was 19 years old when he was arrested

in 1975. He was held under PEN and only four years later brought to trial accused of belonging to a subversive organization. The case against him was dismissed for lack of evidence but he was not released. His repeated applications for the right of option were rejected. On 9 June 1981 the executive authorized his release into restricted liberty.

However, the Supreme Court did not modify its position that the implementation of the state of siege was constitutional. This was in contrast to the view of the *Federación Argentina de Colegios de Abogados* (FACA), Argentine Federation of Bar Associations. On 23 February it expressed concern that the government was ignoring the limitations on the power of the executive established by Article 23 of the constitution: "an arrest or transfer by virtue of the state of siege may not be converted by its duration or the nature of its application into a real punishment or sentence".

A collective petition of *habeas corpus* on behalf of 329 PEN detainees was lodged on 23 September 1980 by lawyers from the *Centro de Estudios Legales y Sociales* (CELS), Centre for Legal and Social Studies, a human rights organization. By April 1981 the court had rejected the petition in all cases and on appeal this decision was upheld. The CELS lawyers then took the cases to the Supreme Court. However, during 1981 the executive authorized the unconditional release of 40 of the plaintiffs and the restricted liberty of 39 others.

In October 1981 a second collective petition of *habeas corpus* was presented on behalf of 155 other PEN detainees. The Federal Court in Buenos Aires decided to examine each case individually, but by the end of 1981 had declared itself incompetent to proceed with a number of cases because the plaintiffs were not detained in the capital. The petition contended that the prolonged detention of the prisoners – from four to seven years – had come to constitute a punishment imposed by the executive, in clear violation of the Argentine Constitution. Some of the plaintiffs in both collective *habeas corpus* actions were adopted prisoners of conscience.

In August 1981 the adopted prisoner of conscience Jorge Taiana, Minister of Education in the government of María Estela Martínez de Perón, was removed from the military prison of La Magdalena where he had been held since 1976 and placed under house arrest. Señora de Perón, who had been accused of abuse of authority, was granted parole on 6 July 1981. She left Argentina for exile a few days later.

Amnesty International remained concerned about reports that prisoners were not receiving adequate medical treatment and that the prison regime was causing psychological disturbances particularly among long-term detainees, some of whom had never been charged. During 1981 Amnesty International organized appeals on behalf of

34 prisoners with serious medical problems. Five of them, including Eduardo Foti, were released into restricted liberty by the end of the year (see *Amnesty International Report 1981*).

On 4 December Amnesty International appealed on behalf of 19 people arrested in Buenos Aires following police raids on the offices of the Communist Party. Amnesty International was disturbed by a report that a woman student was beaten by the police and then suspended by her feet from a third floor window. After a week all were released.

In October 1981, as part of its worldwide campaign on "disappearances", Amnesty International drew particular attention to the cases of 67 missing children in Argentina. Some had "disappeared" with their parents after raids by the security forces, others were born in captivity to women pregnant at the time of their abduction. Amnesty International appealed to the authorities for information on their whereabouts. Since 1978 four children have been found.

On 15 October 1981 the seven human rights organizations in Argentina for the first time held a joint demonstration in the Plaza de Mayo in Buenos Aires. They presented a petition to the government calling for the "*aparición con vida de los detenidos-desaparecidos*", "the reappearance, alive, of the 'disappeared' prisoners". The police cordoned off the square and arrested some of the demonstrators for a few hours.

On 17 October 1981 in the newspaper *Clarín* the Commander in Chief of the Army, General Leopoldo Fortunato Galtieri, issued a statement denying that the government had any intention of issuing a list of "disappeared" persons. He stated that these cases were "closed". On 22 December General Galtieri replaced General Roberto Viola as President.

There were few reports of "disappearances" during the year. Around midnight on 23 March 1981 Gerardo María Brugo, a 39-year-old taxi driver, was seized on his way home in Buenos Aires by a group of men whose appearance and actions were characteristic of agents of the security forces. His family heard no further word of him. They laid an official complaint about his arrest and "disappearance" at the 23rd Federal Police Station and filed a petition of *habeas corpus*. As was the case with almost all such petitions filed since 1976, the petition was rejected by the courts. In November 1981, after all other channels had failed, the family presented the case to the non-governmental organization, the Permanent Assembly for Human Rights in Buenos Aires. Amnesty International sent appeals after receiving information about nine other abductions during 1981. Two Chileans "disappeared" in the Andes in February. They were believed to have been handed over to the Chilean authorities. Six

victims were released after having been tortured, apparently by agents of the police and security forces. Horacio Castro was seized by agents of the Federal Police in April 1981 and his dead body discovered two days later.

On 29 May 1981 the Latin American human rights organization *Servicio Paz y Justicia*, Peace and Justice Service, issued a news release detailing a series of incidents of intimidation of human rights activists, including threats against one of the group's leaders, the Nobel Peace Prize winner, Adolfo Pérez Esquivel; he was also said to have been kept under surveillance by armed men. At the end of June 1981 three lawyers who had defended human rights cases took court action, alleging that their personal liberty had been threatened. They each presented a writ of *hábeas corpus preventivo*, "preventive" *habeas corpus*. They said that they had received anonymous telephone calls at home and at work threatening that they would be "arrested or eliminated" if they continued their human rights activities.

In May 1981 Amnesty International made a submission to the United Nations for consideration under the confidential procedures set up to examine allegations of a "consistent pattern of gross and reliably attested violations of human rights". The submission referred to 29 political prisoners convicted by military tribunals in proceedings which failed to conform to internationally recognized standards.

Amnesty International was working on behalf of 109 prisoners of conscience and investigating a further 197 cases of possible prisoners of conscience.



Bolivia

The Bolivian armed forces seized power in July 1980 and placed the entire country under military jurisdiction. Amnesty International received numerous reports of arbitrary arrests, detention without trial, torture and political killings by security forces.

Amnesty International's work was based largely on international appeals to seek official confirmation of specific arrests and to protect prisoners from physical harm.

Although many members of trade unions suspended after the coup or students linked to left-wing political parties were arrested in 1981,

they were rarely held for longer than a few months. Most were then sent abroad into exile (an estimated 1,500 Bolivians were exiled as a result of the coup) or freed but placed under surveillance. Many former prisoners had to register daily with the authorities. Others were sent into internal exile (*residenciado*) often to inhospitable areas where living conditions were extremely harsh.

Political prisoners were usually held incommunicado during the interrogation stage of their detention. This lasted from a few days to several weeks. During this stage their families were often not informed of their place of detention. Detainees were not formally charged and often no reason was given for their arrest. In 1981 Amnesty International campaigned on behalf of 145 prisoners of conscience, most of whom were subsequently released.

In February 1981 Amnesty International sent a memorandum to the President, General Luis García Meza, condemning arrests without warrant and the torture of political prisoners. The memorandum pointed out that these abuses were facilitated by the apparent total disregard shown by the government for the constitution and for its international obligations. Amnesty International expressed particular concern about the failure of the authorities to enforce formal procedures for arrest and detention. The organization was concerned about the role of the *Servicio Especial de Seguridad* (SES), Special Security Unit, which was under the control of the Ministry of the Interior. According to reliable reports prisoners in the custody of the SES were subjected to torture and to ill-treatment and humiliations such as being forced to sleep on wet floors, or to eat food from plates onto which guards had urinated. One of the most serious charges against SES agents concerned the torture and death of nine young leaders of the *Movimiento de la Izquierda Revolucionaria* (MIR), Movement of the Revolutionary Left, in La Paz on 15 January 1981 (see *Amnesty International Report 1981*). Amnesty International appealed to the government on 22 January to investigate the circumstances of their death but no investigation was carried out.

In July 1981 Amnesty International sent two representatives to La Paz to intercede with the authorities on behalf of the wounded trade union leader, Genaro Flores. He had been arrested in La Paz on 19 June 1981 but his detention was not officially acknowledged for several days. On 3 July 1981 one of Amnesty International's representatives, Dr Alain Bernard, was allowed to examine Genaro Flores at the Copacabana Police Clinic. Present were an official of the Ministry of Foreign Affairs, the French Ambassador, the President of the Bolivian Red Cross and members of the clinic's medical staff. Dr Bernard, who returned to France on 6 July, stressed in his report that the conditions of Genaro Flores' detention were not

adequate for the surgical and medical requirements of the case and recommended his urgent transfer to a neurosurgical unit. The specialist Foch Hospital in Paris was ready to receive Genaro Flores and the French Government had already granted him permission to enter France. Despite this, the Bolivian Government delayed taking a decision on the case for two weeks. Finally, on 16 July, Genaro Flores was allowed to leave Bolivia for the United States of America for treatment.

On 4 September 1981, after General Luis García Meza was forced to resign following a revolt by army officers, General Celso Torrelio Villa was named President of Bolivia.

On 14 October 1981 Amnesty International cabled the new President urging him to halt human rights abuses by government security forces and to investigate persistent reports of arbitrary arrests, killings and torture. Amnesty International cited detailed reports it had received on the recent killings of three men and on arrests and torture of students and trade unionists. Humberto Victoria, a former official of the miners' union, was said by witnesses to have been beaten to death on 12 September on the orders of the army commander in Quechisla, in the department of Potosí. Amnesty International also expressed concern that, although President Torrelio had promised to disband the SES – the unit most frequently named in torture allegations – it continued to be active. A student arrested by SES agents on 23 September in La Paz was beaten so badly that his right ear was damaged and he suffered cerebral contusions; a young girl detained on 6 September was tortured on a metal table with electric shocks and sexually molested.

On 13 November 1981 the Minister of the Interior, Colonel Rómulo Mercado Garnica, rejected Amnesty International's allegations and accused the organization of allowing itself to be used by "the extreme left". This was reported in the Bolivian newspaper, *Presencia*.

On 30 October 1981, following a fact-finding visit to Bolivia by the Special Envoy of the United Nations Commission on Human Rights, the Minister of the Interior announced to the Bolivian press that the SES was to be disbanded and replaced by the *Departamento de Inteligencia del Estado* (DIE), State Intelligence Department. The Minister stated that the new unit would have completely new technical personnel and would not have repressive functions. However, according to information Amnesty International subsequently received, many former SES agents continued to work for the DIE.

On 18 November the government sent troops to the mining area of Huanuni after declaring a strike by the miners there illegal. The miners had gone on strike to call for the restoration of human rights, a wage increase and an amnesty for political prisoners. Some reports

indicated that as many as 200 miners had been arrested. On 24 November Amnesty International urged President Torrelío to release all the detained miners. All were freed after a month following mediation by the Roman Catholic church.

During December about 1,000 people went on hunger-strike to demand a full amnesty, the release of all political prisoners and the right of political exiles to return to Bolivia.

International concern about violations of human rights in Bolivia was such that in 1980 the situation became the subject of study and investigation by the Inter-American Commission on Human Rights of the Organization of American States and the United Nations Commission on Human Rights. Amnesty International submitted information on human rights violations in Bolivia to both these bodies during 1981.



Brazil

Amnesty International was concerned about the growing number of prosecutions of civilians by military courts on charges related to the *Lei de Segurança Nacional* (LSN), National Security Law, which carry prison sentences of six months to 30 years. The interpretation of this law was so broad that manifestations of the right to freedom of expression and association were treated

as threats to national security. During the year Amnesty International followed 10 prosecutions involving trade union leaders, Roman Catholic priests and members of the Brazilian congress. A number of journalists were also charged with infringing the press laws for writing articles criticizing military or government agencies. At the end of 1981 more than 20 people faced the prospect of becoming prisoners of conscience.

On 2 September 1981, after protests by Amnesty International and others about the conduct of the trial of 11 São Paulo trade union leaders, the *Superior Tribunal Militar* (STM), Superior Military Tribunal, ordered a retrial (see *Amnesty International Report 1981*). This took place on 19 November 1981 but the military court once again found the defendants guilty of infringing Article 36 of the LSN for their part in a strike in 1980. It sentenced them to terms of imprisonment of between two and three-and-a-half years. A further

appeal was lodged with the STM. The defendants had been in provisional liberty since 1980. In December 1981 Amnesty International wrote to the Minister of Justice, Ibrahim Abi Ackel, stating that if the sentences were enforced the organization would consider the trade unionists prisoners of conscience.

In June 1981 a military court in Recife convicted Father Reginaldo Veloso of subversive propaganda and sentenced him to two years' imprisonment. Father Veloso had written a protest song about the expulsion from Brazil in 1980 of the Italian priest Vito Miracapillo. An appeal was pending.

Amnesty International adopted as prisoners of conscience two French priests: François Gouriou and Aristide Camio. They were detained in Belem, and faced possible sentences of eight to 30 years' imprisonment or expulsion from the country if found guilty of "incitement to collective disobedience of the laws". The priests were arrested after an incident on 13 August 1981 in São Geraldo do Araguaia. A man, initially said to have been a farm manager but subsequently identified as a hired gunman, was killed in an ambush by a group of peasant farmers. The evidence against the priests was based on statements from the peasants who accused them of instigating the violence. Cardinal Aloisio Lorscheider, the Archbishop of Fortaleza, stated publicly that the peasants were coerced into making these allegations. There was evidence that some of the peasants had been tortured. Amnesty International believed that the priests were arrested because of their non-violent attempts to defend the rights of the peasants to resist eviction.

On 2 December 1981 Senator Genival Tourinho of the centrist *Partido Popular*, Popular Party, was given a six-month prison sentence, suspended for two years, by the *Supremo Tribunal Federal*, Supreme Federal Tribunal. Senator Tourinho had alleged that senior military officers were involved in organizing a campaign of terror to undermine the *abertura* (the government's policy of gradual liberalization).

Although the judicial death penalty for ordinary offences was abolished in 1979, Amnesty International was disturbed by reports of an upsurge in deliberate killings of arrested criminal suspects by the police. For example, in São Paulo 300 suspects allegedly died in armed conflicts with the police during 1981. In many cases, however, the victims appeared to have been killed after being taken into custody by the police.

In December 1981 the Archbishop of Rio de Janeiro, Cardinal Eugenio Sales, protested that common prisoners in the Ilha Grande prison had been tortured. In late November, following the escape of a prisoner, dozens of prisoners were taken from their cells by the prison

guards and beaten and kicked. Some prisoners were allegedly burnt with candles. The prison governor and his deputy were suspended pending the outcome of an official inquiry.

On 2 December 1981 a former prisoner of conscience, Hilario Gonçalves Pinha, was awarded damages for injuries he sustained in April 1975 when he was tortured in the *Departamento de Ordem Política e Social* (DOPS), the Department of Political and Social Order, in Porto Alegre. The federal judge ruled that the Brazilian state was responsible for the security and physical condition of its prisoners.



Chile

Amnesty International continued to work for the release of about 250 prisoners of conscience, including many who had "disappeared" since 1973, and people sent into internal exile by administrative or judicial order. In late 1981 Amnesty International launched a three-month special campaign against the imprisonment of prisoners of conscience, torture and extra-legal executions, and the government's failure to clarify the fate of "disappeared" prisoners.

The 1981 report of the United Nations Special Rapporteur on the situation of human rights in Chile stated that the constitution which came into force on 11 March 1981 "set(s) up as basic rules provisions that are contrary to the principles, rights and guarantees enunciated in [the International Covenant on Civil and Political Rights]". In practice the new constitution provides the government with a legal framework within which systematic human rights violations can take place. For example, interim Provision 24 was invoked frequently by the Minister of the Interior "by order of the President of the Republic" to arrest political suspects, banish them for up to three months to remote parts of the country, hold them incommunicado in secret places for up to 20 days, or expel them from the country. Between January and September 1981, 427 people were arrested in Santiago under such administrative procedures.

All political parties and activities remained banned. In December there was a wave of arrests, mainly in Santiago and Antofagasta, of alleged members of the *Izquierda Cristiana*, Christian Left, and of the Socialist Party.

All political parties and activities remained banned. In December there was a wave of arrests, mainly in Santiago and Antofagasta, of alleged members of the *Izquierda Cristiana*, Christian Left, and of the Socialist Party.

Amnesty International appealed repeatedly to the government on behalf of the many people detained. It asked for clarification of their legal position and called for humane treatment in detention. From detailed reports received during 1981 a consistent pattern emerged: agents of the *Central Nacional de Informaciones* (CNI), Chilean secret police, or other security units of the army or navy seized people in their homes or on the street and took them, usually blindfolded and lying on the floor of the vehicle, to interrogation centres in military barracks or at secret locations. Amnesty International received consistent allegations that one of these centres was located at 1470 Borgoño Street, Santiago. There, they were forced to undress, put on an overall and slippers, and taken to small cells, where they remained under surveillance, of which they were not at the time aware. Some prisoners claimed that this was to assess which torture method would be most effective. Interrogation was often reportedly accompanied for days at a time by torture, including electric shocks, severe beatings, threats and humiliations. Many of those detained were released after a few hours or days without charge.

Among a group of alleged members of the *Izquierda Cristiana* arrested in December 1981 were economist Sergio Patricio Aguiló Melo; Ignacio Germán Molina Valdivieso, National Secretary of the *Comisión Chilena de Derechos Humanos* (CCDH), Chilean Human Rights Commission; Pablo Fuenzalida Zegers, Provincial Coordinator of CCDH; Raúl Enrique Reyes Susarte; Ramón Rodolfo Piña Vargas; and lawyer Eugenio Díaz Corvalán. In a written complaint to the military courts, Sergio Patricio Aguiló Melo stated:

"The day of my arrest . . . I was questioned about political activities in which I was allegedly involved, together with the application of electric shocks by means of the *picana*, prod . . . On 5 December . . . I was placed naked on my back . . . (on) the *parrilla*, grill, which is a kind of metal bedstead to which one is tied by the feet and hands. A kind of tape is placed on the stomach, chest, between the testicles and legs and on the soles of the feet, through which the current is passed at times decided by the torturers, which is generally when the answers being given by the person being tortured are not deemed satisfactory."

He also described being tortured on the *silla eléctrica*, electric chair, and by means of a "*máquina*", machine. During one torture session, he said, the shocks were so powerful that his heart began to fail and one of his torturers had to give external heart massage until he recovered. The torture was then resumed. At one point, he said, his captors threatened to torture his wife. He was also forced to pose for a photograph holding a machine-gun and to write several self-incriminating statements.

Pablo Fuenzalida Zegers was similarly tortured with electric shocks. He had suffered from a neuropsychiatric illness for 17 years and needed regular treatment. When he was detained on 10 December 1981 his treatment ceased. On 12 December the Santiago Appeals Court authorized an independent doctor to visit him in detention but the CNI refused the doctor access to the prison. He later told a CCDH representative that his right leg was temporarily paralysed and that as a result of torture he suffered from severe headaches, found it difficult to walk and had lost coordination in his right hand and arm.

Members of human rights groups figured prominently among the victims of human rights violations including torture, death threats, arbitrary arrests, and expulsion from the country. Dr Manuel Almeyda Medina, a doctor working for the *Vicaría de la Solidaridad*, a Catholic Church human rights group, Dr Sergio Arroyo Pinochet and Dr Pedro Castillo Yáñez, were arrested in May 1981 and held for 20 days in secret premises. The public were told through the news media that they were accused of terrorist and criminal activities, including bank robberies. The Santiago Appeals Court eventually released Dr Almeyda and Dr Castillo unconditionally. Dr Arroyo was charged with belonging to the banned Socialist Party but released on bail. Psychiatrist Dr Mario Insunza Becker, who also worked with the *Vicaría* and specialized in the rehabilitation of torture victims, received death threats for several months in circumstances suggesting that the security forces were involved. Amnesty International medical groups worked on behalf of the four doctors.

On 11 August 1981 four former members of parliament were arrested and expelled to Argentina. They were: Jaime Castillo, a Christian Democrat and former Minister of Justice, also President of the CCDH; Orlando Cantuarias, former Minister of Mines and a member of the banned Radical Party; Alberto Jérez, former senator and until July 1981 member of the Committee for Justice and Peace of the Chilean Episcopate; and Carlos Briones, former Minister of the Interior and member of the banned Socialist Party. According to the government, the reason for their expulsion was that they had supported a memorandum addressed to President Pinochet by the *Coordinadora Nacional Sindical* (CNS), an unofficial trade union confederation, calling for more trade union and political freedom. When they were arrested Amnesty International urged their immediate and unconditional release.

Lawyers working on behalf of political prisoners or victims of human rights violations in collaboration with the *Vicaría* were persistently harassed and sent death threats. They included Ignacio Walker Prieto, Roberto Garretón Merino, Jorge Sellán Chijani and

Carlos López Dawson. Pedro Barría Gutiérrez was the victim of an unsuccessful bomb attack in July 1981.

On 8 July 1981 artist Hugo Riveros Gómez and teacher Oscar Polanco Valenzuela were killed in Santiago. Hugo Riveros had been kidnapped the previous day by men who followed procedures similar to those commonly used by the security forces. Oscar Polanco, who was a member of the Socialist Party, was machine-gunned to death in the street. A group calling itself *Comando Gamma* or *Comando de Vengadores de Humberto Tapia Barraza* later claimed responsibility. (Carlos Humberto Tapia Barraza was a member of the CNI who had been shot dead in the street on 6 July 1981.) There was no evidence to suggest that such groups existed independently of the security forces. Amnesty International expressed its concern to the government that these men may have been deliberately killed because of suspected political activities. It requested a judicial inquiry into these deaths and those of Lisandro Sandoval Torres in Concepción in August 1981 and Juan Soto Cerda, Jaime Cuevas Cuevas and two others in Santiago in November 1981.

The judiciary failed to clarify the fate of any more of the many political prisoners who "disappeared" in Chile between 1973 and 1977. However, new evidence emerged of the involvement of the security forces in the case of Juan Bosco Maino Canales, a member of the banned *Movimiento de Acción Popular Unitario* (MAPU), Movement of United Popular Action, who "disappeared" on 26 May 1976. His detention was explicitly acknowledged by the Minister of the Interior when giving evidence in the case of Carlos Montes Cisternas, another member of MAPU arrested in December 1980 and sentenced in September 1981 to 541 days' exile for "illegal association". Amnesty International adopted both of them as prisoners of conscience.

Several trade unionists were arrested or sent into internal exile. Manuel Bustos and Alamiro Guzmán, leaders of the CNS accused for the second time of "illegally representing workers", spent six months in jail before being released on bail on 31 December 1981. Four workers were banished to internal exile on 30 October 1981 for their participation in a strike in Talcahuano. After being pardoned on 25 November in a "gesture of good will" by President Pinochet one was rearrested on 27 November and banished again for resuming trade union activities.

Amnesty International remained concerned about persistent allegations of ill-treatment and inadequate medical treatment in prisons throughout the country, particularly at the *Cárcel Pública*, Public Prison, and *Centro de Orientación Feminina*, women's prison, in Santiago, as well as at the prisons of Peumo, Quillota, Valparaíso and

Victoria. Reports were received throughout the year of prisoners being beaten by guards, subjected to periods of solitary confinement, and denied visits. Several prisoners whose trials were in progress in Santiago, who had been transferred to prisons away from the capital in January 1981, were transferred yet again to other prisons (see *Amnesty International Report 1981*). This hampered the work of defence lawyers and made it difficult for relatives to visit. In May 1981 Fernando Espinoza Espinoza was transferred from Santiago to the *Penal Disciplinario*, Disciplinary Prison, in Victoria, southern Chile, for one year, following an incident involving a prison guard who was alleged to have attacked him and another political prisoner. He was the first political prisoner to be sent to Victoria, where conditions were reportedly extremely harsh.

In accordance with Decrees 3627 and 3655 of 1981, a war-time military tribunal was set up to try Guillermo Rodríguez Morales for the killing of CNI member Carlos Tapia Barraza. This procedure was criticized by independent lawyers, not only because Chile was not officially at war but also because such war tribunals do not conform to internationally recognized standards for a fair trial. The war tribunal took place on 9 October. Amnesty International sent an observer to the hearing. The trial consisted of an opening statement by the most senior officer and statements by the prosecution and defence, followed by a series of questions and answers. It lasted only 45 minutes. Guillermo Rodríguez was sentenced to life imprisonment with no right of appeal. The Amnesty International delegate concluded that the procedure failed to correspond to internationally recognized standards in peace time.

Amnesty International submitted information on human rights violations in Chile to the United Nations, the Inter-American Commission on Human Rights, and other intergovernmental and non-governmental organizations.



Colombia

Amnesty International concerns included the arbitrary detention of prisoners of conscience, unfair trials of civilians by army courts-martial, the systematic use of torture, and the summary execution of suspected collaborators with guerrilla opposition groups in rural areas under army control.

At the end of 1981, 16 prisoners were adopted as prisoners of conscience or being investigated as possible prisoners of conscience by Amnesty International. Eleven others had been released during the year.

In an August 1981 letter to President Julio César Turbay Ayala Amnesty International expressed its concern about arbitrary detentions, torture and summary executions attributed to the Colombian army in rural areas. It asked for information on measures to investigate the specific cases raised in the letter. No response was received.

In November 1981 Amnesty International released a 12-page document entitled *The Army in Rural Colombia: Arbitrary detention, torture and summary execution*. It described human rights violations related to the "militarization" of extensive isolated regions to combat guerrilla groups operating there, and to other special security measures imposed to control the local population. Freedom of movement in these areas was strictly controlled, and supplies of food, clothing and medical goods limited to deprive guerrilla forces of material support. Controls were enforced through the threat of arbitrary detention, interrogation and torture at local army posts or temporary bivouacs, and death.

The report detailed cases of people detained on suspicion of aiding guerrillas and then killed by army units. Others were killed after routinely reporting to a local army post to have their safe-conduct passes stamped as required. The report included eye-witness accounts of the detention of three farmers in Caquetá department by uniformed troops on 26 April 1981, and the discovery of their badly mutilated bodies later the same day: "Don Fabio Herrera was lying on his side with his intestines spilled out . . . All three men were bruised, black and blue, and Señor Duque [aged 70] had had his throat cut. Don Ramón had a wound on his back, a cut of about a *jeme* [about 20 centimetres]." A relative noted that "they had bashed in the head of the old man, Don Gilberto, and peeled his face; that is, they took off all his skin". The army subsequently denied that the men had been detained and claimed that they died in an exchange of gunfire when the three attacked an army patrol.

The report described the detention of young people and unexplained deaths in custody. Josías Landazábal, the 16-year-old son of a *campesino* (peasant farmer), was detained by uniformed soldiers on 1 April. His body was found 11 days later. The army issued a news bulletin saying that he had "died in a confrontation between the army and the guerrillas". On 16 April 1981 the Roman Catholic Bishop of Bucaramanga, Santander, wrote an open letter of protest about this killing, stating that the army's claim was patently false, as the boy had been helpless in army custody.

Joaquín Artunduaga Paz of the hamlet La Solita, Caquetá, was ordered to report to the local army post on 27 March 1981. He was then detained and accused of aiding the guerrillas. For four days he was left bound in full view of his neighbours, without food and water and exposed to the sun and rain; on 1 April he was shot dead. Community members were shown a report written by the sergeant in command, whose name is in the possession of Amnesty International. It said that he had been killed "because he had a carbine he did not turn in, because he [was] a guerrilla and helped the guerrillas".

Indian groups, such as the Coreguaje people living along the Caquetá and Orteguzza rivers in rural Caquetá department, were also the target of human rights abuses. Letters from leaders of Coreguaje communities to government Indian affairs officials, copied to Amnesty International, complained of frequent arrests, torture and threats by army troops sent into the area in the first months of 1981.

"They are torturing us very badly these soldiers, they caught two of us in San Luis and gave them poison, these two are close to dying. In Herichá three others and one of them very sick, in Agua Negra two people. It's for that I'm asking you . . . to help release these prisoners . . . They have them without clothing and are kicking them and hitting them with sticks and whips . . ." (15 November 1981).

A letter of 19 November, signed by the leaders of all the Coreguaje communities along the rivers, protested against the systematic beating and torture of several men who were bound by their necks to trees and nearly suffocated by towels which were repeatedly soaked with water placed over their faces; most of the population subsequently fled into the forest to hide. This statement also referred to a "poison" used by the troops, a substance that they were forced to inhale which rendered them unconscious. The Coreguaje leaders stated that "the army believes that all of the Indians are subversives", and expressed their fear that as a consequence, "the soldiers may kill us and burn our houses as they say they will". Amnesty International was investigating the cases of six Coreguaje community leaders who were detained on

14 November. They included Constantino Figueroa, a teacher from San Luis, and Luis Piranga of Herichá, reportedly badly injured and vomiting blood during his interrogation when he was bound by the neck and dragged while being kicked, whipped and beaten. All were believed to be held in the capital of Caquetá, Florencia.

Amnesty International also took action on behalf of members of Indian communities detained in relation to land disputes. Cauca Indian leader Anatolio Quirá and 13 other members of the Purace, Cauca *resguardo* (a term used for Indian communities and their surrounding communally-held land) were detained on 13 January on charges of illegally occupying private land. This charge was refuted by *resguardo* leaders who claimed to hold valid 19th century titles to the land in question. Although the 14 *campesinos* were subsequently released, charges brought by private landowners against them were not dismissed: proceedings were pending before three different criminal courts in Popayán, Cauca. Amnesty International urged the government to ensure the full protection of the law for Indian communities and to monitor closely arrests ordered by local authorities relating to land disputes. Amnesty International appealed in December 1981 for information about the arrests of Guillermo Quilindo, Governor of the Coconuco, Cauca *resguardo*, and *campesinos* Julio Hernández and Abraham Calambas. They were detained on 25 November and taken to the Third Army Brigade headquarters in Cali.

Most political prisoners were detained on suspicion of involvement with one of the several active guerrilla groups in the country. Under the state of siege, in force for most of the previous 30 years, they were held for trial by military courts-martial. 1981 saw the end of several mass trials of civilians held since 1978 and 1979 and charged with membership of the guerrilla groups M-19 or *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Colombian Revolutionary Armed Forces. The courts-martial passed sentences for rebellion (*rebelión*) and related offences of up to 23 years' imprisonment. At the Model Prison of Bucaramanga 16 were convicted; at army headquarters in Pasto, Nariño, four were convicted; and at the military police headquarters in Bogotá, 39 were convicted. The largest court-martial still in progress at the end of 1981 opened at La Picota prison in Bogotá in November 1979. A total of 166 defendants were accused of membership of the M-19 group, and an estimated 115 remained in custody awaiting its conclusion. Sergio Betarte, one of the eight La Picota prisoners whose cases were being investigated by Amnesty International, was released on 31 December when charges against him were dropped after three years' imprisonment. Almost all the political prisoners tried in these courts-martial reported systematic

torture during the initial stages of their detention. These claims were to a large extent corroborated in the 1980 Amnesty International report *Informe de una Misión de Amnistía Internacional a la República de Colombia*.

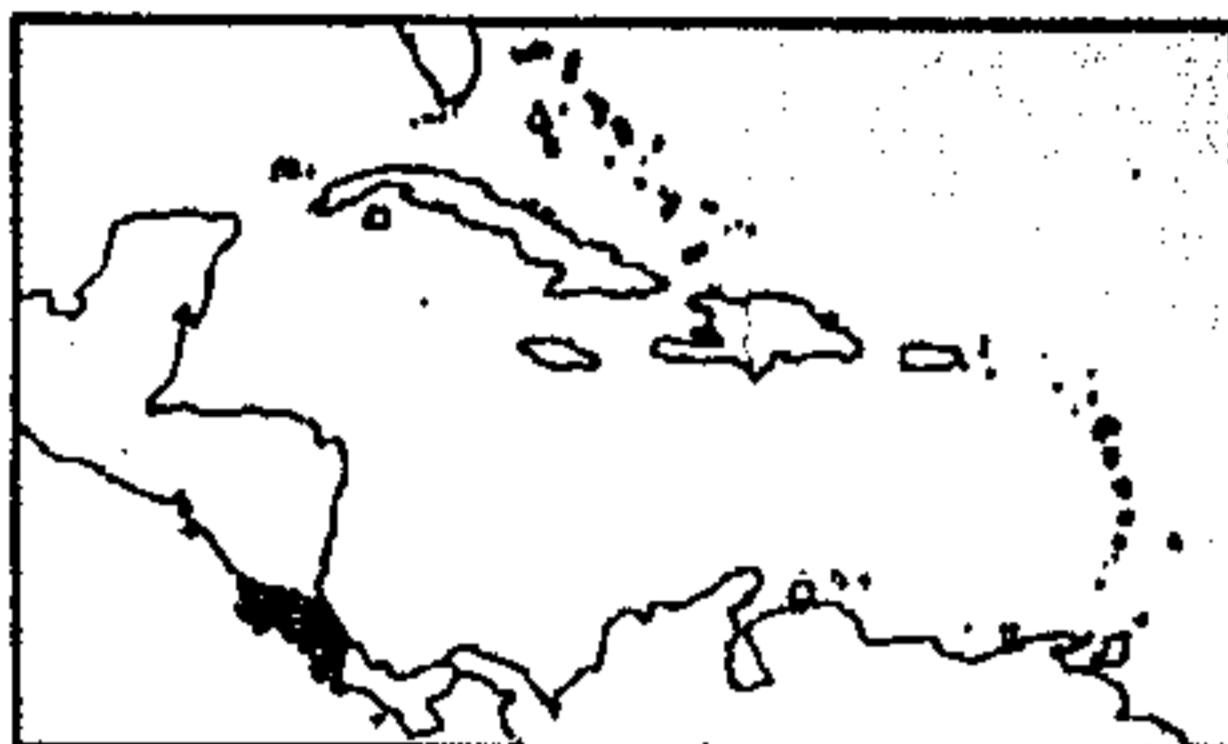
Between 15 April and 19 May a court-martial in Ipiales, Nariño, convicted 66 prisoners of rebellion. After summary proceedings the defendants were sentenced to four to six years' imprisonment. These prisoners were detained in March 1981 in the Colombia-Ecuador border area. Forty-eight had surrendered to the Ecuadorian authorities before they were handed over to the Colombian army. In a similar summary trial in late 1981 at the Tolomaida army base in Melgar, Tolima, 11 prisoners were convicted of rebellion and sentenced to five to 16 years' imprisonment. The hearings lasted only four days. In both courts-martial the rights of the defence were reportedly severely restricted. Defence lawyers were not allowed access to the Tolomaida army base and the court.

Amnesty International appealed on behalf of several prisoners awaiting trial by court-martial who needed urgent medical attention. They included Guillermo Bobadilla, held in the *Cárcel Modelo* (model prison) in Bogotá, who was seriously wounded at the time of his detention in September 1979. Although surgery was ordered by prison doctors and scheduled at a Bogotá hospital, he was refused permission to leave the prison. Amnesty International appealed for him to be given treatment on 4 February, and on 19 February he was taken to hospital and his right kidney removed. On 1 December Amnesty International called for 55-year-old peasant farmer José Antonio Cardona from the "militarized" zone of Tame, Arauca, to be transferred to a hospital which could treat a brain tumour. On 22 December his release from Villavicencio prison, Meta, was ordered on humanitarian grounds by a military court. José Antonio Cardona was one of six peasant farmers from the same community detained in November 1980 and charged with having aided a guerrilla group by giving food. Their cases were being investigated by Amnesty International.

Amnesty International made several appeals on behalf of trade unionists detained because of strike action or accused of collaborating with guerrilla groups. A general strike was called on 21 October to protest against government policies. The government declared it "subversive" and illegal under state of siege provisions. An estimated 150 trade union leaders were arrested before the strike, and some 1,000 striking trade unionists during and after it. Amnesty International called for the release of prisoners charged only with having supported the strike, and most of the detainees were released after 10 days' administrative detention.

Trade unionist José Germán Toro Zuluaga, a member of the national executive of the *Federación Colombiana de Educadores* (FECODE), Colombian Federation of Educators, was kidnapped by the army on 28 September. He was forced into a white Toyota jeep and "disappeared". For 10 days his detention was denied. During this 10-day period of secret detention he was reportedly held in a house away from official military installations and interrogated under torture: he was reportedly forced to remain standing at all times; repeatedly drenched with cold water; systematically beaten and kicked; threatened with death and assaults on his family; and nearly suffocated by a plastic bag placed over his head, and by a cloth placed over his face on which water was poured. (This last method of torture was reported in many cases in 1981, in contrast to the technique reported in previous years of submerging the head in a bucket or water trough.) He was forced to sign a document stating that he had received "good treatment" before being transferred to an officially recognized detention centre, where he was still being held at the end of the year. Amnesty International was investigating his case; his detention appeared to have been solely because of his activities as a national teachers' union leader.

In several similar cases in December 1981 trade unionists "disappeared" after being detained by men who identified themselves as officers of army intelligence, B-2. Army representatives attributed these "disappearances" to an allegedly independent group called *Muerte a Secuestradores* (MAS), Death to Kidnappers, despite evidence that army personnel carried out the detentions. Luis Javier Cifuentes Cifuentes, leader of the union of workers of the *Compañía Colombiana de Tabaco*, Colombian Tobacco Company, was detained on 31 December and later found dead, his body heavily bruised and his face mutilated with acid. His death was the first to be attributed to the MAS. At least 20 other leaders of trade unions that had supported the banned 21 October general strike received anonymous death threats—in some cases in the form of condolence cards—during the last weeks of December. Death threats also reached imprisoned guerrilla group leaders in December 1981. They were warned in an unsigned duplicated letter on Ministry of Defence stationery that killings of army personnel by guerrilla forces would be answered by reprisal killings of jailed guerrillas. Amnesty International issued appeals on behalf of four "disappeared" trade unionists in which it called for the full protection of the law to be accorded all political prisoners in Colombia, whether formally detained under court order or held in secret detention by army intelligence or other security forces.

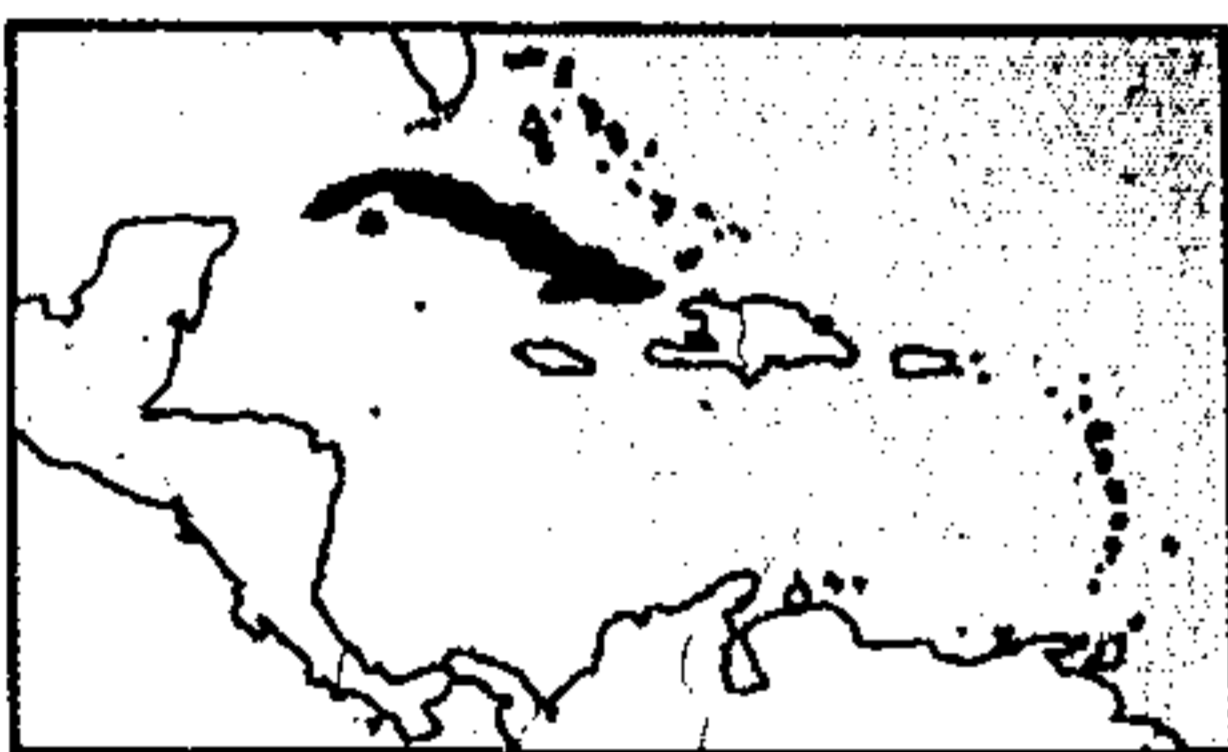


Costa Rica

In March 1981 Amnesty International urged the Costa Rican authorities not to expel a number of Central American refugees arrested during police raids on local human rights groups and exile organizations.

If returned to their countries of origin Amnesty International believed their lives would be in danger. Six Guatemalans were expelled to a third country on 4 April 1981.

Amnesty International asked for information about the killing in prison of a young woman terrorist suspect on 1 July by a civil guard at the prison. The authorities informed Amnesty International that they intended to investigate the matter fully and had submitted the case to the Inter-American Court on Human Rights. For procedural reasons the court referred the matter back to the Inter-American Commission on Human Rights.



Cuba

Amnesty International's concerns were the arbitrary resentencing of political prisoners who had completed their sentences; the imprisonment of prisoners of conscience; the imprisonment of people charged with

criminal offences where the real reasons for their imprisonment appeared to be political; allegations of ill-treatment of political detainees; trial procedures which fell short of internationally recognized legal standards; and the imposition of the death penalty.

Armando Valladares Perez, an adopted prisoner of conscience, was reported to have spent several months during 1981 in a punishment cell in Combinado del Este Prison in Havana. He alleged that the medical treatment he had been receiving for his paralysis had been withdrawn, and that he was not allowed to go out into the open air or receive any visitors or correspondence. On 14 May 1981 Amnesty International wrote to the Cuban authorities expressing concern about the suspension of his medical treatment and the fact that, despite medical advice, he was being given food to which he had been found to be allergic. On 9 July 1981 Amnesty International sent a telegram of concern to Vice-President Carlos Rafael Rodríguez. No

reply was received. Amnesty International later learned that Armando Valladares Pérez was transferred to the prison hospital in September 1981. Amnesty International called repeatedly for the immediate and unconditional release of Armando Valladares and Angel Cuadra, also a prisoner of conscience.

Amnesty International was concerned about the resentencing of political prisoners who had completed their sentences. It knew of more than 50 political prisoners who, since 1977, had received additional sentences reportedly because of their "rebellious attitude" in prison: refusing to wear prison uniform or to participate in rehabilitation programs. In some cases, courts dealing with offences against the security of the state ruled that the prisoner's attitude required a *medida de seguridad post-delictiva* — a further term of one or two years' imprisonment in a work camp with the possibility of it being extended again if the prisoner did not conform. During 1981 several political prisoners who had completed their sentences were not released. Among them were José Oscar Rodríguez Terrero, alias "Napoleoncito", whose 20-year sentence ended in February 1981. It was reported that in March 1981 he was summoned to the office of the director of Boniato Prison, Santiago de Cuba, where he was held and subjected to a so-called trial. He was charged with participating in hunger-strikes and refusing to participate in the "re-education" program. A few days later he was informed in writing that he had been sentenced to a further two years' imprisonment. Other prisoners, such as Pedro Santana Canejo (originally sentenced to 20 years), Manuel Hernández Cruz (20 years), Eduardo Capote Rodríguez (15 years) and Sergio Montes de Oca (20 years) were only told orally that their sentences had been extended for a further year.

Amnesty International was concerned that the judiciary had never reviewed the sentences of some 240 long-term political prisoners, known as *plantados* on account of their refusal to obey prison regulations in protest at being treated as ordinary criminals. Evidence in Amnesty International's possession suggested that their sentences, which had been passed by revolutionary tribunals in the early 1960s, were harsh, and that trial procedures did not always conform to internationally recognized standards. Although Amnesty International did not adopt any of the *plantados* as prisoners of conscience it appealed for their cases to be reviewed.

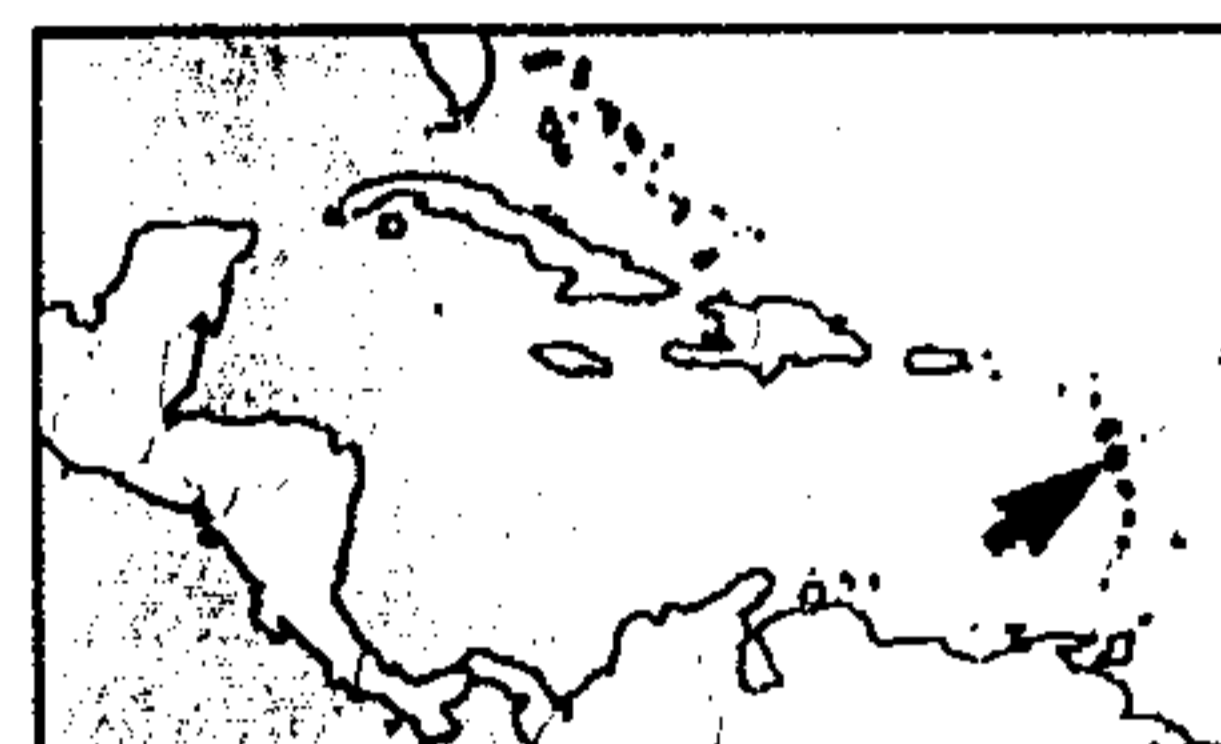
The prison conditions of the *plantados*, who were transferred in July 1979 from Combinado del Este Prison to the eastern prison of Boniato, deteriorated sharply during 1981. Several *plantados* went on hunger-strike in late 1980 and early 1981 in an attempt to obtain improvements. On several occasions the prison authorities reportedly disciplined prisoners to force them to wear prison uniform and obey

regulations. Such measures allegedly included the withdrawal of visits, medical attention and special diets for those who were ill. It was also alleged that prisoners had been beaten by prison guards.

Amnesty International was investigating the cases of several Cubans who sought asylum in the Peruvian Embassy in April 1980. They were allegedly granted safe conduct but upon leaving the embassy were arrested, brought to trial and sentenced to imprisonment.

Amnesty International was concerned that the death penalty continued to be imposed for politically motivated as well as other offences. Amnesty International learned during 1981 of several people sentenced to death who were awaiting the results of their appeals to the *Consejo de Estado*, Council of State. Raudel Rodríguez Rodríguez and Eduardo Delgado were arrested after allegedly attacking a policeman on 25 January 1980, disarming and wounding him. In December 1980 they were both tried and sentenced to death for "rebellion". The sentence was ratified by the Supreme Court and the charge on which they were convicted was altered to "attempted murder aimed at rebellion". At the end of the year their cases were before the Council of State which has the final authority to commute death sentences. Amnesty International appealed to the government in December 1981 not to execute the two men. In 1981 Amnesty International received allegations that several people reportedly convicted of political offences had been executed.

During 1981 Amnesty International appealed to the government to abolish the death penalty in Cuba. In response the Vice-President of the Council of Ministers, Carlos Rafael Rodríguez, wrote stating that the death penalty was a necessity in Cuba in the case of "horrible and brutal" crimes and because "several administrations in the United States have been systematically utilizing Cuban citizens, in Cuba and abroad, in attempts to kill Fidel Castro and other leaders of the country . . . It is impossible to fight against these attacks by ordinary legal means." Amnesty International continued to urge the abolition of the death penalty.



Dominica

In February 1981 an indefinite state of emergency was declared after the kidnapping by Rastafarians of Ted Honeychurch, father of the government's information officer. The kidnappers demanded the re-

lease of three men who had been sentenced to death in exchange for their hostage. In March the former Prime Minister, Patrick John, the Commander of Dominica's Defence Force, Frederick Newton, and several others were detained under the emergency legislation, following the discovery of an alleged plot to overthrow the government.

Amnesty International subsequently received allegations that Rastafarian detainees were being ill-treated by police officers. On 12 June and 21 July Amnesty International raised these allegations with the Minister for Home Affairs, Brian Alleyne; in particular, asking if any investigation had taken place into the death of John Rose Lindsay who was taken into custody by police officers on 13 June and was found dead the following day. On 24 August the Minister replied that the case of John Rose Lindsay was one of those under investigation and on 21 December informed Amnesty International that the coroner's inquest had returned a verdict of "death as a result of physical injuries received in the police station by unknown police personnel". The government then announced its intention of setting up an independent inquiry into the matter.

Dominica has a mandatory death penalty for murder, but no executions have taken place, to the knowledge of Amnesty International, since 1973. In February Amnesty International wrote to the Attorney General and Minister for Legal Affairs, Roland David, about the death sentence passed on 16-year-old Augustus Lloyd on 20 January. Amnesty International pointed out that the laws of Dominica stipulated that "sentence of death shall not be pronounced on or recorded against a person convicted of an offence, if it appears to the court that, at the time when the offence was committed, he was under the age of 18 years". In his reply of 23 February the Attorney General stated that:

"The trial judge erred in law by pronouncing and recording the death sentence against a 16-year-old youth . . . This error can only be corrected by the Court of Appeal, and I have been informed that the prisoner's lawyer has filed an appeal to the said court against the said sentence."

By the end of 1981 Amnesty International had received no further information.

given to Amnesty International by survivors and witnesses corroborated two instances of Honduran troops barring the way as Salvadorian troops pursued would-be refugees. Individual survivors confirmed detailed information collected by local priests that at least 600 people had died in May 1980 when thousands of Salvadorians fleeing areas of armed conflict tried to cross into Honduras at the Sumpul River. Other witnesses present at a similar crossing at the Lempa River in March 1981 told Amnesty International that only the presence of foreign aid workers and medical personnel kept the number of dead lower on that occasion. One foreign relief worker told the delegation: "The helicopter came very low one time — almost touching the tree tops — we could see the face of the man at the machine-gun. There is no way he couldn't have seen that he was firing at women and children."

The Amnesty International mission was given details of Salvadorian refugees being removed from refugee camps by Salvadorian military and paramilitary units and then forced to return to El Salvador. The killing of some of these people was confirmed. Others remained missing. Further well-documented reports of the forced return and killing of Salvadorian refugees and the murder of Honduran relief workers implicated Honduran troops. On 25 November 1981 Amnesty International asked President José Napoleón Duarte to guarantee the security of seven Salvadorian refugees reliably reported to have been abducted from Honduran refugee camps on 16 November, and forcibly returned to Salvadorian territory by Salvadorian soldiers. Protests were also directed to the Honduran authorities.

Reports of Salvadorian troops killing large numbers of civilians as they tried to make their way from areas of fighting to refuge in Honduras continued. In November reports were received that the new Atlacatl brigade had carried out a sweep of an area in northern El Salvador in which at least 250 would-be refugees were killed. Witnesses stated that the would-be refugees had been positioned between the army and the opposition forces at some distance from the opposition. They categorically rejected the government explanation that the 250 casualties had occurred in clashes between government and opposition forces. In December 1981 the Atlacatl brigade was again named as responsible for the massacre of hundreds of non-combatants, mainly women and children trying to reach Honduras from Morazán.

Concern at the possible impact of military assistance, including the training of the Atlacatl brigade, on the human rights situation in El Salvador prompted Amnesty International to write to US officials several times to urge the USA not to provide military and security

assistance to El Salvador which could be used to perpetrate human rights violations. Following an exchange of correspondence on this subject with the new administration of President Ronald Reagan, which Amnesty International made public with a news release on 11 June 1981, Amnesty International raised its concerns with representatives of the Department of State in Washington on 9 October 1981.

Amnesty International also wrote to US Attorney General William French Smith on 31 July and 8 December about the standards and procedures followed by the US Government in dealing with applications by Salvadorians for asylum in the USA. Amnesty International was concerned that the US Government appeared to be pressing Salvadorians to opt for "voluntary return" to their country of origin in spite of danger to their lives there. Twenty-four-year-old Santana Chirino Amaya was deported from the USA in June 1981 after having been refused refugee status. His decapitated body was found on 28 August in Amapulapa. Antonio Husman returned to El Salvador after 10 years in the USA to obtain a document which the US Immigration and Naturalization Service told him he needed to regularize his presence in the USA. He was arrested on 24 April 1981 and was still missing by the end of the year.

In May 1981 the United Nations High Commissioner for Refugees stated that conditions in El Salvador were such that all Salvadorians who had left their country should be considered *prima facie* refugees. In its letters to Attorney General William French Smith Amnesty International urged the US Government to grant all Salvadorians in the US extended voluntary departure status, permitting them to stay as long as the danger to life in their country continued. Amnesty International also submitted information to US officials relevant to the consideration of the cases of individual Salvadorians applying for asylum where it considered that they faced danger if returned to El Salvador.

Amnesty International was concerned that displaced persons inside El Salvador (internal refugees) had been removed from apparently secure church-run asylum centres, and had "disappeared" or been summarily executed. On 11 August Amnesty International wrote to President Duarte asking for assurances as to the safety of some 2,000 people, primarily women and children, who had reportedly been removed from La Bermuda refugee centre on 4 July and transferred to prisons, and requesting information about 25 people who "disappeared" during the move. No reply was received.

In no instance during 1981 was a satisfactory explanation given to 65 queries from Amnesty International on behalf of 555 people taken into custody by the security forces, nor any satisfactory report given

regarding the deaths of those killed.

Figures varied as to how many people were actually killed. The US Embassy calculated that 7,372 had died since it began tabulations in September 1980. Minister of Defence General José Guillermo García told the press in November 1981 that 30,000 had died since 1979; he said that 24,700 of them were "people who had nothing to do with the conflict". The Minister had earlier publicly promised to investigate reports from a Mexican journalist that 83 young people and children found decapitated outside Santa Ana in August 1981 had been beheaded by security agents in the Quality Meats processing plant at Ateos. However, no inquiry was ever initiated and the journalist left the country after receiving death threats. In 1981, as in previous years, the government did not take effective measures to investigate or prevent the many killings which could not be attributed to armed conflict.

In April officials had promised to investigate the killing on 7 April of more than 20 young people in a suburb of the capital. Officials stated that the victims had died in an exchange of fire with the Treasury Police. Amnesty International pointed out that eye-witnesses had reported that many of the dead had been killed in cold blood after being roused from their beds. Others were bound and led away by Treasury Police agents and their bodies found later. Amnesty International later expressed its concern about killings and "disappearances" in which the Treasury Police had been implicated which occurred in May, June, July and September 1981. Amnesty International did not learn of any investigations into these violations of human rights by the Salvadorian Government.

Investigations into the murders of two US labour advisers killed in January 1981 along with Rodolfo Viera, head of El Salvador's agrarian reform institute, also stalled. Two Salvadorians from prominent families arrested in connection with the case were released. Rodolfo Viera's murder took place shortly after he had publicly denounced fraud in the institute.

The investigation of the killings in December 1980 of four American church women also made slow progress, although there was clear evidence to implicate the security forces. After the US Congress stipulated in December 1981 that additional military assistance depended on evidence that El Salvador was making serious efforts to investigate the murders of certain US citizens, there were reports that indictments were imminent.

The human rights violations in El Salvador were committed in the context of special emergency legislation. During 1981 this legislation was renewed and extended. A state of siege was declared for 30 days on 6 March 1980, and reimposed regularly thereafter. On 10 January

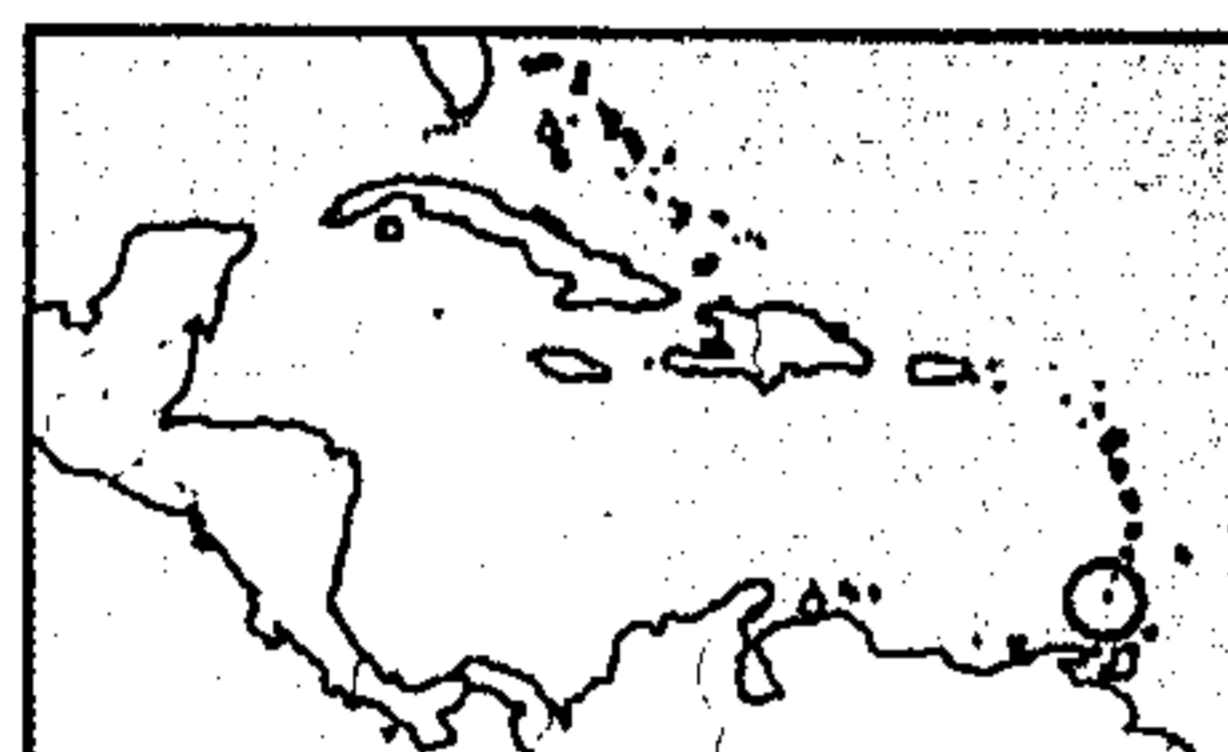
1981 martial law was declared and a curfew was imposed. Evidence soon emerged that troops were ordered to kill anyone breaking the curfew. From 12 January to 19 February alone, the Legal Aid Office of the Archbishopric of San Salvador compiled a list of 168 people killed as alleged curfew breakers. In October 1981 Amnesty International launched an urgent appeal for José Orlando Castellanos, found shot in the head in a ditch on 13 October. Hospital staff at first denied that he was at Rosales Hospital, a centre from which patients have been abducted and murdered in the past, but later acknowledged his presence. Officials stated that he had been shot as a curfew violator.

Throughout 1981 people monitoring government abuses such as journalists, church activists, political activists and trade unionists were intimidated, arrested and killed (see *Amnesty International Report 1981*). Many staff members of the Salvadorian Human Rights Commission had been killed, "disappeared" or forced into exile since 1970. On 15 December 1981 Amnesty International initiated urgent inquiries about three men working for the commission who were reportedly abducted on 4 December. On 15 May Amnesty International inquired about the whereabouts of Ana Margarita Gasteazoro and two other members of a social democratic party. The government initially denied that they had been arrested but after widespread protests presented Ana Margarita Gasteazoro on national television to prove that she had not been ill-treated in custody.

In March a number of people on whose behalf Amnesty International had appealed were located in Santa Tecla prison by a foreign journalist. Among the few known to have survived arrest by the Salvadorian security forces, they were able to offer unique testimony concerning arrest and detention procedures, and prison conditions. They included trade unionists, journalists, university staff and teachers who told of being subjected to electric shocks, beatings and the use of hallucinogenic drugs in attempts to obtain confessions of support for the opposition. Photographs of one young teacher, Rafael Carias Flores, who like the others had not been charged, showed large areas of burnt and scarred flesh on his arms, legs, face, trunk and testicles where he said his interrogators had thrown sulphuric acid.

Throughout the year the grave human rights situation in El Salvador led Amnesty International to continue to submit information to relevant regional and international bodies. In October an interim report to the United Nations General Assembly on the situation of human rights in El Salvador, prepared by the Special Rapporteur appointed by the UN Commission on Human Rights, concluded that there had been a consistent pattern of gross violations of human rights in El Salvador since the ruling *junta* took power in

1979, and that the executive and judicial branches of El Salvador's Government had adopted an attitude of passivity and inactivity toward the violations. In its 1981 report to the General Assembly of the Organization of American States held in December, the Inter-American Commission on Human Rights singled out El Salvador as one of two countries where the commission considered that the most serious violation of the right to life took the form of summary execution. In this context it declared that states could not employ state terrorism to combat subversive terrorism.



Grenada

An Amnesty International mission visited Grenada in January 1981 to discuss Amnesty International's concerns with Prime Minister Maurice Bishop, in particular the continued detention of over 100 people without

charge or trial (see *Amnesty International Report 1981*). Some detainees had been held since Maurice Bishop and the New Jewel Movement came to power in March 1979.

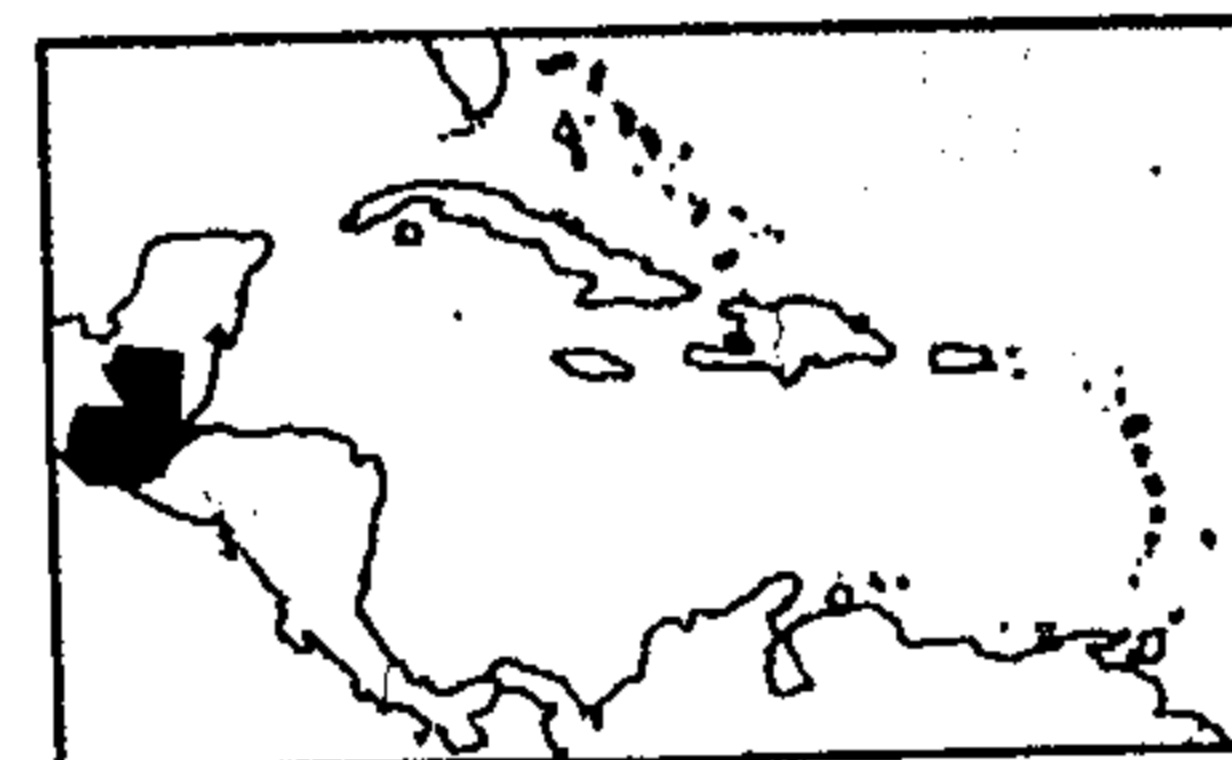
More people were detained during 1981. On 21 July Amnesty International wrote to the Prime Minister asking the reason for the detention of Lloyd Noel, Leslie Pierre, Tilman Thomas and Stanley Roberts on 13 July. The first three were shareholders in the company which published a newspaper, the *Grenadian Voice*, which had been banned after its first issue in June 1981. Lloyd Noel, a former member of the New Jewel Movement, had been Acting Attorney General and Minister of Legal Affairs in the People's Revolutionary Government until his resignation in June 1980. In a reply from the Office of the Prime Minister on 17 November Amnesty International was informed of "conspiracy on the part of Noel, Thomas, Pierre and Roberts to perpetrate and incite violence and destabilization". By the end of 1981 the four men were still detained without charge.

On 31 December the government announced the release of 24 detainees, including Herbert Preudhomme, who was deputy prime minister in the previous government and had been detained since the March 1979 coup. A government spokesperson said that after the releases there were fewer than 100 people held in detention. In December 1981 Amnesty International was investigating the cases of 77 detainees in Grenada.

Allegations that some detainees had been ill-treated were raised

with the Prime Minister by the Amnesty International mission in January. On 29 September Amnesty International wrote to the Prime Minister asking if any official investigation had taken place into allegations of ill-treatment made by Layne Phillip, charged with involvement in a bomb explosion, who alleged that he had been beaten, burned with cigarettes and given electric shocks to make him confess. No reply had been received by the end of 1981.

Grenada has a mandatory death penalty for murder. The Terrorism (Prevention) Law, 1980, also provides for a discretionary death sentence for causing death by explosives or by acts of terrorism. The Amnesty International mission asked the Prime Minister whether the new legislation constituted an extension of the death penalty and appealed to him to abolish the death penalty. There were no prisoners under sentence of death at the end of 1981 and no executions had taken place since October 1978.



Guatemala

Amnesty International's paramount concern was that people who opposed or were thought to oppose the government were systematically seized without warrant, tortured and murdered.

Successive governments blamed clandestine paramilitary death squads for the killings, torture and "disappearances", or stated that victims died in clashes between extremist groups of the left and the right which the authorities were unable to control. In February 1981 Amnesty International published a report on Guatemala in which it stated that it had found no evidence that the death squads operated independently of the regular security services. The report concluded that the torture and murder were part of a deliberate and long-standing program of the Guatemalan Government. The report was released with a list of the names of 615 people who had "disappeared" after arrest by security forces since President Romeo Lucas García took office in July 1978.

The Guatemalan Government rejected the report's conclusion and accused Amnesty International of interfering in its internal affairs. However, when questioned by the press about Amnesty International's findings, the former Vice-President, Dr Francisco Villagrán Kramer, who had left the country for exile in 1980, stated that he had learned about the system while in government, and did not doubt that most killings were decided upon in the presidential palace. The former

head of the National Police Detective Corps, Colonel Manuel de Jesús Valiente Téllez, who was dismissed in late 1980, also confirmed the role of the security forces in killings attributed to "death squads". He declared that as head of the detective corps he had himself been involved in similar murder and "disappearance" operations ordered by higher authorities.

Throughout 1981 members of sectors identified in Amnesty International's report as major targets of repression in Guatemala in recent years continued to "disappear" and be killed. Victims included trade unionists, staff and students of the University of San Carlos (USAC) and Indian peasant farmers. The mutilated bodies of some of those abducted and killed were found at roadsides or uncovered at secret burial sites. Other corpses were unidentifiable. Amnesty International listed a minimum of 642 people killed between 1 January and 30 June 1981, including 476 peasant farmers, 33 teachers and university staff and 36 students. Between 1 July and 31 December 1981 Amnesty International recorded at least 2,569 more people killed in extra-legal executions. Only 217 could be identified.

The repression of the Roman Catholic church intensified during 1981. Lay workers, priests and foreign missionaries, and specific religious orders were defamed in government and anonymous propaganda. So was the Justice and Peace Committee, a human rights monitoring organization founded in 1978. Many of the committee's staff and a number of foreign priests were forced to leave the country after receiving death threats. The government withdrew the visas of some religious workers while they were abroad. Others who remained in the country or returned despite death threats were murdered or "disappeared". On 23 July Amnesty International publicly appealed to the government to protect clergy and church workers. The appeal followed the murder of Italian-born Franciscan Father Marco Tulio Maruzzo, machine-gunned on 1 July 1981 in Quirigua, Izabal. He was the eighth priest to be killed or abducted in Guatemala in 15 months. The authorities attributed his death to unknown assailants, but his associates believed the official security forces were responsible. On 28 July Father Stan Rother, a 46-year-old Maryknoll priest from Oklahoma, USA, was murdered in Santiago Atitlán. Colleagues and relatives stated that he had been killed because he had witnessed the abduction on 3 January 1981 of an Indian catechist, Diego Quic, and had written to a friend in the USA that 17 townspeople had been kidnapped, tortured and slain by Guatemalan soldiers that month. After protests in the USA at Father Rother's murder the Guatemalan authorities took three men into custody in connection with the crime; reportedly they did not match the description of the killers given by eye-witnesses.

Government explanations of the deaths of two foreign lay workers on 26 July were also challenged abroad. Eight days after the killing, when the bodies had already been buried as unidentified, a government statement declared that two Jesuits — Spaniard Angel Martínez Rodrigo and Canadian Raoul Joseph Leger — had died fighting alongside Cuban guerrillas during a shoot-out with the security forces in Guatemala City. Jesuit spokesmen stated that neither of the dead men were Jesuits and the religious orders for which the two had worked as well as family and friends abroad discounted the possibility that either would have taken up arms. Witnesses in Guatemala City stated that Angel Martínez Rodrigo had been kidnapped from his home some 17 kilometres from where his bullet-ridden body was found.

Jesuit priest Luis Pellecer was violently abducted in the presence of witnesses in the capital on 9 June. Father Pellecer was missing for 113 days. The government repeatedly denied that he was in custody in response to inquiries from his family, religious associations and international organizations. During this period several of his associates and friends were also abducted and remained unaccounted for, including a secretary at the Archbishopric in Guatemala City. Father Pellecer became one of the few Guatemalans to be located after having "disappeared" when Guatemalan officials presented him to a gathering of the press, foreign diplomats and church officials on 30 September. In this, and in subsequent appearances under official Guatemalan escort in other countries, including El Salvador, Father Pellecer "confessed" to having arranged his own "self-kidnapping" in order to break away from involvement with the guerrillas. His statement accused the Roman Catholic church of actively encouraging communist subversion throughout Central America; charges which were rejected by his immediate superiors and conferences of the Society of Jesus in various countries. Friends and associates who viewed the televised statement were convinced that Father Pellecer appeared to be under severe psychological stress and that his statement was totally out of character. His close relatives were not allowed to meet or speak to him, despite official claims that he was not detained, but had chosen to remain in protective custody. Amnesty International appealed to the authorities for Father Pellecer to be examined by independent experts, including physicians and psychiatrists. Doubts about official statements and fears for Father Pellecer's mental and physical integrity increased when another man escaped from custody and stated that he had been forced to cooperate with the authorities through physical torture and severe psychological pressure. He was Indian leader Emeterio Toj Medrano, founder member of the *Comité de Unidad Campesina* (CUC), Committee

of Peasant Unity, who was abducted in Chimaltenango on 4 July. The government denied that Toj Medrano was in official custody, but in late August Guatemalan officials presented him to a visiting US Congressional delegation. He told the delegation that the CUC had been infiltrated by communists. On 22 October he too told a conference arranged by officials for the press and foreign diplomats that he had organized his own kidnapping and planned to leave the "subversive" CUC and join the Guatemalan army. He escaped on 26 November during a guerrilla attack on the military barracks where he was held.

In August Spanish priest Carlos Alonso Pérez, chaplain at the military hospital in Guatemala, was abducted as he finished mass. His whereabouts were unknown. In November two US Dominican nuns, a priest and a Guatemalan seminarian were abducted as they returned from a church meeting in Sololá. Following international action on their behalf, they were released and left the country.

As armed clashes between government and opposition forces increased during the year Amnesty International noted a rise in the number of medical staff who were killed or "disappeared". Staff who treated the wounded regardless of how they were injured and whether they were government agents were apparently abducted and killed in retaliation, and in order to deter others from doing so. Dr Eduardo Schlessinger Urrutia, Dr Guillermo Muñiz, Dr José Pradesava Barillas, and Dr Arnoldo Mérida Zúñiga were still missing at the end of the year. Other doctors for whom Amnesty International had appealed were later found dead. These included Dr Filberto Sánchez Castillo and Salvadorian Dr Juan José Amilcar Hidalgo Salguero. Among those shot and killed outright were Dr José Alvaro Ramírez Ruano on 16 October and Dr Carlos Enrique de Paz Ramírez on 9 November. On a number of occasions Amnesty International called on the government to protect wounded people being treated in hospitals. Well-verified reports of the abduction and killing of wounded people in hospitals were received during the year even in cases where the patients were ostensibly under armed guard.

The growing conflict between government forces and opposition groups led to an increasing number of reports of massacres of non-combatant civilians in the countryside, apparently as part of a government counter-insurgency operation. On 25 August Amnesty International protested at the reported "disappearance" of hundreds of peasants and the killing of 50 people by the security forces in and around the small agricultural cooperative village of El Arbolito, Petén. Survivors who fled to Mexico said that they had been beaten and kicked, burnt with cigarettes, subjected to mock executions and near-garrotting, and hooded with rubber hoods impregnated with chemicals

by *kaibiles* (special counter-insurgency troops). They were interrogated about support they might have given to guerrillas. Rubber "gloves" were placed over the hands, testicles, throats and breasts of some of the captives, and set alight, burning down to the bone in some cases before they eventually burnt themselves out. Amnesty International called attention to previous massacres in which the army was implicated, including the attack on 9 April in Chuabajito, Chimaltenango, when 23 were murdered.

Amnesty International repeatedly appealed to Mexican officials not to return Guatemalan refugees fleeing such counter-insurgency operations to Guatemala, where Amnesty International believed their lives to be in danger. However, several thousand were sent back during 1981, and at least one person was known to have been killed after his forced return to Guatemala. Large-scale killings of peasants by the Guatemalan army continued to be reported throughout the year, particularly in areas near the Mexican border.

In October Amnesty International appealed to lawyers to protest against the killings and "disappearances" of members of the legal profession in Guatemala. It listed 58 members of the legal profession, including judges, lawyers and court officials, who had been killed between January 1980 and June 1981. It noted that lawyers who worked on behalf of trade unionists or peasant organizations were particularly at risk, as were those connected with the University of San Carlos (USAC), which was repeatedly attacked in official statements as a centre of opposition. USAC staff and students killed or "disappeared" during the year included Dr Jorge Romero Imeri, acting Dean of the Faculty of Law, and law professors Guillermo Alfonso Monzón Paz, Jorge Palacios Motta, José Aníbal Moreno who were killed on 27 February, 3 March and 4 March respectively. Three more law professors were shot and killed on 7 May.

In the latter part of the year many politicians lost their lives or "disappeared". Amnesty International knew of 66 politicians killed between January 1980 and December 1981. The *Frente Unido Revolucionario* (FUR), United Front of the Revolution, which had called on its supporters to participate in the elections scheduled for early 1982, was particularly affected; 17 of its leaders were killed in 1980 and 1981 and others forced abroad. Amnesty International recorded the names of 19 members and leaders of the Christian Democrats who were killed or "disappeared" between May 1980 and December 1981. There were also a number of attacks on the party's leader, Vinicio Cerezo.

In March 1981 Amnesty International launched a campaign calling for an end to the repression of trade unionists in Guatemala. It aimed to inform international trade union confederations and inter-

national companies of human rights abuses in Guatemala. Amnesty International appealed to companies to protect their employees in Guatemala from human rights abuses and to investigate cases where workers were killed or "disappeared". Amnesty International continued to press for information on a number of trade unionists missing since they were detained at the headquarters of the *Central Nacional de Trabajadores* (CNT), Guatemalan Workers' Congress, on 21 June 1980. Unconfirmed reports indicated that some of their bodies were found during 1981. There were also unconfirmed and conflicting reports from official and unofficial sources that the body of journalist Alaide Foppa Solorzano had been found in December 1981. She had "disappeared" in December 1980. In 1981 other journalists "disappeared", including Argentinian Valentín Serrat, who was visiting Guatemala from exile in Mexico and "disappeared" in early December 1981, and *El Gráfico* journalist Zonia Calderón de Martell, who was detained by the security forces on 23 July and remained unaccounted for. The body of her husband, a photographer with the information office of USAC, was found on 17 September submerged in his car in a canal in the department of Santa Rosa. In December 1981 the Inter-American Commission on Human Rights noted that the Guatemalan Government had so far declined to set a date for it to visit the country and investigate the human rights situation. This had been originally requested by the commission on 3 November 1973 and agreed to in principle by the government on 29 January 1980. A report by the commission concluded that "an alarming climate of violence" had prevailed in Guatemala in recent years, either instigated or tolerated by the government.

In March 1981 the Commission on Human Rights of the United Nations expressed concern at the deterioration of human rights in Guatemala and requested the Secretary-General of the United Nations to establish direct contact with the Government of Guatemala on the human rights situation there, and to collect information from all relevant sources. In the context of this resolution, in October Amnesty International's Secretary General presented UN Secretary-General Kurt Waldheim with a memorandum outlining Amnesty International's concerns in Guatemala. Amnesty International noted that it had in no instance received satisfactory replies to the many calls it had made to the Guatemalan authorities over a period of years for investigations into the "disappearance" and murder of thousands of people.



Guyana

Amnesty International continued to follow the case of Dr Rupert Roopnarine and Dr Omawale, leading members of the opposition Working People's Alliance, who were charged with arson after the destruction by fire of a government ministry and offices of the ruling People's National Congress party in July 1979. Their fellow-defendant, Dr Walter Rodney, died in a bomb explosion

on 13 June 1980 (see *Amnesty International Report 1981*). On 30 May Chief Magistrate Fung-kee-Fung dismissed the charges against the two, stating that the prosecution had not established a *prima facie* case. The prosecution appealed against this ruling.

On 23 July Amnesty International appealed to Minister of Justice and Attorney General Mohamed Shahabuddin for an independent inquiry into the death of Walter Rodney. The organization referred to an earlier appeal for such an inquiry made to President Forbes Burnham on 18 June 1980 and the fact that no independent investigation of the death appeared to have taken place. Amnesty International noted that Donald Rodney, the brother of Walter Rodney, who had been injured in the explosion which killed his brother, was to be tried on a charge of unlawful possession of an explosive device. Amnesty International planned to send an observer to the trial of Donald Rodney, but because of adjournments it had not taken place by the end of 1981.

In April 1981 five defendants in a treason trial (see *Amnesty International Report 1981*) were rearrested immediately after charges against them had been dismissed. They were held for four days on the same charges before being released on bail. In August Magistrate Anthony Singh was instructed by the Director of Public Prosecutions to reopen the case against four of the five defendants. On 21 August the magistrate again dismissed the charges and the four men were released. On the same day one of them, Ivan Sookram, was rearrested and arrest warrants were issued for the other three. They were still at large at the end of 1981. On 26 August the Office of the Director of Public Prosecutions issued a statement saying that the magistrate "had no power to again discharge the four accused persons" and that "the matter should commence *de novo*, that is, that a new charge should be instituted and a fresh preliminary enquiry held". The trial of Ivan Sookram was adjourned several times and had not taken place by the end of 1981.



Haiti

Amnesty International concerns focused on the continuing detention of prisoners of conscience, detention without trial, irregular trial procedures in political cases, and allegations of ill-treatment of political detainees. Amnesty International worked for the release of 26 adopted prisoners of conscience and was investigating the cases of some 50 others.

Many of these prisoners were arrested during 1980 but some had been detained without trial since 1978. The 1980 arrests included virtually all independent journalists, broadcasters, human rights activists, and members of the *Parti démocrate chrétien haïtien* (PDCH), Haitian Christian Democrat Party, including its founder Sylvio Claude. Amnesty International believed that the reason for the arrests was their increasing criticism of government policies.

Twenty-six prisoners arrested in 1980, including several members of the PDCH, were brought to trial on 25 August 1981 in Port-au-Prince. Although the trial was in public and by jury, Amnesty International was concerned about major irregularities in the proceedings. The 26 defendants were given no access either to independent lawyers of their choice or to the 26 defence lawyers appointed by the state only four days before the trial began. According to reports only five of the state-appointed lawyers, two of whom were not fully qualified, presented themselves in court on the day of the trial. Several independent lawyers attended the trial on their own initiative and were able to participate, but they had had no access to the defendants or time to prepare the case. No witnesses were called on behalf of the accused and virtually no evidence was presented by the prosecution to substantiate the charges. It was alleged that not all the members of the jury could understand French, in which the proceedings were mainly conducted (most Haitians speak only *créole*) and that some had connections with court officials or with the *Volontaires de la sécurité nationale* (VSN), the militia commonly known as *tontons macoutes*. The trial began at 10.00 am and the verdict was pronounced at 5.00 am the next morning. All 26 prisoners were found guilty of arson and plotting against the internal security of the state. Twenty-two were sentenced to 15 years' imprisonment with hard labour. The other four were sentenced to one year's imprisonment and were reportedly released in September 1981.

On learning of these sentences, Amnesty International cabled President-for-Life Jean-Claude Duvalier on 28 August. It urged the

immediate and unconditional release of Sylvio and Marie-France Claude and the other prisoners of conscience in the group. Amnesty International also called for other political prisoners to be brought to trial or released. Those sentenced to 15 years' imprisonment with hard labour immediately appealed to the *Cour de cassation*, Appeals Court. Reports indicated that after the trial the government continued to deny the defendants access to their lawyers.

Amnesty International received reports that a number of political prisoners were detained in Port-au-Prince in November 1981. Among those arrested were Rock Charles Derose, a 41-year-old mechanic, and Robert Lops. Rock Charles Derose was reportedly tortured in the *Casernes Dessalines*, a military barracks in Port-au-Prince. The government refused to acknowledge their detention. Amnesty International appealed on their behalf.

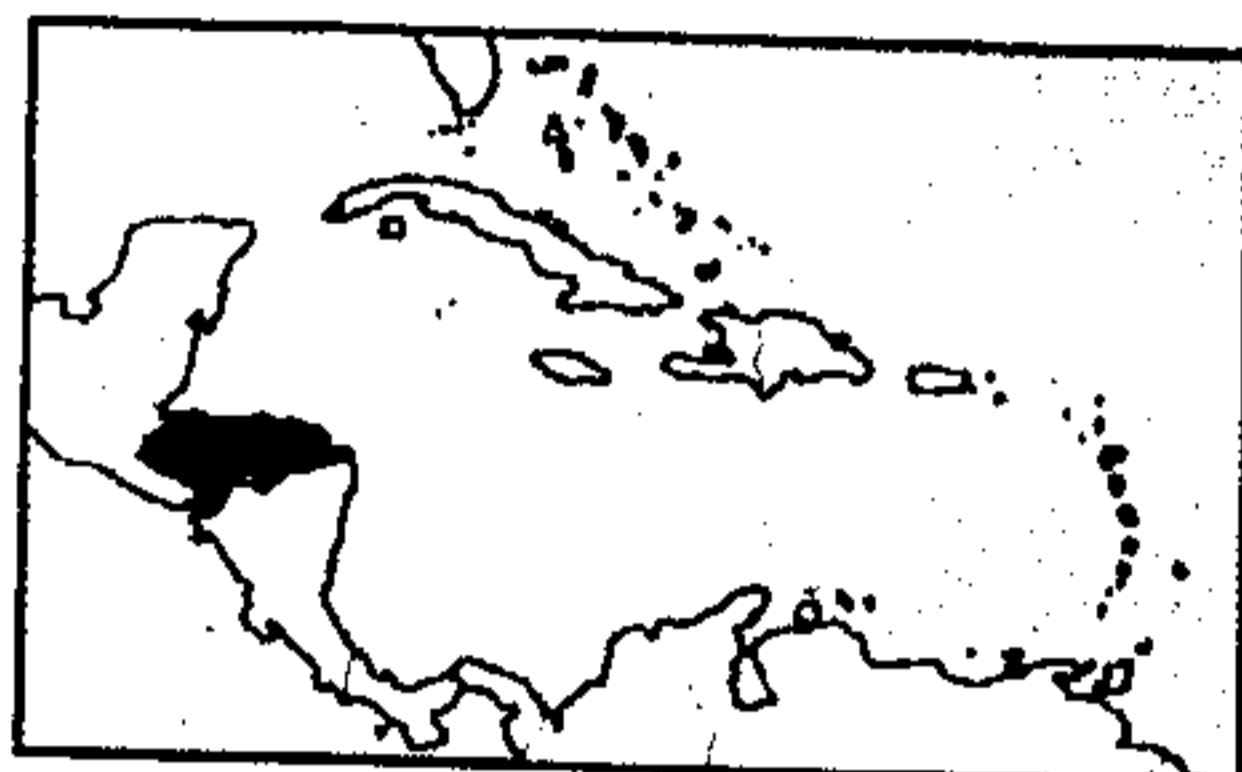
Persistent allegations of poor prison conditions, torture and ill-treatment of prisoners, and inadequate medical facilities continued to reach Amnesty International. In July 1981 several political prisoners held in the *Pénitencier national*, National Penitentiary, went on hunger-strike to demand better conditions and to be told the charges against them. They included Roosevelt Blaise Moïse, a painter. A Haitian, he had been living in exile in the Dominican Republic and was arrested in Haiti in January 1981. He was sent back to the Dominican Republic, where he was held in secret detention for more than 70 days, then deported back to Haiti and imprisoned without charge. Three other prisoners — Berthony Pierre Paul, Berthaud Robillard and Gabriel Hérard — of the *Comité des prisonniers*, Prisoners' Committee, who supported the demands of the hunger-strikers, were reported to have been tortured. On 31 July Amnesty International appealed to the government for independent doctors to be allowed to visit the prisoners to treat them, and for all political prisoners held without trial to be brought to trial or released.

Amnesty International received reports that Sylvio Claude was badly beaten by prison guards at the *Pénitencier national* on 28 September after asking for treatment for severe conjunctivitis. Reports indicated that doctors were denied access to him on several occasions. On 6 October Amnesty International urged the government to treat all political prisoners in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Amnesty International was investigating reports that people trying to leave Haiti — many for fear of political persecution — were imprisoned.

Amnesty International submitted information documenting its concerns in Haiti to the United Nations Educational, Scientific and Cultural Organization, the United Nations, the Inter-American

Commission on Human Rights of the Organization of American States, and the Office of the United Nations High Commissioner for Refugees.



Honduras

In August 1981 an Amnesty International mission visited Honduras. The principal purpose was to interview Salvadorian refugees about human rights violations in El Salvador. The mission also aimed to

raise Amnesty International's concerns in Honduras with officials. These included the treatment of Salvadorian refugees, and increasing reports of arbitrary arrest and detention, torture and "disappearances" of both Honduran and foreign nationals. Both regular Honduran security forces and newly-proclaimed Honduran paramilitary groups and "death squads" reportedly linked to the government had been named as responsible for these abuses.

In its official meetings the Amnesty International mission welcomed the fact that Honduras had accepted thousands of refugees, including Salvadorians, Guatemalans and Nicaraguans. However, it expressed concern about reports that Salvadorian and Honduran troops had cooperated in obstructing would-be refugees from El Salvador from entering Honduras at their common border. Amnesty International was also concerned about reports that Salvadorian agents, military and paramilitary, had repeatedly been allowed to enter Honduras to harass, and in some cases abduct, Salvadorian refugees. Some refugees were reportedly killed outright; others were allegedly returned to El Salvador and their dead bodies seen by fleeing refugees. Still others remained missing.

The Amnesty International delegation interviewed witnesses and survivors of the May 1980 Sumpul River massacre, in which local priests asserted that at least 600 people died as the result of a combined Salvadorian-Honduran troop action. Witnesses confirmed that Salvadorian troops had killed would-be refugees as they attempted to cross the Sumpul River and stated that Honduran troops had established a cordon on the Honduran side of the river to prevent the refugees from gaining asylum in Honduras. Survivors declared that they had received death threats from Honduran troops in

attempts to prevent them giving evidence to the many foreign delegations that visited the border area during the year. Witnesses and survivors of a similar operation at the Lempa River on 18 March 1981, in which an estimated 200 people died, also reported constant attempts by Honduran and Salvadorian soldiers and paramilitary agents to keep them from testifying about the incident.

Refugees and relief workers stated that a number of Salvadorian refugees who had been wounded by troops as they entered Honduras had been removed from the hospital in Santa Rosa de Copán, where they had been taken for treatment, and were now missing. The Amnesty International delegation observed that Alejandro Gómez, one such refugee, was held under armed guard in that hospital at the time of its visit. After appeals for his physical safety Amnesty International learned that he had been discharged from the hospital on 19 November and was reported to be in the care of Honduran and international relief agencies.

After its mission to Central America in August Amnesty International continued to receive reports of Salvadorian refugees being removed from refugee camps and killed. It also learned of the murder of a number of Honduran relief workers in such incidents. On 16 November foreign nationals at La Virtud refugee camp in the department of Lempira physically restrained Salvadorian military and paramilitary agents who had seized Salvadorian refugees and were taking them back to El Salvador with the help of Honduran troops. However, in simultaneous raids nearby, seven refugees were removed from Guajiniquil and La Cuesta refugee camps and taken towards El Salvador. The bodies of the two removed from La Cuesta were later reported to have been seen in El Salvador. The others were still missing. Elfidio Cruz, the Honduran coordinator at La Virtud for CARITAS, the international Roman Catholic aid agency, was taken into custody by the Honduran army during the 16 November raids. His bullet-ridden body was found nearby two days later. On 7 December another Honduran CARITAS worker, Lucio Aguirre, was reportedly shot and killed by a Salvadorian soldier as he tried to prevent the abduction of refugees from the camp at La Virtud. On both occasions Amnesty International appealed to the Honduran authorities for an investigation into the abductions and killings. It also called on Salvadorian officials to protect the refugees when they were returned to El Salvador.

Several groups of foreign nationals, including Salvadorians, "disappeared" in the capital, Tegucigalpa, after being arrested by Honduran security agents from the *Departamento Nacional de Investigaciones* (DNI), National Department of Investigations. Fourteen Salvadorians and two Hondurans were arrested on 22 April. All were

members of a christian community who followed the teachings of the late Archbishop Oscar Romero of San Salvador. A Dutch agricultural specialist testified to the Amnesty International delegation that he had witnessed the forcible detention of several members of the group, including four children, one aged only three, by the Honduran security agencies. On 25 May Honduran newspapers reported that the children and the grandmother of one of the children had been handed over to Salvadorian officials at the border post of El Amatillo under other names. Their documents, which were made available to Amnesty International, stated that they had been abandoned in Honduras. A relative was told by Honduran officials that none of the missing people had ever been detained. However, she eventually located the grandmother and grandchild in El Salvador. The other three children had been placed for adoption in El Salvador, but were identified and returned to relatives. On 22 June Amnesty International informed the Honduran Foreign Minister Colonel César Elvir Sierra that it had been disturbed to learn of the arrests and subsequent reports that the Salvadorians might have been deported back to El Salvador. It pointed to some of the discrepancies in the official version of events. Later, during its mission to Honduras, the Amnesty International delegation met Minister of the Interior and Justice, Lic. Oscar Mejía Arellano. He stated that if the missing people had been arrested legally they would have been processed by the courts under his responsibility. He suggested that Amnesty International raise the case with the army, in particular with Colonel Adolfo Alvarez Martinez, then commander of the Honduran Public Security Force, FUSEP. Colonel Alvarez refused to discuss the matter with the Amnesty International delegation.

While the Amnesty International delegation was in Honduras a group of foreign nationals "disappeared" in similar circumstances. Amnesty International interviewed relatives who provided evidence that the DNI had detained the missing people, who included two young Salvadorian children. The children were later reportedly placed in the care of a Honduran family, but eight others, including Yamira Villalta and Jorge Manuel Morales, were still missing.

Throughout the year a succession of similar "disappearances" took place. They included a number of Nicaraguan and Costa Rican citizens who were passing through Honduras. In several cases Nicaraguan officials provided documents registering the exit of the missing people from Nicaragua at Nicaraguan-Honduran border crossings. However, the Honduran authorities asserted that the records of the Honduran officials at the same border crossings did not register their entry. Despite repeated inquiries by Amnesty International, Honduran officials continued to deny that the missing

people ever entered Honduras, even in cases where eye-witnesses attested to having seen the missing people in Tegucigalpa, or to having spoken to them in custody in Honduras.

Honduran officials repeatedly denied the arrest in San Pedro Sula of Salvadorian opposition leader Facundo Guardado Guardado who was detained on 18 January. However, he was among those whom the government was forced to release after a guerrilla group hijacked a Honduran airliner on 17 March.

Amnesty International was disturbed by reports of the detention and subsequent "disappearance" of a number of Hondurans in 1981. They included trade union leader Fidel Martínez and teacher and journalist Tomás Nativi, missing since 9 June 1981 when they were taken into custody by unknown men. Fidel Martínez was reportedly wounded during the incident. Amnesty International had appealed on behalf of Tomás Nativi on a number of occasions in the past when he had been detained. After a few days in detention in December 1980 he had sustained serious injuries and claimed publicly that he had been tortured. Following their seizure in June Amnesty International repeatedly appealed for information as to the whereabouts of Fidel Martínez and Tomás Nativi but despite eye-witness reports that their captors were acting with the complicity of the security services the authorities continued to deny any knowledge of the affair.

In similar cases "disappeared" Hondurans whose detention was originally denied were released following appeals on their behalf. Former Vice-Rector of the National University and congressional candidate for the Honduran Socialist Party Lic. Virgilio Carias was detained on 12 September together with Lic. Rogelio Martínez Reyna. Released nine days later, Lic. Carias called for similar appeals for the other "disappeared" people of Honduras, who numbered, he stated, nearly 100. Seventeen members of the leftist alliance, the Honduran Patriotic Front, who had been arrested on 21 November shortly before the Honduran elections of 29 November, had also been released.

Amnesty International continued to monitor events at the Isletas banana cooperative. Since 1974 workers and the army had repeatedly clashed over alleged attempts by the army to impose its own leadership on the cooperative.

Amnesty International was also concerned that priests, both foreign and Honduran, who helped refugees and tried to protect relief workers were themselves constantly harassed. Father Fausto Milla was arrested for a short period on 13 February as he was returning from a conference in Mexico on the problem of Salvadorian refugees throughout Central America. Amnesty International learned that after his detention he and other priests in the northwest continued to

be harassed by the Honduran army.

Amnesty International brought its concerns to the attention of international bodies during the year, particularly the United Nations High Commissioner for Refugees and the United Nations Working Group on Enforced or Involuntary Disappearances.



Mexico

Amnesty International's primary concerns in Mexico continued to be irregular procedures for arrest, detention and trial. Reports were received during the year of deaths in custody, in some cases apparently as a result of torture, and also of "disappearances" and killings of prisoners.

The Mexican authorities did not admit to holding political prisoners. However, Amnesty International was concerned that the arrest and imprisonment of many people convicted on

criminal charges were politically motivated and stemmed from their activities in trade unions or peasant groups. Many *campesinos* (peasant farmers) involved in land disputes and leaders of trade unions or slum-dwellers' associations were charged with offences such as murder, robbery or damage to property on the basis of confessions allegedly obtained under torture in incommunicado detention during the initial phase after arrest. In a number of cases confessions were retracted when proceedings entered their public phase and the detainee was represented by defence counsel. The courts often accepted such confessions in evidence and regarded them as sufficient proof to convict on criminal charges and impose long prison sentences.

Estimates of the number of such cases varied, since some prisoners were held in unacknowledged detention and details of the grounds for arrest of Indian peasant farmers in remote rural areas were difficult to obtain. In December the independent *campesino* organization *Coordinadora Nacional Plan de Ayala* (CNPA), National Coordinator Plan of Ayala, estimated that there were at least 600 *campesino* prisoners in Mexico, imprisoned for their support for peasant organizations formed in opposition to the officially recognized local

groups. Some were said to have been held for up to six years without charge. Amnesty International was investigating these reports.

Many thousands of prisoners were freed in recent years under state and federal political amnesties. However, such amnesties were apparently applied unevenly. Certain prisoners were freed while others accused and convicted on the same charges were still held. For example, all but one of a group of six prisoners held at Cuernavaca prison, Morelos, were freed by the end of 1981. All had been convicted on charges of "armed assault, robbery, homicide and criminal association". The prisoners claimed that they had been imprisoned for their role in a land dispute. Amnesty International had been investigating their cases, and continued to work on behalf of the remaining prisoner.

Throughout 1981 Amnesty International urged the Mexican authorities to provide information about a number of "disappeared" people whose cases were being investigated by the organization. These included three members of the Mexican Communist Party arrested with nine others in Naucalpan, in the state of Mexico, in February 1981; trade union leader Arnulfo Córdova Lustre, arrested in March; two students and a teacher arrested in Ciudad Obregón, Sonora, in April; a group of seven students arrested in June; chauffeur Juan Ignacio Mendoza García, arrested in July; and Roque Reyes García, a worker at the National University and an active member of the university's trade union, arrested in September by the security forces.

The Mexican organization *Comité Nacional Pro-Defensa de Presos, Perseguidos, Desaparecidos y Exiliados Políticos* (CNPDPDEP), the National Committee for the Defence of Prisoners, the Persecuted, Disappeared and Political Exiles, headed by Rosario Ibarra de Piedra, claimed that over a 10-year period some 500 people had "disappeared" after arrest. Rosario Ibarra de Piedra received a series of death threats; on 22 April Amnesty International appealed to the President to guarantee her physical safety. The committee believed that at least some of the "disappeared" were held at *Campo Militar Número 1*, Military Camp No. 1, on the outskirts of Mexico City, the headquarters of the so-called *Brigada Blanca*, White Brigade. Although the government consistently denied the existence of the brigade, some "disappeared" people who later reappeared gave highly detailed testimony about their detention and ill-treatment by this unit, and attested to seeing other "disappeared" people in custody in its headquarters.

The authorities did not respond to Amnesty International's repeated requests during 1981 for information about several recently "disappeared" people, who were feared by friends and relatives to be

held at the camp. One such case was that of José Esequial Reyes Carrillo, who was removed from the Red Cross hospital in Polanco on 31 December 1981. According to the police he had been wounded during an attempted robbery the previous day. His relatives alleged that he was shot and then abducted because of his activities as leader of the Valley of Mexico supporters of the *Coordinadora Nacional de Trabajadores de la Educación* (CNTE), National Coordinator of Education Workers, which was attempting to form a teachers' union outside the control of the official teachers' union.

Misael Núñez Acosta, another leader of the Valley of Mexico group and a national leader of the CNTE, was shot and killed on 30 January 1981. Groups in Mexico pressed the government to take action on allegations by those accused of the killing that they had been hired by officials of the government-sponsored teachers' union. The *Brigada Blanca* was alleged to be responsible for several other deaths in 1981, including that of Rodrigo Carrasco López, Assistant Director of Public Works in Juchitán, who was found shot dead and marked by torture on 10 October 1981.

Amnesty International has been studying repeated allegations that a number of regular national and state police units were also responsible for arbitrary detentions, torture and killings. In May the *Policía Judicial*, Judicial Police, was named as responsible for the killing of Hilario Ramírez Morales, a student leader in the state of Guerrero. In June the Attorney General of the state of Mexico, Carlos Kuri Assad, said that there were "illegal" police groups operating in the state. He maintained that although they were "illegal" they were "not unconstitutional", as they were "useful" to society. In mid-1981 social worker Florentino Espinoza Gutiérrez, who had been arrested in Oaxaca in May, testified that he had been tortured in police custody.

Amnesty International continued to receive reports of arbitrary detentions, torture and killings by regular army units, acting in conjunction with local landowners and unofficial paramilitary units. Among the victims of such abuses were *pobladores* (slum-dwellers) on the outskirts of Mexico's major cities, and peasants.

Amnesty International appealed on behalf of several members of the Toztzil community of Venustiano Carranza in Chiapas arrested by the army in April 1981. Clashes at the Venustiano Carranza community appeared related to attempts by the authorities to stop *campesinos* from reclaiming land which they claimed had been legally granted to them in 1965. Conflict erupted again in 1981 after an alleged attempt by the officially-supported *campesino* group in Chiapas to impose their own people at the head of a local cooperative. Among those arrested was CNPA supporter Candelaria Mendoza,

held with her two sons aged five months and five years. She was accused of damage to property after she had participated in a protest at the killing of a friend. Replying to Amnesty International's requests for information about those arrested, state officials wrote that one of the group, Professor Arturo Alborés Velasco, a member of the School of Architecture at the *Universidad Nacional Autónoma de México* (UNAM), National Autonomous University of Mexico, was held in Tuxtla Gutiérrez prison and had been charged with criminal offences. When Professor Alborés and other members of the group held in the same prison went on hunger-strike in July to protest against their continued detention, they were removed to a cellar in the prison where they were reportedly tortured. People who went on hunger-strike in support of the group were arrested in states throughout the country, including Veracruz, Michoacán, San Luis Potosí, Chiapas, Hidalgo and Puebla. Some were believed to be still in detention at the end of the year. Others were later reported to have "disappeared" including 16 *campesinos* detained in Puebla on 16 July.

In the state of Veracruz regular army units were repeatedly cited as responsible for human rights violations including the killing of non-violent demonstrators and villagers living on land claimed by large landowners or businesses.

Amnesty International was also concerned about reports from Oaxaca, where the Triqui Indian Association reported that at least 26 innocent *campesinos* had been jailed in Juxtlahuaca, Putla and Oaxaca after disputes with forestry companies who wished to take the peasants' land for lumbering. In November the Triqui's negotiator, Juan Martínez of the CNPA-supported *Movimiento de Unificación y Lucha Triqui*, Movement for the Unification and Struggle of the Triquis, "disappeared" as he was returning from talks with the Minister of the Interior in Oaxaca.

During the year Amnesty International appealed for information on the whereabouts of peasant farmers Andrés, Natalio and Paulino Hernández Cerecedo, missing since their abduction by the army in May 1981 in Chapaltepec, municipality of Calnalí, in the state of Hidalgo. Three other peasant farmers released from Huejutla prison in the state of Hidalgo in June all reportedly bore marks of torture.

In June the bishop of Tehuantepec, Oaxaca, Arturo Lona Reyes, declared the excommunication of all people who directly or indirectly practiced torture. Archbishop Méndez Arceo of Cuernavaca had similarly excommunicated torturers on 17 April.

Amnesty International was seriously disturbed by reports of the mass expulsion back to Guatemala of Guatemalan refugees who had fled the violence there to seek asylum in Mexico. Following inter-

national protests at the expulsion in April of 475 Guatemalans, a number of Mexican officials publicly stated that future applications for asylum from Guatemalans would be dealt with on an individual basis. Nonetheless, a further mass expulsion of 1,855 Guatemalans was reported in July. On 25 August, and again on 25 September, Amnesty International wrote to the Mexican Government about these expulsions. It noted that one person had reportedly been killed on returning to Guatemala, and called on the Mexican authorities not to send people back to countries where Amnesty International believed they faced torture or death. Amnesty International also asked for information about the precise status and treatment of some 50 Guatemalans who had been allowed to remain in Mexico, but were reportedly confined in isolation in Cuautla, Morelos.

Amnesty International also expressed concern during 1981 at the treatment of a number of other foreign nationals in Mexico. On 31 July former Venezuelan guerrilla leader Douglas Bravo was arrested by the *Policia Federal de Seguridad* (PFS), Federal Security Police. After his release Douglas Bravo, then a leader of a legally-recognized Venezuelan political party, displayed to a news conference marks which he said were the result of torture by the PFS. He stated that he had been tortured while being interrogated about the reasons for his visit to Mexico and about guerrilla activities throughout Latin America. On 18 November Amnesty International asked the authorities to assure the physical safety of a group of detainees which included Argentine Roberto Guevara and Julio Santucho. They claimed that they had been tortured with electric shocks after being detained on charges of having planned and participated in the attempted kidnapping of the niece of a Mexican presidential candidate. These accusations were categorically denied by all but one of the detainees.

On 23 March 1981 Mexico deposited instruments of accession to the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights, subject to a number of interpretations and reservations.



Nicaragua

Amnesty International's concerns focused on prisoners of conscience tried and convicted under a 9 September 1981 law declaring a state of economic emergency and under the Law for the Maintenance of Public

Order and Security (called the Public Order Law); on summary procedures in trials under these laws; and on the need for a review of the cases of prisoners associated with the former government convicted of serious crimes by Special Tribunals.

In August 1981 Amnesty International presented a memorandum to the Government of Nicaragua for consideration and comment. It incorporated the findings of Amnesty International missions to Nicaragua in January and August 1980 and included a series of recommendations. A 67-page commentary by the Government of Nicaragua was received in November 1981 in response to the memorandum.

The August 1981 memorandum presented a detailed survey of the new legal order established in Nicaragua after the fall of the government of General Anastasio Somoza Debayle in July 1979. This included new penal legislation – such as the Public Order Law – and legislation establishing and governing the proceedings of the Special Tribunals.

The two major concerns outlined in the memorandum were the treatment of people detained immediately after the fall of the Somoza government, most of whom were later tried by Special Tribunals, and the small number of prisoners detained for alleged crimes against public order or security since the present government came to power, who were charged under the Public Order Law and the Law of the State of Economic and Social Emergency (called the Law of Economic Emergency).

Seven to eight thousand people were initially detained for alleged collaboration in criminal actions by the former government. Over 1,000 of the detainees were released in the first months of the new government. Trials of others opened before the Special Tribunals in December 1979. The memorandum described revenge killings of captured National Guards by local groups during the first weeks after the collapse of the Somoza government and measures taken by the government to halt them; as well as its efforts to clarify the status of people unaccounted for since the end of fighting in July 1979.

Amnesty International expressed concern about the absence of a mechanism for appeal against conviction by the Special Tribunals.

The Special Tribunals themselves were dissolved in February 1980 having handed down 4,331 convictions. Amnesty International recommended in the memorandum that the approximately 3,200 prisoners convicted by the Special Tribunals and still in detention should have their cases systematically reviewed so that possible injustices in individual cases could be rectified.

The memorandum described Amnesty International's concern about the arrest, trial and imprisonment of some 100 prisoners charged with violations of the Public Order Law since 1979. Among those imprisoned under this law were some accused of violent acts, such as forming illegal armed groups, attacking public buildings and government personnel, and murdering children and foreign nationals participating in a national literacy campaign. Amnesty International's primary concern was the application of the Public Order Law for offences not involving the use or advocacy of violence, such as the prosecution of people alleged to have made statements damaging to the government or the nation. Charges of this nature led to the arrest, trial and conviction of leaders of lawful opposition parties, trade unions, and business associations. In some cases Amnesty International concluded that the prisoners were held solely for the expression of opinions and adopted them as prisoners of conscience. Although most such detentions were relatively short, from two weeks to three months, the memorandum raised fundamental points of principle and questioned summary trial procedures used in the application of the Public Order Law.

On 9 September 1981 a further law governing public order came into force. The Law of Economic Emergency decreed that the nation was in economic crisis and that a state of economic and social emergency was to be in force for one year. It defined a series of crimes punishable by one to three years' imprisonment, elaborating on the provisions of the Public Order Law which already provided punishment for those considered to be undermining the national economy. Under the state of economic emergency the right to strike was suspended. Anyone who "incite[d], assist[ed] or participate[d] in" strike action or workplace occupations was liable to imprisonment, as were those who "promote[d] or participate[d]" in land invasions or occupations of private rural properties. Disseminating information about the economy was made an offence where it was deemed to be false and intended to influence the economy or intended to "incite" foreign governments or international financial institutions to take actions or make decisions that might damage the economy.

The August 1981 memorandum included conclusions and recommendations concerning the special courts, efforts to clarify the status of people unaccounted for since July 1979, the Public Order Law and

its application, and the practical application of the remedy of *habeas corpus*.

The Nicaraguan Government responded to the recommendation that the special summary trial procedure established by the Public Order Law be abolished. It informed Amnesty International that it had modified the law to eliminate some of the procedural restrictions criticized in the memorandum. A recommendation that a complete list of prisoners sentenced by the Special Tribunals be made public was answered by the publication of the list in November 1981. On 7 October 1981 an administrative order established a system under which relatives of detainees would be informed immediately of arrests; Amnesty International had recommended that an office for that purpose be established.

The government's reply to the memorandum did not refer to Amnesty International's concern that the Public Order Law, textually and in application, restricted freedom of expression. The recommendation that both public order cases – tried under extraordinary procedures before December 1981 – and cases tried before the Special Tribunals should be systematically reviewed to remedy individual injustices was answered by reference to a new *Ley de Gracia*, Law of Pardon, that came into force on 2 November 1981. The law established a procedure whereby cases of convicted prisoners could be considered for commutation, reduction of sentence, or pardon. This was, however, an administrative review dependent not on the judiciary, but on the national political authorities. It provided neither for a systematic overview nor for a judicial re-examination of cases. Appeals for review under the new procedure were to be considered by the semi-autonomous National Commission for the Protection and Promotion of Human Rights. This body was created by the government in June 1980 and functioned as an adviser on human rights to the government. In the past its good offices resulted in a number of pardons. The National Commission's powers under the Law of Pardon were however limited to making recommendations in response to individual petitions of appeal. Rulings on each case had ultimately to be made by the Council of State, or the government, under the Law of Pardon.

On 22 December 1981 the Interior Minister Tomás Borge announced that 500 pardons proposed by the National Commission were not to be granted because of the increase in violent attacks in the border areas and the bombing of a Nicaraguan airliner. The Minister claimed that prisoners previously pardoned had participated in these attacks and concluded: "There will be no pardons for the time being."

Amnesty International adopted as prisoners of conscience seven prisoners detained on 21 October 1981 and sentenced for infringing

the Public Order Law and provisions of the Law of Economic Emergency. Four were leaders of the Communist Party and its affiliated trade union *Central de Acción y Unidad Sindical* (CAUS), Organization for Trade Union Action and Unity: party Secretary General Eli Altamirano, Allan Zambrana, Roberto Moreno and Yamilet Bonilla. They received seven-month sentences for having made statements violating the Public Order Law. Eli Altamirano, Allan Zambrana and Roberto Moreno were also sentenced to 29 months' detention for having incited factory occupations and strikes banned by the Law of Economic Emergency. The statement cited as breaking the Public Order Law had criticized the government for "diverting the revolutionary process to a capitalist line" and for having banned strike action, and had called for the ruling *junta* to be replaced by a "worker and peasant" government. Eleven other Communist Party leaders were detained at the same time and released in December 1981 after serving 60-day sentences under the Law of Economic Emergency.

Also detained on 21 October 1981 and adopted as prisoners of conscience were three leaders of the *Consejo Superior de la Empresa Privada* (COSEP), Nicaragua's association of chambers of commerce: COSEP's President, Enrique Dreyfus, Benjamín Lanza and Gilberto Cuadra. The three were convicted of having broken the Public Order Law and the Law of Economic Emergency by having "undermined the national economy and security" through a signed manifesto issued by COSEP leaders on 20 October that accused the government of leading Nicaragua into an economic disaster through "a Marxist-Leninist adventure". A fourth COSEP member who signed the 20 October manifesto, Jaime Bengoechea Delgadillo, returned to Nicaragua from Costa Rica in December 1981. He was sentenced on 22 December to seven months' imprisonment, the sentence to be served in his home. An appeal by the other sentenced COSEP members and by Communist Party leader Yamilet Bonilla resulted in their seven-month sentences being upheld; as their sentences were of less than one year no further judicial appeal was possible. An appeal by Eli Altamirano, Allan Zambrana and Roberto Moreno in November 1981 resulted in a reduction of their sentences from three years to 17 months. Amnesty International called for the immediate and unconditional release of the seven prisoners.



Paraguay

Amnesty International's concerns were arbitrary arrest, detention without trial, torture and "disappearances". Amnesty International knew of some 25 political prisoners at the end of 1981. Most were either detained without charge under state of siege legislation or had been charged with offences under the anti-subversion Law 209, Defence of Public Peace and

Liberty of Persons, passed in 1970. A number of political prisoners were detained on ordinary criminal charges. In the capital city, Asunción, a state of siege had been in force since General Alfredo Stroessner took power in 1954. It had also been applied in other parts of the country. Under Article 79 of the constitution the state of siege suspends constitutional guarantees.

In September 1981 Alfonso Silva Quintana and his wife María Saturnina Almada de Silva, prisoners of conscience adopted by Amnesty International, were given prison sentences of four years and 10 months and three years respectively, under Law 209. They had been imprisoned from 1968 to 1978 without trial and rearrested in May 1979. The charges against them dated from before 1968 and their period in detention was not taken into account.

In August 1981 Amnesty International appealed on behalf of Remigio Giménez, who had been held without trial since his arrest by Brazilian police in December 1978 in Foz de Iguazú, Brazil, where he had lived in political exile since 1960. After being handed over to the Paraguayan authorities, he was held for 15 months at the police Investigations Department in Asunción, where he claimed to have been tortured. In July 1981 he was reportedly interrogated again in the presence of Brazilian police agents and severely beaten. The following week he went on hunger-strike with another political prisoner, Francisco Ramos Brítez, who had been held for more than two years without trial, following a land dispute. Francisco Ramos Brítez was released on 17 August. After more than 30 days on hunger-strike Remigio Giménez was brought to court for the first time on 9 September. He was charged with car theft, robbery, drug trafficking and homicide, and participation in guerrilla activities in 1959. He denied all the charges and questioned the court's impartiality. At the end of 1981 Remigio Giménez was held at the national penitentiary at Tacumbú.

In February 1981 Amnesty International learned of the arrest of five journalists working for national Paraguayan newspapers: Juan

Andrés Cardoso, Eduardo Rolón and Luis Alberto Gualco of *La Tribuna*, and Rolando Chaparro and Hernando Sevilla, an Argentine, of *Hoy*. Another journalist, Félix Ruiz Sánchez of *Ultima Hora*, was declared a fugitive from justice; his cousin, Eduardo Himbert, was arrested and held until 1 May. By the end of May all of the journalists had been released except Hernando Sevilla, who remained in incommunicado detention at the military prison *Guardia de Seguridad*. He was tortured after his arrest and his health was said to have deteriorated rapidly. He was not charged. He was adopted by Amnesty International as a prisoner of conscience.

Many opposition politicians were harassed and briefly detained during 1981. On 24 June Amnesty International appealed on behalf of Professor Luis Alfonso Resck Haiter, university philosophy lecturer and Chairperson of the *Partido Demócrata Cristiano* (PDC), Christian Democrat Party. He was arrested by plain clothes police at his home after a meeting of the *Acuerdo Nacional*, National Accord, a coalition of opposition parties. Although not illegal in Paraguay the Christian Democrat Party did not have electoral recognition. Professor Resck was held incommunicado at the police Investigations Department, where he refused to eat or drink. On 29 June he was deported without judicial process to Clorinda, an Argentine town near the Paraguayan border.

On 30 June 1981 Perla (Nadimy Graciela) Yore Ismael was arrested with four other members of the Yore family during a combined police and army raid. Among those arrested was Noyme Yore Ismael, a lawyer working for the *Comité de Iglesias Para Ayudas de Emergencia*, Church Committee for Emergency Relief, who was released on 18 August. Perla Yore Ismael was detained incommunicado in the police Investigations Department and committed for trial under Articles 5 and 8 of the anti-subversion law, Law 209. A 31-year-old psychology student and student leader at the Catholic University, she was accused of possessing subversive literature following the confiscation of books and personal documents from her home. She was subsequently transferred to the Casa del Buen Pastor women's prison. The *Partido Liberal Radical Auténtico*, Authentic Liberal Radical Party, of which Perla Yore Ismael was a member, was legal in Paraguay but not officially recognized as an opposition party. Its President, Dr Domingo Laíno, had frequently been detained and at least 14 of its members were detained for short periods during 1981. Perla Yore Ismael's defence maintained that Article 8 of Law 209 referred to the "printing, stockpiling and distribution of material deemed 'subversive'", but did not prohibit the possession of personal copies. Numerous student groups and other bodies, including the university authorities, appealed for her release.

On 1 November she went on hunger-strike in protest against the appeal court's refusal to grant her lawyer's request for bail. She ended it on 17 November only after receiving assurances from the Justice Minister that she would either be promptly brought to trial or released. On 28 December she was granted provisional freedom pending court proceedings. She was adopted by Amnesty International as a prisoner of conscience.

Angel Eustacio Rodríguez Benítez, a bricklayer and trade unionist, was arrested on 30 May 1980 when returning from Clorinda, Argentina, to Asunción. Seven police officers forced him into a car and took him to the police Investigations Department. He was held there secretly for several months and reportedly tortured before being transferred to Tacumbú National Penitentiary. In August 1981 he was brought to trial under Law 209 and accused of being a communist. In October 1981 he was sentenced to three years' imprisonment. Amnesty International was investigating his case.

In March 1980 a small group of peasants commandeered a bus to draw attention to land title problems (see *Amnesty International Report 1980 and 1981*). Four prisoners of conscience adopted by Amnesty International were among 14 still awaiting trial on criminal charges in connection with the incident. Ramón Paiva Acosta, the brothers Andrés and Luciano Centurión Dávalos, and Eliodoro Giménez were held in Tacumbú National Penitentiary.

In June 1981 a member of the Paraguayan chamber of deputies, Ligia Prieto de Centurión, asked the Argentine authorities for information on the whereabouts of 43 Paraguayan citizens who had "disappeared" in Argentina since 1976. The fate of these people remained unknown. Reports received by Amnesty International claimed that Antonio Maidana Campos, Secretary General of the banned Communist Party, and Emilio Roa Espinosa, a 65-year-old trade unionist who had been a legal resident in Argentina for 22 years, had been returned to Paraguay after being abducted in Buenos Aires in August 1980, and were being held in secret detention. The Argentine authorities furnished no information about their alleged arrest and the Paraguayan authorities denied that they were being held in Paraguay.



Peru

Amnesty International's concerns included reports of ill-treatment and torture of prisoners; inhumane prison conditions; and the arbitrary arrest of members of lawful opposition parties, trade unionists, students, and members of highland Indian communities. Most prisoners of conscience were detained on charges under Decree 46 of 10 March 1981. This penalizes a wide

range of actions which "affect state security", and the decree defines such acts as terrorism. By the end of 1981 no one had been convicted under this law but over 1,000 people were believed to have been detained on terrorism charges, and about 300 were in detention awaiting trial.

1981 saw a series of dynamite attacks, primarily on state-owned property; the authorities blamed a small extreme left-wing group called *Sendero Luminoso*, Luminous Path, and Peru's criminal narcotics underworld.

A consistent pattern of arbitrary arrest emerged during the year. Left-wing candidates elected to local government, trade unionists supporting strike action, participants in rural education projects, and Indian peasants engaged in land conflicts with private landowners were arbitrarily detained as terrorists. The Indian peasantry, because of their ethnic origin and because many spoke only the indigenous language Quechua, and not Spanish, the language of government, appeared to have been denied the full protection of the law.

Four *campesinos* (peasant farmers) were wounded and detained on 2 October 1981 in a Civil Guard Action in the Tambo Grande region of Piura department. They were held on terrorism charges. Civil Guards had moved into the area to forcibly expel *campesinos* from an estimated 15,000 hectares of farm land. The land was claimed by the owners of large cattle ranches in the area, although reportedly it had been allotted to the *campesino* communities — which hold land in common — by the agrarian reform program of the previous government. Amnesty International was investigating their cases.

In January accusations by local landowners of terrorist activity led to a night raid on the Indian community of Mollebamba, Ayacucho department. Civil Guards shot Reymundo Mitma dead in his house, wounded others, and detained seven people including Reymundo Mitma's 64-year-old mother. The seven were accused of "attacking the police with firearms or explosives". A court ruled in

October 1981 that the charges were without merit.

In December 1981 Amnesty International appealed on behalf of five *campesinos* from Chota, Cajamarca. They were reportedly tortured by officers of the Peruvian Investigative Police (PIP), who demanded that they implicate their community leaders in terrorism. The five men were reportedly stripped naked and held bound to wooden beams in an open courtyard without food or water for over a week. Chota journalist and editor David Briones was himself briefly detained by the PIP on terrorism charges when he denounced this as "crucifixion".

Reports of torture were particularly numerous in the department of Ayacucho, where a state of siege was in force from 12 October to mid-December. A pattern of torture was reported of prisoners in the custody of the PIP or Civil Guard accused of terrorism. They were reportedly stripped naked, drenched with cold water, systematically beaten, suspended by the wrists or the feet, and nearly suffocated by wet rags placed over the nose and mouth or submersion in water. In November 1981 a report by two members of Peru's parliamentary Commission on Human Rights on "Anti-Terrorist Police Operations" in Ayacucho was made public. It cited interviews and official medical reports and concluded that torture was considered by the police to be "the most effective means to obtain self-incriminating statements". The report found that Carlos Alberto Huamán Fernández, aged 25, detained by the Civil Guard, had been severely beaten, his nose broken, and he had been held blindfolded for two nights while periodically drenched with cold water. Medical evidence examined by the two members of parliament — Javier Diez Canseco of the United Left coalition, and Julio César Galindo Moreano of the governing *Acción Popular*, Popular Action, party — tended to corroborate the claims of torture; the names of alleged torturers were given in the report.

Several cases of torture became national issues in Peru. Student Edmundo Cox Beuzeville was detained on 26 May 1981 by the Civil Guard at the Sicuani, Cuzco, command post and abused. He was then refused medical attention. Requests that he be hospitalized were overruled by the prosecutor in the case until a Roman Catholic church organization, the *Comisión Ecueménica de Acción Social* (CEAS), produced medical evidence of torture.

Student Antonio Ayerbe Flores, a member of the political party *Alianza Popular Revolucionaria Americana* (APRA), American Popular Revolutionary Alliance, was detained by the "Special Services Unit" of the Civil Guard in the city of Cuzco on 23 October. He was severely beaten about the head and body with riot sticks in a police cell with other student prisoners. Several hours later he died of

a cerebral haemorrhage. A general strike was held throughout Cuzco department to protest at the death and on 27 October Minister of the Interior José María de la Jara resigned in protest at the brutality of the police forces.

Those working closely with the peasantry in educational programs also suffered human rights violations. One of the best-known cases was that of adopted prisoner of conscience Nicolás Matayoshi, poet, novelist and educator. He specialized in the introduction and development of simple technology appropriate for poor and isolated villages, and the preparation of educational materials for children speaking only Quechua; he was also a member of the private National Human Rights Commission. He was detained at 1.30 am on 27 May 1981 at his home in Huancayo. The regional Civil Guard commander, Major Angel Zapata, later told the press that Nicolás Matayoshi was an "intellectual terrorist", the mastermind of the group *Sendero Luminoso*, and responsible for dynamite attacks. The public prosecutor stated that his writings had infringed Article 6 of the terrorism law, which concerns those who encourage the "commission of any of the acts that comprise the crime of terrorism". Orders for his conditional release by lower courts were overruled, apparently through the intervention of central government authorities. The Minister of Justice ordered the prosecution of left-wing members of parliament who expressed concern about delays and irregularities in the case on the grounds that they were interfering with the process of justice. Nicolás Matayoshi was held in Huancayo jail until 24 December 1981 when he was cleared of all charges.

Peasant education projects supported by the Roman Catholic Church in the highland department of Puno were attacked with dynamite and threatened: Puno church authorities protested at the failure of the government to investigate the attacks. On 19 September 1981 the offices of the Apostolic Administrator of Juli were partially destroyed in a bomb blast and in October the Juli Institute of Rural Education was dynamited. Monseñor Alberto I. Koenigsknecht of Juli denounced the attacks and told the press that he had received an anonymous letter expressing disapproval of the work of the church "in favour of the poor" and threatening him and his collaborators in rural education projects with death.

Many members of left-wing political parties in local government were arrested on terrorism charges. In Puno department, where local government leaders and the parliamentary representative were members of the coalition of left parties *Izquierda Unida* (IU), seven IU leaders were detained in April 1981 on terrorism charges. This followed a department-wide general strike protesting against central government neglect of the region. When local IU Vice-President

Ronaldo Bustamante was arrested at his home on 17 April police claimed to have discovered several sticks of dynamite on a table. A court later ruled that the police had placed the dynamite there themselves. Amnesty International inquired into the case. The seven were only released after about two months' imprisonment.

IU municipal council member Homero Trejo González of Huanta, Ayacucho, a journalist, teacher and member of the teachers' union, was arrested at his home on 21 October by a unit of the Civil Guard. They reportedly placed two sticks of dynamite on a bedside table as a pretext for the arrest; Amnesty International was investigating the case. The *alcalde* (mayor) of Huanta province, Simón Sánchez Torres — also an IU member — was detained on 15 September by Civil Guards who referred to the IU-dominated provincial government as "a nest of terrorists". He was severely beaten at the Civil Guard post at San José, Huanta, and transferred to the departmental capital accused of terrorism. He was released after mass protests at his arrest. Virtually every IU supporter holding local public office in Ayacucho department spent some time in detention accused of terrorism.

Trade unionists were frequently detained on terrorism charges during strikes. Although they were held for relatively short periods some were ill-treated or tortured. Eight leaders of the Cuzco *Sindicato de Construcción Civil*, Union of Construction Workers, including their Secretary General Roberto Rojas Grajeda, were detained on 11 April 1981 in the wake of a department-wide general strike. Two of them later stated that they had been tortured by the PIP. Initially charged with a series of dynamite attacks, all had been released by June 1981. Some 60 members of the national teachers' union *Sindicato Unico de Trabajadores de la Educación del Perú* (SUTEP), many of whom had been imprisoned in connection with teachers' strikes under the previous government, were detained as terrorists during the year. Amnesty International was investigating some of their cases.

Amnesty International appealed several times for medical attention to be given to prisoners held in Lurigancho penitentiary in Lima. Over 5,000 prisoners were held in extremely overcrowded conditions — the prison was built for 1,800 — with insufficient water and contaminated food. Tuberculosis, dysentery and hepatitis were endemic. Amnesty International also appealed on behalf of five leaders of a prisoners' rights committee at Q'uenccoro prison in Cuzco. They had been removed on 8 May during a night raid by prison guards. Together with dozens of other prisoners they were severely injured in beatings with iron bars — the customary weapon of guards at Q'uenccoro. Political prisoners at the Ayacucho prison

suffered a similar attack on 2 June. They were badly beaten by prison guards and subsequently confined to punishment cells; two members of an inmates' committee reportedly suffered broken bones. Amnesty International called for a full inquiry into the two incidents but received no response from the Peruvian authorities.

Amnesty International was working on behalf of 25 prisoners of conscience and possible prisoners of conscience in Peru.

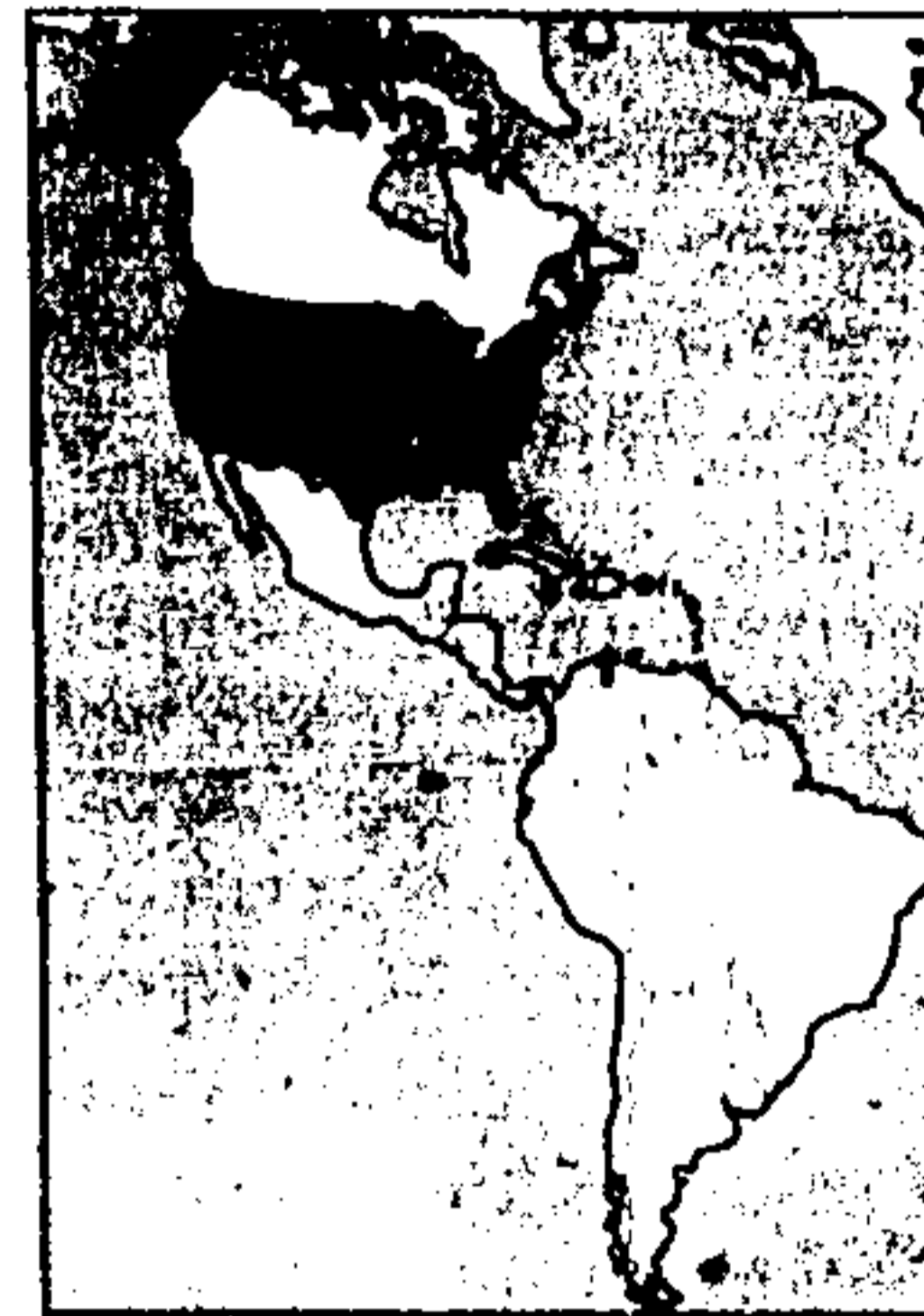


Suriname

In January 1981 an Amnesty International mission visited Suriname to discuss the organization's concerns with the authorities, in particular the introduction of legislation with retroactive effect and the establishment of a special court for cases of corruption. Both measures were apparently intended to secure the conviction of former government ministers and officials. Amnesty International later wrote to President Chin A Sen criticizing Decree B-9 and the special court, and referring to allegations of ill-treatment of prisoners (see *Amnesty International Report 1981*).

On 2 December Amnesty International wrote to Minister of Justice Harvey Naarendorp about allegations that people under interrogation had been ill-treated by military police. Specific reference was made to the cases of Sergeant Wilfred Hawker, Waldi Sedoc and Lloyd Bahalwakhan. At their trial on charges of plotting to overthrow the government they withdrew statements made under interrogation and said that these statements were the result of torture. Amnesty International asked the Minister if any investigation into the allegations had taken place. No response had been received by the end of 1981.

No prisoners were adopted as prisoners of conscience during 1981, but Amnesty International investigated many cases of prisoners who maintained that although convicted on criminal charges, the real reason for their imprisonment was political. Amnesty International continued to urge the authorities to grant Gary Tyler a new trial or to release him (see *Amnesty International Report 1980* and *1981*).



United States of America

In October Amnesty International published a *Proposal for a commission of inquiry into the effect of domestic intelligence activities on criminal trials in the United States of America*. The report documented misconduct by the Federal Bureau of Investigation (FBI) which may have affected the trials of some members of groups targeted for FBI Intelligence work. Practices referred to included the production of false evidence, mis-statements about FBI action, harassment, infiltration of defence teams by informants, and failure to make available information which the defence might have used. Two cases were dealt with at length: those of a Black Panther leader, Elmer "Geronimo" Pratt, convicted of murder in California in 1972, and of Richard Marshall, a member of the American Indian Movement, convicted of murder in South Dakota in 1976. Both men were still in prison at the end of 1981. The report stated that Amnesty International had reached no conclusions on guilt or innocence. It was concerned that there should be an inquiry to determine whether the basis of a fair trial had been undermined and whether misconduct which judges might have treated as isolated irregularities formed part of a pattern.

The proposal had been sent to US Attorney General William French Smith on 1 September. The US Government was urged to establish an independent commission of inquiry to consider *inter alia* "whether the political views of any citizens, or the FBI's attitude towards those views, have been a factor in prosecutions or the preparation of cases against them and, if so, seek ways of preventing this from occurring in future". No response had been received by the end of 1981.

Johnny Larry Spain remained in prison (see *Amnesty International Report 1981*). His lawyer filed a petition of *habeas corpus* on his behalf, after a petition for a hearing by the California Supreme

Court had been denied. Amnesty International wrote to the lawyer urging him to bring its views to the attention of the Federal Court considering Johnny Larry Spain's case. It reaffirmed the content of its letter to Chief Justice Bird of the California Supreme Court which referred in particular to the shackling of Johnny Spain throughout the trial and a juror's conversations with the trial judge. In November the Federal Court dismissed the case on technical grounds, without prejudice to its being refiled. A new hearing in the Federal Court was scheduled for March 1982.

Amnesty International made several inquiries of state and federal authorities about allegations that prisoners were being ill-treated. On 12 August it wrote to Warden Frank Blackburn of Louisiana State Penitentiary about allegations that prisoners in Camp J had been ill-treated over a long period. Prisoners had allegedly been beaten, kicked and sprayed in the face with mace. Warden Blackburn replied on 8 September that the specific complaints were "without merit and have been thoroughly investigated both by my staff and our headquarters' staff" and that investigations by the FBI at Camp J "could find nothing to substantiate mistreatment".

On 21 August Amnesty International wrote to Governor Edward J. King of Massachusetts about allegations that prisoners in the Massachusetts Correctional Institution at Walpole had been ill-treated over a period of several years. On 6 March prisoners were allegedly clubbed, beaten, kicked and tear-gassed at close range. In his reply of 18 September Governor King stated that: "any allegation of wrongdoing, in any state correctional facility, is immediately investigated by the Commissioner of Corrections". Regarding the incident at Walpole he stated: "full reports and video tapes have been forwarded to the Attorney General and District Attorney. Should they discover any wrongdoings, appropriate remedial action will be taken. To date, no discovery or opinion has come forth."

On 31 July Amnesty International wrote to the US Attorney General to express concern about the treatment of Salvadorians seeking refuge in the USA because they feared persecution in El Salvador. Amnesty International referred to first-hand testimony and reports by lawyers in California and Texas that Salvadorians were subjected to intense pressure to leave the USA and were often not informed of their right to petition for asylum or to legal counsel. "United States' practices may have the effect of contravening national and international laws regarding the non-*refoulement* [forcible repatriation] of political refugees."

During 1981 Amnesty International remained concerned about the position of Haitians who sought political asylum in the USA. It had sent a telegram to the US authorities expressing concern about

the internment of Haitian refugees in Fort Allen, Puerto Rico. In a letter dated 18 November 1980 the US Department of Justice responded that the purpose of the stay at Fort Allen was "to accomplish processing for resettlement purposes", that the refugees would have "full access to lawyers and others" who could assist them with applications for political asylum, and that "unless they were criminals or otherwise pose a danger to the larger community" they would not be scheduled for exclusion or deportation hearings.

However, towards the end of 1981, some 2,700 Haitians seeking asylum in the USA were reported to be held in nine camps around the country and in Fort Allen, Puerto Rico, awaiting deportation hearings. Amnesty International was concerned about allegations that the camps were overcrowded, putting pressure on the refugees to return to Haiti, and that legal advice was inadequate. In addition US coastguards started to intercept boats on the high seas believed to be carrying Haitian asylum-seekers. It was alleged that Haitians were taken on board the coastguard vessels. Without access to counsel and in the presence of Haitian Government officials they were given exclusion orders by US immigration officials who also adjudicated any asylum claims.

Work for the abolition of the death penalty and against impending executions continued throughout 1981. On 20 December there were 924 prisoners under sentence of death in the USA, of whom 383 or 41 per cent were black. Thirty-eight states had legislation allowing the death penalty and people were under sentence of death in 28.

Twice during the year Amnesty International appealed against imminent executions. Thomas Sonny Hays was scheduled to be executed in Oklahoma on 14 September by lethal injection, the first such execution proposed in the USA. Amnesty International appealed to the Oklahoma Medical Association not to take part and asserted that participation by doctors in executions would violate medical ethics. On 8 September 1981 a federal judge granted a stay of execution. Colin Clark was scheduled to be executed by electrocution in Louisiana on 5 November, but was granted an indefinite reprieve on 1 November by a Court of Appeal.

On 9 June the US Senate Judiciary Committee voted 13 to 5 in favour of a bill (No. S.114 — see *Amnesty International Report 1981*) which would re-enact the death penalty for certain federal offences such as treason, first-degree murder, espionage and attempting to kill the President. At the end of 1981 the bill was awaiting a vote by the full US Senate.

During a meeting with the US Ambassador to the United Nations, Amnesty International's Secretary General urged the US Government to ratify the International Covenant on Civil and Political Rights.



Uruguay

Amnesty International's concerns were the large number of prisoners of conscience; harsh and inhumane prison conditions; the use of emergency powers to deprive detainees of legal safeguards; torture; and the trial of civilians before military courts whose procedures did not conform to internationally recognized standards for a fair trial.

On 1 September 1981 Lieutenant General (Retired) Gregorio Alvarez succeeded Dr Aparicio Méndez as President. The presidential term was shortened from five to three-and-a-half years. The new government announced that presidential elections by direct suffrage would be held in November 1984. The Political Affairs Commission of the Armed Forces (COMASPO) held consultations with representatives of three political parties — the *Blancos* (National party), the *Colorados* and the *Unión Cívica* (Civic Union) — on drafting a new statute to govern the activities of political parties. Since November 1973 the *Blanco* party, the *Colorados* and the *Partido Demócrata Cristiano* (Christian Democrat Party) had been "in recess". Parties belonging to the opposition coalition *Frente Amplio* (Broad Front) and other independent left-wing parties had been illegal. The government announced its intention to prepare constitutional proposals to be put to a national referendum in 1984. A previous draft constitution was rejected in November 1980 by about 57 per cent of the electorate (see *Amnesty International Report 1981*).

In October a government official stated that there were 1,060 political prisoners in Uruguay, 924 men and 136 women. These figures excluded detainees who had not yet been sentenced. Civilians accused of offences under the *Ley de Seguridad del Estado y el Orden Interno*, Law of National Security, (1972), continued to be tried by military courts. Approximately 330 prisoners were adopted as prisoners of conscience or were being investigated as possible prisoners of conscience by Amnesty International. A number of prisoners on whose behalf Amnesty International had worked were released during the year when their sentences expired. However, Amnesty International was concerned that release procedures were not fair and impartial. Although a number of prisoners were released on parole shortly before completing their sentences many had to wait for periods ranging from a few days to several months after their release date. Release from a military prison led in some cases to a

further indefinite period of confinement in a military barracks. Prisoners were rarely informed until the last moment.

Ledys Castro Techera, a prisoner in *Punta de Rieles* military prison, was told that she could go home a week after her release date on 28 July 1980. She claimed that she was instead transported in handcuffs in a military vehicle to the Infantry Brigade Barracks No. 1, Camino Maldonado, close to the prison, where she was held until 29 December 1980. She was then transferred to the central prison of the police headquarters in Montevideo where she remained until she was expelled from the country on 22 January 1981. In December 1981 Amnesty International was informed that Cristina Arnabal de Costa, Pilar Asencio de Serboni, Lucía Fabri Garrido and Marisa Albarenga de Caravia, who had been taken to the same infantry barracks when their sentences expired in 1980, had been returned to the women's prison at *Punta de Rieles*.

On 2 September 1981 Amnesty International issued an urgent appeal on behalf of Washington de Vargas Saccone and Ignacio Fonseca. The two were serving minimum sentences of 40 years' and 36 years' imprisonment respectively. Amnesty International had received reports that they had been removed from the prison and tortured. In a letter dated 15 November Colonel Dr Carlos Maynard, Director of the *Oficina Central de Información de Personas* (OCIP), Central Office for Information on Persons, stated that both men were being considered for retrial for insubordination because they had refused to sign their sentences. Augusto Kennedy Arbiza was due to complete an eight-and-a-half-year prison sentence in December 1980. On 20 February 1981 he was taken from prison with two other prisoners — Julio César Etcheberry Moreira and José Luis Frustaceo — to a barracks of the Sixth Infantry Battalion in the province of San José, where he was held incommunicado and allegedly tortured for 10 days. On 22 April he was taken to a military court and informed that a new case was being opened against him for attacking the government while in prison. On 30 September the military magistrate asked for an additional sentence of eight years. In a letter to President Alvarez of December 1981 Amnesty International expressed its concern at such proceedings, which could be used to keep prisoners in prison indefinitely. A list was appended of 24 prisoners who had been retried or were facing retrial, most of whom had already completed or were shortly to complete their sentences.

Throughout 1981 Amnesty International continued to receive reports of inhumane conditions in the two major military prisons for political prisoners: *Penal de Libertad* (for men), officially known as *Establecimiento Militar de Reclusión No. 1*, and *Penal de Punta de Rieles* (for women), officially known as *Establecimiento Militar de*

Reclusión No. 2. In November 1981 Amnesty International published a testimony from a prisoner of conscience recently released from Libertad Prison. This described a penal regime apparently designed to undermine the psychological stability of prisoners by continual harassment, humiliation and arbitrary punishment, such as the withdrawal of visits or recreation and solitary confinement for periods of up to 90 days. To cope with the permanent stress many prisoners were taking high doses of tranquillizers and several suicide attempts had been reported. Some 150 prisoners classified as "highly dangerous", serving sentences of 15 to 45 years, were held on the second floor of the prison in particularly inhumane conditions. Death threats, threatened reprisals against relatives, the wrecking of prisoners' cells and possessions, and the banging of cell doors to disrupt prisoners' sleep patterns were frequently reported.

Amnesty International appealed for urgent medical treatment for 20 seriously ill prisoners. Alberto Altesor, a 68-year-old ex-trade unionist and member of parliament, and a prisoner of conscience adopted by Amnesty International, was reported to be in urgent need of major surgery. Amnesty International appealed for him to be allowed an operation abroad. In December 1981 an Argentine heart surgeon was authorized to examine him and further tests were carried out. On 12 September Gerardo Cuesta Villa, another ex-member of parliament and a prisoner of conscience adopted by Amnesty International, died in the military hospital while undergoing a routine gall bladder operation. In December 1981 Amnesty International learned of the death of another prisoner, Miguel Coitiño, who had undergone major heart surgery in the *Sociedad Española de Socorros Mutuos*, a private medical clinic. Amnesty International gave the President details of 25 prisoners who were seriously ill and requested that an independent medical group be allowed to visit the prisons.

José Carmelo Pacella Giglio, Ariel Casco Fischetti, Héctor Mario D'Alessandro Brena and Sonia Amalia Fossatti Eguren, who were arrested in July 1981 and subsequently charged with organizing a clandestine printing press for the banned Uruguayan Communist Party (PCU), were adopted by Amnesty International as prisoners of conscience. They were charged with subversive association, which carries a prison sentence of six to 18 years.

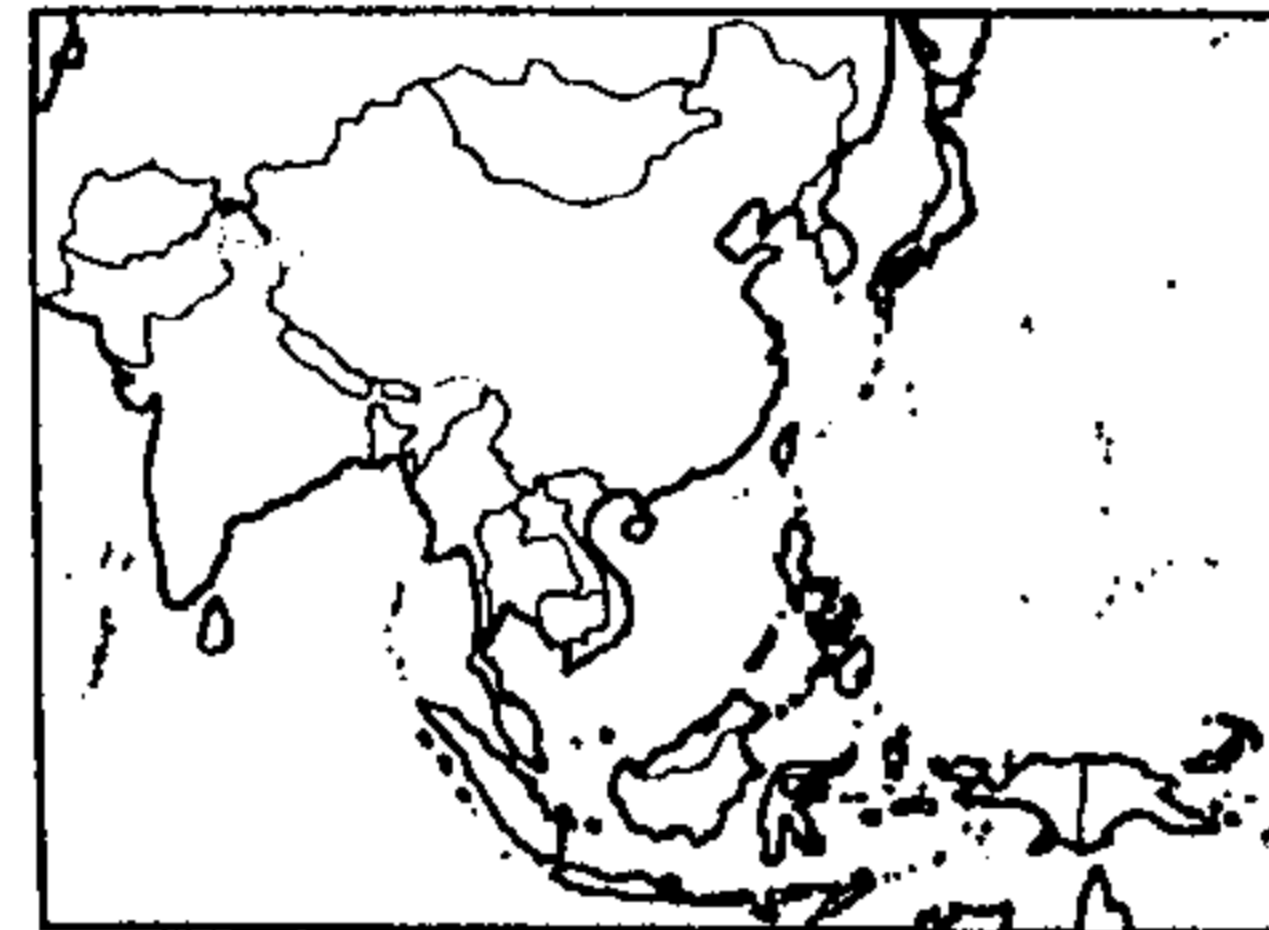
The number of police and army raids increased during the latter months of 1981. In December Amnesty International issued an urgent appeal on behalf of 15 people, including Omar Pérez, aged 28, a medical student, and Ana María Varela, a teacher of philosophy. They were abducted at 2.00 pm on 20 September in the Parque Posadas district of Montevideo, according to an eye-witness who saw them being arrested in the street by two men and a woman in civilian

clothes. Another medical student Gonzalo Fernando Mujica Denoit, who, fearing persecution, had left Uruguay for Brazil on 2 October, was arrested on 21 October after his return to Montevideo. The medical students were among 45 people reported to have been arrested after a meeting in a private house on 18 September to discuss university reforms. An official communique from the Minister of the Interior published on 2 October accused the students of trying to create a political scandal and maintained that the meeting had been instigated and controlled by the *Juventud Comunista* (Communist Youth). Shortly afterwards notices appeared in the medical faculty of the university reiterating a ban on all unauthorized meetings, whether held on university premises or not, and reminding staff, students and ancillary workers of their obligation to report any breach of these regulations immediately. Unconfirmed reports later claimed that 36 detainees had been seen in *La Tablada* detention centre.

In May 1981 Amnesty International submitted information for consideration under the United Nations procedure set up to examine "a consistent pattern of gross violation of human rights".

The Human Rights Committee established under the International Covenant on Civil and Political Rights reached conclusions on six Uruguayan cases. In all six cases the Uruguayan Government was found responsible for serious violations of the covenant; in the cases of Sergio Rubén López Burgos, Rosario Pietrarroja Zapala and Lilián Celiberti de Casariego, all adopted as prisoners of conscience by Amnesty International, it asked for their immediate release and compensation for the violations suffered. Sergio Rubén López Burgos was freed in mid-1981, having completed his sentence. In December Amnesty International appealed to the President to release Rosario Pietrarroja Zapala and Lilián Celiberti de Casariego. It called for the release of the three other prisoners in whose cases the committee had found serious breaches of the covenant, who had also been adopted as prisoners of conscience: Ismael Weinberger Weisz, Luis Alberto Touron Landaburu and Dr José Luis Massera. The committee ruled on the case of Raúl Sendic Antonaccio in October 1981. He had been arrested in 1972 and was held in particularly harsh conditions in a military barracks. Uruguay was found to have violated four articles of the covenant, including those relating to torture and the right to a fair trial. The committee asked for the prisoner to be treated in accordance with Articles 7 and 10 of the covenant and to be given a fresh trial "with all the procedural guarantees prescribed by Article 14 of the Covenant".

Asia



Preventive detention of political prisoners remained the focus of much of Amnesty International's work in Asia. Provisions for detention without charge or trial, in some cases for indefinite periods, exist in most countries of the region including China, Pakistan, Nepal, India, Sri Lanka, Viet Nam, Laos,

Thailand, Malaysia, Singapore, Brunei and the Philippines. In most of these countries people were detained under these provisions for the non-violent expression of their conscientiously held beliefs.

In several countries, for example the Republic of Korea (South Korea), Taiwan and Pakistan, prisoners of conscience were imprisoned after trials which fell far short of international standards and in which minimum legal safeguards were lacking. The imprisonment of prisoners of conscience for their political, religious and other beliefs remained widespread throughout the region. At the same time 1981 saw a disturbing tendency towards an increased use of the death penalty in the region. In some countries extra-legal executions also increased. Continued fighting throughout the year in Afghanistan, Kampuchea and East Timor and lack of access to these countries seriously hampered the collection of information about human rights violations.

In China the authorities used detention without trial to curb dissent. Amnesty International adopted as prisoners of conscience 20 editors of and contributors to unofficial journals, arrested in April for the non-violent expression of their fundamental human rights. In November several Roman Catholic priests were arrested in Shanghai, some of whom had already been previously detained for up to 20 years.

Detention without trial in Viet Nam was the main focus of an Amnesty International report published in June. The report documented the widespread use by the Vietnamese authorities of detention

in "re-education" camps to hold thousands of members of the former South Vietnamese administration and armed forces. These prisoners, many of whom were ill, had been detained since 1975. In addition, others were detained who had no connection with the former administration. In neighbouring Laos, although a significant number of prisoners were released in the first half of 1981, thousands of other political prisoners remained detained without charge or trial in "re-education" camps. In India 400 people were officially reported to be detained without trial under the National Security Act as of October 1981.

A welcome development during the year was the fall in the number of detainees held under the Internal Security Act (ISA) in Malaysia and Singapore. In Malaysia the number of political prisoners, the majority of whom were believed to be prisoners of conscience, had been reduced by half since November 1978, when an Amnesty International mission visited the country and learned of 883 detainees. Nevertheless, some prisoners remained detained without trial after more than 10 years. In Singapore the number of detainees held under the ISA at the end of 1981 was believed to be 15, the lowest for several years. It also appeared that the authorities were no longer requiring prisoners to renounce their political views before release.

Respect for human rights deteriorated seriously in 1981 in Pakistan. This was the subject of a report, *Pakistan — Human Rights Violations and the Decline of the Rule of Law*, which was presented to the government in November 1981. The report documented the widespread use of political imprisonment to detain peaceful critics of the government, torture, and the virtual termination of the powers of the independent judiciary to protect human rights. All major political parties were proscribed and all political and trade union activities banned. Moreover, as a result of the Provisional Constitutional Order of 24 March 1981, political prisoners effectively lost the right of *habeas corpus*. They were tried before military courts using summary procedures with no right of appeal.

The human rights situation in the Republic of Korea (South Korea) was the subject of an Amnesty International report in March 1981 which highlighted the continued arrest and detention of prisoners of conscience, ill-treatment and torture and the use of the death penalty for both criminal and political prisoners. Arrests continued throughout the year of students, intellectuals and trade unionists for the non-violent expression of their beliefs. Reports of the ill-treatment and torture of political prisoners in the Republic of Korea continued to reach Amnesty International in the latter part of 1981.

In August 1981 Amnesty International published an exchange of memoranda between the organization and the Government of the

Republic of China (Taiwan) which drew attention to the serious human rights situation in the country. At least 20 prisoners of conscience detained in Green Island prison had been held for more than 30 years. Amnesty International continued to work for the release of these and many other prisoners of conscience, including journalists attached to the former *Formosa* magazine, imprisoned after a trial in March 1980.

A disturbing phenomenon was the increase in reports of extra-legal executions as a means of political persecution. In recent years such killings occurred in several Asian countries, notably on a massive scale in Democratic Kampuchea between 1975 and 1979. Amnesty International was concerned in 1981 by frequent reports of extra-legal executions in the Philippines. An Amnesty International mission to investigate this and other human rights abuses visited the country in November. The mission found that "disappearances" and killings had occurred in several regions and in many cases could clearly be attributed to government agents. Evidence gathered by the mission indicated that many of the killings took place after interrogation and torture or after the victim had been detained. The Philippine Government appeared to have consistently failed to investigate these killings and to punish those officials responsible. The mission also found evidence of the widespread use of torture during interrogation.

Amnesty International also received allegations of extra-legal executions in Thailand and in December the National Police Director publicly acknowledged the existence of "death squads". In some parts of India the killings of political activists in staged "encounters" with the police continued to be reported occasionally.

There was little or no progress towards abolition of the death penalty in Asia. Papua New Guinea, Nepal and New Zealand are the only countries in the region that do not have provision for the death sentence for ordinary offences, although no executions have taken place in Sri Lanka since the present government assumed office in 1977. In several Asian countries there appeared to be an increased use of the death penalty in 1981. In China at least 87 people were reported to have been executed in the 11 weeks between 10 June and 25 August 1981. Moreover, the National People's Congress decided in June that for a two-year period there would no longer be an automatic review of all death sentences by the Supreme Court. In Viet Nam at least 14 death sentences were passed in the last six months of 1981, far more than had been reported for any comparable period in recent years. Amnesty International continued to appeal for the commutation of death sentences passed on at least 40 prisoners in Japan. In South Korea at least 10 political prisoners were known to be under sentence of death. Fifty political prisoners, sentenced in

connection with the alleged attempted coup of 30 September 1965, were believed to be still under sentence of death in Indonesia. Several convicted prisoners in India were executed until a November Supreme Court ruling stayed all executions.

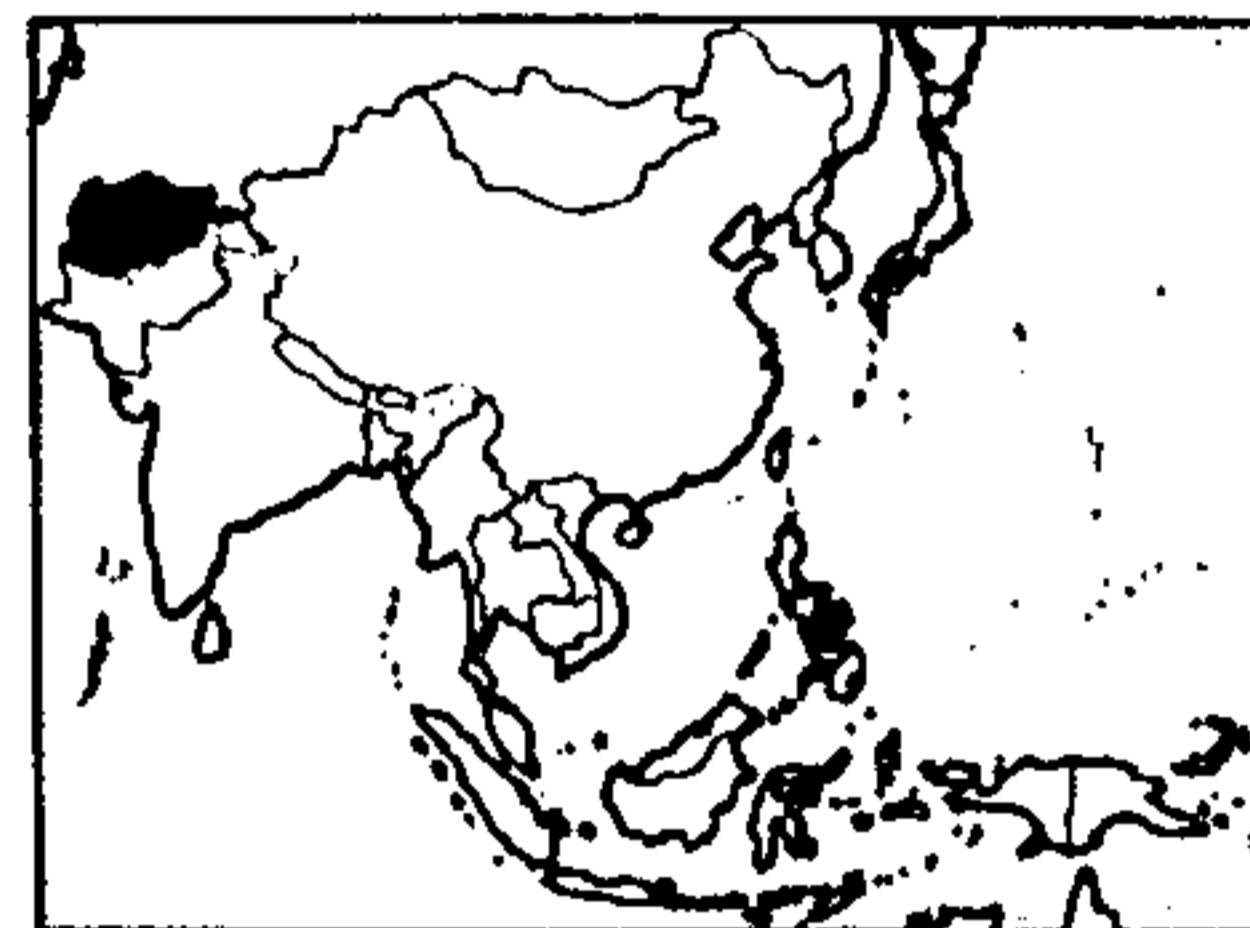
The total number of executions in Pakistan in 1981 was believed to be several hundred. Amnesty International did not learn of presidential clemency being exercised in a single case. Amnesty International was particularly concerned that many death sentences had been imposed by military courts applying summary procedures and denying the condemned person the right of appeal. At least two political prisoners were known to have been executed in 1981. In Bangladesh 12 men were executed in September after being convicted of killing President Ziaur Rahman. Their execution followed a trial before a military tribunal held *in camera*, in which the accused were denied the right to lawyers of their own choice and had no right of appeal to a court of law. At least 15 political prisoners were executed in Afghanistan in 1981, apparently without the minimum safeguards for a fair and open trial and without the right of appeal.

During the year Amnesty International submitted reports documenting consistent patterns of gross violations of human rights in Pakistan and the Republic of Korea to the United Nations. It presented details of cases of "disappearances" in the Philippines, East Timor and Sri Lanka to the Working Group on Enforced or Involuntary Disappearances of the UN Commission on Human Rights. Amnesty International also made statements of its concerns in East Timor and the British-protected Sultanate of Brunei to a sub-committee of the UN Special Committee on Decolonization and to the UN General Assembly.

Regional mechanisms for the protection and promotion of human rights in Asia were virtually absent. In August 1981 the Lawasia Standing Committee on Human Rights, a non-governmental body, held its second meeting in Bangkok and confirmed its willingness to act as a liaison body and a document clearing house for regional human rights groups. In November an All-Asia Bar Association was formed at a meeting of 72 lawyers representing 13 Asian countries at Kochi in Japan. Among the immediate principal activities of the association was to be the protection of lawyers in the performance of their professional duties, the monitoring of the human rights situation in each country and the promotion of human rights. Discussions continued at the UN regarding the convening of a seminar in 1982 to explore the establishment of regional human rights arrangements in Asia.

On 14 September 1981 the Democratic People's Republic of Korea acceded to the International Covenant on Economic, Social and

Cultural Rights and the International Covenant on Civil and Political Rights.



Afghanistan

Amnesty International's concerns were the imprisonment of prisoners of conscience, trials of political prisoners that fell short of internationally recognized standards for a fair trial, torture and the death penalty.

Widespread fighting continued in Afghanistan between government troops reinforced by Soviet forces and various armed opposition groups controlling parts of the country's territory. It was accompanied by allegations of human rights violations on both sides. There were frequent reports that civilians suspected of sympathizing with one side or the other had been tortured and imprisoned without trial.

The continuation of hostilities and difficulties in obtaining reliable information inhibited research into human rights violations. Amnesty International was not in a position to estimate the number of political prisoners held. The government did not publish any statistics on the number of political prisoners arrested or imprisoned, and international humanitarian organizations were not allowed to visit political prisoners during 1981. However, Amnesty International estimated that between three and four thousand political prisoners were held in Kabul's Pule Charchi prison.

Amnesty International was concerned about reports that many hundreds of political prisoners were arrested during the year, particularly after August. In August 1981 reports stated that 275 members of the pro-Chinese group *Shu'la-i Jawed*, including its leader Osman Landi, and other left-wing groups, had been arrested since July. Reports also stated that a number of people belonging to what the government described as "anti-national forces" were arrested in Kabul between 11 and 15 August and identified them as members of another pro-Chinese group, the *Sama*. By October the number arrested had reportedly risen to 500. No details of the charges against these prisoners or their place of detention were made public by the government. Amnesty International wrote to President Karmal on 31 December expressing its concern about reported political arrests and asked the government to review the cases of all political prisoners.

Amnesty International stated that it appeared that some of those imprisoned had been arrested solely because of their beliefs, and that they had not used or advocated violence. It urged the release of all such prisoners.

Amnesty International received reports that political prisoners were being held in Kabul, Herat, Kandahar and Jalalabad, and also in the provinces: Aikbak Jail (Samangar province), in Helmand, Kunduz, Parwan, Baghlan, and Balkh provinces and in Sheberghan prison in Jowzjan province. Most prisoners were officially reported to have been arrested for "being deceived by counter-revolutionaries" or "disrupting the peace". During 1981 the government announced the release of at least 1,772 political prisoners. Amnesty International welcomed reports of releases on 27 April 1981 and asked for details of the categories of political prisoners released, the place of their detention and the names of the released prisoners.

Many of those arrested were held without trial for questioning for several weeks or months and then reportedly released. During 1981 Amnesty International received a few reports from released prisoners that they had been beaten and given electric shocks during interrogation in 1980. Other reports received by Amnesty International, which did not name individual prisoners, alleged that such practices continued throughout 1981.

On 8 February 1981 Kabul radio announced that a Special Revolutionary Court had tried an undisclosed number of people on charges including "terrorism and robbery". Some were released, others sentenced to "varying terms of imprisonment, including life imprisonment". It stated that four men — Rahmatollah, Bahram, Khanzada and Akhtar Mohammad — alleged members of the armed opposition group, the *Hezbi Islami*, had been sentenced to death for various offences under the criminal code, including "exploding government property" and "robbery, murder and trespass". Kabul radio stated that they had been executed. No details about their trial, defence arrangements, or whether there had been an appeal to a court of law were disclosed. In a cable of 12 February 1981 Amnesty International expressed its concern about the executions.

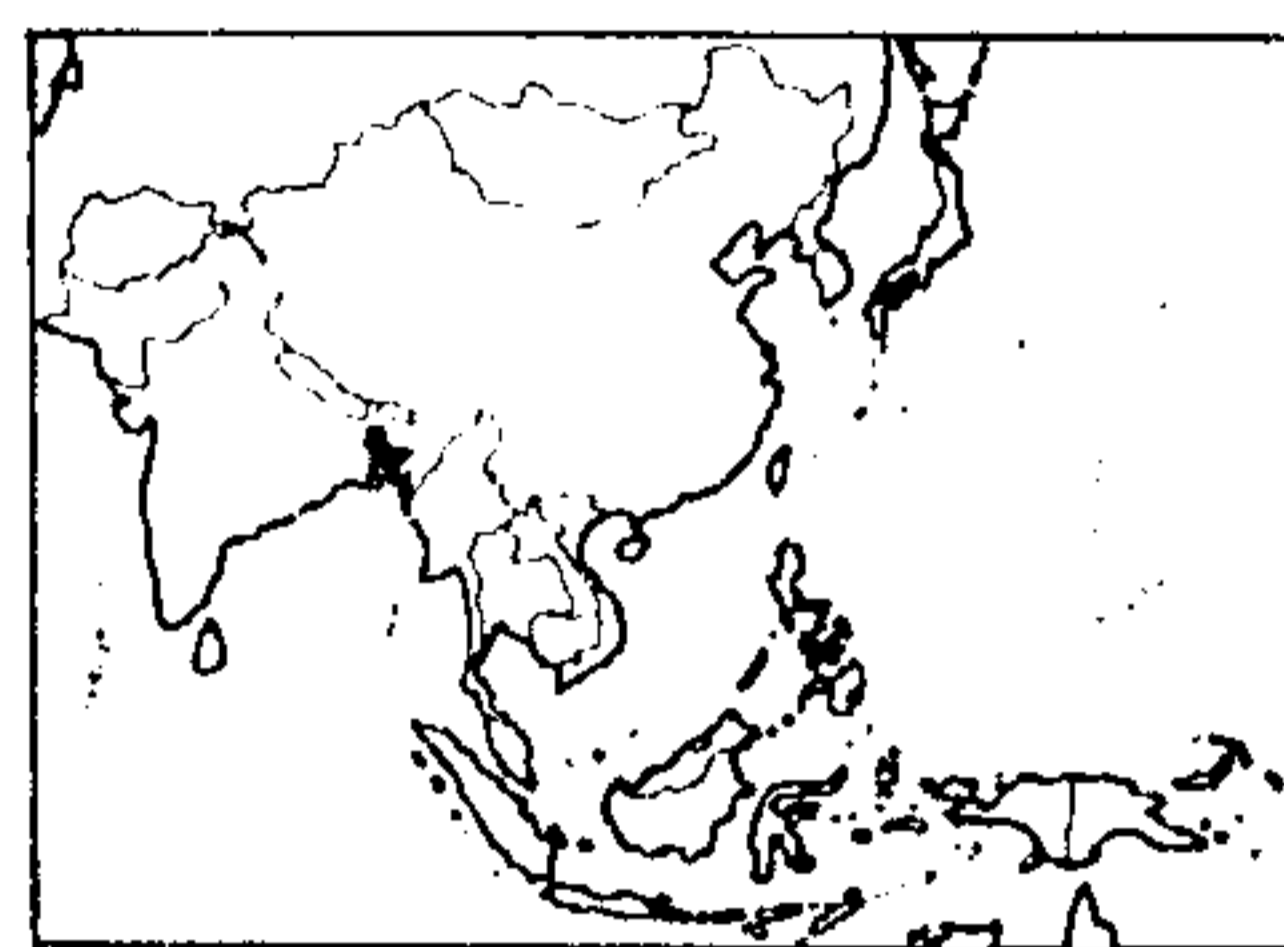
Kabul radio announced on 3 May 1981 that two men from Parwan province — Bahadur Ghani Khan and Tajawol Sarim — described as "traitors and foreign agents", had been sentenced to death by an unknown court and executed for killings and looting. No details of the charges or trial were revealed. Similarly, the government did not disclose details of the trial of an unknown number of people executed for being "terrorists found guilty of frightening people and kidnapping youth", according to a Kabul radio report of 18 July. Allah Mohammed, Payanda Ahangar and Hassan were reportedly among

those executed. On 6 August Kabul radio announced the execution of six more men, school teachers and civil servants, sentenced to death by a revolutionary tribunal for "terrorist activities". Kabul radio said that they were "staunch enemies of the revolution". Seventeen others were sentenced to prison terms of between one and 16 years. The report indicated they had been involved in the 21 and 22 February 1980 demonstrations (see *Amnesty International Report 1981*). Reports in the international press stated that the six executed were supporters of the left-wing guerrilla leader Abdul Majid Khalakhani, who was executed in 1980 (see *Amnesty International Report 1981*).

On each occasion Amnesty International cabled the President expressing its concern about the executions. It wrote to the President on 31 December stating that its concern was aggravated by the absence of evidence that the minimum legal safeguards for a fair and open trial with an appeal to an independent tribunal — specified in Article 14 of the International Covenant on Civil and Political Rights — had been applied. Amnesty International said that it was equally concerned about "executions" by groups fighting the government. It asked the government to verify a report in the international press of 30 September that an Afghan woman, Shaista, and an alleged accomplice, Bas Khan, had been "sentenced to death by an Islamic court" for "passing secret information about Muslim groups" by an Islamic revolutionary group, the *harkat-e-inqilabi*. Referring to the continuing violence in the country Amnesty International explained that this could never justify the killing of peaceful demonstrators or the death penalty, whether by the government or by armed groups opposing it. It urged the President to take steps to prevent further executions of political prisoners in Afghanistan. In late December Amnesty International received reports that leaders of the guerrilla group the *Hezbi Islami*, which had captured three Soviet soldiers, had stated that the three would probably be tried under Islamic law and executed. In the absence of direct channels of communication to the group, Amnesty International conveyed its concerns to the United Nations with a request that it bring these to the attention of the group.

Throughout 1981 Amnesty International continued to receive inquiries about the 12,000 or more people arrested under the previous government who subsequently "disappeared" and whose fate remained uncertain. Among them were 450 individuals details of whose cases were given to the Home Ministry by the Amnesty International delegation visiting Kabul in February 1980 (see *Amnesty International Report 1981*). In its 31 December letter Amnesty International again asked the government about former Prime Minister Mohammed Moosa Shafiq, believed to have been arrested on 27 April 1978 and taken to an undisclosed prison. It reiterated the

government's obligations under international law to do everything possible to trace the "disappeared" people and expressed grave concern that no steps appeared to have been taken by the government to investigate these cases.



Bangladesh

Amnesty International remained concerned about the trial before summary military courts of members of the army and civilians for alleged involvement in attempts to overthrow the government, the imprisonment of political prisoners

under special legislation, reported human rights violations in the Chittagong Hill Tracts, and the application of the death penalty.

On 30 May 1981 President Ziaur Rahman was killed in Chittagong by a group of army officers in an attempted military coup. On 1 June Major General Manzur, said by the government to be the leader of the coup, was shot in circumstances which were never clarified, after being arrested with two other officers. The coup attempt collapsed. A state of emergency was proclaimed on 30 May by Vice-President Abdus Sattar. He assumed the position of Acting President until 15 November when he was elected President of Bangladesh heading a Bangladesh Nationalist Party government. The state of emergency was lifted on 21 September 1981.

On 9 March 1981 the trial began of Colonel (Retired) Abdul Aziz Pasha, Colonel Didarul Alam, Colonel (Retired) Nurunnabi Choudhury and two civilians, Kazi Munir and Mosharraf Hussain. The charges, brought under the Army Act, were that the army officers, together with "political elements" — the *Jatiya Samajtantrik Dal* (JSD) and *Sharbahava* parties — had attempted to overthrow the government on 17 June 1980, and had held secret meetings to that effect. They were tried by a three-member Field General Court Martial in Dacca cantonment. This was the second of two courts martial held in connection with the 17 June 1980 attempted coup. In the first, in 1980, 26 members of the army were tried and 24 convicted. On 17 March 1981 Amnesty International cabled President Ziaur Rahman to express its concern that two civilians were being tried before a military court. In Amnesty International's experience proceedings before these courts fell far short of

international standards; it therefore urged that the trial be transferred to an open court with full legal safeguards. Amnesty International sent an observer who had extensive discussions about the trial with Vice-President Justice Sattar, officials in the Foreign and Home Ministries and the Deputy Attorney General (Criminal) as well as with defence lawyers. However, the chairman of the court refused him permission to attend the proceedings.

In his report, based on readings of the court record and discussions with both prosecution and defence counsel, the Amnesty International delegate concluded that a number of safeguards provided in international human rights law had been lacking. The accused were informed of the grounds for their arrest only after three months' detention. Although the accused were permitted full legal representation during the trial, access to lawyers had not been immediate and had been granted only after the court martial had been convened. Two of the accused had been held incommunicado for at least two months. The prosecution did not contradict a statement by one of the accused that he had been threatened with death and tied and blindfolded for several days during interrogation. A court martial is not required to give reasons for its decision and there is no right of appeal. Moreover, certain rights normally available under the Army Act were denied to the accused because the trial took place before a Field General Court Martial. The prosecution case was apparently based entirely on the testimonies of two defendants who had turned state witness. The trial proceeded before the Supreme Court had decided on a petition by the civilian defendant, Mosharraf Hussain, challenging the military court's jurisdiction to try civilians. The trial judges were serving army officers and could not be regarded as independent of the executive.

On 21 May the court sentenced Colonel Didarul Alam to 10 years' imprisonment. Mosharraf Hussain, accused of having been a link between rebel officers and the JSD, was sentenced to two years' imprisonment, and Colonel Nurunnabi Khan to one year's imprisonment. The two other accused had been pardoned after becoming witnesses for the prosecution. Amnesty International cabled President Ziaur Rahman on 22 May expressing its concern at the sentence and its regret at the decision to refuse Amnesty International's observer access to the trial. It said that the trial had not met internationally recognized standards and urged the government to order a retrial before an independent court with full legal safeguards and allow an appeal to a higher independent tribunal. It also urged the government to investigate allegations that confessions had been obtained under duress. The government had not implemented Amnesty International's recommendations by the end of the year and further trials of military personnel on political charges followed.

On 10 July the trial of 31 officers accused of killing President Ziaur Rahman opened in Chittagong Prison before a Field General Court Martial. The accused were charged with mutiny and insubordination. On 15 July Amnesty International wrote to the Acting President expressing its concern that the trial was *in camera*, and urging the government to open it to the public, the press and international observers. It also urged the government to try the accused before a civilian court instead of a military court. On 3 August Amnesty International cabled the Acting President to express concern that the accused were still being denied meetings with their lawyers and relatives and that the trial had started before the judicial inquiry into the death of the President had published its findings.

Amnesty International received information that on 11 August the Field General Court Martial had handed down several death sentences. Amnesty International asked Acting President Abdus Sattar on 15 August 1981 whether death sentences had indeed been imposed and urged him to exercise clemency. According to press reports, 12 of the accused were sentenced to death, 12 to imprisonment, two acquitted and five retired from the army. Amnesty International publicly appealed to the Acting President on 19 August to spare the lives of the condemned, especially "as their trial *in camera* without defence lawyers of their choice and without appeal to a court of law fell short of international human rights standards and allowed for the possibility of a miscarriage of justice". On 22 September the Supreme Court dismissed petitions by the condemned men, brought on the grounds that the accused had not been given time and facilities to prepare an adequate defence. The court ruled that it had no jurisdiction to interfere. The Acting President dismissed the clemency appeals and the 12 were executed on 23 September. Widespread opposition was expressed by prominent members of society, lawyers and opposition parties, and several people were arrested on 23 September, including Colonel Nuruzzaman, Chairman of the Freedom Fighters Association, who was reported to have issued a press statement about the trial. On 2 November the government stated that he had been arrested under the Special Powers Act on charges including making statements "to interfere with the administration of justice in the matter of trial of some army personnel involved in the mutiny at Chittagong". It stated that he had later been released on bail.

Amnesty International continued to seek the release of other prisoners of conscience. On 24 March it wrote to the Home Minister about six prisoners arrested under the Emergency Powers Regulations and the Special Powers Act who had been detained without trial for between seven and nine years. The Special Powers Act

provides for indefinite detention without trial. Mohammad Zahirul Haque and Abul Hussain had been adopted as prisoners of conscience and the cases of Sudarshan Banerjee, Habibullah Khan and Jiban Krishna Muhajan were being investigated. Habibullah Khan was an alleged leader of the Muslim Bengal Movement and the other four were members of the JSD. All five were still in detention at the end of 1981. On 28 April 1981 Amnesty International wrote to the Deputy Minister of Home Affairs asking for details of his statement on 22 April that 403 people were detained without trial. No reply was received.

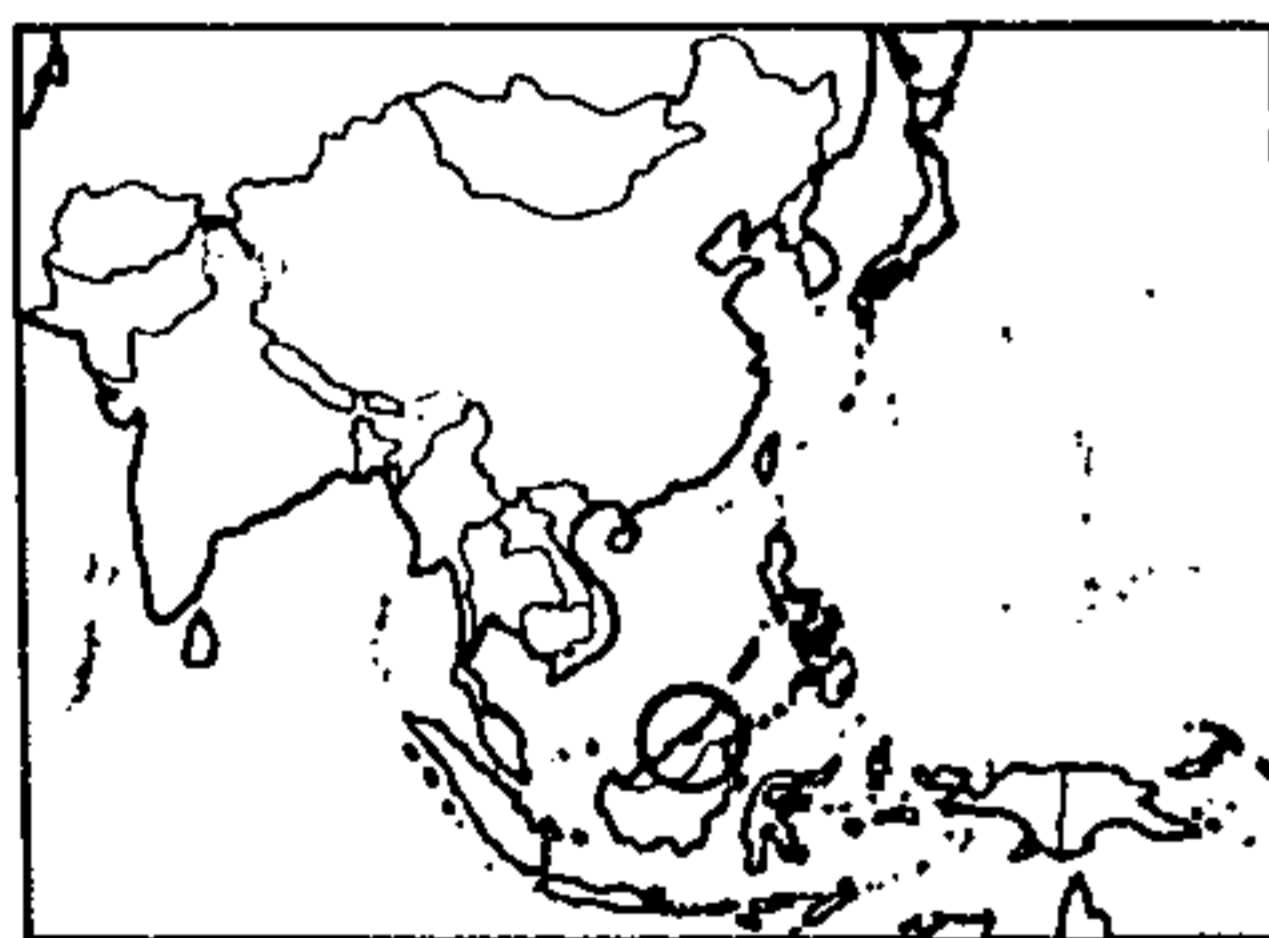
Six leaders of the Bangladesh Bank Employees Federation were arrested after calling an indefinite strike over pay and conditions. Thousands of state bank employees went on strike on 9 September to protest against the arrests and to back their demands. On 19 September the government banned all trade union activity in state banks, dismissed more than 2,000 strikers and arrested an unspecified number. It was not disclosed whether the union leaders and others arrested were subsequently released.

On 4 August Amnesty International wrote to the Acting President to welcome reports of the release of 33 detainees on the Muslim festival of *Eid-ul-Fitr*, and the publication of their names. On 1 and 24 December 1981 Amnesty International wrote to the Home Minister welcoming the amnesties of 5 October and 16 December in which at least 163 detainees were reportedly released. It asked whether any prisoners adopted or under investigation by Amnesty International were among them. However, Amnesty International did not receive a reply. It continued to be concerned at reports that members of opposition parties, including the JSD and the Awami League, were held without trial under special legislation or were serving sentences handed down by summary military courts. For example, as of July 1981, 49 members of the Awami League were known to be imprisoned, of whom 27 were serving military court sentences and 22 were untried. An estimated 1,000 prisoners had been convicted by martial law courts since 1975. Amnesty International was concerned that despite the lifting of martial law in April 1979 political prisoners continued to serve sentences handed down by such courts. Among them were approximately 195 members of the army who had been sentenced summarily, without the right of appeal and without being defended by a lawyer, to terms of imprisonment ranging from 10 to 20 years for alleged involvement in an abortive army uprising in October 1977 (see *Amnesty International Report 1978*). These prisoners were held in Dacca Central Jail.

Fighting between the armed forces and ethnic groups continued in the Chittagong Hill Tracts, an area in southeast Bangladesh, with

many deaths reported on both sides. The area is inhabited by a non-Bengali population who opposed the settlement of Bengalis from the plains, a policy encouraged by successive Bangladeshi Governments, and demanded a greater degree of autonomy. According to press reports, the security forces were responsible for numerous killings, arrests, and for torture in the area. Amnesty International was not able to verify these allegations.

In late 1980 the Disturbed Areas Bill was introduced, but had not, as far as Amnesty International was aware, become law by the end of 1981. This bill would allow security personnel to shoot to kill people on mere suspicion. On 2 February Amnesty International expressed concern at the proposals to give wide powers to security personnel to shoot "suspects" and arrest and detain people for "unlawful activity". The bill would authorize junior officers to shoot and even kill anyone engaged in "unlawful activity", broadly described as acts prejudicial to the sovereignty, territorial integrity and security of Bangladesh and the maintenance of public order. Punishment for such "unlawful activities" would include death and people could be detained without trial indefinitely. Redress to the ordinary courts would be denied. The Bar Council of Bangladesh issued a statement describing the powers as "draconian". The Amnesty International delegate, during his April discussions with the Acting President, expressed concern that the bill's provisions were in violation of human rights within Amnesty International's mandate, including the right to life. The Vice-President replied that Amnesty International's views "would be taken into consideration".



Brunei

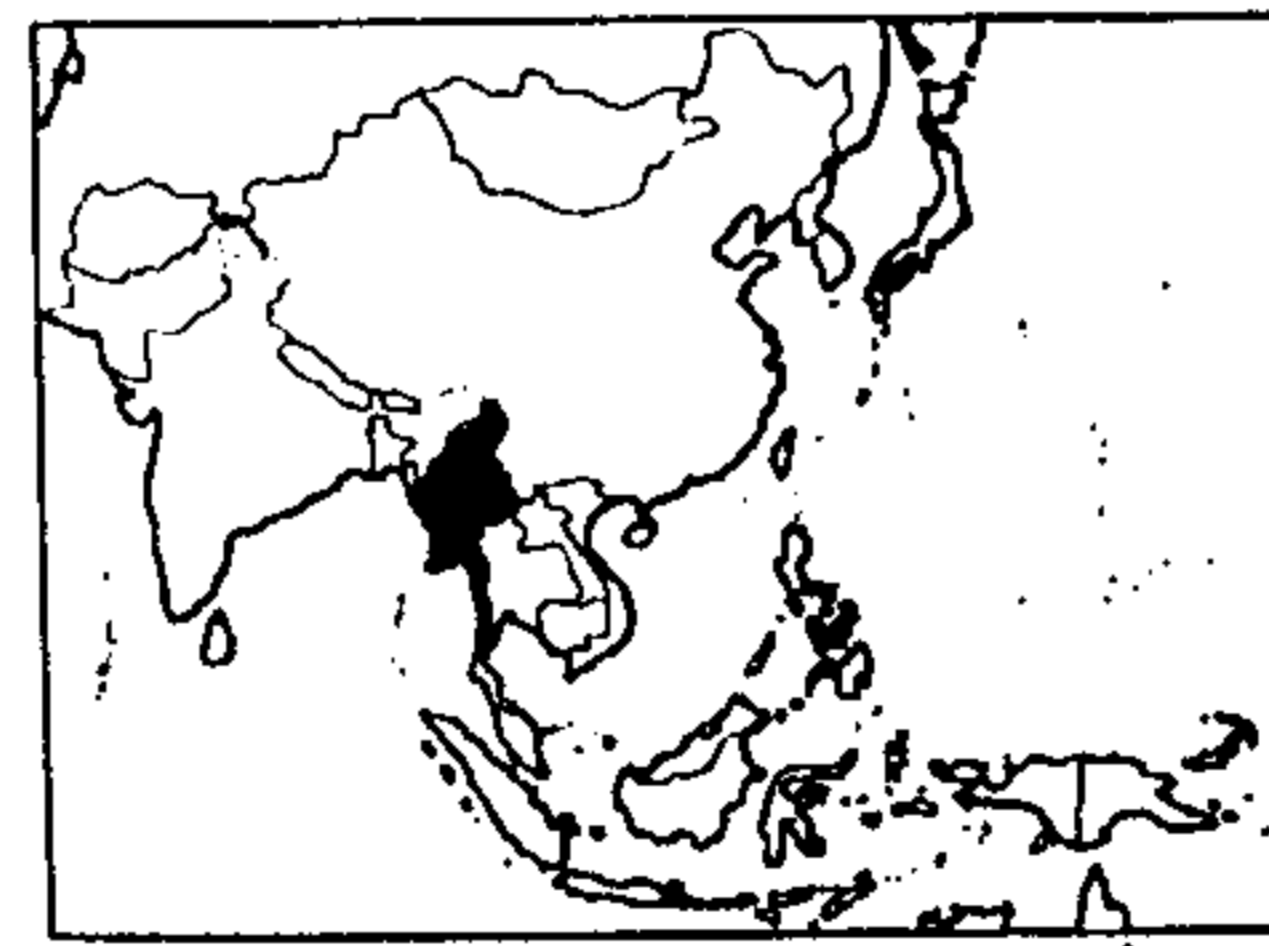
Amnesty International was concerned by the continued use of emergency legislation to detain people without trial for extraordinarily long periods.

On 10 June 1981 Amnesty International made a statement on its concerns in Brunei before the Sub-committee on Petitions, Information and Assistance of the United Nations Special Committee on Decolonization. The chairperson of the sub-committee agreed to receive the names and particulars of the nine detainees known to Amnesty International. All the detainees held under emergency orders known

to Amnesty International were former members of the banned *Partai Rakyat Brunei* (PRB), Brunei People's Party. In August 1962 the PRB won all the elected seats in the Legislative Council. The then Sultan, Omar Ali Saifuddin, called in British troops to suppress a rebellion launched by the PRB after he had refused to convene the Legislative Council.

The rebellion was defeated and approximately 2,500 members of the PRB and its military wing, the *Tentera Nasional Kalimantan Utara* (TNKU), North Kalimantan National Army, were detained. They were held under the Emergency Orders of December 1962 authorizing the Chief Minister to issue indefinitely renewable two-year detention orders. All but nine were released. The remaining nine, who were adopted as prisoners of conscience, had spent between 16 and 19 years in detention without trial. Further alleged associates of the PRB were reportedly arrested under the Emergency Orders after the initial wave following the rebellion. The government refused to disclose the precise number of detainees even to members of the Legislative Council.

Amnesty International was concerned about the prison conditions for detainees. After eight prisoners escaped in July 1973 the remaining detainees were transferred from the relatively liberal conditions of Berakas detention camp to the much stricter regime of Jerudong prison. They were believed to be held in isolation and denied regular visits and correspondence. Amnesty International received reports that a number were in declining physical and mental health. Several were of advanced years, two being in their sixties.



Burma

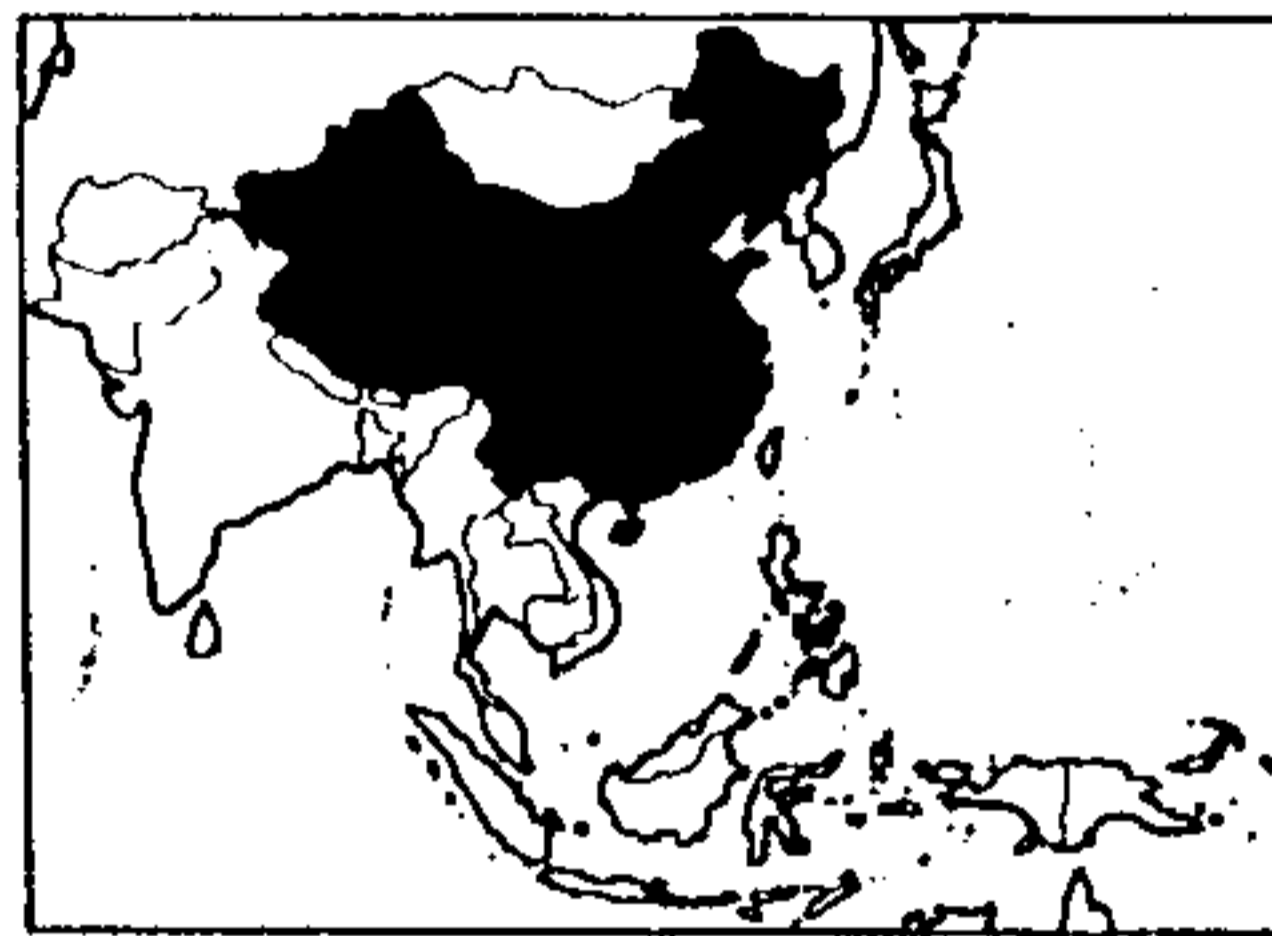
Burma's isolation and the severe restrictions on access to the country maintained by the government made it very difficult to collect information on human rights violations. Amnesty International was unable to obtain detailed evidence of arrests,

trials and political imprisonment. Inside the country there appeared to be total censorship of news relating to human rights violations. Because of a wide-ranging amnesty in May 1980, under which more than 4,000 political prisoners were released, the number of political prisoners was believed to be relatively low.

As in earlier years Amnesty International received reports in 1981 of arrests and ill-treatment of people belonging to the country's many ethnic minorities. These reports in particular referred to the Karen and Shan minorities as well as Burma's Muslim community, the Arakanese or Rohingya. Individuals detained for alleged involvement in separatist movements, especially those held in Insein Jail in Rangoon, were reportedly tortured and ill-treated. Such reports proved difficult to substantiate.

Htun Myint Kyu, the former Secretary General of the Burma Muslim Organization, was released from prison at the end of the year (see *Amnesty International Report 1981*).

No death sentences were known to have been imposed in 1981. Although the death penalty is permitted under Burmese law it appeared that the authorities rarely resorted to its use.



China

The main concerns of Amnesty International were the imprisonment of prisoners of conscience, the detention without trial of political prisoners and the use of the death penalty. Throughout 1981 detention without trial was used to curb dis-

sent in China. In April many editors of unofficial magazines were arrested. In November, in Shanghai, a number of Roman Catholic priests, who had only been released from long periods of detention shortly before, were again detained for their beliefs. In June the National People's Congress removed the requirement that death sentences be reviewed by the Supreme Court.

Amnesty International adopted as prisoners of conscience more than 20 people who had edited or contributed to unofficial magazines, who were arrested in April 1981. Unofficial magazines began to be published in late 1978 following a period when wall posters had flourished, but since March 1979 the authorities had periodically issued warnings that unofficial publications would not be allowed to continue. In 1979 and 1980 a number of activists in the "democracy movement" were arrested, including Wei Jingsheng and Liu Qing. They and others were adopted as prisoners of conscience by Amnesty International.

In response to these arrests and bans representatives from some 21

unofficial magazines and groups met in Guangzhou (Canton City) in October 1980 to set up the "National Association of Democratic Journals". They hoped in this way to meet the authorities' requirement that every publication should have a recognized organization responsible for it. The organization was never itself recognized by the authorities and many of the representatives were among those arrested in April 1981. Also arrested in April were 11 signatories of a petition sent on 31 August 1980 to the government calling for the release of Liu Qing.

Amongst those arrested in early April 1981 in Peking was Fu Shenqi. Fu Shenqi, aged 28, went to work in a Shanghai generator factory when he graduated from middle school. A member of the Communist Youth League, in 1978 he became active in the "democracy movement" in Shanghai and organized a reform group. The following year he helped found the unofficial magazine *Voice of Democracy* in Shanghai. In May 1980 Fu Shenqi was a candidate in the election of the local People's Representative at his factory in Shanghai City South District. Factory officials allegedly threatened that workers who voted for him would not receive a wage rise. Fu Shenqi was replaced as a candidate by a nominee of the party committee.

When the "National Association of Democratic Journals" was formed in October 1980 it established its own magazine, *Responsibility*. From issue number three, Fu Shenqi became its chief editor. He had also signed the petition on behalf of Liu Qing. He was arrested in April 1981 in Peking where he had gone to ask the authorities to allow unofficial magazines to continue publication. He was still detained without charge or trial by the end of the year.

Also arrested in April 1981 was Wang Xizhe. Wang Xizhe, in his late 30s, was a high school student when the Cultural Revolution began in 1966. Like many young people at that time, he joined a Red Guard group. However, in 1968 the authorities put an end to the Cultural Revolution and many young Red Guards were arrested. Wang Xizhe was arrested in late 1968. A year later he was released from detention and sent to work in the countryside in Yingde county (in the north of Guangdong province). However he was eventually allowed to return to Guangzhou (Canton City) and found a job in a factory. In November 1974 he joined two other young men, Li Zhengtian and Chen Yiyang, putting up a 67-page wall poster in Guangzhou. Entitled "On Socialist Democracy and the Legal System", it was signed Li Yizhe, a pseudonym made up from their names. It protested against the arbitrary actions which followed the Cultural Revolution and demanded a form of socialism based on a legal code. This wall poster was criticized by the authorities and in

late 1974 the three were sent to work "under supervision" in the countryside. In March 1977 they were charged with being "counter-revolutionaries" and sent to labour reform camps. They were adopted by Amnesty International as prisoners of conscience.

Wang Xizhe was released on 1 January 1979 just as the "democracy movement" was beginning in China. He was later associated with one of the earliest unofficial magazines, *April Fifth Forum*, in Peking, and became the editor of the magazine *Learners' Bulletin* in Guangdong (Canton province). Wang Xizhe was among a number of associates of unofficial magazines who in May 1980 condemned the arrest of Liu Qing, a former editor of *April Fifth Forum*. He was arrested on 20 April 1981 at his place of work in Guangzhou. Some 350 documents and possessions were seized by the Public Security forces, according to a Hong Kong student delegation who appealed for his release a month later. The delegation reported that he had not been charged and was "not allowed to meet any family members or friends".

In November 1981 five Roman Catholic priests were arrested in Shanghai. According to Roman Catholic sources in Hong Kong, they were detained for maintaining links with the Vatican and for opposition to the government-sponsored Chinese Patriotic Catholic Association. All of them had previously spent up to 20 years in detention, having been arrested on similar charges in the mid-1950s. They had been released in 1978 and 1979, during a period of liberalization of religious activities. After these arrests the authorities warned Catholics in China against contact with the Vatican. At a meeting of religious leaders and others on 13 December 1981 Zhang Zhiyi, deputy head of the United Front Work Department of the Central Committee of the Chinese Communist Party, stated that it was correct to attack "counter-revolutionaries hidden in religious circles, who have followed the wishes of the *Curia Romana*, engaged in criminal activities against China and the Chinese people and tried to undermine the independence of the Chinese churches". The five priests were believed to have been detained solely for the exercise of their right to freedom of religion. Amnesty International adopted them as prisoners of conscience.

Among them was Father Vincent Zhu Hongsheng, aged 66. Father Vincent, a member of the Society of Jesus, was first arrested in 1955. He was tried in 1960 and sentenced to 15 years' imprisonment, reportedly because of his opposition to the Patriotic Catholic Association. He was released in 1979 after 24 years' detention and, with the permission of the authorities, moved to his brother's house in Shanghai. Also arrested in November was Father Stanislas Shen Baishun, aged 79, a member of the Society of Jesus. Father Shen had

spent 20 years in detention because of his beliefs. Released in 1979, he was rearrested on 6 May 1980 and sent back to the Beimaolin labour camp in Anhui province. He was allowed to return to Shanghai for health reasons shortly after, then rearrested on 19 November 1981.

Amnesty International was concerned that the authorities continued to use "re-education-through-labour" as a form of detention without trial. This penalty was provided by the Decision of the State Council Relating to Problems of Rehabilitation through Labour of 1957. The validity of this legislation was reaffirmed by the Standing Committee of the National People's Congress (China's parliament) in November 1979. Most of the activists in the "democracy movement" arrested since 1979 were believed to have been detained under this legislation. They were sent for terms of up to three years' detention (which may be extended to a maximum of four years) without trial or any reference to a judicial body.

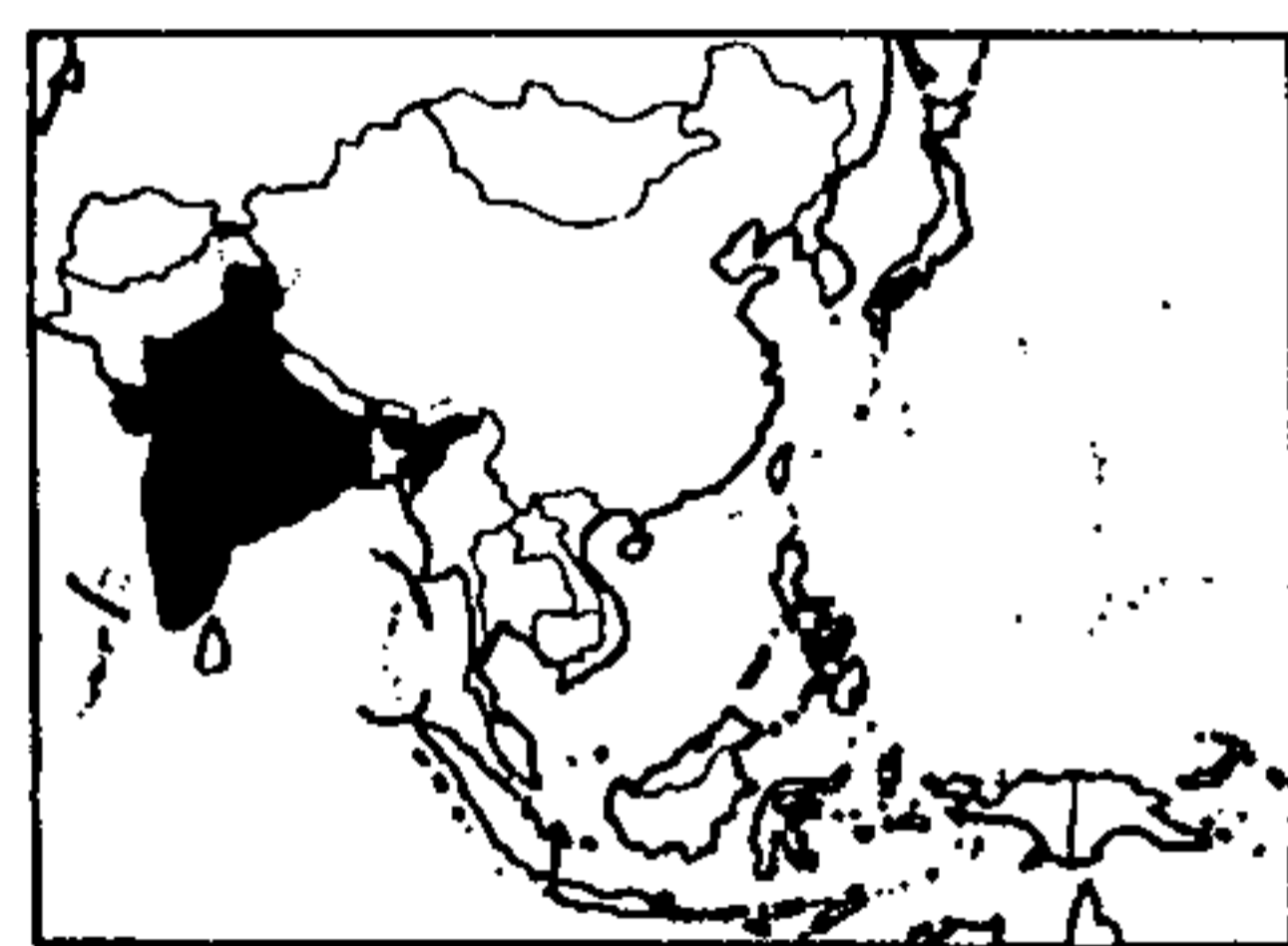
Among those detained under this legislation was Liu Qing. Liu Qing, a machine technician aged about 34, was editor of *April Fifth Forum*, one of the most prominent unofficial journals. On 11 November 1979 he was among those selling unofficial transcripts of the trial of Wei Jingsheng in front of the "Democracy Wall" in Peking. The police intervened to stop the sale and arrested some of the sellers, most of whom were released after a few days. That evening Liu Qing went to Peking police headquarters to ask about those arrested and was himself detained. The following day, he was served with a 15-day detention order for "disturbing public order". He remained in detention and seven months later was sent to a "re-education" camp in Lianhuasi near Huaxian in Shaanxi province to complete a three-year detention order, which was backdated to begin on 12 November 1979. He smuggled an open letter out of his detention camp written in January 1981. In it he called on the authorities to give him an open trial or to release him. He also complained that he had been ill-treated and beaten during interrogation.

In November Li Shuang, a 25-year-old scenery painter for the Youth Theatre in Peking, was sent for two years' "re-education-through-labour" without charge or trial. Li Shuang, the fiancée of a French diplomat, Emmanuel Bellefroid, was detained on 9 September 1981 when she came out of the diplomatic residential area in Peking to meet her sister. No formal charges against Li Shuang were made public. However Chinese press statements accused her of being "involved in hooligan activities on a big scale". This was probably a reference to an unofficial art exhibition held in Peking in 1980. The Chinese press also accused her of "crimes against public decency", a reference to her staying at the flat of her fiancé. Amnesty International

called on the government to make public the charges against her and either bring her to trial or release her unconditionally.

Amnesty International continued to be concerned about the use of the death penalty for a wide range of criminal and "counter-revolutionary" offences. Amnesty International appealed for the death sentences on Jiang Qing, the widow of Mao Zedong, and Zhang Chunqiao to be commuted. Their sentences were announced on 25 January 1981, after the trial of 10 members of the former "ultra-leftist" administration. The sentences were passed with a two-year stay of execution, which meant that execution depended on the prisoner's behaviour during that period. In a news release on 25 January 1981 Amnesty International declared that the trial of the 10 had failed to meet internationally accepted standards, and urged that the death sentences on Jiang Qing and Zhang Chunqiao be commuted.

Amnesty International was particularly disturbed at a marked increase in the number of executions reported after a decision of the Standing Committee of the National People's Congress on 10 June 1981. The decision stipulated that for a two-year period the Supreme Court would not automatically review all death sentences. According to press reports at least 87 people were executed between 10 June and 25 August 1981. In a letter of 11 September 1981 to Marshal Ye Jianying, Chairperson of the National People's Congress, Amnesty International urged the standing committee to reconsider its decision and commute all death sentences.



India

Amnesty International's concerns in India were the use of preventive detention to detain critics of the government, reports of police brutality, torture and deaths in custody, and continued killings in various Indian states of political activists

in "encounters" with the police. Amnesty International was also concerned about the application of the death penalty.

On 20 December the Home Ministry stated that as of 31 October 1981, 400 people were detained without trial under the National Security Act (NSA). Under the NSA people may be detained without trial for up to 12 months on widely defined grounds to prevent them from "acting in any manner prejudicial to the security of the state" (see *Amnesty International Report 1981*). The Home Ministry

stated on 20 December that 1,588 people had been detained under the NSA since it came into force on 23 September 1980, 1,108 of whom had subsequently been released. Official statistics showed that the NSA was being used throughout India: detainees were held in Uttar Pradesh (142), Manipur (56), Maharashtra (39), Madhya Pradesh (38), Andhra Pradesh (27), Bihar (27), Rajasthan (20) and Tamil Nadu (16), (*Times of India*, 21 December 1981). Amnesty International received reports that the NSA was also used in other Indian states, notably Gujarat, Punjab and Assam.

On 31 December 1981 Amnesty International wrote to Prime Minister Indira Gandhi reiterating its concern about the use of preventive detention laws in India and observing that "despite assurances given by the central government, several states appear to be using or intending to use the provisions of the National Security Act to detain peaceful critics of the government". It gave examples of prisoners of conscience of various political persuasions reportedly arrested under the NSA: these included reports of the arrests of thousands of *Dravida Munnetra Kazhagam* (DMK), and Congress-I workers by the Tamil Nadu government; the detention of Shamim Ahmed Khan, President of the Uttar Pradesh state unit of the Indian Union Muslim League, whose release was ordered by the Allahabad High Court on 2 February 1981; the arrest of two newspaper editors in Manipur on 26 October 1981 — M. Mithai and Salem Bharat Bhushan — who were reportedly arrested without reasons being given, and the arrest of student leaders in connection with civil disobedience movements in the state of Assam. On 17 December 1981 three local Assamese leaders were arrested after calling for demonstrations outside government offices. In Kashmir 20 members of the opposition parties' Action Committee were detained for several months in mid-1980 under the state's Public Safety Act (whose provisions are similar to those of the NSA) in connection with demands for hill district status of a town in Kashmir valley. Many of those detained under the NSA were released within a few weeks or months of their arrest.

Amnesty International pointed out that some prisoners whose release had been ordered by the High Court had been rearrested. For example, when the Bombay High Court ordered the release of trade union leader Dr Datta Samant on 28 July 1981, ruling that the "grounds for his detention were irrelevant", he was immediately rearrested, again under the NSA.

In its letter of 31 December Amnesty International appealed to the Prime Minister to review the cases of the 400 people detained under the NSA. Amnesty International believed that the majority were held solely for holding dissenting views or expressing their political

opinions and were prisoners of conscience; it called for their release. It drew attention to a judgment of India's Supreme Court on 28 December 1981 which, although it upheld the validity of the NSA under the Indian Constitution, warned that when "construing laws of preventive detention like NSA, care must be taken to restrict their application to as few situations as possible".

Amnesty International also expressed concern in its letter about the broad powers enacted under the 18 September 1981 Essential Services Maintenance Act (replacing an earlier ordinance of July of the same name), which might allow the imprisonment of prisoners of conscience. Under the act the central government can dismiss strikers in a wide range of sectors declared to be "essential services". The term "strike" is broadly defined and workers joining strikes which the government has declared "illegal", instigating others to join such strikes, or giving financial support can be arrested without warrant and sentenced to up to one year's imprisonment after summary trials with no appeal. By the end of the year Amnesty International knew of only one instance of government action under the Essential Services Maintenance Act: this was in the state of Assam, where strikes were banned on 18 November 1981 in many public and private services. In view of the potential misuse of the act Amnesty International appealed to the government to consider its early repeal.

Amnesty International was investigating the cases of two political prisoners in Andhra Pradesh: Ch. Venkati and G. Venkatayya, detained without trial for three and four years respectively.

Reports of police brutality and torture continued to reach Amnesty International, some of the most serious cases resulting in death in police custody. Most reports concerned criminal suspects, but suspected Naxalites (members of the Communist Party of India (Marxist-Leninist)), were also reportedly tortured.

Arrested prisoners were alleged to have been subjected to various forms of torture in police stations to extract "confessions". They were allegedly beaten, stripped naked, hung upside down and beaten, and given electric shocks. The Indian newspaper *Sunday* (8 November 1981) carried reports that 13 young men had been tortured in a police station in Chhatarpur, Madhya Pradesh, by being hung by their ankles from the ceiling, beaten with sticks, given electric shocks and made to sit on a sharpened bamboo and pressed down by police constables. The allegations concerned the period between March and August 1981. Amnesty International wrote to the Madhya Pradesh Chief Minister on 3 December 1981 asking the government to establish an independent inquiry into these allegations, open to public scrutiny.

Amnesty International received allegations that other suspected

Naxalites were tortured in the states of Andhra Pradesh and Tamil Nadu. On 9 December 1981 Amnesty International wrote to the Chief Minister of Tamil Nadu expressing concern that the state government had not yet responded to the affidavit filed by Balappa Gounder that his son, Natarajan, was killed by the police in April 1981 after being tortured. It asked the state government also to investigate reports that Mani, alias Muttukara Mani, alleged to be a Naxalite, was beaten by the Tamil Nadu police, that a horseshoe was nailed to his feet, a roller applied to his legs and the nerves of his legs cut. Amnesty International asked whether an investigation had been ordered into these allegations.

In 1981 Amnesty International received reports that 21 prisoners had died as a result of torture in police custody. These reports were compiled from the Indian press and Amnesty International believed that not all cases were publicly reported. The largest number were reported from Madhya Pradesh (6) and Haryana (3), but deaths in custody, allegedly as a result of torture, were also reported from the following states: Uttar Pradesh, Maharashtra, Delhi, Karnataka, West Bengal, Bihar, Punjab. Of the 21 deaths reported Amnesty International knows of only six cases in which magisterial inquiries were instituted; in one (concerning the death of a lawyer in the Punjab) a judicial inquiry was ordered, and in another a police inquiry was reportedly instituted. In several cases police gave the cause of death as "run over by a truck" or "suicide". *Post mortem* reports in many instances revealed multiple injuries. In most cases relatives alleged that the prisoner had been beaten to death by the police.

Amnesty International wrote to the Federal Home Minister on 19 March 1981 following reports in the *Hindustan Times* of 12 February 1981 that the Lieutenant Governor of New Delhi had asked the Home Minister to order immediate investigations into the death of three people who had allegedly died in the custody of the Delhi police (see *Amnesty International Report 1981*). Amnesty International asked for the outcome of investigations to be made public but did not receive a reply.

On 9 November 1981 Amnesty International wrote to the Minister of State for Home Affairs of Madhya Pradesh expressing concern that deaths in police custody had been most frequently reported from the state of Madhya Pradesh. It asked for the outcome of the magisterial inquiry reported to have been ordered into the death of a young *Harijan* (untouchable) called Subhash, who the police said had died of heart failure. It also asked about other prisoners who had died in custody in police stations in the state. No reply was received.

In July and August the Supreme Court heard four petitions from Naxalite prisoners held in the state of Tamil Nadu who complained

that they had not received adequate medical treatment, and had been refused the remission of sentence normally given to non-political prisoners. The petitions also questioned the use of solitary confinement and complained of torture and ill-treatment resulting in bones in the hands and legs of prisoners being broken. Some of these allegations dated from 1972. A Supreme Court order of August directed that proper medical treatment be given to all four prisoners and that during meetings with relatives "no policemen should be allowed to remain present to overhear the conversation" (*Indian Express*, 29 August 1981).

On 22 December 1981 Amnesty International wrote to the Federal Home Minister, Zail Singh, to express its concern at continuing reports that political activists had been killed in various Indian states. Although the police stated that they had died in "encounters" with the police there was evidence that they had in fact been killed by the police after arrest, in many instances after being tortured. During the last 10 years Amnesty International received reports of such killings from almost every Indian state: Andhra Pradesh, Bihar, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal. Amnesty International was not aware of any cases where criminal proceedings against individual police officers involved had been instituted and completed. In its letter it mentioned several instances reported in the Indian press where police officers identified in "encounter" killings had in fact been financially rewarded.

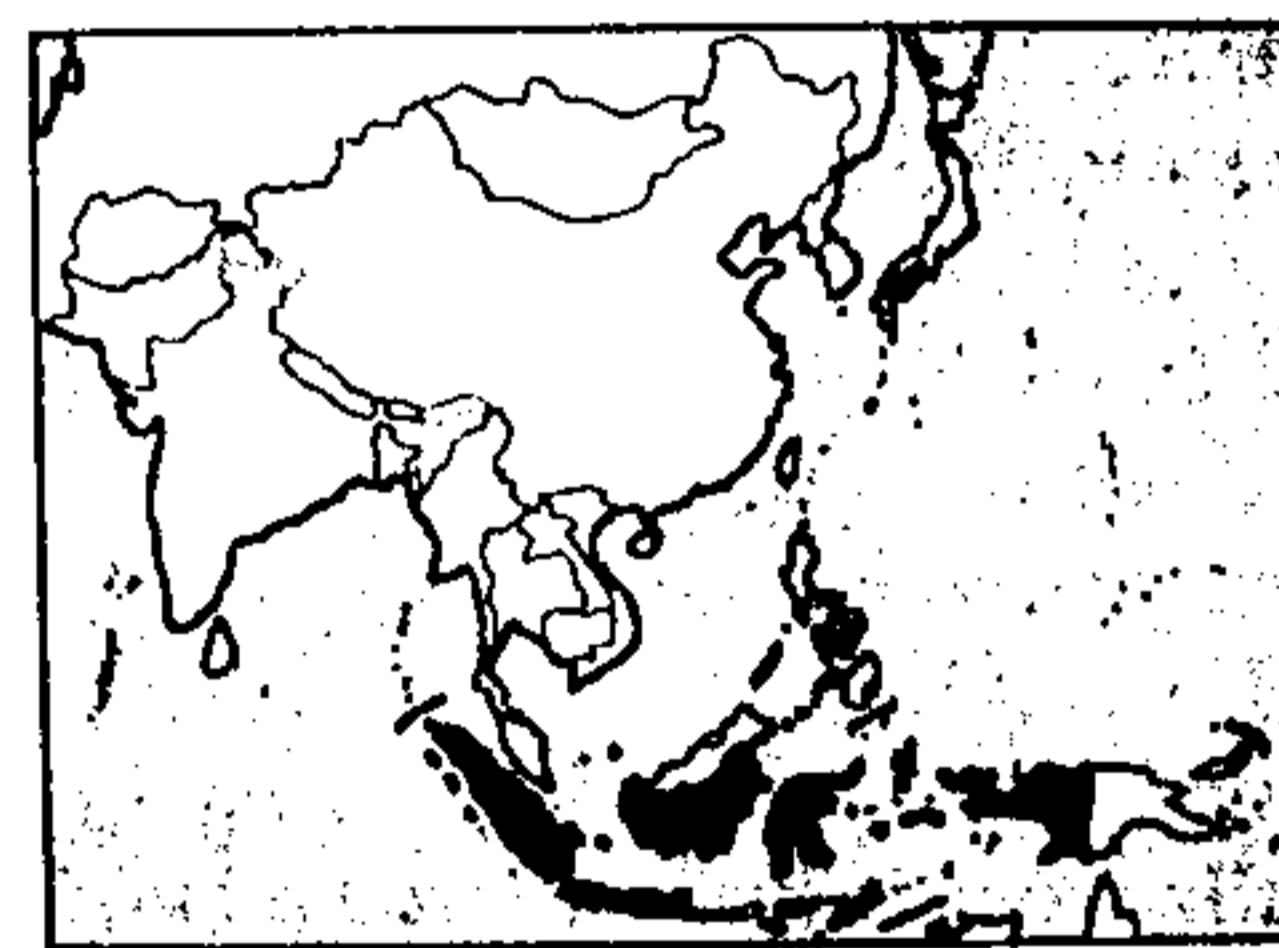
On 9 December 1981 Amnesty International wrote to the Chief Minister of Tamil Nadu urging the establishment of judicial inquiries to investigate reports that 13 alleged Naxalites had died in "encounters" in the state between August and December 1980 (see *Amnesty International Report 1981*). On 16 December Amnesty International wrote to the Chief Minister of Andhra Pradesh to inquire about reports in the Indian press that since late 1980 there had been a recurrence of killings of alleged Naxalites in Andhra Pradesh. It asked specifically about 11 such "encounter" killings which had occurred in the state between September 1980 and July 1981. In several cases there were witnesses to the arrests. To Amnesty International's knowledge, a magisterial inquiry had only been ordered in one instance. The outcome was not known.

Amnesty International asked the central government to review legislation in force in various Indian states which allows police to fire upon suspects in areas declared by the government to be Disturbed Areas. It named the Andhra Pradesh (Suppression of Disturbances) Act specifically. It said that it believed such legislation facilitated the killing of suspected political activists by the police after arrest. Such

legislation therefore allowed the arbitrary deprivation of life in contravention of the principles laid down in Article 6 of the International Covenant on Civil and Political Rights which India ratified in 1979.

Amnesty International continued to appeal on behalf of prisoners facing execution throughout 1981. On 17 June Amnesty International wrote to President Neelam Sanjiva Reddy about Maqbool Ahmed Butt, a journalist and former President of the Jammu and Kashmir National Liberation Front, who was found guilty of the murder of an Indian intelligence officer in 1968 and sentenced to death in 1976 under the 1948 Enemy Agents Ordinance. It expressed concern that there was apparently no appeal against sentence for people convicted under the ordinance and appealed to the President for clemency.

On 7 November 1981 the Supreme Court stayed all executions in India pending judgment on a petition brought by two men condemned to death for murder: Ranga Kuljit Singh and Billa Jasbir Singh. The petition argued that the President, who had earlier rejected their mercy petition, had to exercise his powers of clemency fairly and reasonably and should state the reasons for rejecting clemency petitions. Lawyers argued that the President's powers of clemency under Article 72 of the constitution should be subject to rules and standards equally applicable to all. Following the Supreme Court's decision Amnesty International wrote to the President welcoming the decision of the Supreme Court to stay executions and urging him to grant clemency to all prisoners whose mercy petitions had been rejected. It urged the government to take steps to abolish the death penalty.



Indonesia and East Timor

Amnesty International was concerned about the treatment of people arrested in connection with the 1965 coup attempt. Some were still in detention and several hundred thousand others had been released but still suffered restrictions on their civil and political rights. It was also concerned about the prolonged imprisonment without trial of Muslim political activists, some of whom might have been detained for their religious and political beliefs, and about arbitrary arrests, ill-

treatment and torture of prisoners in areas where secessionist movements were active. Amnesty International continued to receive reports that East Timorese who opposed the Indonesian occupation of that territory had "disappeared", been imprisoned without trial in deplorable conditions and summarily executed. Amnesty International was also concerned that a number of people were under sentence of death.

Most of the untried political prisoners arrested after the alleged 1965 coup attempt had been released by the end of 1979 when the government completed its "phased release program". The government also issued a decree in November 1979 making tried political prisoners eligible for remission of their sentences on the same basis as convicted criminals. Amnesty International welcomed these steps but was concerned about the restrictions imposed on released prisoners and the apparently arbitrary application of the remission decree.

A special action by Amnesty International on behalf of released prisoners whose rights were restricted continued during the first months of 1981. National and local officials, employers and other groups were urged to ease the reintegration of released detainees. There was little evidence of any relaxation in government policy towards released detainees during 1981. Amnesty International continued to receive reports that released prisoners had their movements restricted, had marked identity cards identifying them as ex-detainees, and were excluded from employment in the public sector and in "vital industries" (see *Amnesty International Report 1981*). In December 1981 it was announced that 43,086 people who had been imprisoned for alleged involvement in the 1965 coup were to be denied the vote in the elections.

On 4 October, five people were arrested after a lecture by the prominent Indonesian novelist Pramoedya Ananta Toer. He had been adopted as a prisoner of conscience by Amnesty International until his release in December 1979. In May 1981 the Attorney General had banned the two novels he had published since his release. On 24 September 1981 a seminar at the University of Indonesia in Jakarta to which he had been invited to speak was stopped in mid-course. On 4 October Jusuf Ishak, a director of the company which had published the banned novels, was arrested by the Jakarta branch of the security agency, KOPKAMTIB. Jusuf Ishak had been adopted by Amnesty International as a prisoner of conscience during his imprisonment from 1969 to 1975 for alleged involvement in the 1965 coup. Four students, including Jusuf Ishak's son Verdi Jusuf, who were alleged to have organized the seminar, were arrested at the same time. Pramoedya Ananta Toer, although technically not under arrest, was subjected to several day-long interrogations. The students were

released on 10 October. Jusuf Ishak was moved to the Jakarta KOPKAMTIB detention centre in Jalan Kramat V where he was still held incommunicado and without charge at the end of 1981. He was adopted by Amnesty International as a prisoner of conscience.

Amnesty International received frequent reports of police brutality towards people in custody. In September 1981 the *Dewan Perwakilan Rakyat* (DPR), the Indonesian parliament, passed a new code of criminal procedure. It introduced pre-trial judicial investigation; maximum periods for detention without charge or trial; compensation for wrongful detention or conviction; and access to legal assistance including during interrogation. However these safeguards did not apply to people detained under certain "special laws", including those in cases involving national security. The security agency KOPKAMTIB was still empowered to make arrests without reference to the new judicial procedures.

Amnesty International was concerned about some 350 prisoners who had been tried in connection with the alleged 1965 coup but did not benefit from the remission decree of November 1979. Some were adopted prisoners of conscience. Under the decree political prisoners may have their sentences reduced each year, at the discretion of the authorities they may be released on parole. Amnesty International was disturbed by the many obstacles to the uniform application of the decree. Prisoners applying for remission or parole had to pay "administrative costs" until appeals by prosecutors had been heard. Applications for remission or parole had to be endorsed by the court which originally tried the applicant's case. Another problem was that prison sentences often ran from the date the sentence became effective, which in some cases was several years after arrest. Ratna Juwita, detained in Tangerang prison near Jakarta and adopted by Amnesty International as a prisoner of conscience, was arrested in March 1968 but not sentenced until September 1974. She has been detained for more than 13 years but because her 12-year sentence ran from the date the Supreme Court rejected her appeal in 1979, even after remission she might not be released until 1988. Two other women held in Tangerang — Sri Ambar and Suharti Harsono — were released in May 1981. The two women had been sentenced to 15 years' imprisonment in 1975. Because their sentences were dated from the time of their arrest they had become eligible for release after remission. On 17 August 1981, Indonesian Independence Day, on which remission and parole are traditionally granted to prisoners, Amnesty International urged President Suharto to remove obstacles to the granting of remission and parole.

Amnesty International also asked the President to commute the death sentences on people convicted of involvement in the 1965 coup.

Among the 350 prisoners tried for involvement in the 1965 coup approximately 50 prisoners were under sentence of death and were not eligible for remission. On 29 April 1981 Amnesty International wrote to President Suharto pointing out that although members of the government had unofficially indicated that none of these prisoners would be executed, there was no possibility of their receiving remission and eventually being released. It submitted a list of 58 such people. On 14 December 1981 two people on this list — former Deputy Prime Minister Subandrio, adopted by Amnesty International as a prisoner of conscience, and former Air Force Commander Omar Dhani — were informed that their sentences had been commuted.

Since 1977 large numbers of people identified as Muslim political activists had been arrested in Jakarta, North and South Sumatra, and West, Central and East Java. Several were charged with being members of the *Kommando Jihad* (Holy War Command), allegedly an organization dedicated to the violent overthrow of the government and the institution of an Islamic state. However statements by officials indicated that the name *Kommando Jihad* was applied indiscriminately by the authorities to a variety of militant Islamic groups acting independently of each other. Many of those charged with involvement with the *Kommando Jihad* had been active members of the legal Muslim opposition party, the *Partai Persatuan Pembangunan* (PPP), United Development Party. A number were held without trial. Amnesty International was concerned that they might have been detained for the legitimate exercise of their political and religious beliefs. Most were arrested in 1977 and 1978 in the period of the general elections, in which the PPP was the chief opposition to the government-backed organization *Golkar*.

In November 1981 the *Lembaga Bantuan Hukum*, Legal Aid Institute, a non-governmental organization, estimated that about 400 Muslim activists were detained throughout Indonesia. They included approximately 100 in Jakarta and 50 in Bandung. A number were alleged followers of Imran bin Muhammad Zein, who was arrested on 7 April 1981. He was accused of masterminding the hijacking of an Indonesian airliner to Bangkok on 28 March 1981 and other subversive acts. The arrest of 13 employees of the secretariat of the DPR (parliament) allegedly involved in the *Kommando Jihad* was announced on 10 November 1981. Amnesty International was investigating the charges against Muslim detainees.

Amnesty International was concerned by reports of human rights violations by the Indonesian army in Aceh in North Sumatra. In its campaign to suppress the secessionist movement known as the Aceh National Liberation Front (ANLF) the army reportedly arrested and

ill-treated people allegedly involved and also members of the wider population. Prominent members of the Acehnese community were arrested, tried and sentenced to long periods of imprisonment despite evidence that they were not associated with the ANLF. They included Ahmad Arif, former head of religious education in the Department of Religion in the district of Pidie, and Muhammad Nuh Usman, formerly chairman of the District Assembly of Pidie. Both were sentenced to 13 years' imprisonment in mid-1977 on charges of being sympathetic to the ANLF. Marzuki Saleh, reportedly sentenced to three years' imprisonment in 1976 for distributing leaflets for the ANLF, was believed to be still detained in Banda Aceh although his sentence had expired. Amnesty International was investigating these cases. Several people related to leading ANLF members, including wives and children not themselves associated with the ANLF, were detained without trial, presumably to induce their relatives to surrender to the authorities. Amnesty International was investigating three such cases. Amnesty International was also concerned that people arrested for alleged involvement with the ANLF had been held for up to four years without trial, and about reports that people held by the authorities, whether associated with the ANLF or not, had been ill-treated and tortured.

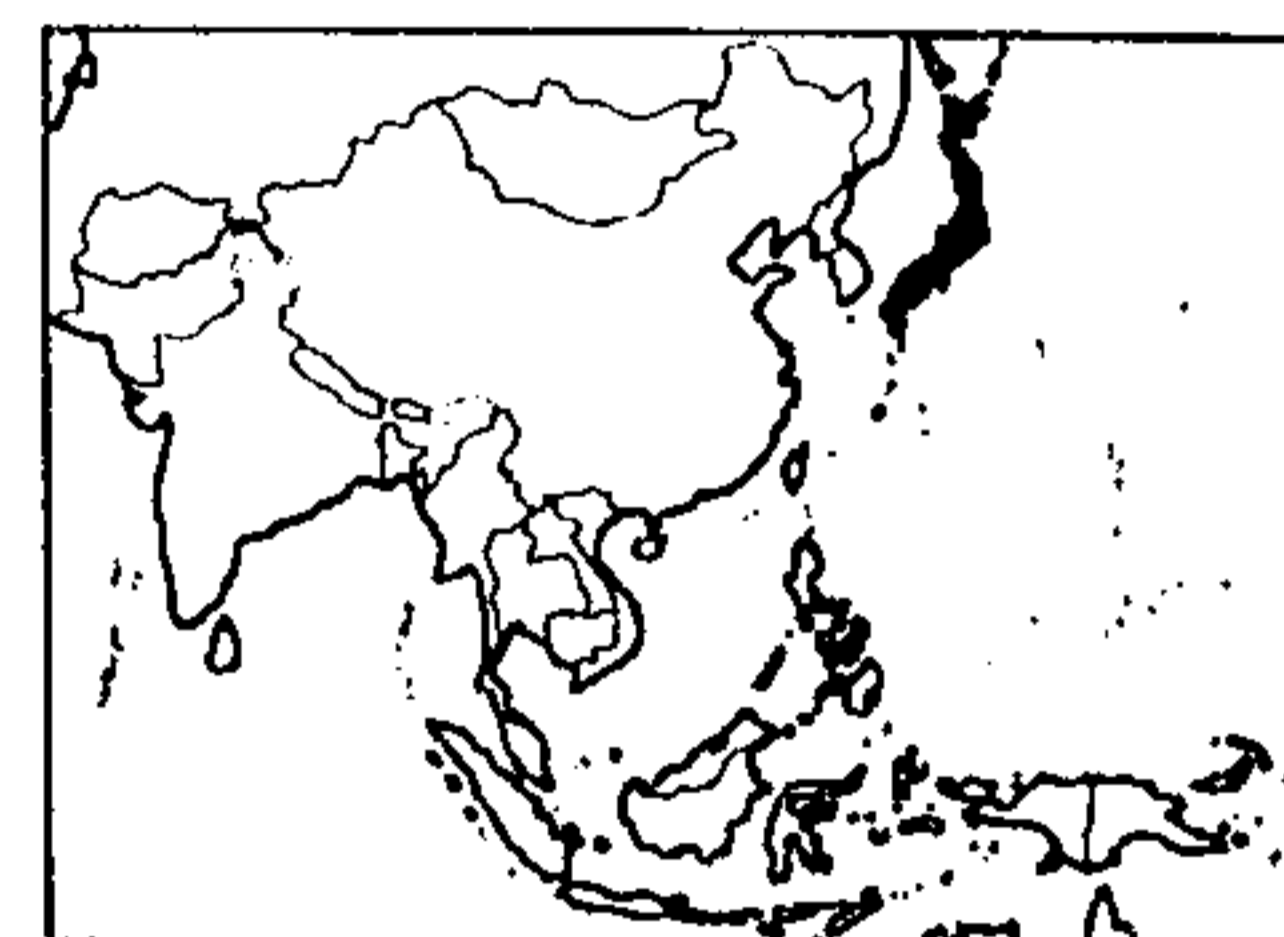
Amnesty International continued to work on behalf of several detainees held for political activities in Irian Jaya, formerly West Irian. They included Willybal Rum and Anton Tewa, the two remaining detainees of five sentenced for having signed the so-called Serui declaration, issued in 1975, which called for the independence of Irian Jaya. In February 1981 Anton Tewa was released from Kalikosok prison, Surabaya. Willybal Rum was believed to be still detained at the end of the year. Amnesty International was investigating the cases of six women arrested for allegedly having hoisted the Papuan flag in front of the office of the Governor of Irian Jaya on 4 August 1980 and one man alleged to have been involved in organizing the incident. Amnesty International adopted as prisoners of conscience Dirk Giryapon and Silas Giay. They were arrested in March 1981 after presenting a petition to the governor calling for independence. They were detained in the military headquarters (KODAM XVII — KASAK) in Jayapura. In April 1981 there were reportedly 64 other political prisoners there. Other prisoners detained for political reasons, most associated with the secessionist movement *Organisasi Papua Merdeka*, Free Papua Organization, were held in prisons in Biak, Manokwari and Serui.

Amnesty International continued to be concerned about violations of human rights in East Timor, occupied by Indonesian forces since December 1975. In 1981 Amnesty International received further

reports of imprisonment and summary executions. It also received new evidence confirming "disappearances" of people taken into custody by Indonesian troops. In June and October 1981 Amnesty International made submissions on its concerns in East Timor to the Sub-committee on Petitions, Information and Assistance of the United Nations Special Committee on Decolonization and to the Fourth Committee of the UN General Assembly. On both occasions Amnesty International noted that it could not regard the information available to it as complete in view of the restrictions on access and information imposed by the Indonesian occupation forces. In its October submission Amnesty International informed the committee that it had received reports that a number of people who had "disappeared" had in fact been killed shortly after being taken into custody. Amnesty International also received reports that large numbers of East Timorese were imprisoned without trial. These reports indicated that at least 2,000 detainees were held in the former Dili District Prison, called Cadeia Comarca under the Portuguese administration and now referred to as the Comarca, and the island of Atauro off the main island of Timor. Those held in the Comarca were reported to be predominantly former combatants, while those held on Atauro were said to be civilians often held simply on suspicion of being sympathetic to independence. Conditions in both places were reported to be harsh. On Atauro detainees were forced to build their own quarters and grow their own food. Amnesty International has also received unconfirmed reports of detainees held in other places, both in East Timor and on other islands. The case of David Ximenes who "disappeared" after being arrested in June 1980 (see *Amnesty International Report 1981*) was referred to the United Nations Working Group on Enforced or Involuntary Disappearances, as was further information on 22 previous cases. Amnesty International received unconfirmed reports that David Ximenes might be held on Atauro.

In November 1981 Indonesian occupation forces arrested five East Timorese including two members of the Indonesian-appointed Regional People's Representative Assembly (*Dewan Perwakilan Rakyat Daerah*, DPRD). They had written to President Suharto alleging serious misconduct by Indonesian officials and military personnel including the killing of East Timorese who had practised "black magic". The five were reportedly released on 30 December 1981. The international press gave considerable publicity in December to a letter from a senior member of the Catholic Church in East Timor. It alleged among other things that 500 Timorese civilians (apparently not engaged in combat) had been executed by Indonesian forces during an operation from July to September 1981.

Under Indonesian law the death penalty may be imposed for a wide range of offences, including premeditated murder, subversion, treason, hijacking and drug trafficking. At the beginning of 1981, according to official figures, five people were under sentence of death besides the approximately 50 sentenced to death in connection with the 1965 coup. On 7 July 1981 Amnesty International sent a telegram to President Suharto urging commutation of the death sentence passed by the Priangan (West Java) military court on Sergeant Eddy Maulana Sampak Bin Santaka in mid-June for murder. Amnesty International received no reports of executions during the year.

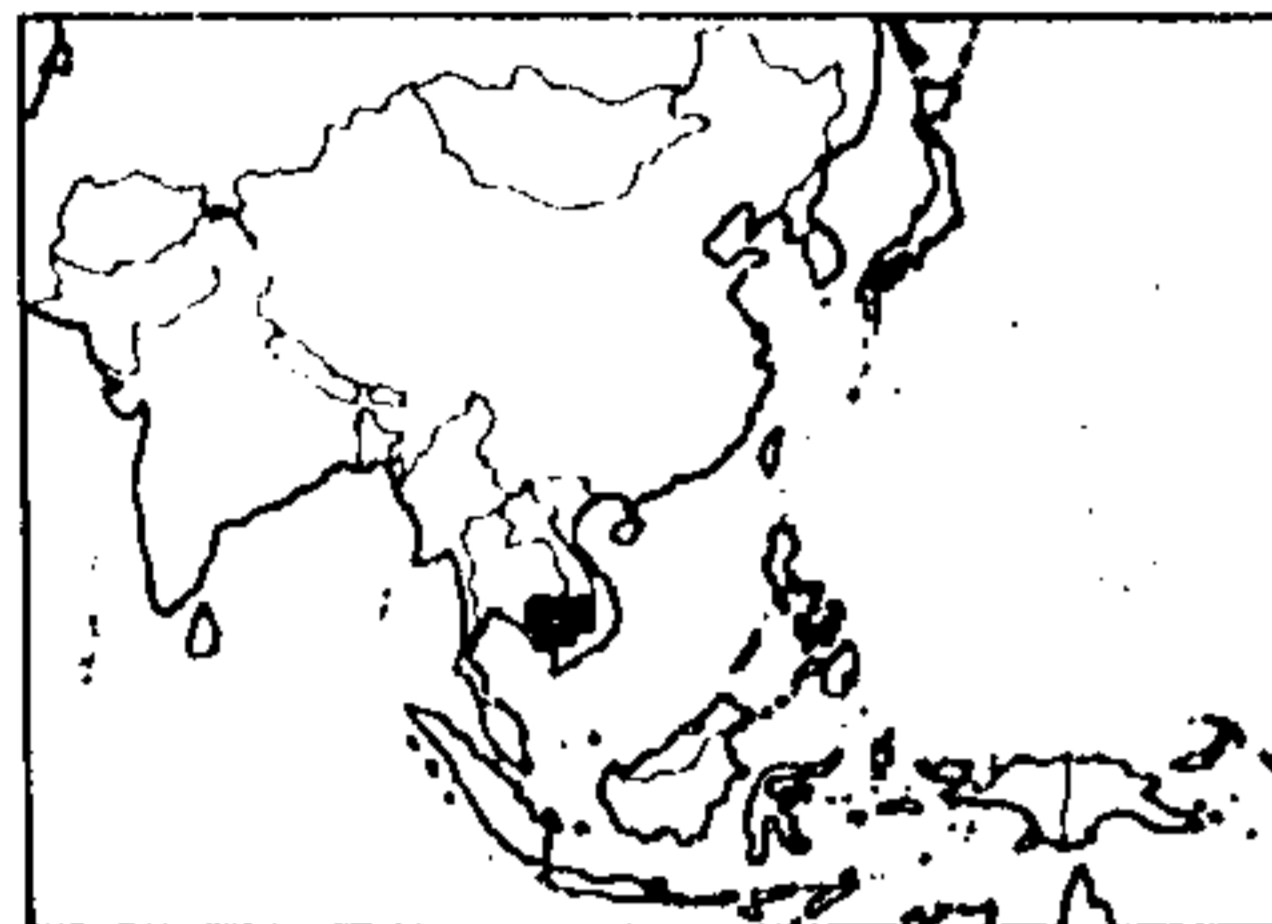


Japan

Amnesty International continued to appeal for the commutation of all death sentences and an end to executions, pending the abolition of the death penalty.

At least 40 prisoners were under sentence of death for murder.

Eighteen of them had had their sentences confirmed by the Supreme Court, three during 1981. Amnesty International appealed for the commutation of the death sentences on Teruo Ono and Tatekawa Shujiro, confirmed by the Supreme Court on 16 and 26 June 1981. Three death sentences were imposed for murder by courts of first instance. Amnesty International learned of one execution in late 1981. The death penalty may be imposed for 17 criminal offences, 12 under the penal code and five under other laws.



Kampuchea

Little information on individual prisoners of conscience was available in 1981. On 8 December 1981 Amnesty International wrote to the Government of the People's Republic of Kampuchea (PRK) to introduce its work and inquire

about certain of its concerns. It asked about officials and soldiers of the former administration of Democratic Kampuchea who had been sent for "re-education" in accordance with Decision No. 2 of the Instructions of the People's Revolutionary Council Regarding Criminals, of 15 April 1979. According to these instructions former officials and soldiers had to appear before the new local authorities. Those who had "contracted a blood debt vis-à-vis the people", that is, had been responsible for murder, were to be tried. Those against whom there was no such evidence were to be "re-educated" about the political policies and values of the new government. Most of these were believed to have been released.

Amnesty International urged the release of political prisoners who had not used or advocated violence, including those detained under the provisions of a memorandum from the Interior Ministry of 29 November 1979 on the arrest and "re-education" of "any person carrying out propaganda campaigns to sabotage internal unity and the Kampuchea-Laos-Viet Nam solidarity". It asked for information on Theam Sovanneirand, a radio broadcaster arrested in January 1980. It also expressed concern that Article 3, paragraph (d) of Decree Law No. 2-DL of 15 May 1980, which prescribes the imprisonment of "any counter-revolutionary who injures the people's unity, [or] opposes the domestic and foreign policies of the revolutionary power", might be used to detain people for the non-violent exercise of their right to freedom of expression.

According to unconfirmed reports about 20 government officials were arrested in early December 1981. They included Pen Sovan, who resigned from his posts as Head of the Council of Ministers and Secretary General of the Kampuchea People's Revolutionary Party on 5 December 1981; Ros Samay, former Minister of Economy and Planning; and several directors of government departments. Ros Samay was said to have been under house arrest for most of the year. Observers suggested that they were arrested because of their dissenting views on the government's foreign policy.

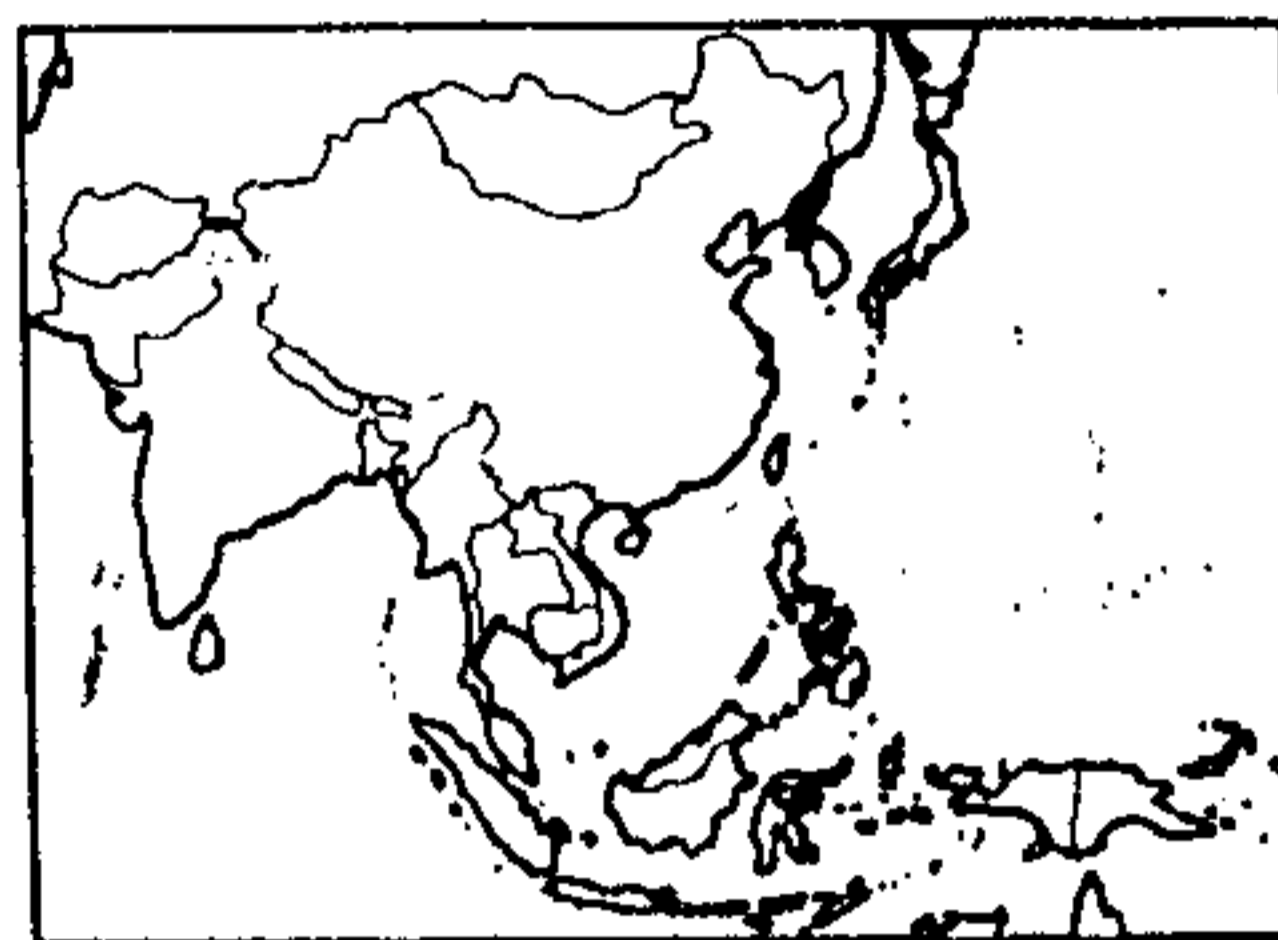
Alleged supporters of various armed opposition groups were also detained. These groups included the army of the Government of

Democratic Kampuchea (*Khmers rouges*), overthrown in January 1979, the Khmer People's National Liberation Front (KPNLF), and the Moulinaka forces led by Norodom Sihanouk. Others were also believed to have been arrested because of non-violent opposition to the government. Amnesty International asked about reports that in early 1981 a number of people were arrested for possessing a tape-recording of a message from Norodom Sihanouk.

The National Assembly elected on 1 May 1981 adopted the first constitution of the PRK on 24 June 1981. The constitution guarantees freedom of religious belief, speech, press and assembly; the right to set up associations as defined by law and to join mass organizations; the right to active participation in the political, social and cultural life of the country; the right to petition state organs and mass organizations; the right not to be arrested, detained or charged except as provided by law and the right to have the evidence for an arrest reviewed promptly by a competent body. The right to freedom of expression and assembly is limited by considerations of public order and national security; religious activities have to respect people's interests. All rights are restricted by the duty of all citizens to "carry out the state's political line" and "to serve state affairs".

In its letter Amnesty International welcomed the prohibition of cruelty towards imprisoned officials and soldiers of Democratic Kampuchea contained in the Instructions of the People's Revolutionary Council Regarding Criminals of 15 April 1979. It recommended that the government introduce into the constitution the right of all prisoners not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Decree Law No. 2-DL provides the death penalty for counter-revolutionary activities, treason and certain criminal offences. Unconfirmed reports have been received of criminal offenders being executed. Amnesty International urged the government not to seek the imposition of the death penalty, to commute those sentences already imposed and to abolish this punishment.



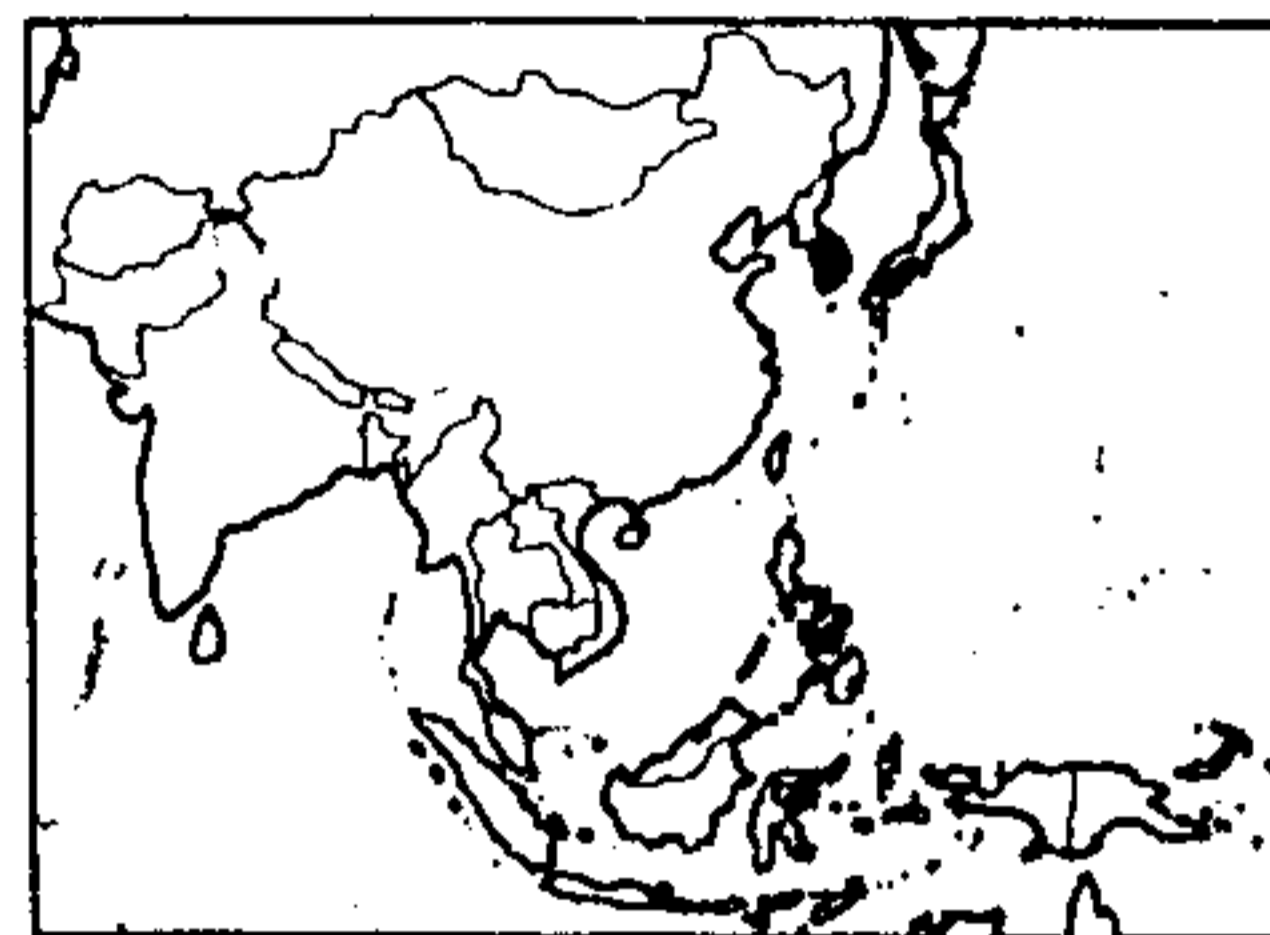
Korea (the Democratic People's Republic of)

As in previous years little significant information emerged from the Democratic People's Republic of Korea (DPRK) about human rights violations. Although some internationally respected human rights are acknowledged by the constitution and laws of the DPRK Amnesty International has been concerned over the years about the punishment of political offences and the imprecise definition of such offences. Article 20 of the "Law Governing the Organization of the Procuracy and Internal Affairs" may be applied to anyone considered untrustworthy by the authorities. This article provides for prosecution for such broadly defined crimes as subversive conduct and association with subversive intent. The legal procedure for prosecuting "state crimes" comes under a special statute that is referred to in the code of criminal procedure but is not known to have been made public.

The law allows people to be interrogated by officials of the Public Security Office for up to two months after arrest. However, this period may be extended twice by the provincial procurator's office or the Procurator-General. In practice it appeared that if the agreement of the Chief Prosecutor had been obtained the interrogation period could be extended indefinitely. The Venezuelan communist and poet Ali Lamada, whose account of imprisonment in North Korea Amnesty International published in 1979, was held for interrogation for 12 months before he was charged. Amnesty International continued to receive reports that people had been banished to remote and isolated areas because of their opposition to the growing political power of Kim Chong-il, son of President Kim Il-sung.

On 14 September 1981 the DPRK acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Amnesty International received no information on the application of the death penalty. Provisions for the death penalty exist in law, but the government published no statistics on its use.



Korea (the Republic of)

Amnesty International's main concerns were the imprisonment of prisoners of conscience, reports of ill-treatment and torture of political prisoners, and the use of the death penalty. On 2 March 1981 Am-

nesty International launched a worldwide campaign to publicize these concerns and published *Republic of Korea: Violations of Human Rights*.

Martial law, in force since October 1979, was lifted on 25 January 1981. Many prisoners of conscience and others were released under successive presidential amnesties. The detention and arrest of prisoners of conscience continued, however, under other legislation. This included laws passed or revised by the Legislative Council for National Security, an appointed body which acted as interim parliament from 27 October 1980 to the end of March 1981. During 1981 Amnesty International worked on behalf of about 300 prisoners of conscience and possible prisoners of conscience.

Many students were arrested during 1981. Amnesty International adopted as prisoners of conscience more than 50 students charged under the Law on Assemblies and Demonstrations. They were accused of leading or participating in anti-government demonstrations or of distributing anti-government leaflets on university campuses in various cities during the spring and autumn academic terms. Many more were detained briefly and released without charge. The students had demanded greater workers' rights and press and academic freedom. Some had demanded the resignation of President Chun Doo-hwan, whom they held responsible for deaths during disturbances in Kwangju in May 1980 (see *Amnesty International Report 1981*). In late 1981 students campaigned for the release of the arrested demonstrators, the reinstatement of those expelled from universities for political activities and the removal of security agents from campuses. Some students were arrested for criticizing government publicity about the 1988 Olympic Games to be held in Seoul. Most of the students were sentenced to between eight months' and three years' imprisonment.

Amnesty International appealed for the release of another group of around 20 students who had been arrested after university campus demonstrations between September and December 1980. They had demanded the lifting of martial law and the release of political prisoners, or protested against the new constitution promulgated in

October 1980 (see *Amnesty International Report 1981*). They were charged under martial law regulations and, in some cases, under the Anti-Communist Law (ACL), and were sentenced to up to four years' imprisonment.

Amnesty International received reports that during the first half of 1981 many young people were detained without warrant, in some cases for over two weeks, and interrogated about their political views. Some were subsequently charged under the National Security Law (NSL). This provides penalties ranging from five years' imprisonment to death for activities related to an "anti-state organization" or which are beneficial to North Korea. During 1981 more than 50 trade union activists and students were charged under this law. Park Jae-soon and five other members of a Bible study group in Taejon were arrested in mid-March 1981 and reportedly accused of "respecting Marxism and communism" and of planning anti-government activities. The evidence against them apparently included statements on Korean and international affairs they had made in lectures to high school students and comments on the South Korean social system in the group's diary. They were adopted as prisoners of conscience by Amnesty International.

In early July Cho Bong-hoon, a former student previously imprisoned for political activities, was rearrested. He was held on suspicion of writing anti-government leaflets circulated in Kwangju, collecting documents on the disturbances in Kwangju in May 1980 and preparing to publish them in a book. Numerous arrests followed his interrogation. A total of 26 people were reportedly charged in this case; Cho Bong-hoon and 12 others were still in detention at the end of the year. All 13 students were adopted as prisoners of conscience.

Amnesty International also adopted as a prisoner of conscience Lee Mok-hee, a former staff member of the National Textile Workers' Union. He was arrested in June 1981 and charged under Article 12, Section 3 of the revised Labour Union Law which prohibits the intervention of outsiders in trade union matters. He was accused of agitation and contributing to a union publication. Amnesty International did not learn the outcome of his trial.

Up to 28 people were charged and tried in the Democratic Students Federation and Democratic Labour Federation case. The main defendant was Lee Tae-bok, the president of a small publishing firm. He was arrested in late June 1981. In early August he was charged with setting up student and labour leagues and publishing pro-communist books in an attempt to create unrest and prepare for a communist revolution. His co-defendants were charged with belonging to the leagues or organizing anti-government demonstrations. They included students; trade unionists, some of whom were allegedly

dismissed in late 1980 because of their activities; students expelled from universities for political reasons who became factory workers; and staff members of the Urban Industrial Mission, an organization related to protestant churches in South Korea and abroad which assists low-paid workers. The trial started at the end of October 1981.

More than 35 people were accused under the NSL of communicating industrial and military information to North Korea and, under instructions from that country, instigating student or labour unrest to overthrow the government. Amnesty International was concerned that, in other cases, defendants on similar charges were known to have been denied fair trials. Some had been detained because of their political beliefs and wrongly convicted of espionage. On 15 October 1981 it cabled President Chun Doo-hwan about the arrest of five people, including three university students, for allegedly leading demonstrations under instructions from North Korea. Amnesty International urged the government to make the charges and evidence public. It called on the government to ensure that constitutional rights not to be tortured or forced to confess be fully respected, as well as the right to legal assistance.

The Public Security Law, which allows political prisoners to be detained after completing their sentence, was used against Kang Jong-kon. He had served a five-year sentence, reportedly for participation in a subversive group and anti-government activities under instruction from North Korea, which expired on 14 February 1981. Amnesty International believed that his detention was prolonged because he refused to change his political views. It adopted him as a prisoner of conscience. Another prisoner of conscience, Soh Joon-shik, had been detained under this law since 1978 (see *Amnesty International Report 1981*).

In cables and letters to President Chun Doo-hwan Amnesty International welcomed the release or reduction of sentences granted to prisoners of conscience under successive amnesties. On 23 January 1981 the President commuted Kim Dae-jung's death sentence and reduced the sentences on his 11 co-defendants. Thirteen prisoners of conscience were released and three prisoners had their death sentences commuted in presidential amnesties on 3 March and 3 April 1981 (see *Amnesty International Report 1981*). Twenty-two prisoners of conscience were among the 65 political prisoners released on 11 May 1981. They included Kim Dae-hyun and Kim Hong-il, the brother and son of Kim Dae-jung; the Reverend Lee Hae-dong, a co-defendant in Kim Dae-jung's trial; the lawyer Han Seong-hon; and several journalists and students. A number of political prisoners were released on 15 August 1981. Many had been arrested in May 1980 but some had been detained since 1974 and 1975.

Among them were: Han Hwa-kap, Kim Ok-doo and Han Yoon-shik, associates of Kim Dae-jung; eight people convicted in connection with the disturbances in Kwangju in May 1980, including Father Kim Song-yong; Lee Kang-chul, sentenced in 1974 in the National Federation of Democratic Youth and Students case; and Han Myung-sook, sentenced in the Korea Christian Academy case of March 1979. Four people had their sentences reduced from life to 20 years' imprisonment under the same amnesty. Normally resident in Japan they had been convicted in 1974 and 1975 of "espionage" and anti-government activities. Three of them — Kim Oh-ja, Lee Chul and Kim Chul-hyon — were adopted as prisoners of conscience. Three further prisoners of conscience were released in another amnesty on 25 December 1981. They were Hong Nam-soon, a lawyer, Professor Myong No-keun and Kim Tae-hong, former President of the Journalists Association of Korea (see *Amnesty International Report 1980 and 1981*).

On 10 November Amnesty International wrote to President Chun Doo-hwan to welcome the amnesties. It also pointed out that many prisoners of conscience were still detained and urged their release. It drew the President's attention to 16 prisoners convicted in the People's Revolutionary Party case of 1974; several individual prisoners convicted of espionage or anti-government activities under instructions from North Korea, whom Amnesty International believed were wrongly convicted and detained because of their political beliefs; Kim Dae-jung, the opposition politician and his co-defendants; and Chung Dong-nyon and others arrested after 17 May 1980. Amnesty International reiterated its appeal for a fair and open retrial of the prisoners convicted in the South Korea National Liberation Front (SKNLF) case of 1979.

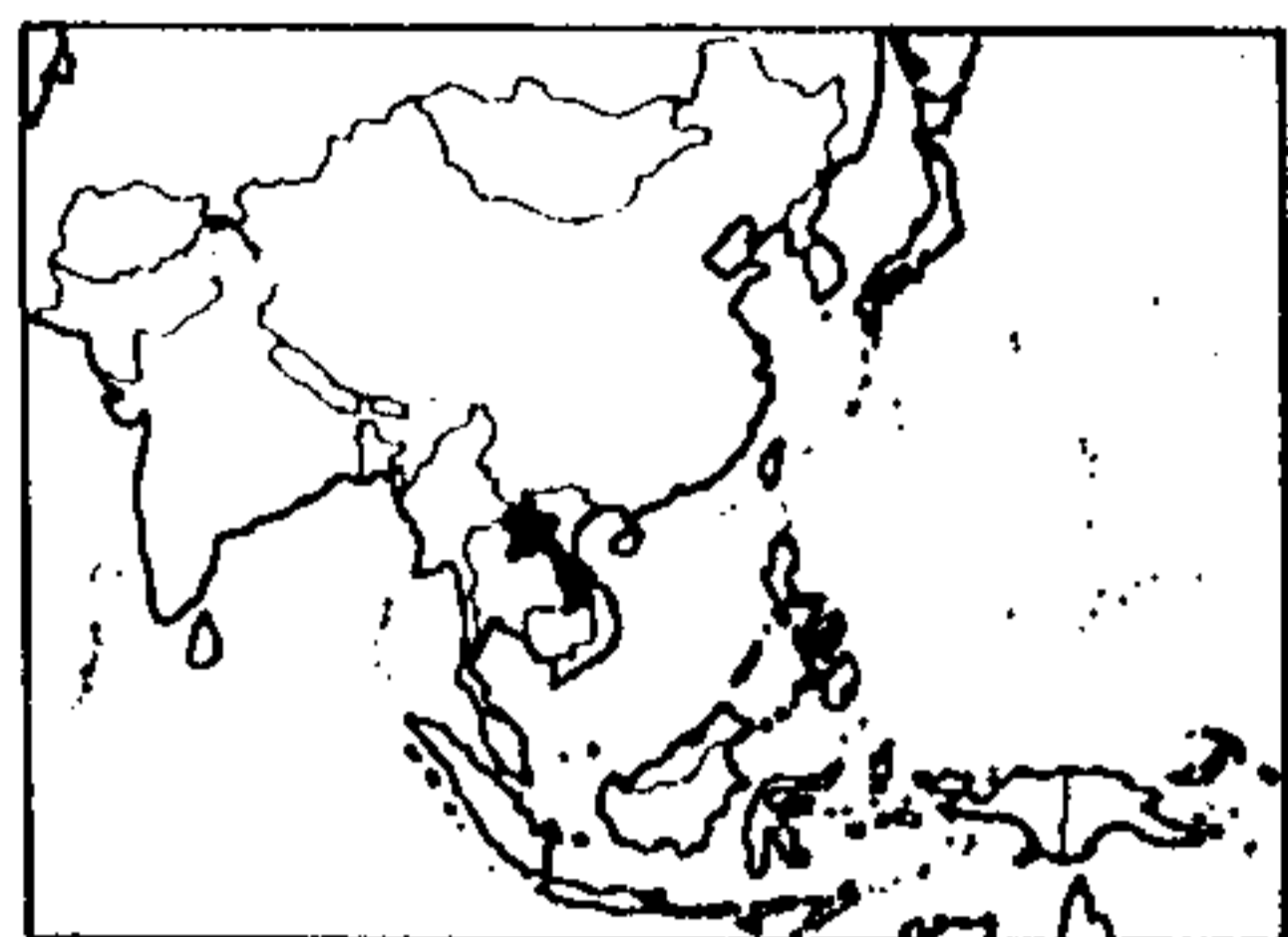
Amnesty International was concerned by reports that several prisoners of conscience had been denied proper medical care. During the year Amnesty International launched urgent appeals on behalf of Lee Shim-bom, a law student, arrested in May 1980 and reported to suffer neck and back pain caused by beatings; Koh Eun, a poet arrested in May 1980, who needed an operation for a serious ear infection; Choi Chul-kyo, sentenced to death in 1974, suffering from a chronic kidney complaint; and Kang Woo-kyu, sentenced to death in 1977, who had high blood pressure, arterial sclerosis and a cataract. Some were subsequently given medical attention. On 7 December 1981 Amnesty International cabled President Chun Doo-hwan to deplore the death of Lee Jae-mun, convicted in the SKNLF case, allegedly as a result of lack of medical care. It asked for information about the circumstances of his death and urged proper medical attention for all prisoners.

Amnesty International continued to receive reports of torture and ill-treatment. Among the incidents reported were the beating of convicted prisoners in Taejon prison in April 1981; the ill-treatment of people, including Lee Mok-hee, detained during the investigation of the Suhtong Company Trade Union in May and June 1981; the beating by police of students arrested after demonstrations; and the torture of writer Han Soo-san, reportedly given electric shocks, at the end of May. Some people interrogated in the Democratic Students Federation and Democratic Labour Federation case were reportedly unable to walk after back injuries incurred under interrogation. In its letter of 10 November 1981 Amnesty International asked for these reports of torture and ill-treatment to be investigated, and the results made public. It also urged the government to bring regulations on the treatment of prisoners into line with United Nations standards.

On 8 December 1981 Amnesty International wrote to Minister of Home Affairs Suh Chung-hwa about reports of torture and ill-treatment by the police. These included prisoners being beaten, tied by the ankles and hung upside-down for long periods of time, and the "leg-stick treatment", when a truncheon is placed behind the knees of a person who is forced to squat and pressure applied to cause pain. The letter referred in particular to the alleged torture of Cho Bong-hoon and of a group of people arrested after a demonstration in Inchon, near Seoul, at the end of May 1981. Amnesty International asked the Minister to order an impartial investigation into these cases. It also recommended measures for consideration in the establishment of a "mechanism to protect the human rights of suspects" which the Director of the National Police had announced at the end of October 1981.

At least 10 prisoners were known to be under sentence of death for political offences. They were convicted under the NSL of espionage or of leading an anti-government organization. Sohn Yoo-hyung and Park Tong-sun were sentenced to death by courts of first instance in October and December 1981. Sentences on the others had been confirmed by the Supreme Court; some applied for a retrial. Five prisoners under sentence of death were adopted as prisoners of conscience. They were Choi Chul-kyo, Kang Jong-hon, Paik Ok-kwan, Kang Woo-kyu and Chin Tu-hyon. Amnesty International made repeated appeals for the commutation of all death sentences for both political and criminal offences.

President Chun Doo-hwan commuted the death sentence on Kim Dae-jung in January 1981 and on three other political prisoners in April 1981. Amnesty International wrote to welcome this and urged him to commute all other death sentences and abolish this punishment.



Laos (the Lao People's Democratic Republic)

Amnesty International's main concern remained the continuing detention without trial of several thousand

Laotians detained for their beliefs, political activities or functions under the pre-1975 government. Most of them had been held for more than six years without charge or trial in "re-education" camps since the change of government in 1975. Amnesty International was particularly concerned at the length of their detention and at the total lack of legal safeguards for those detained on political grounds. However, a significant number of detainees were released in 1981, especially in the first half of the year, although precise figures were not available.

Amnesty International worked on behalf of about 100 political detainees adopted as prisoners of conscience or whose cases were being investigated. Some of these prisoners were released in 1981. Many were former civil servants and professionals detained without trial since the change of government which marked the end of the "neutralist" coalition in Laos in 1975. Most high-ranking civil servants and military officers sent for "re-education" at that time went to camps in Houa Phan (Sam Neua) province, in the northeast of the country near the border with Viet Nam. A number of these cases were described in *Political Prisoners in the People's Democratic Republic of Laos*, published by Amnesty International in April 1980.

Among those adopted as prisoners of conscience by Amnesty International was Khamsing Ngonvonarath, a public works engineer. When the government changed in 1975 he reportedly chose to remain in Laos "in order to work for his country". He spent several weeks at a "political seminar" at the *Ecole pédagogique*, teachers' training college, of Dong Dok near the capital, Vientiane. On 1 August 1975 he was sent to "re-education" Camp 05 at Sam Teu in Houa Phan province. Khamsing Ngonvonarath was released and returned to Vientiane on 4 January 1981.

Another prisoner of conscience adopted by Amnesty International, Padab Pangnarind, a military doctor, was also released in early 1981. He had been summoned for "re-education" in October 1975. Although he had the rank of colonel in the army, he was a military doctor by profession and was reportedly never involved in fighting. He returned to Vientiane in early 1981 after more than five years'

detention in Camp 05 in Houa Phan province.

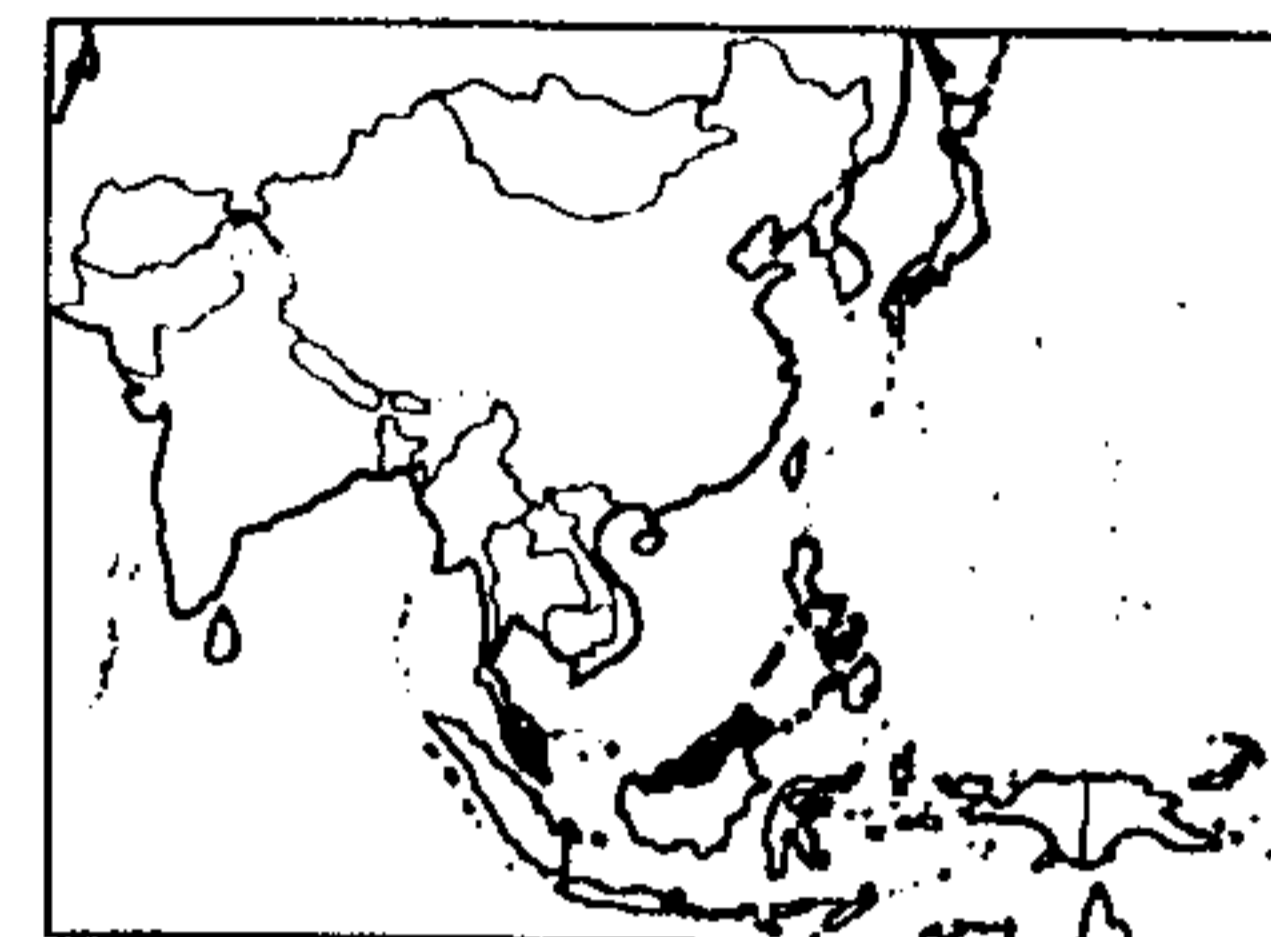
As far as Amnesty International was aware those released in 1981 had been held in various camps in Houa Phan province, including camps 04, 05 and 06. Some were reported to have been reintegrated into the civil service and others to have applied for administrative posts. Still others were said to have been released because of their old age or ill-health. Although precise details were not available Amnesty International received reports that more than 100 people were released in January and February 1981. The releases are reported to have been based on an official assessment, in each case, of whether the detainees could be reintegrated into society in view of the degree to which they had "re-educated" themselves and of their technical skills. Although detainees continued to be released from the northeast in small groups during the first half of 1981, it appeared that the number of releases was much smaller in the second half of the year. Amnesty International remained concerned that those who were not considered to have "re-educated" themselves sufficiently might be detained without charge or trial indefinitely.

In letters to the Prime Minister, Kaysone Phomvihane, of 17 March and 22 October 1981 Amnesty International welcomed the releases. It asked if they could be regarded as part of a continuing process which would in time benefit all those detained in "re-education" camps because of their opinions or functions under the former government. With its letter of 17 March Amnesty International submitted a list of 99 people believed to be still detained for political reasons. It stressed that there seemed to be no justification for their continuing detention without charge or trial. They included Viboun Abhay, Phom Bounlytay, Houphan Norasing and Vannavong Rajkhoun, all former members of the National Coalition Consultative Council who in November 1975 were asked to go to Viengsay in Houa Phan province for a meeting of the council but were then detained in Houa Phan. A few members of the council were released in 1976 but the others remained in detention. Phom Bounlytay was rumoured to have died in detention.

Also on the list were five medical students who were in the fourth or fifth year of their studies and in their early 20s at the time of their arrest. Prasongsith Boupha, Siphong Vongmuongsong, Keovilaysack, Bounlay and Santiphad had been working as military doctors and in October 1976 had asked to return to civilian status. They reported at Chinaimo military camp on 11 October 1976 expecting to have their status changed but were arrested early the next day. They were later reportedly detained in a "re-education" camp at Phou Leng-Phou Khoune near Phounesavanh in Xieng Khouang province. Amnesty International adopted all five as prisoners of conscience.

Amnesty International continued to work for the release of other adopted prisoners of conscience. They included Prince Sisouphan Manoreth who, like many members of the former administration, had been sent for "political re-education" in October or November 1975. Prince Sisouphan, aged 38, a member of the Laotian royal family, was a dental surgeon and Director of the Dentistry Service of the Ministry of Health at the time of his arrest. Detained without charge or trial for six years, he was believed to be held in Houa Phan province. Amnesty International also renewed its appeals for the release of Khamking Souvanlasy, aged 52, former Director of Education in the Ministry of Education and held since November 1975 in Camp 05 in Houa Phan province; and Dr Tiao Souckthivong, aged 48, former chief surgeon of the First Military Region working in Luang Prabang hospital with the rank of colonel, sent for "re-education" in 1975 and believed to be held in a camp at Ban Soppane, near Viengsay in Houa Phan province.

In a report to the Supreme People's Council (SPC) on 26 December 1979 the Prime Minister called on the Justice and Interior Ministries to draft laws on arrest and detention for enactment and promulgation by the SPC. He stressed that "those arrested with complete evidence should be brought to court for trial immediately" while "those arrested without valid evidence must be freed". Despite this, no legal provisions against arbitrary arrest and detention had been made public by the end of 1981. Since the Prime Minister's announcement the existence of governmental decrees and regulations had been reported but these were not published and their nature and content were unknown. Although a national Congress of People's Representatives appointed the Supreme People's Council to draft a new constitution, this task was not completed and no new laws had been adopted since 1975.



Malaysia

Although a significant number of prisoners of conscience were released in 1981 Amnesty International remained concerned at the continued detention without trial of several hundred Malaysians under the Internal Security

Act (ISA) 1960. Amnesty International was also alarmed at the sudden resumption of executions in February 1981, a year after the last executions had taken place in Malaysia.

Amnesty International continued to work on behalf of about 60 Malaysians detained for the non-violent exercise of their human rights, whom it had either adopted as prisoners of conscience or was investigating as possible prisoners of conscience. They were detained under the ISA, which allows people considered by the Minister of Home Affairs to threaten national security, to be detained without charge or trial for renewable two-year periods. As noted in the *Report of an Amnesty International Mission to the Federation of Malaysia*, published in August 1979, the ISA was used to detain trade unionists, academics, journalists and members of the legal opposition, among others.

In early February 1981 Abdul Samad bin Ismail, the former managing editor of the *New Straits Times* and one of Malaysia's leading intellectuals, was released. He had been held since 1976 for alleged involvement in "communist subversion". Most people detained under the ISA were held in the detention camps of Taiping, Kamunting and Batu Gajah, but Samad bin Ismail was held at an undisclosed Special Branch Holding Centre in Kuala Lumpur, in solitary confinement. In view of these conditions fear for his health was expressed on many occasions to the authorities by Amnesty International. He was released after making a statement on television in which he reportedly renounced his previous beliefs. Late in February Encik Abdullah Majid was released. He was a former Deputy Minister for Labour and Manpower who had been arrested in November 1976 together with four other leading politicians after a power struggle within the ruling United Malays National Organization. His release followed a public statement criticizing his own previous pro-communist feelings. Both men had been adopted as prisoners of conscience by Amnesty International.

On 28 April 1981 Amnesty International wrote to the Prime Minister, Datuk Hussein bin Datu Onn, welcoming these and other releases which had taken place since 1980. It expressed its concern,

however, that the releases appeared to depend on the detainee recanting or confessing. Amnesty International also urged the Prime Minister to abolish the practice of serving released ISA detainees with restriction orders, which include limitations on their place of residence and movement, a ban on political activities and the obligation to report regularly to the police. Restriction orders imposed on Dr Samad bin Ismail, Dr Syed Hussein Ali (see *Amnesty International Report 1981*) and Encik Abdullah Majid were lifted by 3 November 1981.

Datuk Hussein Onn resigned and a new government was formed under Prime Minister Dr Mahathir Mohamed on 16 July 1981. On 29 July the new Home Affairs Minister, Datuk Musa Hitam, announced that 21 people held under the ISA were to be released. Ten of those released were alleged members of the Islamic fundamentalist group *Pertubuhan Angkatan Sabillullah* (PAS), the Organization of the Warriors of Allah. According to the government the group had been prepared to use violence to create an Islamic state. The cases of four of the alleged PAS members released on 29 July — Ahmad bin Awang, Ismail bin Ahmad, Ismail Jaafar and Ismail Abdul Rahman — had been investigated by Amnesty International. Also among those released were four politicians adopted as prisoners of conscience by Amnesty International who had been detained since 3 November 1976 for alleged involvement in "a communist united front". They were Abdullah Ahmad, then Deputy Minister of Science and Technology; Kassim Ahmad, Chairperson of the *Partai Sosialis Rakyat Malaya*, Malayan People's Socialist Party; and two members of parliament for the opposition Democratic Action Party, Chian Heng Kai and Chan Kok Kit.

Announcing the 21 releases, the Home Affairs Minister cautioned that the releases did not mean that the government was "weak and soft"; he said: "the government will not hesitate to rearrest and detain those released should they be found to have resumed similar activities. This also refers to those released today." (*The National Echo*, 31 July 1981.)

Amnesty International welcomed the releases in a letter to the new Prime Minister, Dr Mahathir Mohamed, on 17 August 1981. Amnesty International reiterated its concern at the fate of others detained under the ISA and urged that they be granted a fair, prompt and open trial or be released immediately. It called on the government to consider repealing the ISA and, as a first step, to revise it to conform with internationally accepted standards. In particular, independent and effective machinery should be established to review the legality of detention in every case. On 2 November 1981 the Home Affairs Minister told the *Dewan Rakyat* (parliament) that 513

people were detained under the ISA.

Among the prisoners whose release Amnesty International sought was Goh Kean Seng, a 32-year-old teacher held without trial under the ISA for eight years. He was one of several members of the Chinese Language Society of the University of Malaysia detained in 1974 after the government had accused the society of being partially responsible for fomenting disturbances. This followed a series of anti-government demonstrations by students in Kuala Lumpur, Ipoh and Penang protesting against rural poverty and corruption. Goh Kean Seng was reported to have been tortured at the time of his arrest and to have been held in solitary confinement for 19 months until November 1978 at the Batu Gajah Detention Camp. The authorities produced no evidence of his involvement in any criminal activity. In 1978 Malaysian officials told a visiting Amnesty International mission that no prisoner held at that time in Batu Gajah Detention Camp had used violence.

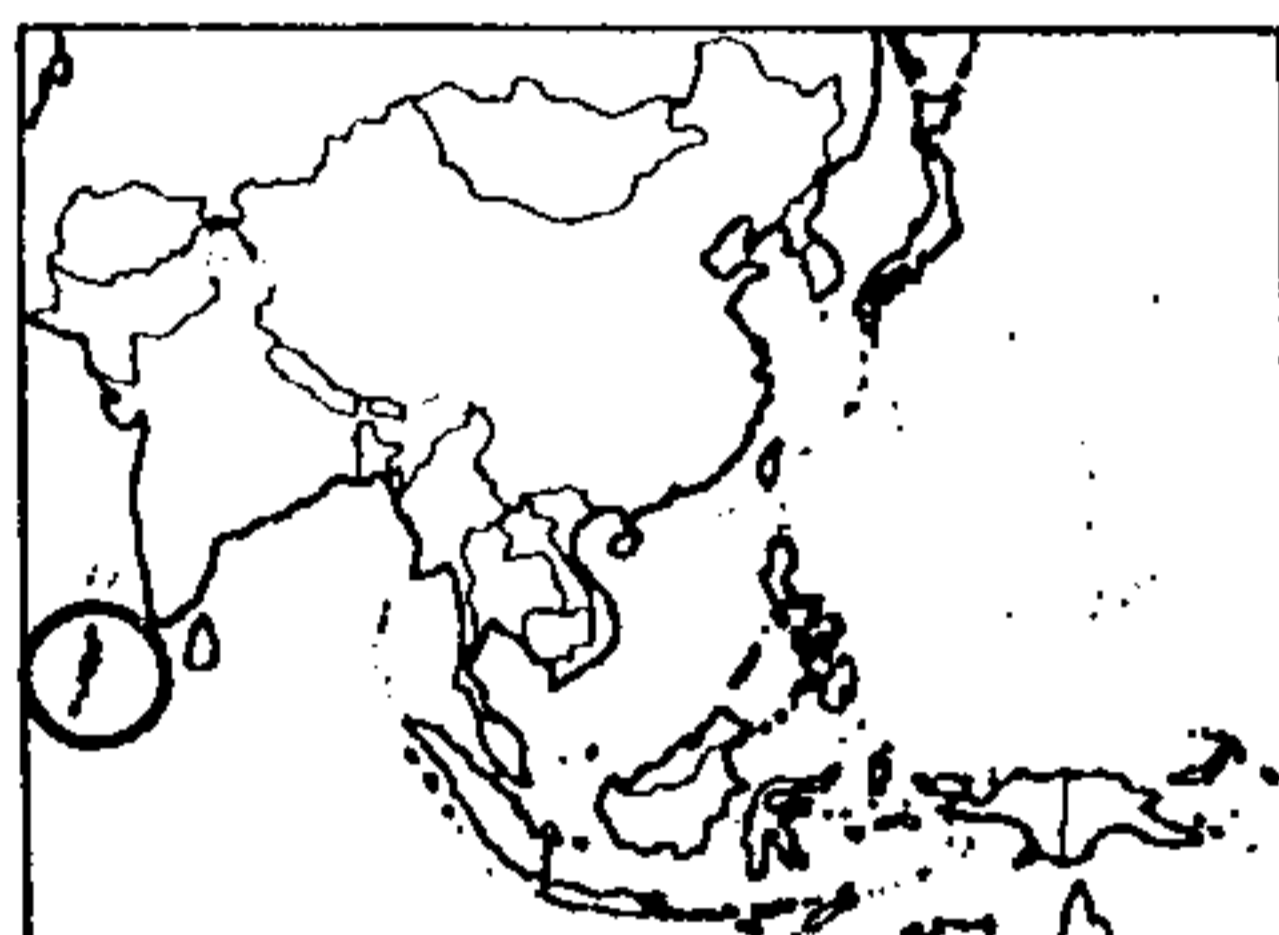
On 12 October 1981 Abdul Halim Mahmud, aged 35, the editor of the fortnightly newspaper *Watan* (Nation) was arrested under the ISA. The manager of *Watan*, Datuk Abdul Aziz bin Ahmad, aged 55, was himself arrested on 17 October 1981. The Home Affairs Ministry alleged that they had allowed the newspaper to be used to spread communist propaganda. Amnesty International appealed to the government to grant them a fair, open and prompt trial or to release them immediately. Datuk Abdul Aziz bin Ahmad was released on 10 November 1981, but Abdul Halim Mahmud was still in detention at the end of 1981. Amnesty International adopted him as a prisoner of conscience.

Amnesty International was concerned about 19 executions which took place in February, March, June and November 1981. Most of those executed or under sentence of death were tried under the ISA or the Narcotics Act. Section 59 of the ISA provides a mandatory death sentence merely for illegal possession of firearms. These executions brought the number of people hanged in Malaysia since March 1980, when executions resumed after 11 years, to 30.

On 4 March Teh Cheng Poh, a 31-year-old carpenter, was hanged. He had been sentenced to death by the Penang High Court in November 1976 after being convicted under the ISA of possession of a home-made pistol and five rounds of ammunition. His appeal to the Federal Court was dismissed in March 1977, but the Privy Council in London upheld the appeal in December 1978. It ruled that his trial was null and void, because the regulations under which he was tried were outside the authority of the constitution. The Federal Court ordered a retrial and he was again found guilty by the High Court. Legislation was subsequently enacted which removed the right of

appeal to the Privy Council in security cases. His last appeal to the Federal Court was dismissed in January 1980.

About 50 other condemned prisoners were said to be awaiting execution in Pudu Prison in Kuala Lumpur. Among them was Tan Chay Wa, a 31-year-old Singaporean, who was sentenced to death in January 1981 after being convicted under the ISA of possessing a pistol. After his arrest in 1979 he had been served with a two-year detention order for alleged involvement in underground activities and it was only later that he was charged with possession of a pistol. Amnesty International wrote to the Prime Minister on 9 March and 8 October 1981 urging the government to commute the sentences of all those awaiting execution.



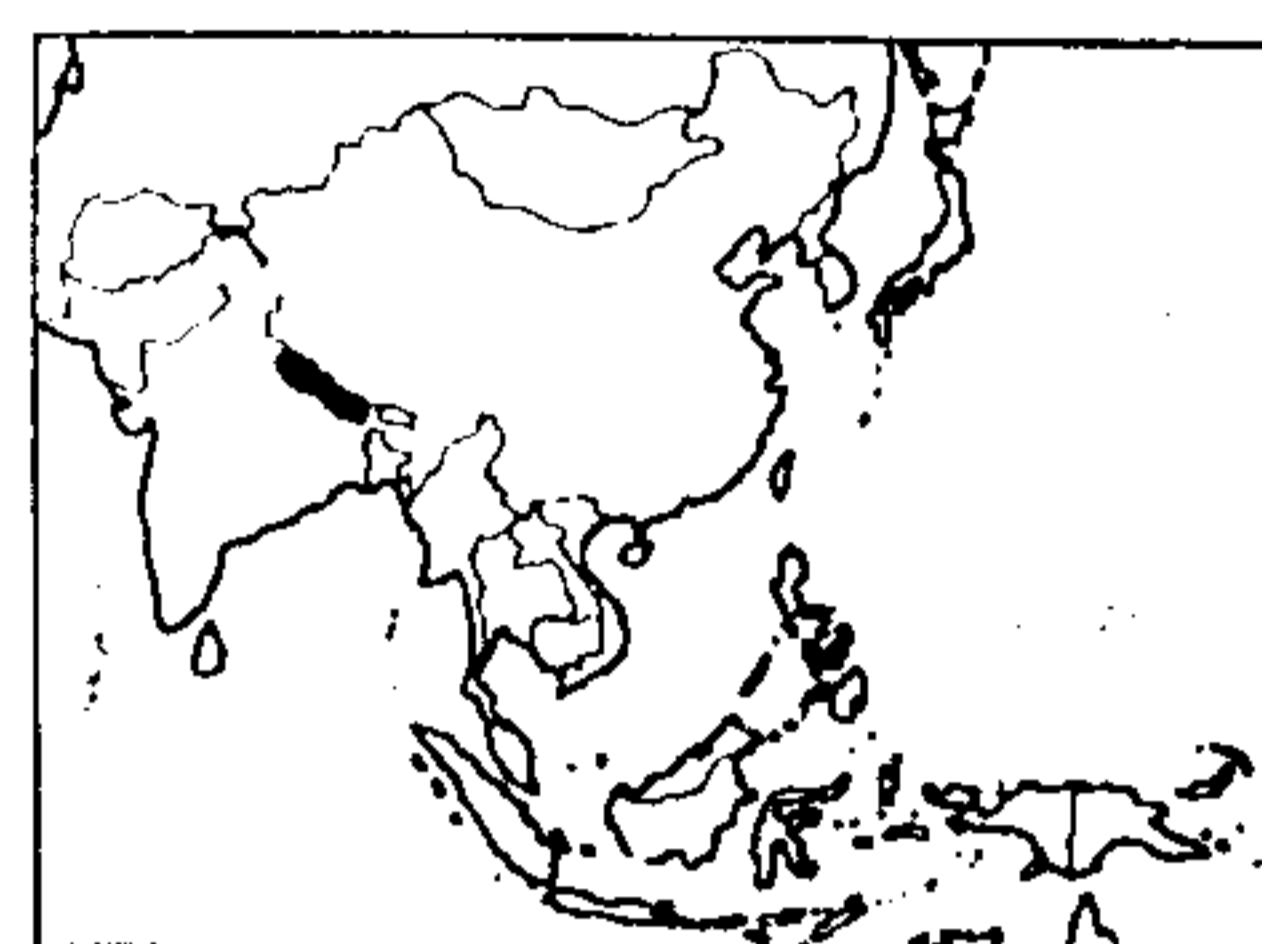
Maldives

Amnesty International was concerned about procedures in several trials relating to an alleged conspiracy to overthrow the government of President Maumoon Abdul Gayoom.

The coup attempt which was said to have been uncovered in February 1980 was alleged by government officials to have been master-minded by former President Ibrahim Nasir, living in Singapore. The government arrested and detained a number of people allegedly involved. At the same time members of families associated with the former President, including wives and children, were placed under house arrest.

In February 1981 the three alleged leaders of the coup attempt — Ahmed Nasseem, Kuwa Mohamed Maniku and Maisam Ali Maniku — were brought to trial. They were charged with treason, a crime punishable by death under the penal code. On 6 February 1981 Amnesty International appealed to President Gayoom to ensure that trial procedures conformed to internationally recognized standards of fairness. It was informed by the Maldivian Government that it considered that the case involved "planned acts of terrorism". Amnesty International explained on 17 March 1981 that it was concerned that the accused had been held incommunicado for nearly a year before being brought to trial, during which time they might have been subjected to undue pressure; that the accused did not have access to legal counsel during trial proceedings; and that they faced the death

penalty. On 27 April 1981 the defendants were sentenced to life imprisonment.



Nepal

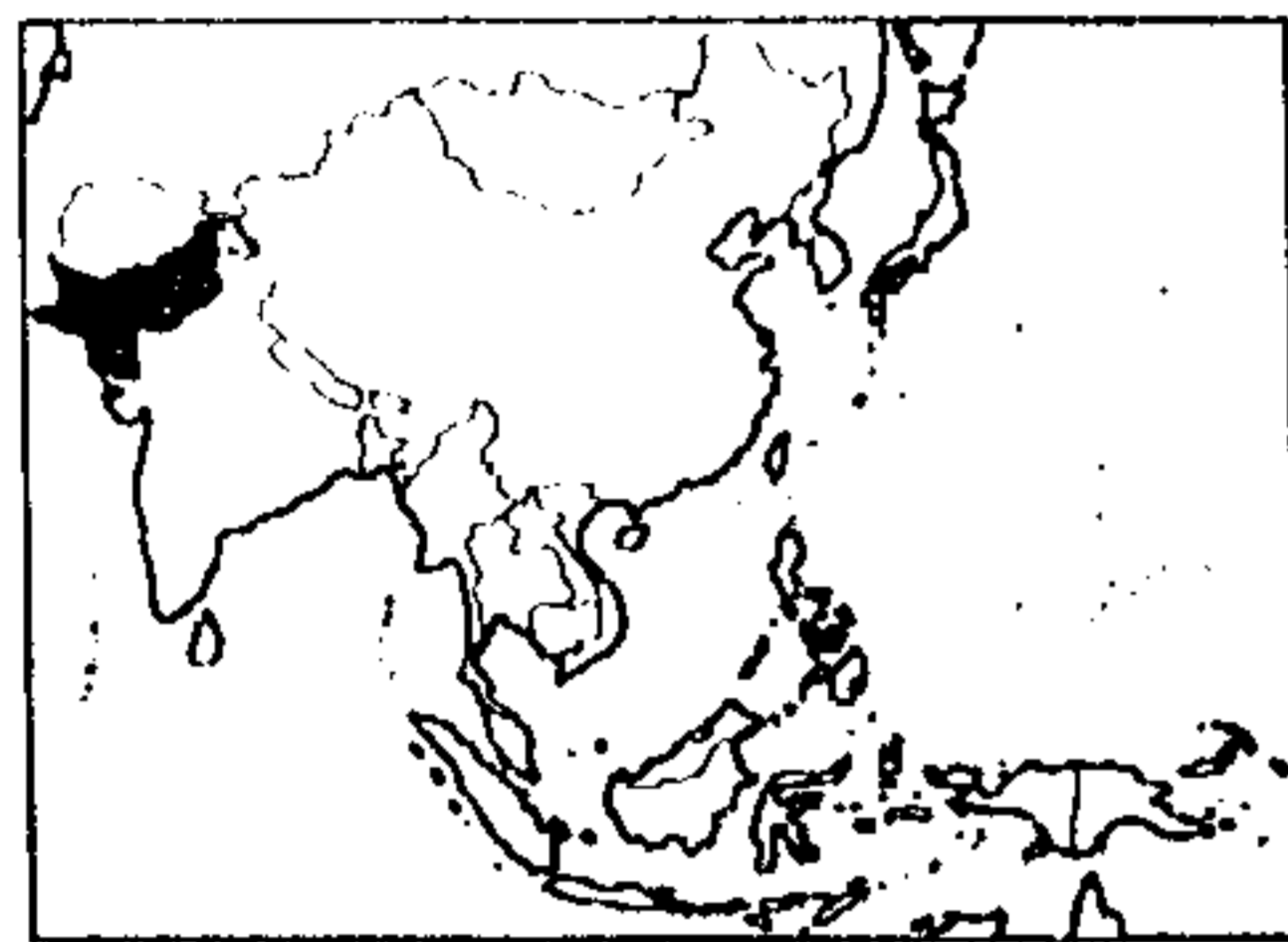
Amnesty International continued to be concerned at the imprisonment, in some cases without trial, of political opponents of the government.

Amnesty International received reports of numerous arrests in the period around the National Assembly elections of 9 May 1981. It was informed of the names of 146 teachers, political activists and students arrested in the two months preceding the elections. Some sources reported between 400 and 600 arrests in the same period. The elections were the first direct elections to be held since the introduction of the "partyless" *panchayat* system in 1960. Although the *panchayat* system had been endorsed by a referendum in May 1980, the King introduced a number of constitutional reforms after the referendum including direct election by adult franchise of most members of the national assembly. Political parties were not allowed to put forward candidates. Although some members of political parties stood as independent candidates, a number of parties, among them the Nepali Congress Party, boycotted the election. During the election campaign Amnesty International received reports of arrests of independent candidates and participants in the boycott movement. In addition, large numbers of teachers and students were arrested for participating in strikes and demonstrations both before and after the elections. By the end of May nearly 1,000 students, most of them members of the All Nepal National Independent Students Union (ANNISU), and 350 teachers were reported to be in detention. ANNISU had launched a nationwide strike on 27 March 1981. Among the students' demands were the release of all political prisoners and the repeal of the Organizations and Associations (Control) Act, the Press Act, the Local Administration Act and the Public Security Act (PSA).

The arrested students and teachers were reportedly held under the PSA, which allows for preventive detention under renewable nine-month detention orders up to a maximum of three years. The government also used the Local Administration Act, which empowers Zonal Commissioners and Chief District Officers to arrest people under the

provisions of the PSA, and the Treason (Crime and Punishment) Act (the Raj Kaj Act), to detain political opponents.

By the end of 1981 almost all those detained during the election period had been released. However further arrests of teachers and students were reported throughout the year. Amnesty International was investigating the case of Durga Pokhrel, a journalist and former university lecturer, who had been detained in early June under the PSA.



Pakistan

The imprisonment of prisoners of conscience and torture increased as the remaining powers to protect human rights were withdrawn from the civilian courts. Thousands of people were arrested during 1981 solely for expressing their opinions,

many tried by military courts applying summary procedures, and dozens sentenced to floggings. Sentences of amputation and stoning to death were imposed but not carried out. Several prisoners died in custody allegedly as a result of ill-treatment. Many executions took place, including those of two political prisoners.

On 17 November 1981 Amnesty International presented a report to the government describing a consistent pattern of gross violations of human rights in Pakistan. In the report, *Pakistan: Human Rights Violations and the Decline of the Rule of Law*, Amnesty International observed a steady deterioration in respect for human rights over several years, but especially since the beginning of 1981. A series of constitutional and legal amendments made under the previous and present government had eroded the powers of the judiciary. This culminated in the promulgation on 24 March 1981 of the Provisional Constitution Order (PCO). The order effectively annulled the 1973 Constitution and its guarantees for fundamental rights. It also marked the end of the independence of the judiciary by requiring judges to swear an oath barring the highest courts from scrutinizing any action taken by the military authorities or from reviewing military court proceedings. Three Supreme Court judges, including the Chief Justice of Pakistan, resigned and 16 High Court judges did not swear the new oath. The PCO removed the long-established supervisory powers of the Supreme and High Courts to enforce and protect human rights and stay executions ordered by

military courts or sentences of flogging imposed on political prisoners. As a result of the order political prisoners lost the right to *habeas corpus*.

All major political parties were proscribed and all political and trade union activities banned. Critics of the government (and sometimes their relatives) were arrested without warrant, without being informed of the grounds for arrest, and often their families were not told where they were being held. They were detained without trial or tried by military courts using summary procedures, with no right of appeal. Reports of arbitrary arrests and detentions increased sharply during the year.

In early January some 50 alleged members of the Pakistan People's Party (PPP) — mainly students and journalists — were arrested in connection with plans to observe former Prime Minister Bhutto's birthday. Irshad Rao, publisher of the pro-PPP newspaper *Al-Fatah*, was arrested with five other journalists on 1 January. On 30 September a military court sentenced him to one year's imprisonment and 10 lashes for "printing objectionable literature and creating unrest among the masses and disaffection against the armed forces of Pakistan". Amnesty International, which called for his release as a prisoner of conscience, learned that he needed medical attention following ill-treatment during detention in Karachi police station. Some 30 rank-and-file PPP members were arrested between 5 and 10 January under the Army Act allegedly on suspicion of passing "secrets" to a "foreign country". Several were reportedly held incommunicado in Attock Fort and Lahore Fort.

Hundreds of prisoners of conscience were arrested after the formation on 6 February of the Movement for the Restoration of Democracy (MRD), an alliance of nine opposition parties including the PPP, the centrist *Tehrik-i-Istiqal*, the *Jamiat Ulema Islam* and the Muslim League. More than 200 members and sympathizers of the MRD were arrested in Multan and Lahore between 16 and 26 February, including students, lawyers and journalists who supported the movement's demands for general elections, the ending of martial law and the lifting of press censorship. On 26 February Amnesty International cabled President Mohammad Zia-ul-Haq urging the detainees' immediate release.

Thousands of members of all major opposition parties were arrested after the hijacking on 2 March of a Pakistan International Airlines aircraft which resulted in the release of 54 political prisoners. The *Al-Zulfikar* organization claimed responsibility. Headed by former Prime Minister Zulfikar Ali Bhutto's son, Murtaza, it was reported to be based in Afghanistan. The government maintained that *Al-Zulfikar* was the armed wing of the PPP although to Amnesty

International's knowledge no evidence of any link between the PPP and *Al-Zulfikar* was produced. In March alone 6,000 political prisoners were reported to have been arrested. Amnesty International believed that the majority were prisoners of conscience. On 7 and 8 March leading members of the PPP were arrested in Karachi, Peshawar, Lahore and Rawalpindi. Begum Bhutto and Benazir Bhutto, the wife and daughter of the former Prime Minister, were arrested on 8 March; Begum Bhutto was released on 22 July but at the end of 1981 Benazir Bhutto was still detained.

Although many of those arrested were released after short periods, more political prisoners were arrested throughout the year. However, when asked about the thousands of political arrests in early 1981, the government denied that it was holding any political prisoners at all and was reported as saying that "there are no political prisoners in its jails".

More than 100 students were arrested during widespread demonstrations at the time of the execution of Abdul Hameed Baluch, a leader of the Baluch Students Organization, on 11 June. In November Amnesty International appealed on behalf of four students — Manzoor Qadir Baluch, Dawood Hasan Baluch, Abdul Wahid Baluch and Abdul Hafeez Baluch — arrested on 11 June during a demonstration against Abdul Hameed Baluch's execution. On 13 July they were sentenced by a military court to nine months' imprisonment, 10 lashes and a fine for "damaging government property and spreading disaffection against the armed forces". Amnesty International urged the government to retry the students before an ordinary civilian court with full legal safeguards and expressed concern about the floggings.

At least 17 trade unionists were arrested on 16 August, after the government promulgated Martial Law Regulation No. 52 dissolving all trade unions for employees of Pakistan International Airlines. Trade union sources put the figure at 150.

In August 1981 a civil disobedience movement against local taxes organized by the main political parties in Azad Kashmir (the part of Kashmir which is administered by Pakistan) was soon accompanied by demands for general elections. Political workers, students and traders were arrested. Most were reportedly released later. However, at the end of 1981, Chaudhry Noor Hussain, President of the Azad Jammu and Kashmir Muslim Conference, and Abdul Khaliq Ansari, President of the Jammu and Kashmir Plebiscite Front, were still detained without trial under the Azad Kashmir Defence Rules Act. Both had been released for brief periods in October and November and rearrested. Amnesty International adopted them as prisoners of conscience.

On 25 September Chaudhry Zahur Elahi, a leading government supporter, was shot dead in Lahore, and the former Chief Justice of the Lahore High Court, which had sentenced former Prime Minister Bhutto to death, was injured. Reports in the Pakistan press suggested that *Al-Zulfikar* might have been responsible. On 20 November Lala Asad, a student claimed by the police to be a cell leader of *Al-Zulfikar*, was killed when the police raided his Karachi flat. A wave of arrests followed. On 29 November the Punjab Inspector General of Police was quoted as saying that about 100 people in his province had been arrested since September for links with *Al-Zulfikar*. Amnesty International was investigating reports that among the hundreds of alleged *Al-Zulfikar* members and supporters arrested in November and December were a number of people detained simply for holding views critical of the government.

In November Amnesty International appealed on behalf of three such prisoners whom it had adopted as prisoners of conscience: Jamil Omar, Tariq Ahsan and Mohammad Saleem. Lecturers at the Quaid-e-Azam University in Islamabad, they were arrested on 3 and 4 November reportedly for "distributing literature supporting destructive activities in the country" (*Jang*, Karachi, 6 November 1981). Jamil Omar was charged with sedition under Article 124A of the Pakistan Penal Code. All three were charged with "illegal activities" under Martial Law Regulations Nos. 13 and 33 which ban all political activity and criticism of the armed forces. Before being transferred to Rawalpindi Jail where, at the end of 1981, they were awaiting trial, the three men were held at Lahore Fort. There Jamil Omar was reportedly held incommunicado and tortured.

Among the other prisoners of conscience adopted by Amnesty International was Nawabzada Nasrullah Khan, leader of the Pakistan Democratic Party. He was arrested twice in 1981: in March for his role as a spokesperson of the MRD, and on 1 November when he was placed under house arrest for three months for speaking against the formation of a federal advisory council announced by the President in October.

At the end of December 1981 Amnesty International was working for 41 adopted prisoners of conscience and investigating the cases of 19 possible prisoners of conscience.

Many political prisoners were arrested and detained without trial either under the Maintenance of Public Order Ordinance or under Martial Law Order No. 78 of 1980. Martial Law Order No. 78 removed earlier safeguards, for example the requirement to inform detainees of the grounds for their detention. Although the maximum period of detention allowed by law was 12 months (Martial Law Order No. 27) Amnesty International knew of prisoners held for far

longer. For example, as of December 1981, Air Marshal (Retired) Asghar Khan, adopted as a prisoner of conscience, had spent 25 months in detention without trial under martial law; except for the weeks between 18 April and 29 May 1980 his detention was continuous. Relatives were often not told why a person had been arrested or where he or she was held. Many political prisoners arrested in 1981, especially those taken to Lahore Fort and Attock Fort, were held *incommunicado* for many weeks. Some 30 PPP members arrested between 5 and 10 January 1981, apparently under the Army Act, were reportedly held *incommunicado* for many weeks. Some were allegedly tortured to extract "confessions". Dr Aslam Khan Naru, a member of the PPP Central Committee, was arrested on 7 April 1981, held *incommunicado* in Lahore Fort and only allowed visits by his relatives on 30 June. Amnesty International urged the authorities to improve the conditions of his detention. At the end of 1981 he had still not been charged or tried and as far as Amnesty International was aware the authorities had not disclosed the law under which he was being held.

In August Amnesty International urged the government to disclose the whereabouts of and charges against Sher Ali Bacha and Imtiaz Alam, former leaders of the left-wing *Mazdoor Kissan* party, Peasants and Workers Party, who were arrested on 3 July 1981 in Mardan, North West Frontier Province. Amnesty International later received reports — which remained unconfirmed — that the two men had been charged with "illegal activities" and were detained in Haripur Jail.

Throughout 1981 Amnesty International received a growing number of reports that political prisoners, especially those held *incommunicado*, had been tortured. These allegations were described in detail in the report presented to the government in November. The evidence included signed statements by released prisoners and their relatives, legal affidavits from lawyers of political prisoners and accounts published in the Pakistan press. It was alleged that people had been suspended upside-down, beaten on the soles of the feet and on the head, given electric shocks, burned with cigarettes and deprived of sleep and food for several days. In the report Amnesty International concluded that torture was used systematically in Pakistan. The torture allegations charged both the army and police, and those received in 1980 and 1981 identified the army in particular. Medical examinations of several released political prisoners, conducted by Amnesty International, corroborated their testimony that they had been tortured in the years 1979 to 1981. Most of those allegedly tortured were students, political party workers, trade unionists and lawyers belonging to political parties. In 1981, for the first time,

Amnesty International received press reports that four women political prisoners had been tortured: Nasira Rana and Begum Arif Bhatti, the wives of PPP officials; Farkhanda Bukhari, a PPP member; and Mst. Safooran, mother of six. On 13 April Amnesty International cabled the Minister of the Interior, Mahmood A. Haroon, expressing concern at reports that two PPP members, Qamar Abbas and Yahya Bakhtiar (who was later released), had been tortured in custody in Peshawar Jail and assaulted in Quetta Jail respectively. The government replied on 5 August that Qamar Abbas "was not subjected to any torture". Amnesty International remained concerned about his health as reports from several sources stated that he had been tortured under interrogation when in *incommunicado* detention in Warsak Camp near Peshawar. At the end of 1981 he was still detained with no regular contact with the outside world and Amnesty International had not received the medical reports it requested from the government in August.

The Amnesty International report described the cases of 10 prisoners, including three political prisoners, who died in custody allegedly as a result of torture between January 1980 and August 1981. Several fresh reports of deaths in police custody of people arrested for criminal offences appeared in the Pakistani press during the year. On 21 December Amnesty International wrote to the governor of Punjab Province, expressing concern at a report in the daily *Mashriq* that Mohammad Arif, alias Abbu Shah, had died as a result of ill-treatment in police custody at the police station, North Lahore cantonment.

Amnesty International was concerned at the lack of legal safeguards for political prisoners tried by military courts using summary procedures with no right of appeal. Such military courts do not allow legal representation. Many prisoners of conscience were tried under Martial Law Regulations 4, 5, 13, 18 and 33 which prohibit virtually every form of political and trade union activity. Amnesty International was concerned at reports that several political prisoners were tried *in camera*. On 5 March the organization cabled the Minister of the Interior and the Home Secretary for Sind province expressing concern about reports that seven alleged members of the Communist Party of Pakistan — Jam Saqi, Badar Abroo, Shabir Shah, Jamal Naqvi, Kamal Warsi, Sohail Sanghi and Amar Lal — were being tried by a special military court in Karachi Jail. The newspaper *Dawn* (1 April 1981) stated that they were "involved in clandestine printing, publishing and distribution of subversive and anti-state materials". Amnesty International received reports that all had been tortured. In May Amnesty International appealed for them to be tried in open court with full legal safeguards and expressed concern at

allegations of torture. In mid-1981 it was reported that the trial had been moved from Karachi Jail to a military court in the city where relatives apparently had limited access to the trial proceedings. It was still in progress at the end of the year.

Amnesty International was concerned that political prisoners continued to be sentenced to be flogged by military courts. In the first six months of 1981 at least 30 sentences of flogging were imposed for martial law offences. The Amnesty International report lists details of 192 political prisoners sentenced to imprisonment and flogging since 1977. Two sentences of amputation were passed during the year and Amnesty International appealed for them to be commuted. Amnesty International learned of 22 prisoners sentenced to amputation since the present government took power in 1977 but was not aware of it having been carried out.

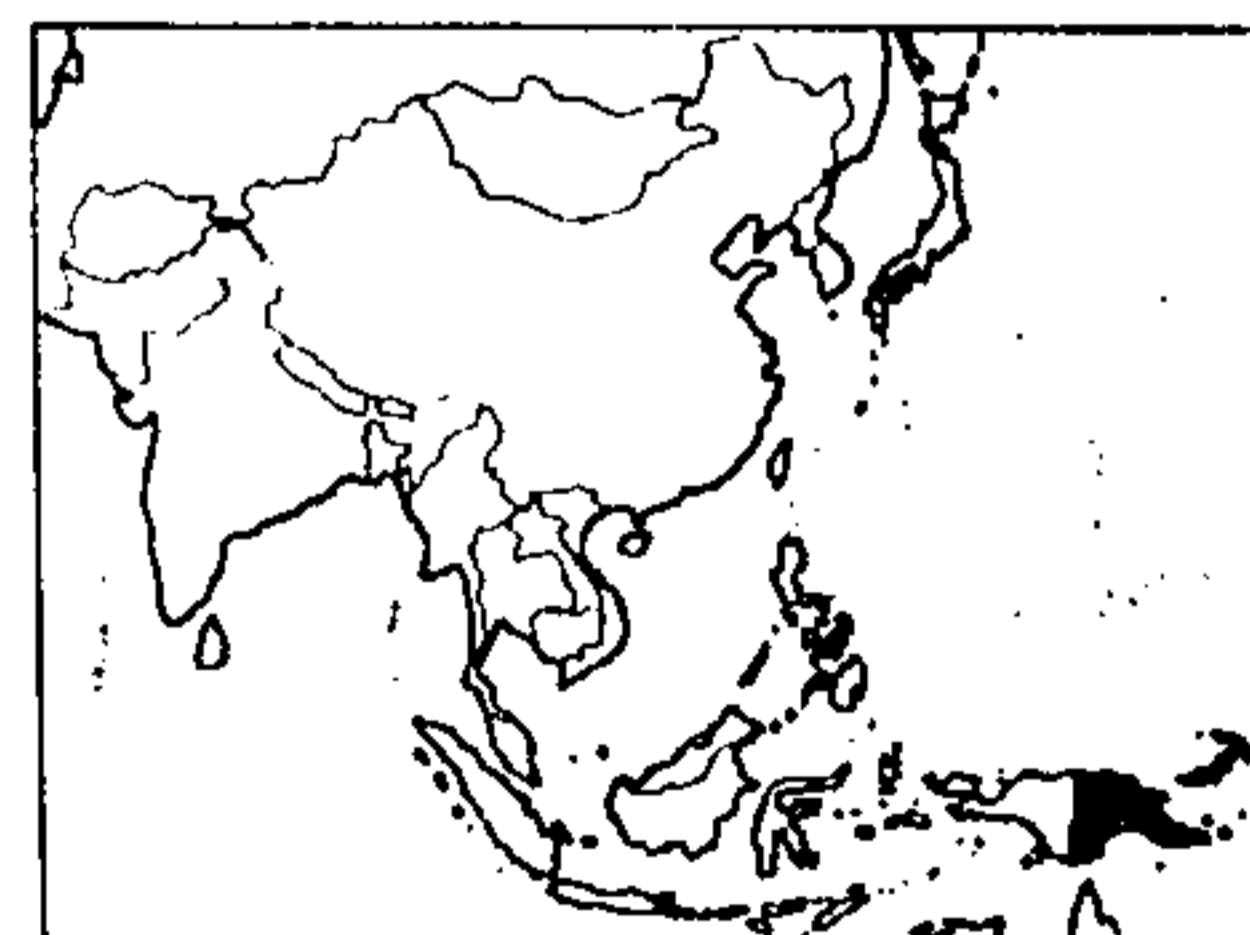
On 23 March the Federal *Shari'a* (Islamic law) Court declared death by stoning, introduced as a punishment for adultery in February 1979, "repugnant to the injunction of Islam". However, on 1 September Allah Bux, a bus driver, was sentenced to be stoned to death for committing adultery with a young student. This was the first time such a sentence had been imposed. The couple were also sentenced to 100 lashes each. At the end of 1981 the *Shari'a* Court had not confirmed the sentence passed by the lower court.

Amnesty International remained concerned about the large number of death sentences and executions in 1981. An increasing number were imposed by military courts applying summary procedures without the right of appeal. Amnesty International did not know of a single instance of the President granting clemency. The government did not issue statistics on executions, but official statements indicated hundreds of executions each year in the past few years. The Home Secretary of the Punjab stated that "there were 1,250 condemned prisoners in death cells" in that province (*Dawn*, 23 August 1981).

Two prisoners were known to have been executed for politically motivated offences during 1981. When the PCO was promulgated the High Court judges who had stayed their execution were replaced and the executions carried out. Nazir Ahmed had been sentenced to death for attempting to hijack a plane in 1978. The Sind High Court stayed his execution when he challenged his conviction by a military court. His appeal was dismissed on 27 May by the newly constituted Supreme Court of Pakistan and he was hanged in Khairpur District Jail on 9 June. Abdul Hameed Baluch, a 21-year-old student leader, was sentenced to death by a special military court after having been convicted of murder. During the trial the charge sheet was altered twice when the alleged victim proved to be alive. The Baluchistan High Court stayed his execution in December 1980 and ordered him

to be tried by a civilian court. However, when the Baluchistan High Court was reconstituted after the promulgation of the PCO it dismissed the stay order but allowed an appeal to the Supreme Court. Before the Supreme Court could hear the appeal Abdul Hameed Baluch was hanged in Much Jail in Quetta on 11 June. During the year Amnesty International appealed on behalf of 39 condemned prisoners; 21 were civilians sentenced to death by military courts without the right to appeal. It learned of 32 executions.

The Amnesty International report included detailed recommendations to the Pakistan Government, among them the release of all prisoners of conscience; the restoration of basic rights guaranteed in the 1973 Constitution and the restoration of the independence of the judiciary and of its powers to protect the rights of political prisoners; the repeal of legislation providing for preventive detention and of martial law regulations prohibiting the non-violent exercise of human rights. It recommended that details of arrests and releases of political prisoners be published, that the practice of incommunicado detention be ended and that all detainees be granted immediate and regular access to their lawyers. It urged the government to abolish the practice of trying political prisoners before military courts and to restore full legal safeguards, including the right of appeal to an independent court and the right of defence by a lawyer. It urged the abolition of torture and recommended preventive measures including the establishment of independent machinery to investigate allegations of torture, impartial investigations of the deaths in custody described in the report, and full publication of the outcome; it urged the abolition of the death penalty and the punishments of flogging and amputation. It also recommended that the government accede to the international human rights covenants.



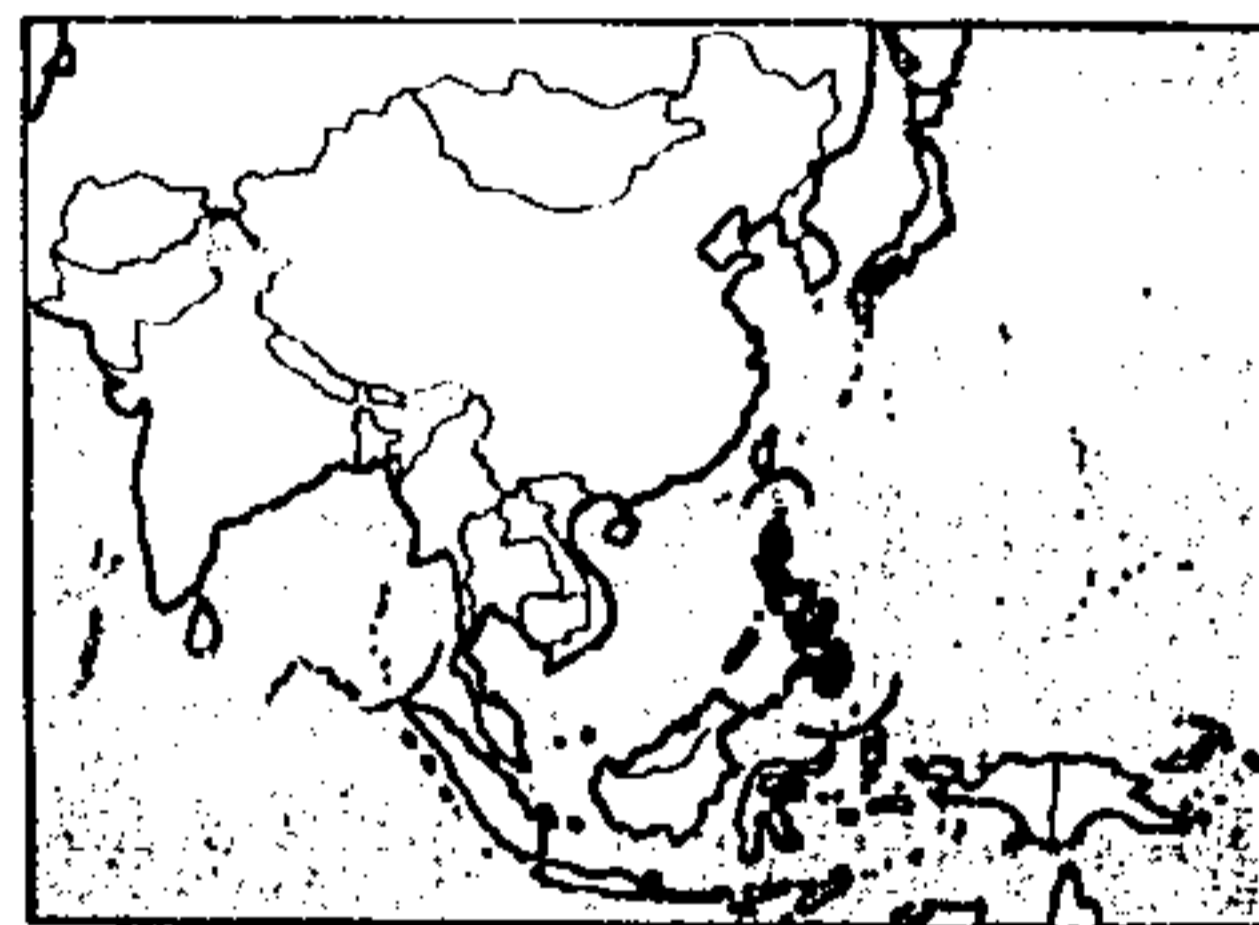
Papua New Guinea

Amnesty International was concerned about the deportation of Indonesian citizens living in Papua New Guinea to the Indonesian province of Irian Jaya where it was feared they might face political persecution. On 6 August Amnesty International cabled the Prime Minister, Sir Julius Chan, about reports that three Indonesian citizens alleged to have taken part in

political activities in Papua New Guinea had been deported. In reply Sir Julius Chan informed Amnesty International that the three had been deported after numerous warnings that they were contravening the conditions of their residence by taking an active part in the West Papua freedom movement. (West Papua is the name given to the province of Irian Jaya by those who favour its independence.) Sir Julius Chan also assured Amnesty International that the three men had been visited in Irian Jaya by officials of the Papua New Guinea Ministry of Foreign Affairs and Trade and were "in good health". Amnesty International was not able to ascertain whether the men were at liberty in Irian Jaya.

On 2 October 1981 Amnesty International sent another cable to the Prime Minister expressing its concern about six Indonesian citizens on trial in Papua New Guinea who might face deportation if convicted. A reply from the Prime Minister's office of 27 October 1981 informed Amnesty International that the case against the six had been dismissed.

Amnesty International was concerned about the lack of procedures for administrative review of cases involving Indonesian immigrants. It was also concerned about reports that refugee camps in which people from Irian Jaya had been accommodated were being closed and their occupants repatriated. This was particularly disturbing in view of allegations that Indonesian citizens who had been deported to Irian Jaya in previous years had been imprisoned and, in some instances, killed.



Philippines

On 17 January 1981 President Marcos lifted the state of martial law in force since September 1972. Amnesty International was concerned that the pattern of human rights violations under martial law had not ended with its lifting. The

grounds for this concern were the wide-ranging emergency powers retained by the President, particularly regarding arrest and detention, the prominent role assigned to the armed forces in law enforcement, and continuing reports of human rights violations.

An Amnesty International delegation visited the Philippines from 11 to 28 November 1981 to assess the human rights situation after the

lifting of martial law. The mission found that, although the number of political detainees had declined, there was firm evidence of a disturbingly high incidence of illegal practices. These included illegal arrests and detention, torture, "disappearances" and killings. Directed against people considered opponents of the government they were committed by members of the Armed Forces of the Philippines (AFP), the police, the civilian militia (Civilian Home Defence Force, CHDF) and irregular paramilitary groups apparently operating with official sanction. The mission found that despite the clear legal prohibition of such practices, the system for investigating and punishing those responsible was inadequate.

The Amnesty International delegation received details of cases from all but one of the country's 12 military regions. In approximately 50 the evidence was sufficient to justify Amnesty International's concern that human rights had been violated. During the later years of martial law Amnesty International had received increasingly frequent reports of "disappearances" and political killings attributed to government agents. Many of the incidents investigated by the mission, which had taken place since the lifting of martial law, were of this type, indicating that the pattern established before 17 January 1981 was continuing.

In 33 cases evidence was presented that individuals or groups of individuals had been illegally killed by government agents. A high proportion were in remote areas where the New People's Army (NPA) was active and the victims were accused of being members of the NPA. These areas included the Cagayan Valley of Northern Luzon, the Bicol region of southeast Luzon, Negros Occidental and Samar in the Visayas, and several provinces of Mindanao. The mission found no evidence in any of the cases investigated that the victims were killed in encounters with military or police personnel as has sometimes been alleged by the authorities. In many cases the evidence suggested that the victim had been killed after interrogation and torture or after being taken to a place of detention: that is, after being taken into custody. There was also considerable evidence that killings were often arbitrary or due to the victim's involvement in non-violent activities such as union organizing, participation in the movement to boycott the presidential elections of June 1981, or membership of church-sponsored community organizations.

In one typical case two men, identified as Abon and Timy, were killed and six others illegally detained and ill-treated. On 23 July 1981 they were arrested by soldiers of the 20th Mechanised Infantry Battalion of the Philippine Army in Barrio Osmena, Gebarin, southern Samar. The army unit was on a routine operation and apparently suspected the men because they were staying overnight on

their farms in the mountains. The eight were reportedly taken to Gebarin barracks where they were beaten and humiliated while being interrogated. During this interrogation Abon and Timy were reportedly taken out and shot dead. The six others were later moved to army general headquarters at Parasanun. Their families were not informed of their arrest by the authorities. However, on learning of the arrests they managed to get publicity through a radio station. The six were later transferred to the regional command headquarters at Camp Lukban, Catbalongan, and released on 23 August 1981.

In a number of other cases presented to the delegation the victims had "disappeared". It was feared that they had been killed although their bodies had not been found. On 24 June 1981 two union organizers working in the Bataan Export Processing Zone — Antonio Santa Ana and Jemeliana Paguio — were arrested by members of the 176th Company of the Philippine Constabulary (PC) in Orion, Bataan. Antonio Santa Ana was arrested with his wife and seven-year-old daughter. They were taken to the PC provincial headquarters at Camp Tolentino, Balanga, Bataan. Their families were refused permission to visit. On 29 June the wife and child of Antonio Santa Ana were released after relatives presented a temporary release order. The order also applied to Antonio Santa Ana but his release was refused. On 7 July relatives of another detainee, Vivencio Santos, reportedly arrested for participation in the movement to boycott the presidential election, visited the camp. They were told that Vivencio Santos, Antonio Santa Ana and Jemeliana Paguio had all escaped earlier that day. On 11 July this was repeated to the wife of Antonio Santa Ana. After the alleged escape none of the three contacted relatives. The families wrote to President Marcos on 19 July expressing doubt that they had in fact escaped, especially since they were all eligible for release. The three had still not reappeared by November and it was feared that they had been killed.

Another case which Amnesty International was investigating involved the "disappearance" of Epifanio Puebla. He was last seen on 22 April 1981 riding in a jeep with members of the PC and the CHDF, and security guards, on an estate in Toril, Davao City. Epifanio Puebla had led a one-week strike on the estate which ended on 19 April 1981 when a PC platoon had been called in. On 8 May 1981 Amnesty International issued an appeal to the authorities. Epifanio Puebla had not reappeared by the end of the year.

Very few people taken into custody were presented with a warrant or Presidential Order of Arrest (POA) at any stage. (A POA is a warrant issued by the President under emergency powers retained since the lifting of martial law.) Even in those cases there was evidence of procedural irregularities. Most people arrested were

detained illegally: in some cases they were held incommunicado in secret places of detention, known in the Philippines as "safehouses"; in others the authorities refused to acknowledge their detention and grant access to families and legal counsel; in others there was a delay in delivery of the detainee to the proper judicial authority. Delay in delivering the detainee to the proper authority was sometimes justified by a "waiver of detention" signed by the detainee, in which the prisoner had agreed to continued detention and waived the right to a judicial hearing within the time prescribed by law. The Amnesty International delegation received evidence that this procedure had been abused and that detainees had been coerced into signing "waivers of detention" which were sometimes backdated.

In a number of these cases complaints had been made to the military or civil authorities either directly or by lawyers or church members. In some instances investigations were undertaken by the AFP or by the civil prosecutors. No such investigation was known to have resulted in a prosecution or administrative reprimand. The delegation did learn of instances where military personnel accused of abuses had been transferred to other duties.

The delegation also investigated two well-publicized killings where action against the alleged perpetrators had been initiated. These were the killing of the Kalinga tribal chief, Macli-ing Dulag, in April 1980 and the killing of seven people in Kabankalan, Negros Occidental, in March 1980 (see *Amnesty International Report 1981*). In both cases charges were brought in the civil courts after official investigations. In neither case had military personnel charged with the killings been brought to trial and by November 1981 it was believed that they were again on active duty. Prosecution through the civil courts of military personnel for illegal acts committed in the performance of their duties was made more difficult by Presidential Decree No. 1832, dated 16 January 1981, which ordered such cases to be heard in military courts.

Despite the lifting of martial law the powers retained by the President were extensive. The President could arrest and order the preventive detention of people under martial law regulations still in force. Letter of Instruction (LOI) 1125-A, issued on 25 May 1981, required reference to an investigating officer before the President would issue a POA or Presidential Commitment Order (PCO). However practice suggested that the authorities did not interpret this as requiring reference to the civil judiciary. Proclamation No. 2045 lifted martial law. It provided that the suspension of the "privilege of the writ of *habeas corpus*", introduced under martial law, would continue with respect to security offences. The only martial law decree or order known to have been revoked on the lifting of martial

law was General Order (GO) No. 8. This had created military tribunals with jurisdiction over specified offences including security and public order offences.

In the period around the lifting of martial law the authorities announced the release and amnesty of large numbers of detainees and former detainees. The majority were alleged members of the NPA and the Muslim secessionist Moro National Liberation Front (MNLF) who had already been released, and were then granted amnesties. Others had been convicted of common crimes by military tribunals. On 17 January 1981 it was announced that 341 prisoners would be released. Of them 159 were said to be charged with public order and national security offences. On 20 January 1981 Amnesty International wrote to President Marcos welcoming the announcement and asking for a list of those to be released. No such list was provided and the number of people released who came to Amnesty International's attention was far smaller than had been announced by the government. Amnesty International learned of the release of no more than 46 political detainees between 18 January and 10 May.

On 10 July President Marcos announced the release of a further 152 prisoners charged with public order and national security offences. Amnesty International received reports of four releases in July, including that of Julius Fortuna, who had been detained since October 1974 on rebellion and subversion charges and who had been adopted as a prisoner of conscience.

Amnesty International received fewer reports of arrests for political offences than in previous years. In July 1981 Antonio Carpio and Grace Vinzons-Magana were arrested by POA. They had announced a rally to protest against the government's failure to investigate the deaths of four people and the injury of approximately 20 at an election boycott rally in Daet, Camarines Sur, on 14 June 1981. Amnesty International appealed to the authorities to charge them or release them. Antonio Carpio and Grace Vinzons-Magana submitted a *habeas corpus* petition to the Supreme Court, arguing that LOI 1125 required that their cases be referred to the civil courts. The petition was rejected but the court ordered their release on the recognizance of their lawyers.

In March 26 members of the Tinggian tribe from Bucloc, Abra, Northern Luzon, were arrested on suspicion of giving support to the NPA. Amnesty International was investigating their cases. All but one were released between August and mid-November. The remaining detainee was Victorino Bingcan, who had organized a trade union at the Cellophil Resources Corporation, a government-owned logging and wood-processing company whose activities in the area had reportedly caused much dissatisfaction.

In August Father Pepito Bernardo, who had been detained from 26 September to 24 December 1980, was rearrested in Baler, Quezon, for alleged possession of subversive materials. Father Bernardo was detained in Camp Olivas, Pampanga, until his release into the custody of the Bishop of San Fernando in December. He was again adopted as a prisoner of conscience (see *Amnesty International Report 1981*).

Amnesty International continued to learn of illegal detentions, often involving the temporary "disappearance" of the person arrested. In August Amnesty International appealed to the authorities on behalf of Anita Agustin and Cristeta Fernández, two church lay workers. They had been arrested in Ilagan City, Isabela, on 15 August and their whereabouts were unknown. One month later Amnesty International learned that the two had reappeared in the PC provincial headquarters, Calamagui, Isabela. In July Amnesty International appealed on behalf of seven Muslims from Manila who had "disappeared" after being arrested in May and June in connection with an alleged plot to assassinate President Marcos. Their whereabouts were unknown until September when their relatives learned that they were in the Maximum Security Unit (MSU), Fort Bonifacio, Manila. At the end of 1981 they were still detained without charge, although a number of the approximately 40 people arrested in connection with the alleged plot had been released. María Milagros Lumabi-Echanis, who was arrested with her two-month-old child in August 1980 (see *Amnesty International Report 1981*), was missing until March 1981 when she was sighted at the MSU. It was only after this that the authorities acknowledged her detention and charged her with subversion.

Amnesty International continued to receive reports that detainees had been tortured after arrest often while held in a "safehouse". Cristina Pargas, a teacher alleged to be associated with the NPA, was arrested without warrant on 28 May 1981 in Munoz, Nueva Ecija, Central Luzon. She was taken to a "safehouse" in the nearby town of San José where she was reportedly beaten and sexually molested for two days before being transferred to Camp Olivas, Pampanga. On 22 June 1981 Amnesty International expressed its concern about Cristina Pargas' continued detention and her physical well-being. On 24 June she was released on bail from Camp Olivas.

In June Amnesty International launched an appeal for Benjamin de Vera, allegedly a leader of the NPA in Mindanao, who was arrested on 10 June by members of the PC in Guadalupe, Davao City. He was reportedly nearly suffocated and severely beaten for three days. After a period of detention at Camp Catitipan in Davao City where he was visited by his family and lawyer, he was transferred to an undisclosed place on 13 July. Representations by his family to

the regional commander brought the response that he had been "borrowed by a higher authority". On 6 September he was returned to Camp Catitipan.

On 8 July Amnesty International appealed on behalf of Sampatu Maulana who had "disappeared" after being arrested on 21 June 1981. Amnesty International learned that he had been held in a "safehouse" for four days before being transferred to the MSU. In the "safehouse" he was reportedly punched repeatedly and given electric shocks to his genitals.

After the lifting of martial law it was ordered that prisoners should be transferred from military detention centres to the civilian municipal and provincial jails and the National Penitentiary, Muntinlupa. However, a number of military camps were still used as detention centres, including Camp Olivas in Pampanga, Camp Ibalon Bagong in Legaspi City and Camp Lahug in Cebu City. Detainees were also still held in places administered by branches of the intelligence and security services such as the 4th Regional Security Unit (RSU-4), Camp Crame, Quezon City and the MSU. Detainees transferred to civilian prisons often faced worse prison conditions. In May Amnesty International appealed on behalf of Crispin Mendoza, a detainee transferred from Camp Olivas to the provincial jail in Baguio City, Benguet. Amnesty International had learned that after his transfer to the provincial jail he had not received medical treatment for a serious leg wound. He was subsequently treated and released. The 33 detainees transferred to the National Penitentiary, Muntinlupa, went on a three-day hunger-strike on 16 February 1981 in protest against worse conditions. In the following two months 12 prisoners were released from Muntinlupa and the rest transferred back to the Bicutan Rehabilitation Centre. The centre had been reopened earlier to accommodate three detainees transferred from the MSU.

Prisoners detained in the MSU went on hunger-strike at the same time as those in Muntinlupa. Approximately 20 prisoners were believed to be detained in the MSU at the time in restrictive conditions, including, in some cases, total isolation. Most prisoners in the MSU were held in poorly-lit cells measuring four feet by 11 feet. They were not allowed to communicate with their fellow-detainees. Among them were José María Sison, allegedly Communist Party Chairman, and his wife Juliet Delima Sison, who were arrested in November 1977. In October 1981 Amnesty International appealed for medical care for Juliet Delima Sison. She was pregnant and it was feared that her health was endangered by inadequate medical attention and poor prison conditions.

On 5 October 1981 three detainees in the Bicutan Rehabilitation Centre went on hunger-strike. On 3 November, 10 other detainees

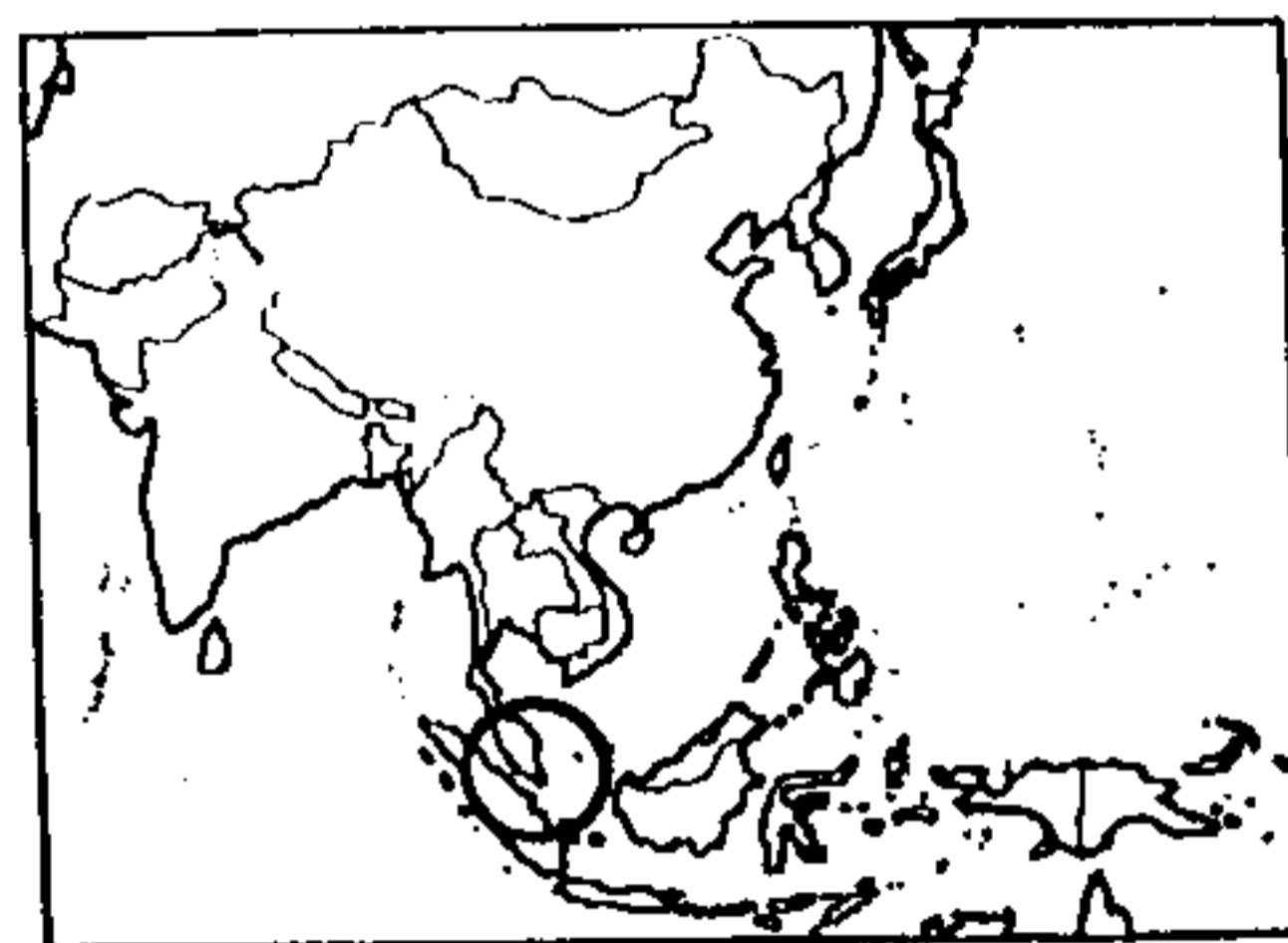
started an "indefinite fast" after the first three had collapsed. Their demands were: the release of a number of detainees on legal and humanitarian grounds; an end to solitary confinement in military intelligence units and "safehouses"; dismantling military tribunals with jurisdiction over civilians charged with public order and national security offences; the restoration of regulations governing prison conditions. The strike ended on 23 November after the government had released three detainees and granted a number of the demands relating to prison conditions. The three detainees who had begun the hunger-strike in October were transferred to Camp Guillermo Nakar, Quezon, on 13 November despite being extremely weak. Amnesty International was investigating the case of one: Benjamin Divinaflor.

Despite the revocation of General Order No. 8, Proclamation No. 2045 of 17 January 1981 provided for military tribunals to continue to hear cases pending before them. A number of such trials reopened before military tribunals during 1981.

All new cases involving civilian defendants brought to trial during the year were referred to the civil courts. However, there was evidence that the armed forces still did not acknowledge the jurisdiction of the civil courts over security and public order cases. Amnesty International learned of instances where members of the armed forces disregarded orders issued by civil courts for the bail or release of people held in military custody, and where military personnel charged as defendants or subpoenaed as witnesses refused to appear. Rafael Labutin, adopted by Amnesty International as a prisoner of conscience, was acquitted of subversion by the civil Court of First Instance, Catbalogan, Samar, on 22 December 1981. However, the authorities refused to release him on the grounds that the President had not cancelled the Arrest, Search and Seizure Order (ASSO, the martial law equivalent of a POA) under which he had been arrested in April 1979. The Amnesty International delegation was also informed of instances where military personnel had exerted pressure on civil courts to issue backdated arrest and detention warrants and waivers of detention. Filipino lawyers told the mission of their concern about the introduction of a Judiciary Reorganization Act, which they regarded as a further threat to the security of tenure of judges.

Amnesty International believed that more than 800 people were under sentence of death, most in the National Penitentiary, Muntinlupa. Most had been on death row awaiting review of their sentence by the Supreme Court for several years. Eleven had been on death row since the 1950s. On 29 January 1981, when it learned that the Supreme Court had rejected his appeal, Amnesty International called for clemency for Exequiel Angeles, a former policeman sentenced to death in 1969. In March 1981 President Marcos commuted his

sentence to life imprisonment. On 16 July Amnesty International appealed to President Marcos to commute the death sentence on Gilberto Llamoso after learning that a date for execution had been set. Executions have been carried out infrequently in recent years, although dates for execution have often been set. On 7 August 1981 Amnesty International appealed for the death sentence on Alfredo Celestino to be commuted on learning that his execution had been set for 1 September. His execution date had been set six times between September 1980 and August 1981. He was one of several prisoners held on death row in Muntinlupa who were convicted of offences committed while they were members of the NPA or its predecessor the *Hukbong Mapagpalaya ng Bayan*, People's Liberation Army, (popularly known as the Huks). On 4 August 1981 five prisoners on death row in Muntinlupa — Alfredo Celestino, Sebastiano del Mundo, Manuel Dimatulac, Alfonso Sabilano and Oscar Santiago—who had allegedly belonged to the NPA or the Huks, went on hunger-strike to demand improved visiting rights and political status. On 18 August Amnesty International appealed to the authorities to provide proper medical treatment and not to take reprisals. The hunger-strike ended on 21 August when a number of the prisoners' demands were met. On 6 May 1981 Amnesty International sent a telegram to President Marcos urging the commutation of death sentences passed on Bernabe Buscayno and Victor Corpuz, both alleged former NPA commanders.



Singapore

Amnesty International continued to appeal for the release or trial of political prisoners held in preventive detention under the Internal Security Act (ISA), 1963, and for the commutation of all death sentences. Several long-term prisoners of con-

science were released in 1981.

Under Section 8(1)(a) of the ISA a person may be detained if the President believes it necessary "with a view to preventing that person from acting in any manner prejudicial to the security of Singapore or any part thereof or to the maintenance of public order or essential services therein". These preventive detention orders cannot be challenged in the courts; they are valid for up to two years and may be renewed indefinitely. Upon release prisoners were usually served

with a restriction order under Section 10 of the ISA, limiting their freedom of movement, association and participation in political, trade union or cultural activities. Those who broke these restrictions were liable to rearrest.

On 1 June 1981 the Ministry of Home Affairs announced the release under restriction orders of Lee Tze Tong, Ho Toon Chin, also known as Ho Piao, and Chua Sea Kea. Lee Tze Tong, aged 49, was a former member of parliament for the opposition *Barisan Sosialis*, Socialist Front, and a trade union leader. Ho Piao, aged 43, was a former Secretary of the National Seamen's Union. Both had been detained without charge or trial since 1963. In February 1980 Lee Tze Tong was released from prison and exiled under a restriction order to a small island off the main island of Singapore. Chua Sea Kea, aged 32, a Chinese high school student leader at the time of his arrest, had been held since 1970. The three prisoners had been adopted by Amnesty International as prisoners of conscience. The government stated that the releases followed the assessment by the Internal Security Department that the three prisoners were "no longer a security threat". On 4 June 1981 Amnesty International sent a cable to Prime Minister Lee Kuan Yew welcoming the releases, and asking for them to be made unconditional. It urged the government to review the cases of all prisoners held under the ISA, Section 8(1)(a) and Section 10. It also called for the unconditional release of all those detained for the non-violent exercise of their right of freedom of expression and association.

The government maintained that those detained under Section 8(1)(a) of the ISA were held because of their support for the Communist Party of Malaya (CPM). In most past cases detainees were released only after they publicly renounced their alleged communist convictions or condemned the CPM. This condition was imposed on several political prisoners arrested in April 1981 for allegedly belonging to pro-communist organizations. They were released in June and July 1981. However Lee Tze Tong, Ho Piao and Chua Sea Kea were released without making such statements.

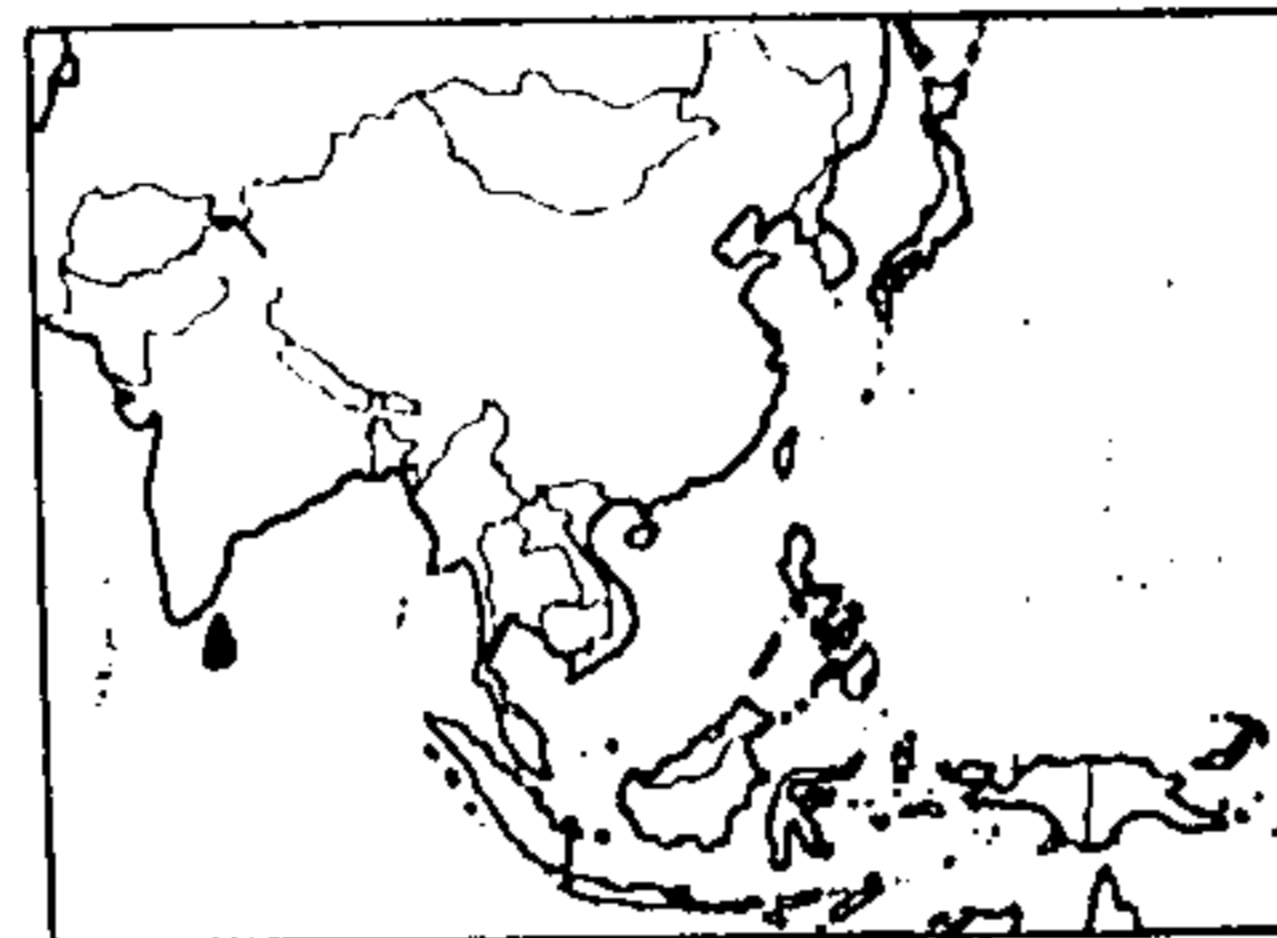
Amnesty International sought to confirm reports that other political prisoners held under Section 8 of the ISA for several years had been released. It learned that Tan Kim Oh, a student at Nanyang University detained since 1966, was released in December 1980 (see *Amnesty International Report 1981*).

Several former political prisoners were reportedly rearrested for breaking the restrictions on association and political activities imposed on them upon their release. Amnesty International was not able to confirm details of these cases. One person was detained for a further nine months and then released.

Amnesty International continued to appeal for the unconditional release of Dr Lim Hock Siew, former Secretary General of the *Barisan Sosialis*, arrested in February 1963. He was under a restriction order on the island of Pulau Tekong Besar. Other prisoners of conscience still detained included: Chia Thye Poh, a former member of parliament for the *Barisan Sosialis*, editor of the party's newspaper and assistant lecturer at Nanyang University, detained since 1966; Chng Min Oh, former Chairman of the Singapore Gold and Silversmiths Union and a member of *Party Rakyat*, a small opposition party, detained since 1970; and Dr Poh Soo Kai, first arrested in 1963 when he was assistant Secretary General of the *Barisan Sosialis*, released in 1973, and rearrested in 1976. Dr Poh Soo Kai's health was of particular concern to Amnesty International. After receiving reports that his health had been deteriorating for two years and that he was in a critical condition, Amnesty International wrote on 20 May 1981 to Minister of Health Goh Chok Tong. It asked for information about his condition and for him to be given adequate medical care. Amnesty International later learned that Dr Poh Soo Kai had an operation for a sinus infection in early April 1981 and a second operation shortly after. On 20 June 1981 Amnesty International cabled the Minister of Health expressing concern that Dr Poh Soo Kai had been sent back to prison while reportedly still in need of treatment. Further details were not available.

Other prisoners arrested under the ISA in the years 1975 to 1977 were believed to be still in detention. Among them were Chieu Tuan Sin, Ho Koon Kiang and Chow Tien Pao. Amnesty International had little information about them but was concerned about their prolonged detention without charge or trial.

Amnesty International learned of three executions in 1981. They were mandatory death sentences for drug trafficking offences. Ong Ah Chuan was hanged in February 1981. In a cable to President Sheares on 6 March 1981 Amnesty International expressed concern at the execution. It also urged him to commute the death sentence on Koh Chai Cheng, who had exhausted all court appeals. It did not learn whether this sentence was commuted. On 27 October 1981 Amnesty International wrote to the new President, C. V. Devan Nair, deploring the executions of Tan Ah Tee and Low Hong Eng earlier that month. Amnesty International drew the President's attention to recent international and national moves to abolish the death penalty and urged him to commute all future death sentences. At least eight prisoners were under sentence of death.



Sri Lanka

Amnesty International's concerns were the continued use of the Prevention of Terrorism Act which suspends important legal safeguards and provides for incommunicado detention in undisclosed places; allegations of arbitrary arrest and torture by the army and police; the reported deaths in police and army custody of several civilians in the Tamil-speaking northern province; and the extension of the death penalty. A few non-political detainees also died in police custody allegedly as a result of ill-treatment. Amnesty International remained concerned that the "disappearance" of three young Tamils in July 1979 was not clarified.

In April and May 1981 some 30 members of the Tamil minority were arrested without warrant and held incommunicado following a bank raid in Neerveli in which two policemen were killed. Their relatives were not informed of their whereabouts or the reason for their detention. On 30 April and 11 June Amnesty International expressed its concern to President J.R. Jayewardene about these reports and urged him to allow all detainees immediate access to lawyers and relatives. It called on the government to publish the names of those arrested and the charges against them; and if no charges were brought, to release them.

The government replied to worldwide Amnesty International appeals in May and June by stating that acts of violence had occurred. It described the detainees as "terrorists whose names were known to the police and who had been avoiding arrest". It said that their cases were being investigated and that they would be charged or released. It also stated that the families of the detainees were aware of the detentions and where the prisoners were held. However, at the end of 1981, 22 were still held without charge or trial in Panagoda Army Camp; five in solitary confinement. The government stated that it had been found "essential" for detainees held under the Prevention of Terrorism Act not to be allowed to see their lawyers until preliminary inquiries had been "successfully completed". Amnesty International subsequently received allegations that all the detainees had been tortured. *Habeas corpus* petitions on behalf of four detainees resulted in their first court appearance on 28 July, and their first meeting with lawyers on the court's order one day earlier. On 20 August Amnesty International cabled the President welcoming the news that four detainees had been brought to court but expressed its concern at

reports of torture and ill-treatment contained in the *habeas corpus* petitions. In its judgment on these petitions of 21 September the Appeal Court ruled that torture and ill-treatment had occurred in two cases (S. Arunagirinathan and Chelliah Kulasegararajasingham); in a third case the court said that the allegation of severe assault was "exaggerated" but added that "the use of violence of whatever degree on a prisoner is illegal". By the end of 1981 other detainees were still awaiting their first meeting with a lawyer. The detainees were held under the provisions of the Prevention of Terrorism Act which allows detention without trial for up to 18 months "in such place and subject to such conditions as may be determined by the Minister", that is, without safeguards to protect them during detention. Amnesty International was investigating the cases of 22 of the detainees to establish whether they were prisoners of conscience.

A few days before the District Development Council elections of 4 June 1981 violence broke out in Jaffna. Two police officers were killed and two others injured at an election rally held by the Tamil United Liberation Front. Subsequently, the police reportedly set fire to buildings, beat residents and looted shops. A state of emergency was (temporarily) imposed on the northern district on 2 June. In early June at least four Tamils were reportedly killed by members of the army and police. Velupillai Balajothy was shot by a soldier at the home of a Tamil member of parliament at Tiruelvely. Kanapathupillai Shanmugam Nadesu and S. Parameswaran were reportedly shot in custody by police after having been taken away in a police jeep. Another Tamil, Mr Navaratnam, died in hospital, reportedly as a result of assault by the police. Amnesty International cabled the President on 11 June expressing its concern at the killings and urging the government to conduct an independent inquiry and to publish the findings in full.

A Parliamentary Select Committee was set up in 1979 to investigate the reported deaths in police custody of three young Tamils and the "disappearance" of three others: R. Balendran, S. Parameswaran and S. Rajeswaran. After two years it had still not completed its report. The fate of the three "disappeared" men remained unknown: their families said they were arrested by the police in July 1979 and believed that they had died in police custody as a result of torture. The government apparently denied that they had been arrested. Amnesty International submitted information about these three "disappeared" Tamils on 20 March to the Working Group on Enforced or Involuntary Disappearances established by the United Nations Commission on Human Rights.

In July and August 1981 violence broke out between the Sinhalese and minority Tamil communities throughout the country; 25 people

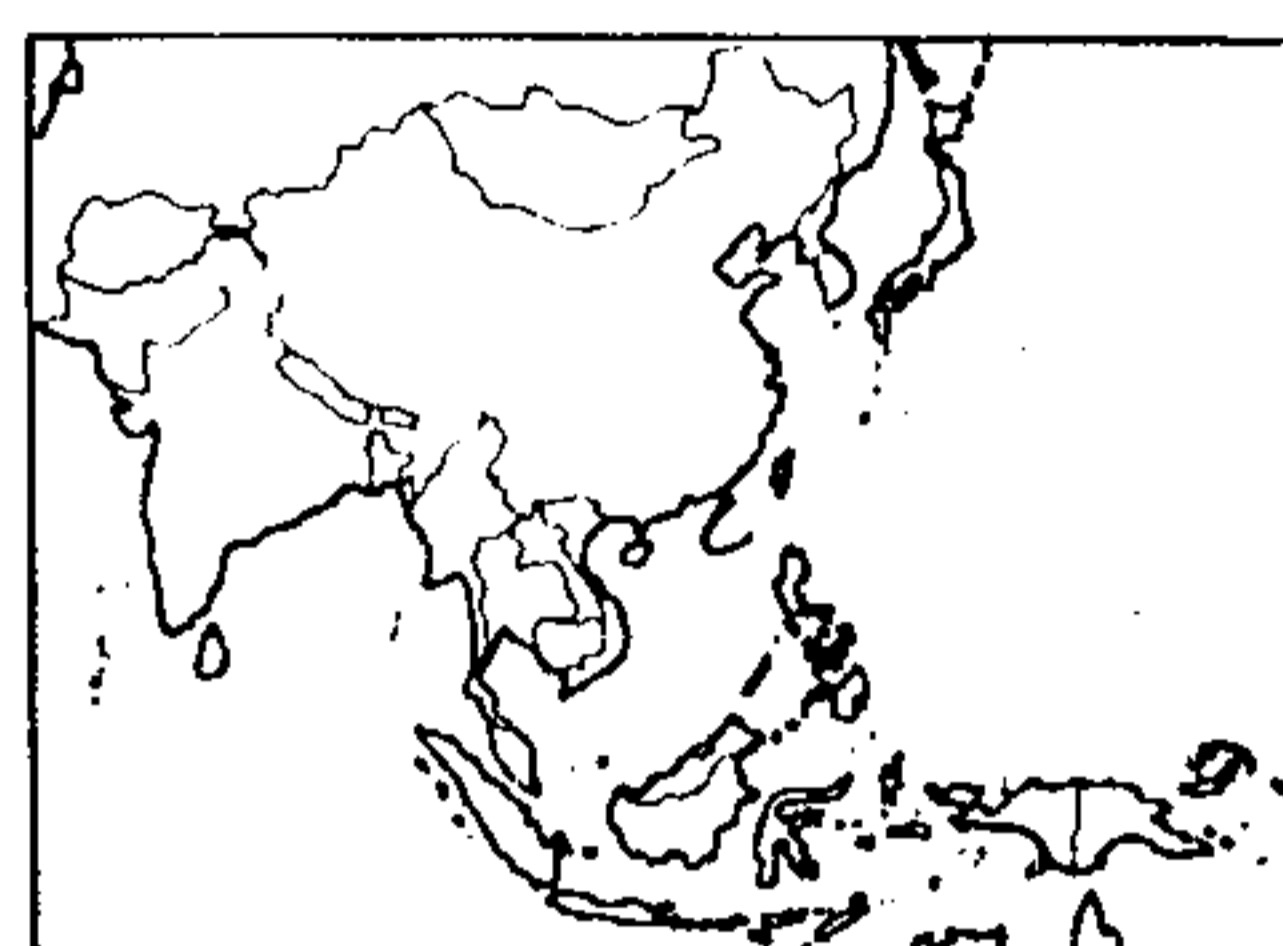
were reported to have died. On 17 August the government reimposed the state of emergency, which had been in force from 2 to 9 June, and invoked the Public Security Act prescribing the death penalty for arson and looting. On 25 August emergency regulations were promulgated allowing the death penalty to be imposed in the northern province for unlawful possession and transport of weapons and explosives. The onus was put on the suspect to prove legitimate possession of the firearms. In November the Sri Lankan press reported that the government intended to make the death penalty mandatory for certain offences under the Prevention of Terrorism Act, but these reports were not confirmed. Amnesty International cabled the President on both 20 and 28 August expressing concern at the successive extensions of the application of the death penalty and urging the government to revoke them. In a letter to the President on 27 October Amnesty International welcomed the government's announcement on 17 October of the commutation of death sentences imposed for criminal offences on 32 men. Although death sentences had been passed since the United National Party government assumed office in 1977, no executions took place.

Amnesty International was investigating reports that students and sympathizers with left-wing parties, including the *Janata Vimukhti Peramua* (JVP), the Communist Party and the Sri Lanka Freedom Party (SLFP), had been arrested since late 1981 for calling for the reinstatement of dismissed strikers and for participating in peaceful demonstrations against the government's White Paper on education. A number were reportedly detained for several weeks having apparently been arrested under the broad provisions of Section 120 of the penal code, which deals with incitement to disaffection, and denies bail.

A prisoner whose case had been investigated by Amnesty International was released on bail on 15 December. D.I.G. Dharmasekera, the General Secretary of the Lanka Democratic Front, was arrested on 8 August 1980 in connection with the general strike of 18 July 1980. At the time of his release on bail he had not been charged or tried.

By 31 December 1981 Amnesty International had still not received the government's comments on its memorandum submitted in May 1980 (see *Amnesty International Report 1980*). Amnesty International had been informed in November 1980 that it would receive a formal reply to the memorandum. On 27 October 1981 Amnesty International wrote to the President requesting discussions with the government about the implementation of the recommendations in the memorandum, only one of which had been implemented by the government by June 1980 when it ratified the International

Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (but not the Optional Protocol to the former as Amnesty International had recommended). Concerned about the human rights violations reported to it during 1981, Amnesty International proposed to the government that a mission visit the country.



Taiwan

Amnesty International appealed for the release or retrial of more than 120 prisoners of conscience and possible prisoners of conscience, 20 of whom had been held for more than 30 years.

On 27 February 1981 Amnesty International submitted a memorandum to the government. It contained recommendations arising from its mission to Taiwan in February 1980 and from its observation of the trial in March 1980 of eight defendants charged with sedition after a demonstration in Kaohsiung on 10 December 1979. Amnesty International called for the release of its adopted prisoners of conscience and for the country's legislation to be amended to bring it in line with international standards on interrogation, trial and detention procedures. In particular Amnesty International recommended: the abolition of provisions under which people can be imprisoned for the non-violent exercise of their right to freedom of expression and association; a precise legal definition of the offence of sedition; an end to incommunicado detention and other conditions that facilitate ill-treatment in custody; and the introduction of procedures to investigate complaints of ill-treatment and compensate victims.

On 5 August 1981 Amnesty International published the text of its memorandum together with a reply from the government and Amnesty International's response. The government rejected the Amnesty International recommendations as interference in its internal affairs. It said that the violence at the Kaohsiung demonstration was planned in advance by eight of the prisoners and that their allegations of ill-treatment had been investigated by the court and found to be groundless. It stated that the purpose of the legal provision that pre-trial investigation "shall not be public" was "to protect the human rights of the suspects", "safeguard the person's reputation and guard

against false accusation". In its response Amnesty International reaffirmed that it had not been proved that the defendants convicted of sedition had planned the violence that erupted during the demonstration. Regarding prisoners' complaints of ill-treatment, Amnesty International stressed that the isolation of suspects during interrogation facilitated ill-treatment. It also made it difficult for defendants to prove their complaints to the courts, and for the government to disprove them. In its memorandum Amnesty International expressed disquiet at reports that one of the prisoners who had spoken to its delegates visiting Green Island military prison in February 1980 (see *Amnesty International Report 1980*) had been punished as a result. Amnesty International noted that the government denied this and reiterated its recommendation that an independent body be set up to deal with prisoners' complaints. Amnesty International repeated its belief that the definition of the offence of sedition was imprecise. It was concerned that charges of sedition had been used to imprison people critical of the government whom Amnesty International regarded as prisoners of conscience.

During 1981 the government did attend to some of the matters on which Amnesty International had made recommendations. The Minister for Legal Affairs, Li Yuan-tze, was reported to have said in March 1981 to the Legislative Yuan (Assembly) that the right of a suspect to have access to counsel during investigation would be given serious consideration during the forthcoming revision of the code of criminal procedure. On 1 July 1981 the government promulgated a State Compensation Law. Under this a plaintiff may claim compensation for damages caused by government employees in the course of their duties. On 7 October 1981 Amnesty International wrote to the Minister for Legal Affairs welcoming this measure.

Dr Chen Wen-cheng, an assistant professor at Carnegie-Mellon University in the USA, was found dead in Taipei on 3 July 1981, the day after he had been interrogated by the Taiwan Garrison Command about his political activities in the USA. The authorities said that he had been escorted home the night before. On 8 July 1981 Amnesty International cabled the government expressing concern about Dr Chen Wen-cheng's death and asking for information about the circumstances. The government sent Amnesty International copies of the reports by the prosecutor's office and by two members of the Control Yuan (the elected assembly which has the power to impeach and censure public functionaries). The first concluded that the death was the result of suicide or accident; the second, that it was probably accidental. A US expert in forensic medicine who examined the body at the request of Chen Wen-cheng's employer found no evidence of systematic torture and concluded that he had been murdered. The

official inquiry continued. Amnesty International noted that in their report the Control Yuan members also concluded that "the procedures of interrogation by the Taiwan Garrison Command should be studied and improved". This was publicly recognized in early August 1981 by the government's spokesperson.

Amnesty International adopted as prisoners of conscience Chang Chun-nan and Liu Feng-sung, both sentenced to three-and-a-half years' imprisonment in separate trials in March and April 1981 (see *Amnesty International Report 1981*). They were accused of spreading seditious ideas during their election campaigns for the Legislative Yuan and the National Assembly in December 1980 and charged under the Public Officials' Election and Recall Law (May 1980). Both were active members of the opposition. There was no evidence that they had used or advocated violence.

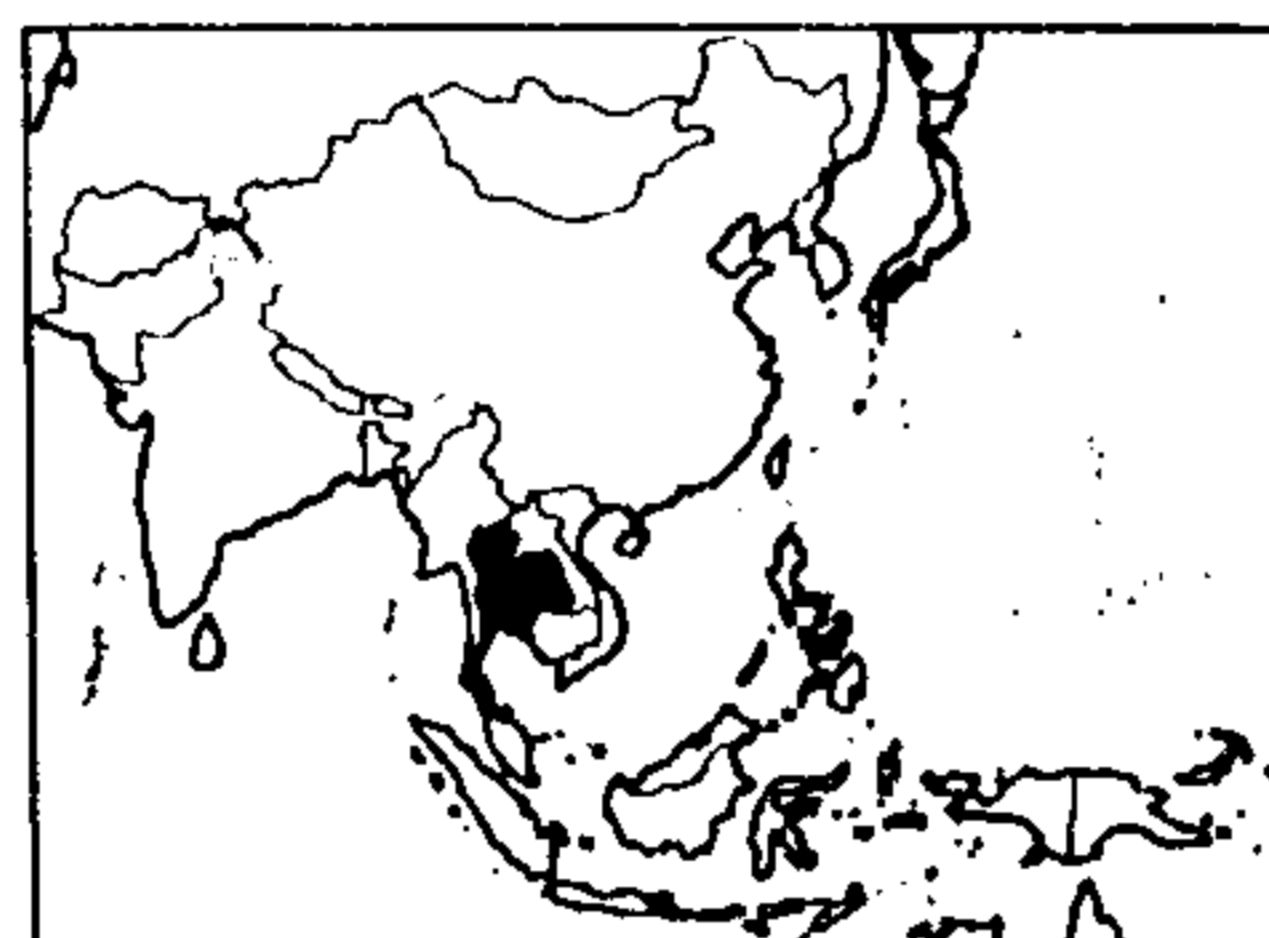
Amnesty International continued to appeal for the release of 20 people arrested in the early 1950s for alleged pro-communist activities. Among them were Wu Yueh-ming and four co-defendants serving life terms in Green Island Military Prison. In August 1981 Amnesty International urged the authorities to give Wu Yueh-ming proper medical care for his impaired vision. Subsequent reports indicated that he was receiving treatment.

Amnesty International launched special appeals for the release of two journalists, Li Ching-sun, detained since 1975, and Li Ching-jung, arrested in December 1979, both adopted by Amnesty International as prisoners of conscience (see *Amnesty International Report 1981*).

On 18 February 1981 Amnesty International wrote to the Minister for Legal Affairs about prison conditions for the prisoners tried on criminal charges related to the Kaohsiung incident (see *Amnesty International Report 1981*). It had received reports that some were held in solitary confinement, not allowed daily outdoor exercise, and that their reading material was very restricted. Amnesty International also asked for a thorough inquiry into complaints of ill-treatment under interrogation by the military authorities. Most of these complaints had been made in court.

In its memorandum of 27 February 1981 Amnesty International expressed concern at the number of death sentences imposed and carried out every year. Between July 1979 and June 1980, 57 death sentences had reportedly been passed. It recommended the suspension of all executions and the abolition of this punishment. The government replied that death sentences were imposed with extreme care and that they were automatically referred to a higher court. It also said that in practice few people were executed: seven in 1978, two in 1979 and five in 1980. On 3 July 1981 Amnesty International wrote to the

government outlining its work against the death penalty and international moves for its abolition. Amnesty International learned of 15 death sentences imposed in 1981 and seven executions.



Thailand

Amnesty International was concerned by the use of detention without trial for political offences and by the imposition of the death penalty. However, it had no adopted prisoners of conscience in Thailand during 1981.

In April 1981 Amnesty International wrote to Prime Minister General Prem Tinsulanond about 200 people who had been sentenced by administrative procedure to terms of imprisonment without trial under martial law provisions between 1976 and 1978. Twenty-eight had received life sentences and a further 89 were sentenced to 10 or more years' imprisonment. The 200 included some prisoners whose cases were political in character and others accused of purely criminal offences. In its letter Amnesty International pointed out that the continued detention of these prisoners contravened the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. It urged the authorities to release the detainees or bring them to an early trial.

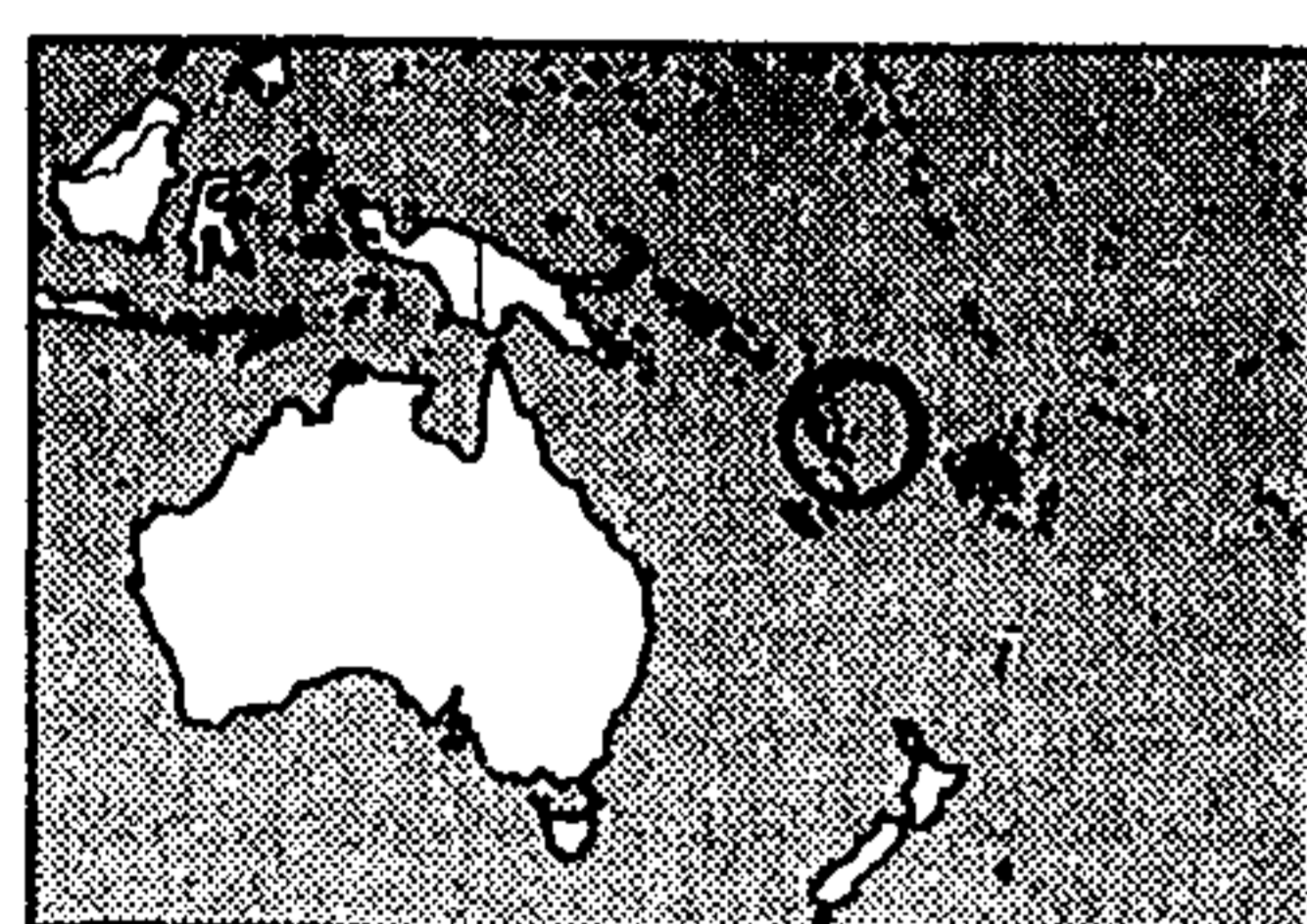
In June the Minister of Justice, Marut Bunnag, informed Amnesty International that the government was seriously seeking an effective solution to the problem of the 200 prisoners. A working committee formed by the government to look into the cases recommended in November that they should be pardoned by government decree.

Amnesty International was also concerned about the detention without trial of more than 50 Chinese and Vietnamese awaiting deportation on charges of illegal immigration. Some had been held in prison for more than 20 years. A group of 186 such prisoners was freed in December 1980.

Other prisoners were detained without trial under the provisions of the Anti-Communist Activities Act of 1979 (ACAA) which allows people accused of communist activities to be detained for up to 480 days. The number of people held under this act was not divulged by the authorities. Most arrests were believed to have occurred in northeast or southern Thailand.

Vimol Pientamdee, 54 years old, partially blind and suffering from heart disease and severe diabetes, was arrested on 10 January 1981. She was detained under the ACAA at the Bangkhen Detention Centre and was still there at the end of 1981. According to the government she was accused of connections with the underground Communist Party of Thailand (CPT) and had stored supplies for them. Amnesty International was investigating her case as well as the "disappearance" of her son Kamol Pientamdee. He was reported to have been arrested and detained at the Chipravat Army Camp in Nakhon Sawan in December 1980.

Several death sentences were passed during the year. In September Laor Naisap was sentenced to death for murder by a court in Ayuthaya. Four other men convicted of murder were sentenced to death in late October by a Bangkok court. Amnesty International was also concerned by the persistent reports of officially sanctioned "death squads" operating in isolated areas of the country. In December 1981 the Police Director General Suraphol Chullapram was reported to have acknowledged the existence of such units which he said were "now operating in most of the provinces to fight against criminals". The death squads reportedly consisted largely of serving police officers and were formed to liquidate people against whom there was evidence of involvement in serious criminal activities. Other reports reached Amnesty International and Thai human rights organizations of killings by Army Ranger Units. In March 1981 a local trade union leader in southern Thailand, Vichien Prangthong, was allegedly killed by an Army Ranger Unit. Reports of such killings seldom reached Bangkok and Amnesty International was not in a position to substantiate allegations of individual killings by units of the Thai army or police.



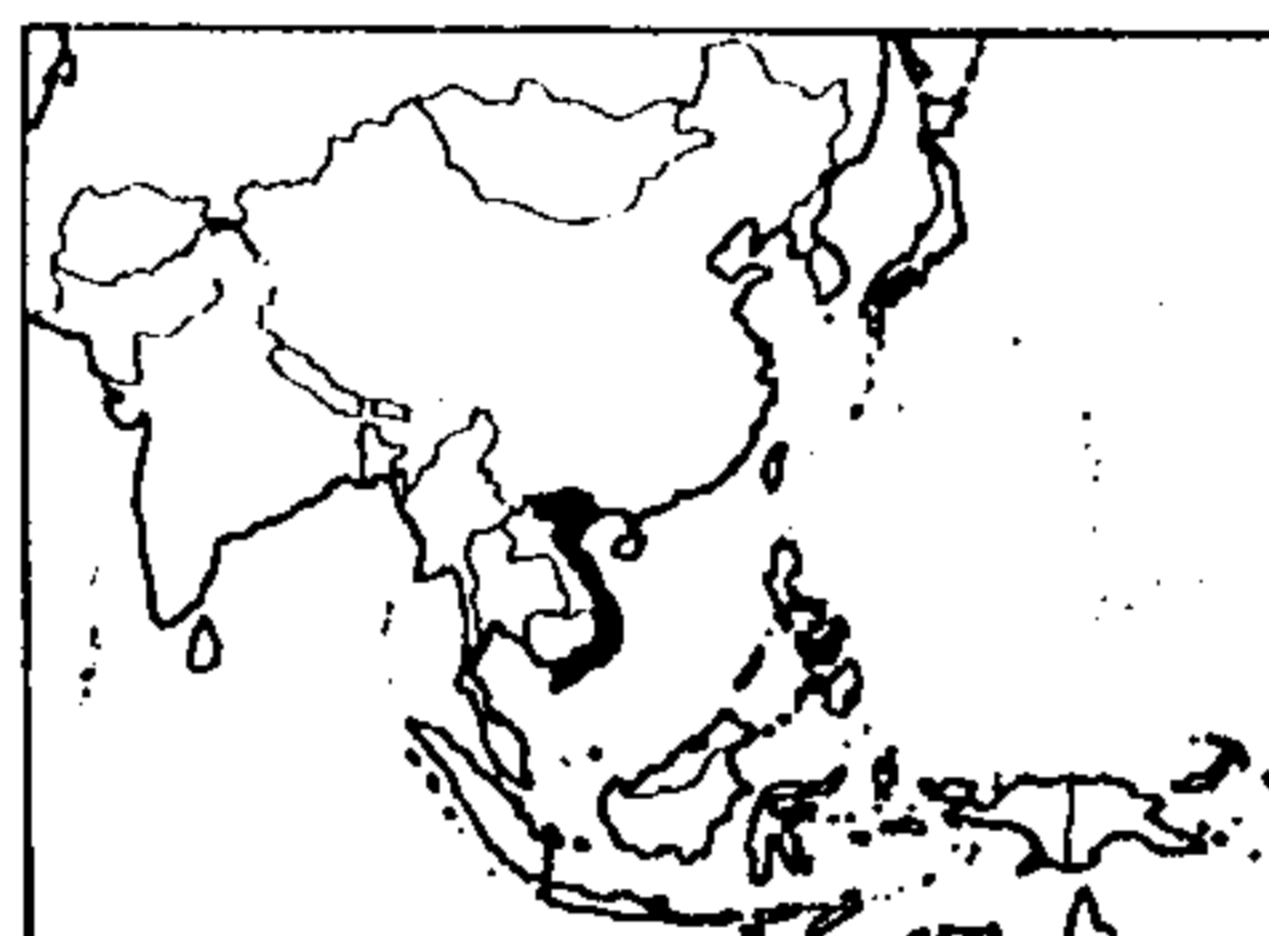
Vanuatu

Amnesty International was concerned about reports that people detained after the suppression of the secessionist Vemerama movement in August 1980 were being held in conditions which endangered their health (see *Amnesty International Report 1981*).

The number of people held in connection with the rebellion fell substantially during 1981. The majority of the

remaining prisoners had been tried and sentenced. Immediately after the rebellion, more than 1,000 people had been detained. By the end of 1980 all but about 130 had been released. An amnesty in June 1981 reportedly halved the sentences of those tried in connection with the rebellion and led to the immediate release of approximately 15 people and the subsequent release of a number of others. Those still in detention were reported to be inadequately fed and clothed, and medical care was insufficient.

During 1981 a new criminal code (Law No. 21/1981) was introduced. The new code made no provision for the death penalty, thus abolishing it.



Viet Nam

The continuing detention without charge or trial of thousands of members of the former South Vietnamese administration in "re-education" camps remained Amnesty International's principal concern in the Socialist Republic of Viet

Nam. The majority of those still detained were former soldiers or police officers. However, due to the wide interpretation of the legislation governing "re-education", the detainees also included former members of the South Vietnamese National Assembly, the judiciary, military chaplains and doctors, lawyers and academics. In addition, Amnesty International was concerned about inadequate medical care in "re-education" camps, continuing arrests on political grounds and the absence of adequate legal safeguards for those arrested or detained. An apparent tendency by Vietnamese courts in the second half of 1981 to make greater use of the death penalty also caused concern to Amnesty International.

In June 1981 Amnesty International published the *Report of an Amnesty International Mission to the Socialist Republic of Viet Nam*. The report contained an exchange of memoranda between Amnesty International and the Vietnamese Government which followed an Amnesty International mission to the country in December 1979. In a memorandum following that visit Amnesty International pointed out that it had consistently opposed prolonged administrative detention without trial of individuals because of their political beliefs throughout the world and that such detention

contradicted Article 9 of the International Covenant on Civil and Political Rights. Amnesty International recommended the Vietnamese Government to close "re-education" camps and abolish the system of detention without trial. Amnesty International urged the government to establish an independent commission with full power to examine the grounds for detention in each individual case. In cases without sufficient grounds for criminal charges the individual should be immediately released. The decisions of the commission should be binding on the executive.

By the end of 1981 the authorities had made no substantial moves in this direction. Nearly seven years after the end of hostilities in South Viet Nam thousands of people were still in detention. Despite indications in 1980 that the government was considering resolving the problem of mass detention there were no large-scale releases or major legislative changes affecting detention. However many individuals were released in 1981. The authorities never disclosed the number of detainees held, the number of "re-education" camps, or the total number of releases. Moreover the government did not make clear its intentions towards those still held. Amnesty International believes that an individual should not be detained indefinitely because of his or her rank or position in a former administration. Those who formerly held certain positions could not be said, because of that fact alone, to be "guilty of national treason" or of "war crimes" as the Vietnamese authorities suggested in their replies to Amnesty International. It is an important principle of international law that no one should be punished for an act not designated a crime at the time it was committed.

The writer Duyen Anh, detained since 1975, and Dr Vu Quoc Tuong, former Dean of the Faculty of Law of Saigon University, were released in 1981 (see the *Report of an Amnesty International Mission to the Socialist Republic of Viet Nam* and *Amnesty International Report 1981*). Also released in February 1981 was the writer and journalist Nguyen Tran Huyen (Cao Giao), detained without charge or trial since 1978 in Chi Hoa Prison in Ho Chi Minh City, formerly Saigon.

Among those detained since June 1975 who were adopted as prisoners of conscience by Amnesty International were 67-year-old Tran Trung Dung, a former senator and cabinet minister in the 1950s, and 60-year-old Mai Van An, a former judge of the Supreme Court. Both were detained without charge or trial in "re-education" camps in northern Viet Nam and were reported to be in poor health. Visits to the camps by relatives were believed to be rare because of the great distance from Ho Chi Minh City.

In its report of June 1981 Amnesty International expressed

concern about inadequate medical care in the "re-education" camps. Article 7 of the Provisional Revolutionary Government Policy Statement on Re-education (No. 02/CS/76) of May 1976 explicitly states that detainees suffering from serious diseases should be released into the custody of their families. Medical treatment in "re-education" camps appeared to be deteriorating with acute shortages of drugs and little access to hospital facilities. In 1981 Amnesty International appealed for proper medical care for a number of prisoners including Le Huu Cuong, a retired army major who had had one leg amputated and suffered from a liver complaint, and 62-year-old Vo Van Hai, a former ministerial adviser with a weak heart. Other prisoners were known to have tuberculosis, asthma, high blood pressure and advanced cataracts.

Some political detainees known to Amnesty International were detained after 1975. In early 1978, a time of deteriorating relations between China and Viet Nam, many Vietnamese of Chinese origin were arrested. One such was Diep Hong Chieu, a former school teacher and accountant. No grounds for his detention were revealed and he was presumed to be held under Resolution 49-NQ/TVQH of 1961 which allows for indefinite detention without trial.

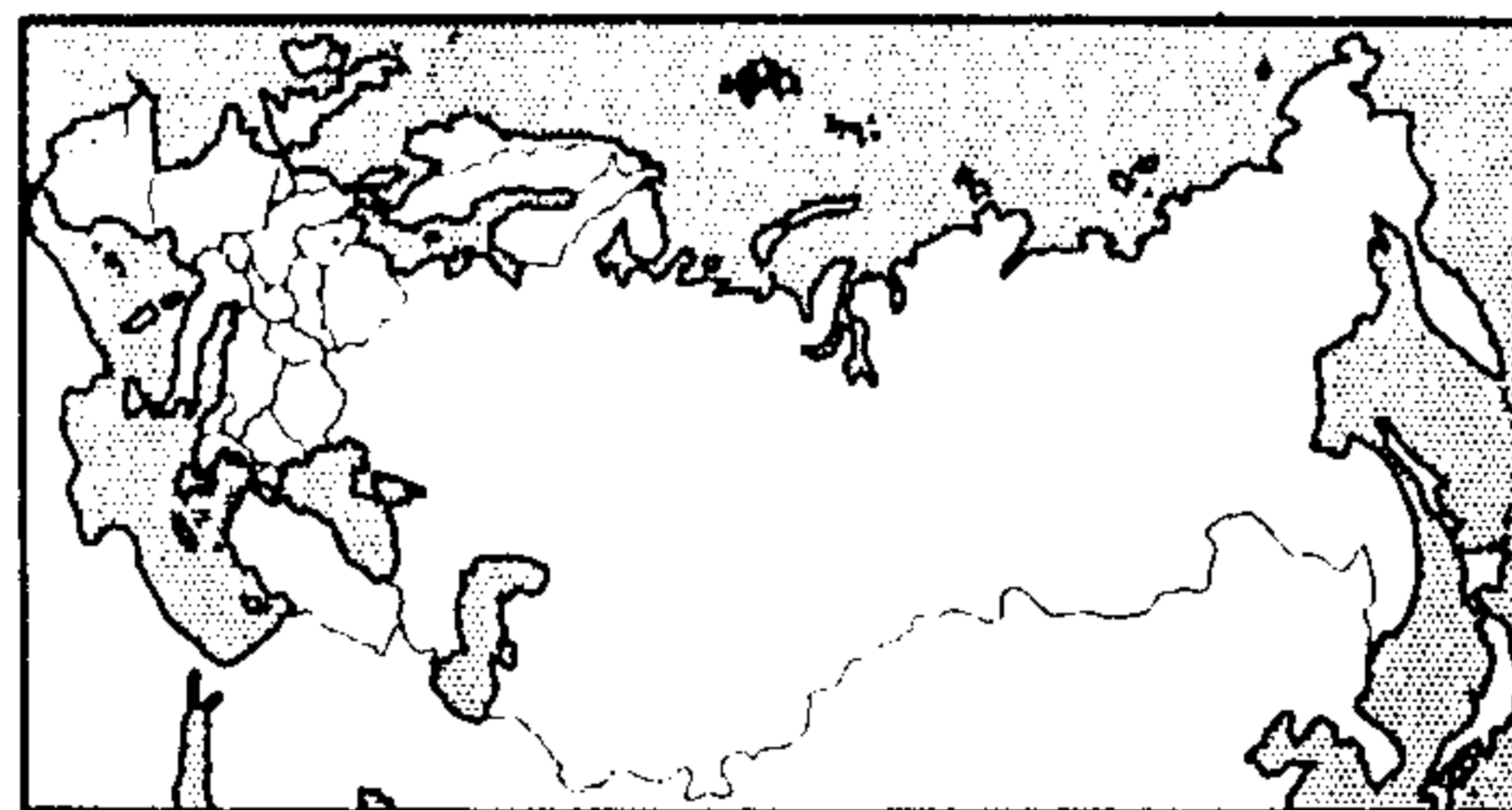
Other people suspected of opposition to the government were arrested at the same time. These included several prominent intellectuals who were adopted as prisoners of conscience by Amnesty International. Among those arrested in 1978 were 70-year-old Pham Van Tam, a former senator and Secretary General of the Vietnamese League of Human Rights, and the lawyer Vu Ngoc Truy. Vu Ngoc Truy was detained for more than three years without charge or trial in Chi Hoa Prison without proper access to relatives, in direct violation of the laws on arrest and detention.

1981 saw several further arrests of concern to Amnesty International. At the beginning of the year five Jesuit priests of the Dac Lo church in Ho Chi Minh City were arrested and accused of "anti-government behaviour". No formal charges were laid to Amnesty International's knowledge and they were believed to be detained in Chi Hoa Prison. Amnesty International also learned of the arrest of two other Roman Catholic priests in June 1981.

In its *Report of an Amnesty International Mission to the Socialist Republic of Viet Nam* of 1981 Amnesty International noted the existence of legislation providing for the death penalty but stated that it had received few reports of death sentences or executions. However, Amnesty International was disturbed to learn of an apparent tendency by the Vietnamese courts to pass death sentences more frequently. In the second half of 1981 at least 14 death sentences were passed by the People's Courts. In July 1981 the trial

opened of Le Tin and Ngo Tung Duc. They were sentenced to death for organizing opposition to the government in the central highlands. Appeals were pending before the Supreme Court for these two defendants and some others. It was not known if any of these death sentences had been carried out.

Europe



All the states of Europe, with the exception of Albania, have undertaken international human rights obligations by ratifying the International Covenant on Civil and Political Rights, or sub-

scribing to the European Convention on Human Rights, or signing the Helsinki Final Act of the Conference on Security and Cooperation in Europe. Yet real or perceived threats to the established order often caused such commitments to be broken.

Martial law continued to be imposed throughout Turkey, resulting in widespread arrests, prosecutions and imprisonment, not only of people who had been engaged in violence, but also of many non-violent political activists. In Poland a year of recurrent confrontation between the government and the independent trade union Solidarity was followed by the imposition of martial law, internment and imprisonment of Solidarity members and supporters. Amnesty International adopted as prisoners of conscience or investigated the cases of some 200 prisoners in the USSR in 1981. These included would-be emigrants, religious believers and people who had tried to publicize violations of human rights in the USSR, all of whom were imprisoned in a nationwide drive to suppress all forms of dissent. In a number of other Eastern European states — Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Romania, Yugoslavia, as well as Poland — Amnesty International worked for prisoners of conscience imprisoned under laws restricting freedom of speech. In several states of Western Europe — the Federal Republic of Germany, France, Italy, Switzerland and Greece — conscientious objectors to military service were imprisoned and adopted by Amnesty International as prisoners of conscience.

In a number of countries of Western Europe the anti-terrorist legislation introduced over recent years to meet the threats posed by political violence continued in force, altering the criminal justice process for those suspected of such violence. Amnesty International's concerns in this respect were threefold: first, that extensive powers of detention and interrogation, if not surrounded by proper safeguards, increased the risk of ill-treatment and torture of those detained. This applied in particular to incommunicado detention and the absence of effective independent (judicial) control — features which were conducive to ill-treatment and torture in Spain and Turkey. Second, that extended powers for the police and prosecuting authorities, together with reduced facilities for a proper defence, might combine to reduce the fairness of trials — in particular those held in special courts or under special procedures. Cases in the Republic of Ireland and Northern Ireland illustrated the complexity of the issues which this could raise. Special powers to keep people for excessively long periods of investigative detention in Italy were retained. In Turkey political prisoners were tried by martial law tribunals. On the other hand, the Court of State Security in France, which Amnesty International had criticized, was abolished. Third, Amnesty International was concerned that the response of the state to political violence might extend beyond the perpetrators of such violence. Extraordinary powers of arrest, detention and interrogation (and sometimes special trial procedures) might be applied to people not reasonably suspected of involvement in violence, and to those regarded by the state as ideological supporters of, or "apologists" for, political violence. In Spain alleged anti-monarchist and nationalist expressions of an entirely non-violent nature gave rise to prosecutions. In Turkey membership of political parties, translation of books, journalism and trade union activities led to imprisonment in many cases, although no violence was involved. In the Federal Republic of Germany, a court based a conviction for "support of a criminal association" on an "ulterior aim" which it perceived behind a slogan innocuous in itself.

Many governments attempted to hide the violations of human rights they had committed. The Soviet Union and many other Eastern European states used charges such as "slandering the state" to discourage the flow of information on such violations. Others, such as the German Democratic Republic and Turkey, specifically made it a criminal offence to pass on information "to the disadvantage of the state". The Soviet Union and Czechoslovakia also sometimes obscured the real reason for imprisoning people by falsely charging them with ordinary crimes, ostensibly unrelated to their political or religious activities. Furthermore, trials of prisoners of conscience

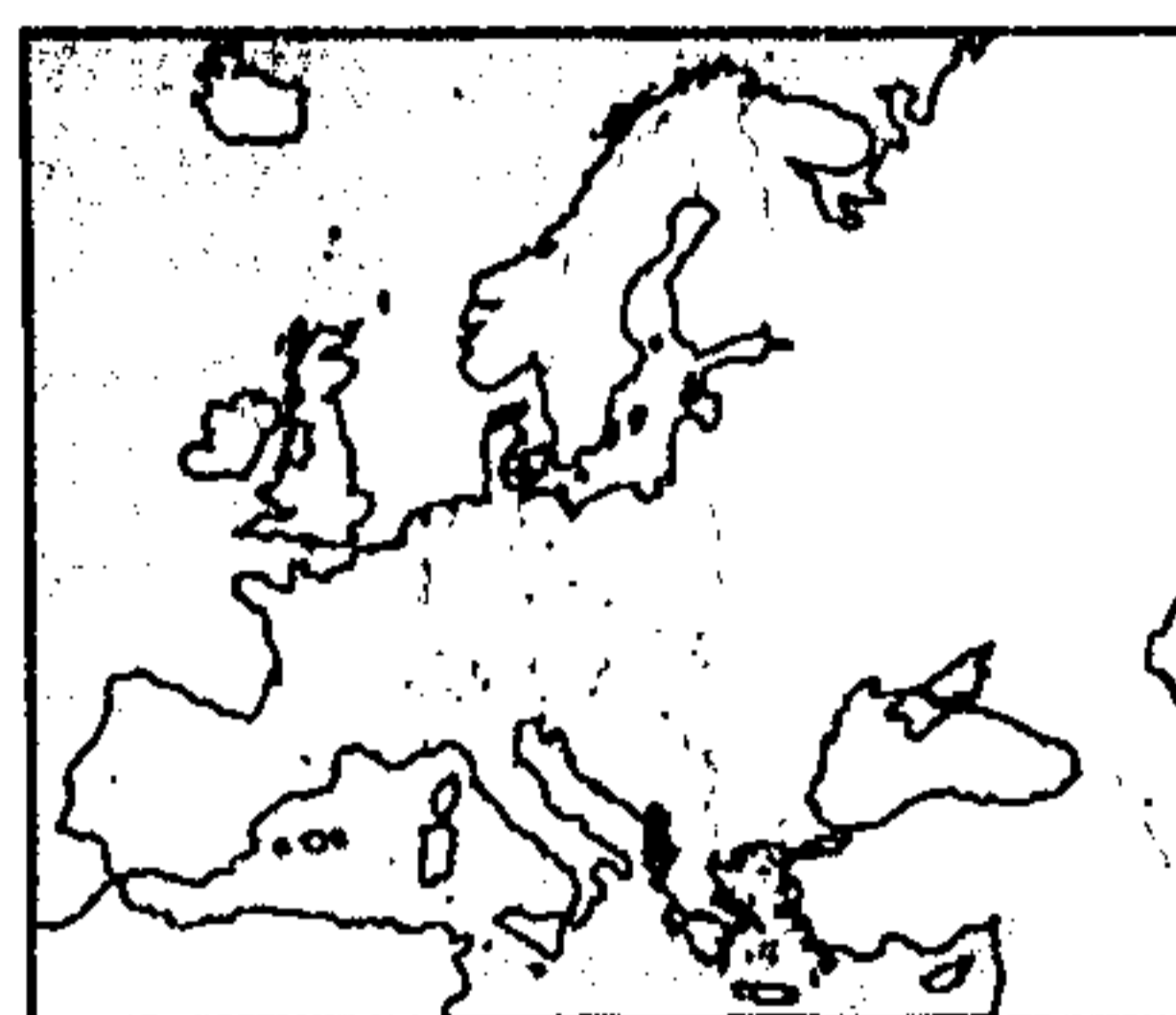
were often held *in camera*, the public being excluded. Amnesty International nonetheless tried to send observers to trials to express international concern and to assess issues of substance, evidence or procedure. Such trial observation missions took place in Czechoslovakia, France, Poland, Northern Ireland, Spain and Yugoslavia. In Czechoslovakia the Amnesty International trial observer was not allowed access to the courtroom.

All Eastern European countries retain the death penalty. Amnesty International received reports of executions from Bulgaria, Hungary, the USSR and Yugoslavia. Amnesty International was concerned that in Poland under martial law the death penalty might be imposed in summary proceedings, but had not learned of any death sentences in the short period between the promulgation of the decree and the end of 1981. The death penalty was abolished in France in October 1981. Turkey was the only Western European country to carry out executions during the year; otherwise the trend towards abolition of the death penalty continued, stimulated by the Parliamentary Assembly and, to some extent, the Committee of Ministers of the Council of Europe and the European Parliament of the European Economic Community.

During 1981 Amnesty International sent missions to discuss its concerns with state authorities in Turkey and Spain. Other governments, such as Czechoslovakia, accused Amnesty International of hostility towards its political system, but refused to discuss the concerns of the organization or to publish letters sent by it in response to the charges. Substantial reports were published on human rights violations in the German Democratic Republic and Czechoslovakia.

Information was provided to standing committees of the Parliamentary Assembly of the Council of Europe on torture in Turkey.

During 1981 France and Spain made the declaration under Article 25 of the European Convention on Human Rights, giving individuals the right to submit complaints to the European Commission of Human Rights regarding human rights violations.



Albania

Albania, although a member of the United Nations, has not signed or ratified the international human rights covenants. Its laws explicitly limit the exercise of certain human rights in the name of defending the socialist state and the Albanian Workers' Party from "socially dangerous acts", in particular "manifestations of bureaucracy and liberalism". For instance Article 55 of the criminal code deals with "anti-state propaganda and agitation". Its broad formulation makes it possible to penalize the non-violent expression of dissent or religious belief, with 10 years' deprivation of liberty (not less than 10 years or death in particularly serious cases or in time of war). Similarly Article 53, which deals with "sabotage", allows for excessively wide application. It refers to: "An action or absence of action intended to undermine state activity or that of the Workers' Party of Albania, the socialist economy, the organization and direction of the state and society" and also carries a penalty of not less than 10 years' deprivation of liberty, or death.

An article about "sabotage" in the official legal journal *Drejtësia Popullore* (Popular Justice) No. 1 of January/March 1981 revealed that people from all the main areas of public life had been prosecuted for this offence in recent years. "Thus all the hostile groups which were uncovered, especially during the recent years in the military, in the field of state administration and economic management, in the fields of arts and culture and so forth, tried to realize their hostile objectives entirely through sabotage in the various spheres of our political, ideological, military, economic and administrative life."

Very few Albanian citizens were officially allowed to travel abroad. People who attempted to leave the country without official authorization were liable under Article 127 of the criminal code to a sentence of up to five years' deprivation of liberty for "illegal passage across the borders of the state". Under Article 47 they could be sentenced to 10 to 25 years' imprisonment or death for "flight from the state and refusal to return to the fatherland on the part of a person sent on service or allowed temporarily to leave the state". Amnesty International was informed of a number of people sentenced during the 1960s and 1970s to up to 25 years' imprisonment under these articles or similar provisions in the former (1958) criminal code.

Since 1967, when Albania was officially proclaimed an atheist state, all places of worship have been closed and religious leaders of

the Muslim, Orthodox and Roman Catholic faiths have been prohibited from carrying out religious duties. Those who did were reportedly severely penalized by the authorities. It was alleged by emigre religious sources that over 20 Roman Catholic priests and members of religious orders were serving prison sentences in 1981. At least two — Bishops Fishta and Coha — were reported to have died in detention in the late 1970s (see *Amnesty International Report 1981*). Amnesty International learned of the arrest of Father Ndoc Luli in mid-1980 for having baptized the children of a relative. Their mother was apparently sentenced to eight years' imprisonment. Father Luli was reported to have been tried and sentenced *in camera*; Amnesty International did not however learn details of his sentence.

In past years Amnesty International received reports of serious deficiencies in criminal procedure both during pre-trial detention and trial. It was alleged that psychological and sometimes physical pressure was used during investigation to obtain statements from the accused and witnesses. Some defendants were held in solitary confinement without access to family or lawyer for up to six months during pre-trial investigation. Where defendants were permitted defence counsel, these appeared to have been state-appointed and to have provided only nominal services. Some defendants did not see their defence counsel before the trial itself, which was frequently held behind closed doors.

Amnesty International could not, on the basis of the information available, estimate the number of political prisoners in Albania. However, reports indicated that in the late 1970s up to 2,000 political prisoners were held in the prison camps of Ballsh and Spaci alone. Many of them were reported to have been convicted for expressing dissatisfaction with economic or political conditions in Albania, or for attempting to leave the country without authorization.

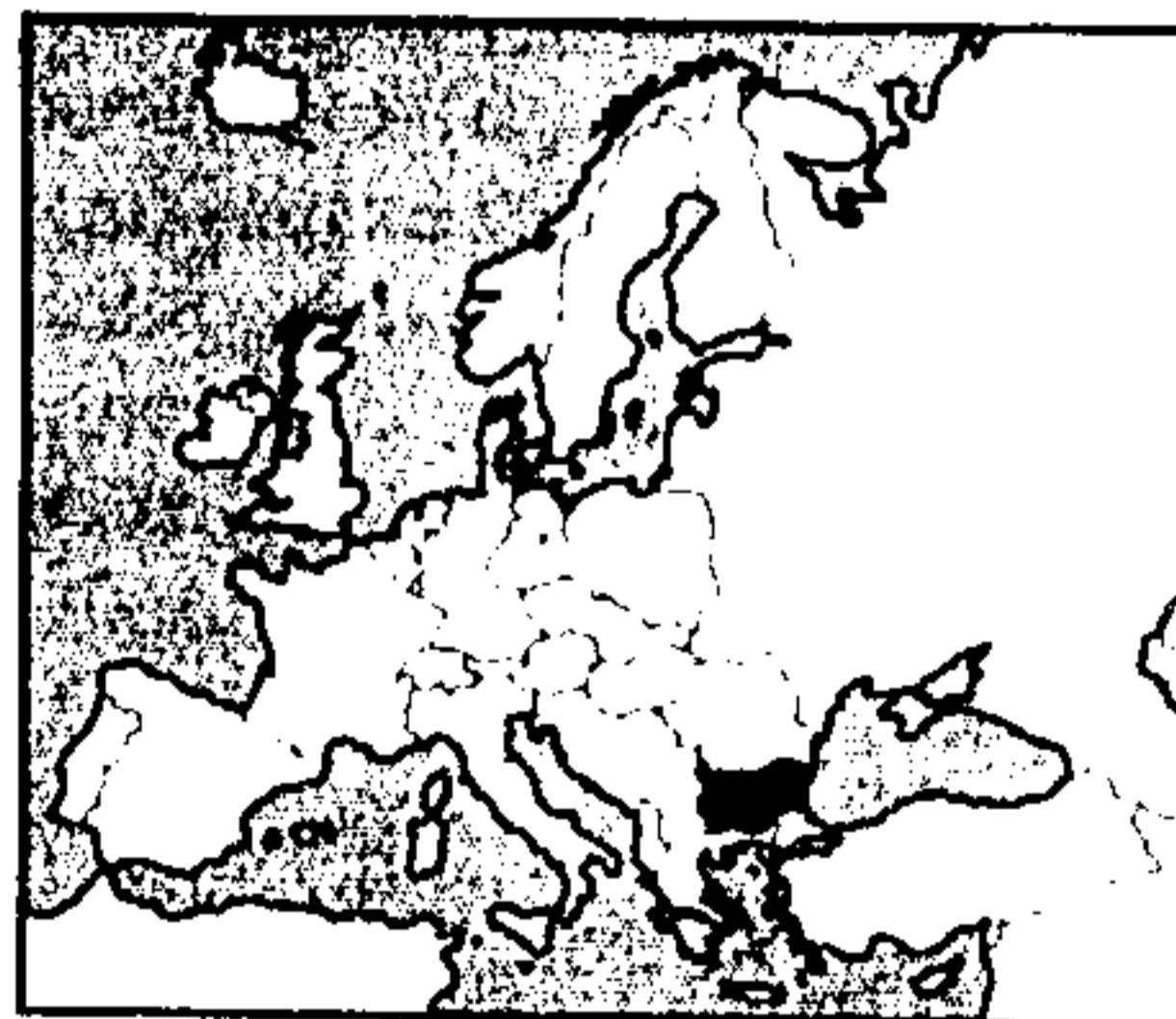
Conditions at Spaci camp, with an estimated prison population of over 500 political prisoners, were described as particularly harsh. According to reports, prisoners mined copper in eight-hour shifts, six days a week, with little protective clothing. Production targets were described as excessive and prisoners who failed to meet these targets faced extra work hours or solitary confinement. Ballsh camp reportedly held some 1,400 political prisoners, and there were also camps at Ballsh for ordinary criminal prisoners and for foreigners. Conditions, although apparently less harsh than at Spaci, were also reported to be very poor. According to these reports, prisoners slept in unheated barracks, on straw mattresses on wooden platforms. At both camps food was deficient in quality and quantity. It had to be supplemented with parcels from prisoners' families and with food produced on farms attached to prison camp sites bought from the prisoners' wages.

Medical care, provided by staff mainly recruited from among the prisoners, was inadequate. Prisoners punished by solitary confinement were kept in unheated, concrete cells approximately two metres by one metre, with neither bed nor mattress. It was also reported that guards punished prisoners by stripping them to the waist and beating them with rubber hoses filled with sand or gravel.

Political prisoners were also held in other prisons, such as Burreli, and employed in labour camps in many parts of the country to construct factories and housing, and work on marsh-drainage and mining. Other political or religious dissenters were administratively interned or banished. Under Decree No. 5912 of 1979 people may be administratively interned or banished, without trial (in contravention of Article 56 of the constitution), for unspecified periods. This measure may also be used against "members of the family of fugitives living inside or outside the state" — that is, as a reprisal against people who have not themselves necessarily violated Albanian law.

On 28 March 1981 the National Assembly passed a law which laid down the procedure for granting pardons to convicted prisoners. Amnesty International learned of one political prisoner, a foreign national, who was granted a pardon and released during 1981.

The criminal code lists 34 crimes, 23 of which are political and military crimes, punishable by the discretionary death sentence.



Bulgaria

Amnesty International wrote in April 1981 to Todor Zhikov, head of state and Secretary General of the Bulgarian Communist Party, appealing for an amnesty for all prisoners of conscience to mark the 1,300th anniversary of the founding of the Bulgarian state. On 7 July

1981 the Eighth National Assembly passed an amnesty bill. This granted an amnesty for premeditated crimes for which the maximum penalty was three years' imprisonment and for crimes of negligence for which the maximum penalty was five years, provided that the offender had not been previously sentenced to prison for "crimes of a general character". It also applied to Bulgarian citizens who had left the country illegally if they returned voluntarily by 31 December 1983. In moving the bill it was stated that the amnesty covered only

minor crimes. Since the maximum penalty for almost all political offences is well over three years most people convicted of such offences would not have been affected by the amnesty. To Amnesty International's knowledge no prisoner of conscience benefited from it. The Minister of Justice was reported to have told the National Assembly on this occasion that "in this country there is no political criminality against the social system". This statement was contradicted by information available to Amnesty International.

As in past years, Amnesty International learned of people imprisoned for the non-violent exercise of constitutionally guaranteed human rights. One example was Stefan Cholarov, aged 37, a teacher at a technical school in the town of Vratsa. He was reportedly arrested after telling his pupils about news reports he had heard on a foreign radio station about workers' strikes in Poland. He had also apparently written to the authorities about political and economic conditions in Bulgaria. On 16 July 1981 he was sentenced to 18 months' imprisonment under Article 108 of the criminal code dealing with "anti-state agitation and propaganda" and Article 113 which penalizes political offences against "another workers' state or against armed forces allied with the Bulgarian army".

Halil Uzunoghu, a Turkish citizen, was also reportedly charged with "anti-state agitation or propaganda". He was arrested in September 1981 while visiting relatives in Bulgaria, after the police found emigre publications in his luggage. At the end of 1981 he was believed to be still detained in Sofia central prison awaiting trial.

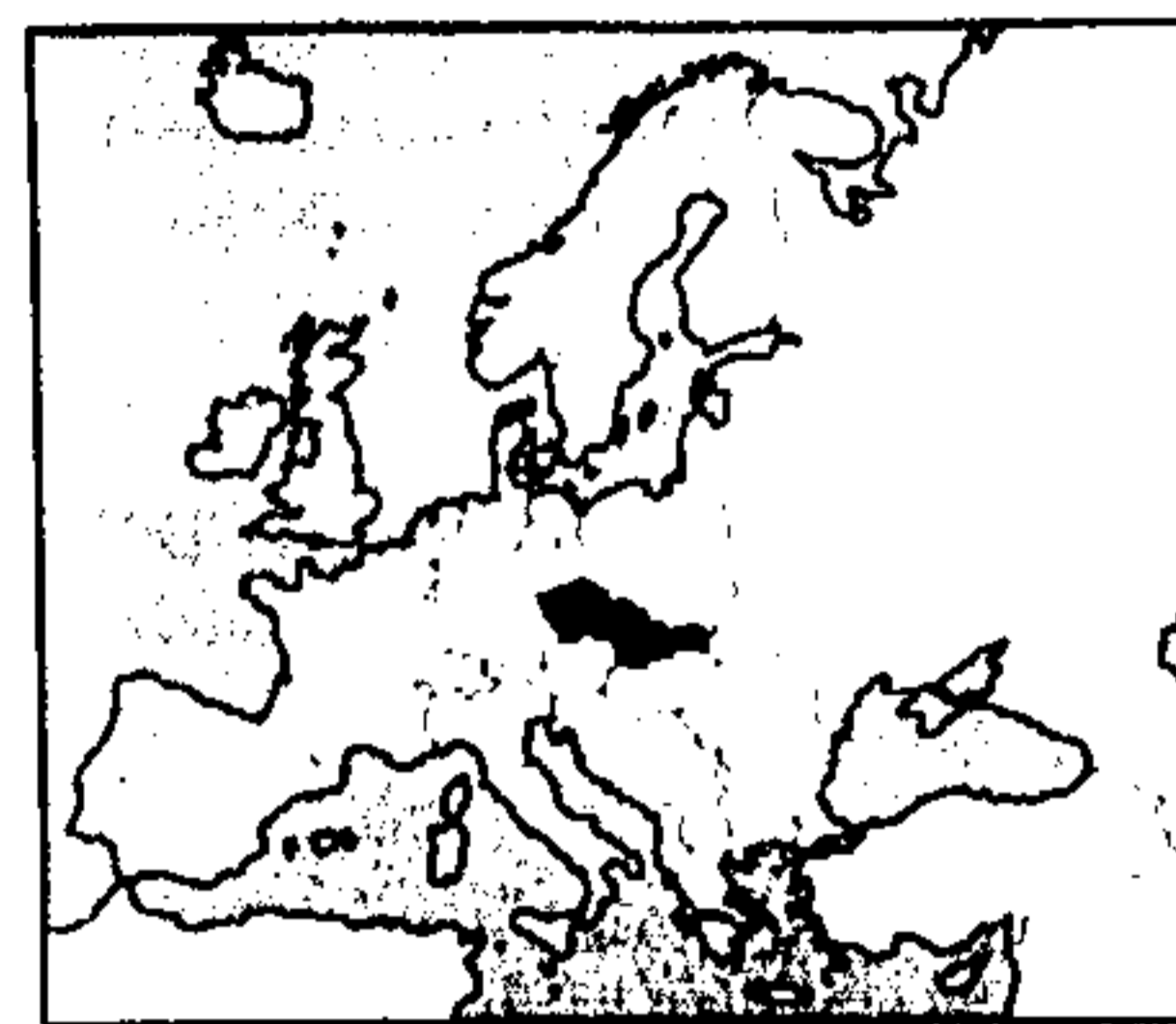
Amnesty International continued to work on the cases of three Pomaks — ethnic Bulgarians of the Muslim faith. It had adopted Bajram Gaitov as a prisoner of conscience and was investigating the cases of Jumer Ilanski and Mr Bunzev. They were sentenced to up to 20 years' imprisonment in 1973 after protesting against an official policy of forced assimilation which meant that Pomaks were required to change their Muslim names for Bulgarian ones.

Amnesty International was concerned by reports that political prisoners had been subjected to severe psychological and sometimes physical pressure while detained for preliminary investigation in the Razvigor Street State Security Centre in Sofia. Preliminary investigation may last for up to six months and the accused has the right of access to defence counsel only with the permission of the Procurator. The information available to Amnesty International indicated that many political prisoners had no access to defence counsel until the investigation had been completed. Most political trials were held *in camera*. There were also complaints that the accused and defence counsel were unable to prepare an adequate defence because they had been allowed only a few days to study the dossier.

Most adopted prisoners of conscience served their sentences in the maximum security prison of Stara Zagora. Former prisoners of conscience stated that out of a total prison population of 1,000 to 1,400 about 250 were political prisoners. It was also claimed that about 15 per cent of all prisoners in Stara Zagora were serving sentences for having attempted to cross the border without official authorization. This offence is punishable under Article 279 of the criminal code with up to five years' imprisonment and a fine. Prisoners complained of overcrowding in Stara Zagora prison and of inadequate food and medical care. They also complained repeatedly about the noise of constant radio broadcasts and alleged that the loudspeakers in their cells concealed listening equipment. Minor breaches of prison rules were punished by solitary confinement with greatly reduced food rations in an unheated cell, without toilet or washing facilities. Prisoners complained of this punishment being prolonged beyond the maximum two weeks allowed.

On release, some prisoners of conscience had severe restrictions placed on their freedom of movement by local militia authorities. In certain cases this amounted to banishment or assigned residence, although reportedly no formal orders to this effect were served on them.

The criminal code retains the death penalty for 29 crimes. In June 1981 the Bulgarian press reported that Nikola Georgiev had appealed against the death sentence. Together with his two sons he had set fire to an apartment and caused a woman's death. Marin and Ivan Rashkov Metodiev were executed in June 1981 for a "particularly cruel" murder and an attempted murder. In November 1981 Zhivko Hristov Dimitrov was executed after the Military Section of the Supreme Court had confirmed his death sentence for the murder of several people between 1975 and 1981. On 23 November 1981 the Supreme Court confirmed death sentences passed on Georgi Semerdzhiev and Lyudmila Ravnyashka for murder. In December 1981 Hristo Bogdanov Georgiev was executed for the robbery, rape and murder of several women.



Czechoslovakia

Amnesty International continued to be concerned about legislation limiting the exercise of human rights; the imprisonment of people expressing views disapproved of by the authorities; prison conditions and the ill-treatment of dissenters.

To underline its concerns, in June 1981 Amnesty International published a second edition of the *Amnesty International Briefing: Czechoslovakia* (first published in 1977). Amnesty International urged the Czechoslovak President to bring the penal code into line with the International Covenant on Civil and Political Rights, which Czechoslovakia ratified in 1975.

Most people adopted as prisoners of conscience during 1981 were members or supporters of the unofficial human rights groups, Charter 77 and the Committee for the Defence of the Unjustly Persecuted (VONS), and religious believers.

Early in May 1981 some 30 dissenters were arrested in Prague, Brno and Bratislava. The action was officially linked to the detention of two French nationals on 27 April 1981 at the Austrian border. In their van they had been carrying hidden books and journals, a duplicator and money, allegedly for subversive activities against Czechoslovakia. Eight intellectuals — Jirina Siklova, Karel Kyncl, Jiri Ruml, Jan Ruml, Eva Kanturkova, Milan Simecka, Jan Mlynarik and Jaromir Horec — were remanded in custody. Together with six others who were released they were accused of participating in the production of anti-state writings, of sending them for publication abroad, of smuggling them back into the country and of distributing them in Czechoslovakia. Charged with "subversion in collusion with foreign powers on a large scale" the 14 faced prison sentences of up to 10 years. One of those released was Jiri Hajek, a former foreign minister. On 20 May 1981 Amnesty International announced that it had adopted the eight in pre-trial detention as prisoners of conscience and issued an urgent appeal on their behalf. Jaromir Horec was released in October 1981 but criminal proceedings against him continued. Jiri Muller, a former student leader and prisoner of conscience, was being prosecuted for a similar offence in a separate case.

Also adopted by Amnesty International as a prisoner of conscience was Jiri Gruntorad, an industrial worker. He was sentenced on 9 July 1981 by the Prague city court to four years' imprisonment in the second (stricter) prison category and three years' "protective

surveillance" by the police for editing, reproducing and distributing unofficial materials, for listening to foreign broadcasts and for participating in VONS.

The Prague city court sentenced sociologist Rudolf Battek to seven-and-a-half years' imprisonment in the second prison category and three years' "protective surveillance" for "subversion in collusion with a foreign power on a large scale" and for "causing bodily harm" (see *Amnesty International Report 1980*). The trial was held on 27 and 28 July 1981 and was closed to the general public; an Amnesty International observer was refused entry. The main elements in the charge were his activities in VONS and letters he had sent in 1978 to leaders of the Socialist International. On 3 August 1981 Amnesty International called on the Czechoslovak President to pardon him and order his release. In a separate letter to the Procurator General of Czechoslovakia it protested that its representative had been excluded from the trial. On 8 October 1981 the Supreme Court of Czechoslovakia reduced the prison sentence to five-and-a-half years on appeal.

Another prisoner of conscience imprisoned for his activities in VONS was Jan Litomisky, an agronomist and an active Protestant. He was sentenced in a closed trial on 25 September 1981 by the regional court in Ceske Budejovice to three years' imprisonment and two years' "protective surveillance".

In December 1981 Amnesty International was investigating the case of five people prosecuted for unofficial cultural activities. On 10 November 1981 the police in North Bohemia interrogated a number of people and searched their homes in connection with the publication and distribution of the unofficial journal *Vokno* (Window). Five were charged with "breach of the peace" and faced prison sentences of up to three years. They included the art historian Ivan Jirous who already had three convictions for "breach of the peace".

People engaged in unofficial religious activities continued to be arrested and imprisoned throughout the year. On 29 September the district court in Olomouc, Moravia, convicted six Roman Catholics, including two priests and two Charter 77 signatories, on charges of producing and distributing unofficial religious literature "for personal gain". The trial lasted only two days and was closed to the general public. Jan Krumpholtz, Rudolf Smahel, Josef Adamek, Frantisek Lizna, Josef Vlcek and Jan Odstrcil were convicted of "illicit trading" and sentenced to terms of imprisonment ranging from 10 months to three years. Rudolf Smahel was also convicted of contravening foreign currency regulations. In September 1979 the first five were arrested during nationwide raids on Roman Catholics (see *Amnesty International Report 1980*). Amnesty International believed

that they had been prosecuted solely because of their religious beliefs and adopted them as prisoners of conscience. After being held for four months they were released and were only brought to trial on 28 September 1981. In an appeal hearing on 24 November 1981 the regional court in Ostrava upheld the sentences of four defendants, reduced Josef Adamek's sentence from 20 to 14 months and referred the case of Jan Odstrcil to the court of first instance.

Anton Zlatohlavy, a Roman Catholic priest, was sentenced to two years' imprisonment on 23 April 1981 by the city court in Kosice, Slovakia. He had constructed a church building with the help of his parishioners and had celebrated mass at harvest time without state permission. Gunther Matej Rompf, an industrial worker, was sentenced on 25 September 1981 by the city court in Bratislava to two years' imprisonment for trying to convert young gypsies and underprivileged young people to religion. Both men were convicted of "obstructing the state supervision of the churches". Both were adopted by Amnesty International as prisoners of conscience.

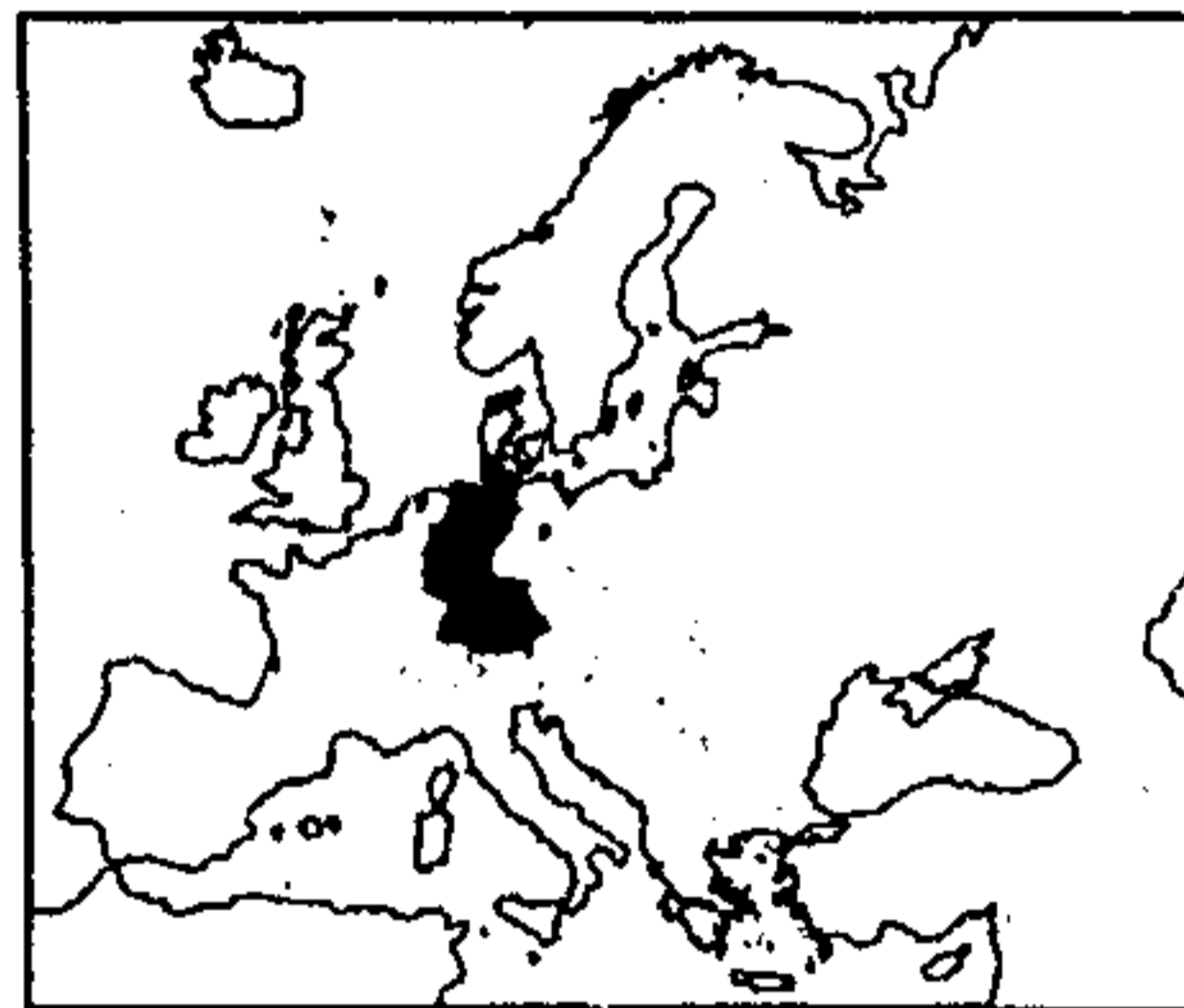
On 14 June 1981 Jan Hrabina, a labourer and Charter 77 signatory, was sentenced by the military court in Prague to two-and-a-half years' imprisonment for refusing to do military service on grounds of conscience. He was adopted as a prisoner of conscience.

At the end of December 1981 Amnesty International was working on behalf of 36 adopted prisoners of conscience and investigating one further case. It believed that the number of prisoners of conscience about whom it did not have definite information was substantially higher.

Amnesty International was concerned by reports about conditions in two prisons in which prisoners of conscience were held. In Mirov prison eight political prisoners were reportedly separated from the ordinary prisoners in April 1981 and housed in two cells, one of which served as a workshop as well as a recreation room. Reports stated that the prisoners filed bakelite objects in an airless and noisy atmosphere containing asbestos dust without adequate protective aids. In Minkovice prison inadequate diet, unhygienic conditions and unattainable work targets have reportedly contributed to fights between prisoners.

Amnesty International received reports throughout 1981 that dissenters had been physically ill-treated by the police. For example, Karel Soukup, a member of the collective of Charter 77 spokespeople and a former prisoner of conscience, was allegedly beaten before interrogation for four hours after being detained in Nachod, Eastern Bohemia, on 18 September 1981. He was said to have been kicked, his hands and feet trodden on and his hair, beard and ears pulled. He was released from police custody after 32 hours. On 20 September the police reportedly entered his flat in Prague and beat him when he

refused to answer questions about his activities and contacts. They forced him to make a written statement that he wished to emigrate. On 3 October 1981 the police entered the flat of Zdena Freundova, a member of the Charter 77 spokesperson collective and a VONS member. According to reports received by Amnesty International the police blindfolded her, beat her, kicked her and banged her head against the wall. One threatened to kill her. They stepped on her bare feet, cut off some of her hair, ripped off her nightshirt and threatened to rape her. She was later reported to be ill from shock and concussion. Her husband, Karel Freund, had reportedly been beaten during interrogation after the police broke up a meeting of VONS members on 10 September 1981.



Federal Republic of Germany

Amnesty International continued to be concerned about prison conditions for people suspected or convicted of politically motivated crimes, despite the willingness expressed by the authorities to make improvements.

Amnesty International found that the prolonged isolation imposed on such prisoners (whether in solitary confinement or small groups) had seriously affected their health (see *Amnesty International Report 1980* and *1981*). This finding was never disputed by the authorities. It was corroborated by medical reports received by Amnesty International in 1981 on Ilse Schwipper, an alleged member of the "2 June Movement" awaiting trial on a charge of murder in complicity with others. Professor Dr Detlef Cabanis, a specialist in neurology and psychiatry, was appointed by the *Landgericht* (regional court) of Berlin to assess her fitness for trial. He found symptoms which fully accorded with the conclusions which Amnesty International had drawn in other cases in 1979 (see *Amnesty International Memorandum on Prison Conditions of Persons Suspected or Convicted of Politically Motivated Crimes in the Federal Republic of Germany*). These included low blood pressure, circulatory problems, lack of concentration and in this case, above all, severe depression. A prison doctor also concluded that Ilse Schwipper suffered from a severe and "exhausting" depression "which raises serious doubts about her fitness to be incarcerated".

Since her arrest in 1974 Ilse Schwipper had been held in varying prison conditions including a period of about four years in small-group isolation. In his report Dr Cabanis linked her symptoms to the prison conditions combined with the "almost seven-year long period of pre-trial detention . . .".

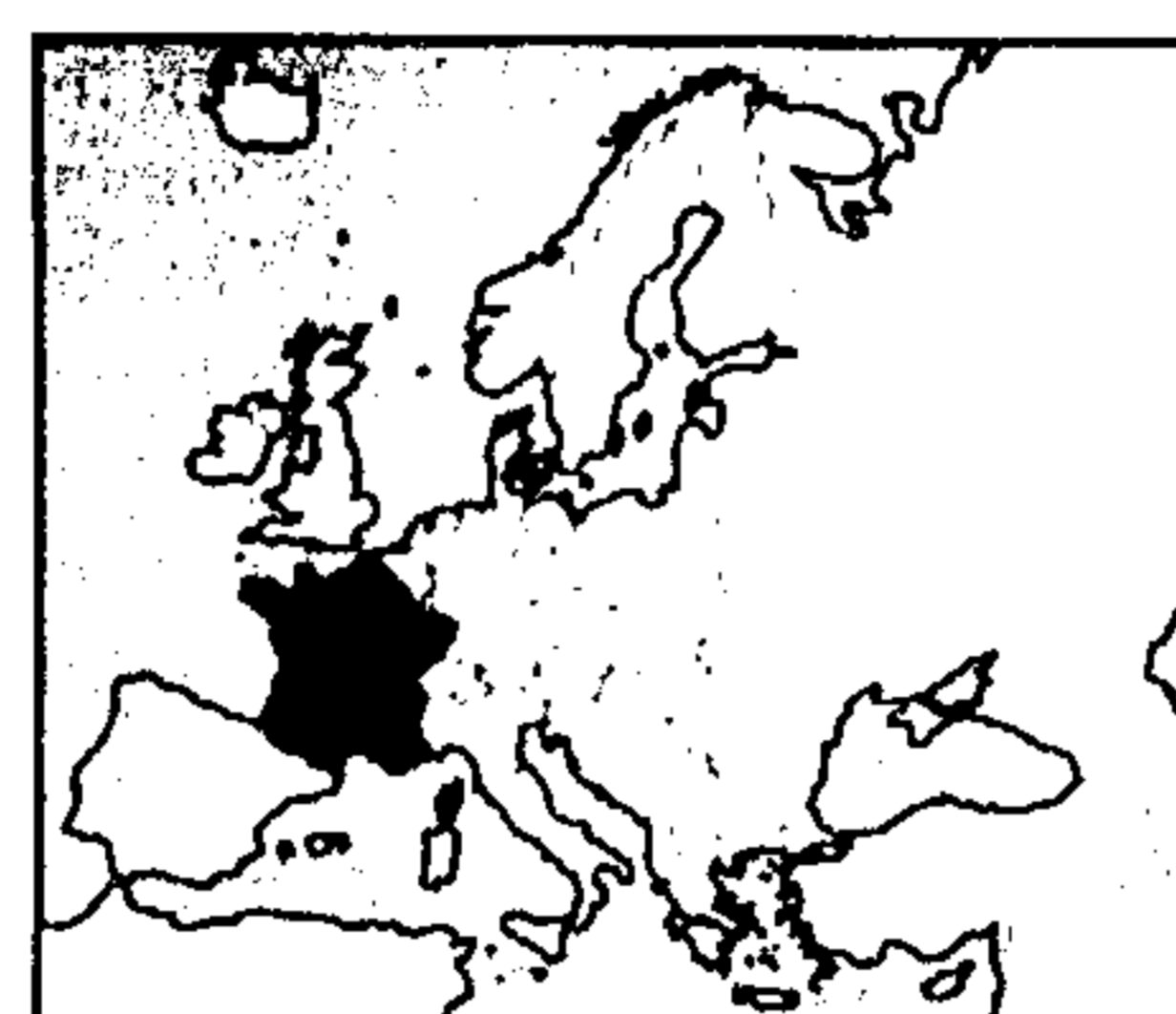
Amnesty International continued to raise this issue with the authorities. They replied at some length in a letter dated 23 December 1981 from the Chairperson of the Standing Conference of Ministers and Senators of Justice of the *Länder* (states), the Minister of Justice for Niedersachsen. The letter acknowledged that prisoners were detained either in small groups in maximum security wings, or alone. It stressed however that even those held alone were offered a certain amount of contact with other prisoners — although under strict control, which was necessary for security. Some prisoners rejected contact with other prisoners in these circumstances. These conditions could not be called isolation. Finally the Minister of Justice said that he "was not aware" of any damage to the health of prisoners caused by their prison conditions.

Another concern of Amnesty International in 1981 was the increasing number of people prosecuted for expressing opinions which the authorities regarded as constituting "support for a criminal association" in the sense of Article 129a of the criminal code (see *Amnesty International Report 1981*). The *Oberlandesgericht* (OLG), state supreme court, of Stuttgart took a decision on 6 February 1981, which, although it did not lead to imprisonment, in Amnesty International's view set a precedent for an excessively wide interpretation of the law. The defendants were supporters of demands made by hunger-striking prisoners. They had displayed a banner calling "for the grouping together and self-determination of prisoners from the Red Army Fraction" (RAF), bearing a red five-pointed star. The court deduced an "ultimate", "real" aim of support for the terrorist organization, even though the opinions they expressed related only to the direct demands of the hunger-strikers. In other words a conviction was based not on what the demonstrators actually expressed, but on an "ultimate aim" perceived in their expressions by the court. Charged under Article 129a of the criminal code with support of a terrorist association, which carries a maximum sentence of five years' imprisonment, the defendants were fined DM600 (£150) each. Amnesty International believed that the reasoning of the Stuttgart court contradicted a statement made in April 1981 to Amnesty International by the Federal Minister of Justice. He had stated "that a criminal prosecution solely because of support of the hunger-strike and the demands connected with it should be out of the question" (see *Amnesty International Report 1981*). Amnesty

International was following the cases of some 50 defendants in several trials similarly charged with "support for a criminal association". Most were still pending by the end of 1981.

Amnesty International followed the case of 10 people accused of spray-painting slogans on motorway signs on the night of 4-5 April 1981 in support of the hunger-striking prisoners. They were charged not only with damaging the signs but also with "supporting a criminal association" on the basis of the slogans. The accused were detained for several weeks and then released until their trial which had not taken place by the end of 1981.

Conscientious objectors to military service whose applications for conscientious objector status were rejected by the various examination boards (*Prüfungsausschüsse*) continued to be imprisoned. Amnesty International considered them to be prisoners of conscience. Horst-Dieter Mrass was sentenced to eight months' imprisonment by the *Schöffengericht* (lay assessors' court) of Oldenburg on 16 September 1981. The 63 days he had already spent under military arrest were deducted from the sentence. Thomas Hansen, whose rejected application for conscientious objector status was based on moral and political considerations, was given a two-month suspended prison sentence by the *Schöffengericht* of Oldenburg on 24 August 1981. The judge stated that he should be released from any further obligation of serving in the army. However he was called up a second time. When he again refused to serve he was sentenced by the same court to a six-month prison sentence on 7 October 1981. The result of Thomas Hansen's appeal was not available, but it was learned he had been called up a third time and again charged with refusal to carry out military service. Bernhard Willeke, a pacifist, was awaiting trial in 1982 on a charge of desertion and refusal to obey. His application for conscientious objector status was turned down by an examination board before which he appeared on 14 May 1979. He then stated that he would not submit to further examination of his conscience.



France

Amnesty International's concerns abated in the second half of 1981 following legislative changes introduced by the new administration of Prime Minister Pierre Mauroy, under President François Mitterrand who was elected in May 1981. Amnesty International had written to all

the presidential candidates on 10 April 1981 about French laws which it believed contravened the standards of international law (see *Amnesty International Report 1981*). President Mitterrand, in his reply dated 6 May 1981, told Amnesty International that he intended to introduce reforms in all the areas mentioned. Since May 1981 the death penalty has been abolished and the Court of State Security closed. Proposals to revise the laws relating to summary trials, conscientious objection and military courts were being considered by the government at the end of December 1981.

One of Amnesty International's main concerns remained the imprisonment of conscientious objectors to military service. The law restricts exemption from military service to those who object to the personal use of arms on religious or philosophical grounds and numerous applications for conscientious objector status were refused each year. During 1980 and 1981 Amnesty International adopted more than 50 conscientious objectors sentenced by military courts to up to two years' imprisonment on charges of *insoumission* (insubordination) for refusing military service (see *Amnesty International Report 1981*).

A presidential amnesty covering a wide range of offences, including *insoumission*, came into effect on 5 August 1981. It applied to offences committed before 22 May 1981, the date of the presidential inauguration. Objectors charged with offences committed before this date were released. The amnesty did not, however, absolve unrecognized objectors from a future obligation to perform military service and several were later rearrested for disobeying renewed call-up orders.

Before the elections President Mitterrand had stated his intention to bring conscientious objector legislation into line with the standard adopted by the Council of Europe. Resolution 337 (1967) of the Parliamentary Assembly of the Council of Europe called for exemption from armed service "for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical or similar motives". On 23 October 1981 the Minister of Defence,

Charles Hernu, announced that the government was drafting a bill, to be presented to parliament in the first half of 1982, which aimed to broaden the grounds for recognizing conscientious objection to military service. Pending its introduction the minister ordered the suspension of all prosecutions of unsuccessful applicants for conscientious objector status and the release of such people from prison.

However, objectors who had not applied for conscientious objector status did not benefit from these measures and remained in prison. Many objectors did not apply, either because they failed to submit their applications within the stipulated 30 days from the date of call-up, or because they objected to the alternative civilian service for recognized objectors. The length of alternative service was twice that of military service and Amnesty International considered it to be punitive. It was also concerned about the short time allowed for claiming conscientious objector status.

On 18 December 1981 Bernard Corbel and Hervé Kerrain, members of a Breton pacifist nationalist movement, were sentenced to two years' imprisonment for *insoumission* by the *Tribunal permanent des forces armées* (TPFA), Permanent Tribunal of the Armed Forces, at Rennes. They had first been called to do military service in 1977 but refused on grounds of conscience, although they did not apply for conscientious objector status. They left France and were sentenced in their absence to one year's imprisonment. After the election of President Mitterrand they returned to France. Although their sentences were remitted under the amnesty, they were recalled to join their regiments. On 5 October they presented themselves as requested at the military barracks in Rennes but refused to wear a uniform. They were immediately placed under *arrêts de rigueur* (close arrest).

Amnesty International wrote to the Minister of Defence on 16 December 1981 appealing for their release until the revised legislation on conscientious objection was introduced. It also expressed concern that they were to be tried before the TPFA, since a bill abolishing these courts in peacetime was then being considered by the government. This was part of a government proposal to abolish courts of exception and to use the ordinary courts for most offences, including *insoumission*. The TPFA were criticized for their lack of impartiality and because defendants had fewer rights than under civilian law. Three of the five judges were officers of the armed forces, nominated by their military superiors, as was the prosecutor (*Commissaire du gouvernement*); there was no right of appeal except on procedural grounds. People tried by these courts could be held for up to 60 days' incommunicado military custody. At the end of 1981 Bernard Corbel and Hervé Kerrain were still in prison.

A bill was passed by parliament in July 1981 abolishing the *Cour de sûreté de l'Etat* (Court of State Security), a special court set up in 1963 to try offences affecting the security of the state. Amnesty International had previously expressed its concern that the procedures in this court deviated from international standards for a fair trial. In January 1981 Amnesty International sent an observer to a trial before this court. Seventeen Corsican nationalists were accused of participating in an armed group intending to usurp the authority of the state and of kidnapping. Amnesty International's observer criticized the use of the special court and its procedures in this case (see *Amnesty International Report 1981*).

A law abolishing the death penalty for all offences, both civil and military, came into effect on 10 October 1981. It was passed by parliament in September. On 7 August Amnesty International had written to the Minister of Justice and French deputies and senators urging abolition.

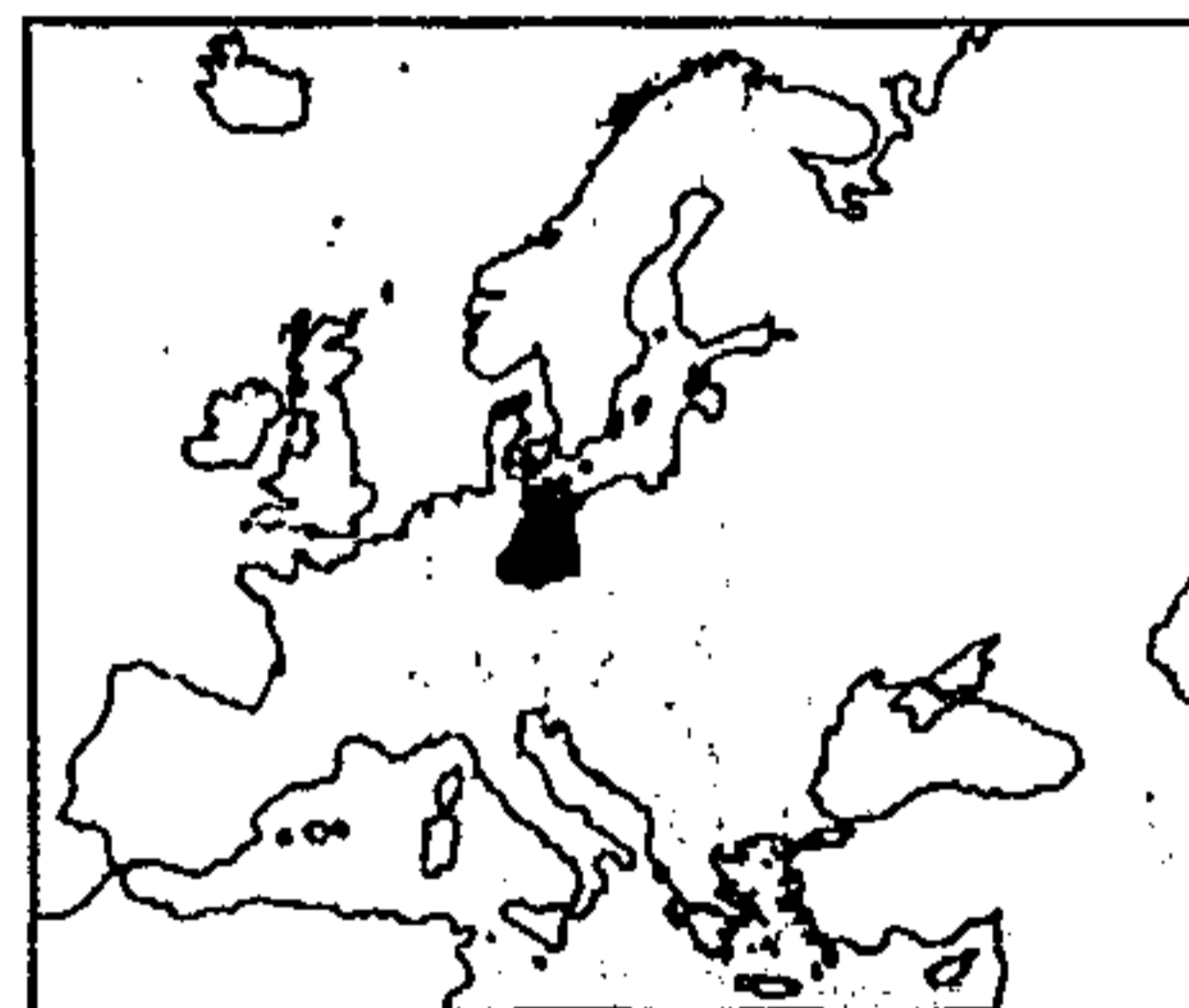
The last execution in France was in 1977. Most sentences passed since then had been commuted to life imprisonment by the president. However seven people were under sentence of death when the death penalty was abolished.

A law "reinforcing and protecting the liberty of persons", which was introduced by the previous government in February 1981, changed the law in several areas of concern to Amnesty International. It was known as the *loi sécurité et liberté* (law of security and liberty). Most important were provisions widening the use of the special summary judicial procedure relating to *flagrants délits* (blatant misdemeanours) so that it would apply to a wider range of offences. The law introduced a new summary procedure known as *saisine directe* (direct referral to a court). This allowed a public prosecutor to send people accused of misdemeanours for immediate trial in a summary court without referral to an examining judge. This decision could be taken by the prosecutor without the defendant's lawyer being present. Amnesty International had previously expressed concern that the *flagrants délits* procedures had been used to prosecute people arrested during demonstrations and charged with offences under the *loi anti-casseurs* (anti-wreckers law), solely on the basis of police testimony which conflicted with that of the accused. In Amnesty International's opinion the use of summary courts to give rapid judgments in cases where the facts were in dispute could prejudice a fair trial.

In November 1981 a commission set up in July 1981 to advise on reform of the penal code presented proposals for the repeal of the *loi sécurité et liberté*. The resultant bill was expected to go before parliament in 1982. It recommended the abolition of *saisine directe*.

If this proposal were adopted, people accused of *flagrants délits* could only be sent for immediate trial by a magistrate (*juge du siège*) and only with the agreement of the defence counsel.

On 2 October 1981 France made the declaration under Article 25 of the European Convention on Human Rights, giving individuals the right to submit complaints to the European Commission of Human Rights regarding human rights violations.



German Democratic Republic

Amnesty International's main concern continued to be the imprisonment of large numbers of prisoners of conscience. The majority were imprisoned for trying to leave the country without permission or for persisting in their efforts to obtain

this permission. During 1981 Amnesty International worked on behalf of around 200 prisoners of conscience or people thought likely to be prisoners of conscience.

More than 160 of these prisoners were imprisoned in connection with their efforts to exercise their right to leave their country, a right severely restricted for citizens of the German Democratic Republic (GDR) below the age of retirement. The country's borders are heavily guarded and exit visas very difficult to obtain. Those caught attempting to cross the border without an exit visa were prosecuted for "illegal crossing of the border" under Article 213 of the penal code, which carries a prison sentence of up to eight years. Those who persisted in efforts to obtain exit visas were liable to prosecution under one or more of the following articles of the penal code. Article 214, "impeding public and social activity", was applied to would-be emigrants held to have impaired the functioning of government bodies by making repeated demands to emigrate, or threatening to demonstrate in public in support of their wish to emigrate. It prescribes a maximum prison sentence of three years. Articles 99, "treasonable passing on of information", and 219, "taking up illegal contacts", were applied to would-be emigrants who sought support from abroad and whose situation was publicized in foreign news media. Contact with foreign organizations, even if undertaken via an intermediary, led in some instances to prosecution for "treasonable activity as an

agent" under Article 100. Articles 99, 100 and 219 carry maximum prison sentences of 12, 10 and five years respectively.

A typical case was that of Gisela Mauritz, a 36-year-old research chemist. She was first arrested in 1974 while trying to leave the GDR and later sentenced to four-and-a-half years' imprisonment for attempted "illegal crossing of the border". She was released in 1978 and renewed her efforts to emigrate, this time formally applying for permission to do so. Her applications were turned down and her case was publicized in the news media of the Federal Republic of Germany (FRG). She was rearrested on 10 December 1980 and sentenced in June 1981 to a further term of imprisonment for "taking up illegal contacts".

Another would-be emigrant adopted during the year was Peter Steffan, 26, a car mechanic. Before his arrest he and his wife had applied repeatedly for permission to emigrate, quoting from the Final Act of the Conference on Security and Cooperation in Europe (Helsinki 1975). Because of his wish to emigrate he refused to do military service. He was arrested on 6 May 1981 after failing to respond to a number of call-ups and was sentenced later that month to two years' imprisonment for violating the Code of Military Duty.

GDR law provides some alternative for those who object "for religious or similar reasons" to armed military service. In "construction units" conscripts work on the construction of military installations or other forms of work not involving weapons. There is, however, no alternative service outside the country's military and defence system. Amnesty International adopted as prisoners of conscience those imprisoned for objecting on grounds of conscience to both forms of military service. During 1981 there was widespread support among members of the Protestant churches for the idea of a "social peace service", consisting of work in hospitals or old people's homes, as an alternative to service in the army. Government authorities and officials of the Socialist Unity Party, however, dismissed the need for such a service. One regional party secretary, in a speech reported in *Neues Deutschland*, the official party newspaper, described the idea as hostile to peace, socialism and the constitution.

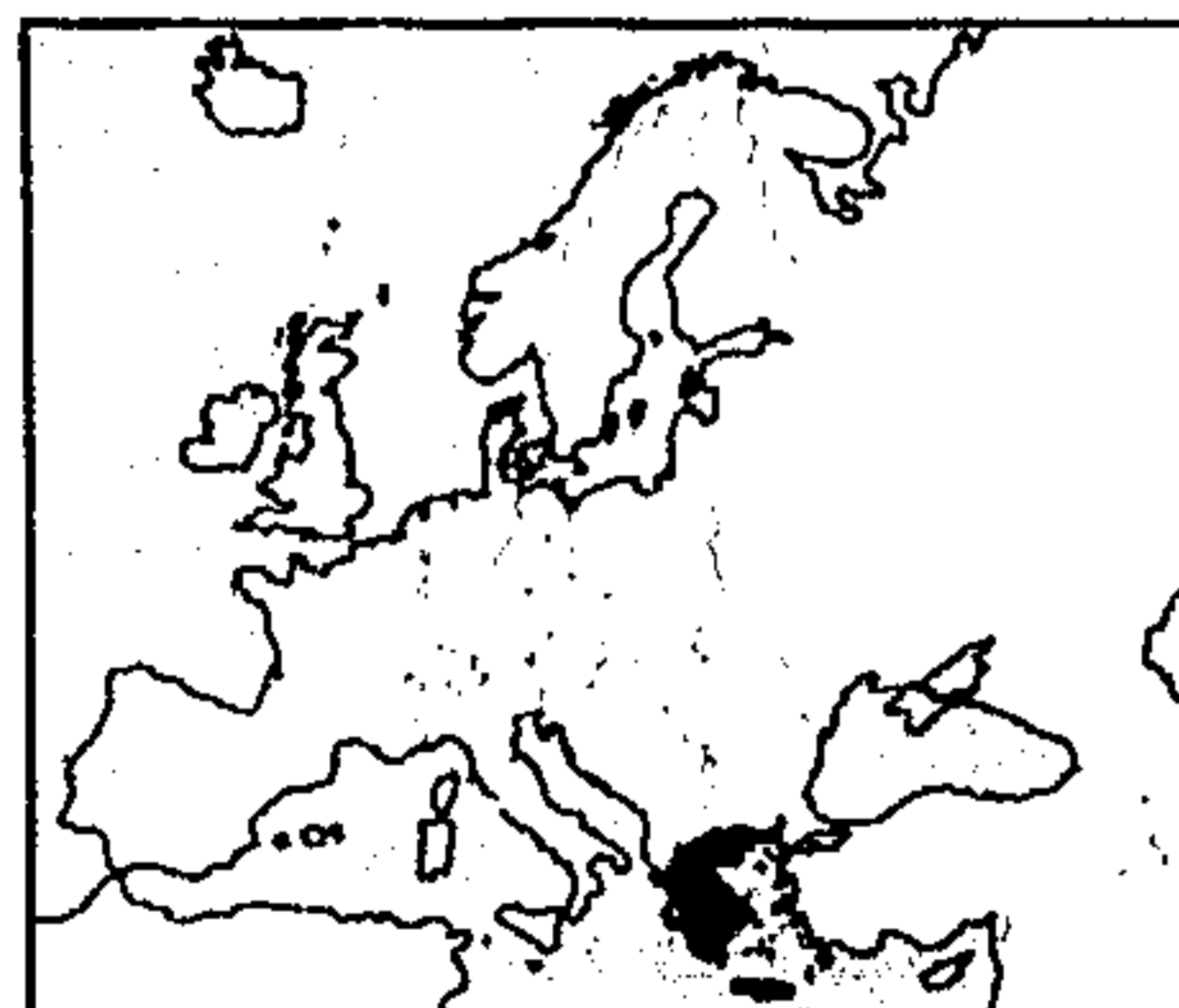
Cases taken up during the year included a number of GDR citizens arrested for expressing sympathy with the independent Polish trade union Solidarity, or for advocating reforms in GDR trade unions like those developed in Poland. Wilhelm Koch, a doctor, was sentenced in January 1981 to four years' imprisonment for "treasonable activity as an agent" (Article 100 of the penal code) after he had donated 10,000 marks (£2,500) to Solidarity. Thomas Eisenblätter, a university lecturer, was sentenced in December 1980 to 18 months' imprisonment, also for reportedly donating money to Solidarity.

Karl-Heinz Opolony, employed as a restorer by a church organization in Erfurt, was imprisoned in late 1980 after preparing leaflets expressing support for Solidarity. Amnesty International was also investigating the cases of Eckehard Hübener, a theology student, and Klaus Tessmann, a computer technician, who were arrested in August 1981 on the Polish border while returning from Poland. It was reported that they had Solidarity leaflets sewn into their trousers.

About 10 pro-Albanian Marxist-Leninists were arrested in March 1981. They were thought to have been charged in connection with the production and distribution of material critical of socialism as practised in the GDR, including a newspaper entitled *Röter Morgen* (Red Morning) and leaflets on a number of subjects including military education in schools. Two of them — Manfred Wilhelm, a 29-year-old mechanic and Andreas Bortfeld, a 27-year-old mathematician — were adopted by Amnesty International as prisoners of conscience.

Prisoners continued to be released to the FRG after serving only part of their sentence in return for sums of money paid by the FRG Government. Although it welcomed the release of prisoners of conscience, Amnesty International was concerned that conditions were imposed on these releases and sought to remind the GDR Government of its obligations under international law to release prisoners of conscience without conditions.

In February 1981 Amnesty International published a revised edition of the *Amnesty International Briefing: the German Democratic Republic*, first published in 1977. Amnesty International campaigned for improvements in legislation and official practice to bring them into conformity with international human rights standards (see *Amnesty International Report 1981*).



Greece

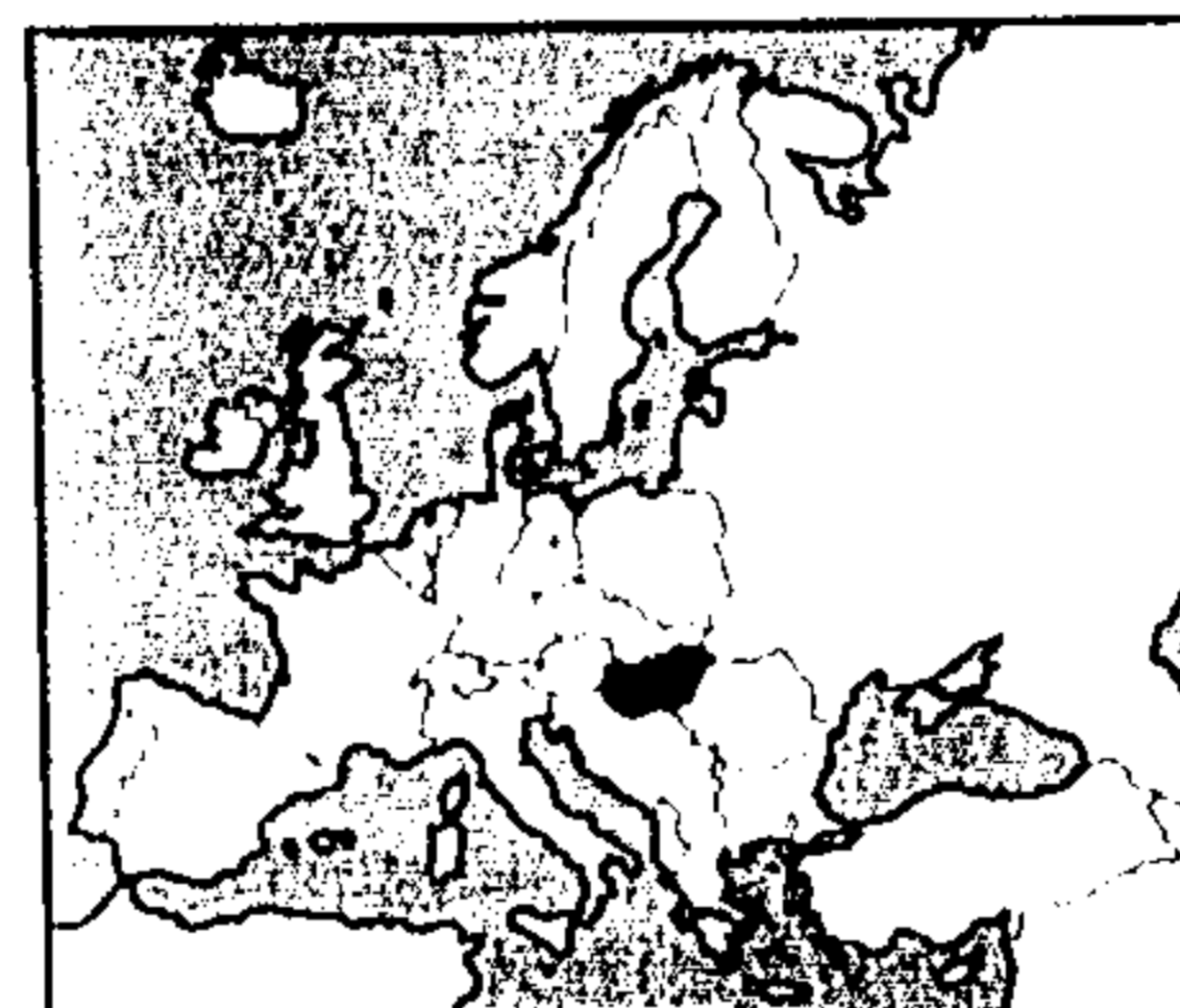
Jehovah's Witnesses continued to be sentenced to four to five years' imprisonment and loss of civil rights for at least five years for refusing on conscientious grounds to perform military service (see *Amnesty International Report 1981*). At the end of 1981 Amnesty International

was working for the release of 51 imprisoned conscientious objectors but was informed that their total number was approximately 120.

On 24 November 1981 Amnesty International urged the newly elected Prime Minister Andreas Papandreu to consider that "unarmed service within the military system is not a satisfactory alternative to military service". It stressed that although the only conscientious objectors in Greece known to Amnesty International were Jehovah's Witnesses, "we believe that all people liable to military service in Greece . . . should have the right to object to carrying out such service on conscientious grounds . . .".

On 15 April 1981 Amnesty International wrote to the Minister of Justice, George Stamatis, about alleged ill-treatment of prisoners in Korydallos Prison, but received no response (see *Amnesty International Report 1981*).

Greek law retains the death penalty, although no executions have taken place since 1972. On 1 October 1981 Amnesty International appealed to President Karamanlis to commute the death sentence passed in September 1981 on Hussein Ramadan, convicted of murder. It also called for the total abolition of the death penalty. In its letter of 24 November to Prime Minister Papandreu Amnesty International said that the abolition of the death penalty in Greece would be "of the greatest importance in the worldwide move towards abolition".



Hungary

Amnesty International's concerns were the existence and application of legislation restricting freedom of expression, the imprisonment of conscientious objectors and the use of the death penalty. Amnesty International was also concerned about the case of a person forcibly confined

in a psychiatric hospital as a result of his non-violent exercise of fundamental human rights.

Amnesty International did not know the number of people imprisoned for political crimes in 1981. The Chief Public Prosecutor, Karoly Szijarto, stated on 25 February 1981 that in 1980 there had been 65 cases of "criminal offences against the state, peace and mankind". A "large majority" of these, he said, had taken the form of verbal incitement, very often under the influence of alcohol. Under Article 148 of the criminal code dealing with "incitement", people

who incite others to hatred of Hungary's constitutional order or Hungary's allies, as well as those who incite to national, racial or religious hatred, may be imprisoned for terms of one to five years. If the act is committed before a large public, or as a member of a group, or "leads to the disturbance of the international connections of the Hungarian People's Republic" it is punishable by two to eight years' imprisonment. Reports received by Amnesty International indicated that convictions for "incitement" included people imprisoned for having exercised, non-violently, their right to freedom of expression.

Amnesty International learned that several Roman Catholic conscientious objectors were imprisoned for refusing conscription. This offence is punishable under Article 347 of the criminal code with one to five years' imprisonment (in wartime with 10 to 15 years' imprisonment or death). Military service is compulsory and the law does not allow for any exemption or alternative service for reasons of conscience. It was reported, however, that since 1979 conscientious objectors of the small Nazarene (Christian) sect had been allowed to do alternative service. In September 1981 the issue of conscientious objection was brought to public notice when Cardinal Laszlo Lekai, primate of the Roman Catholic church, suspended a priest, Father Laszlo Kovacs, from his Budapest youth congregation and sent him to a rural parish for six months. Father Kovacs had stated in a sermon that he personally approved of conscientious objection.

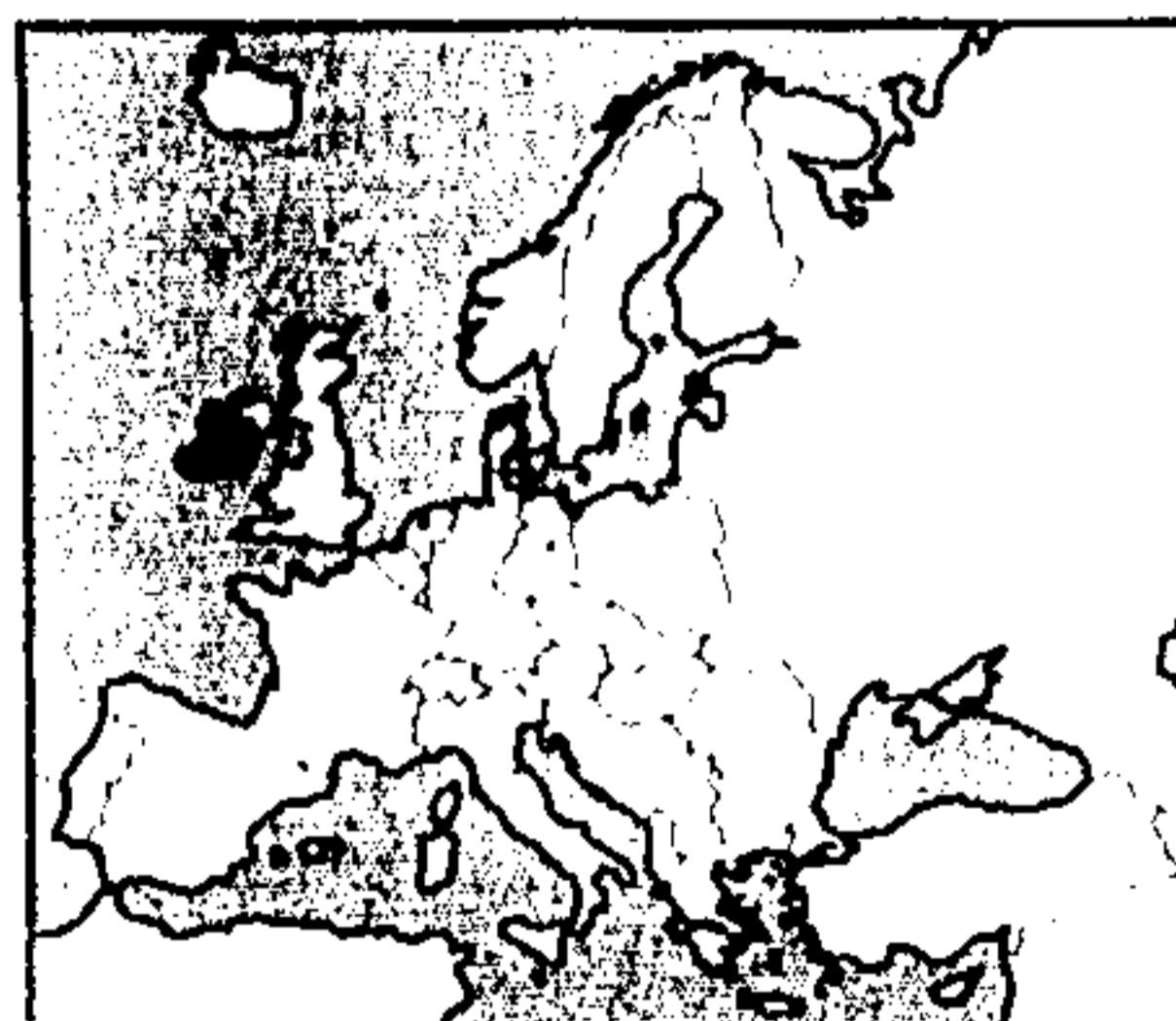
Amnesty International adopted as a prisoner of conscience the Roman Catholic conscientious objector Imre Besze, aged 21, who was sentenced to 30 months' imprisonment and two years' loss of civil rights by a military court in Kaposvar in December 1981. It was also investigating the cases of Istvan Pinter from Szekesfehervar and Jozsef Merza from Budapest, both Roman Catholics who were reported to have been convicted under Article 347 for refusing military service for reasons of conscience.

In October 1981 Amnesty International appealed to the authorities to release from psychiatric confinement Tibor Pakh, a 57-year-old lawyer and former prisoner of conscience. Dr Pakh was stopped at the Hungarian border on 4 October reportedly while travelling to a congress of the independent trade union Solidarity in Poland. His valid passport was taken from him and he was sent back to Budapest. On 6 October he went on hunger-strike at Budapest university church in protest at this infringement of his basic rights. As a result he was forcibly confined in the State Institute for Mental and Neurological Diseases on 9 October after refusing to sign a statement voluntarily confining himself. On 13 October his confinement was confirmed by court order. The following day he was reported to have been forcibly fed and heavily drugged with sedatives, including haloperidol. By 26

October Dr Pakh had been released, after appeals on his behalf by Hungarian intellectuals and considerable publicity abroad.

Information available to Amnesty International suggested that the case of Tibor Pakh was not unique and that the Hungarian authorities had in certain other cases forcibly confined people to psychiatric institutions for the non-violent exercise of their fundamental rights (see *Amnesty International Report 1978*).

The criminal code retains the death penalty for a number of political and military offences as well as for aggravated cases of murder. In March 1981 Amnesty International appealed to the Chairman of the Presidential Council, Pal Losonczi, to commute a death sentence imposed on Lajos Nagy, aged 45, for having stabbed three people to death after a drinking bout; Amnesty International did not learn whether this death sentence had been carried out. According to press reports Ferenc Morvai, aged 25, was executed on 5 September 1981 after the Supreme Court had upheld a death sentence passed by a court in Kecskemet. Ferenc Morvai had been convicted of murdering a citizen of the German Democratic Republic and of attempting to rape his victim's wife.



Ireland

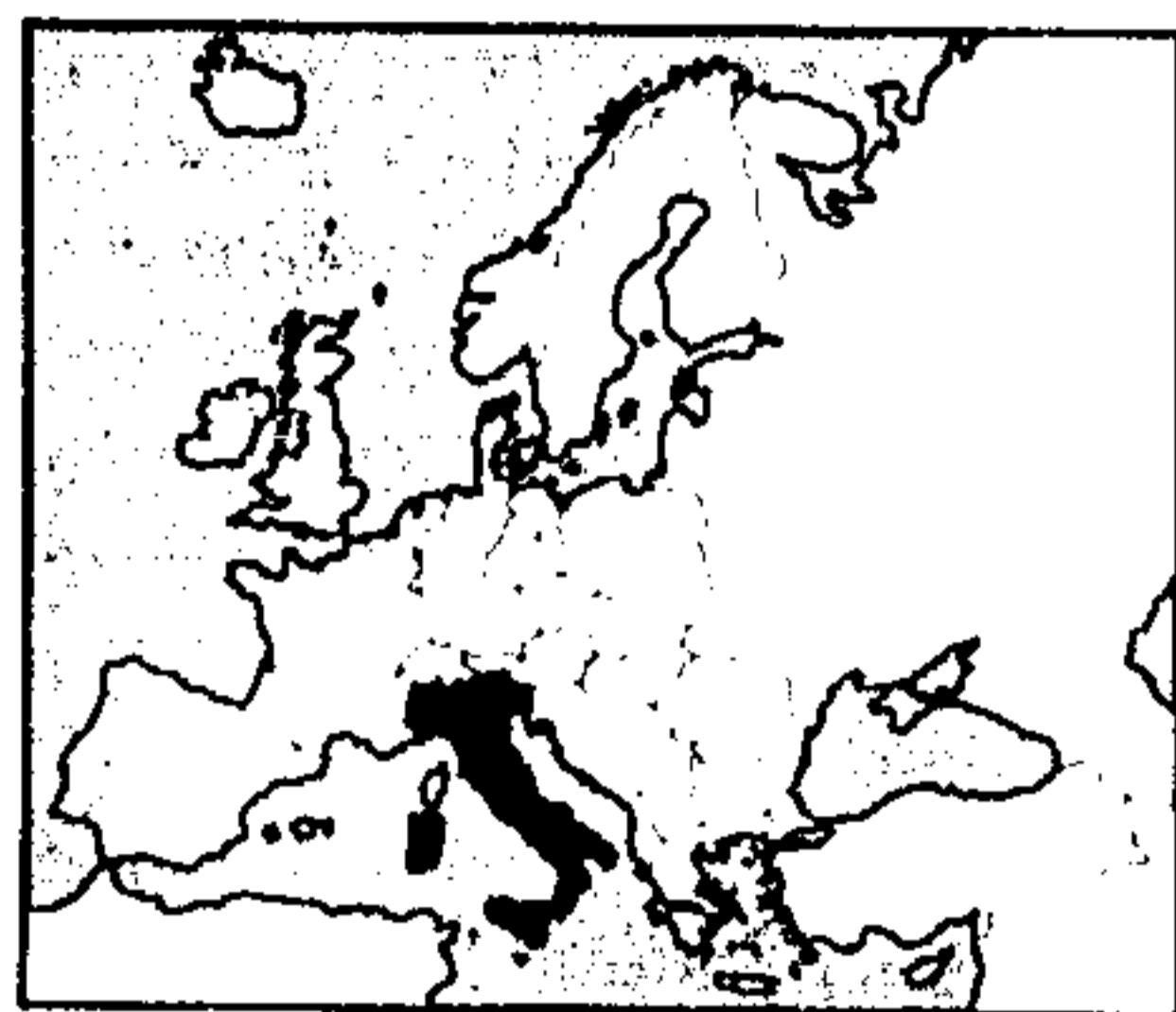
A government bill to abolish the death penalty was introduced in October 1981. It was passed by the Senate (Upper House) on 5 November 1981. At the end of 1981 it had not yet been debated in the *Dail* (Lower House). The Criminal Justice Bill (1981) provides for the

abolition of capital punishment for all offences, civil and military, including in wartime, and for its replacement by a 40-year prison sentence.

Until this bill becomes law, the death penalty is retained under the Criminal Justice Act (1964) for several crimes, including treason, the murder of police or prison officers acting in the line of duty, and the murder of foreign diplomats. Peter Rogers, sentenced to death in March 1981 for murdering a policeman, had his sentence commuted to life imprisonment by the President on 1 July 1981. The last execution was in 1954.

Amnesty International had no adopted prisoners of conscience

during the year. However, it remained concerned about the trial of Nicholas Kelly, a member of the Irish Republican Socialist Party, convicted in 1978 by the Special Criminal Court, Dublin, of a mail train robbery. His conviction was based solely on a confession made while held incommunicado for a prolonged period in police custody. Two co-defendants had their convictions quashed by the Court of Criminal Appeal. It ruled that the Special Criminal Court (a non-jury court) had erred in law in ruling their confessions to be voluntary (see *Amnesty International Report 1981*). Nicholas Kelly applied to the Appeal Court for an extension of time in which to lodge an appeal. He had absconded during his trial and returned to Ireland only after the period for lodging an appeal had expired. The Appeal Court refused his application in December 1980 on an apparent technicality. However, it granted him leave to appeal against this decision to the Supreme Court on a "point of law of exceptional public importance". The Supreme Court had not given a decision on this appeal by the end of 1981.



Italy

Amnesty International's main concern was that people accused of politically motivated crimes were held in preventive detention for excessive periods. It continued to work for the rights of conscientious objectors to military service.

Article 6 of the European Convention on Human Rights, which Italy has ratified, states that "... everyone is entitled to a fair and public hearing within a reasonable time" and Amnesty International, under Article 1(b) of its Statute, opposes "... by all appropriate means the detention of any Prisoner of Conscience or any political prisoner without trial within a reasonable time ...".

All people detained on suspicion of politically motivated crimes were affected by the law of 6 February 1980, Urgent Measures for the Protection of the Democratic Order and Public Security. In cases involving terrorism or "subversion of the democratic order" the law allows the period within which each of the four stages of the judicial process must be completed to be extended by one third. In the most serious cases this could mean a period of up to 10 years and eight

months before a final verdict is reached (see *Amnesty International Report 1980 and 1981*).

The "7 April/21 December" case (so called because most of the defendants were arrested on these days in 1979) was of mounting concern to Amnesty International. By the end of 1981 the defendants had been held for between two and two-and-a-half years. They were allegedly connected with the extra-parliamentary left-wing movement *Autonomia Operaia* (Workers' Autonomy). The judicial investigation into the activities of this movement and groups allegedly linked to it, accused of violent subversion of the Italian state, was split into two parts, one conducted in Padua, the other in Rome. Although the inquiries were completed, trial dates had still not been fixed by the end of the year.

Sixty-nine of the defendants in the Rome inquiry and another 69 defendants in the original Paduan inquiry were committed for trial in 1981. Charges were withdrawn against a further 65 people. The order committing the defendants for trial of the investigating judge in Padua, Dr Giovanni Palombarini, dated 4 September 1981, argued against a basic contention of the prosecution case. The prosecution maintained that, as members or leaders of the defunct *Potere Operaio* (Workers' Power), a number of the defendants had constituted or participated in an armed band, and that they had continued their subversive and armed activities in a subsequent organization, *Autonomia Operaia*. In his 1,045-page committal for trial order Dr Palombarini argued in considerable detail that *Potere Operaio* and *Autonomia Operaia* could not in themselves be classed as armed bands, although he did not dispute that within them individual people or groups had carried out armed activities.

The cases being investigated by Amnesty International were among those in which all charges were dropped. Some of these defendants had been closely associated, at the Political Science Faculty of Padua University, with Antonio Negri, a leading defendant of the Rome inquiry. Alisa del Re, Alessandro Serafini, Massimo Tramonte, Guido Bianchini and Carmela di Rocco had been rearrested in January 1981 after a successful appeal by the prosecuting authorities against their earlier release (see *Amnesty International Report 1981*).

Luciano Ferrari-Bravo, whose case was also being investigated by Amnesty International, was charged with "insurrection" under an arrest warrant issued by the Paduan authorities on 7 April 1979. Because the charge referred to organizing and leading the Red Brigades and to crimes which the Red Brigades had committed in various places, his case was transferred to Rome. On 7 July 1979 the Rome authorities substituted a fresh warrant in place of the earlier

one. He was charged with establishing an armed band, subversive association and provoking civil war. The charge of insurrection was also retained. However all references to the Red Brigades, although not formally withdrawn, had disappeared from the warrant. They were replaced by references to "several variously named armed bands". He was not charged with any specific act of violence. The charge of provoking civil war was later dropped, but a recommendation from the *Procura Generale* (Attorney General's office) that the charge of insurrection be withdrawn was rejected by the judge. Committed for trial in Rome on 1 April 1981, Luciano Ferrari-Bravo had been held in preventive detention since April 1979 even though he had not been examined by an investigating judge since July 1979. Dr Palombarini criticized the fact that the case of Luciano Ferrari-Bravo had been transferred to Rome. In his view evidence had not been provided that would justify his prosecution on these charges.

In January 1981 fresh charges were brought against several "7 April" defendants being held at Trani maximum security prison, in connection with the kidnapping of Judge Giovanni D'Urso by the Red Brigades (see *Amnesty International Report 1981*). The prisoners wrote a document disclaiming all part in the kidnapping and in a riot which took place in the prison on 28 December 1980. On 23 May 1981 the investigating judge Dr Ferdinando Imposimato dropped charges against these defendants on grounds of "absolute lack of proof of responsibility".

On 22 October 1981 Amnesty International wrote to Severino Santiapichi, President of the First Section of the Assize Court of Rome, about a "7 April" defendant, the Genovese surgeon Dr Giorgio Raiteri, who was seriously ill. On 29 September 1981 the President of the Order of Doctors of Genoa, Professor Eolo Parodi, informed Amnesty International that, despite having been in intensive care for over two months at the Regional Hospital of Genoa, Dr Raiteri's health was continuing to deteriorate. In view of his prolonged preventive detention Amnesty International asked for the decisions to continue his custody to be reviewed (decisions of the Rome Assize Court and Rome Appeal Court of 22 July and 18 August respectively). It requested President Santiapichi to take every possible step to prevent a further deterioration in the health of the prisoner. Amnesty International received no reply.

On 10 August 1981 Amnesty International wrote to investigating judge Ugo Dello Russo about Laura Motta, who was arrested on 10 October 1980 on charges of "subversive association" and "participation in an armed band". According to Amnesty International's information Laura Motta underwent two major operations, but, after her return to San Vittore prison in Milan on 11 March 1981, she

reportedly continued to be seriously ill. Amnesty International referred to a report that the judge had undertaken to appoint a group of experts to examine the prisoner. It asked if the experts had been nominated, and for information as to the outcome of the examination. Again, no reply was received.

Mario Dalmaviva, a "7 April" defendant, went on hunger-strike at Fossombrone maximum security prison on 12 January 1981. Amnesty International wrote to the Minister of Justice, Adolfo Sarti, on 2 February urging a fair and prompt trial for him. It also asked for clarification of his judicial position and that of a number of his co-defendants (see *Amnesty International Report 1981*). No reply was received.

On 3 December 1981 Amnesty International wrote to the Minister of Justice, Dr Clelio Darida, to express its humanitarian concern about the health of Giovanni Valentino, Roberto Pironi and Ciro Paparo who were on hunger-strike in Milan and Parma. The three prisoners went on strike to press for a hearing. They had been in custody since April and October 1980 and April 1981 respectively in connection with criminal offences said to have been committed for political motives. The three hunger-strikers were also protesting against conditions within San Vittore prison in Milan, which they considered to be physically and mentally threatening, and at violent incidents connected with the transfer of prisoners on 22 and 23 September 1981. Amnesty International wrote to Dr Fernando Pomarici, Deputy Procurator of the Republic for Milan, welcoming the opening of an inquiry by the Procurator of the Republic into the transfers. He informed Amnesty International on 30 December that the relevant documents would be transmitted to the investigating judge in January 1982 but could give no indication of their contents or the probable time required for the investigation.

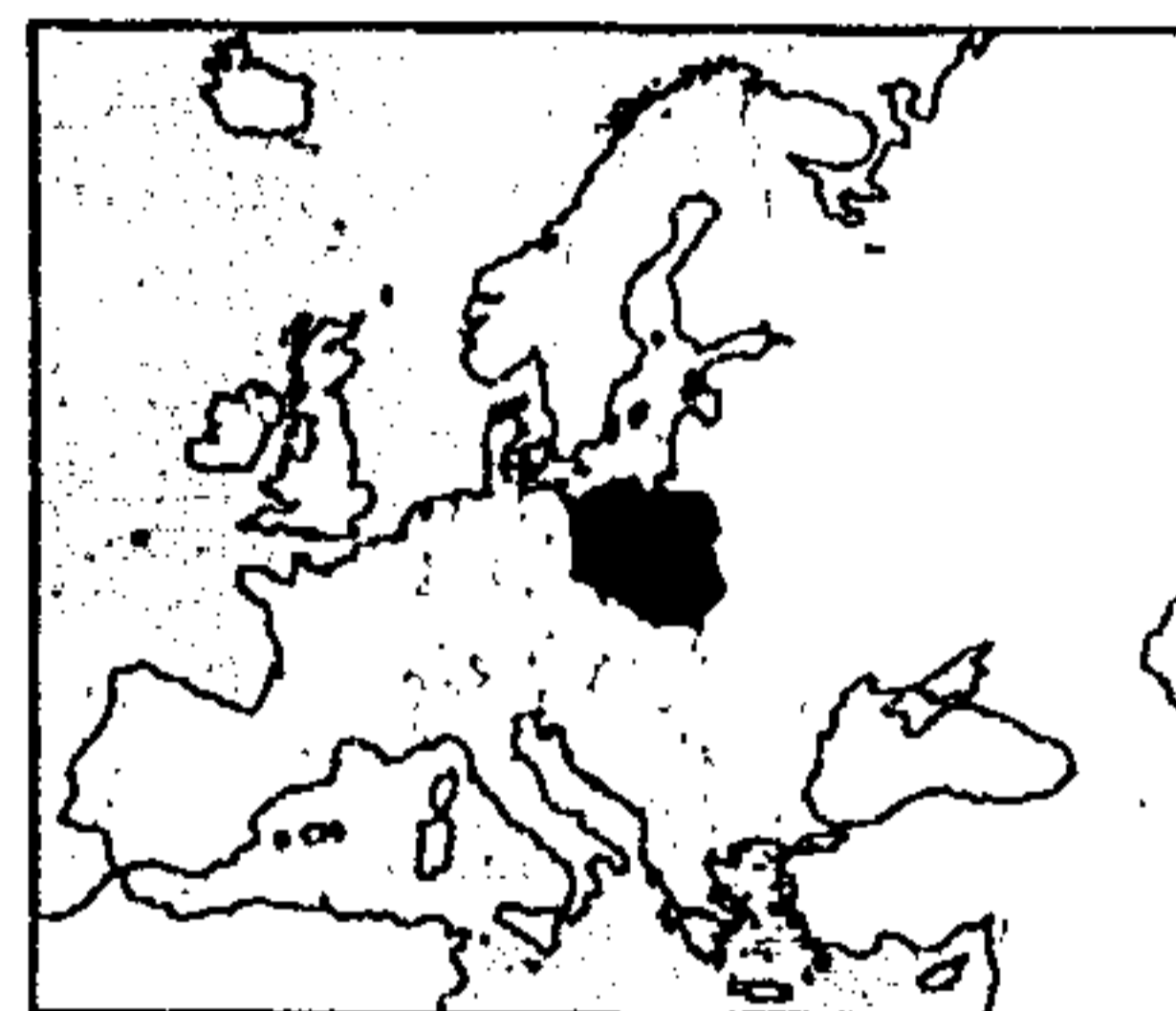
1981 saw changes in the situation of conscientious objectors to military service. A law altering the military judicial order in peacetime (*Ordinamento Giudiziario Militare di Pace*) was passed on 7 May 1981. The law introduced a Military Court of Appeal based in Rome, with sections in Verona and Naples, and the right to appeal against the decisions of this court to the Court of Cassation (supreme appeal court) according to the standards of civilian law. The Supreme Military Tribunal was replaced by an autonomous office of the state prosecutor, composed of military judges.

Between May and September, while the tribunals were being reconstituted, few new trials of conscientious objectors took place. However on 28 August the military tribunal of Padua sentenced Sergio Cattaneo, an anarchist and total resister to any form of military service, to one year's imprisonment. Sergio Cattaneo, who was

adopted by Amnesty International as a prisoner of conscience, was arrested at his home in Lecco on 15 April 1981 and taken to the military prison of Peschiera del Garda.

In September 1981, when the reformed military tribunals started to function, Amnesty International began to receive further information. For example Ettore Sanità, an anarchist and total resister, was sentenced by the military tribunal of La Spezia to seven months' imprisonment but, under the altered procedure, remained at liberty pending appeal. On 4 November the military tribunal of Turin sentenced Giorgio Raimondi, whose application for alternative service was rejected, to four months' imprisonment.

Amnesty International continued to follow the case of former prisoner of conscience, Sergio Andreis. His trial on 10 October 1980 had been attended by an Amnesty International observer (see *Amnesty International Report 1980 and 1981*). Sergio Andreis had been charged with revealing and attempting to reveal, restricted information about Gaeta military prison (which has since been closed). He was sentenced to 10½ months' imprisonment, suspended for five years. His appeal was the first to be heard by the newly-formed Military Appeal Court of Rome, which reduced his sentence to a five-month suspended sentence. Sergio Andreis, who insisted he was innocent of any crime, intended to appeal to the Court of Cassation in the hope of obtaining a verdict of not guilty.



Poland

Amnesty International's concerns in Poland in 1981 were dominated by the widespread internment and imprisonment of members and supporters of the independent trade union Solidarity after the imposition of martial law on 13 December. Although Solidarity was legally

registered in November 1980, in the months that followed there were recurrent conflicts between the union and the authorities. Confrontation arose over the implementation by the authorities of an agreement reached with the union in Gdansk in August 1980, on matters such as not working on Saturdays, access to the official media, freedom of expression and also over price rises and labour legislation. Some compromises were reached by the authorities and

the union, but social and political tensions persisted, aggravated by serious economic difficulties.

During this period Amnesty International worked on behalf of adopted prisoners of conscience Leszek Moczulski, Tadeusz Stanski, Romuald Szeremietiew and Tadeusz Jandziszak. They were members of an unofficial political party, the Confederation for an Independent Poland (KPN). Together with three other KPN members they were arrested between 24 September 1980 and 24 January 1981 on charges of "anti-state activity" under articles of the criminal code which prescribe severe penalties, including the death penalty (see *Amnesty International Report 1981*). By 5 June 1981 all seven had been released from preliminary detention. The trial of the four named above began on 15 June 1981 before the Warsaw Provincial Court. Amnesty International sent an observer to the initial stages of the trial.

At the outset the defence stated that the indictment was vague: it did not always specify what actions by the accused constituted "a threat to the state system" or what information disseminated by the accused "harmed the interests of the Polish state". The defence argued that it needed to know exactly what the defendants were accused of and asked for the indictment to be revised to clarify the charges. The presiding judge refused this request, reportedly stating that there would be ample opportunity to clarify the indictment during the trial. On 9 July the Supreme Court ruled that the accused had defied a court order to refrain from political activity during the trial by participating in public meetings and ordered their rearrest, with the exception of Tadeusz Jandziszak, who was ill. On 22 December, after martial law had been imposed, it was announced on television that the Warsaw Provincial Court had transferred the case to a military court in conformity with a State Council decree of 12 December. It was also officially reported that Tadeusz Jandziszak had been rearrested. By the end of the year Amnesty International had received no further information on these cases.

In the period before martial law censorship was considerably relaxed. Nevertheless a number of people, mostly members of the independent trade union Solidarity, were arrested, detained for up to 48 hours and charged with printing and distributing uncensored bulletins, posters and leaflets containing "slanderous and offensive allegations about the authorities and about Poland's Soviet allies". In August 1981 the Procurator General's office announced that criminal proceedings had been started in about 80 such cases. In September Amnesty International urged that charges be dropped against two Solidarity members, Chrystoforosz Tulasz, from Jelenia Gora, and Dr Kornel Morawiecki, from Wroclaw. They were indicted for

"disseminating false information" and for "publishing and disseminating material and appeals directed against the allied unity of Poland and the Soviet Union" respectively. To Amnesty International's knowledge their cases had not been tried by December.

On 18 October General Wojciech Jaruzelski, who had been appointed Prime Minister in February, replaced Stanislaw Kania as First Secretary of the Central Committee of the Polish United Workers' Party. On 28 October Solidarity held an hour's protest strike against arrests of union activists, calling for access to the official media and the creation of a "social council for the economy" to deal with the economic crisis. At a meeting on 4 November of representatives of the government, Solidarity and the church, no agreement was reached on a proposal to create a joint body to seek a solution to the country's problems. At the end of the month General Jaruzelski spoke of a draft law to be put to parliament that would grant the government emergency powers. In early December the Polish Primate, Archbishop Glemp, urged parliament not to pass such legislation and called for moderation on all sides. On 11 and 12 December Solidarity's National Commission met in Gdansk to discuss a number of resolutions including a proposal to call a referendum assessing public confidence in the government and the possibility of free elections to parliament and local peoples' councils.

On the night of 12/13 December members of Solidarity's National Commission, then meeting in Gdansk, were arrested and interned. Solidarity's leader, Lech Walesa, was placed under house arrest. Many other Solidarity members, officials, advisers and supporters were arrested throughout Poland. Members of the KPN and other people officially regarded as opponents of the government were also detained. Early on the morning of 13 December General Jaruzelski informed the nation that the State Council had proclaimed a "state of war" (martial law). He announced that a 21-member Military Council for National Salvation, which he would chair, would administer the country for the duration of martial law. Referring to "strikes, strike alerts and protests" General Jaruzelski claimed that law and order had broken down. He stated that martial law had been declared to avert national catastrophe and that the only task of the Military Council for National Salvation would be to "protect legal order in the country, to guarantee the restoration of order and discipline". He spoke of the internment of "a group of people who represent a threat to the safety of the country . . . the extremists of Solidarity are included in this group as well as activists of illegal anti-state organizations". He also stated that a number of former political leaders, including former First Secretary of the Polish United Workers' Party Edward Gierek, had been interned for their

responsibility in "pushing the country into the crisis during the 1970s and abusing their posts for personal profit".

A series of decrees dated 12 December suspended or restricted rights guaranteed by the constitution and by international human rights covenants to which Poland is party. The independent trade union Solidarity, which had been officially registered on 10 November 1980, was suspended. So were other independent trade unions and student organizations and the Association of Polish Journalists. Strikes, demonstrations and factory occupations were banned and the right of assembly was suspended except for religious services. Communication lines within Poland and abroad were severed and strict censorship of the news media enforced.

Other decrees were announced concerning internment and summary trial procedures. An amnesty was granted to cover a number of offences, including certain political ones: it applied to cases where legal proceedings had not been started before 13 December. In cases where legal proceedings had already been instituted but a final court decision had not been pronounced, a pardon was granted only if the accused "voluntarily pledged in writing that he would observe legal order and respect the principles of social co-existence". By the end of the year Amnesty International had not received any information about the effect of this amnesty on people against whom criminal proceedings had been instituted for non-violent political offences before 13 December.

An official news blackout meant that little information was immediately available about internees. Official sources stated that some 5,000 people had been interned. Unofficial estimates were much higher. By the end of 1981 Amnesty International had compiled on the basis of official and unofficial sources a list of over 650 named individuals who were reported to have been interned. Among them were Anna Walentynowicz, a crane-driver from the Lenin Shipyard in Gdansk and one of Solidarity's founder members and leaders; Solidarity chairmen from Radom and Bydgoszcz, Andrzej Sobieraj and Jan Rulewski; Tadeusz Mazowiecki, editor-in-chief of Solidarity's newspaper *Solidarnosc*; advisers to Solidarity including Krzysztof Sliwinski, a biochemist, and Bronislaw Geremek, a historian; and Jacek Kuron, Adam Michnik and Jan Litynski, former members of the Committee for Social Self-Defence (KSS KOR), an unofficial human rights group founded in 1976 and disbanded on 23 September 1981. It also included many prominent intellectuals who had supported Solidarity and the reform movement that had emerged in Poland at the end of August 1980.

According to unofficial reports received by Amnesty International many internees were initially held in harsh, cold and overcrowded

conditions. Internment centres were set up in evacuated prisons, in barracks, and in holiday homes for workers and military personnel. The internment centres most frequently mentioned were Bialoleka prison, Strzebielinek and Jaworzno. Women internees were reported to be held in Olszynka and Fordon prisons. Prevailing temperatures were sub-zero. Reports received by Amnesty International said that many internees were held in unheated cells without warm clothing. Most reports agreed that conditions in internment centres varied greatly and that well-known intellectuals were held in better conditions than workers.

By the end of 1981 Amnesty International had learned of the release of several internees. Some were reportedly asked, as a condition of release, to sign a statement that they would not undertake any "anti-state activity". A network of relief for internees and their families was organized by local churches.

The imposition of martial law provoked protest in many parts of the country. Despite the ban on strikes and marches, demonstrations and factory occupations took place in Gdansk, Warsaw, Szczecin, Wroclaw, Katowice and other towns, and in the Wujek, Piast and Ziemowit collieries in Silesia. On 16 December it was reported that seven people had been killed and 41 members of the militia and 39 civilians injured during the suppression of a strike by miners at Wujek colliery by security forces. Unofficial reports claimed that 14 people were killed at Wujek. Over 300 people were officially reported to have been injured, and one killed, in clashes in Gdansk on 17 December.

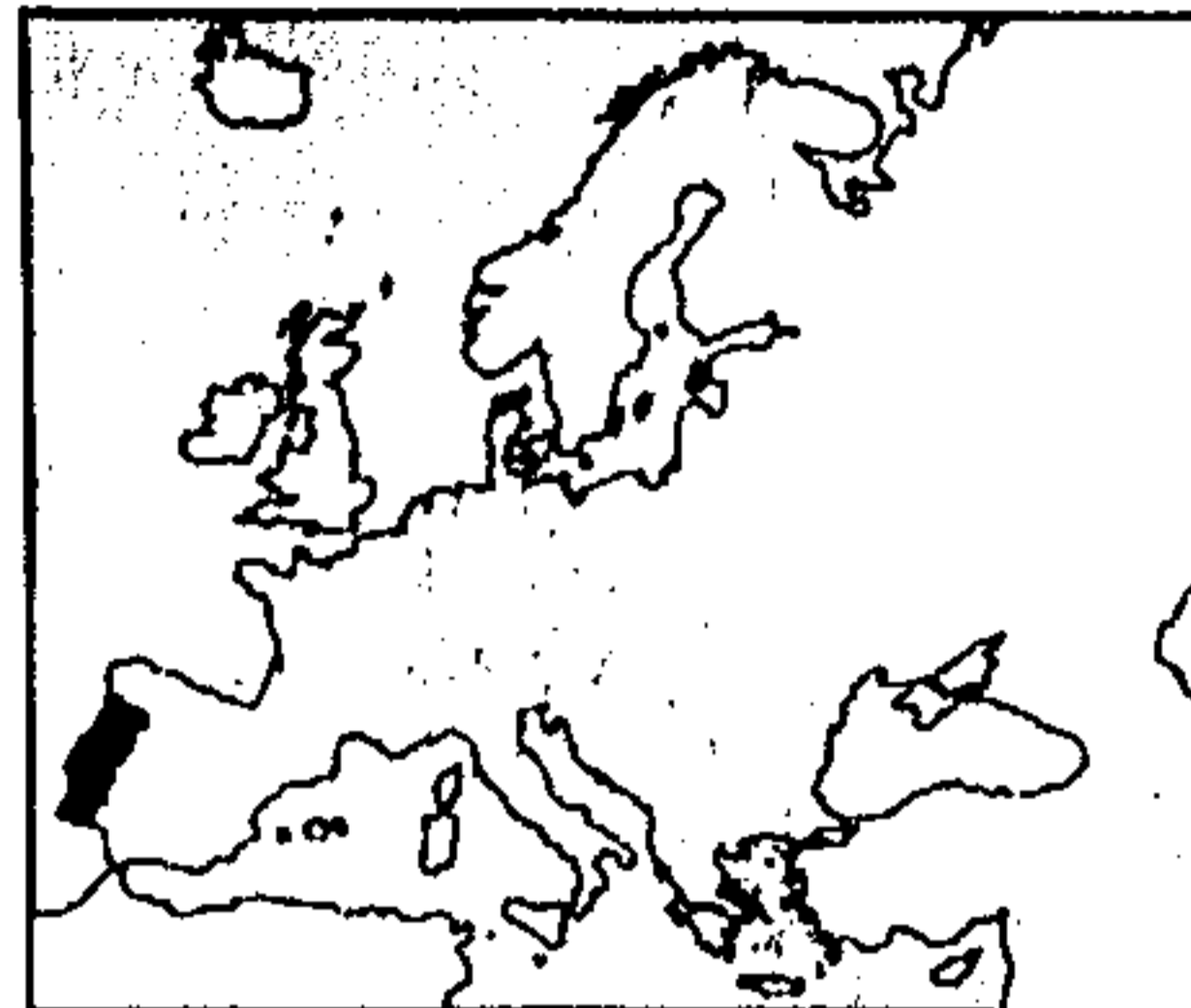
Between 15 and 31 December Warsaw radio reported the cases of at least 90 people who were arrested for organizing strikes and distributing leaflets. Nine of them were sentenced to imprisonment by summary procedure. In its appeals to the Polish authorities Amnesty International noted that the information available indicated that none of these people had used or advocated violence. It urged that if this were so they should be released. Among those convicted were Jerzy Kropiwnicki and Andrzej Slowik, Solidarity leaders from the Lodz region. According to Warsaw radio they had on 14 December "used a public address system to assemble a considerable crowd of people" near Solidarity premises in Lodz. This violated Article 46 of a martial law decree prohibiting the organization of strikes or protest actions. On 30 December they were reported to have been sentenced to four-and-a-half years' imprisonment each. Jan Filipek, chairman of a Solidarity works commission in Boleslawiec, was sentenced to three years' imprisonment for having proclaimed a protest strike on 14 December. Solidarity member Andrzej Pawlik was reportedly sentenced by a court in Silesia to five years' imprisonment for "disseminating leaflets with false information liable to cause public unrest".

Amnesty International first wrote to the Polish authorities on 16 December. On 22 December it wrote again detailing its concerns about internment and the arrest of people for the non-violent exercise of human rights.

Amnesty International noted that according to official statements internees were not accused or suspected of any criminal offence; they were detained because their "past behaviour gives rise to justified suspicion that should they remain at liberty they would not observe the law or would indulge in activities which threaten the interests of the security of the state". Amnesty International expressed particular concern that under martial law people could be held for an indefinite period without charge and that the courts had no powers over internment, which fell under the jurisdiction of the civic militia. It appealed for the release of all those interned solely for the non-violent exercise of human rights, whom it regarded as prisoners of conscience. It urged that internment itself be revoked. Amnesty International also expressed fears for the health and safety of internees and pointed out that many were reported to be held in harsh, cold and overcrowded conditions.

Under martial law, summary trial procedures were applicable to over a third of the offences in the criminal code, including a number of non-violent political offences, as well as to violations of martial law. Amnesty International did not have full details of these procedures but it expressed concern that, according to official statements, people tried by summary procedure had no right of appeal and might face the death penalty. It urged the authorities to review the martial law provisions relating to arrest, investigation and trial, to ensure compliance with internationally recognized standards. It called for full legal safeguards and fair open trials for anyone accused of crimes and reiterated its opposition to the death penalty in all cases.

Amnesty International did not learn of any death sentences passed or executed in 1981. However the death penalty remained in force. Under martial law its scope was extended to cover offences tried by summary procedure for which the previous maximum sentence had been eight years or more.

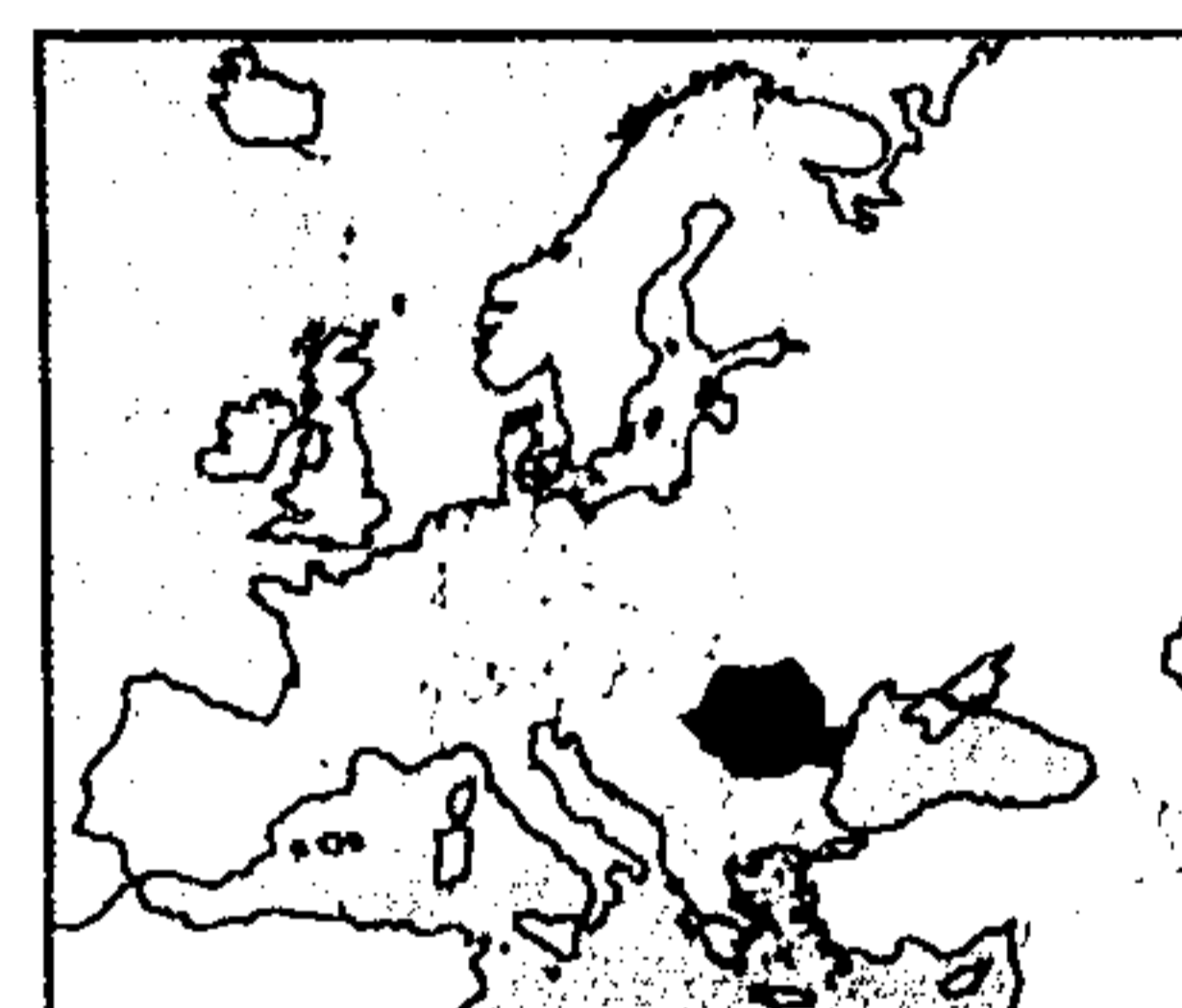


Portugal

Amnesty International was concerned by the length of the legal proceedings against alleged members of the *Partido Revolucionário do Proletariado* (PRP), Proletarian Revolutionary Party, some of whom had been in prison since June 1978.

In July 1980 the Supreme Court annulled convictions against 24 defendants. The court held that evidence had been admitted by lower courts through procedures that were unconstitutional. (See *Amnesty International Report 1980 and 1981*.)

In May 1981 Amnesty International's Secretary General met Portuguese officials, including the President, General Antonio dos Santos Ramalho Eanes. They discussed Portugal's actions to observe international human rights standards.



Romania

As in past years Amnesty International learned of Romanian citizens who were imprisoned as a result of their attempts to obtain official permission to emigrate or because they had tried to leave the country without official authorization, generally after their applications to

emigrate had been refused repeatedly by the authorities. Such people were frequently accused of "parasitical" or "anarchic" conduct, an offence punishable under Decree 153/1970. This decree, which allows for summary trial without legal defence, provides sentences of up to six months' imprisonment or compulsory "corrective labour without deprivation of liberty". This punishment means that a person is assigned to a particular place of work, may not leave the area without the permission of the local militia, and receives greatly reduced wages. Elisabeth Simut, aged 26, from Dubraveni was arrested in early June while attempting to leave the country without official authorization and was sentenced to six months' imprisonment under Decree 153/1970. Before her arrest she had repeatedly but

unsuccessfully applied for permission to be reunited with her husband who had lived in the Federal Republic of Germany since 1979. Other would-be emigrants were sentenced under Article 245 of the criminal code which makes the attempt to cross the border without official permission an offence punishable by six months' to three years' imprisonment or "corrective labour without deprivation of liberty".

Among such prisoners of conscience were Ioan Duda, a 33-year-old Seventh Day Adventist from Bucharest, who was arrested in August while trying to cross the border near Timisoara. He was reportedly sentenced under Article 245 to one year's imprisonment. Another was Gheorghe Sirbu who was arrested in November 1980 near the border with Yugoslavia while making his third attempt to leave Romania without official permission. He was reportedly attacked by frontier guard dogs and so severely beaten by members of the security forces that he had to be admitted to hospital. In April he was sentenced by a court in Braila to 10 months' corrective labour at a work site in Bordei Verde. In August he escaped from Bordei Verde and again tried to leave the country by crossing the Danube to Yugoslavia using diving equipment. He was once more arrested and detained.

On 20 August a presidential decree was issued which granted pardons to people serving prison sentences of up to five years and reduced by one sixth sentences of five to eight years' imprisonment. The decree excluded people convicted of murder, robbery, rape, giving or taking bribes, indecent assault and escape from prison. Some prisoners of conscience were released, including Silvia Tarniceru and Elena Boghian who had been sentenced in March to 15 months' imprisonment for trying to leave the country without permission. Also freed were five Christians sentenced in January to prison terms of between one-and-a-half and four years in connection with the smuggling of Bibles into the USSR (see *Amnesty International Report 1981*).

Amnesty International continued to work for the release of the adopted prisoner of conscience, Father Calciu-Dumitreasa, a Romanian Orthodox priest, who was sentenced to 10 years' imprisonment in 1979. He was reportedly charged with "conspiracy" because of an alleged connection with the founders of the *Sindicatul Liber al Oamenilor Muncii din Romania* (SLOMR), the Free Trade Union of Romanian Workers, a movement founded in early 1979 for the protection of human rights, in particular those of workers (see *Amnesty International Report 1980*). Father Calciu was confined to Jilava Prison Hospital at the end of 1980 after going on hunger-strike in protest against prison conditions and to demand a public retrial. In September 1981 he was reported to have gone on hunger-strike again.

According to reports received by Amnesty International he was protesting against being treated with drugs against his will. He was forcibly fed by the prison authorities. His health was believed to have seriously deteriorated and Amnesty International appealed to the authorities for his release.

Active Christians, many of them members of Protestant evangelical sects, who demanded greater religious freedom continued to be persecuted. Those who held religious services without official approval or who tried to distribute religious works despite official restrictions were particularly penalized. In November Amnesty International appealed for the release of Klaus Wagner, a member of the Brethren Church from Sighisoara, and for the release of Fibia and Maria Delapeta from Carpinis, members of the Lord's Army, a sect of the Romanian Orthodox Church which was not officially recognized. They were reportedly arrested at the beginning of October in connection with the smuggling of Bibles into Romania and their distribution, after the authorities had discovered and confiscated a large number of Bibles on a ship which docked at Turnu Severin at the end of September. Amnesty International received allegations that Klaus Wagner was so badly beaten by the police after his arrest that by early November he was still under intensive care in hospital. It was reported that neither he nor the Delapeta sisters were allowed access to defence counsel during investigation proceedings. On 17 December Klaus Wagner was sentenced to six years' imprisonment reportedly on charges of complicity in bringing contraband into Romania. Fibia and Maria Delapeta are said to have been sentenced to five years' imprisonment each on similar charges.

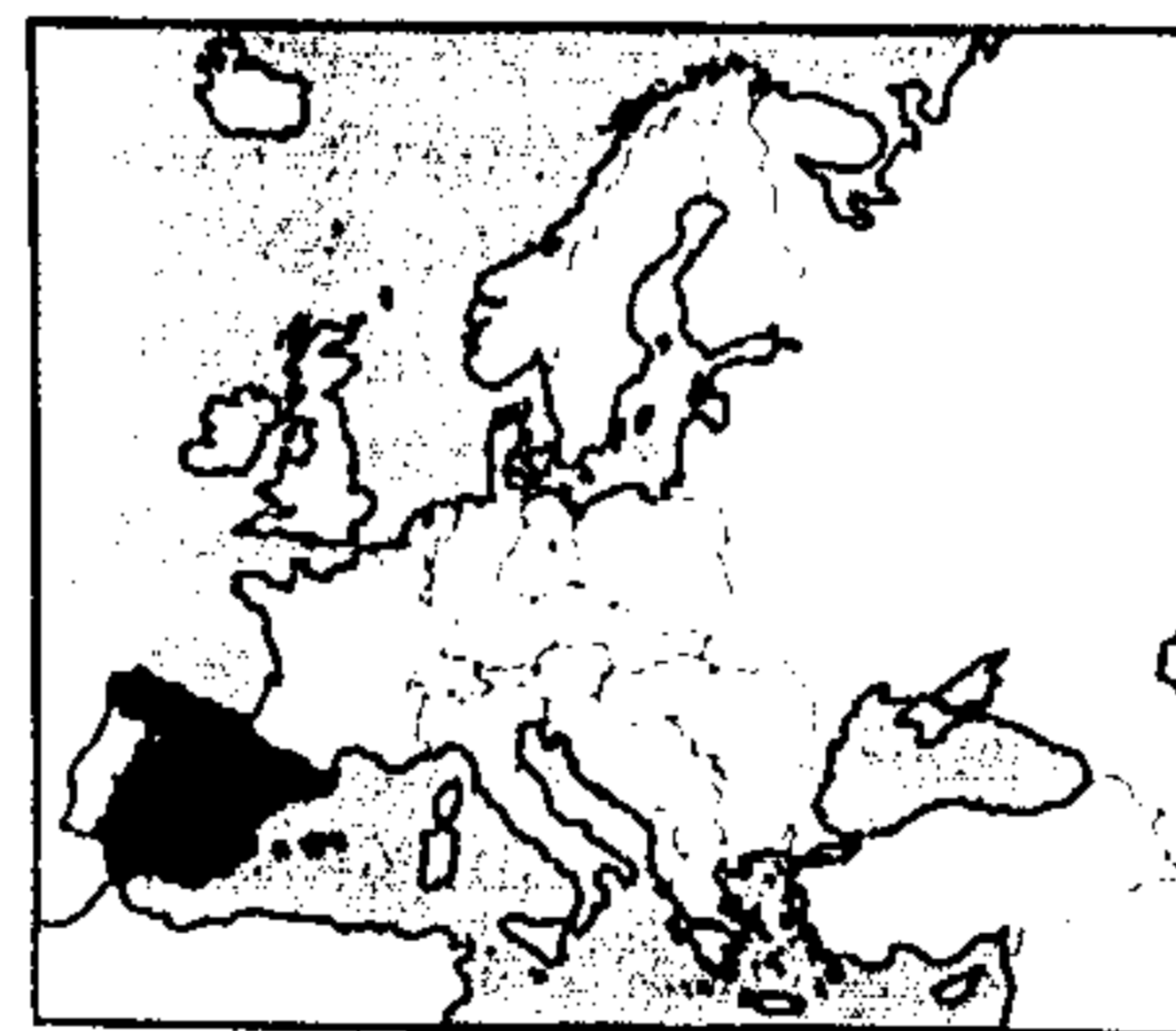
During 1981 Amnesty International received many other reports of religious dissenters being arrested. They included: the Pentecostal preacher Gavrilă Giurgiu from Cluj; Silviu and Mircea Cioata, members of the Brethren Church from Ploiesti; the Baptist Ioan Teodosiu from Cluj; and the Romanian Orthodox priest Ambrus Cernat. All were reportedly members of the *Apararea Libertatii Religioase si de Constiinta* (ALRC), the Romanian Christian Committee for the Defence of Freedom of Religion and Conscience, founded in May 1978 by a group of Christians critical of official restrictions on religious freedom. During their detention in police custody they were reportedly threatened and intimidated in an attempt to dissuade them from their religious activities and from maintaining contacts with religious believers abroad. Some, including Ioan Teodosiu and Gavrilă Giurgiu (who was reportedly beaten in police custody), were fined for writing letters to foreign radio stations and religious organizations. Such reports raised serious concern about the treatment of people in custody and pre-trial detention, and

about the efficacy of legal safeguards.

Former prisoners of conscience consistently reported that during investigation proceedings they were denied access to defence counsel and had little access to relatives. Political trials were almost invariably held *in camera*, or with only immediate family members present. Amnesty International did not know of any political trials which resulted in acquittal.

Reports from former prisoners of conscience described prison conditions as poor, with serious overcrowding and inadequate food and medical care, in particular in the prisons of Aiud, Gherla and Galati.

In December Amnesty International appealed to Head of State President Ceausescu to commute the death sentences, confirmed by the Supreme Court, passed on Gheorghe Gheorghita, Nicu Badea and Gheorghe Stefanescu. Gheorghe Gheorghita and Nicu Badea had been convicted of particularly grave murder. Gheorghe Stefanescu, a Bucharest wine merchant, was convicted of "embezzlement with especially grave consequences". According to press reports he was found guilty of having amassed large profits from the sale of adulterated wine obtained illegally. He was also convicted of corruption and trafficking in favours. This death sentence conflicted with official policy statements in 1977 according to which, in a pending reform of the criminal code, the death penalty would no longer be imposed for economic crimes.



Spain

Amnesty International's main concern continued to be the ill-treatment of people detained under anti-terrorist legislation (see *Amnesty International Report 1981*). Amnesty International was also concerned about prosecutions which, if successful, could curtail freedom of

expression, in contravention of international law.

Political violence continued during 1981. There were armed confrontations involving political groups of the left and the right, autonomists, the police and the *Guardia Civil* (paramilitary police force), especially in the Basque provinces. Official figures showed that the number of deaths fell from 126 in 1980 to 49 in 1981. In

March 1981 a new anti-terrorist command was formed, giving the armed forces an operational anti-terrorist role for the first time.

The application of the anti-terrorist laws and allegations of ill-treatment and torture of detainees were documented in the *Report of an Amnesty International Mission to Spain 3-28 October 1979*, published in December 1980. Amnesty International's findings and recommendations, which were sent to the Spanish Government in September 1980, were described in the *Amnesty International Report 1981*. So too were changes in the law regarding arrest and detention introduced since the mission took place. These changes did not affect Amnesty International's concerns: suspects arrested under anti-terrorist legislation and detained by the police for up to 10 days without charge were still held incommunicado, without access to a lawyer. Amnesty International believed that this practice and the lack of any effective judicial supervision (in spite of legal provision for such supervision) were conducive to ill-treatment. José Arregui, an alleged member of *Euskadi Ta Askatasuna* (ETA), Basque Homeland and Liberty, an autonomist group, died in custody after nine days' incommunicado detention in February (see *Amnesty International Report 1981*). As is usual in these cases, the sole involvement of the judge nominally responsible for his custody had been to authorize his detention; José Arregui was not allowed access to a lawyer.

Among the cases of ill-treatment reported to Amnesty International in 1981 were those of Tomás Linaza and Father Juan José Camarero Nuñez Goenaga. Tomás Linaza, the 57-year-old father of a Basque refugee in France facing extradition for alleged activities connected with ETA, was arrested on 14 May 1981 and ill-treated by the *Guardia Civil* in Bilbao and Madrid. After nine days' incommunicado detention he was brought before a judge who ordered his release without charge. He alleged in court that he had been beaten all over his body and on the soles of his feet; subjected to the *barra*, in which the victim is suspended upside down and handcuffed, with a bar pushed between the knees; hooded and threatened with shooting. A court doctor noted extensive bruising on his body. Tomás Linaza was arrested with several other men, including Father Juan José Camarero Nuñez Goenaga, who was also allegedly beaten during nine days' incommunicado detention. Father Camarero Nuñez subsequently circulated a letter among the clergy of his region describing the treatment he and others had received in police custody.

In April 1981 Amnesty International campaigned to urge the authorities to implement the recommendations in its report of its 1979 mission. It expressed concern at the continuing allegations of ill-treatment and called for the abolition of 10-day incommunicado detention; access to lawyers for suspects detained for interrogation; a

strengthening of judicial control over detentions; and regular medical examinations for all detainees. It pointed out that the judicial authorities had not taken any convincing action to prosecute those responsible for torture and ill-treatment, despite the numerous and well-documented complaints that had been lodged. On 23 October 1981 the Chairperson of Amnesty International's International Executive Committee met the Minister of the Interior, Sr don Juan José Rosón, and again raised these matters.

A number of people were prosecuted for publishing statements or articles criticizing the state, its representatives and institutions. Amnesty International sent an observer to the trial before the *Audiencia Nacional* (National Court) of Madrid on 16 December of five town councillors from the Basque town of Larrabetzu. The defendants all belonged to a legal nationalist Basque party known as *Herrigintza*. They were charged with publicly insulting the head of state. A statement passed by the town council and sent to the civil governor of the province of Vizcaya allegedly contained a passage saying that the King was not fit to tread on Basque soil. This was in the context of a political debate held by the town council shortly before the planned visit of the King and Queen of Spain to the Basque country. The prosecution asked for a sentence of six years' imprisonment.

At the trial it was discovered that the main evidence against the defendants, the statement made by the council, contained no written reference whatever to the passage which the prosecution held to be insulting. It did express the council's opposition to the visit for political reasons. The judge therefore suspended the sitting indefinitely requesting additional information. The trial may be resumed or dropped. Amnesty International's observer did not criticize the conduct of the hearing but he was critical of the prosecution case. He concluded that the facts showed that the defendants did not wish to insult the King as head of state, but rather to criticize the institution of the monarchy politically. It appeared that the prosecutor was applying the penal code in such a way as to punish the councillors for having expressed a political opinion opposing the monarchy.

In July 1981 Francisco Carballo, a priest and historian from Galicia, was sentenced to six months' imprisonment and a 20,000 peseta (£1,076) fine for slandering the police. The charge was based on a single passage in his recent book, *History of Galicia*. He referred to a "wave of terror" in Galicia in August 1975, under the government of General Franco, which culminated in the killing of Xosé Ramón Reboiras Noia, a leader of the *Unión do Pobo Galego* (UPG), Galician People's Union. He attributed the killing to the Spanish police.

On 23 April 1981 a Law in Defence of the Constitution came into effect. This law was introduced partly in response to increasing political violence and partly to prevent a recurrence of the attempted military coup of 23 February 1981, for which 32 army officers and members of the *Guardia Civil* and one civilian faced court martial (see *Amnesty International Report 1981*). The law amended both the penal code and the code of military justice. It created a new offence of rebellion for attempting, or advocating, the overthrow of democracy or the suspension of the constitution, or for supporting terrorism, either actively or by advocating it. This law also increased the penalties for certain existing offences.

The new law also provided penalties, which might include imprisonment depending on the gravity of the offence, for those who "conspire, propose and provoke" the above offences in public. It also punishes those who seek to excuse these offences and those who act as apologists for military rebellion or terrorism. Furthermore, it gave magistrates powers to close down temporarily a newspaper, printing works or radio station which, in the opinion of the authorities, had publicized or excused terrorism. These measures were criticized by journalists and others as limiting the freedom of the press. It was feared that the laws could be used to imprison people for the legitimate exercise of freedom of expression in reporting or commenting on events. Amnesty International did not learn of any prosecutions under this legislation in 1981.

On 1 July 1981 Spain made the declaration under Article 25 of the European Convention on Human Rights for a period of two years, giving individuals the right to submit complaints to the European Commission of Human Rights.



Switzerland

The imprisonment of conscientious objectors to military service and the lack of any alternative civilian service remained the main concern of Amnesty International.

Under Article 81 of the military penal code all conscientious objectors are sentenced to prison, even

when the military tribunal recognizes a severe conflict of conscience on religious or ethical grounds. If the objection to military service is considered to be primarily political, a longer term of imprisonment is imposed.

Amnesty International adopted as a prisoner of conscience Thierry Saunier, who was sentenced to five months' imprisonment on 4 June 1981. On 2 November he began his sentence in Bellechasse prison. The military tribunal of Nyon considered that his arguments against military service were based on a "personal" conception which did not stem from morality or religion. He therefore was not allowed to benefit from the system of *arrêts répressifs*. Under this system a prisoner is allowed to do prescribed work outside the prison boundaries, but must return to prison in the evenings and for the weekends. Amnesty International also worked for the release of Pierre Krummenacher, a student, Evence Grobettey, a shepherd, and Patrick Fritschy, a mechanic, who were all sentenced to five months' imprisonment in the form of *arrêts répressifs*, and began their sentences between November 1981 and January 1982.

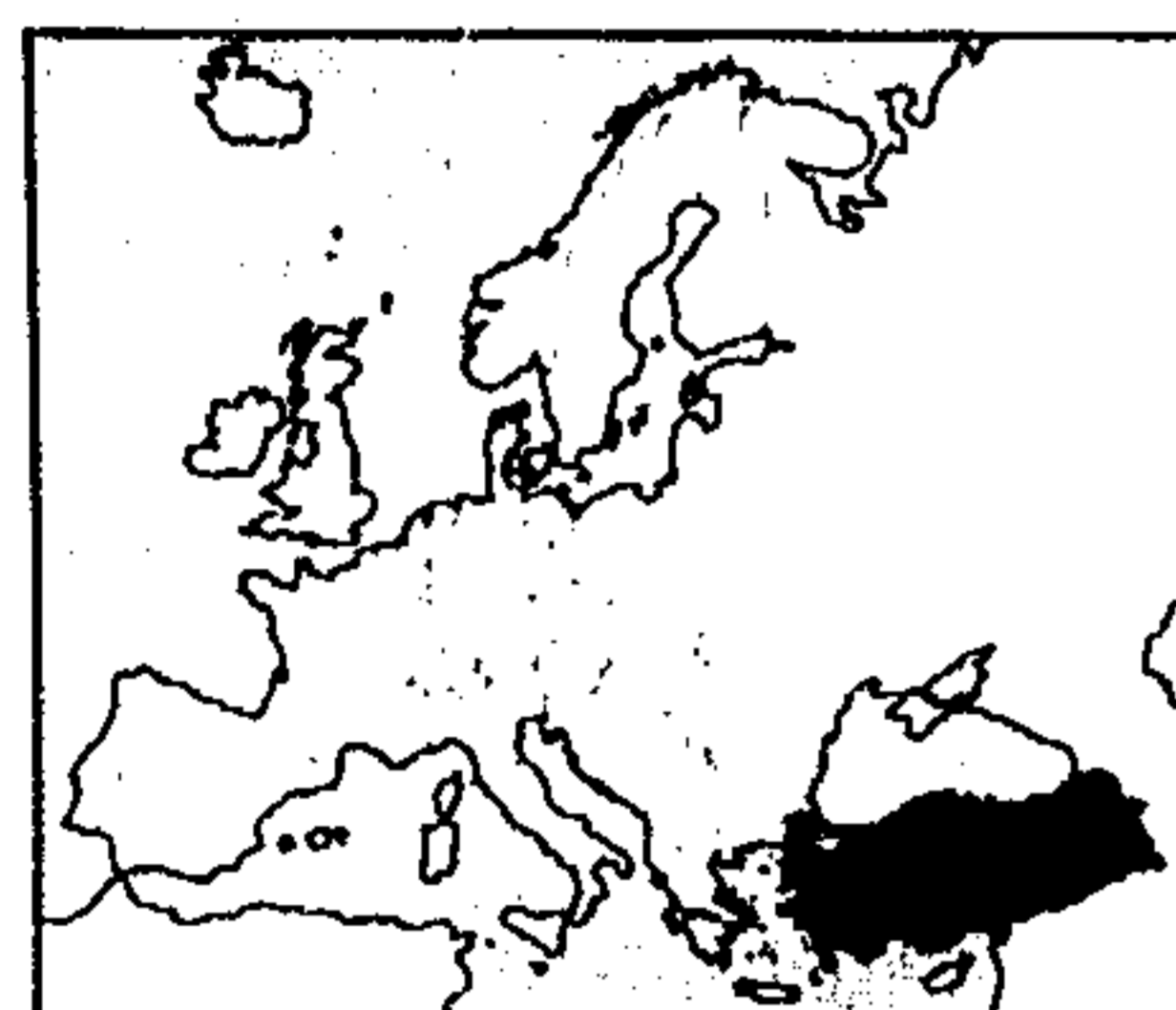
Daniel Bernardoni was imprisoned on 2 November 1981 after being sentenced to a prison term of eight months by the military tribunal of Lausanne. The court found that he had acted "principally on the basis of motives of a moral and political nature in the wide sense of the term" but that "one could not discern any indication that his conscience had been tormented to a point where it caused a grave internal conflict".

Ernesto Bolliger, an architect, was sentenced to eight months' imprisonment on 11 June 1981 by the military tribunal of Locarno. The court found his pacifist views to be primarily political. Bruno Dumont was taken into prison on 17 December 1981 after an appeal hearing on 23 June 1981 sentenced him to eight months' imprisonment but exempted him from further military service. Bruno Dumont went on hunger-strike in protest at the prison sentence. He had offered to work for 18 months in some form of public service as an alternative to military service. Pierre Crevoisier was similarly sentenced to eight months' imprisonment. The military tribunal of Neuchâtel stated in its judgment of 16 December 1980 that the defendant's views were "essentially intellectual and very theoretical". He had offered to work for a year in a specialized institution for delinquents as a substitute for military service and appealed on 26 November 1981. The appeal court reduced the sentence to five months' imprisonment in the form of *arrêts répressifs*.

Amnesty International also adopted Daniel Tiboldi and Martin Bühler as prisoners of conscience. Martin Bühler had already served 380 days as a corporal in an army medical corps and began a five-month sentence in Bellechasse prison on 3 August 1981. Daniel Tiboldi began a seven-month prison sentence in Saxerriet prison on 2 November 1981.

In letters to Amnesty International the Swiss authorities stated

that they were aware of the problem posed by conscientious objection in Switzerland. However in December 1977 an amendment to the constitution which would have established an alternative civilian service was rejected in a referendum, and the authorities stated that it would be premature to say when a new proposal would be drafted.



Turkey

Turkey remained under martial law throughout 1981. Amnesty International was concerned that thousands of people were imprisoned, many for non-violent political activities; torture was widely used; and the death penalty was used increasingly.

According to official figures published in the Turkish press in November 1981, 29,929 people were in prison for political offences. Of these, 3,731 were detained without charge, 24,300 were in the process of being tried and 1,898 had been convicted. Many had been charged with, or convicted of, violent acts. However many others known to Amnesty International were imprisoned as a result of non-violent political activities such as belonging to political parties or groups, translating books, journalism and trade union activities. Some lawyers in Diyarbakir were detained, apparently because of their professional activities, and some of the Kurds imprisoned were charged only with participating in Kurdish cultural events. Some of these cases were raised with the Turkish authorities during an Amnesty International mission to Turkey in April 1981 and were cited in a statement made by Amnesty International later that month to the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe (see *Amnesty International Report 1981*).

In December 1981 Amnesty International wrote to General Kenan Evren, the head of state, expressing concern about all those imprisoned for non-violent political activities. Among the specific cases raised were those of Ahmet Isvan, the former mayor of Istanbul, who had been held for more than a year without trial; Yeter Göksoğelman, a physicist and university teacher, charged with membership of an illegal organization; members of the executive committees of the Turkish Workers' Party (TIP) and the Turkish Workers' and Peasants' Party (TIKP); and members of the Confederation of

Progressive Trade Unions (DISK). Amnesty International reiterated its appeal for the abolition of Articles 141 and 142 of the penal code which prohibit forming organizations or making propaganda aimed at achieving the "domination of a social class over other social classes".

In October 1981 Amnesty International learned of the re-imprisonment of Dr Ismail Besikci. He had been adopted as a prisoner of conscience in 1973 and again in 1979 when he was imprisoned because of his writings about Kurds (see *Amnesty International Report 1980*). He had been released from prison in April 1981, but the Turkish newspaper, *Cumhuriyet*, reported on 22 October 1981 that a sentence of five to 25 years' imprisonment had been demanded for him by the military prosecutor because of information that had been published abroad.

Numerous allegations of torture and reports of deaths caused by torture reached Amnesty International during the year. In July 1981 the organization made public the translations of 21 detailed torture testimonies. They described torture alleged to have been inflicted since the military coup of 12 September 1980. The documents included transcripts of court proceedings and statements addressed to General Kenan Evren. Methods of torture included electric shocks, burning with cigarettes, *falaka* (beating the soles of the feet) and violent assaults on all parts of the body including the sexual organs.

Amnesty International asked the authorities to investigate reports of torture on many occasions throughout 1981. In some cases it was informed that medical examinations "indicated some injuries" and that investigations had been initiated by the martial law authorities. Among such cases were those of Ahmet Akagunduz, a lawyer, and Cetin Uygur, a trade union leader. In September 1981 Amnesty International sent the authorities a list of 62 names of people alleged to have died in custody since 12 September 1980, and asked for the results of any investigations into these deaths. Amnesty International subsequently withdrew one name from the list when it learned that the person was still alive. In December 1981 Amnesty International was informed by the authorities of the results of their investigations into 21 of these cases. In two cases police officers had been convicted of causing the deaths and in another nine cases investigations or trials were in progress. In nine cases death was said to have been caused by drowning, jumping from a window, suicide or ill-health, or it was simply stated that there were no grounds for prosecution. In one case the prisoner was said to have been released after transfer to hospital. Amnesty International later learned of a further 15 people alleged to have died as a result of torture, the latest in October 1981.

In its statement to the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe in April 1981,

Amnesty International noted the steps taken by the Turkish authorities to investigate torture allegations and deaths in custody. It pointed out however that their actions had not resulted in any apparent cessation of torture. Amnesty International stressed the importance of access to lawyers and relatives throughout the period of detention. In September 1981 the time for which people might be held before being charged was reduced from 90 to 45 days. However according to information received by Amnesty International, detainees were still denied contact with their lawyers or families. Most allegations of torture related to this period of incommunicado detention.

In 1981 six men convicted of political killings were executed, bringing the total number of executions since the military coup to 10. According to official figures published in the Turkish press in November 1981 martial law tribunals passed 65 death sentences between September 1980 and September 1981. Of these 16 had been confirmed by the Military Court of Appeal. On 16 November 1981 it was announced that in future death sentences would be referred for ratification to the Consultative Assembly, which was established on 23 October 1981. Since 12 September 1980 death sentences had been subject to ratification by the National Security Council alone.

Amnesty International sent appeals against individual death sentences and executions throughout 1981. On 1 October Amnesty International wrote again to General Evren deploring the frequent imposition of the death penalty in Turkey. It stated that although "Amnesty International appreciates the difficulties which all recent Turkish governments have faced in dealing with violence... we do not believe that these difficulties can ever justify recourse to the use of the death penalty."



Union of Soviet Socialist Republics

Amnesty International was concerned about the continuing conviction

of prisoners of conscience under criminal legislation which explicitly restricts the non-violent exercise of human rights. Most prisoners of conscience were charged with political offences such as "anti-Soviet agitation and propaganda", "circulation of fabrications known to be false which defame the Soviet state and social system" (often referred to as "anti-Soviet slander") or with violating the "legislation on cults" which restricts religious activity. Many prisoners of conscience were also convicted on criminal charges which bore no ostensible relation to their dissenting activities, and which Amnesty International believed to be without foundation and politically motivated. Trials frequently fell short of internationally accepted standards. Prisoners of conscience in penal institutions continued to suffer from chronic hunger, inadequate medical care and difficult, often dangerous, compulsory labour. Those detained in psychiatric hospitals were deprived of virtually any protection against ill-treatment. Some Soviet citizens who exposed and protested against these and other human rights violations were imprisoned or sent into internal exile in remote areas of the USSR.

Towards the end of 1979 the authorities launched a major drive against all forms of dissent (see *Amnesty International Report 1980 and 1981*). 1981 saw this drive continue. Amnesty International learned of approximately 200 people arrested solely for expressing views — political, religious or nationalist — disapproved of by the authorities. It knew of more than 20 people who were forcibly confined in psychiatric hospitals for political rather than authentic medical reasons in 1981. Amnesty International also received information about the harassment, intimidation, short-term detention and, in some cases, physical ill-treatment of many other dissenters. In the course of 1981 it worked on behalf of about 500 prisoners adopted as prisoners of conscience, or being investigated as possible prisoners of conscience.

In 1981 Amnesty International learned of the acquittal of Eduard Kuleshov. Amnesty International had not previously known of anyone being acquitted by a Soviet court of a political or religious

offence. Eduard Kuleshov was arrested in December 1978 after signing a letter in defence of the Byelorussian prisoner of conscience Mikhail Kukobaka. Charged with "anti-Soviet slander", he was reportedly beaten during pre-trial investigation and sentenced the following June to three years' imprisonment. In October the Supreme Court overruled the verdict and opened a new investigation into the case. In December 1980, two years after his arrest, he was released, reportedly because of "failure to prove the charge". Amnesty International did not know whether this decision was reached by a retrial or by judicial review.

About half the new cases taken up by Amnesty International in 1981 were of religious believers. Most were members of unregistered Baptist, Seventh Day Adventist and Pentecostalist congregations. They reject the restrictions imposed by the state on their freedom to choose their own church leaders, bring up their children according to their own religious convictions and openly preach their beliefs. The authorities regard these unregistered communities as illegal. The imprisonment of these religious believers took place against a background of widespread official harassment. This included homes being searched for unauthorized religious literature, and the disruption of prayer meetings. In July Amnesty International issued "Imprisonment of Religious Believers: A Background Paper" which contained a cross-section of cases.

Most of the religious believers known to have been imprisoned were Baptists. During 1981 Amnesty International learned of the arrest and trial of about 75 Baptists. They included 60-year-old Pastor Dmitry Minyakov, a leader of the unregistered Baptists, who went on hunger-strike for several months in protest against his arrest. In August he was sentenced in Tallinn to five years' imprisonment for "infringement of the person and rights of citizens under appearance of performing religious ceremonies" and his 15-year-old son was placed in a state orphanage. Larisa Zaitseva served a three-year prison sentence from 1977 for circulating unauthorized religious literature. In September 1981 the 30-year-old Baptist was again arrested and charged with "infringement of residence regulations".

At least 20 Seventh Day Adventists and 20 Pentecostalists were known to have been imprisoned. Two Seventh Day Adventists, Olga Kharitonova and Tatyana Taranyuk, were searched during a train journey and discovered to be carrying unauthorized religious literature. In May they were sentenced in Voronezh to two-and-a-half years' imprisonment each. In December the Pentecostalist writer Pavel Akhtyorov was sentenced in Donetsk to a total of 12 years' imprisonment and internal exile for attempting to send an autobiographical work abroad.

Two leading figures of the unregistered Pentecostalist Church were imprisoned: Ivan Fedotov and Vladimir Murashkin. Both were sentenced in July in Maloyaroslavets to five years' imprisonment. Nikolai Bobarykin, a deacon in an unregistered Pentecostalist congregation in the Krasnodar Territory and father of eight children, was reported to have been sentenced to six years' imprisonment and five years' internal exile.

A number of Roman Catholics were also imprisoned. In Lithuania two members of an unofficial group monitoring Soviet observance of the 1975 Helsinki Final Act — Mecislovas Jurevicius and Vytautas Vaiciunas — were imprisoned for organizing religious processions. Charged with "organization of, or active participation in, group actions which violate public order", they were sentenced in June to three and two-and-a-half years' imprisonment respectively. In the Ukraine two recently ordained priests of the outlawed Ukrainian Catholic or Uniate Church — Roman Yesip and Vasyl Kovaltsiv — were reported to have been arrested in Lvov shortly before Easter. Earlier in the year Amnesty International received reports that a priest from Latvia, Father Vladislav Zavalnyuk, had been forcibly confined for a short period in a psychiatric hospital because of his religious activities.

Other religious believers arrested during the year included Vello Salum, an Estonian Lutheran pastor, who was for a short time compulsorily detained in a psychiatric hospital for allegedly expressing nationalist sentiments in his sermons and writings.

A number of religious believers were among those imprisoned in 1981 for refusing to do military service for reasons of conscience. They included Baptists and Pentecostalists. Others were imprisoned for refusing to do military service on grounds of conscience other than religious conviction. These included Johannes Rauf, a German would-be emigrant, and Vladimir Sichko, a young student whose father and brother were imprisoned for membership of the Ukrainian Helsinki monitoring group.

The authorities continued to imprison members of non-Russian nationalities who protested against what they considered an official policy of "Russification", discriminating against national minorities, or who advocated political independence for their nations. Many based their protests on Article 72 of the USSR Constitution which proclaims that "each Union Republic has the right freely to secede from the USSR".

Ten Armenians seeking political independence for Armenia by non-violent means were arrested or tried in Erevan between February and April 1981. All were charged with "anti-Soviet agitation and propaganda" and most were also charged with "participation in an

anti-Soviet organization". Five were accused of organizing a nationalist group known as the "Union of Young Armenians". The two alleged leaders, Marzpet Arutyunyan and Ishkan Mkrtchyan, were both given 12-year sentences of imprisonment and internal exile, and their three colleagues received sentences of between three and eight years.

Others imprisoned for "nationalist" activities included the Lithuanian Algimantas Andreika, arrested in May and charged with "anti-Soviet agitation and propaganda" and the Latvian poet Alfred Zarins, who in September was sentenced to three years' imprisonment.

During 1981 at least 12 Jews campaigning for the right to emigrate to Israel or for the preservation of Jewish culture were arrested or tried. Alexander Paritsky in Kharkov and Vladimir Tsukerman and Osip Lokshin in Kishinev were given three-year sentences for "anti-Soviet slander". In September two unofficial Hebrew teachers, Lev Shefer and Vladimir Yelchin, were arrested in Sverdlovsk and charged with the same offence. In Amnesty International's opinion several Jewish activists appear to have been convicted in 1981 on false criminal charges.

A number of ethnic Germans were among those arrested for seeking to emigrate from the USSR. Yevgeny Antsupov, a Russian historian and dissenter from Kharkov who had unsuccessfully sought permission to emigrate, was sentenced in August to a total of 11 years' imprisonment and internal exile ostensibly for "anti-Soviet agitation and propaganda".

Amnesty International learned of the imprisonment of Vyacheslav Cherepanov, a Lithuanian, who had been returned to the Soviet Union on 21 July 1981 by the Finnish authorities after attempting to leave the USSR without permission. Vyacheslav Cherepanov, who was reported to have been imprisoned for political reasons in the late 1960s, was charged with "treason" in the form of "flight abroad". He was tried in May in Vilnius by the Lithuanian Supreme Court and sentenced to 12 years' imprisonment and three years' internal exile.

Members of unofficial groups monitoring Soviet observance of the 1975 Helsinki Final Act continued to be imprisoned. In March 1981 two Lithuanian Helsinki monitors, Mecislovas Jurevicius and Vytautas Vaiciunas, and one Ukrainian, Ivan Kandyba, were arrested. At the beginning of April Tatyana Osipova, a member of the Moscow Helsinki monitoring group, was convicted of "anti-Soviet agitation and propaganda" and sentenced to five years' imprisonment and five years' internal exile. In August her husband, Ivan Kovalyov, also a member of the Moscow group, was arrested and charged with the same offence. In July Ivan Kandyba, a former lawyer and prisoner of conscience, previously imprisoned from 1971 to 1976 for membership of

an unofficial group seeking Ukrainian independence, was tried in Lvov. As a second offender, the court designated him "an especially dangerous recidivist" and sentenced him to 10 years' imprisonment in "special regime" corrective labour colonies — the most severe category — and five years' internal exile. Towards the end of the year the Georgian monitor Merab Kostava was arrested shortly before the expiry of a five-year sentence of imprisonment and internal exile, charged with "resisting a policeman", and sentenced in December to a further five years' imprisonment. Amnesty International believed the motive behind the charge to be political.

In September the author human rights activist and former prisoner of conscience Anatoly Marchenko was sentenced to a total of 15 years' imprisonment and internal exile for "anti-Soviet agitation and propaganda". Also convicted under this charge was Raisa Rudenko, the wife of the imprisoned Ukrainian Helsinki monitor Mykola Rudenko. She was given an eight-year sentence of imprisonment and internal exile for sending information abroad about her husband and other prisoners of conscience.

Many prisoners of conscience faced further charges before the expiry of their sentence which resulted in their detention being extended. For example, the Byelorussian human rights campaigner Mikhail Kukobaka was not released in October at the end of a three-year sentence. He was reportedly charged with conducting "anti-Soviet slander" in his place of imprisonment. The Armenian national rights campaigner Paruir Airikyan was sentenced to an additional three years' imprisonment. He was alleged to have bribed a guard to smuggle items in and out of the corrective labour colony in which he had almost completed the first part of a 10-year sentence of imprisonment and internal exile.

Amnesty International also adopted as prisoners of conscience or investigated as possible prisoners of conscience several Latvians imprisoned for their association with the outlawed Latvian Social Democratic Party; Konstantin Azadowsky, a scholar from Leningrad, convicted on a criminal charge in circumstances indicating that the motive behind the charge was political; Vsevolod Kuvakin, a campaigner for workers' rights; and Alexei Myasnikov, whose private writings, confiscated during a search of his home, were disapproved of by the authorities.

Throughout the year Amnesty International received further evidence of the forcible confinement of dissenters in psychiatric hospitals for political rather than authentic medical reasons. Several prisoners of conscience were reported to have been confined indefinitely in "special" psychiatric hospitals. These are the strictest psychiatric hospitals, intended for people who "represent a special

danger to society". The prisoners included Nikolai Samkharadze, a Georgian nationalist, Alexei Nikitin, a workers' rights campaigner, and Teofilis Kuma, a Latvian Pentecostalist. Internment in ordinary psychiatric hospitals was more common. Cases of concern to Amnesty International included: Vladimir Titov, who had circulated an open letter stating that the KGB (Committee of State Security) was trying to recruit him as an informer; Mikhail Zotov, a dissenting artist and member of an unofficial trade union group; Yury Ternopolsky, an architect who had tried to hold an unauthorized meeting with a foreign journalist; and Mikhail Utemov, a would-be emigrant. Many of those forcibly hospitalized in 1981 for political reasons were confined for relatively brief periods ranging from a few days to several months.

Amnesty International continued to receive reports of prisoners of conscience being ill-treated in psychiatric hospitals, particularly with powerful drugs. At the beginning of November it was reported that Alexei Nikitin was being given "massive doses of drugs" by doctors in Dnepropetrovsk Special Psychiatric Hospital. As a result of this treatment his eyesight had seriously deteriorated. Amnesty International also learned of prisoners of conscience whose psychiatric confinement was extended even though doctors recommended their release. Anatoly Lupynos, a Ukrainian, had been interned in psychiatric hospitals since 1971 for publicly reading his own uncensored poems. Medical commissions recommended his release at least seven times but were overruled by the courts. At the end of 1981 he was interned in Oryol Special Psychiatric Hospital.

During 1981 the authorities tried the last members of the "Working Commission to Investigate the Use of Psychiatry for Political Purposes", an unofficial group actively opposed to political abuses of psychiatry. Dr Anatoly Koryagin, a psychiatrist, examined, at their own request, 16 dissenters who had been forcibly confined in psychiatric hospitals or threatened with such internment. In each case he concluded that there had been no medical justification for compulsory hospitalization. He was arrested in February 1981. In June he was convicted in Kharkov of "anti-Soviet agitation and propaganda" and sentenced to a total of 12 years' imprisonment and internal exile. Two other members, Irina Grivnina and Felix Serebrov, were tried in July and sentenced to five years' internal exile and nine years' imprisonment and internal exile respectively.

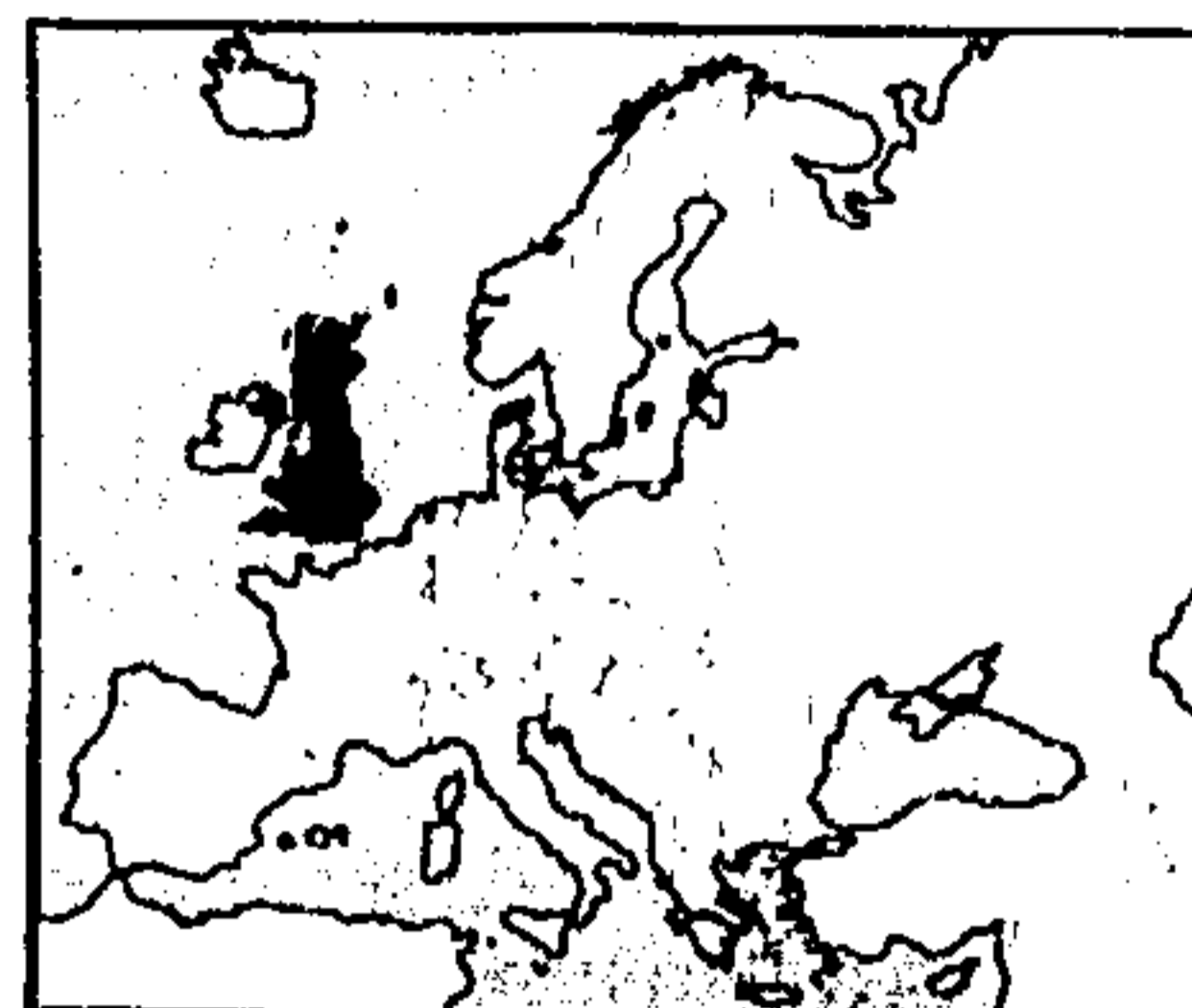
There was no improvement in the harsh conditions in which prisoners of conscience served their sentences. Amnesty International also received many reports of prisoners of conscience being punished for protesting against these conditions. Among such prisoners confined for long periods within corrective labour colonies were

Anatoly Koryagin, Yury Orlov, Oleksa Tykhy, Kirill Podrabinek and Alexander Podrabinek. Others, for example Anatoly Shcharansky and Arkady Tsurkov, were transferred from corrective labour colonies to even harsher conditions in Chistopol prison. On 10 October at least 300 prisoners, most of them prisoners of conscience, were reported to have gone on hunger-strike and to have refused to do compulsory labour in protest against their conditions and in support of political prisoner status.

Reports of the hardships facing prisoners of conscience sentenced to internal exile in remote areas reached Amnesty International throughout the year. The 76-year-old Ukrainian Helsinki monitor Oksana Meshko, for example, was sentenced to five years' internal exile in the Khabarovsk Territory in the far east of the USSR, some 9,000 kilometres from her home in Kiev.

Amnesty International continued to campaign for the release of prisoner of conscience Dr Andrei Sakharov, who remained in enforced exile in the city of Gorky. On 7 December it appealed to President Brezhnev pointing out its belief that exile had been imposed on Andrei Sakharov by the Soviet authorities "directly on account of his public activities in defence of human rights". Amnesty International stressed that this contravened international human rights instruments ratified by the Soviet Government which guarantee the right to freedom of conscience.

During the year Amnesty International learned of about 20 death sentences, most for murder or war crimes. However, several people were sentenced to death for non-violent crimes. For example, it was reported in the Soviet press in October that A. Ashirov, the director of a cotton-cleaning factory in the Kirghiz republic, had been sentenced to death for defrauding the state of more than a million roubles. When Amnesty International learned of death sentences before they had been carried out it appealed to the authorities to commute them.



United Kingdom

Amnesty International continued to be concerned about a prolonged protest in the Maze Prison, Northern Ireland, which began in 1976 and culminated in 1980 and 1981 in a series of hunger-strikes as a result of which 10 prisoners died. Before this Amnesty International had on several

occasions expressed its concern to the British Government that the cumulative effects of the disciplinary measures imposed on the protesting prisoners might, in their totality, amount to cruel, inhuman or degrading treatment (see *Amnesty International Report 1979 to 1981*). In January 1981 Amnesty International's statutory concerns abated, but the organization intervened on humanitarian grounds in an effort to save lives when the hunger-strikes were resumed in March 1981.

The protesting prisoners demanded changes in prison conditions for prisoners convicted of, or awaiting trial for, politically motivated crimes. For a long time their demands included special "status" for political prisoners. The prisoners refused to wear prison uniform, dressing only in blankets, and refused to do prison work. They also staged a so-called "dirty protest" during which they smeared excreta on the walls of their cells. The government's response to the protest was the subject of a complaint to the European Commission of Human Rights. Amnesty International, in accordance with its usual policy, did not support the prisoners' demand for special political status. Nonetheless it urged the authorities to be flexible, pointing to remarks made by the European Commission in their decision on the complaint in 1980. (See *Amnesty International Report 1981* for details of the protest and of the commission's report.) Amnesty International's statutory concerns abated as a result of government relaxations in the prison regime towards the end of 1980, and were further allayed with the end of the "dirty protest" in March 1981. However, the hunger-strikes, which started again on 1 March 1981, intensified the deadlock. Amnesty International continued to intervene on humanitarian grounds in an effort to save lives.

A number of other bodies did attempt to mediate, including the European Commission of Human Rights, the Irish Commission for Justice and Peace (ICJP), a body of the Roman Catholic Church of Ireland, and the International Committee of the Red Cross (ICRC). In early July 1981, on the basis of carefully worded proposals made by the ICJP, the prisoners dropped their demand for special treatment.

This opened the way for a solution based on specific aspects of the prison regime without involving questions of principle. In spite of this the ICJP's intervention failed to resolve the dispute. On 16 July 1981 Amnesty International wrote to the Secretary of State for Northern Ireland saying:

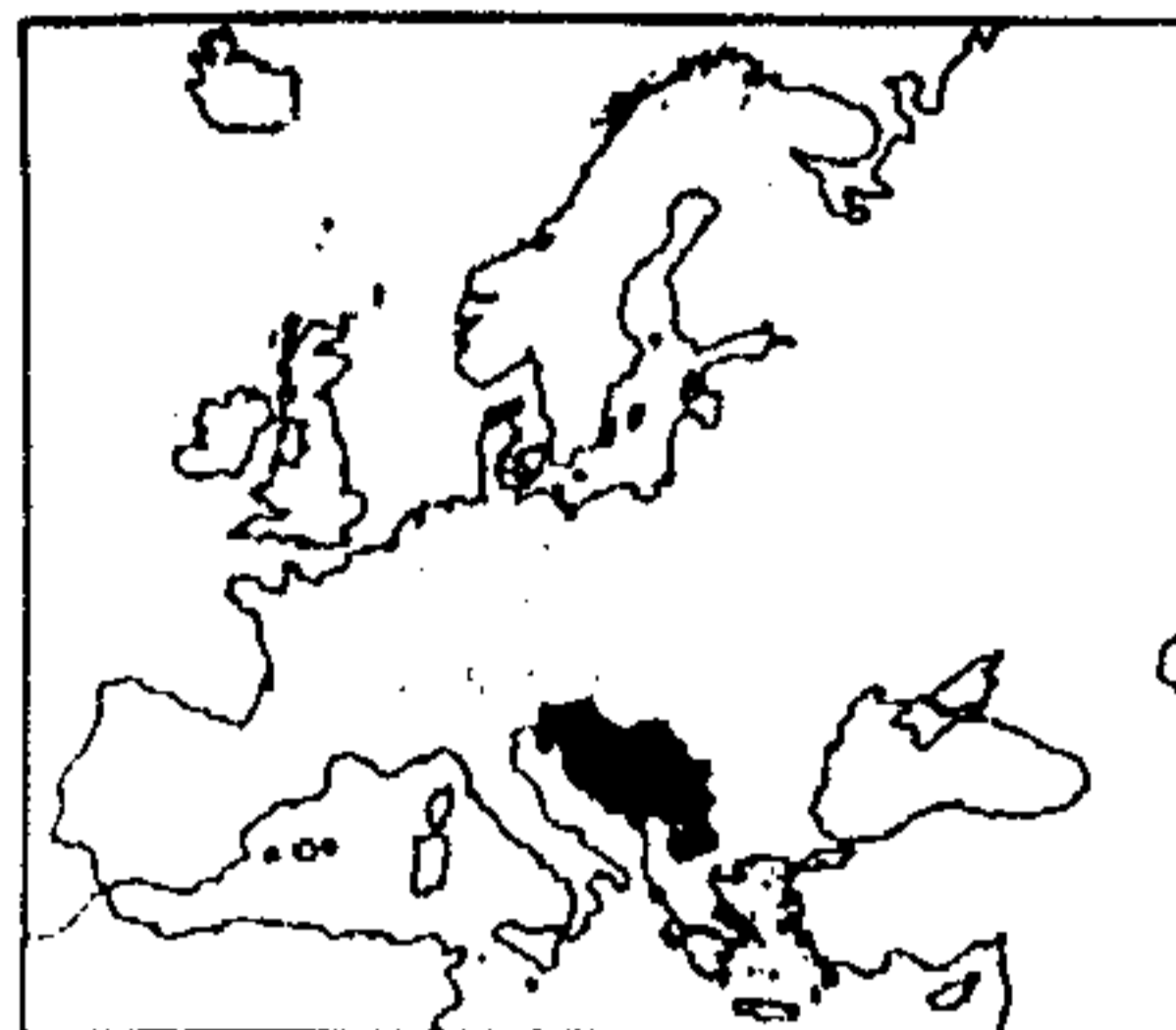
"Amnesty International notes with grave concern that, in spite of the constructive efforts of the ICJP, a solution to the situation in The Maze Prison has still not been found, that six prisoners have died and that more deaths are imminent. Although its concerns about the regime of punishments have abated, it cannot fail to take a serious view of a situation, extraordinary even from Amnesty International's experience around the world, of a hunger-strike in the course of which prisoners die in such numbers in such a short space of time. Amnesty International must recall the government's obligation under international law 'to safeguard the health and well-being of all prisoners, including those engaged in protest, insofar as that may be possible in the circumstances'. With this principle in mind, and again stressing that the ICJP's proposals are within the government's own stated policy principles, Amnesty International, on humanitarian grounds, urges your government to implement such proposals in order to avoid further loss of life."

The government made it clear that it would not act while the hunger-strike continued. A growing number of hunger-striking prisoners were given medical treatment at the request of their relatives, thus saving their lives. On 20 August 1981 Michael Devine became the last hunger-striker to die. The hunger-strike ended on 3 October 1981 when the last four hunger-strikers called off their protest after being told that their relatives would intervene to prevent their deaths.

On 6 October 1981 the government outlined changes in the prison regime. Prisoners would be allowed to wear their own clothes at all times — this was one of the most important demands made by the prisoners. Remission of sentence which had been forfeited could be restored with good behaviour. Association with other prisoners would be increased. The protesting prisoners still refused to do prison work, but some prospect of resolving this stalemate remained. The government gave the prisoners 28 days to decide whether to accept prison work. However, the punishments for those refusing to work were substantially less than before. They consisted of partial loss of remission, partial loss of association and fewer visits. Even prisoners who continued to protest by refusing to work could wear their own clothes in the prison and during exercise periods, associate with other prisoners half of the time, and make use of prison facilities. These

conditions were imposed on protesting prisoners from 3 November 1981. With the issuing of civilian clothes the "blanket" protest came to an end.

Amnesty International continued to study the special courts in Northern Ireland, collecting information on individual cases and on the law in general. The cases which Amnesty International followed illustrated contentious aspects of the criminal justice system as applied to cases with a political background. These included: detention without charge of up to seven days; police interrogation practices; changes in the rules of evidence relating to the admissibility of confessions; and the operation of the special Diplock Courts, non-jury courts in which most convictions were based solely on confessions made by the accused in police custody. One such case was that of Michael Culbert, a social worker from Belfast, who was arrested on 6 May 1978 and taken to Castlereagh police station. He remained there until 10 May 1978 when he was charged with the murder of a policeman. At Castlereagh he was interrogated for long periods, but not physically ill-treated. He was alleged to have made a verbal confession, which formed the only evidence against him. Michael Culbert denied having made such a confession. He maintained that at the time of the alleged confession he was completely disorientated as a result of continuous interrogation, lack of sleep and being made to stand for long periods during interrogation. (The police denied that he had been forced to stand.) He was tried by a special court some 18 months later in October 1979. The only issue in the trial was the admissibility of his alleged verbal confession. The court held that the confession was admissible, convicted him of murder and membership of the Irish Republican Army, and sentenced him to life imprisonment. Amnesty International, believing the case to raise fundamental issues of principle, sent an observer to the appeal hearing which was due to take place on 4 and 7 December 1981. However, the hearing was postponed until January 1982.



Yugoslavia

Amnesty International noted a marked increase in political trials in 1981. In April a decision was announced at a meeting of public prosecutors to prosecute political offences more vigorously. This was reflected in the harsh sentences imposed under federal law from July to

September on over 300 ethnic Albanians in the predominantly Albanian-inhabited Autonomous Province of Kosovo. The majority were convicted for their part in nationalist demonstrations which broke out in the towns of Pristina and Prizren in March and spread to many other towns in Kosovo in the first days of April. A number of ethnic Albanians were also convicted of political offences in Macedonia, Montenegro and Bosnia-Herzegovina.

In other parts of Yugoslavia, too, there were political trials, often involving people convicted for the expression of nationalist sentiments. In Croatia three former prisoners of conscience — Dr Franjo Tudjman, Vlado Gotovac and Marko Veselica — were sentenced to imprisonment, as was Dobroslav Paraga, a 20-year-old student (see *Amnesty International Report 1981*). Dr Tudjman, aged 60, a historian, veteran partisan and former army general, and the writer Vlado Gotovac, aged 51, were convicted in separate trials of "hostile propaganda" because of interviews they had given to foreign journalists between 1977 and 1980. Dr Tudjman, whose trial was observed by an Amnesty International delegate, was sentenced in February to three years' imprisonment and a five-year ban on public expression. Vlado Gotovac was sentenced in June to two years' imprisonment and a four-year ban on public expression. Their sentences were confirmed on appeal by the Supreme Court of Croatia. In September Dr Marko Veselica, aged 45, an economist and former senior party official arrested in April, was sentenced to 11 years' imprisonment and a four-year ban on public expression for "hostile propaganda" and "participation in hostile activity". None of these men had used or advocated violence; they were adopted by Amnesty International as prisoners of conscience.

In September the poet Gojko Djogo, aged 41, was sentenced to two years' imprisonment by the district court of Belgrade for "hostile propaganda". The charges were based on six poems from a collection of his poetry which was published in April but immediately banned by the authorities and destroyed. At his trial, which began in July, Gojko Djogo was accused of having insulted the memory of President Tito in

his poems and of having "depicted the socio-political situation in Yugoslavia maliciously and untruthfully". The poems in question were allegorical; excerpts cited in the indictment contained no explicit references to President Tito or to events in Yugoslavia. Gojko Djogo denied the charges; he spoke of the "inherent ambiguity" of poetry and said that the prosecutor had taken his verses out of context and misinterpreted them. Following his arrest in May he was released into provisional liberty in July, and remained at liberty pending appeal.

From April onwards Amnesty International repeatedly asked the authorities for details of the charges against people detained in Kosovo after nationalist demonstrations in March and April. It urged full legal safeguards for detainees and appealed for the release of all those who had not used or advocated violence. The authorities did not respond. The chief demand of the demonstrators — who included university and high school students, workers and peasants — was that Kosovo should cease to be part of the republic of Serbia and be given its own republic status. Some were also said to have called for Kosovo's union with neighbouring Albania. The demonstrations ended in violent clashes with security forces. Conflicting official statements asserted that nine or 11 people had died and some 260 had been injured. Unofficial sources have alleged far higher casualties. A state of emergency was declared and the security forces reinforced. Army units were brought in. At least 2,000 people were arrested. In June the authorities announced that 506 people who had taken part in the demonstrations had been summarily sentenced to up to 60 days' imprisonment or fines. On 21 July the first in a series of trials of people accused of organizing nationalist demonstrations or of other nationalist activities took place in Kosovo. Bislim Bajrami was sentenced to eight years' imprisonment and Ismail Makiqi and Jakup Rexhepi were sentenced to six years' imprisonment each. They were charged with having founded an illegal group called the People's Liberation Movement of Kosovo, whose alleged aim was to destroy Yugoslavia's constitutional order and social and political system and to forcibly annexe Kosovo to Albania. Most of the defendants in subsequent trials in Kosovo were convicted, like these three, under the broadly formulated Article 114 of the criminal code dealing with "counter-revolutionary endangering of the social order". Some were accused of acts of violence such as firing guns at security forces, and one group of having hijacked a police vehicle carrying arms. However many of the charges appeared unrelated to the use or advocacy of violence. Among many convicted of organizing demonstrations were the students Remzi Lushi, Halil Ismaili, Sabli Lushi, Bislim Ahmeti and Milaim Dervisholi, aged between 18 and 21. On 8 August they were sentenced by the district court of Pristina to prison sentences of

between seven and eight years for having organized and led demonstrations on 21 May in Lipljan, during which demonstrators allegedly shouted "We want a republic" and "Release our comrades from prison". Daut Rashani, an 18-year-old high school student, was jailed for six years on 29 July for having written pamphlets of a "hostile content" before and after the demonstrations in Pristina and for having taken part in the demonstrations.

According to a Belgrade newspaper report of 6 September, by 31 August some 245 people in Kosovo had been sentenced under federal law to prison terms of up to 15 years. The trials of some further 60 people were reported in the press in September. The average sentence imposed on approximately 200 named defendants, whose trials were reported in the Yugoslav press between 21 July and 9 September, was seven-and-a-half years' imprisonment. To Amnesty International's knowledge none of the trials resulted in acquittal. Public access to these trials was severely restricted. Press access was limited to correspondents of the official Yugoslav news agency *Tanjug*. Their published reports provided little information about the charges but stated simply that they had been proved. There were, however, several references in the Yugoslav press to public concern at the lack of information about the conduct of investigation proceedings and trials, and about the long sentences imposed on young people. Certain statements by political leaders appeared to indicate that some sentences might be reduced on appeal, but by the end of 1981 Amnesty International had not learned the results of any appeal hearing. In November the foreign press reported that over 100 students from Belgrade, Zagreb and Ljubljana had signed a petition to the authorities asking for a review of judicial policy on these trials. The Yugoslav press reported in November that criminal proceedings had been started against a further 92 ethnic Albanians from the Prizren area in Kosovo. They were apparently charged with painting nationalist slogans on walls and distributing nationalist pamphlets.

A number of clergy of the Roman Catholic, Serbian Orthodox and Muslim faiths — mainly in Bosnia-Herzegovina — were also charged with political offences and tried. The official press carried frequent criticisms of priests accused of "clerico-nationalism" and of spreading religious and national hatred. The Roman Catholic clergy were particularly criticized after six children in the parish of Medjugorje in Bosnia-Herzegovina claimed to have seen a vision of the Virgin Mary in June and the parish became a popular site of pilgrimage. In August two local Franciscan friars, Brothers Ferdo Vlasic and Jozo Zovko, were arrested. In October Brother Zovko was sentenced by the district court of Mostar to three-and-a-half years' imprisonment on charges of "hostile propaganda". The charges were based on a

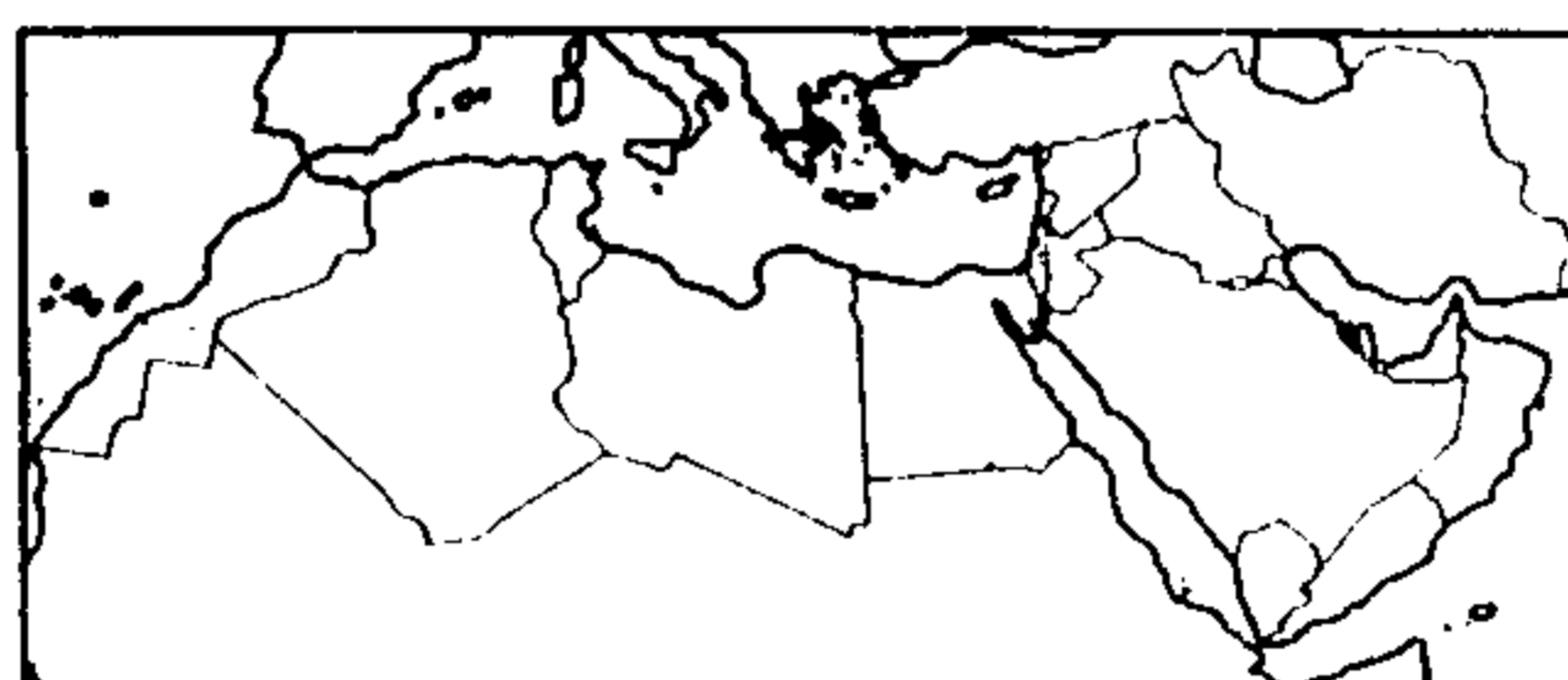
sermon he had preached in July to pilgrims in which, according to the prosecutor, he had referred to Yugoslavia's post-war history as "40 years' imprisonment". In his defence Brother Zovko pointed out that he had been preaching repentance and had used the biblical metaphor in which the state of sin is likened to imprisonment. The court rejected his request that theological experts be called as witnesses and also refused to hear the testimony of parishioners who had been present at the sermon. In November Brother Ferdo Vlasic and another Franciscan, Brother Jozo Krizic, were sentenced by the district court of Mostar to eight and five-and-a-half years' imprisonment respectively. They were charged under Article 131 dealing with "participation in hostile activity" with having maintained contacts with extremist emigres. An Amnesty International observer was refused entry to the courtroom. In none of these cases were the defendants accused of having used or advocated violence and they were adopted by Amnesty International as prisoners of conscience.

Amnesty International was concerned about breaches of pre-trial and trial procedures. In some cases these have seriously undermined legal safeguards for the accused, contravening both national law and international standards. An example is the case of the 20-year-old student Dobroslav Paraga (see *Amnesty International Report 1981*). He was arrested without warrant on 21 November 1980 by the state security police, after he had collected signatures on a petition calling for an amnesty for political prisoners. Under Yugoslav law he should have been brought before an investigating judge within three days. However, this happened only on 25 November 1980, when he made a self-incriminating statement which was to form the basis of the indictment against him. On 30 December 1980 he retracted this statement, declaring that he had made it under pressure from the state security police who had denied him food for six days, interrogated him for long periods, intimidated him and threatened to kill him. This retraction was not entered into the court dossier until 6 January 1981, nor was it mentioned in the indictment against him of 16 March. His trial opened on 13 May and the general public was refused access. Only members of the accused's family and a small number of people with official passes were allowed entry. Two Amnesty International observers were not allowed access until the second day. The court refused all the defence proposals for presenting evidence and calling defence witnesses, with the exception of a short statement by the accused's father. The prosecution, on the other hand, was allowed to produce evidence which had not been included in the dossier, even though this is not permitted by the rules of procedure. Dobroslav Paraga was found guilty of "hostile propaganda" and "participation in hostile activity" and sentenced to three years' imprisonment. Amnesty International's

trial observers were of the view that the court could not have reasonably concluded that the evidence produced had proved the charges against him. Amnesty International believed that the charges were brought as a result of his non-violent exercise of his right to freedom of expression. In September his sentence was raised on appeal to five years' imprisonment and he was sent to the island prison of Goli Otok.

Amnesty International learned of three death sentences passed in 1981. Three other people were executed after their death sentences had been confirmed by a higher court: Vojislav Rajcic on 18 April for war crimes committed during the Second World War; Dragisa Ristic on 23 January for murder; and Gemshit Braha on 22 October, also for murder.

The Middle East and North Africa



During 1981 Amnesty International worked on behalf of more than 600 individual prisoners in the region known or thought to be prisoners of conscience: in Algeria,

Bahrain, Egypt, Iran, Iraq, Israel and the Occupied Territories, Jordan, Libya, Morocco, Oman, Syria, Tunisia, and the People's Democratic Republic of Yemen (PDRY). Amnesty International was concerned about deficient trial procedures, including long pre-trial detention periods, and detention without trial in Algeria, Bahrain, Egypt, Iran, Iraq, Israel and the Occupied Territories, Jordan, Libya, Morocco, Saudi Arabia, Syria and PDRY. Many prisoners were held without trial for months, and sometimes years, in incommunicado detention. Allegations of torture or ill-treatment of prisoners came from many countries in the region, including Algeria, Bahrain, Egypt, Israel and the Occupied Territories, Iran, Iraq, Libya, Morocco, Syria, Tunisia, and PDRY. In Saudi Arabia and Iran, Amnesty International was concerned about certain forms of punishment for crimes, including floggings and amputations. Prisoners were reported to have "disappeared" after being taken into detention in Iran, Iraq, Morocco, Syria, and PDRY. In a number of these cases, the "disappearances" were reported some years ago, but persistent inquiries failed to elicit further information about many named "disappeared" persons.

All states in the region retain the death penalty in their legislation. More than 2,600 executions were carried out in Iran during the year, and several hundred were reported to have taken place in Iraq. Executions were also reported in Tunisia, Jordan, Saudi Arabia, PDRY, Kuwait, and the United Arab Emirates. In Egypt at least eight death sentences were passed but Amnesty International received no reports that they had been carried out. Many extra-legal executions took place in Syria during the year and several Libyan popular

institutions reaffirmed pledges to "physically liquidate enemies of the people's authority".

Amnesty International called attention to human rights abuses in many countries of the region, and these are dealt with in the following pages. For some countries — Yemen Arab Republic, United Arab Emirates, Qatar, Kuwait, Oman and Lebanon — the information available on human rights violations of concern to Amnesty International was too scant to allow an individual country entry in this report. Their omission does not necessarily indicate that there were no human rights violations.

Islamic fundamentalist groups were active in a number of countries, including Egypt, where, in September 1981, more than 1,500 people were arrested, including many fundamentalists. In October President Sadat was assassinated by individuals who claimed to be acting in the name of Islam. In Bahrain, in December 1981, the government announced that it had foiled an attempt to stage an "Iranian-supported Islamic fundamentalist revolution" and arrested many individuals. In Syria the Muslim Brotherhood published a manifesto, "The Islamic Revolution in Syria", and engaged in many confrontations, some violent, with the government. In Tunisia more than 60 individuals who belonged to an Islamic fundamentalist group, the *Mouvement de la tendance islamique*, were tried and sentenced, and Amnesty International adopted many of them as prisoners of conscience because they were convicted for acts which expressed political and religious beliefs and did not involve the use or advocacy of violence.

In Morocco, in June 1981, a strike called by the *Confédération démocratique du travail* (CDT) resulted in clashes between demonstrators and the police and army, in widespread arrests and in many deaths. More than 100 trials were reported to have taken place following these events. There were also arrests, trials and convictions in Algeria of members of movements supporting increased freedom for Berber cultural expression. Restriction orders were imposed on several Arab politicians, journalists, lawyers and trade unionists in Israel and the Occupied Territories. Amnesty International feared they were being punished for their non-violent political activity and the non-violent exercise of the right to freedom of expression. In addition, non-Alawi groups in Syria and Druze in the occupied Golan (to which Israel extended the application of Israeli law on 15 December 1981), suffered human rights violations of concern to Amnesty International as they protested against what they saw as their diminished role in deciding questions crucial to their communities and nations.

National human rights and lawyers' groups in various countries

and regional professional associations such as the Arab Lawyers' Union continued to promote human rights awareness and adherence to international human rights standards. In addition, a number of steps were taken by regional intergovernmental and non-governmental organizations with regard to the human rights situation in the region. The Third Islamic Summit Conference, held in Taif, Saudi Arabia, in January 1981 and attended by all governments of the region with the exception of Libya and Iran, as well as those of a number of African and Asian states, decided to establish an Islamic Court of Justice, to set up a committee of experts to draw up the statute for this court, and to submit a modified draft document on human rights in Islam to the Twelfth Islamic Foreign Ministers Conference in June 1981.

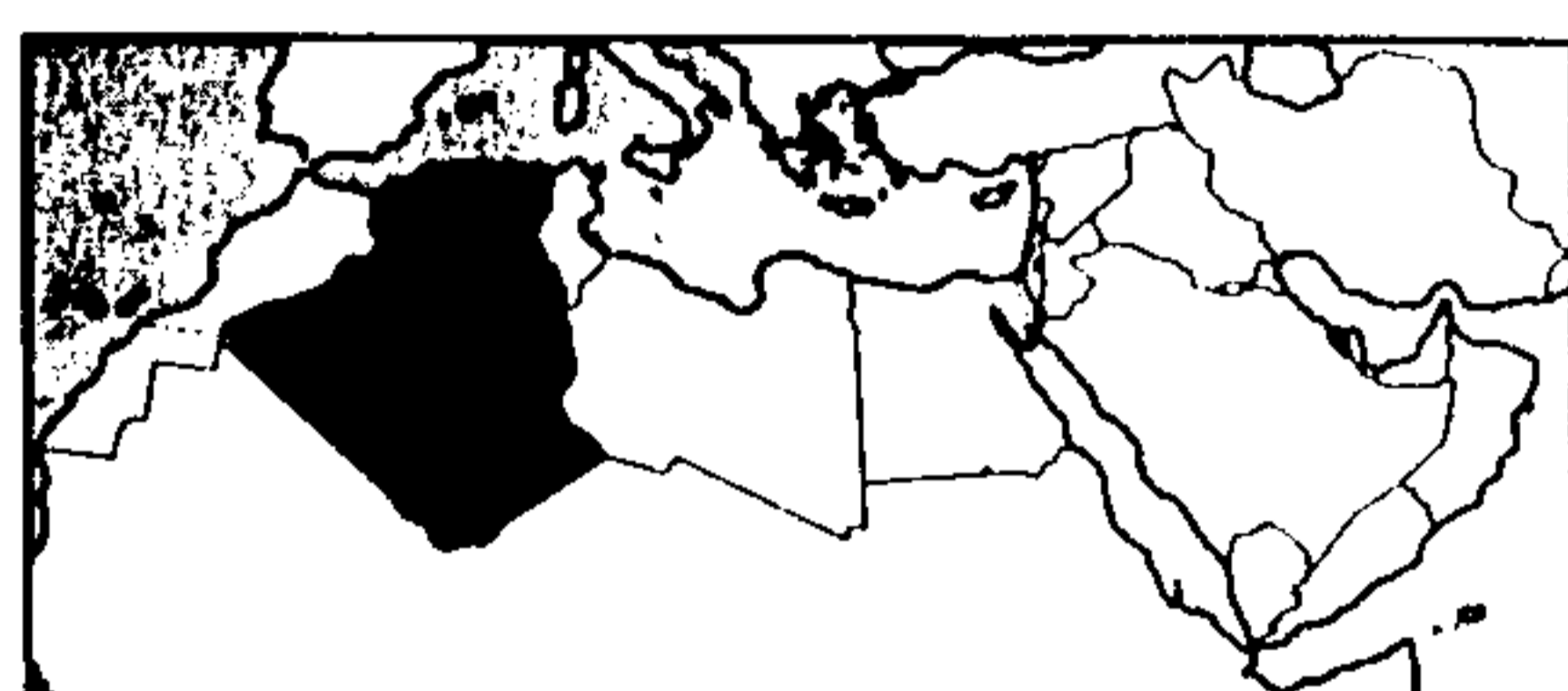
Further meetings on the Islamic Court of Justice were held by appointed legal experts in April, June and October 1981 and the final recommendations on the statute were scheduled to go before a meeting of the Islamic Ministers of Justice to be held in Jeddah, Saudi Arabia, in February 1982. In June 1981 the Twelfth Islamic Foreign Ministers Conference, held in Baghdad, Iraq, considered the draft document on human rights in Islam and made a number of amendments.

In September 1981 the International Islamic Council, a European-based non-governmental organization bringing together a number of Muslims from many Islamic countries, proclaimed a "Universal Islamic Declaration of Human Rights" which included provisions affirming the right to life, the right to a fair trial, to protection against torture, to freedom of belief, thought speech and association, provided that these rights were exercised in accordance with the law in force. The International Islamic Council also established, in December 1981, an International Islamic Commission on Human Rights under the chairmanship of Ahmed Ben Bella, former President of Algeria. The commission was set up to "publicize and propagate the Universal Islamic Declaration of Human Rights and take all such actions as may be necessary for its implementation".

Information on Syria and the People's Democratic Republic of Yemen was submitted by Amnesty International to the United Nations Working Group on Enforced or Involuntary Disappearances and a submission on Iraq was made to the United Nations under the procedure for dealing with consistent patterns of gross violations of human rights.

Amnesty International published a report, *Iraq: Evidence of Torture*, based on detailed medical findings of the examination of 15 alleged victims of torture in Iraq. In February 1981 Amnesty International sent a mission to Morocco to discuss the organization's concerns with relevant Moroccan officials. A detailed memorandum

on that mission was submitted to the Moroccan Government at the end of 1981 and was scheduled for publication during 1982.



Algeria

Amnesty International was concerned about several trials in which reports indicated that individuals might have

been sentenced for the non-violent expression of political beliefs. Amnesty International was also concerned about reports that in some prisons conditions and medical care were inadequate, and that prisoners had been ill-treated.

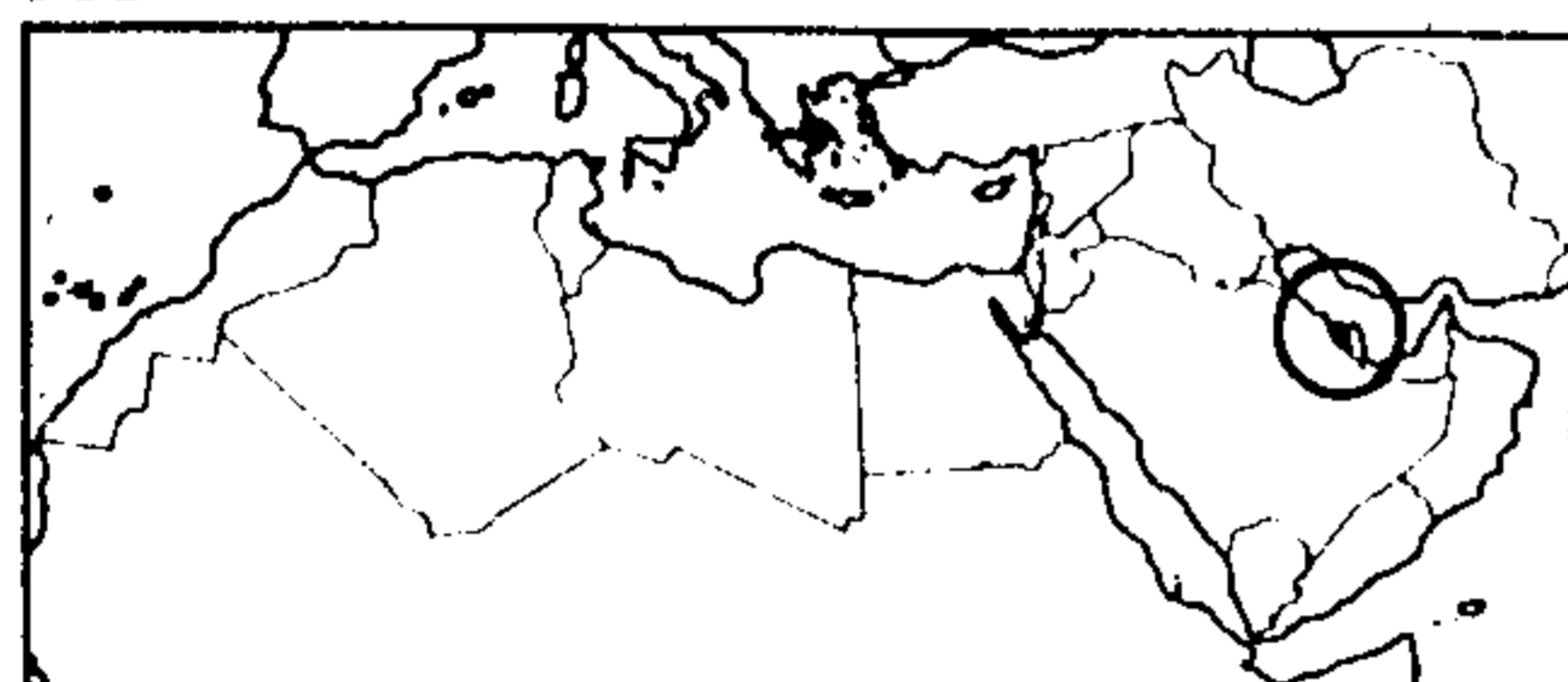
Members of movements supporting increased freedom for Berber cultural expression continued to be arrested and convicted. Twenty-four people arrested in March and April 1980 in Tizi-Ouzou (the administrative centre of the Berber Kabyle region), who had been released provisionally several months later, still faced charges as far as Amnesty International was aware.

On 19 May 1981 students throughout Algeria commemorated the student strike called by the Front of National Liberation (FLN) 25 years earlier, during the war with France for independence. Many students were arrested in Algiers, Annaba, and Bedjaia after violent clashes between various student groups. According to press reports a group of students armed with iron bars and knives who supported Arab nationalist and fundamentalist Islamic movements attacked a meeting of students calling for the promotion of "popular culture" and institutions to encourage the Berber language and colloquial Algerian Arabic. Amnesty International followed the case of 22 students at Algiers University, all active in the "popular culture" movement, who were arrested on 23 May 1981. After being held incommunicado in police custody (*garde à vue*) for eight days they were charged *inter alia* with threats to the internal security of the state, to national unity and to the national personality. They were moved to El-Harrach prison where they remained in preventive detention. Demanding trial or immediate release the 22 went on hunger-strike on 12 October. They ended the strike on 15 October after they had been promised a prompt trial before the Correctional Tribunal in Algiers. They were tried at the end of October: four were sentenced to prison terms of one year and the rest were either sentenced to short terms already covered by their period of detention, or acquitted.

In another trial in October 1981 in Bedjaia after a similar incident in that city, sentences were heavier: supporters of Berber cultural expression were charged with illegal assembly and the distribution of unauthorized printed material, and sentenced to up to four years' imprisonment. Judgments on 28 of the defendants were passed in only one day and the rights of the defence appeared to have been severely restricted. These prisoners went on hunger-strike on 14 November 1981 to protest against their imprisonment and the trial procedures. They ended the strike on 22 November 1981 when they were promised an appeal. In early December most of their sentences were reduced by half on appeal.

Amnesty International was investigating the cases of four prisoners held in the prison of Tazoult-Lambese. The four — Rabah Benkhellat, Abdelmalek Kendour, Sidi Ali Akkache and Mohamed Naamar — were tried by the Military Tribunal at Blida in December 1980. Two were sentenced to three years' imprisonment and two to six years for forming a local cell of the "International Communist Party" and plotting against state security. Mohamed Naamar was released in July 1981 after his sentence had been reduced. The other three were also said to have benefited from a partial reduction of sentence, but Amnesty International did not know when they were due for release. In September 1981 Amnesty International appealed on behalf of Rabah Benkhellat after reports that he was in urgent need of medical treatment and was being denied visits from his lawyer. Amnesty International subsequently learned that he had been moved to a hospital in Batna.

Algeria retains the death penalty for a number of crimes, including crimes against state security, economic espionage and drug smuggling. Amnesty International learned of no executions in 1981. At the end of the year an amendment to abolish the death penalty in Algeria was submitted to the Algerian National Assembly during discussions of a new penal code; the amendment was deferred for future consideration, rather than rejected, but the death penalty was retained in the new penal code.



Bahrain

Amnesty International's concerns were the imprisonment of prisoners of conscience, detention

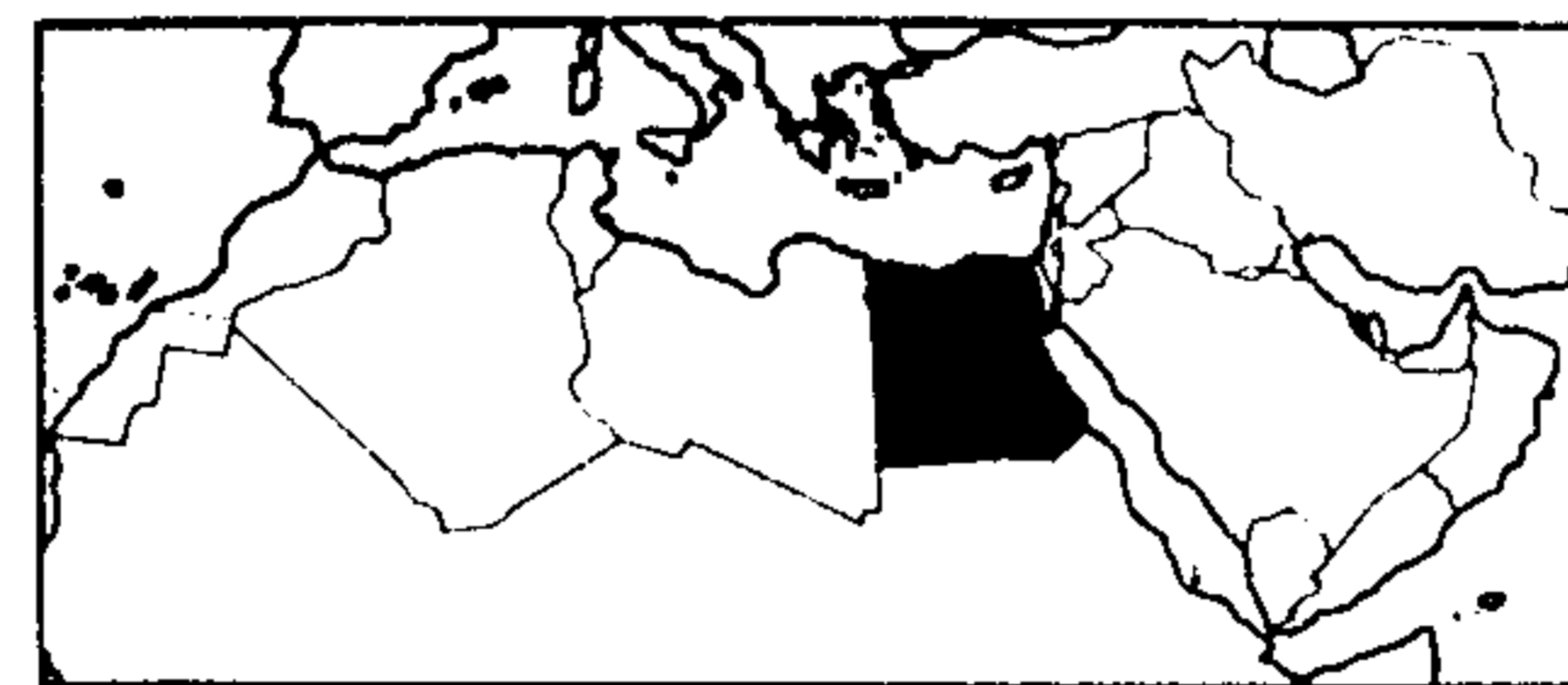
without trial and reports of torture and ill-treatment of prisoners.

At the end of 1981 Amnesty International was working for the release of three adopted prisoners of conscience. They were Abbas Hillal, a lawyer and clerk at the dissolved National Assembly; Abdullah Muhammad Rashid, an airline employee; and Hassan Bu Allai. All three had been detained without trial since November 1976 when many people were arrested after the murder of a magazine editor. Although three men were convicted and hanged for the murder many others remained in detention under a state security law which provides for detention without trial for up to three years.

During 1981 Amnesty International learned of the release of five adopted prisoners of conscience, four of whom had been held without trial for over five years.

Amnesty International was also following the cases of three trade unionists sentenced in April 1981 to prison terms of three to seven years. Opposition sources claimed that they were arrested because of their trade union activities. The government stated that they had been charged under a provision of the Bahraini Criminal Code which defines as a crime the establishment of an organization which "aims at overthrowing or changing the political, social or economic system of the country... whenever violence, threats or other illegal methods are used". Amnesty International was seeking further information to determine whether the three were prisoners of conscience.

Reports of arrests of political activists, particularly from among the Shi'a community, continued to reach Amnesty International (see *Amnesty International Report 1981*). On 13 December 1981 the government announced that it had foiled an attempt to stage an "Iranian-supported Islamic fundamentalist revolution" which was to have taken place on 16 December, Bahrain's National Day. The government later reported that it had arrested 60 people alleged to be members of the Islamic Front for the Liberation of Bahrain. They included 12 Saudi Arabians, an Omani, a Kuwaiti and 45 Bahrainis. Opposition sources claimed that over 1,000 people had been arrested and that suspects held for investigation were being tortured. These allegations of torture were of particular concern to Amnesty International in view of the frequent reports of ill-treatment of political detainees in Bahrain. Six deaths in custody had been reported over the previous five years.



Egypt

Amnesty International's main concern was the large number of people detained for the non-violent ex-

pression of their conscientiously held beliefs. It was also concerned about torture and ill-treatment of detainees and the death penalty.

In the first week of September 1981, 1,536 people were arrested by presidential decree in the largest wave of arrests under President Muhammad Anwar Sadat since he assumed power in 1970. According to presidential decree No. 493 of 1981 those arrested were accused of participating in incidents which threatened national unity or social peace. They included many alleged members of fundamentalist religious groups. Also arrested were journalists, lawyers, university lecturers, and prominent politicians of almost every political persuasion, as well as leaders and members of both the Muslim and Coptic communities who had reportedly not been involved in sectarian unrest.

Detainees were held in a number of prisons: many were held in prisons at Tora, a suburb to the south of Cairo, and in Abu Zaabal Prison, the Citadel and Al Marg, to the north of Cairo. Women detainees were held at Qanater. In October detained members of the Coptic church were moved to a prison at Wadi Natroun in the western desert, near the monastery to which the Coptic Pope Shenouda III had been restricted since being formally stripped of his position by a presidential decree issued at the time of the arrests in early September.

According to reports received by Amnesty International, detainees were not informed of the reason for their arrest nor allowed to see a lawyer. None had seen a lawyer until their interrogation at the office of the Socialist Prosecutor General, in some cases many weeks after arrest. Many lawyers were themselves in detention, including members of the former Bar Council, dissolved by the People's Assembly following President Sadat's decision on 22 July. In addition neither the detainee nor the lawyer was usually informed in advance of the date of the questioning. Visits from relatives were not permitted for approximately three months after arrest.

Amnesty International received reports that four people arrested in September 1981 had died in prison. Muhammad Kamaledine Al Sananiri, aged 64, a prominent member of the Muslim Brotherhood, died in early November in the reception prison at Tora. The circumstances of his death were unclear although official sources

stated that he had committed suicide. Amnesty International received several reports that he had been tortured. Former cabinet minister Dr Abdul Azim Abu Al Ata, aged 56, reportedly died in the annex to the agricultural prison at Tora as a result of a heart attack on 20 November. On the same day a worker from Alexandria, Gaber Breq'aa, was reported to have died in Tora penitentiary from heart disease. Reports received by Amnesty International suggested that requests for medical treatment for him had been ignored by the prison authorities. Dr Muharib, a doctor, was reported to have died in the reception prison at Tora, where necessary medical attention was reportedly not available.

In a letter dated 16 September, and in subsequent appeals to President Sadat and the Minister of Interior, Muhammad Nabawi Ismail, Amnesty International called for the immediate release of all prisoners of conscience. It asked for assurances that all those arrested would be granted access to a lawyer of their choice and to relatives. Amnesty International urged that information about the detainees, including their names, the charges against them and the place of detention, be made public.

Under the provisions of presidential decrees announced in early September those arrested were allowed to appeal against their detention within six months. However, the initial period of six months' detention could be renewed up to a maximum of five years. During this time detainees were subject to political investigation by the Socialist Prosecutor General, in accordance with provisions of Law 95 of 1980, also referred to as The Law on the Protection of Moral Values from Shameful Conduct (see *Amnesty International Report 1981*).

Amnesty International adopted a number of prisoners of conscience arrested in September, including Ibrahim Talaat, a member of the Wafd Party and President of the Human Rights Association in Alexandria; Dr Nawal Al Sa'adawi, a feminist writer and doctor; Abu Al Ezz Al Hariri, a former member of the People's Assembly for the National Progressive Unionist Party; Sheikh Mustafa 'Asy, secretary for religious affairs and national unity of the National Progressive Unionist Party; and Abouna Louqa Sidarous, a Coptic priest.

President Muhammad Anwar Sadat was assassinated at a military parade on 6 October 1981. He was succeeded by Vice-President Muhammad Hosni Mubarak who was elected by the Egyptian people in a referendum on 13 October 1981.

More people were arrested after the assassination of President Sadat, bringing the number of those detained to several thousand. Many of those arrested were said to belong to five militant Islamic groups, and were alleged to have used or advocated violence.

However, Amnesty International believed that many others had neither been involved in nor advocated violent acts.

Work continued on behalf of other prisoners of conscience, among them Ali Said Zahran, a furniture maker from Damietta, who was serving a five-year prison sentence for membership of an illegal communist organization. He was arrested in September 1977 and tried before a military court in March 1978. Amnesty International adopted prisoners of conscience included the lawyer Ahmed Nabil Al Hilaly, who was detained from March 1981 until his release in December 1981, and Farida Al Naqqash, a woman journalist detained for the same period (see *Amnesty International Report 1981*). Both were facing charges of participation in illegal political activities for the banned Egyptian Communist Party, under Law 40 of 1977, in State Security Case No. 632 of 1979. They and 28 others were put on trial before the Supreme State Security Court in Cairo. After many adjournments the trial was scheduled to resume on 2 January 1982. Additional charges of communicating with a hostile foreign country were brought against Farida Al Naqqash in State Security Case No. 442 of 1981, but were dropped in December. Amnesty International appealed for the release of the poet Ahmed Fu'ad Negm, imprisoned many times after writing poems criticizing the government. He was rearrested on 29 April and initially detained in the Citadel Prison. At the end of 1981 he was believed to be held at the Isti'naf Prison in Cairo, where he was serving a sentence of one year's imprisonment (see *Amnesty International Report 1981*).

On 5 November Amnesty International wrote to President Mubarak outlining its concerns in Egypt over a number of years. These included mass arrests of people for their conscientiously held beliefs, the death penalty and a number of recent laws which provided for the imprisonment of individuals convicted of non-violent banned political activity. Amnesty International drew attention particularly to Law 40 of 1977 which provides for a maximum punishment of life imprisonment with hard labour for such activities as going on strike or establishing illegal political organizations.

In November 1981 President Mubarak ordered the release of 31 people who had been detained since early September. More people were released before the end of the year. However, some individuals released from prison after political investigation by the Socialist Prosecutor General's office were immediately rearrested and detained under the new State of Emergency laws, imposed for one year following the assassination of President Sadat. Under this legislation detainees may be held for an initial period of six months, after which they may petition the President of the Republic for release. If the President rejects the petition or fails to respond, the detainee may be

held for a further period of six months, without charge or trial, a period which may be renewed as long as the State of Emergency is in force.

Four people were granted amnesties on the anniversary of the 15 May 1971 "Corrective Revolution", marking the foiled coup attempt against President Sadat. Former Vice-President Ali Sabri, Sami Sharaf, Farid Abdul Karim and Muhammad Fayege were released on the orders of President Sadat. The first three were serving sentences of life imprisonment for high treason and complicity in the coup attempt. Muhammad Fayege and Farid Abdul Karim were subsequently among the 1,536 people arrested in the first week of September.

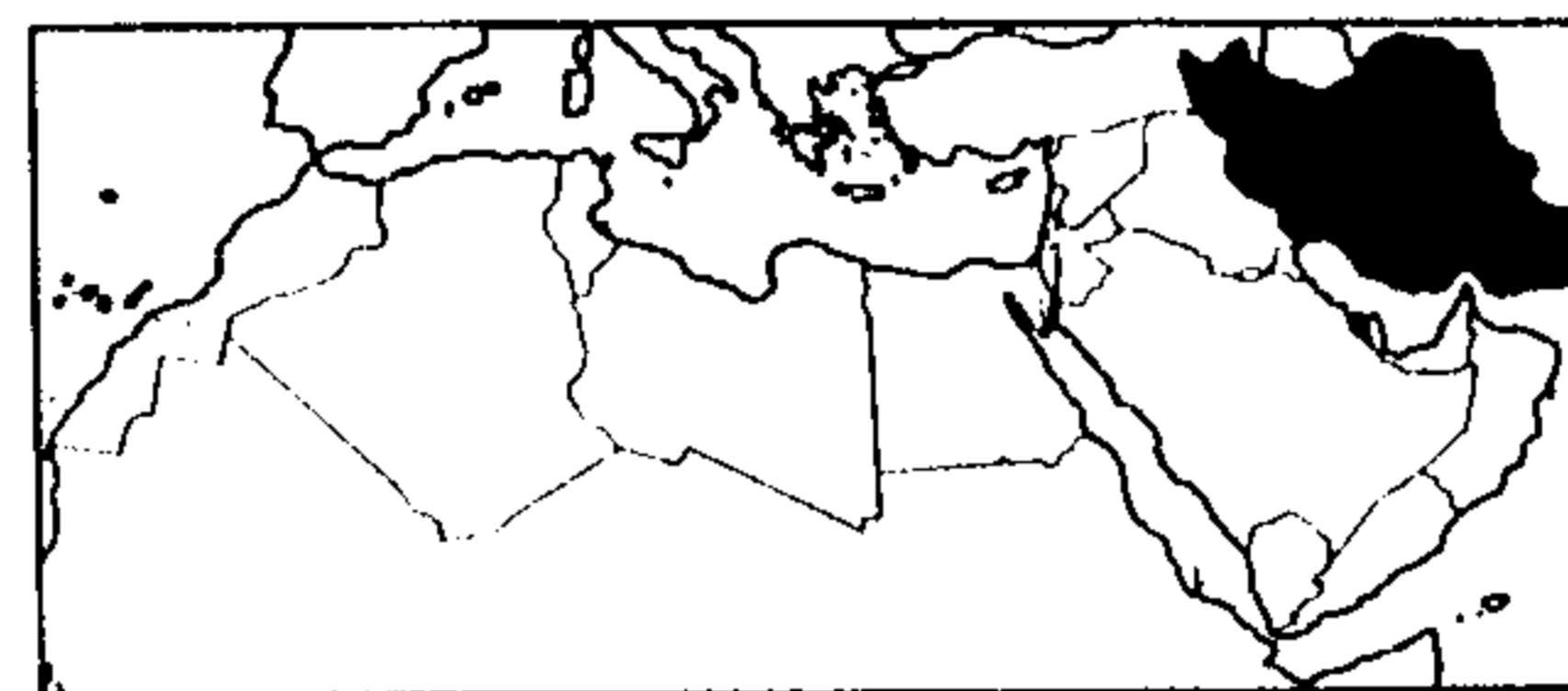
Amnesty International monitored the trial of those accused of participating in the assassination of President Sadat and seven other people. The trial before the Supreme Military Court took place at a military camp under strict security. Only the first two sessions of the trial, which began on 21 November 1981, were held in public. All subsequent proceedings were held *in camera*. In letters and telegrams addressed to Lieutenant-General Muhammad Abdul Halim Abu Ghazala, Minister of Defence, and Ahmed Samir Sami, Minister of Justice, Amnesty International expressed concern that this trial was being held *in camera*. It also expressed concern that the military prosecution had demanded the death penalty for all 24 defendants, especially in view of the closed nature of the trial and reports of other irregularities in the proceedings. The trial was still in progress at the end of the year.

The number of reports of torture received by Amnesty International in 1981 increased significantly over those of previous years. Reports that detainees were tortured in the Citadel Prison in the first half of 1981 were rejected in an official statement issued in June by State Security Prosecutor Raga' Al Arabi. However, following the mass arrests which began in early September, allegations of torture and ill-treatment were both more frequent and consistent. They appeared to signify a pattern of torture of political detainees, particularly those allegedly involved with militant Islamic groups who were held at the reception prison at Tora and the Citadel. Among the methods most commonly alleged were beatings of various parts of the body and cigarette burns. Amnesty International also received consistent reports that defendants accused of participation in the assassination of President Sadat had been tortured or ill-treated. Several of them stated during their trial before the Supreme Military Court that they had been tortured.

In 1981 Amnesty International urged the commutation of eight death sentences. In January and February five people, including two women, were sentenced to death by courts in Cairo, Mansoura, Zagazig and Minia. All had been charged with murder. In June a court

in Alexandria sentenced two men to death for the murder of the sheikh of a mosque. In July a court in Fayoum sentenced to death an agricultural worker charged with the murder of his sister. Amnesty International appealed to President Sadat to commute all these death sentences on humanitarian grounds. It was not known whether any of these prisoners were executed.

In its letter to President Mubarak on 5 November 1981 Amnesty International drew attention to its opposition to the death penalty in all cases. Amnesty International urged the President to commute all death sentences on humanitarian grounds, and to give serious consideration to the abolition of the death penalty.



Iran

Amnesty International's major concern was the large number of executions. On 16 December 1981 Am-

nesty International stated that it knew of more than 3,800 people who had been executed since the revolution of February 1979. Of the 2,616 executions known to Amnesty International which took place in 1981, 2,444 occurred after President Abolhassan Bani-Sadr left office on 20 June 1981. These figures were based on reports which became known outside Iran and must be regarded as minimum figures. Some executions known to Amnesty International were not announced by the authorities and there were indications that the number of unannounced executions increased towards the end of 1981. The sharp increase in executions from June 1981 was accompanied by growing conflict between supporters of the ruling Islamic Republican Party and its opponents, including organizations such as the *Mujahideen-e-Khalq*. Many government ministers and officials were assassinated. The opposition claimed their deaths were in retaliation for executions.

Most of those executed were members of organizations actively opposed to the authorities, including the *Mujahideen*, the Kurdish Democratic Party and people described as monarchists. Many others were executed for drug offences, sexual offences, collaboration with the Iraqi forces, murder, robbery, "Zionism" and alleged espionage. The method of execution was usually hanging or shooting, but in at least one case a man was stoned to death. Among those executed in

June 1981 were Said Soltanpour, a left-wing poet and playwright, who had been adopted by Amnesty International as a prisoner of conscience when he was imprisoned for opposition to the Shah, and Ali-Asghar Amirani, proprietor and editor-in-chief of the political journal *Khandaniha* (see *Amnesty International Report 1981*). On 26 July the execution was announced of Mohammed Reza Sa'adati, a leader of the *Mujahideen*, previously sentenced to 10 years' imprisonment (see *Amnesty International Report 1981*). In December 1981 Shokrollah Paknejad was executed. He was Secretary General of the Association of Former Political Prisoners and one of the founders of the National Democratic Front which was established after the revolution with the avowed aim of protecting democratic freedoms and rights in Iran. Amnesty International, which had appealed in 1971 for the commutation of a death sentence passed on Shokrollah Paknejad when he was imprisoned for opposition to the Shah, appealed again on his behalf following his arrest in September 1981 when it was feared he might be executed.

In the second half of 1981 Amnesty International received many reports that children were being executed. In December 1981 two such reports were supported by documentary evidence which established the ages of Fariborz Khatibi, a 15-year-old boy, and Fatemeh Mesbah, a 13-year-old girl, both described as supporters of the *Mujahideen*. The position of the Iranian authorities on the execution of children varied. On 24 June a judge, Ayatollah Gilani, reportedly denied that children aged 13 and 14 were among those executed and said that: "None was less than 17. But anyhow, on the basis of Islam, a nine-year-old girl is considered mature. So there is no difference for us between a nine-year-old girl and a 40-year-old man, and it does not prohibit us from issuing any kind of sentence" (*The Guardian*, London, 24 June 1981). On 20 September Assadollah Lajevardi, the Tehran Prosecutor-General, reportedly said: "Even if a 12-year-old is found participating in an armed demonstration, he will be shot. The age doesn't matter" (*The Times*, London, 21 September 1981). On 7 December the head of Iran's Supreme Court, Ayatollah Mossavi Ardibili, told a news conference that death sentences were not passed on people under 18, although Islamic law said that people could be sentenced to death from the age of 16 (*Reuters*, 7 December 1981).

Many people appeared to have been executed without having been charged or tried. Even where trials did take place the guarantees necessary for a fair trial were lacking: that is, trials were summary and the accused had very restricted, if any, rights of defence and no possibility of appeal. Amnesty International had no reason to believe that the procedures of Islamic Revolutionary Tribunals had changed

since the publication of its report *Law and Human Rights in the Islamic Republic of Iran* in May 1980 (see *Amnesty International Report 1980 and 1981*).

During 1981 Amnesty International received hundreds of allegations of torture of political prisoners, in particular in Evin Prison in Tehran. Some were supported by photographs and medical reports. The methods of torture described in these reports included beating, kicking, whipping with cables, banging heads against walls, burning with cigarettes, burning with an iron and mock executions. One report described a special room at Evin Prison called *autog-e autoo* (ironing room) in which prisoners were tied to a bed and their backs, buttocks and the soles of their feet were burned with an iron. In another place in Evin Prison called *zir-e zamin-e haqiqat* (basement of truth) it was alleged that prisoners were burned with cigarettes during interrogation.

In June Amnesty International received from the Iranian authorities the English version of the report of the Torture Probe Commission, assigned by Ayatollah Khomeini to investigate previous allegations of torture. This report concluded that although some prisoners had been ill-treated, torture was not systematic. On 7 December Amnesty International wrote to Prime Minister Housein Mousavi urging "a new investigation into allegations of torture" and "a public, unequivocal condemnation and prohibition of torture from the highest level". It stated that "on the basis of the information available to us, there is reason to believe that torture is now being carried out as a routine practice in some Iranian prisons, in particular Evin Prison." Amnesty International also referred to allegations that some prisoners who had died as a result of torture had been hanged after their death to make it appear that the cause of death was hanging.

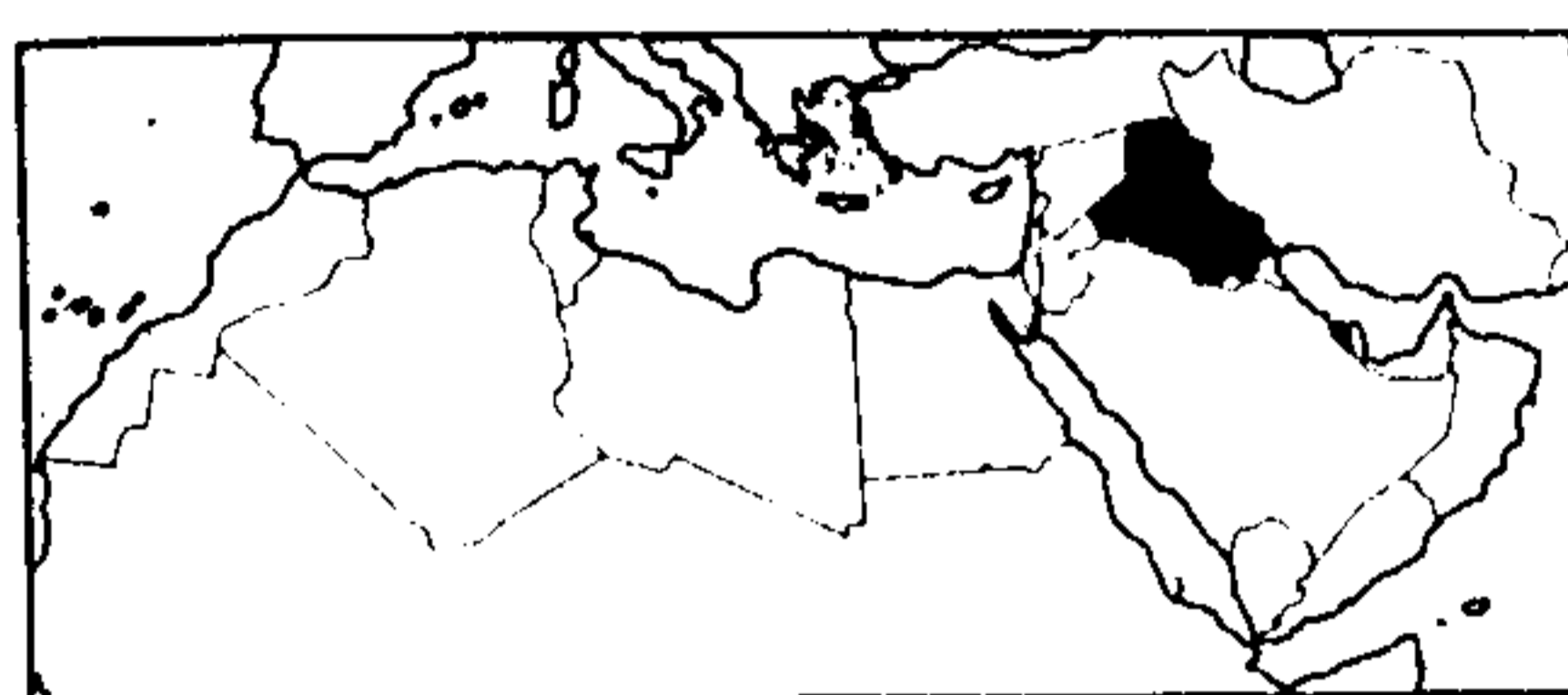
The number of prisoners of conscience was not known to Amnesty International. In most cases it was impossible for Amnesty International to establish whether a given prisoner was a prisoner of conscience: either the person was not charged; or the charges were phrased in such general terms that Amnesty International could not ascertain whether they included a specific offence; or the lack of a fair trial made it impossible to assess the validity of a conviction. In November Amnesty International attempted to send an observer to the trial of Abolfazl Ghassemi, Secretary General of the Iran Party (see *Amnesty International Report 1981*). He was charged with publicizing the views of a Kurdish theologian, having links with former Prime Minister Dr Shapur Bakhtiar and having collaborated with SAVAK (the former National Intelligence and Security Organization). The trial, which lasted two days and was held *in camera*, ended before the Amnesty International observer could reach Tehran.

The death sentence passed on Abolfazl Ghassemi was commuted to life imprisonment on grounds of age and ill-health. Amnesty International considered him to be a prisoner of conscience.

Other prisoners of conscience included members of the Baha'i religion, many of whom were executed during 1981. The Baha'is were the only substantial religious minority not recognized in the Iranian Constitution. By December 1981 a total of 97 Baha'is had been officially executed since the revolution of February 1979. However, other Baha'is "disappeared" after being arrested and it was feared that they might have been killed. Nine members of the National Spiritual Assembly of the Baha'is of Iran and two other Baha'is, arrested in August 1980, had not been heard of by the end of 1981 (see *Amnesty International Report 1981*). Baha'is were usually charged with "Zionism" and espionage on behalf of Israel, apparently because Baha'i world headquarters are in Israel. Amnesty International did not believe that these charges were justified, and some Baha'is were apparently executed without having been charged or tried.

In October Amnesty International asked Ayatollah Madavi-Kani, then Prime Minister, to allow an Amnesty International delegation to discuss the organization's concerns with him and other authorities. In a reply received from the Ministry of Foreign Affairs on 22 October the government insisted that Amnesty International meet certain conditions before they would receive a delegation. Amnesty International stated publicly that it was not the organization's policy to undertake missions subject to conditions laid down by governments. On 3 November it wrote to the new Prime Minister, Housein Mousavi, explaining the guidelines for Amnesty International missions and reiterating its wish to discuss human rights violations in Iran with him and other government ministers. Amnesty International pointed out that the Iranian Government had agreed to accept its obligations as a State Party to the International Covenant on Civil and Political Rights during a session of the Human Rights Committee on 26 April 1979. It drew to his attention the United Nations General Assembly Resolution 35/172, which urges member states "to respect as a minimum standard the content of the provisions of Articles 6, 14 and 15 of the International Covenant on Civil and Political Rights [the right to life, the right to a fair trial and the right not to be subjected to retroactive criminal charges or punishment] and, where necessary, to review their legal rules and practices so as to guarantee the most careful legal procedures and the greatest possible safeguards for the accused in capital cases".

Iraq



Amnesty International's work concerned the arrests of real and suspected opponents of the government, summary trials of political prisoners, torture, "disappearances" and executions.

Dissident groupings from the Shi'i and Kurdish communities in Iraq became more active inside and outside Iraq during 1981. Several alliances between banned parties were forged soon after the outbreak of the Iran-Iraq war. These included the Iraqi Communist Party (ICP), the Kurdish Democratic Party (KDP), the Patriotic Union of Kurdistan (PUK), *Al Da'wa Al Islamiya* (the Islamic Call), and the Syrian wing of the Arab Ba'ath Socialist Party. Increasing political activity ranged from anti-government demonstrations, speeches and the distribution of leaflets to attacks on government officials and property. The government responded by systematically arresting many suspected opponents, deporting tens of thousands of Iraqi Shi'is whose loyalties were suspect across the border into Iran, and passing numerous death sentences.

Amnesty International continued to ask the Iraqi Government for information about a number of prisoners whose cases were being investigated by the organization. These included two members of the ICP — Dr Safa al-Hafidh and Dr Sabbah al-Durrah — who "disappeared" after their arrest on 8 February 1980.

The fate and whereabouts of three scientists — Dr Hussain al-Shahristani, Dr Hassan al-Rajai and Dr Ja'afar Dhia Ja'afar — who were arrested at the end of 1979, also remained unknown. On 2 April 1981 the London journal *New Scientist* stated that: "Dr Shahristani has been killed while in custody." The Minister of Religious Endowments (*Awqaf*), Nuri Faisal Al Shahir, was reported in the *Toronto Globe and Mail* of 31 August to have said of Dr Shahristani: "that nobody with such a name had ever worked for the Atomic Energy Commission or as an adviser to President Saddam Hussain, that Dr Shahristani was not an Iraqi name but an Iranian name...". Amnesty International received no reply from the Iraqi Government to its repeated inquiries about the fate of Dr Shahristani.

Amnesty International was also investigating the cases of 31 former government officials of the ruling Ba'ath Party. Arrested in July 1979 they were convicted of being party to, or withholding information about, a conspiracy against the government. They were sentenced to up to 15 years' imprisonment after a trial before a

Special Court in August 1979, in which procedures fell short of internationally recognized standards for a fair trial. As far as was known there was no defence counsel present nor was any appeal against the verdict allowed.

Amnesty International learned of the arrest of several members and supporters of the ICP, after a house-to-house search by security forces in the Sulaimaniya area in February 1981. The whereabouts of those arrested and the charges against them were still unknown at the end of 1981.

Amnesty International viewed with concern reports that four Iraqi Kurdish school children aged 12 and 13 from the village of Kalar, Sulaimaniya Province, had been arrested in February 1981. They were members of the Students Union of Kurdistan. Their families had no word of their fate or whereabouts after their arrest; opposition sources stated that they had been executed. On 9 November 1981 Amnesty International wrote to President Saddam Hussain urging him to investigate the fate of the four children.

On 29 April Amnesty International published *Iraq: Evidence of Torture*, a report documenting continuing and widespread torture in Iraq. It contained medical findings and other evidence of the torture of political prisoners. A panel of Amnesty International doctors interviewed and examined 15 Iraqi exiles who alleged that they had been tortured in the custody of Iraqi security forces between September 1976 and August 1979. In every case it found that the results of the physical examination were consistent with the tortures described. In the report Amnesty International recommended an end to incommunicado detention; allowing lawyers, family and doctors prompt access to prisoners; and bringing people to court without delay after arrest. It called on the Iraqi Government to honour its commitments under the International Covenant on Civil and Political Rights, which Iraq ratified in 1971 and which prohibits torture.

On 27 April 1981 the government responded to the report and described it as "without foundation". The 1,500-word government response emphasized that torture was banned by the nation's constitution and laws. However it did not reply in detail to the specific allegations of torture in the report and did not allay Amnesty International's concern.

After the report was published Amnesty International continued to receive renewed allegations of torture. Twelve-year-old Ali Hama Salih, an Iraqi Kurd school-boy from the village of Ja'afaran in Sulaimaniya Province, died in custody reportedly as a result of torture. He was arrested on 25 February and detained for interrogation in the headquarters of the security forces in Karadagh. On 5 March his body was returned to his family reportedly severely marked by

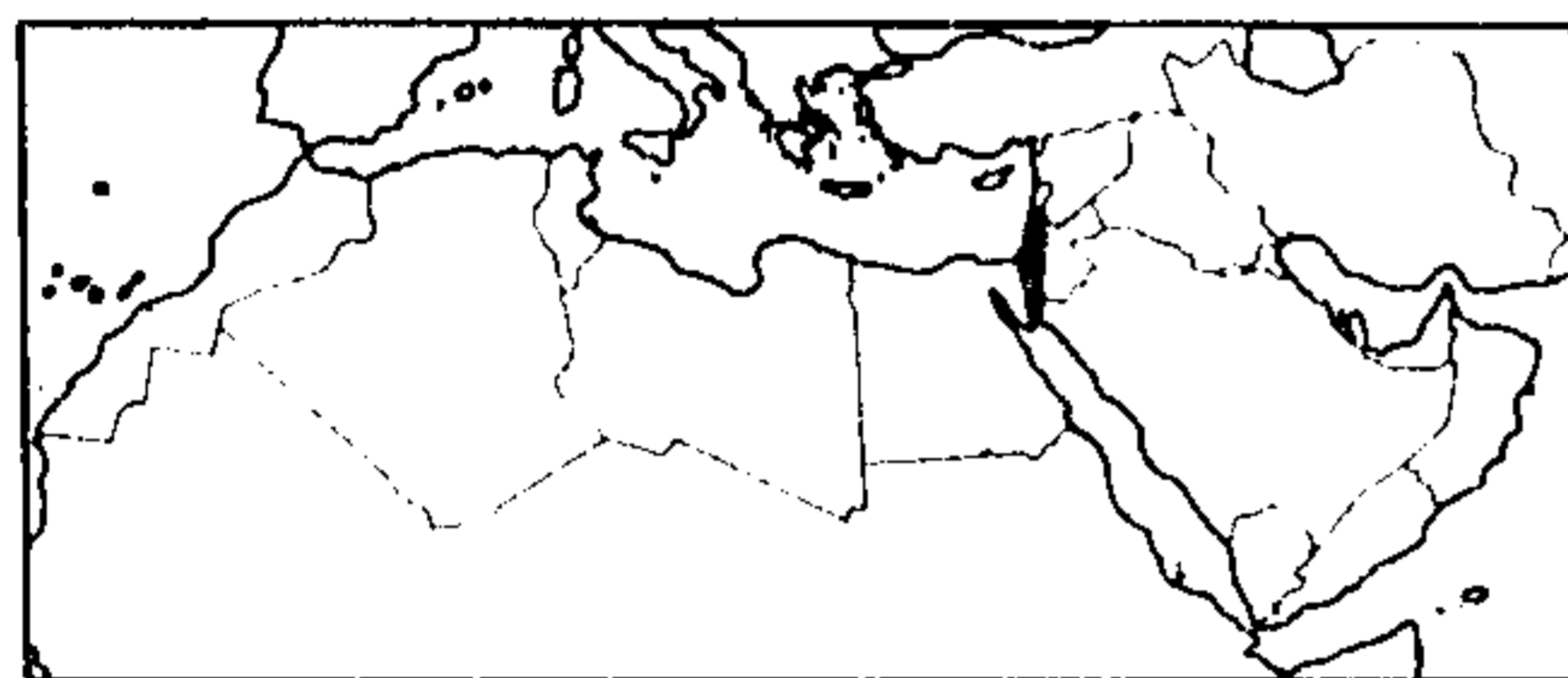
torture. On 9 November Amnesty International wrote to President Saddam Hussain urging him to investigate the death of Ali Hama Salih but received no reply.

Amnesty International was deeply concerned about the growing number of executions in Iraq. Reports indicated that more than 350 executions took place in 1981. Offences for which people were executed included alleged plots against the government, political activity in the armed forces, membership of or association with illegal political parties, and other illegal political activities. In addition, a new capital offence was established by Revolutionary Command Council (RCC) Resolution No. 1140 which stipulated that: "Whoever returns to commit a crime of desertion from the Military Service during the War, after handing over himself to the competent authorities or after being captured, shall be punished with the Capital Punishment."

In June 1981 Amnesty International appealed to President Saddam Hussain to commute the death sentences passed by the Special Military Court in Kirkuk on 27 Iraqi Kurds, all alleged members and supporters of the banned Patriotic Union of Kurdistan (PUK). On 20 June 1981 Amnesty International appealed to the PUK to release five nationals of the Federal Republic of Germany taken hostage by the PUK in retaliation against the 27 death sentences. Amnesty International learned later that 14 of the 27 Kurds had been executed, but that all five hostages had been released by the PUK on 23 July and 19 August. A further 140 members and supporters of the PUK in detention were reportedly executed in Abu Ghraib prison at the end of September.

On 16 March 1981 the Syrian daily newspaper *Al Ba'ath* reported that 176 members of the Iraqi armed forces had been executed by the Iraqi authorities. Amnesty International was unable to verify this report. In the first week of October 1981 the international press and opposition sources reported that 38 pro-Syrian Iraqi Ba'athists were executed on 26 September after the arrest of Idam Al Hadithi, a senior Ba'ath Party official from Kirkuk. The arrest was said to have led to the uncovering of a conspiracy against the Iraqi Government. The executions were denied by an Iraqi spokesperson in London.

Amnesty International submitted information on Iraq to the United Nations under the procedure to investigate reports of "a consistent pattern of gross and reliably attested violations of human rights".



Israel and the Occupied Territories

Amnesty International's concerns in Israel and the Occupied Territories were the imprisonment of prisoners of conscience, the use of administrative measures to physically restrict individuals or detain them without charge or trial, and the lack of effective safeguards to protect those in custody from ill-treatment.

During 1981 Amnesty International called for the release of 28 prisoners of conscience and investigated the cases of 12 possible prisoners of conscience.

Ten of the prisoners of conscience were administrative detainees, of whom nine were released during the year. Administrative detention (provided for under Article 111 of the 1945 Defence (Emergency) Regulations for Israel proper, and Military Order 815 for the Occupied Territories) enables the authorities to hold individuals without charge or trial for renewable periods of up to six months. Ali Awad al-Jamal, on whose behalf Amnesty International continued to work, had been detained in this way since May 1975. On 1 June 1981 five Druze leaders from the occupied Golan Heights (annexed by Israel on 15 December 1981) were served with three-month administrative detention orders. These were renewed on 1 September 1981 for another three months. Their detention followed the publication of a "National Covenant of the Syrian Citizens of the Occupied Golan Heights", written and signed by 30 members of the Druze community. The covenant opposed the authorities' policy of issuing Syrian Arabs in the Golan Heights with Israeli identity cards, and condemned those who were willing to accept Israeli citizenship. The five Druze leaders were released in October 1981.

Amnesty International worked on behalf of 12 prisoners of conscience physically restricted by administrative order. Under Article 110 of the 1945 Defence (Emergency) Regulations for Israel proper and Article 86 of the 1970 Security Provisions Order 378 for the Occupied Territories, the military authorities are empowered to impose restrictions on individuals. These included confinement to a particular town, village or district, house arrest and limitations on travel. Individuals could be restricted without being formally charged or brought before a court of law, since the Military Commander issuing the order is under no obligation to specify the alleged offence. Restriction orders were usually issued for an initial period of six

months, and could be repeatedly renewed. Amnesty International knew of 11 people restricted in this way for 18 months. The law allows appeals against such orders to the Supreme Court of Justice in Israel, but this court rarely reversed the decision of the Military Commander.

Amnesty International was concerned about the increasing use of restriction orders, which were imposed on prominent Palestinian politicians, journalists, lawyers and trade unionists, among others. It learned of 48 restriction orders issued in 1980 and 1981. Amnesty International feared that restriction orders may have been imposed on people solely for their non-violent political activity and the non-violent exercise of their right to freedom of expression.

In one such case two residents of the Golan Heights were placed under town and house arrest for refusing to accept Israeli identity cards. On 12 August 1981 the restriction orders against the editors of three important East Jerusalem newspapers — Bashir Barghuti of *Al-Tali'a*, Ma'mum al-Sayyid of *Al-Fajr* and Akram Haniyyeh of *Al-Sha'ab* — were renewed for a further six months. They had been under town arrest since 7 August 1980. Eight members of the Bir Zeit University Student Council were placed under restriction orders for six months for allegedly inciting students to demonstrate against the introduction on 1 November 1981 of a civilian administration on the West Bank, replacing military rule in certain fields.

Four Israeli Arabs from the village of Umm al-Fahm — Ghassan Aghbaria, Raja Aghbaria, Hassan Ahmad Jabarin and Muhammad Salama Mahajina — were placed under town and house arrest on 26 June 1980 for six months. Their restriction orders were renewed on 27 December 1980 and again on 5 July 1981 for additional periods of six months each. The four Arabs were active members of *Abna' al-Balad*, a legal organization in Israel whose declared aims were equal rights for the Arab citizens of Israel and their right to self-determination.

In response to inquiries by Amnesty International about restriction orders the Attorney General stated: "such orders are issued in very few and special cases where there are grounds to believe that the individual against whom such an order is issued is involved in activities endangering public order and safety". Amnesty International was concerned that, since neither the restricted person nor his or her lawyer were given details of the charges, they were unable to refute the evidence or challenge the orders.

Amnesty International was also concerned about the imprisonment of individuals refusing to do military service in the Israeli Defence Forces. Prison sentences of from one month to one year were passed on Israeli Jews refusing to serve in the Occupied Territories and on draft resisters from the Druze community, for whom military

scription was compulsory. Gadi Elgazi, an Israeli high school student, was adopted as a prisoner of conscience after being sentenced to one year's imprisonment for refusing to serve in the Occupied Territories. He was released in March 1981 after having served half his sentence.

In previous years Amnesty International had been concerned at the sentencing of prisoners of conscience for security offences specified under the Defence (Emergency) Regulations of 1945 and subsequent administrative orders. In 1981 Amnesty International was also concerned about people charged and sentenced under the amendment to the Prevention of Terrorism Ordinance, promulgated in July 1980. The amendment made it an offence to commit "public acts of sympathy with 'terrorist organizations'" by means of placards, slogans, flags or anthems.

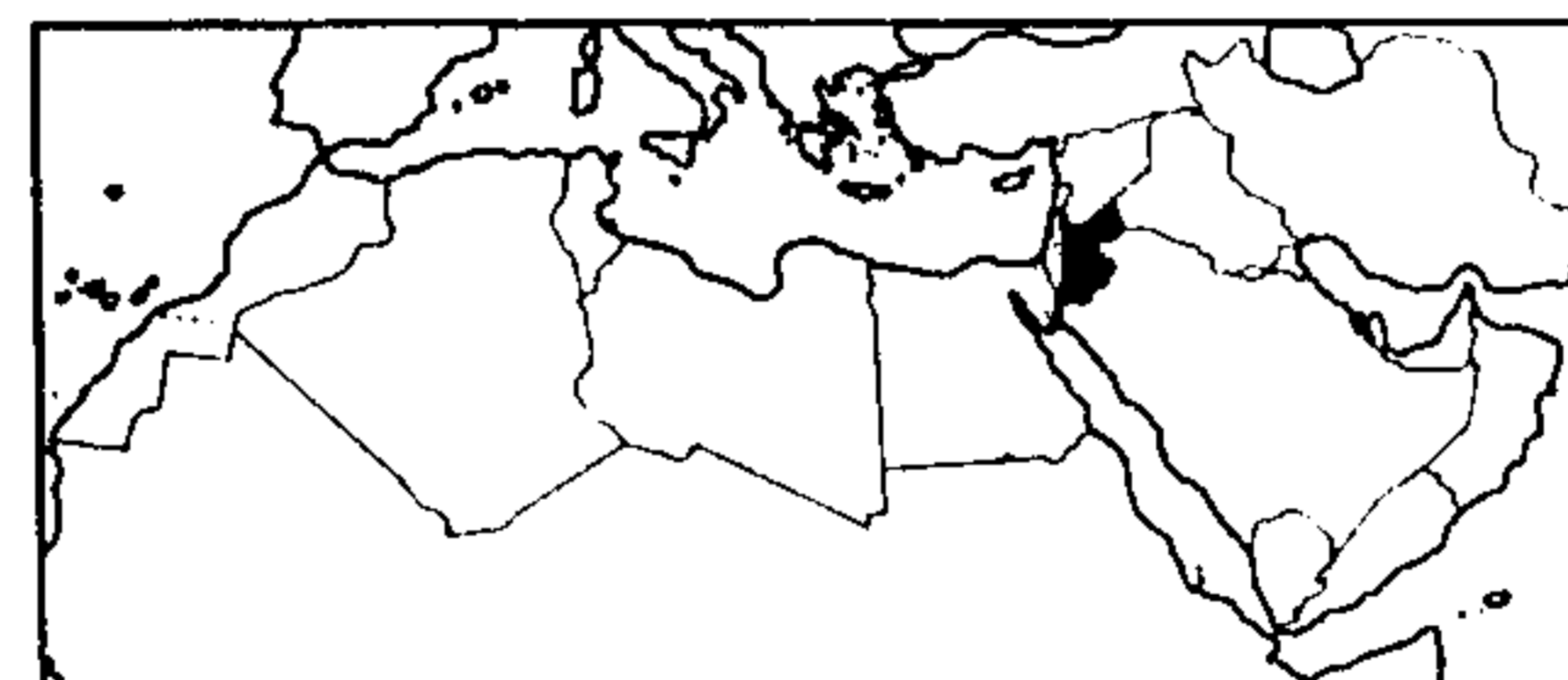
Such acts may be punished by up to three years' imprisonment. Three residents from Shafa 'Amr — 'Ali Sakhniye, Ibrahim Nafawi and 'Aref Hamadi — were among the first to be charged under this law. They were sentenced to three to four months' imprisonment on 1 September 1981 for distributing leaflets declaring that the Palestine Liberation Organization (PLO) was the "sole legitimate representative of the Palestinian people". On 23 September two Arab students from the Hebrew University were sentenced to three months' imprisonment and a nine months' suspended sentence under the same law. Bassam Sa'adi and Mohammad Zghayar were charged with distributing leaflets on campus supporting the PLO. Amnesty International believed that they had been convicted for the non-violent expression of political views.

Amnesty International made inquiries about Rabbi Uri Blau, one of a group of ultra-orthodox Jews who protested in September against an archeological dig seeking to uncover the biblical city of King David. He was charged with illegal assembly and sentenced to three months' imprisonment with a six-month suspended sentence.

Amnesty International continued to be concerned that certain legal provisions and practices enhanced the possibility of ill-treatment and that existing administrative procedures did not enable the Israeli authorities to bring forward conclusive evidence to refute allegations of ill-treatment (see *Report and Recommendations of an Amnesty International Mission to the Government of the State of Israel*, published in 1980). On 11 November 1981 Amnesty International wrote to the Israeli authorities expressing concern about reports of the deaths of three prisoners in custody. It asked for information on the circumstances leading to their deaths and for details of medical findings. Salah 'Abbas died on 14 September 1981 in Ashkelon Prison Hospital and 'Ali Shatarit died on 19 October in Ashkelon

Prison. Faiz 'Abd al-Fattah Tarayra died on 26 October in Tel Hashomer Hospital. He had reportedly complained to his lawyer of ill-treatment during his four months' detention, and was admitted to hospital twice before his death with a cerebral haemorrhage. Medical records made available to Amnesty International stated that Salah 'Abbas and 'Ali Shatarit both died of heart attacks (coronary occlusion) and that Faiz 'Abd al-Fattah Tarayra died as a result of a blood-clot (embolism) in his brain.

The death penalty is retained under Israeli law but is not mandatory. Until 1979 standing orders from the Attorney General and the army prosecutor general prevented prosecutors from asking for the death sentence. In April 1979 the Israeli cabinet sanctioned the use of the death penalty for "acts of inhuman cruelty", but no death sentences were passed. On 17 December 1981 four Palestinians — 'Adnan Jabir, Yasir Zaidat, Muhammad Shubaki and Taisir Taha — were sentenced to life imprisonment by the Nablus military court. They were found guilty of an attack on Jewish settlers in Beit Hadassah in May 1980, in which six Jews were killed and 16 wounded. The military prosecutor demanded life sentences for the four Arabs although "two of the three judges had wanted to impose the death sentence" (*Jerusalem Post*, 18 November 1981). The last execution to be carried out in Israel was in 1961.



Jordan

Martial law, which was first proclaimed in 1967, continued to be in force during 1981.

Its provisions suspend a broad range of constitutional guarantees and invest the Prime Minister, in his capacity as Martial Law Governor, with wide powers of arrest and detention. Amnesty International's concerns continued to be the imprisonment of prisoners of conscience, long-term detention without trial of political prisoners, the lack of legal safeguards in trials before the military court, and the use of the death penalty.

During the year Amnesty International worked on behalf of three adopted prisoners of conscience sentenced to 10 years' imprisonment for alleged membership of the Communist Party, prohibited under the Anti-Communist Law of 1953.

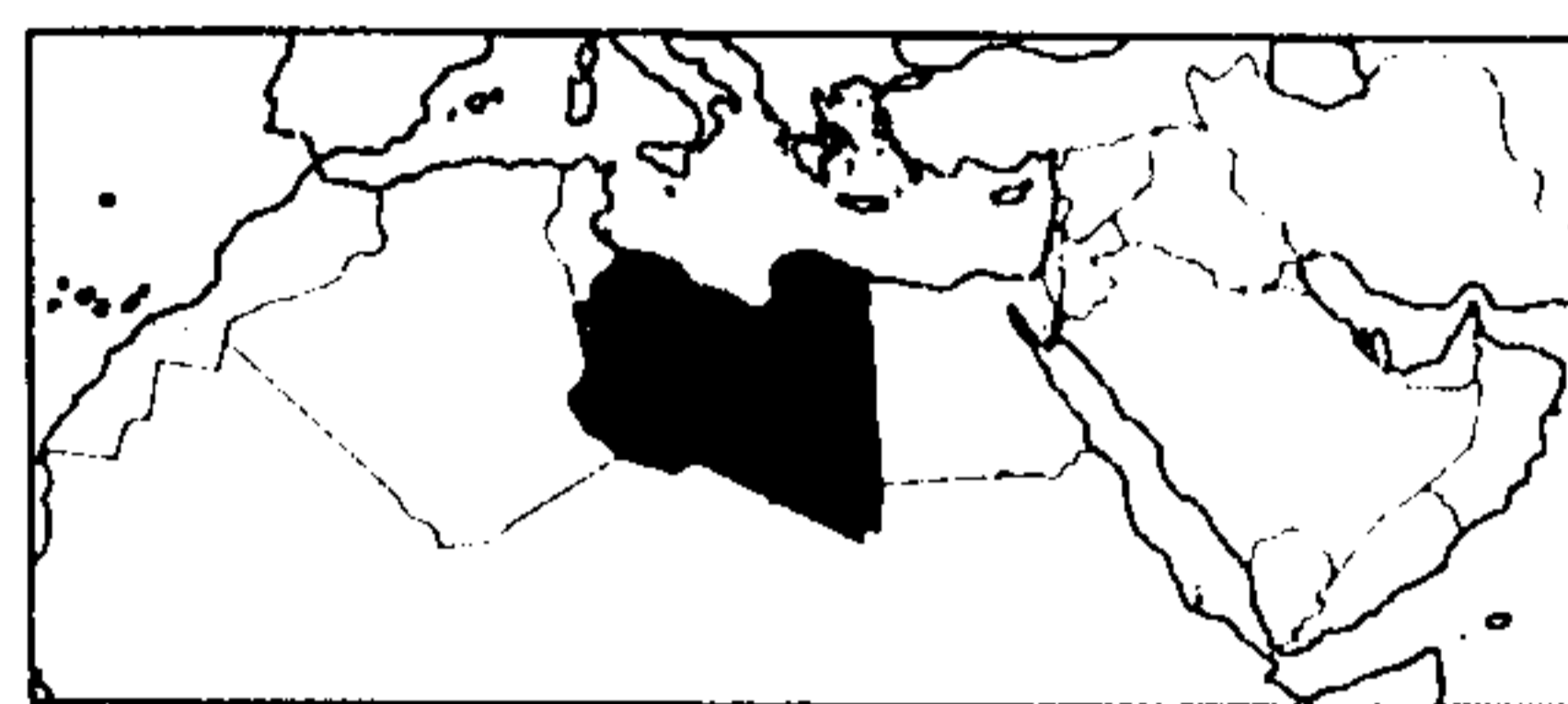
In December 1981 Amnesty International was informed by the

Minister of Health, Dr Zuheir Malhas, that Wajih Jiryis Al-Nahas had been released during the year under a pardon by King Hussein. He was serving a three-year sentence "for participating in an organization to make a revolution in Jordan" and Amnesty International was investigating his case.

Amnesty International was also concerned about the prolonged detention without trial of political prisoners. In a letter to the Minister of the Interior, Ali al-Bashir, on 13 April 1981 it reiterated this concern and referred to assurances given to an Amnesty International delegation to Jordan in March 1978 that all prisoners were brought to trial within a reasonable time. In its letter Amnesty International submitted the names of 131 untried detainees at Al-Mahatta Central Intelligence Prison in Amman. It asked the Minister to investigate the status of these cases and to give details of any planned trial procedures. The Jordanian authorities later informed Amnesty International that 20 of those listed had been tried and were serving prison sentences at Al-Mahatta prison, and that others had been tried and acquitted. Amnesty International was seeking further details of individual cases.

The death penalty is retained under both the penal code and martial law regulations. During the past few years death sentences were passed *in absentia* for the sale of property in territory now occupied by Israel. For example, in September 1980 two Arabs, Halwa Khalil Hammudeh and Ahmad Hassan, were sentenced to death *in absentia* for selling their property in Jerusalem to Israelis. However, the Jordanian authorities assured Amnesty International that "no executions for the offence of the sale of land to the enemy have been — or will be — carried out since the 1967 war".

In October 1981 Amnesty International cabled King Hussein expressing concern over press reports that two people were executed for murder in Amman on 24 September 1981. Amnesty International asked for confirmation of these reports but by the end of 1981 had received no reply.



Libyan Arab Jamahiriya

Amnesty International was concerned

about the imprisonment of prisoners of conscience, long-term incommunicado detention of political prisoners, inadequate legal safeguards in political trials, allegations of torture and of insufficient medical care for prisoners, extra-legal executions and the death penalty.

In March 1981 the Socialist People's Libyan Arab Jamahiriya celebrated the fourth anniversary of "direct popular democracy" as the basis of its political system. Executive authority had been vested in popular bodies which included "people's congresses", "revolutionary committees" and "people's committees". On 8 December 1981 the official press reported that "the people's congresses alone have the right of making decisions and laws". In 1981 a number of reports suggested that the role of the popular bodies in suppressing dissent at home and abroad had grown. However, information about alleged abuses committed in the name of the revolution, or about the workings of these popular bodies, proved difficult to obtain. Access to the country was strictly controlled.

Amnesty International continued to work for the release of 74 adopted prisoners of conscience. All were detained and tried under legislation explicitly restricting the exercise of fundamental human rights (see *Amnesty International Report 1980 and 1981*). Many were serving life sentences in Tripoli Central Prison and in Kuweifiya prison, Benghazi. Amnesty International repeatedly called for the release of these prisoners of conscience, but the authorities rarely responded, except to assert that there were no political prisoners in Libya. However, in a speech on 2 March 1981, Colonel Mu' ammar Gaddafi declared that "... those who are put into (the Jamahiriya) prisons are there because they are the enemies of the people and they fight for restoring the government above the people. There is no shame and there is nothing wrong in putting these persons in prisons or in treading on them with your feet."

Amnesty International received reports that prison conditions for prisoners of conscience had deteriorated. Many were allegedly transferred to overcrowded cells and their books and writing materials confiscated. In addition, several were said to be suffering from severe depression.

In June 1981 Amnesty International received reports that 60

students from Benghazi had been arrested in early May for alleged opposition to national policies. Amnesty International was not able to confirm these reports and the students' whereabouts remained unknown.

Amnesty International also learned in 1981 of the arrest in early 1980 and trial in February 1981 of a number of senior military and civilian officials. They were tried by revolutionary courts set up at the revolutionary committee's annual meeting in February 1980. Amnesty International was concerned that legal safeguards at such trials were inadequate: the tribunals were composed of members of the revolutionary committees rather than of the judiciary, and the rights of the defence were extremely restricted.

Amnesty International was concerned about Law No. 4 of 1981, prohibiting lawyers from practising privately, which came into force. Fears were expressed by the Arab Lawyers' Union about its effects on the independence of lawyers and on their freedom to provide proper legal defence for political prisoners. In November 1981 a number of Libyan lawyers abroad issued a statement denouncing this measure and alleging that the courts were ruled "by the absence of conscience and law".

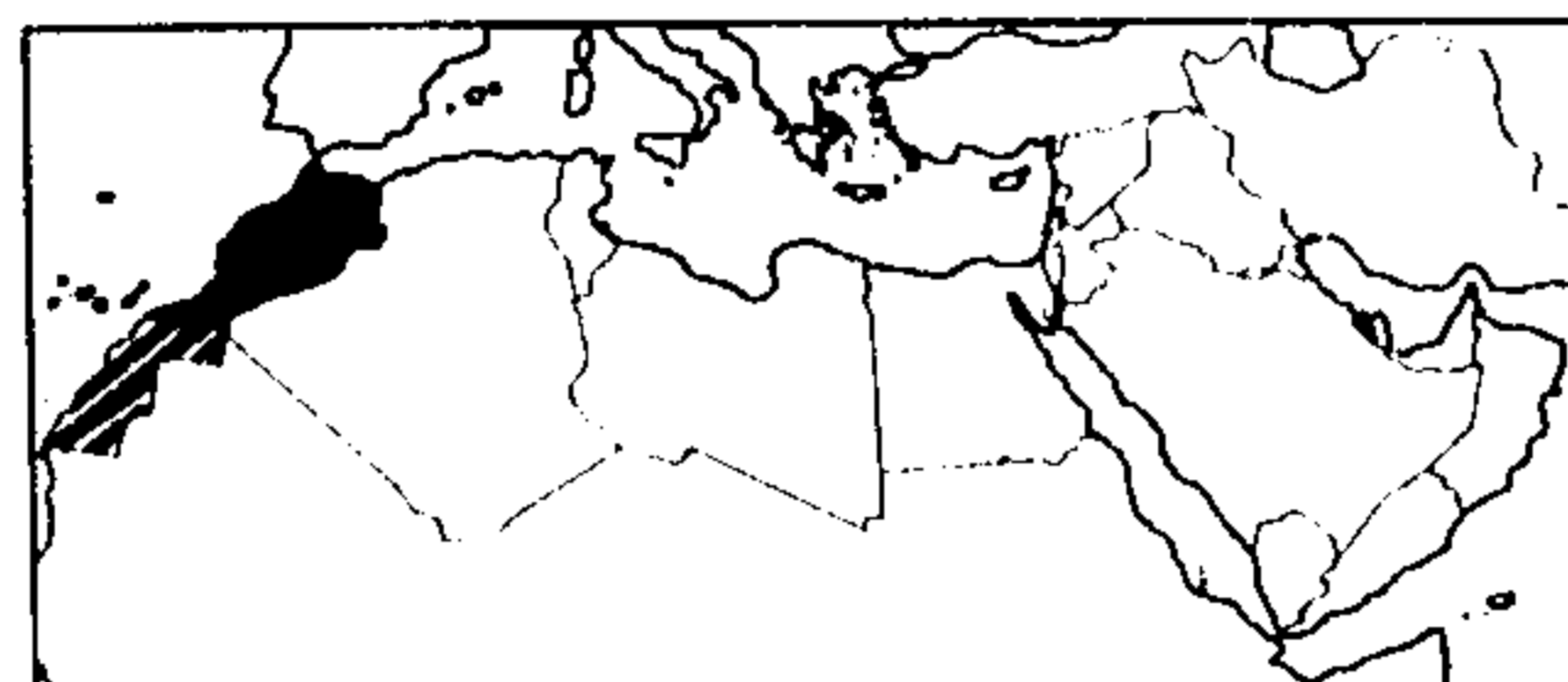
Amnesty International continued to receive reports of torture and ill-treatment of prisoners. Detainees were allegedly tortured in various centres under the authority of the intelligence services and revolutionary committees in Tripoli and Benghazi. They were reportedly held incommunicado for long periods and their families not informed of their whereabouts. The most common torture techniques were said to be electric shocks, in particular to the head and genitals, and beatings on the soles of the feet (*falaqa*).

Libya retains the death penalty for numerous offences, many of a political nature not involving the use or advocacy of violence. On 25 February 1981 a revolutionary tribunal in Tripoli passed the death sentence in their absence on four Libyans in exile. Mohammad Youssif Lamgarief, former Libyan Ambassador to India, was reported to be one of them. He was one of four senior diplomats abroad who reportedly resigned their positions in 1980 and 1981.

Official calls for the "physical liquidation of enemies of the revolution" continued (see *Amnesty International Report 1981*). In many official pronouncements and press interviews in 1981 Colonel Gaddafi explicitly sanctioned the continuation of the international assassination campaign against his opponents. On 3 March 1981 several popular bodies, including revolutionary committees, were also reported to have reaffirmed "their determination to liquidate the enemies of the people's authority at home and abroad".

Since the first call for "physical liquidation of enemies of the

revolution" in February 1980 more than a dozen Libyan citizens had been killed or wounded in assassination attempts in the United Kingdom, the Federal Republic of Germany, the United States of America, Italy, Greece and the Lebanon. In seven of these cases the suspects arrested and brought to trial were Libyan nationals.



Morocco and Western Sahara

Amnesty International continued to be concerned about the imprisonment of prisoners of conscience, allegations of ill-treatment of prisoners, "disappearances", and the conditions of detention and reported deaths in detention of a number of military prisoners. It was also concerned about long-term incommunicado detention and irregularities in trial procedures. Amnesty International remained concerned about reports of human rights violations committed by the Polisario Front.

In early 1981 unrest led to a number of arrests among students and members of the major left-wing opposition party, the *Union socialiste des forces populaires* (USFP), Socialist Union of Popular Forces. After the government had announced large price rises for basic foodstuffs, a strike called by the *Confédération démocratique du travail* (CDT), Democratic Confederation of Labour, for 20 June 1981 was widely supported in a number of cities. The strike led to clashes between demonstrators and the police and army, to widespread arrests, and many deaths. Officials stated that 66 demonstrators had been killed by security forces; opposition sources and several foreign observers cited more than 600 deaths. More than 100 trials were reported after these events, primarily affecting members of the USFP administrative committee and political bureau, CDT officials, and militants of both organizations; the two USFP newspapers, *Libération* and *Al Mouharrir*, were suspended in June and not allowed to publish.

In October 1981, 14 USFP members of parliament were placed under house arrest after they had withdrawn from parliament claiming that despite a referendum that had extended parliament's term from four to six years, they had been elected to serve only until 1981 and

would serve no longer. They were released after a short period when they agreed to rejoin parliament.

December 1981 saw fresh arrests, particularly of students. Several trials and convictions followed, and government militia were installed on several university campuses.

During the year Amnesty International worked on behalf of more than 230 individual prisoners and learned of the release of 13. Among them were approximately 110 members of various Marxist-Leninist movements and of the *Union nationale des forces populaires* (UNFP), National Union of Popular Forces, tried and sentenced in 1977 or earlier, and 15 peasants from Beni-Mellal arrested in December 1979 and sentenced to up to three years in prison. Amnesty International was investigating the cases of almost 100 inhabitants of southern Moroccan towns, such as Goulimine and Tan-Tan, who were reportedly taken into custody by the security forces as long ago as 1975, but whose detention and whereabouts were never officially acknowledged. Amnesty International feared that the number of such "disappearances" might be several hundred.

During 1981 Amnesty International adopted as prisoners of conscience three USFP leaders. USFP Secretary General Abderrahim Bouabid, member of parliament Mohamed Lyazghi (also the director of the banned newspaper *Al Mouharrir*), and Mohamed Lahbabi, Professor of Political Economy and member of the USFP political bureau, were sentenced in September 1981 to one year in prison. They were convicted of producing and disseminating a USFP declaration criticizing the Moroccan Government's agreement to proposals from the Organization of African Unity (OAU) regarding the Western Sahara.

Amnesty International also monitored the trial before the Criminal Chamber Appeals Court of Casablanca of Mustapha Karchaoui, editor-in-chief of *Al Mouharrir*, and five co-defendants including Mohamed Karam, member of the USFP Central Committee, and Noubir Amaoui, Secretary General of the CDT. The defendants, who were charged with complicity in crimes allegedly committed by demonstrators during the strikes of 20 June 1981, faced prison terms of five years or more. At the end of 1981 their trial had not been completed.

Despite a number of royal pardons granted during the year, none were granted to political prisoners. On 23 March 1981 Amnesty International informed the Prime Minister and Minister of Justice, Maati Bouabid, of its disappointment that no prisoners of conscience had been granted pardons on 3 March 1981, the 20th anniversary of King Hassan II's accession to the throne.

In July 1981 Amnesty International sent a delegate to Rabat to

observe the trial of 82 people charged with a number of offences against public order related to the events of June 1981. The charges included violations of the *Dahir* (decree) of 29 June 1935 concerning demonstrations affecting public order and the decree of 15 November 1958 on public freedoms and gatherings. The verdict was announced on 30 July 1981: 20 defendants were acquitted; 22 were given sentences of one year without remission; 39 received sentences of six months or less; and Abderrahman Ben Ameer, former president of the Lawyers' Association of Rabat and former president of the Corporation of Lawyers received a three-year suspended sentence.

Amnesty International was concerned that the Rabat trial fell short of the standards necessary for a fair trial in a number of respects. Several of the defendants were held incommunicado under *garde à vue* for more than 96 hours without written authorization from the public prosecutor (*procureur du roi*), contrary to the provisions of Moroccan law. The proceedings dispensed with a separate pre-trial investigation, although the appropriate legal situation for this did not apply in these cases. At the trial itself all requests for the hearing of defence witnesses were rejected by the court and the convictions were based on tenuous evidence.

Amnesty International continued to receive reports of ill-treatment during the period of *garde à vue*, when detainees were held in police custody for interrogation and were allowed no visits from lawyer, family, or independent doctors. Allegations of ill-treatment in police custody were made in the cases of several USFP activists arrested in Tiznit in January 1981. The court rejected their request for medical examinations to verify their claims. Taieb Sessy, President of the Bar Association of Agadir, member of the administrative committee of the USFP, and member of the administrative committee of the *Association marocaine des droits de l'homme* (AMDH), Moroccan Association of Human Rights, was reportedly badly beaten after being taken into custody on 11 July 1981. He was later convicted of violating provisions of the decree of 29 June 1935 and given a four-month suspended sentence. Similar allegations of ill-treatment reached Amnesty International concerning a number of those arrested for involvement in the events of June 1981. Reports reached Amnesty International from various sources that approximately 30 people had died from asphyxiation in a makeshift detention centre after their arrest on 20 June 1981. Amnesty International was not able to verify these reports.

Amnesty International continued to receive occasional reports of harsh conditions and inadequate medical care in prisons such as L'alou and the *Prison civile* (civil prison) of Marrakech. In November 1981 Amnesty International appealed on behalf of two hunger-

strikers, Bouri Najem and Ahmed Ould Sidiya Daya, who had gone on hunger-strike in the *Prison civile* of Marrakech to protest against conditions.

On at least two occasions representatives of international non-governmental organizations who had been sent to Morocco to inquire about the human rights situation or to observe trials were summarily expelled from the country.

In February 1981 Amnesty International sent a mission to Morocco and the organization's three delegates met officials from the Ministry of Justice, the Ministry of Interior, the prison administration, the judiciary, and with Prime Minister and Minister of Justice Maati Bouabid. In December 1981 Amnesty International submitted a memorandum of its conclusions based on those meetings, its continuing analysis of testimony received relating to its concerns in Morocco, and its assessment of events subsequent to the mission.

Amnesty International's concerns included: the procedures and practices relating to *garde à vue* whereby political prisoners have been held for months and sometimes years in the exclusive custody of the police; repeated and consistent allegations of ill-treatment; the continuing imprisonment of more than 100 prisoners of conscience; inadequate medical care for prisoners; reported "disappearances"; the situation of 15 military prisoners whose sentences for involvement in attempts to assassinate King Hassan II had expired but who had not been released; the whereabouts and conditions of detention of approximately 100 military prisoners convicted of participation in these attempts, whose whereabouts had not been made public since 1973 and whose conditions of detention were reported to be extremely harsh and to have led to a number of deaths. During Amnesty International's discussions with Moroccan officials the officials agreed to seek and provide Amnesty International with further information on a number of these topics. After the mission no further information was received.

In its memorandum to the Moroccan Government Amnesty International concluded:

- 1) that in a number of crucial respects the legal and administrative procedures currently applied in Morocco do not provide sufficient protection against ill-treatment for people in custody;
- 2) that legally responsible individuals are frequently not carrying out the laws or are interpreting their legal responsibilities in such a fashion as to enhance the likelihood that the fundamental rights of persons in custody will be violated;
- 3) that legislation has been and is currently being applied in a way that has led to the arrest and conviction of numerous 'prisoners of conscience';
- 4) that a number of blatantly illegal

practices, contravening both Moroccan law and the international covenants on human rights which Morocco ratified on 3 August 1979, have led to serious human rights violations involving the 'disappearance' of large numbers of people and the deaths in custody of others."

Amnesty International concluded that the Moroccan authorities were violating provisions of a number of international human rights instruments, including several articles of the International Covenant on Civil and Political Rights to which Morocco is a State Party, the United Nations Standard Minimum Rules for the Treatment of Prisoners, and the United Nations Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Amnesty International ended its memorandum to the Moroccan Government with a series of recommendations. These included recommendations that:

- "the Government of Morocco institute a public and impartial commission of inquiry to:
- 1) examine legislation and practice relating to arrest and *garde à vue* with a view to:
 - a) enforcing existing legislation which requires arrest warrants to be shown;
 - b) informing the family and lawyer of the place of detention of every arrested person, immediately upon arrest and at every stage of detention;
 - c) establishing clear time limits and a reasonable maximum period for *garde à vue* and enforcing the *procureur's* legal obligations during and upon extension of *garde à vue*;
 - d) providing arrested individuals with access to family, lawyer, and medical care promptly after arrest and at brief, regular intervals thereafter;
 - e) providing arrested individuals with direct legal appeal mechanisms against wrongful arrest;
 - 2) examine ways of enforcing and improving existing legislation which stipulates that preventive detention should be an exceptional measure and that cases of '*atteinte à la sûreté de l'Etat*' (threats to the security of the state) should be judged quickly;
 - 3) examine legislation and practice designed to control abuses of authority committed by officials, with a view to establishing ways to monitor the behaviour of the police during *garde à vue*, and enforce the legal obligation of the *juge d'instruction* (investigating judge) to call for a medical examination in cases where allegations of torture and ill-treatment are made by detainees;
 - 4) examine the nature and quality of medical care in prisons and detention centres."

Amnesty International also urged:

"1) that details of the arrest, detention and current whereabouts of the more than 100 'disappeared' persons named in this report be made public and that all those unlawfully held be released; 2) that details of the fate of all prisoners currently held for involvement in the 1971 and 1972 coup attempts be made public . . . [and that] the Moroccan Government immediately release all among those prisoners who have served their full sentence."

Finally, Amnesty International urged:

"King Hassan II to release from prison the more than 100 individuals believed by Amnesty International to be prisoners of conscience, as well as all those tried during 1981 who have been convicted for the non-violent expression of their political beliefs"; and called for a redress of specific irregularities in trials which took place after the events of June 1981.

In October 1981 the Human Rights Committee set up under the International Covenant on Civil and Political Rights considered the Moroccan Government's report, which was submitted in conformity with Morocco's obligations as a State Party to the covenant. A number of questions relevant to Amnesty International's concerns were put to the representative of Morocco by members of the committee: in how many cases had public officials been prosecuted for brutality or ill-treatment; were the authorities required to notify the detainee's family of the place of detention; how long was the delay between arrest and presentation before the investigating judge; were there any grounds for believing that people had "disappeared"; to what extent preventive detention, or remand in custody, was employed when, according to the Moroccan Code of Criminal Procedure, it was to be an exceptional measure; what measures had been taken to investigate and repair irregularities reported to have taken place in trials occurring in July 1981.

In response Morocco's representative said that torture and ill-treatment were prohibited under Moroccan law. He outlined the limits on police custody, asserting that the initial period of 96 hours "could be extended for a single period of 48 hours", all periods being doubled in cases of threats against the security of the state. He stated that preventive detention was an exceptional measure, but gave no details about its use. He referred to aspects of Moroccan criminal and trial procedures but did not respond to the specific questions regarding the trials held in July 1981. He did not respond to those questions posed by members of the committee concerning "disappearances"; notification of arrest and place of detention to relatives; or prosecutions

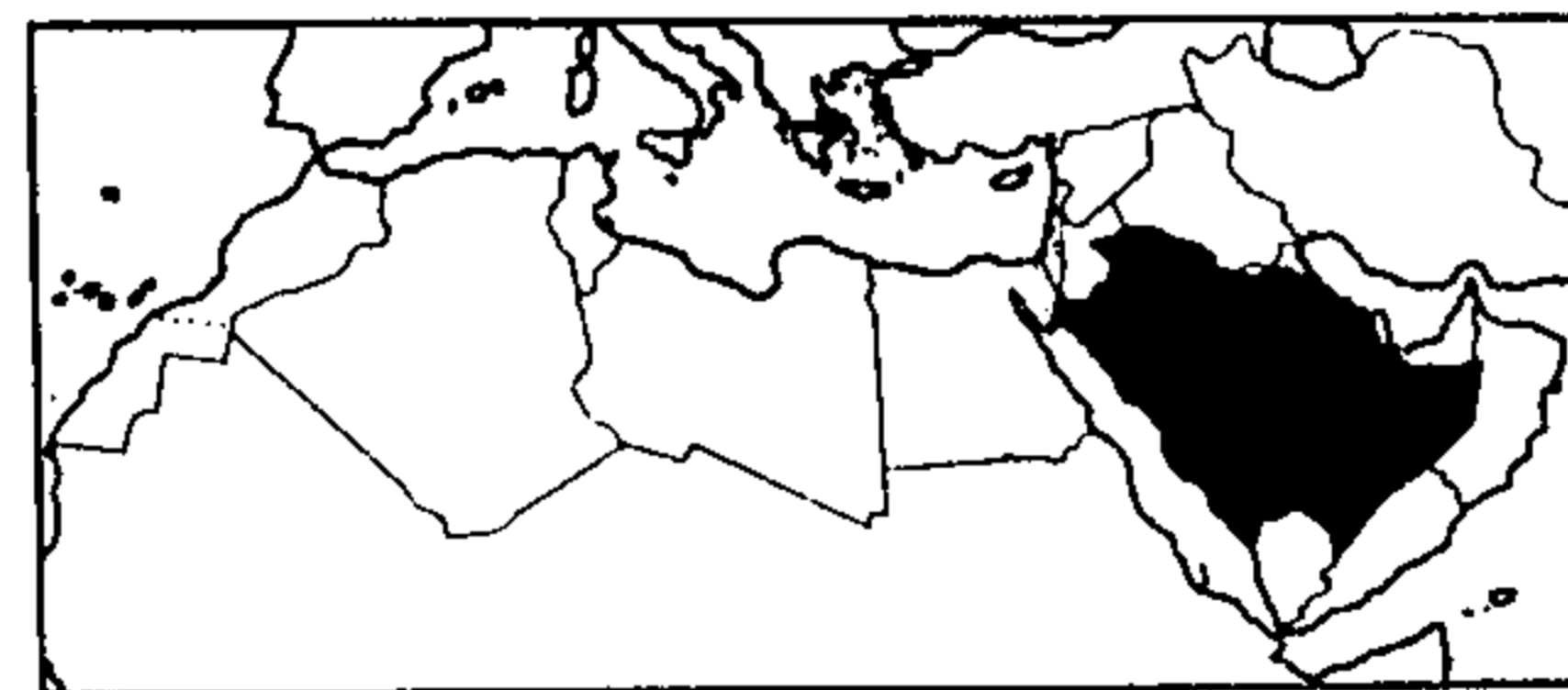
of officials for having inflicted torture or ill-treatment. He concluded by stating that the authorities had not observed any difficulties in applying the covenant since its ratification.

Amnesty International remained concerned about serious allegations of human rights violations committed by the Polisario Front, which was engaged in a war with Morocco for control of the Western Sahara. On 10 February 1981 Amnesty International issued a public statement which said:

"According to the allegations reaching Amnesty International, hundreds of Polisario members have been arrested since 1975 for criticizing the movement's internal policies . . . The present whereabouts of most of the alleged prisoners are not known . . . These reports say political prisoners were made to do hard labour and were ill-treated . . ."

In a number of subsequent meetings between representatives of Amnesty International and Polisario Front officials, the officials did not furnish any details to allay Amnesty International's concern.

Morocco retains the death penalty for a number of crimes but executed no one during 1981. According to official statements there were two people under sentence of death as of November 1981.



Saudi Arabia

The main concern of Amnesty International was the imposition of floggings,

amputations and the death penalty, which Amnesty International considers cruel, inhuman and degrading punishments and as such prohibited by international law. Amnesty International did not have sufficient information to be able to assess the extent of political imprisonment, and was unable to state whether or not there were prisoners of conscience in Saudi Arabia.

Although there were no indications of widespread arbitrary arrests in Saudi Arabia, notification of arrest was not automatically given to the prisoner's family, or, in the case of foreign nationals, to the employer or embassy. There were also long delays before prisoners were charged and tried; delays of many months and, in a number of cases, of over a year.

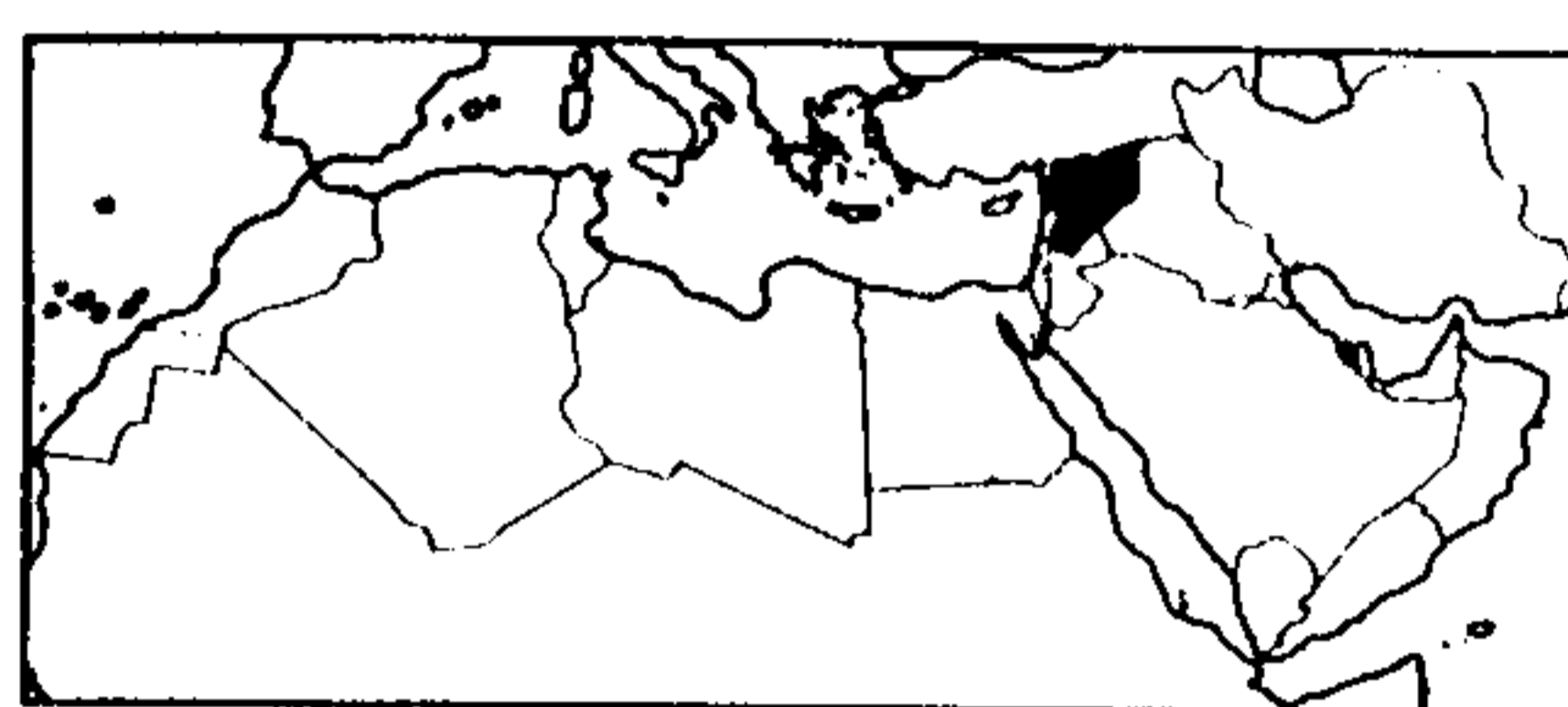
Most trials in Saudi Arabia were held in accordance with the rules of the *Shari'a* (Islamic Law), and were heard before a judge who decided guilt or innocence and recommended sentencing. The Minister of the Interior ultimately decides on the duration of imprisonment, and receives and acts on all requests for clemency.

Islamic law imposes amputation of the hand as the punishment for repeated theft where there are no mitigating or extenuating circumstances. During 1981 Amnesty International learned of one such case: Salah Fariah Shukair, a North Yemeni national was convicted of stealing silverware and money and his right hand was severed by knife in Najran on 7 August 1981.

Islamic law imposes the death penalty for premeditated murder, adultery (if the convicted person is married), sodomy and rape. During 1981 Amnesty International learned of 14 executions, 13 by beheading and one by stoning to death. The sentences were all carried out on Fridays, in public, and were reported in the Saudi and international news media.

To Amnesty International's knowledge the death penalty, amputations and floggings were carried out only after judgments by three courts — the court of first instance, the court of cassation (appeal), and the Supreme Court of Justice — and after ratification by the Minister of the Interior. Judgments of the Supreme Court could not be changed by the Minister, but the court could revise its own decisions.

On 11 December 1981 Amnesty International wrote to Prince Naif bin 'Abd al-'Aziz, Minister of the Interior, expressing its concern about a report that two executions had taken place on 4 December 1981, one by beheading in Jeddah and the other by stoning to death in Riyadh. Amnesty International referred to the number of executions over the year and reiterated its opposition to the death penalty in all cases. It urged Prince Naif "to give consideration to the question of the death penalty in Saudi Arabia and to the possibility of restricting and eventually abolishing its use".



Syria

The main concerns of Amnesty International continued to be the wide powers of arrest and detention used to

detain hundreds of political prisoners, detention without trial, summary procedures in trials of political prisoners by state security and military courts, the use of torture and the death penalty. Many of these violations took place under provisions of the state of emergency which had been in force since 1963. Amnesty International was also concerned by increasing reports of human rights violations by Syrian security forces, including arbitrary imprisonment of political prisoners, "disappearances", extra-legal executions and torture.

During 1981 Amnesty International worked for the release of 70 adopted prisoners of conscience and investigated the cases of 18 possible prisoners of conscience. It learned of the release of 18 prisoners including Dr Youssef Zu'ayyen, former Prime Minister of Syria in the 1960s, who had been held without charge or trial for more than a decade in al-Mezze military prison, Damascus. Dr Zu'ayyen was one of 18 Amnesty International adopted prisoners of conscience who had either served in or were connected with the previous government. They were arrested after the November 1970 coup which brought President Hafez Assad to power, reportedly for refusing to collaborate with the new government. After his release in late 1981 Dr Zu'ayyen was flown to a hospital in London for an emergency operation. Amnesty International had issued medical appeals on his behalf several times. Two other members of this group of prisoners, Major 'Abdul Karim Nassif and Mahmud Yunis, were also reported to have been released during 1981.

Amnesty International learned of the release of 'Abdul Hamid Husain Sino and Nazir Shams al-Din Mustapha, two of seven Kurdish Democratic Party (KDP) members held without trial since 1973, who were adopted as prisoners of conscience by Amnesty International. Nine Kurds were originally detained for protesting in a memorandum to President Assad against the displacement of Syrian Kurds from their homes in northern Syria. Two were released in 1980 but no information was made available on the fate or whereabouts of the other five Kurds in this group.

The 23 lawyers adopted by Amnesty International as prisoners of conscience in December 1980 were not charged or tried but reports reaching Amnesty International at the end of 1981 suggested that several might have been released. The lawyers were arrested in April

1980 after the government had dissolved the General Congress and regional councils of the Syrian Bar Association (see *Amnesty International Report 1981*). Temporary councils were appointed by the government until elections in October 1981. At the same time the Doctors' and Engineers' Associations councils were dissolved and council members were arrested. In August 1981 a new law, No. 39, was introduced to replace law No. 14 of 22 April 1972 concerning the tasks and aims of the legal profession. As a result of the concern expressed in regional and international legal circles the Arab Lawyers' Union set up a special committee to study the extent to which this law might affect the independence of the legal profession and the rights of the defence.

In February 1981 Amnesty International adopted as prisoners of conscience 10 members of the banned Communist Party Political Bureau (CPPB), including its Secretary General, Riad al-Turk, and his wife 'Asmah al-Feisal. Amnesty International appealed on behalf of Riad al-Turk after reports that he had been tortured and rushed to an intensive care unit of a hospital in Damascus for emergency treatment. Reports received later in the year put the number of detained CPPB members at over 200. Amnesty International was investigating reports that several members of the legal Syrian Communist Party, led by Khalid Bakdash, were detained at the time of the elections for the Syrian Peoples' Assembly in November 1981. The Communist Party lost all its seats at the elections.

Another case of concern to Amnesty International was that of 'Aql Qurban, a 44-year-old former Syrian police officer who was abducted from the Lebanon by Syrian security forces in 1970 and detained without trial ever since in al-Mezze military prison, Damascus. He was reportedly suffering from a serious kidney complaint, was partially paralysed, almost blind and periodically lapsed into unconsciousness. A former prisoner in al-Mezze military prison informed Amnesty International that 'Aql Qurban, on whose behalf Amnesty International appealed in June 1978 and August 1981, was for the most part held in solitary confinement in the prison.

Amnesty International continued to receive disturbing information about human rights violations by the security forces and specifically by the *Saray al-Difa'* (Special Defence Units) under the command of President Assad's brother, Rifa'at Assad. The security forces possess extraordinary powers of arrest and detention under emergency legislation. They used these powers often in recent years after acts of sabotage, assassinations and attempts on the lives of President Assad and people associated with his government. Security forces frequently sealed off large areas in towns, conducted house-to-house searches and arrested numerous inhabitants. Many detainees were taken away

in lorries to unknown destinations.

In October Amnesty International began investigating the cases of 38 youths detained in the town of Deir al-Zor following an anti-government demonstration. Three months after their arrest they were transferred to an unknown destination and, despite appeals to President Assad, their parents were not told their fate or whereabouts.

Amnesty International was also investigating the "disappearance" of Tawfiq Drak al-Siba'i, a 35-year-old neurologist and father of five. In May 1980 he was summoned to the office of the head of prisons in the town of Homs after a letter sent to him by relatives in Saudi Arabia was intercepted by the Syrian censors. On 2 June 1980, a week after his arrest, he was transferred to an unknown destination. The prison authorities in Homs denied any knowledge of his whereabouts when approached by his relatives. Amnesty International submitted details of his case to the United Nations Working Group on Enforced or Involuntary Disappearances.

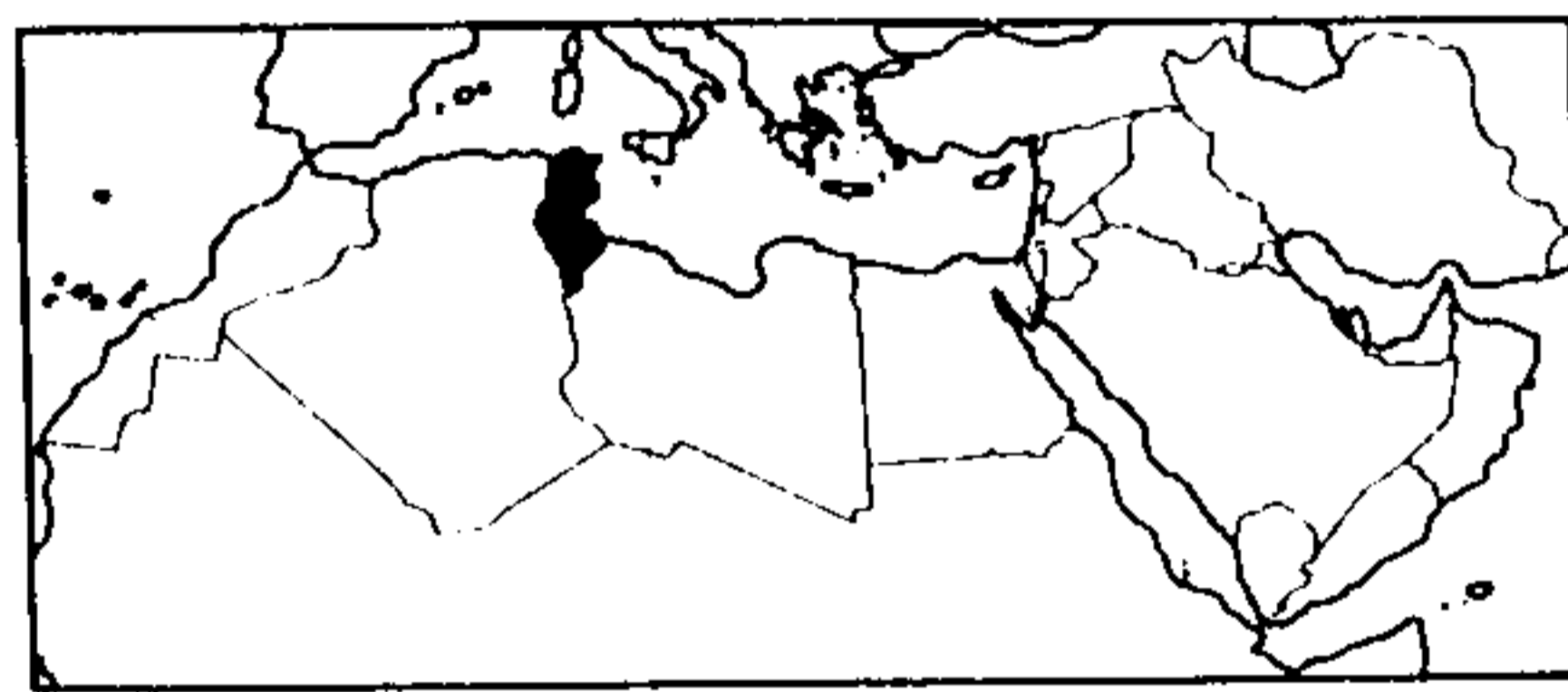
During 1981 Amnesty International received numerous allegations of torture and ill-treatment and more than 50 torture testimonies from former prisoners who had been detained by the security forces at different times and in different prisons between June 1979 and April 1981. The methods of torture most commonly referred to were: beatings, whippings with steel cables while suspended in a tyre (*dullab*), beatings on the soles of the feet (*fallaqa*), cigarette burns, sexual molestation and electric shocks. Although Amnesty International was not able to verify fully these allegations they were consistent with reports received over many years, some of which were supported by medical evidence (see *Amnesty International Report 1981* and *Amnesty International Briefing: Syria, 1978*). Amnesty International was concerned that the security forces were routinely and systematically torturing detained security suspects.

In June 1981 the Syrian News Agency, SANA, reported the execution by firing squad of two Syrian soldiers and a civilian after they had been found guilty of murder and theft by a military court in Tartous. Although these were the only executions officially acknowledged in 1981 there were numerous unconfirmed reports of executions. They were reported to have taken place in public and within prison walls, after trials by military courts with summary rules of procedure which denied the defendants the right to defence by lawyers and the right of appeal.

On the night of 23 April 1981 Syrian security forces reportedly sealed off parts of the town of Hama, carried out house-to-house searches, dragged residents from their homes, lined them up in the streets and shot them. Some reports put the number killed at 350, with over 600 injured. Amnesty International received the names of over

100 of those reported killed. In July 1981 Amnesty International wrote to President Assad of Syria expressing grave concern about the reports and asking him to set up a commission of inquiry to examine the facts and make public its findings. Amnesty International also referred to its letter of August 1980, following reports of the massacre of hundreds of prisoners at Tadmur (Palmyra) Prison, and to its request for a similar inquiry at that time. Amnesty International received no response from the Syrian authorities.

Amnesty International was also concerned about allegations that Syrian security forces were responsible for the assassination abroad of several prominent exiles opposed to the government. After the assassination of Salah al-Din al-Bitar in Paris in July 1980 (see *Amnesty International Report 1981*), Banan Ali Tantawi, wife of Issam al-Attar, the Director of the Islamic Centre in Aachen, Federal Republic of Germany, and a leader of the Muslim Brotherhood, was shot dead at her home in Aachen. In November 1981 Nizar al-Sabbagh, in exile from Syria for over 10 years and the leader of the Muslim Brotherhood in Spain, was killed by unknown assailants in the streets of Barcelona. It was reported that the Syrian authorities had, on several occasions, unsuccessfully sought his extradition.



Tunisia

Amnesty International's work during the year focused on efforts to gain the release of more than 40

prisoners of conscience, and appeals for commutation of death sentences. The organization was also concerned about reports of torture and ill-treatment of prisoners.

Habib Achour, former Secretary General of the *Union générale des travailleurs tunisiens* (UGTT), the General Union of Tunisian Workers, and an Amnesty International adopted prisoner of conscience, was released from house arrest. Arrested in January 1978, he had been released from prison in August 1979. In August 1981, to mark the 78th birthday of President Habib Bourguiba, Habib Achour was transferred to Qurbus, and subsequently to the Kerkennah Islands, his birthplace, where he remained subject to restrictions. In November he was granted an amnesty and on his return to Tunis was elected President of the UGTT. Earlier in 1981 Amnesty International

had expressed concern that one of his sons had also been placed under house arrest in March 1981. Amnesty International learned that restrictions on him were lifted in June.

In July 1981 approximately 60 alleged members of the *Mouvement de la tendance islamique* (MTI), the Islamic Tendency Movement, were arrested. They included civil servants, students, engineers, teachers, lawyers and a doctor, Dr Rachid El Ayachi. On 6 August Amnesty International wrote to the Tunisian Minister of the Interior, Driss Guiga, about the arrests and asked for information on the detainees, including their place of detention, the charges against them and the date and place of their trial. More than 90 people in this case were charged with membership of an unauthorized organization (Article 30 of Law 154 of 7 November 1959), defamation of the head of state (Article 48 of the Press Code of 1975) and disseminating false information (Article 49 of the Press Code of 1975). None was charged with committing an act of violence.

On 27 August the MTI trial began in Tunis. About half the defendants were tried in their absence. One session of the trial, in which the case for the defence was presented, was reported to have continued without recess for more than 27 hours, despite protests from defence lawyers. On 4 September the court announced the verdicts which ranged from 11 years' imprisonment to suspended sentences of six months' imprisonment. Two defendants were acquitted for lack of evidence. The case proceeded to the Court of Appeal on 21 September. On 3 October it announced that several sentences had been revised. Some 11-year terms of imprisonment were reduced to 10 years' imprisonment, and some short-term sentences of imprisonment amended to suspended sentences. Amnesty International adopted more than 40 of them as prisoners of conscience, including the alleged leader of the MTI, Rached Ben Mohamed El Ghannouchi, a teacher of philosophy who received a sentence of 10 years' imprisonment. All those sentenced were held after their trial in Bourj Er-Roumi Prison near Bizerte, on the northern coast of Tunisia.

Amnesty International was investigating the cases of two members of a theatrical group, Lamine Nehdi and Mongi Laouni, arrested on 8 August 1981. They were charged with several offences related to a play performed by the group, including defamation of the head of state, incitement to public disorder and distortion of the text of the play which had reportedly been officially approved previously. The first court hearing of their case took place on 12 September and the defendants denied the charges. The trial was adjourned to January 1982 at the request of the defence. Both defendants were released pending the trial.

Amnesty International was concerned that certain laws concerning

freedom of expression and association, such as the Press Code promulgated in 1975, had been applied in a number of cases monitored by the organization during 1981. In the majority of cases, other than those mentioned above, the trials resulted in fines, suspended sentences or acquittals.

Amnesty International received several reports of torture and ill-treatment of individuals arrested in the MTI case. After their arrest detainees were held by the *Direction de la sûreté de l'Etat*, and some were reportedly tortured. During their trial a number of defendants stated that they had been tortured and defence lawyers called for medical examinations to confirm this. By the end of 1981 Amnesty International had learned of no such examinations, nor of any independent inquiry into the allegations of torture and ill-treatment.

Amnesty International was concerned about three death sentences passed during 1981; at least two were carried out. On 30 January Kamel Ben Ali Khemiri Bou Nasri was sentenced to death by Tunis Criminal Court for premeditated murder. He was hanged on 22 April. In June 1981 Sousse Criminal Court sentenced Mohamed Chahr to death, also for murder. It was not known whether he was executed. On 6 August Tunis Criminal Court sentenced to death Khemais Soulah, convicted of murdering a police officer. He was hanged on 19 August 1981 in Tunis Civil Prison.

In a letter to President Habib Bourguiba on 19 February Amnesty International explained its unconditional opposition to the death penalty on the grounds that it is a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment as proclaimed in the Universal Declaration of Human Rights. Amnesty International urged that any future death sentences be commuted on humanitarian grounds.



Yemen (People's Democratic Republic of)

During 1981 Amnesty International worked for the release of 30 adopted prisoners of conscience. It also investigated the cases of 10 possible prisoners of conscience. Little official information on these

cases or on other prisoners was made available in 1981 and, as in previous years, no responses of substance were received from the authorities to the numerous inquiries made by Amnesty International.

Among the 30 adopted prisoners of conscience were 11 members or associates of the former federal government which was in power under British colonial rule until independence in 1967. Six of this group had been held without charge or trial since 1967 at al-Mansurah prison. The remaining five were sentenced in February 1968 to between 10 and 15 years' imprisonment on charges of high treason and feudalism. On 7 July 1981 the news agency *Agence France Presse* reported that Qahtan al-Sha'bi, the first President of the country in 1967 and an Amnesty International adopted prisoner of conscience, had died of heart failure. Unofficial sources reported that two other members of the group — 'Ali Atif al-Kalidi and Nasir bin 'Abdullah al-Wahidi — had been released. Although some of the prisoners had served their full sentences, there was no confirmation that they had been released and Amnesty International believed that they were still in detention.

Amnesty International continued to work on behalf of 18 political prisoners detained without trial between 1970 and 1975. The whereabouts of these prisoners was not known and there were fears that they might no longer be alive. Information received by Amnesty International indicated that between 1967 and 1975 hundreds of people had "disappeared" in the People's Democratic Republic of Yemen (PDRY). Some "disappeared" from prisons where they had been receiving regular visits from their families, others were kidnapped from their place of work, from their homes or from the streets. For example, Bahadin Ahmad Muhammad, a mechanical engineer, "disappeared" in 1972. In 1968 and 1969, after returning from a period of study abroad, he was arrested several times for short periods and questioned about his contacts with foreigners living in Aden. In March 1972 he married and a week later, between 11 and 13 March, he was at his eldest sister's house showing photographs of the wedding. He answered a knock on the door and was last seen being driven away in a jeep. Neither his family nor his friends have seen or heard from him since. Amnesty International submitted details of his case to the United Nations Working Group on Enforced or Involuntary Disappearances.

Despite persistent inquiries the families of the "disappeared" were unable to find out whether they were dead or detained in a particular prison. The authorities rarely responded to inquiries; when they did they stated that these people had "left the country" or been shot as "intruders" while crossing the border into Saudi Arabia or the Yemen Arab Republic.

Amnesty International was concerned about conditions and the treatment of detainees in Mu'askar al-Fatah, the largest detention centre in the country. After arrest political detainees were taken there for questioning and some were held there for long periods without charge or trial. Information about conditions in Mu'askar al-Fatah was gathered mainly from first-hand reports by ex-detainees who had been there at various times between 1970 and 1976. The unhygienic conditions, inadequate medical facilities, meagre food rations and routine ill-treatment of detainees, in some cases reportedly leading to paralysis or death, fell far short of the United Nations Standard Minimum Rules for the Treatment of Prisoners.

On 9 March 1981 Amnesty International cabled President 'Ali Nasir Mohammad seeking official confirmation of a report in the Lebanese newspaper *As-Safir* that Mohammad Saleh Muti, former Minister of Internal and Foreign Affairs, had been executed, and expressing its concern. No reply was received.

Missions: January-December 1981

Country	Date	Delegate(s)	Purpose
Grenada/Suriname	January	Stelios Nestor (IEC) Staff member of International Secretariat	To discuss Amnesty International's concerns with government officials
Gambia	January	C. K. Boyle (Ireland)	To observe trial
Morocco	January/February	Martin Ennals (UK) Michael Klein (IEC) Staff member of International Secretariat	To discuss Amnesty International's concerns with government officials
France	January/February	Amand d'Hondt (Belgium)	To observe trial
Yugoslavia	February	Sotiris Dedes (Greece)	To observe trial
Suriname	February	Hector Faundez-Ledesma (Chile)	To observe trial
Turkey	April	Rear-Admiral Backer (retired) (The Netherlands) Staff member of International Secretariat	To discuss Amnesty International's concerns with government officials
Bangladesh	April	Desmond Fernando (Sri Lanka)	To observe trial

<i>Country</i>	<i>Date</i>	<i>Delegate(s)</i>	<i>Purpose</i>
Yugoslavia	May	Fulvio Giannario (Italy) Staff member of International Secretariat	To observe trial
Comoros	May	Amand d'Hondt (Belgium)	To observe trial and discuss Amnesty International's concerns with government officials
Poland	June	G. Hagen (Austria)	To meet and examine wounded prisoner of conscience, Genaro Flores, and discuss Amnesty International's concerns in the case with government officials
Bolivia	June/July	Dr. Alain Bernard (France) Staff member of International Secretariat	To discuss Amnesty International's concerns with government officials
Zaire	July	David Stephen (UK) Staff member of International Secretariat	To observe trial
Czechoslovakia	July	Auni Sarkka (Finland)	To observe trial
Morocco	July	Amand d'Hondt (Belgium)	To observe trial
Honduras/Costa Rica/ Mexico	August	Gilbert Jaeger (Belgium) Eric Stover (USA) Staff member of International Secretariat	To interview El Salvador refugees; to discuss human rights violations directed against Salvadorians and Hondurans with Honduran officials
Lesotho	September	David Soggot (South Africa)	To investigate cases of "disappearances" and incommunicado detention without trial

<i>Country</i>	<i>Date</i>	<i>Delegate(s)</i>	<i>Purpose</i>
Chile	October	Senator Hans Rau (FRG)	To attend session of war tribunal in Santiago
Spain	October	José Zalaquett (IEC) Staff member of International Secretariat	To discuss Amnesty International's concerns with government officials
Yugoslavia	November	Dr Marius Broekmeyer (The Netherlands)	To observe trial
Spain	December	Maitre David Lachat (Switzerland)	To observe trial
Philippines	December	Whitney Ellsworth (USA) Michael Posner (USA) Staff member of International Secretariat	To discuss Amnesty International's concerns with government officials and others
Lesotho	December	David Soggot (South Africa)	To investigate detentions and circumstances of death in detention of K. S. Mathabe; to discuss Amnesty International's concerns with government officials
Northern Ireland	December	Professor John Dugard (South Africa)	To observe appeal hearing
Guinea	December	José Zalaquett (IEC) Staff member of International Secretariat	To discuss Amnesty International's concerns with government officials

Appendices

APPENDIX I

Statute of Amnesty International Articles 1 and 2

As amended by the 14th International Council, meeting in Montreal, Canada, 20-23 August 1981

OBJECT

1. CONSIDERING that every person has the right freely to hold and express his or her convictions and the obligation to extend a like freedom to others, the object of AMNESTY INTERNATIONAL shall be to secure throughout the world the observance of the provisions of the Universal Declaration of Human Rights, by:
 - a) irrespective of political considerations working towards the release of and providing assistance to persons who in violation of the aforesaid provisions are imprisoned, detained or otherwise physically restricted by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour or language, provided that they have not used or advocated violence (hereinafter referred to as "Prisoners of Conscience");
 - b) opposing by all appropriate means the detention of any Prisoners of Conscience or any political prisoners without trial within a reasonable time or any trial procedures relating to such prisoners that do not conform to internationally recognized norms;
 - c) opposing by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons whether or not they have used or advocated violence.

METHODS

2. In order to achieve the aforesaid object, AMNESTY INTERNATIONAL shall:
 - a) at all times maintain an overall balance between its activities in relation to 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 national 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 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, and to the dependants of such persons;
- g) work for the improvement of conditions for Prisoners of Conscience and political prisoners;
- h) 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;
- i) publicize the cases of Prisoners of Conscience or persons who have otherwise been subjected to disabilities in violation of the aforesaid provisions;
- j) send investigators, where appropriate, to investigate allegations that the rights of individuals under the aforesaid provisions have been violated or threatened;
- k) 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;
- l) promote and support the granting of general amnesties of which the beneficiaries will include Prisoners of Conscience;
- m) adopt any other appropriate methods for the securing of its object.

The full text of the Statute of Amnesty International is available, free, upon request from: Amnesty International, 10 Southampton Street, London WC2E 7HF, United Kingdom.

APPENDIX II

Amnesty International News Releases 1981

- 21 January AI says heavy sentences handed down in sustained Soviet crackdown on dissidents
- 23 January AI calls for release of Kim Dae-jung of South Korea
- 25 January AI urges commutation of death sentences passed in "gang of four" trial in China
- 4 February AI urges Government of German Democratic Republic to review laws in light of human rights commitments
- 13 February AI concerned about closure of Nicaraguan human rights body
- 18 February AI describes government program of murder and torture in Guatemala
- 25 February AI reports lawless killing by Bolivian forces.
- 2 March AI launches campaign against political imprisonment and torture in South Korea
- 20 March AI urges President Giscard d'Estaing of France to commute death sentence
- 9 April AI appeals to El Salvador Government over apparent death list issued by army
- 29 April AI publishes medical findings on torture in Iraq
- 27 May AI, 20 years old, says human rights face crucial test
- 3 June AI publishes dialogue with Vietnamese Government — urges end to "re-education" camps
- 11 June AI appeals to United States Secretary of State Alexander Haig, cites murder and torture by El Salvador troops
- 26 June AI in worldwide appeal to stop executions in Iran, says more than 1,600 dead
- 15 July AI appeals to Czechoslovak President on human rights; publishes survey
- 5 August AI urges Taiwan to free human rights demonstrators and review long-term cases

- 19 August AI appeals to *Bangladesh* leader to spare lives of condemned army officers
- 24 August AI calls for public accountability of governments responsible for "disappearances"
- 9 September AI calls on world public to press for end to killings and torture in *Chile*
- 23 September *United States* doctors urged to shun execution by lethal injection, AI reports
- 9 October AI launches Prisoners of Conscience Week, seeks freedom for over 4,000 throughout world
- 12 October AI seeks to send mission to Iran in effort to stop executions
- 14 October AI urges inquiry into FBI misconduct in trials of minority militants in *United States*
- 1 December AI starts campaign to spotlight "disappearances" as tool of repression
- 10 December Amnesty International, issuing annual report, calls on governments to end hypocrisy on human rights.
- 22 December Amnesty International calls for release of thousands interned in *Poland*

APPENDIX III

Amnesty International around the world National Sections

- Australia:** Amnesty International, Australian Section, PO Box No. A159, Sydney South, New South Wales 2000
- Austria:** Amnesty International, Austrian Section, Esslinggasse 15/4, A-1010 Wien

- Bangladesh:** Amnesty Bangladesh, GPO Box 2095, Dacca
- Barbados:** Amnesty International, Barbados Section, PO Box 65B, Brittons Hill, Bridgetown
- Belgium:** Amnesty International, Belgian Section (*Flemish*), Ruelensvest 127, 3030 Leuven
Amnesty International, Belgian Section (*francophone*), 126 avenue Louise, 1050 Brussels
- Canada:** Amnesty International, Canadian Section (English-speaking), 294 Albert Street, Suite 204, Ottawa, Ontario K1P 6E6
Amnistie Internationale, Section canadienne (*francophone*), 1800 Ouest, Boulevard Dorchester, local 400, Montreal, Quebec H3H 2H2
- Denmark:** Amnesty International, Danish Section, Frederiksborggade 1, 1360 Copenhagen
- Ecuador:** Señores, Casilla de Correo 8994, Guayaquil
- Faroe Islands:** Amnesty International, c/o Anette Wang, PO Box 1075, Tróndargøta 47, 3800 Tórshavn
- Finland:** Amnesty International, Finnish Section, Munkkisaarekatu 12 A 51, 00150 Helsinki 15
- France:** Amnesty International, Section française, 18 rue Théodore Deck, 75015 Paris
- Germany, Federal Republic of:** Amnesty International, Section of the FRG, Heerstrasse 178, 5300 Bonn 1
- Ghana:** Amnesty International, Ghanaian Section, PO Box 9852, Kotoka Airport, Accra
- Greece:** Amnesty International, Greek Section, 20 Mavromichali Street, Athens 140
- Iceland:** Amnesty International, Icelandic Section, Hafnarstraeti 15, PO Box 7124, 127 Reykjavik
- India:** Amnesty International, Indian Section, Vivekananda Vihar, C4/3 Safdarjung Development Area, New Delhi-110016
- Ireland:** Amnesty International, Irish Section, Liberty Hall, 8th Floor, Dublin 1
- Israel:** Amnesty International, Israel National Section, PO Box 37638, 61 375 Tel Aviv
- Italy:** Amnesty International, Italian Section, viale Mazzini 146, 00195 Rome

Ivory Coast: Amnesty International, Section ivoirienne, 04 BP 895, Abidjan 04

Japan: Amnesty International, Japanese Section, Daisan-Sanbu Building 3F, 2-3-22, Nishi-Waseda, Shinjuku-ku, Tokyo 160

Korea, Republic of: Amnesty International, Korean Section, 25-1 Changsong Dong, Chongno ku, Seoul

Luxembourg: Amnesty International Luxembourg, Boite Postale 1914, Luxembourg-Gare

Mexico: Señores, Apartado Postal No. 20-217, Mexico 20 DF

Nepal: Amnesty International, Nepal Section, Post Box 918, 21/94 Bagbazzar, Kathmandu

Netherlands: Amnesty International, Dutch Section, Postbus 61501, 1005 HM Amsterdam

New Zealand: Amnesty International, New Zealand Section, PO Box 11648, Manners Street, Wellington 1

Nigeria: Amnesty International, Nigerian Section, 7 Onayade Street, Fadeyi-Yaba, Lagos

Norway: Amnesty International, Norwegian Section, Rosenkrantzgatan 18, Oslo 1

Pakistan: c/o International Secretariat, 10 Southampton Street, London WC2E 7HF, United Kingdom

Peru: Señores, Casilla 11080, Lima 14

Portugal: Seccão Portuguesa AI, Rue Marques de Fronteira 82, 5^o-E^o, 1000 Lisboa

Senegal: Amnesty International, Section sénégalaise, Boite Postale 3813, Dakar

Spain: Amnesty International, Spanish Section, Paseo de Recoletos 18, 6^a, Madrid 1

Sri Lanka: Amnesty International, Sri Lankan Section, c/o E.A.G. de Silva, 79/15 Dr C.W.W. Kannangara Mawatha, Colombo 7

Sweden: Amnesty International, Swedish Section, Surbrunnsgatan 44, S-113 48 Stockholm

Switzerland: Amnesty International, Swiss Section, PO Box 1051, CH-3001 Bern

Turkey: c/o International Secretariat, 10 Southampton Street, London WC2E 7HF, United Kingdom

United Kingdom: Amnesty International, British Section, 8-14 Southampton Street, London WC2E 7HF

USA: Amnesty International of the USA, 304 West 58th Street, New York, NY 10019

Washington Office: Amnesty International, Washington Office, 705 "G" Street, SE, Washington DC 20003

Western Regional Office: Amnesty International, Western Regional Office, 3618 Sacramento Street, San Francisco, CA 94118

Venezuela: Amnistia Internacional, Sección Venezolana, Av. Las Mercedes con Guaicapuro, Quinta Ottawa-Oficina 5, El Rosal, Caracas 1060

Groups

Brazil
Chile
Colombia
Costa Rica
Gabon
Guyana
Hong Kong

Mauritius
Papua New Guinea
Puerto Rico
Swaziland
Trinidad and Tobago
Tunisia
USSR

Individual subscribers or supporters

Abu Dhabi
Afghanistan
Algeria
Andorra
Antigua
Argentina
Bahamas
Bahrain
Belize
Bermuda
Bhutan
Bolivia
Botswana
Brunei
Bulgaria
Burma

Burundi
Cameroon
Central African Republic
Chad
China
Congo
Cuba
Cyprus
Czechoslovakia
Dominican Republic
Egypt
El Salvador
Ethiopia
Fiji
Gambia
German Democratic Republic

Gibraltar	Nicaragua
Grenada	Niger
Guatemala	Panama
Guinea-Bissau	Paraguay
Haiti	Philippines
Honduras	Poland
Hungary	Romania
Indonesia	Rwanda
Iran	Saint Lucia
Iraq	Saudi Arabia
Jamaica	Seychelles
Jordan	Sierra Leone
Kampuchea	Singapore
Kenya	Solomon Islands
Korea (PDR)	South Africa
Kuwait	Sudan
Laos	Suriname
Lebanon	Syria
Lesotho	Taiwan
Liberia	Tanzania
Libya	Thailand
Madagascar	Togo
Malawi	Uganda
Malaysia	United Arab Emirates
Maldives	Upper Volta
Mali	Uruguay
Malta	Vanuatu
Mauritania	Viet Nam
Morocco	Yemen (PDR)
Mozambique	Yugoslavia
Muscat and Oman	Zaire
Namibia	Zambia
Netherlands Antilles	Zimbabwe
New Caledonia	

APPENDIX IV

International Executive Committee

Andrew Blane	United States of America
Dirk Börner (Treasurer)	Federal Republic of Germany
Jan Egeland (Vice-Chairperson)	Norway
Stephanie Grant (co-opted September 1981)	United Kingdom
Isobelle Jaques	International Secretariat
Edy Kaufman	Israel
Michael Klein	Federal Republic of Germany
Stelios Nestor	Greece
Suriya Wickremasinghe	Sri Lanka
José Zalaquett (Chairperson)	Chile

APPENDIX V

States which have ratified the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights

Australia	Dominican Republic*
Austria	Ecuador*
Barbados*	El Salvador
Bulgaria	Finland*
Byelorussian Soviet Socialist Republic	France
Canada*	Gambia
Central African Republic*	German Democratic Republic
Chile	Germany, Federal Republic of
Colombia*	Guinea
Costa Rica*	Guyana
Cyprus	Honduras†
Czechoslovakia	Hungary
Democratic People's Republic of Korea	Iceland*
Denmark*	India
	Iran

Iraq	Rwanda
Italy*	Senegal*
Jamaica*	Spain
Japan	Sri Lanka
Jordan	Saint Vincent
Kenya	and the Grenadines*
Lebanon	Suriname*
Libyan Arab Jamahiriya	Sweden*
Madagascar*	Syrian Arab Republic
Mali	Trinidad and Tobago*
Mauritius*	Tunisia
Mexico	Ukrainian Soviet
Mongolia	Socialist Republics
Morocco	Union of Soviet
Netherlands*	Socialist Republics
New Zealand	United Kingdom of
Nicaragua*	Great Britain and
Norway*	Northern Ireland
Panama*	United Republic of
Peru*	Tanzania
Philippines†	Uruguay*
Poland	Venezuela*
Portugal	Yugoslavia
Romania	Zaire*

*These states are party to the Optional Protocol to the International Covenant on Civil and Political Rights, under which individuals may make complaints if they consider their rights, as set forth in the covenant, have been violated.

† These states have ratified only the International Covenant on Economic, Social and Cultural Rights.

APPENDIX VI

Selected Statistics

On 1 January 1982 there were 2,671 Amnesty International adoption groups in 53 countries — 156 more groups than the year before. There were over 325,000 members, subscribers and supporters in 154 countries or territories, with national sections in 41 countries.

A total of 4,952 prisoners were adopted as prisoners of conscience or were being investigated as possible prisoners of conscience. During 1981, 1,703 new cases were taken up, and 1,019 prisoners released.

Amnesty International issued 308 urgent action appeals on behalf of individuals or groups of prisoners in 67 countries. Of these, 94 were prompted by reports of torture, 53 were on medical grounds, 61 were issued because of legal concerns, 63 related to extra-legal executions or "disappearances" and 28 were on behalf of people under sentence of death.

Thousands of people are in prison because of their beliefs. Many have been held for years without charge or trial. Torture is widespread. In many countries people have been executed for politically related offences in the past year. Still others have been put to death without any pretence of legality: selected and killed by governments and their agents.

Men, women and children have "disappeared" after being taken into official custody. Their families and friends cannot find out where they are held or what has happened to them.

These abuses — which are taking place in countries of widely differing ideologies — demand an international response. Amnesty International, the independent human rights movement, is working impartially for the release of prisoners of conscience and fair and prompt trials for all political prisoners. It is dedicated to the universal eradication of torture and the death penalty.

This report documents Amnesty International's concerns in over 120 countries. It provides a factual record of political imprisonment, torture and executions around the world and calls for the mobilization of international public opinion in the defence of human rights.