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United Kingdom

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The texts of the following nine appeal cases are external. The "What you can do" sections of each case is given as internal guidance for letter writers.

burundi

Amnesty International believes that Emile Ruvyiro's successful efforts to protect the rights of his fellow peasant farmers in the Bubanza Province of Western Burundi have led him to becoming a prisoner of conscience.

The events which appear to have led to Emile Ruvyiro's imprisonment began in the years before 1990 when local authorities in Bubanza Province, who reportedly included the Provincial Secretary General of the ruling party, the *Union pour le progrès national* (Union for National Progress), the Bubanza Procurator and the Commander of the local military barracks, confiscated land belonging to 360 peasants. These officials were members of the minority but dominant Tutsi ethnic group; the peasants and Emile Ruvyiro belonged to the majority Hutu ethnic group.

At the end of 1990 Emile Ruvyiro attended a meeting which was addressed by Burundi's President Pierre Buyoya. At the meeting Emile Ruvyiro spoke out about the confiscation of the Hutu peasants' land and called upon the authorities to return it to its rightful owners. His call was effective, because President Buyoya ordered the officials to hand back the land to the peasants.

Emile Ruvyiro had successfully regained the land for his fellow peasants, but he had evidently also angered the local Tutsi officials who had had to return it.

Amnesty International believes that the series of events leading up to his imprisonment were motivated by the local officials' anger at having to return land to the peasants. The events began in early 1991 shortly after the return of the land when Emile Ruvyiro was attacked by a lone assailant but was able to fight the man off. A few days later the Procurator issued a summons for his arrest in connection with the fight which was enforced when several dozen soldiers and policemen were sent to Emile Ruvyiro's house. After neighbours gathered around the house, police accused Emile Ruvyiro of calling members of the public to prevent his arrest. Accusing him with provoking rebellion, the policemen took him away, he was arrested, and imprisoned at Bubanza prison.

Evidence of the complicity of local officials in the continuing arbitrary imprisonment of Emile Ruvyiro emerged in November 1991 when a large number of people were arrested in Bubanza Province in connection with a Hutu rebel attack. Many of those arrested at that time were tortured at Bubanza Gendarmerie Brigade by members of the National Gendarmerie. Those tortured say that they were forced into saying that Emile Ruvyiro was involved in organizing attacks by insurgents on military targets. At least three of those tortured and held at Bubanza prison have paralysed arms as a result of the torture they sustained.

Following the extraction of confessions under torture, Emile Ruvyiro was also taken to Bubanza police station and beaten. Although he was there for almost 12 hours, he maintained that he was innocent and had no connection with the rebels. Once again he was returned to Bubanza prison.

The Procurator who had been involved in the earlier confiscation of the peasants' land led the prosecution case against Emilé Ruvyiro. He called Emilé Ruvyiro to court on five different occasions, but the case was not concluded until April 1992 when Emilé Ruvyiro was convicted of inciting the public to disobey lawfully-given orders and was sentenced to four years imprisonment. Amnesty International believes there is no basis to this charge.

He appealed against his conviction and sentence but by February 1993 no date had been set for the appeal hearing.

Emilé Ruvyiro stood up for his beliefs and the rights of his fellow peasants against the local officials who had confiscated their land. As a result it appears that he has been singled out by those officials to receive grossly unfair legal treatment which has resulted in him being in prison for almost two years.

WHAT YOU CAN DO

Points to make in a letter

- Write that you have read of the case of Emile Ruvyiro and that you consider him to be a prisoner of conscience.
- Explain that you fear that Emile Ruvyiro is being victimized because of his successful efforts to regain peasant's lands confiscated by local officials.
- Remind the authorities that President Pierre Bugoya agreed with Emile Ruvyiro when he complained about the confiscation of the land.
- Express grave concern at the apparent use of torture in a bid to obtain confessions.
- Ask that as a prisoner of conscience Emile Ruvyiro be released immediately and unconditionally.
- Ask that independent investigations be conducted into the behaviour of the local authorities with regard to this case. Ask for similar investigations into the allegations of torture at the Bubanza brigade in November 1991.
- Ask to be kept informed of the outcome of any such investigations.

Addresses for letter-writing

Head of State, President of the UPRONA,
 President of the Council of Ministers,
 Head of Government,
 Head of Defence and Security:

Son Excellence
 le Major Pierre Bugoya
 Président de la République et
 Chef du Gouvernement
 Présidence de la République
 BP 1870
 Bujumbura
 République du Burundi

Monsieur le Président
 de la République

Minister of Justice and
 Keeper of Seals:

Monsieur Sébastien Ntahuga
Ministre de la Justice
et Gardes des sceaux
Ministère de la Justice
BP 1880
Bujumbura
République du Burundi

Monsieur le Ministre

Minister of Defense:

Lt-Col. Léonidas Marégaréze
Ministre de la Défense
BP 1870
Bujumbura
République du Burundi

Monsieur le Ministre

Prosecutor General:

Monsieur Jean-Berehman Majanyuma
Procureur Général de la République
BP 105
Bujumbura
République du Burundi

Monsieur le Procureur
Général

china

Zhou Min, a 27-year-old worker, arrested in Changsha, Hunan Province in June 1989 and sentenced to six years' imprisonment, is reported to have -been repeatedly ill-treated and beaten with electric batons while held at Changsha No. 1 Detention Centre and to have become mentally ill as a result.

Before his arrest in June 1989 Zhou Min worked at the Changsha Nonferrous Metallurgical Design Academy. During the 1989 pro-democracy protests, Zhou Min participated in the founding of the independent trade union the Changsha Workers' Autonomous Federation (WAF) which was set up on 20 May 1989. The WAF was set up as a response to the announcement that martial law had been imposed in Beijing. One of their first actions was to organize a peaceful sit-in outside the provincial government offices in Changsha while students, workers and local residents took to the streets in protest against the introduction of martial law.

During the night of 3-4 June 1989 thousands of troops escorted by hundreds of armoured military vehicles converged on Tiananmen Square in Beijing which had been occupied by students and supporters of the 1989 pro-democracy movement. Hundreds of demonstrators were killed.

Zhou Min reportedly made an impassioned speech at a mass mourning ceremony in Changsha on 8 June following the massacre in Beijing on 4 June 1989. On 12 June the Changsha Workers Autonomous Federation was banned by the Hunan authorities and Zhou Min and other leaders of the Changsha WAF were arrested and sentenced to terms of imprisonment ranging from 3-15 years.

In June 1990 the Changsha Intermediate People's Court sentenced Zhou Min to six years' imprisonment and in September Zhou Min was transferred to Henan Provincial No. 1 Prison in Yuanjiang. His current situation is not known.

Amnesty International has taken up Zhou Min as a prisoner of conscience and is calling for his unconditional release and for an independent inquiry into the reports of ill-treatment at Changsha No. 1 Detention Centre.

WHAT YOU CAN DO

Please send courteously-worded letters, preferably in Chinese or, if this is not possible, in English or your own language to the addresses below. Please also photocopy the Chinese characters for Zhou Min's name and include these in your letters.

Points to make in a letter

- Write that you have heard of the imprisonment of Zhou Min. Explain that Amnesty International considers him to be a prisoner of conscience.
- Point out any connection that you have with trade unions in your country. You may also wish to outline the importance of allowing trade unions to represent their members without fear of persecution or repression.
- Ask that Zhou Min be released immediately as he was charged and sentenced to jail simply for peacefully expressing his views and for organizing working people.
- Express grave concern about reports that Zhou Min was ill-treated and beaten with electric batons while held at Changsha No.1 Detention Centre.
- Ask to be informed of any investigations (and any outcome) into these reports of ill-treatment and torture.
- Above the text of your letter please try to photocopy Zhou Min's name in Chinese:

Addresses for letter-writing

Governor CHEN Bangzhu
Hunan Provincial People's
Government:

CHEN Bangzhu Shengzhang
Hunansheng Renmin Zhengfu
7 Wuyizhonglu
Changshashi 410011
Hunansheng
People's Republic of China

Dear Governor

Chief Procurator QI Zhengying
Hunan Provincial People's Procuratorate:

QI Zhengying Jianchazhang
Hunansheng Renmin Jianchaguan
Changshashi
Hunansheng
Peoples's Republic of China

Dear Procurator

Director ZHANG Shuhai
Department of Justice:

ZHANG Shuhai Tingzhang
Sifating
2 Shaoshanlu
Changshashi 410011
Hunansheng
People's Republic of China

Dear Director

Director ZHU Dongyang
Department of Public Security:

ZHU Dongyang Tingzhang
Gong'anting
96 Bagilu
Changshashi 410001
Hunansheng
People's Republic of China

Dear Director

Gustavo Chinchilla Jaimes, a member of the *Sindicato de Choferes de la Empresa de Transportes San Silvestre* - a Colombian transport union - left the house where he was staying in Bogotá on the evening of 28 October 1992 to meet some friends. He was not seen alive again. The next day the Special Investigations Unit of the Procurator General's office - *Oficina de Investigaciones Especiales de la Procuraduría General* - reported that his body had been found on a street in Bogotá. His throat had been cut and there were signs that he had been tortured.

Gustavo Chinchilla had been staying in Bogotá with his wife and two children since being forced to flee his home in the city of Barrancabermeja. At the time of his death, he and his family were preparing to leave the country as a result of serious threats against his life and following the killing of the union's president, Parmenio Ruíz Suárez.

Gustavo Chinchilla and Parmenio Ruíz Suárez' names were linked in July, when they together made a formal written complaint, *denuncia*, to the authorities in which they denounced human rights violations against transport union members and the increasing death threats against themselves. As they said in the denuncia, "during the last two years we have been submitted to the most violent persecution" "*durante los dos últimos años hemos sido sometidos a las más violenta persecución*". They believed that the persecution originated from state security agents or paramilitary forces under their command.

Less than a week after the complaint was made, on 30 July 1992, Parmenio Ruíz Suárez was sitting in the *La Shanon* restaurant in Barrancabermeja with two friends, a community worker and another trade unionist, when they were attacked by unidentified gunmen on a motorcycle who then escaped. All three died as a result of the attack. Killings undertaken by unidentified gunmen on motorcycles have become one of the "signatures" of the paramilitary forces operating in Colombia.

Gustavo Chinchilla Jaimes was not with his colleagues in the *La Shanon* restaurant when they were killed, but he continued to receive death threats until he left Barrancabermeja. However his flight with his family to the capital of Bogotá was to no avail.

Barrancabermeja is a busy river port, the industrial centre of the largely rural Magdalena Medio region of Colombia. This area has been the centre of violence for several years following the emergence of guerrilla groups in the 1960s and the subsequent militarization of the region during the 1980s. Amnesty International and local human rights organizations have continually expressed their concern at the escalation of human rights abuses there; abuses which include torture, "disappearance" and extrajudicial executions and which evidence shows to be committed by the armed forces, police and paramilitary organizations working with them against members of the civilian population. Trade unionists have been one of the groups particularly targeted.

Gustavo Chinchilla Jaimes and the president of his union, Parmenio Ruíz Suárez believed, like many other trade unionists in Colombia, that the human rights of their members and of themselves should be defended by the Colombian authorities. They

publicly denounced human rights violations which they believed to have been perpetrated by Colombia's security forces. Amnesty International believes that as a result of their activities, these two trade unionists, like many before them, were killed by Colombian security personnel or by the paramilitary forces operating within the sanction of the armed forces.

WHAT YOU CAN DO

Points to make in a letter

- Write saying that you have read of the killing of Gustavo Chinchilla Jaimés and Parmenio Ruíz Suárez, member and President of the Colombian trade union *Sindicato de Choferes de la Empresa de Transportes San Silvestre*.
- Point out any connection you have with trade unions in your country. Outline the importance of allowing trade unions to represent their members without fear of persecution or repression.
- Explain that you are aware that trade unionists in Colombia are particularly at risk of suffering from serious human rights violations. Urge that all possible measures be taken to protect them.
- Ask what official investigations have been carried out into the killing of Gustavo Chinchilla Jaimés and Parmenio Ruíz Suárez and ask to be informed of the results of any such investigations.
- Urge the authorities that those found responsible for these killings be brought to justice.

Addresses for letter-writing

Please send courteously-worded letters of inquiry, preferably in Spanish or, if this is not possible, in English, to:

President of Colombia:

Señor Presidente César Gaviria Trujillo
 Presidente de la República
 Palacio de Nariño
 Santa Fe de Bogotá, Colombia

Excelentísimo Sr. Presidente
 Dear President Gaviria

Procurator General:

Dr. Carlos Gustavo Arrieta Padilla
 Procurador General de la Nación
 Procuraduría General
 Edificio Banco Ganadero
 Carrera 5, No. 15-80
 Santa Fe de Bogotá, Colombia

Sr. Procurador de la Nación
 Dear Dr. Arrieta

Advocate for the people:

Dr. Jaime Córdoba Triviño
Defensor del Pueblo
Defensoría del Pueblo
Calle 34, Carrera 5
Santa Fe de Bogotá, Colombia

Estimado Dr. Triviño
Dear Dr. Triviño

Attorney General:

Dr. Gustavo de Greiff
Fiscal General
Fiscalía General
Apartado Aéreo 29855
Santafé de Bogotá
Colombia

Estimado Dr. de Greiff
Dear Dr. de Greiff

honduras

On 8 December 1991 Manuel de Jesús Guerra Arita, assistant secretary of the National Union of Rural Workers - *Central Nacional de Trabajadores del Campo (CNTC)*, was killed by assailants alleged to have been members of the police.

On the morning of 9 December 1991 a bus driver discovered the body of Manuel de Jesús Guerra in his car down a ravine by a highway near San Pedro Sula, department of Cortés. The incident was initially reported as a car accident, however, an autopsy determined the victim had been killed instantly by a bullet fired into the right temple at close range. Although named police officers have been identified by unofficial sources as responsible, the Honduran authorities have failed to act upon this information.

Under the present Honduran government, trade unionists involved in labour conflicts have been the targets of death threats, physical attacks and surveillance. There have also been isolated killings in circumstances which, though unclear, suggest the participation of official security forces or individuals acting with their acquiescence. Labour conflicts have been prevalent under the present government of President Leonardo Rafael Callejas particularly since the administration began implementing a series of austerity programs.

The *CNTC* claims that Manuel de Jesús Guerra may have been targeted as a result of his active support for the nationwide strike of the union of employees of the National Electricity Company in protest of the government's privatization measures. Trade union colleagues say that hours prior to his death Manuel de Jesús Guerra had been at a union meeting to finalize *CNTC* activities in solidarity with the union of workers of the National Electricity Company, the *Sindicato de Trabajadores de la Empresa Nacional de Energía Eléctrica (STENEE)*, involved in a protracted nationwide labour conflict.

A case was opened before the judge of the First Criminal Court *Juzgado Primero de Letras de lo Criminal* in San Pedro Sula. However, the preliminary stages of the investigation into the killing failed to identify any suspects and to date the case appears to have made little progress.

This is despite the fact that in February 1992 a former *DNI* police collaborator (a member of the investigative branch of the Honduran security forces) voluntarily approached representatives of the San Pedro Sula office of the Committee for the Defense of Human Rights in Honduras *Comité para la Defensa de los Derechos Humanos en Honduras (CODEH)* with allegations of security force involvement in the killing of Manuel de Jesús Guerra. The witness says that a relative, a *DNI* agent, had admitted participating in the killing together with three other *DNI* agents on the orders of a captain in the investigative branch of the security forces whom he identified by name. The witness states, in his testimony to *CODEH*, that his relative described to him how two transport policemen stopped Manuel de Jesús Guerra's vehicle at a place called La Flecha and obliged him to give a ride to two *DNI* agents, insisting that there was no public transport available at such a late hour on a Sunday night. The source described how he had followed behind another *DNI* agent who drove a car without license plates belonging to the *DNI*. When Manuel de Jesús Guerra reached a stretch of highway near the Manchagua bridge, he

was forced to stop suddenly by the *DNI* vehicle. One of the *DNI* agents in Guerra's car fired a shot into the *CNTC* leader's right temple, killing him instantly. The *DNI* agents then pushed Manuel de Jesús Guerra's vehicle down a ravine by the highway before heading off in the two cars to San Pedro Sula.

CODEH's investigation concluded that the allegations were credible and the organization was able to confirm the identities of the *DNI* agents suspected. *CODEH* subsequently approached the judge of the court responsible for the investigation of the *CNTC*'s leader's killing to present the testimony of the witness. The judge reportedly refused to accept the witness's deposition arguing that he could do so only on the orders of the prosecuting or defense attorneys which had yet to be appointed. However, Honduran law is clear that the responsibility to investigate at the initial stages of an inquiry falls on the investigating judge in charge.

CODEH made its preliminary findings public in February 1992 to pressure the Honduran judicial authorities to undertake a thorough investigation into the killing of Manuel de Jesús Guerra and to ensure the personal security of the witness and his family. In response, the director of the *DNI* in San Pedro Sula publicly declared the allegations false and claimed that none of those reportedly accused were police agents and therefore concluded that there was nothing for the police to investigate. Subsequently, two of the agents identified in the allegations confirmed in a press conference that they were both employees of the *DNI* but claimed that the agency's records proved that neither had left the police station the night of Manuel de Jesús Guerra's killing. No action appears to have been taken by the authorities to follow-up the allegations or to ascertain the identification of those responsible for the killing.

While the circumstances of Manuel de Jesús Guerra's death remain unclear Amnesty International believes the authorities are under obligation to investigate these serious and detailed allegations and to bring those responsible to justice.

WHAT YOU CAN DO

Points to make in a letter

- Write that you have read of the unclarified killing of Manuel de Jesús Guerra Arita, assistant secretary of the National Union of Rural Workers - *Central Nacional de Trabajadores del Campo (CNTC)*
- Explain any connection you have with trade unions in your country. You may also wish to outline the importance of allowing trade unions to represent their members without fear of persecution or repression.
- Explain that you are aware that under the present Honduran government, trade unionists involved in labour conflicts have been the targets of death threats, physical attacks and surveillance by security forces.
- Ask about official investigations into the killing of Manuel de Jesús Guerra Arita, particularly in view of allegations that members of the DNI were involved and ask to be informed of the results of any such investigations.
- Also ask that those found to be responsible for his killing be brought to justice and that, if state officials are found to be responsible, the family of Manuel de Jesús Guerra Arita be given fair and adequate compensation.

Addresses for letter-writing

Please send courteously-worded letters of inquiry, preferably in Spanish or, if this is not possible, in English, to:

Minister of the Interior and Justice:

Dr. Francisco Córdova
Ministro de Gobernación y Justicia
Ministerio de Gobernación y Justicia
Palacio de los Ministerios, 2º piso
Tegucigalpa, Honduras

Sr. Ministro

Minister of Foreign Affairs:

Dr. Mario Carías Zapata
Ministro de Relaciones Exteriores
Ministerio de Relaciones Exteriores
Edificio Atalaya
Avenida la Paz
Tegucigalpa, Honduras

Sr. Ministro

Telegrams: Ministro Relaciones Exteriores
Tegucigalpa, Honduras

Telephone: (504) 31-4191 Telex: 1129 MMRR Fax: (504) 31-0097

Copies to:

Governmental Human Rights Commission:

Dr. Lzo Valladares Lanza
Comisionado Nacional de Derechos Humanos
Barrio La Granja
Calle 29, entre 2 y 3 avenida
Casa No 228
Frente Escuela Club de Leones
Comayagüela, Honduras

Estimado Señor

Tel/Fax: (504) 555612

National Union of Rural Workers:

Central Nacional de Trabajadores
del Campo (CNTC)
Apartado Postal 55
Comayagüela, Honduras

Estimados Señores

malawi

Chakufwa Chihana is the secretary general of the Southern Africa Trade Union Co-ordination Council (SATUCC), based in Lilongwe, Malawi. He has studied in Britain, Botswana and Scandinavia, worked with trade unions in Malawi, East Africa and Norway, and been a UN consultant. He is also interim chairman of the Malawian opposition Alliance for Democracy (AFORD) and has a long history of peaceful opposition to the one-party government of the Life-President Dr. H. Kamuzu Banda. In the 1970s Chakufwa Chihana was deported from Kenya back to Malawi and arrested. He was one of many hundreds of suspected government opponents detained without charge. He was held for six years, tortured and kept for long periods in leg-irons. He was arrested again in 1992 and on December 1992 he was sentenced to two years in jail for possession of "seditious" publications. His crime was to peacefully call for a multi-party democracy in Malawi.

On 1 March 1992 Chakufwa Chihana was held by police at the border for some hours as he tried to leave Malawi to attend meetings in Zambia. When he returned to the Kamuzu International Airport in Lilongwe on 6 April, plain-clothes police officers bundled him into a car as he tried to read a speech. He was taken to the SATUCC offices, where other members of staff were also arrested and held for some weeks. His lawyer, Michael Bazuka Mhango, was held by police for several hours but was later able to file an application in the High Court in Lilongwe, requiring that the authorities produce Chakufwa Chihana in court and explain the legal basis for his imprisonment.

The High Court set 6 May as the date for hearing the application on Chakufwa Chihana's behalf but for over two months the police failed to produce him in court. It subsequently emerged that Chakufwa Chihana was at Mikuyu prison in Zomba and was being held for long periods in leg-irons there. However, the following week members of a visiting international trade union delegation were allowed to see Chakufwa Chihana - the first time since his arrest that he had contact with the outside world - and he was then allowed to consult his lawyer. On 10 July, a High Court Judge ruled that Chakufwa Chihana should be released on bail. Chakufwa Chihana was released the following day and on 13 July was formally charged on three counts of possession and importation of seditious publications. The publications in question were a Roman Catholic Bishops' pastoral letter, issued in March, which criticized abuses in the administration of justice and severe restrictions on freedom of expression, the speech which Chakufwa Chihana tried unsuccessfully to deliver at the airport, and his address to one of his previous meetings in Zambia.

One of the conditions of Chakufwa Chihana's bail was that he reported each week to the police. When he reported to Lilongwe police station on the afternoon of 14 July - just four days after his release - he was taken back into police custody without explanation. At the same time, a delegate of the International Confederation of Free Trade Unions (ICFTU), who was in Malawi to monitor the case, was expelled from the country.

While Chakufwa Chihana was in custody, the mother of his personal secretary was arrested and tortured in an apparent attempt to persuade her daughter to testify against Chakufwa Chihana. She was arrested in mid-April 1992 and held for about five days before being released without charge. While she was in custody at police headquarters

in Lilongwe she is reported to have been stripped naked, beaten, poked with a cattle prod and placed in a cell smeared with excrement.

Industrial and plantation workers responded to the Roman Catholic Bishops' pastoral letter and the return of Chakufwa Chihana to press their claims for increased wages and improved conditions of employment. An unprecedented series of strikes began in early May, organized outside the official structures of the Trades Union Congress of Malawi, which is affiliated to the ruling Malawi Congress Party (MCP). Official repression of the strike movement began on 6 May when striking workers from the David Whitehead textile factory and Blantyre City Council, accompanied by students from Blantyre Polytechnic, tried to march from the city's industrial area to the town centre. Police intervened to stop the march. The following day, a spontaneous demonstration also erupted in Lilongwe after the failure of the police to produce Chakufwa Chihana in court. In the course of demonstrations and riots in Blantyre lasting for two days, the police are reported to have shown initial restraint. However, by the time the demonstrations were finished more than 40 protesters had been shot dead. Dozens were arrested, reportedly tortured and detained for several weeks.

On 14 December Chakufwa Chihana was convicted of "sedition" and sentenced to two years imprisonment. Over 200 people, including Harry Chiumbe, the lawyer representing Chakufwa Chihana at his trial, were arrested for demonstrating against the prison sentence. Many were beaten up by police. They were all released after being charged with offences such as "unlawful assembly", for which they might be tried in 1993.

On 12 January 1993 the High Court refused an application for bail pending Chakufwa Chihana's appeal, which is still outstanding. He is thus prevented from participating in the campaign for a referendum on a multi-party system on 14 June 1993, which was announced just two weeks after he was jailed.

Chakufwa Chihana was found guilty of "sedition" solely for his non-violent advocacy of a multi-party political system. Amnesty International regards Chakufwa Chihana as a prisoner of conscience and is calling for his immediate release and the withdrawal of all charges against him.

WHAT YOU CAN DO

Points to make in a letter

- Write that you have read of the imprisonment of Chakufwa Chihana and that the charges he was found guilty of do not constitute recognizable criminal offenses, since they relate solely to his non-violent advocacy of a multi-party political system. Mention that Amnesty International regards Chakufwa Chihana as a prisoner of conscience and is calling for his immediate release and the withdrawal of all charges against him.
- Explain any connection you have with trade unions in your country.
- Ask that he be granted regular access to his family, lawyer and any necessary medical treatment.
- Ask for his immediate and unconditional release.

Addresses for letter-writing

Please send appeals for Chakufwa Chihana's release to:

The Vice-President of Malawi:

His Excellency The Vice-President Ngwazi Dr H. Kamuzu Banda Office of the President Private Bag 301 Lilongwe 3 Malawi	Your Excellency
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Telegrams: Vice-President Banda, Lilongwe, Malawi
 Telephones: 44389 PRES MI; 44766 JUSTICE MI; 44113 EXTERNAL MI
 Faxes: + 265 731878

Minister of Justice

Mr Friday Makuta Minister of Justice Ministry of Justice Private Bag 333 Lilongwe 3 Republic of Malawi	Dear Minister
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Telegrams: Minister of Justice Makuta, Lilongwe, Malawi
 Telephones: 44766 JUSTICE MI

Minister of State:

Mr John Tembo
 Minister of State
 Office of the President
 Private Bag 301
 Lilongwe 3
 Republic of Malawi

Dear Minister

Telegrams: Minister of State Tembo, Lilongwe, Malawi
 Telexes: 44389 PRES MI
 Fax: + 265 731 878

Copies of your appeals to:

Commissioner of Prisons:

Mr Mwalu
 Commissioner of Prisons
 Malawi Prison Services Headquarters
 Box 28
 Zomba
 Republic of Malawi

Dear Commissioner

Southern Africa Trade Union
 Co-ordination Council
 PO Box 1271
 Lilongwe
 Republic of Malawi

Dear Sir

Driss el Ghennioui is the Secretary General of the Sidi Slimane office of the General Union of Moroccan Workers - *Union générale des travailleurs Marocaines (UGTM)*. In May 1992 the court of first instance in Sidi Slimane sentenced Driss el Ghennioui to five years in prison for verbally "offending the person of the King".

On 5 May 1992 Driss el Ghennioui was present at a meeting between the UGTM and the Popular Trade Union - *Syndicat Populaire (SP)*. The SP is a trade union close to the government, whereas the UGTM is affiliated to an opposition party. The two trade unions were involved in negotiations about the numbers of workers from each union who would be working on an agricultural project. During the meeting some of the SP members apparently began chanting "long live the King". Driss el Ghennioui was later accused of responding with a derogatory remark about the King. It was this remark, alleged to have been said at the meeting, that led to Driss el Ghennioui being charged and brought to trial for "offending the person of the King".

Driss el Ghennioui's trial was held against a background of frequent strikes, especially in the education, health, phosphate, mining and urban transport sectors. In the past year the government has accused trade unions of treason and of poisoning the climate in advance of approaching elections.

Under interrogation, before the examining magistrate and at his trial, Driss el Ghennioui maintained that he had not made the statement attributed to him. During the trial his defense lawyers withdrew from the proceedings in protest at the court's refusal to allow them to call any defense witnesses. Driss el Ghennioui was given the maximum sentence of five years imprisonment, fined 1,000 dirhams, stripped of all civil rights including the right to vote and denied the right to stand as a candidate for the next ten years. The appeal court in July 1992 upheld this sentence.

Whether Driss el Ghennioui made the remark imputed to him or not, Amnesty International considers him to be a prisoner of conscience imprisoned because he was found guilty of expressing non-violent beliefs - he should be released immediately.

WHAT YOU CAN DO

Points to make in a letter

- Write that you have read about the imprisonment of Driss el Ghzemi, the Secretary General of the Sidi Slimane office of the General Union of Moroccan Workers - *Union générale des travailleurs (UGTM)*.
- Explain any connection you have with trade unions in your own country. You may also wish to outline the importance of allowing trade unions to represent their members without fear of persecution or repression.
- Ask why no defence witnesses were allowed at the trial of Driss el Ghzemi.
- Point out that article 19 of the Universal Declaration of Human Rights states that "Everyone shall have the right to freedom of expression".
- Urge the authorities to immediately release Driss el Ghzemi.

Addresses for letter-writing

Write courteous letters preferably in French or Arabic or if this is not possible in English to:

Head of State:

Sa Majesté
King Hassan II
Bureau de Sa Majesté le Roi
Palais Royal
Rabat
Maroc

Sire

telex: 31744 or 32908

Prime Minister:

M Mohamed Karim Lamrani
Bureau du Premier Ministre
Palais Royal
Rabat
Maroc

Monsieur le Premier Ministre

Telex: 36008 GouvMaroc Rabat

Minister of Justice:

Moulay Mustapha
Bérlarbi Alaoui
Ministère de la Justice
Palais de la Manounia
Rabat
Maroc

Monsieur le Ministre de la Justice

Télex: 36888

Minister of the Interior:

M Driss Basri
Ministère de l'Intérieur
et de l'Information
Quartier Administratif
Rabat, Maroc

Monsieur le Ministre de l'Intérieur

Télex 36161, 36731, 36969 ProCivile Rabat
Fax: 212 7 766908 (Ministère de l'Information)
212 7 763011 (Ministère de l'Intérieur)

philippines

Efrén Gamboa, a 26-year-old member of LOTUS Worker General Union, was shot dead on 22 February 1992 by a gunman believed to belong to the military. According to eyewitnesses Efrén Gamboa had left a meeting with his co-workers at about 10.30pm. On his way home he was shot at pointblank range at a street corner in Mariveles, Bataan province.

Since 1990 Efrén Gamboa had been repeatedly harassed by members of the military, who had accused him of protecting relatives, suspected members of the New People's Army (NPA), the armed wing of the Communist Party of the Philippines (CPP). He had been arrested and accused of NPA membership by the military on several occasions and was once accused of arson. Charges against him were later dismissed for lack of evidence.

Efrén Gamboa had actively campaigned against the unfair labour practices of transnational companies within the Bataan Export Processing Zone. Relatives and union members believe that he was killed because of his lawful trade union activities.

Since 1986 dozens of trade unionists have been killed or "disappeared" by military or military-backed forces in the Philippines. The majority have belonged to lawful trade unions such as the May 1st Movement (RMU) and the National Federation of Sugar Workers. Members of these unions have been among the most active and vocal critics of government policy and have not restricted their criticism to issues of wages, prices and benefits. The overtly political stance of these unions has resulted in military allegations that they are simply "fronts" for the NPA/CPP; and their members have been publicly accused of involvement with the NPA. Once individuals have been publicly "red-labelled" in this way, the risk of their being extrajudicially executed or "disappeared" is greatly increased.

WHAT YOU CAN DO

Points to make in your letters:

- Express grave concern at the killing of Efren Gamboa in Kamaga, Mariveles, Bataan on 22 February 1992
- Ask for details of any official investigations of the killings
- Urge the authorities to bring the suspected killer promptly to justice in a civilian court
- Note with concern that hundreds of trade unionists have suffered human rights violations in recent years; express hope that the new government will take effective measures to halt these violations in future
- Explain any connection you have with trade unions in your country. You may also wish to emphasize the importance of permitting trade unions to represent their members without fear of subjection to human rights violations

Addresses for letter-writing

Please send courteous appeals, preferably in English to:

President of the Philippines:

President Ramos
Malacañang Palace
Manila
Philippines

Dear President Ramos

Secretary of Justice:

Franklin Drilon
Secretary of Justice
Department of Justice
Padre Faura Street
Ermita 1000
Manila
Philippines

Dear Secretary Drilon

Secretary of Labor and Employment:

Nieves R. Confesor
Secretary of Labor and Employment
Department of Labor and Employment
DOLE Executive Building
Intramuros 1002
Manila, Philippines

Dear Secretary Confesor

Chairman of Commission on Human Rights:

Sedfrey Ordoñez
Chairman
Commission on Human Rights
Integrated Bar of the Philippines Building
Doña Julia Vargas Avenue
Pasig 1600
Manila
Philippines

Dear Chairman Ordoñez

south africa

Professor Hlalanathi Sibankulu, a long-term trade union organizer and a former political detainee, was murdered at about 2.30 am on 12 November 1992. The following morning his body was found in his burnt-out car in Madadeni township, in the KwaZulu "homeland", near Newcastle in Northern Natal. During the past two years or more, trade union leaders in Northern Natal have repeatedly been the target of killings, attacks, death threats, and other forms of harassment in which members of the security forces have been either directly or indirectly implicated. Amnesty International is concerned that Professor Sibankulu too may have been the victim of an extrajudicial execution carried out by an officially-sanctioned hit-squad, and that at a very minimum local police condoned his killing.

Professor Sibankulu arrived in Newcastle on 11 November 1992 to attend a trade union workshop. At about 8.30 that evening he was in his car with his sister when they were chased and fired upon by the occupants of a vehicle following them. Professor Sibankulu drove to the KwaZulu Police station in Madadeni township and appealed to the station commander for assistance. He and his passenger pointed out their attackers, who could be seen from the police station. Rather than questioning the alleged attackers, the police conducted a thorough weapons search of Professor Sibankulu's car. A large number of police officers including members of the South African police were reportedly present when this search was carried out. No weapons were found and, since the police continued to refuse to take any action against the attackers, Professor Sibankulu and his sister left the police station about half an hour later.

They spent the evening visiting a neighbouring township. Later Professor Sibankulu dropped his sister off at a friend's house in Madadeni for the night, then set off in his car at about 1 am to the house where he planned to spend the night. He never reached his destination. At about 7 am on the following morning the person who was expecting Professor Sibankulu went to tell his sister that he had not arrived. On his way, he saw a burnt-out car. He told Professor Sibankulu's sister what he had seen and they went back to take a closer look. They found a body in the back seat. Both car and body were very severely burnt but Professor Sibankulu's sister was able to identify her brother and his car. It was later reported that nearby residents heard the sound of a loud explosion at about 2.30 am.

The pathologist who conducted an examination of the body on behalf of the state reportedly removed a bullet from the head and saw evidence of possible other bullet wounds, but these could not be identified with certainty because the body was so badly burnt.

In the days immediately following the murder these events were investigated by a special police team attached to the Commission of Inquiry into the Prevention of Public Violence and Intimidation (known as the Goldstone Commission). On 2 December 1992 the team, which itself has no powers of arrest or interrogation, handed their findings to the Attorney General's office in Pietermaritzburg. The team's findings were reportedly substantial enough to enable arrests of suspects in relation to the shooting incident to be made. The Attorney General's office passed the docket to the South African Police Criminal Investigation Department in Newcastle. In February, after protests from the

family's lawyers at the lack of progress, the investigating officer was removed from the case and replaced with a more senior officer. The police advertised a reward for information leading to the arrest of Professor Sibankulu's killers.

Professor Sibankulu, who was 28 years old at the time of his death, had a long history of conflict with the South African authorities as a result of his trade union and political organizing activities. He was an organizer for the South African Municipal Workers Union, a union affiliated to the Congress of South African Trade Unions (COSATU). He was also chair of the African National Congress Madadeni branch until being elected, prior to his death, to the Natal ANC Midlands Regional Executive Committee. In June 1986 he was detained following the declaration of a nationwide state of emergency, and was beaten and tortured in detention until lawyers obtained a Supreme Court order preventing further assaults. He was then held without charge until December 1987 when he was charged with "terrorism", allegedly in relation to incidents of township "unrest". He was released on bail. The trial ended some two years later with the acquittal of both Professor Sibankulu and his co-accused, another prominent Natal trade union activist.

Amnesty International is concerned that Professor Sibankulu was the victim of an extrajudicial execution in which the KwaZulu Police appear to be implicated. There is evidence to suggest that the men who chased and shot at Professor Sibankulu's car on the evening of 11 November 1992 were officers of the KwaZulu Police operating in a vehicle registered in the name of a KwaZulu government official. The conduct of police officers at Madadeni KwaZulu Police station in refusing to apprehend his attackers or in other ways promptly investigate Professor Sibankulu's allegations, or to provide him with adequate protection, creates the suspicion that the police were also implicated in Professor Sibankulu's subsequent murder. The current pattern of harassment and killings of other Northern Natal trade unionists, together with Professor Sibankulu's history of involvement in opposition politics and trade union work and previous arbitrary detention and ill-treatment at the hands of the police, reinforce these concerns.

WHAT YOU CAN DO

Points to make in a letter

- Express concern that Professor Sibankulu appears to have been the victim of an extrajudicial execution in which officers of the KwaZulu police were implicated.
- Point out any connection you have with trade unions in your country. Outline the importance of allowing trade unions to represent their members without fear of persecution or repression.
- Explain that you are aware that trade unionists in the Northern Natal area of South Africa have repeatedly been the target of serious human rights violations. Urge that all possible measures be taken to protect them.
- Express concern that, only hours before Professor Sibankulu's murder, members of the KwaZulu Police, operating in a vehicle registered in the name of a KwaZulu government official, unlawfully shot at Professor Sibankulu and failed to provide him with any assistance at Madadeni police station.
- Urge the authorities to speedily complete their investigation into Professor Sibankulu's murder as well as the shooting incident on the previous evening, and take prompt steps to bring those responsible to justice.
- Urge the authorities to exercise their responsibility to protect the lives of **all** South Africans, by making available to them an impartial police force willing to respond promptly to calls for assistance and willing to investigate and arrest the perpetrators of attacks, irrespective of political affiliation.

Copies of letters may be sent to one or more of the following newspapers:

The Editor,
Natal Witness,
PO Box 362,
Pietermaritzburg 3200,
South Africa

The Editor,
New Nation,
PO Box 10674,
Johannesburg 2000,
South Africa

The Editor,
City Press,
PO Box 3413,
Johannesburg 2000,
South Africa

The Editor,
The Star,
PO Box 1014,
Johannesburg 2000,
South Africa

Copies may also be sent to one or both of the following organizations for their information:

Human Rights Commission,
Ecumenical Centre,
20 St Andrews Street,
Durban,
South Africa

Legal Resources Centre,
Ecumenical Centre,
20 St Andrews Street,
Durban,
South Africa

Congress of South African
Trade Unions (COSATU),
Natal North Coast, PO Box 7229,
Empangeni Rail 3910,
South Africa

Addresses for letter-writing

Please send courteously-worded letters of inquiry, preferably in English to:

State President of South Africa:

Mr F W De Klerk,
State President,
State President's Office
Private Bag X83,
Pretoria 0001, South Africa

Dear State President

Minister of Law and Order:

Mr H J Kriek,
Minister of Law and Order,
Department of Law and Order
Private Bag X463,
Pretoria 0001, South Africa

Dear Minister

Chief Minister and Minister of Police:

Chief M G Buthelezi,
Chief Minister and Minister of Police,
KwaZulu Chief Minister's Office,
Private Bag X01,
Ulundi 3838, South Africa

Dear Chief Minister

Commissioner of Police:

General Daring,
Commissioner of Police,
KwaZulu Department of Police,
Private Bag X14,
Ulundi 3838, South Africa

Dear Commissioner

Spain

Antonio Copete González, is a trade union leader and a member of the Executive of the Hotels and Tourism Syndicate, an affiliate of a major Spanish trade union - the General Workers Union - *Unión General de Trabajadores, UGT*.

On 28 May 1992 he led a demonstration consisting of 20 to 30 colleagues outside the Mercadona de Magaluf hypermarket in Palma Nova, Mallorca. This demonstration was in support of a general strike on the island and was one of many taking place that day. It was reported by the press to be a peaceful call for public support for their action.

At 6.30pm Antonio Copete, using his megaphone, instructed his colleagues to start making their way to Palma de Mallorca - the island's capital - where a central demonstration was planned for that evening. Antonio Copete alleged that this was when the trouble with the Civil Guards, who were observing the demonstration, began.

In a complaint to the court in Palma de Mallorca he described how the demonstrators dispersed peacefully into the hypermarket car-park to collect their cars in order to go to the main demonstration. However, members of the Civil Guard blocked their exit and the demonstrators were unable to leave. Antonio Copete approached the Civil Guard and asked them to allow him and his colleagues to leave the car-park. In his complaint he stated that the response of the Civil Guard to his request was to baton-charge the trade unionists gathered in the car-park. This description was confirmed by press reports covering the demonstration.

In the course of the charge Antonio Copete suffered serious bruising to his back and shoulder from baton blows. He stated that he offered no resistance but was arrested and handcuffed. Antonio Copete was then taken to the Civil Guard headquarters. When they arrived at the headquarters, witnesses, including a member of the local town council and a uniformed lieutenant of the Civil Guard, watched as Antonio Copete was slapped around the face by a plainclothes police officer. One of the blows he received burst his left ear-drum. The uniformed lieutenant did nothing to stop this assault on a handcuffed prisoner. Antonio Copete was later able to identify the plainclothes police officer who had hit him at the time of his arrest.

Two hours after his arrest Antonio Copete was released from the Civil Guard headquarters without any charges being brought against him. That night he received medical treatment at the Emergency Service of the *Residencia Sanitaria de Son Dureta*. In addition to the burst ear-drum he was found to have suffered bruises and weals to his shoulder, back, wrists and chest. Antonio Copete subsequently suffered from chronic otitis, an inflammation of the ear; in December he was operated on to repair his left ear-drum.

On 29 May 1992 he made a complaint to the Judge of Instruction No. 2 of Palma de Mallorca about the ill-treatment he had received at the hands of the Civil Guard. He accused the plainclothes officer of causing him serious injuries (*un presunto delito de lesiones graves*).

After an investigation by the court into his complaint a Civil Guard officer was charged with injuring Antonio Copete at the demonstration and later when he was under arrest. Antonio Copete had been released without charge but, after he had made his complaint

against the Civil Guard, the court decided to charge him with using intimidating behaviour at the demonstration.

In February 1993 Amnesty International was seeking information about the progress of the judicial hearings.

WHAT YOU CAN DO

Points to make in your letters

- Explain briefly that you have read that Antonio Copete, a member of the *Ejecutiva del Sindicato de Hostelería y Turismo* of the *UGT*, was beaten by Civil Guard officers during a baton-charge against a picket in Palma Nova (Mallorca) on 28 May 1992. Explain that you understand he was arrested and taken in handcuffs to the headquarters of the Civil Guard in Palma Nova. Say that it has been alleged that, while in detention and handcuffed, a plainclothes officer, who had been involved in the charge against the pickets, began to slap him. One of these blows burst his left ear-drum. Explain that you understand this was witnessed by a councillor from the Municipality of Calvià, Manuel Eladio Rodríguez, and a uniformed lieutenant of the Civil Guard.
- Explain any connection you have with trade unions in your country. You may also wish to outline the importance of allowing trade unions to represent their members without fear of persecution or repression.
- Point out that Antonio Copete was released two hours after his arrest without any charge against him and received treatment for his injuries in the *Residencia Sanitaria de Son Dureta*. The following day he made a statement to the court in Palma de Mallorca accusing the plainclothes officer of causing him serious injury, in particular the bursting of his left ear-drum.
- Point out that Antonio Copete was charged with intimidating behaviour (*coacciones*) but only after he had made the complaint of ill-treatment by the Civil Guard to the court in Palma de Mallorca.
- In your letters you should make it clear that, while the allegations of ill-treatment made in this case are not established fact, you are concerned about these allegations and wish to know the outcome of the judicial hearings into Antonio Copete's complaint of ill-treatment and the counter-charge of intimidating behaviour.
- Ask the **Minister of the Interior** to conduct a full disciplinary investigation into the allegations of ill-treatment made by Antonio Copete. Ask to be informed of the result.
- If you receive further information about this case, please forward it to the International Secretariat as soon as possible. Thank you.

Addresses for letter-writing

Please send courteously-worded letters of inquiry, preferably in Spanish or, if this is not possible, in French or English, to the Minister of the Interior.

Minister of the Interior:

Exemo Sr D José Luis
 Coreogra Cuęsta
 Ministro del Interior
 Ministerio del Interior
 Castellana 5
 MADRID
 Spain

Estimado Excelentísimo
 Sr. Ministro

Please send copies of your letters to the Attorney General in Madrid and to the Spanish Embassy in your country.

Attorney General:

Exemo Sr D Eligio Hernández
 Fiscal General del Estado
 Tribunal Supremo
 Palacio de Justicia
 Plaza de la Villa de París
 MADRID 4
 Spain

Estimado Excelentísimo
 Sr. Fiscal General

THE SPANISH EMBASSY IN YOUR COUNTRY.