

ISRAEL AND THE OCCUPIED TERRITORIES

Oral Statement to the United Nations Commission on Human Rights

Delivered: 11 March 1997
MDE 15/08/97

Item 4

Chairperson,

The State of Israel has effectively legalized torture despite being a State Party to the International Covenant on Civil and Political Rights and the Convention against Torture.

Israel has effectively made torture legal in three ways.

First, the General Security Service's use of "a moderate measure of physical pressure" was sanctioned in the government-approved 1987 Landau Commission Report. The physical and psychological methods which may be used are contained in secret guidelines to this report.

Second, since October 1994 the Israeli Government ministerial committee which oversees the General Security Service has renewed, at three-monthly intervals, the right to use increased physical pressure. The use of violent shaking of detainees is also authorized by this committee.

And third, in 1996 the Israeli Supreme Court ruled that the use of physical force, including the use of violent shaking, could continue against specified detainees.

Chairperson,

The Israeli Government has made three responses to the repeatedly-expressed concerns of Amnesty International on this use of torture.

First, the Israeli Government has denied that the ill-treatment under interrogation constitutes torture. The methods used - they are not disputed by the Israeli Government - include violent shaking. Detainees have described how they have been shaken by the collar several times for five or ten minutes each time; how their brain has spun and they have fallen unconscious on the floor. In April 1995 'Abd al-Samed Harizat, a Palestinian, violently shaken 12 times over a 12-hour period, fell into a coma and died without

regaining consciousness. Neurologists state that violent shaking can cause death or brain damage. Official ministerial authorization for violent shaking continues.

Second, the Israeli Government maintains that detainees “are under constant medical supervision”. In a report made public last August, Amnesty International stated its concern that health professionals working with the GSS “form part of a system in which detainees are tortured, ill-treated and humiliated in ways which place current prison medical practice in conflict with medical ethics”.

The third response of the Israeli Government has been that those subjected to “physical force” are “terrorists”. Amnesty International recognizes that civilians have been deliberately and arbitrarily killed in Israel and the Occupied Territories by armed groups and has actively opposed such killings. Nevertheless, international standards freely ratified by Israel permit no exception to the prohibition of both torture and ill-treatment. Article 7 of the International Covenant on Civil and Political Rights which prohibits torture and cruel, inhuman or degrading treatment or punishment is non-derogable even in “time of public emergency which threatens the life of a nation”. The Convention against Torture states in its Article 2 that no circumstances whatever may be invoked as a justification for torture. In November 1996 the Committee against Torture in a public statement on the Israeli Supreme Court authorization of physical force reiterated that “despite any legal position there can be no circumstances which justify the use of torture”.

Chairperson,

Amnesty International fears that international acquiescence of Israel’s effective legalization of torture undermines the fabric of international human rights protection established by the United Nations during the past 50 years. Amnesty International calls on the Commission to express its deep concern about the effective legalization of torture in Israel and to urge the Government of Israel to take immediate steps to bring its law, security service regulations and practice into conformity with the international human rights standards it has freely ratified.

Delivered: 9 April 1997

Chairperson,

Fifty years ago the UN Commission on Human Rights held its first session. In half a century the Commission has enjoyed some successes but all too often has failed to take decisive action against those governments which systematically violate human rights.

In this brief statement Amnesty International will focus on five of the countries where the Commission needs to give urgent attention to serious human rights violations.

In **Algeria** the cycle of violence and gross human rights abuses by security forces, government backed militias and armed opposition groups continues. Since 1992 more than 60,000 people were killed. In the past two months alone more than 300 people were killed by armed opposition groups and a similar number by security forces and militias in so called "anti-terrorist" operations. Many of those killed have been unarmed civilians. The security forces continue to commit extrajudicial executions and to torture detainees. Hundreds of people have "disappeared" after being arrested by the security forces. Armed opposition groups have shot, decapitated or mutilated hundreds of people in targeted attacks. Amnesty International calls on the Commission to break the wall of silence by ensuring that the Special Rapporteur on extrajudicial executions and the Working Group on Disappearances visit Algeria in 1997 and report to the Commission in 1998.

Last year the Chairperson's statement on **Colombia** recognized the grave human rights situation in the country. During the past year the situation has worsened. Extrajudicial executions, "disappearances" and torture by the security forces and their paramilitary allies persist and, in several areas, have increased dramatically. The Commission must show that the High Commissioner's office in Bogotá is not an end to public scrutiny but a clear demonstration to the people of Colombia that the Commission will monitor and act. Its effectiveness will depend on its ability to monitor human rights and issue detailed and frequent public reports. At present the Office still does not have enough funding to operate, even for a year.

In **Indonesia and East Timor** the imprisonment of prisoners of conscience, unfair trials, torture and extrajudicial executions continue unabated. 1996 saw the heaviest crackdown against political opponents in Indonesia for many years which led to the arrest of non-violent human rights, political and labour activists. The Government has ignored almost all recommendations of the Commission's experts and the Commission itself and has failed to act on its promise to further cooperation with the mechanisms of the Commission. The visit by the High Commissioner for Human Rights has not resulted in any real change.

Faced with such intransigence, the Commission should adopt a resolution on Indonesia and East Timor, that the government must implement outstanding recommendations now.

The Commission's consensus approach on **Nigeria** has misfired. The government failed to implement last year's resolution using delaying tactics to subvert the visit by the two special rapporteurs. But these diplomatic games cannot hide the climate of fear and intimidation in the country. In the last few weeks there has been another wave of arrests of pro-democracy activists. Nineteen Ogoni prisoners are awaiting trial on the same murder charges on which Ken Saro Wiwa and eight other Ogoni were executed after grossly unfair political trials. It is now time for the Commission to act decisively and appoint a Special Rapporteur on Nigeria.

Turkey. No member of this Commission can feign ignorance of the realities. 1996 was a particularly bad year, with stronger evidence emerging of state involvement and collusion at the highest levels in torture, extrajudicial executions and "disappearances". The PKK and other armed groups continued to commit human rights abuses including the killing of civilians. Last December the European Committee for the Prevention of Torture added to the overwhelming evidence that the Turkish Government systematically abuses human rights. Yet powerful allies still shield Turkey's human rights record from international scrutiny. Turkey is not cooperating with this Commission. It has ignored repeated requests by the Commission experts to visit the country. The Commission should ensure that the Turkish Government invites the Special Rapporteur on extrajudicial executions and the Working Group on Disappearances to visit Turkey in 1997 and report back to the 1998 Commission.

Chairperson,

The time has come for the Commission to establish a sub-agenda item which examines how states have cooperated with the Commission and implemented recommendations made by the Commission and its human rights mechanisms. The Commission must act with objectivity on human rights situations. No country should be "untouchable" for political reasons.

UN Commission on Human Rights
53rd session
Agenda item 14
Status of international instruments

Oral statement
Delivered: 18 March 1997

ABOLITION OF THE DEATH PENALTY

As an organization campaigning for the worldwide abolition of the death penalty, Amnesty International strongly supports the idea that states should stop carrying out executions.

The carrying out of executions is incompatible with the international obligations of states to respect basic human rights - the right to life and the right not to be subjected to cruel, inhuman or degrading punishment.

The death penalty is irrevocable. It removes not only the victim's right to seek legal redress for wrongful conviction, but also the judicial system's capacity to correct its errors. The death penalty is cruel. It constitutes an extreme physical and mental assault on a person already rendered helpless by government authorities. The death penalty is discriminatory. It is disproportionately inflicted on the most vulnerable members of society - the poor, mentally disturbed and members of racial, religious or ethnic minorities.

Prisoners sentenced to death have often been convicted of extremely cruel acts. But the cruelty of the crime does not lessen the cruelty of the punishment. Human rights cannot be suspended simply because certain people are deemed not to deserve them. Human rights apply to the worst of us as well as the best of us, which is why they protect us all.

Amnesty International supported proposals for moratoria on executions at the Sixth UN Congress on the Prevention of Crime and the Treatment of Offenders in 1980, at the Eighth Congress on the Prevention of Crime and the Treatment of Offenders in 1990 and at the General Assembly in 1994.

A commitment to stop executions is now a condition for becoming a member of the Council of Europe, according to the Council of Europe's Parliamentary

Assembly. Amnesty International has had no reports of executions in any of the 40 member states of the Council of Europe since the beginning of the year.

In the world as a whole, some 99 states have now abolished the death penalty in law or practice, according to Amnesty International's latest figures. South Africa is one of the recent additions to the list as a result of the Constitutional Court ruling of June 1995 which found the death penalty to be unconstitutional primarily on the grounds that it violated the right not to be subjected to cruel, inhuman and degrading punishment in violation of the country's constitution.

Last year President Nelson Mandela of South Africa stated in response to calls to reintroduce the death penalty as a way of fighting crime:

"We are determined that the death sentence will never come back in this country. It is not because the death sentence has been scrapped that crime has reached such unacceptable levels. Even if the death sentence is brought back, crime itself will remain as it is."

At the January 1997 session of the Parliamentary Assembly of the Council of Europe, Tarja Halonen, Chairman of the Committee of Ministers of the Council of Europe, said:

"Executions are absolutely unacceptable from the point of view of human rights, no matter in which country they take place."

In adopting the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty, the General Assembly provided states wishing to do so with a means of reinforcing their national decisions to abolish the death penalty through accession to a binding international instrument. All states parties to the ICCPR should sign the Second Optional Protocol with a view to ratifying it at the earliest possible date.

Thumbscrews, the rack, and other medieval instruments of torture are the objects of display at museums, where they evoke wonderment and horror on the part of viewers. The gallows, the gas chamber, the guillotine, the electric chair and the other tools of the executioner ought similarly to be relegated to the museum.

Amnesty International urges the Commission on Human Rights to take strong action towards ending the death penalty - a cruel, irrevocable and outmoded form of punishment.

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1997 UNITED NATIONS COMMISSION ON HUMAN RIGHTS: THE COMMISSION AT 50 -- A NEW BEGINNING OR EARLY RETIREMENT?

GENEVA -- In its 50th year the United Nations Commission on Human Rights must analyse its failures, build on its success and approach the next millennium with a renewed determination to confront human rights violations wherever they may occur, Amnesty International said at a press conference today.

"This is not a time to continue with business as usual," said Nicholas Howen, Director of Amnesty International's International Organizations Program. "The Commission must act decisively against those governments which suppress human rights or it risks becoming irrelevant to the problems of the real world."

"Past sessions have been marked by an almost complete lack of accountability of many violating states, an institutionalised amnesia about repeated violations by particular governments and an unwillingness to deal with countries seen as "untouchable" for a variety of political reasons."

Amnesty International is challenging the Commission to ensure that no country is immune to scrutiny. It is unacceptable for member states to turn a blind eye to gross human rights violations reported in these countries by the Commission's own experts. This self-interest serves only to weaken the Commission itself, international law and the credibility of the UN as the global protector of human rights.

At the Commission, which runs from 10 March to 18 April, the organization will raise the cases of countries where there is a pattern of systematic, persistent and severe human rights violations, with a particular focus on -- Algeria, Colombia, Indonesia and East Timor, Nigeria and Turkey. The organization has raised all these five countries at previous sessions of the Commission, yet there has been little improvement in their human rights record, largely because the Commission has preferred to take a spectator's role.

"The Algerian authorities have so far largely been protected from condemnation because of the high level of violence by armed opposition groups in the country," Mr Howen said. "Yet the Commission must show that torturing and extrajudicially executing citizens -- no matter who they are or what crimes they may have committed - only fuels the appalling conflict and is prohibited under international law."

"Powerful European allies and North America shield Turkey from international scrutiny because of its position as a member state of NATO and its value as a buffer state against a perceived Islamist 'threat'. How can the Commission call itself the main UN human rights body if it consistently ignores the overwhelming weight of calls for change by the UN's own experts?"

Vested economic interests from governments in many parts of the world prevent any serious follow-up action and strategy to previous statements from the Chair on Indonesia and East Timor, fearful that human rights violations committed in their own countries could be next in line for scrutiny. The Commission's experts and the Commission have made very clear recommendations to the Indonesian Government. These have been ignored in a deliberate snub by the government.

The Indonesian government has expressed a willingness to cooperate with the mechanisms of the UNCHR and to continue implementing their recommendations. Yet, as the situation on the ground deteriorates, the authorities show little signs of fulfilling their obligations to the UN.

The Nigerian government has also failed to implement last year's recommendations, instead using delaying tactics and brinkmanship. It consented to a visit by the Special Rapporteurs on extrajudicial executions and independence of the judiciary only two weeks before this year's session, but at the last minute reportedly denied them access to political prisoners. The Special Rapporteurs postponed their mission. Diplomatic games cannot mask the climate of fear and intimidation in Nigeria.

“The Commission must react to this unacceptable behaviour by appointing a Special Rapporteur on Nigeria to ensure that last year's and other recommendations are implemented by the Government,” Mr Howen said. “The Nigerian people will be looking particularly to the African Members of the Commission not to force yet another weak consensus resolution which again does not reflect the gravity of the situation.”

The 1996 Chairperson's statement on Colombia at last recognised the grave human rights situation in the country. This year the High Commissioner for Human Rights is opening an office in Bogotá. The effectiveness of this office will depend on its ability to monitor human rights violations and issue detailed public reports.

"The Commission must show that the setting up of the High Commissioner's office in Bogotá is not the end of public scrutiny but a clear demonstration to the Colombian people that it will continue to monitor and act. In particular to ensure the implementation of key UN recommendations including measures to tackle impunity, to dismantle paramilitary groups and to ensure the security of human rights workers," Mr Howen said.

"In its 50th year, the Commission should be evaluating its own shortcomings and seizing the opportunity to become a more effective human rights body," Mr. Howen said. "At the very least, this year should see an agenda item which will scrutinize governments' cooperation with the Commission and implementation of its recommendations."

"Victims of human rights violations and members of the public do not understand why the Commission time and time again fails to act decisively against governments which suppress human rights. It is time for the Commission to demonstrate that its debates do matter and do make a difference."

COUNTRY BACKGROUND

Algeria

Thousands of people were killed in 1996 in the ongoing conflict involving security forces, militias armed by the state, and armed opposition groups. Many of the victims were unarmed civilians who were not involved in armed confrontations and who were killed in both targeted and indiscriminate attacks. Security forces continued to commit extrajudicial executions and to torture detainees in secret detention, usually to extract confessions. Scores of people “disappeared” after having been arrested by security forces, and hundreds who “disappeared” in previous years remain unaccounted for. In February 1997, more than 200 people were killed by militias and security forces in “anti-terrorist” operations.

Armed opposition groups, which define themselves as “Islamic groups” have also continued to threaten and kill civilians. During the holy month on Ramadan hundreds of people were shot, slaughtered, decapitated or mutilated in targeted attacks.

Colombia

In many respects, the human rights situation has considerably worsened since the 52nd session of the Commission. Extrajudicial executions, “disappearances” and torture carried out by members of the security forces and their paramilitary allies have persisted and, in some areas, increased dramatically. Hundreds of civilians have been killed during counterinsurgency operations and members of legal opposition groups, trade unionists, teachers, peasant and indigenous community leaders and human rights activists have been victims of

political killings and “disappearances”. Torture and ill-treatment of both political and common prisoners is common in army and police installations throughout the country.

In late August, two guerrilla organizations, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), launched their most aggressive offensives in decades. At least 200 people died as a result. Reports of deliberate and arbitrary killings of civilians associated with the armed forces and local authorities are increasing.

Indonesia and East Timor

1996 saw the heaviest crackdown on the opposition movement for many years, following the July raid on the Indonesian Democratic Party’s Jakarta headquarters. Since then, the Government has arrested at least 108 peaceful human rights, political and labour activists. Thirteen of these people are facing charges under the Anti-subversion Law, which carries a maximum sentence of death. Some of those detained have been subjected to torture.

Amnesty International remains concerned about the continuing imprisonment of prisoners of conscience, unfair trials, the torture and ill-treatment of political and criminal detainees, “disappearances”, extrajudicial executions and the use of the death penalty throughout Indonesia and East Timor. The government continues to bar almost all media and international human rights organizations from East Timor, where political killings are reported to have occurred during 1996. At least 200 political prisoners, many of them prisoners of conscience, continue to serve sentences of up to life imprisonment, imposed after unfair trials.

Nigeria

During the year, the Nigerian authorities continued to arbitrarily detain prisoners of conscience, while political prisoners faced the prospect of unfair trials by special tribunals. Detainees were denied access to lawyers, families and essential medical treatment. Torture and ill-treatment were widespread. The death penalty was used extensively under a judicial system which does not guarantee a fair trial.

Many Nigerians who had the courage to stand up for the human rights of their fellow citizens have paid a heavy price. Some are dead, executed after unfair trials or murdered, it is widely feared, by government agents. Others are imprisoned in harsh conditions, their lives and health at risk from malnutrition and medical neglect.

Turkey

1996 was a particularly bad year for human rights in Turkey. Torture has persisted and extrajudicial executions and "disappearances" also continued as strong evidence of state involvement emerged. Children as young as 14 were subjected to torture, including beatings, electric shocks and sexual assault. During the year, Amnesty International raised with the government detailed reports of more than 100 allegations of torture, 10 reported deaths in custody as a result of torture, 41 cases of alleged "disappearance", 35 cases of extrajudicial execution, 15 prisoners beaten to death and nearly 200 writers prosecuted for the non-violent exercise of their right to freedom of opinion.

Killings by the PKK fell during the ceasefire from December 1995 to July 1996, since when killings of suspected "informers" and

*collaborators'' claimed the lives of more than 50 prisoners. The
DHKP-C has carried out arbitrary revenge attacks on civilians.
ENDS/*

1997 COMMISSION ON HUMAN RIGHTS - 50 YEARS OLD

This year Amnesty International will call on the UN Commission on Human Rights to take action as a priority on five country situations: **Algeria, Colombia, Indonesia/East Timor, Nigeria** and **Turkey**. This document introduces five victims from these countries to show why Amnesty International believes that the Commission must take action to halt such human rights violations immediately.

Boumedienne Ould Saadi from Algeria was 17 years old when he was abducted from his school and killed by the Security Forces. **Josué Giraldo Cardona** of Colombia, who attended the last session of the Commission to lobby against human rights violations in his country, was killed last October by government agents. **Dita Indah Sari**, a labour activist in Indonesia, is now on trial and faces a death sentence or long imprisonment for her peaceful political activities. **Chief Olu Falae**, a minister in a former government, is a leading member of a pro-democracy and human rights organization whose members have been prominent among recent victims of human rights violations in Nigeria. In Turkey, **Selahattin _im_ek**, convicted after a grossly unfair trial, is serving his 17th year in prison despite the Commission's own experts finding his detention to be arbitrary.

It is not only non-governmental organizations (NGOs) such as Amnesty International that have brought these situations of persistent human rights violations to the attention of the Commission. The Commission's own expert mechanisms, other UN human rights bodies and intergovernmental organizations have identified serious human rights violations and made practical suggestions to halt their occurrence. However, all five governments have consistently failed to implement such recommendations.

The Commission is allowing states to get away with murder, torture, arbitrary detention, unfair trials and a host of other human rights violations. Instead, it should appraise each human rights situation in accordance with international human rights instruments which governments have elaborated over past decades. These universal standards are the product of the international consensus on human rights. States must abide by them. The Commission has a duty to call states to account where they fail to do so.

It is the implementation of these universally agreed human rights which now challenges the Commission in its 50th year and the year before the 50th anniversary of the 1948 Universal Declaration of Human Rights. Together, these anniversaries provide the Commission with an important opportunity to analyse its failures, build on its successes and approach the next millennium with a renewed determination to confront human rights violations wherever they may occur.

ALGERIA - Boumedienne Ould Saadi

Extrajudicial executions, deliberate and arbitrary killings, “disappearances”, torture, abductions, death threats and other abuses have become part of Algeria’s daily reality. Confrontations between security forces and armed opposition groups, who define themselves as “Islamic groups” continue and killings and abuses are carried out in the name of the “anti-terrorist fight” by some or the “holy war” by others.

The civilian population is bearing the brunt of the confrontation. In the case of the security forces, extrajudicial executions seem to be used as an alternative to arrest, as a way of eliminating individuals known or suspected of having links with, or supporting, armed opposition groups, and in revenge for killings and other acts of violence carried out by these armed groups.

However, their motivation for the abduction and killing of a 17-year old boy remains unknown. On 30 January 1996, Boumedienne Ould Saadi was taken by members of the security forces from his high school in Algiers and “disappeared”. All efforts by his family to establish his whereabouts remained in vain until 14 February 1996, when his father found his body in the morgue. He had been killed by several bullets in the chest. His family was not allowed to take his body home for burial and could find no record at the morgue of the circumstances of his death. According to the morgue records, the security forces had taken the body to the morgue on the 31 January.

Five days before his “disappearance”, the security forces had visited his home at night and questioned his parents about their children. Two days later members of the security forces went to his school and questioned staff about him. On 30 January they returned and took him away from his classroom.

Repeated requests by the boy’s family for his death to be investigated have yielded no result to date. Although the staff at his school confirmed the visits by the security forces, and that they had taken him away, they were unwilling to testify for fear of reprisals.

The responsibility for investigating human rights violations and bringing to justice those responsible rests with the Algerian authorities. While serious human rights abuses committed by armed opposition groups deserve unqualified

condemnation, the protection of the civilian population is the responsibility of the state through properly trained law enforcement officers operating within a legal framework of accountability.

COLOMBIA - Josué Giraldo Cardona

Josué Giraldo Cardona spent several weeks in Geneva during the last session of the Commission on Human Rights lobbying delegates to take action on human rights violations in Colombia. On 13 October 1996 he was shot and killed in front of his two young daughters.

The President of the *Comité Cívico por los Derechos Humanos del Meta*, Meta Civic Human Rights Committee, and an activist with the *Unión Patriótica*, Patriotic Union, a legal left-wing political party, Josué Giraldo had received repeated death threats. He had presented numerous formal complaints about these threats and attacks against members of the Committee which he attributed to members of the Colombian armed forces.

In November 1996 the Inter-American Court of Human Rights issued a decision requiring the Colombian Government to adopt urgent measures to protect the life and physical integrity of Josué Giraldo's family and other members of the Meta Civic Committee and to investigate the murder of Josué Giraldo and other acts against the Committee, several of whom have had to leave the region because of fears for their safety.

There has been no substantial improvement in the human rights situation in Colombia since the last session of the Commission and, in many respects, the situation has worsened. Impunity for human rights violations is the norm. Military courts, which claim responsibility for trying members of the armed forces, routinely fail to bring those responsible to justice. Despite repeated calls from the UN and the Organization of American States for the trials of those suspected of human rights violations to be heard in civilian courts, the government has failed to wrest jurisdiction from the military justice system.

The stated commitment by the Colombian Government to improve the human rights situation will sound hollow as long as deaths, such as that of Josué Giraldo Cardona, continue to occur. Decisive action by this session of the Commission is essential to halt the death of human rights activists and to end impunity.

INDONESIA/EAST TIMOR - Dita Indah Sari

Following riots in Jakarta on 27 July 1996, connected to a security force raid on the headquarters of the Indonesian Democratic Party, *Partai Demokratik Indonesia*, (PDI), the human rights situation in Indonesia has declined sharply. In particular, around 15 people, mostly peaceful political, human rights or labour activists, have been charged under the Anti-subversion Law under which they may face a death sentence or long terms of imprisonment.

Many of those detained have been accused of involvement with a left-wing political group, the People's Democratic Party, *Partai Rakyat Demokratik*, (PRD) or its affiliated organizations. The PRD has been accused by the government of having masterminded the riots of 27 July and of being similar to the banned Indonesian Communist Party (PKI), an accusation commonly made to discredit individuals or groups critical of the government.

Dita Indah Sari, age 24, leads the Centre for Indonesian Workers' Struggle (*Pusat Perjuangan Buruh Indonesia*), PPBI, an affiliate of the PRD. She was arrested on 8 July while peacefully participating in a workers' demonstration in Surabaya calling for an increase in the national minimum wage and an end to the involvement of the Indonesian Armed Forces in the political affairs of the country. Two other Surabaya activists from PRD affiliated organizations - Coen Husein Pontoh of the National Peasants' Union (*Serikat Tani Nasional*) and Mochamad Sholeh, an activist from the Indonesian Students Solidarity for Democracy (*Solidaritas Mahasiswa Indonesia Demokrasi*) were arrested around the same time and are standing trial with her.

The head of the military agency *Bakorstanas* was quoted in the Indonesian media as saying “Workers were agitated to stage a demonstration against their will. This clearly indicated a subversive act to change the state system”. Although Dita and her friends were in custody in Surabaya on 27 July, the authorities have used their links to the PRD to strengthen the accusations against them and as a basis for serious charges including “distorting, stirring up trouble or digressing from the state ideology..” under the Anti-subversion Law, for which the maximum penalty is death. Dita’s trial opened in Surabaya on 16 December 1996.

Amnesty International anticipates that the current political crackdown on political opposition and peaceful activists will continue in the run-up to the 1997 parliamentary elections and the 1998 presidential elections and add to the long term pattern of human rights violations in Indonesia and East Timor which include unfair trials, torture, “disappearances” and extrajudicial executions. In the past, the Commission has taken cautious steps towards criticizing the human rights policy of the Indonesian Government. Few of its admonitions have been heeded by the government, who has also failed to implement specific recommendations such as the repeal of the Anti-subversion Law, as proposed by the Commission’s Special Rapporteur on torture in 1992 and by the UN High Commissioner on Human Rights following his 1995 visit to Indonesia and East Timor.

NIGERIA - Chief Olu Falae

After years of systematic violations of human rights, the Nigerian Government propelled itself to the top of the international human rights agenda in 1995 following the politically-motivated and unfair trial and execution of Ken Saro-Wiva and eight Ogoni colleagues. Since 1993, when the government annulled the results of the presidential elections, many hundreds of pro-democracy activists, human rights defenders, opposition politicians, journalists and members of the Ogoni ethnic community have been subjected to routine human rights violations including arbitrary detention and unfair trials by special tribunals which can impose the death penalty. Detainees have been denied access to lawyers, families and essential medical treatment. Torture and ill-treatment are widespread and allegations of extrajudicial killings by law enforcement officials continue.

Prominent among the victims of human rights violations have been supporters of the National Democratic Coalition (NADECO), a pro-democracy and human rights organization led by former government officials and politicians set up in 1994 to press for

a swift return to civilian rule. Chief Moshood Abiola, who won the 1993 presidential election, has been detained incommunicado since June 1994, ostensibly awaiting trial on charges of treason. His senior wife, Alhaja Kudirat Abiola, a NADECO supporter, was murdered in June 1996 in circumstances that led Amnesty International to fear that her assassination had been carried out by government agents.

Following bomb attacks in Lagos in late 1996 and early 1997, there has been a wave of arrests of prominent NADECO supporters, their relatives and friends. The government-owned press reported on 28 February 1997 that 10 out of the 18 arrested will shortly be charged before a magistrate's court in connection with the bombings. The 10 include pro-democracy activists Chief Olu Falae, Otumba (Chief) Olabiyi Durojaiye and Dr Frederick Fashen, all considered probable prisoners of conscience by Amnesty International.

Chief Olu Falae was arrested on 9 January 1997 and has since been held incommunicado by the police in Lagos. Aged 59, he was a senior government minister in the previous military government, serving as both Secretary to the Federal Government and as Minister of Finance. He left the government to seek nomination as a presidential candidate in the last "transition to civilian rule". He is a leading member of NADECO and was detained for a few days in June 1995, as a prisoner of conscience, for attending a private meeting of NADECO supporters.

Human rights violations such as the detention of Olu Falae continue in Nigeria despite resolutions, recommendations and appeals from the UN, the Organization of African Unity, the Commonwealth and the European Union. The present military government has announced that it will hand over power by the end of October 1998 but, without respect for human rights during this second transition to civilian rule, this commitment must be viewed with scepticism by the international community.

TURKEY - Selahattin _im_ek

Selahattin _im_ek, formerly a teacher, was imprisoned in 1980 and sentenced to life imprisonment for alleged involvement in robbery and the killing of a policeman on behalf of the Kurdish Workers' Party (PKK). Convicted on the basis of his own statement, which had been extracted under severe torture, despite a mass of contradictory evidence, he was convicted by a martial law court after a grossly unfair trial.

On 14 September 1995, the UN Working Group on Arbitrary Detention ruled Selahattin _im_ek's detention to be arbitrary and asked the Turkish Government to "take the necessary steps to remedy the situation" but this decision has been ignored. Selahattin _im_ek is now beginning his 17th year in prison.

Amnesty International has documented severe and persistent violations of human rights in Turkey for three decades. Torture has persisted. The newer patterns of extrajudicial executions and “disappearances” have continued with strong evidence of state involvement. Serious human rights abuses committed by armed opposition groups deserve unqualified condemnation and the Turkish Government cannot excuse violations committed by its own security forces by pointing to atrocities perpetrated by these armed groups.

In recent years, the expert bodies of the UN and the Council of Europe have added to the evidence of human rights violations in Turkey. While successive Turkish governments have failed to respond to their recommendations, the Commission has remained silent. Selahattin _imsek’s continued detention illustrates the cost to the victims of that silence.

Amnesty International Briefing
TURKEY -
**What can the Commission on
Human Rights do?**

13.00 - 15.00
Thursday 20 March 1997
Room XXII

Guest speaker: anar Yurdatapan
Video on the Güçlükonak massacre

Refreshments provided

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EU Member States: silent witnesses to Turkey's human rights record

Brussels --The European Union (EU) must take the lead to deal with Turkey's appalling human rights record, Amnesty International said today.

"For years the EU has refused to take action on Turkey in the United Nations Commission on Human Rights which begins its next session on 10 March. Perceived security and political interests are preventing concrete action at the Commission," the human rights organization said.

Amnesty International calls on the EU to table a resolution critical of the human rights situation in Turkey. "This is not a time for complacency. The EU must act to persuade the Turkish Government to invite the United Nations Special Rapporteur on extrajudicial executions and the Working Group on Disappearances to visit Turkey in 1997 and report back to the 1998 Commission".

Despite a wealth of hard evidence about systematic human rights violations in Turkey, the European Union has been silent until now on whether it will take action at the UN Commission.

"This cannot be allowed to continue," Amnesty International said. "No country can escape scrutiny by the UN Commission."

The human rights situation in Turkey has deteriorated throughout the 1990s. Torture is widespread and systematic. Most disturbing is the increase in reports of torture of children in 1995 and 1996. Extrajudicial executions, "disappearances" and arbitrary detention continue with ever stronger evidence of state involvement and collusion at the highest official levels.

The Turkish Government has failed to implement scores of detailed recommendations for change made by intergovernmental experts over the years. It has also failed to answer repeated requests by several UN human rights experts to visit the country, and has ignored the recommendations of expert bodies such as the UN Committee against Torture.

"Only last December the European Committee for the Prevention of Torture expressed its deep frustration in its second public statement on torture in four years," Amnesty International said.

Amnesty International welcomes initiatives by the European Parliament aimed at improving the human rights situation in Turkey and the inclusion of a chapter on the human rights situation in the European Commission's report of October 1996 on relations with the country. At the same time, the organization regrets that the European Commission does not propose sufficient concrete initiatives to combat human rights violations, in spite of its recognition of the seriousness of the situation.

As further concrete steps, Amnesty International calls on the EU to seriously strengthen the scope of its support to Turkish human rights defenders.

"The European Union should also actively promote training programmes for Turkish police and gendarmerie forces in the field of human rights, and monitor the effectiveness of these programmes. Moreover, it should establish an EU presence in the regions of Turkey under state of emergency, in order to monitor and report on human rights abuses by security forces and armed opposition groups," the organization said.

Amnesty International calls on the EU to adopt a proactive approach in dealing with the human rights situation in Turkey. This should include bilateral initiatives by the Member States, as well as EU initiatives and joint EU action in European organizations and UN human rights bodies.

"For too long the UN Commission on Human Rights has failed to act on Turkey's appalling human rights record. Reports by the Commission's own human rights experts have been repeatedly ignored. The EU has encouraged this trend by failing to act," Amnesty International said.

"If the EU does not take adequate steps to improve the human rights situation in Turkey and does not act at the UN Commission on Human Rights, it will be failing the thousands of victims in Turkey and allowing the recommendations of UN expert bodies -- which the EU played such a prominent role in establishing -- to be ignored," Amnesty International said.

ENDS.../

- *Amnesty International has documented the human rights situation in Turkey for more than three decades. In October 1996 it launched a worldwide campaign on human rights violations in the country.*
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AI INDEX: IOR 41/05/97

03 APRIL 1997 -- FOR IMMEDIATE RELEASE

AMNESTY INTERNATIONAL BACKS UNITED NATIONS CALL TO LIMIT EXECUTIONS

GENEVA -- Amnesty International today welcomed a call by the United Nations (UN) Commission on Human Rights to limit executions in the face of an unprecedented use of the death penalty worldwide last year. The Commission's resolution calls on all states that have not yet abolished the death penalty to progressively restrict the number of offences for which it may be imposed.

According to the human rights organization, at least 7,000 people were sentenced to death during 1996 and more than 4,000 prisoners were executed -- the highest figures ever recorded by Amnesty International.

"Despite a growing acceptance that the death penalty has no place in a modern society, a hard core of countries continue to execute people in increasing numbers," Amnesty International said. "Today's resolution is a welcome reminder to these governments that the weight of world opinion is against them."

In the countries which passed large numbers of death sentences, executions frequently took place after unfair trials, sentences were based on forced confessions and prisoners denied legal assistance.

The call to limit executions came at the UN Commission on Human Rights, which today adopted a resolution calling on countries which retain the death penalty "to consider suspending executions with a view to completely abolishing the death penalty". The resolution, co-sponsored by Italy and 44 other countries, was adopted by a vote of 27 in favour and 11 against, with 14 abstentions.

Seven amendments which were incompatible with the spirit and letter of the original resolution were the subject of separate votes and defeated decisively. The amendments were moved by Malaysia which opposed the resolution on grounds including that the death penalty is not a human rights issue and only would be if there were serious abuses of its use.

Figures released by Amnesty International today showed that at least 4,272 prisoners were executed in 39 countries in 1996. 7,017 people were known to have been sentenced to death in 76 countries during the year. However, the organization believes the true figures to be much higher.

The execution figure represents an increase of 30 per cent over 1995, when 3,276 prisoners were known to have been executed and 4,165 sentenced to death.

The leap in world executions was due to China's increased use of the death penalty in the "strike hard" anti-crime drive launched in April. Amnesty International recorded more than 3,500 executions in the country during 1996. Most prisoners did not receive fair trials and many were executed very soon after sentence of death was pronounced.

In the Ukraine, 169 prisoners were executed, while at least 140 were executed in the Russian Federation and more than 110 in Iran. The figures from these three countries and China accounted for 92 per cent of all executions recorded worldwide.

There were unconfirmed reports of 123 executions in Turkmenistan, and reports of numerous executions in Iraq, although the exact figure is unknown.

In the USA, at least 3,150 prisoners were on death row at the end of September 1996 and 45 prisoners were executed in the country during the year.

Despite the increase in executions, Amnesty International said it remained optimistic about the worldwide trend towards abolition. Belgium abolished the death penalty in 1996, bringing to 58 the number of countries to have abolished the punishment for all crimes. A further 15 countries have abolished the death penalty for common crimes such as murder and 27 countries are abolitionist in practice, having suspended executions for 10 years or more. Over half the countries in the world are now abolitionist in law or practice.

The most recent move was in Poland, where the Sejm -- the lower house of parliament -- voted on 20 March to abolish the death penalty in the course of revising the country's penal code. The decision is likely to be accepted in the Polish Senate later this spring.... /ENDS

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AI INDEX: IOR 41/06/97

04 APRIL 1997 -- FOR IMMEDIATE RELEASE

ASIA VOTES FOR THE DEATH PENALTY

Amnesty International today expressed its disappointment that Asian countries formed a majority of those voting against a United Nations Human Rights Commission resolution calling on all states to consider suspending executions with a view to abolishing the death penalty.

Eight of the eleven countries who voted against the resolution were Asian -- Bangladesh, Bhutan, China, Indonesia, Japan, Malaysia, Pakistan and South Korea. The other three were Algeria, Egypt and the United States.

“Asian governments are standing out against the tide of opinion towards abolition of the death penalty,” Amnesty International said. “At the Commission, Malaysia went as far as to claim that the death penalty is not a human rights issue.”

In the past two years, the Philippines has reintroduced the death penalty, Thailand and Indonesia resumed executions, and Singapore and Viet Nam escalated the number of death sentences each year.

The human rights organization is seriously concerned about trials in death penalty cases which fall far below international standards in all these countries. In some Southeast Asian countries, the presumption of innocence is weakened by legislation, and there are mandatory death sentences for particular crimes which do not allow for mitigating circumstances. In Pakistan and China death sentences have been handed down on the basis of confessions extracted under torture.

“Responding to the resolution on the use of the death penalty, a Chinese government spokesman stated that “[China] *exercises strict limitations on the use of its application.*” How can sentencing more than 6,000 people to death and executing at least 3,500 -- more than the rest of the world put together -- people during 1996 be exercising strict limitation?” Amnesty International said.

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AI INDEX: IOR 41/07/97

EMBARGOED UNTIL 09.00 HRS GMT 18 APRIL 1997

1997 UNITED NATIONS COMMISSION ON HUMAN RIGHTS: THE COMMISSION AT 50 -- A MID LIFE CRISIS.

GENEVA -- With an increasing global economy more and more governments look set to demote human rights as a key message of foreign policy in exchange for access to business markets, Amnesty International said today at the end of the UN Commission's annual 6-week session.

"Because of trade and regional solidarity most states avoided direct confrontation. Dialogue and quiet diplomacy was the game in town, which too often became quiet diplomacy," the human rights organization said.

During its session, the Commission confronted **Indonesia** about violations in **East Timor** and appointed a Special Rapporteur on **Nigeria**. But, once again, major human rights violators including **Algeria**, **China** and **Turkey** escaped scrutiny by the UN's primary human rights body. Other countries on the Commission's agenda such as **Burundi** and **Rwanda** were allowed to write their own pro-government resolutions.

"France's decision to block European Union (EU) consensus on China earned it applause from the Chinese Government and confirmation of lucrative business contracts," Amnesty International said. "With millions of dollars on the line, any commitment to human rights principles just faded away."

Gross human rights abuses by security forces and armed opposition groups in **Algeria** were again ignored by the Commission. Quiet diplomatic approaches by some European countries did not result in a firm invitation to the special rapporteurs on torture and extrajudicial executions to visit Algeria in 1997.

"For the victims of human rights abuses in Algeria this year's Commission was just another brick in the international community's wall of silence on Algeria," Amnesty International said.

The resolution on the human rights situation in **East Timor** is a step in the right direction. It is a reflection of governments' frustration with the Indonesian Government's failure to respect human rights.

"After three years of dithering, the Commission has sent a clear message to the Indonesian authorities that they must now act to protect human rights. The 1998 session of the Commission must ensure that Indonesia is held to account for implementing the resolution including access to East Timor for human rights organizations," Amnesty International said..

Nigeria, after refusing to implement last year's Commission resolution, will have its human rights record scrutinized by a special rapporteur. Efforts by members of the African

Group of the Commission to subvert the appointment were unsuccessful but other African states supported the resolution or abstained, thereby ensuring its adoption.

“At last the Commission has given a response which reflects the gravity of the situation,” Amnesty International said. “Human rights organizations expect the Commission to follow-up at its next session.”

Turkey escaped scrutiny yet again by the Commission. EU commitments to persuade Turkey to invite the Special Rapporteur on torture collapsed mid-way through the Commission.

“Once again their behind-the-scenes quiet diplomacy failed to yield the goods,” Amnesty International said. “By letting Turkey off the hook the European Union shied away from upholding human rights in Europe by opting for regional ‘solidarity’.”

France systematically undermined the initiatives, giving mixed signals to its EU partners and NGOs about its own position.

Amnesty International is outraged that human rights defender, _anar Yurdatapan, guest speaker at the organization’s parallel meeting on Turkey at the Commission, was detained in Turkey on Wednesday 16 April and is still in incommunicado detention.

China exploited the divisions within the Western Group to its own advantage to avoid a vote on a draft resolution mildly critical of its human rights record.

“For now China has suppressed Commission scrutiny. This diplomatic victory was achieved through threats and bullying tactics and because countries like Australia, Canada, France, Germany, Greece, Italy and Spain put business before human rights,” Amnesty International said.

“In bowing to pressure they have sent China a clear signal that it can show contempt for international rules. The victims’ voice will still be heard and the government called to account.”

Faced with some of the worst human rights abuses since the Second World War the Commission has become almost irrelevant in protecting victims in **Burundi, Rwanda and Zaire**.

“The Commission has failed to make its voice heard in ensuring that human rights are essential to political initiatives on the Great Lakes, that perpetrators are held to account and to ensure the necessary resources to carry out human rights work in all three countries,” Amnesty International said.

A carefully worded and negotiated Chairperson’s statement welcomed the opening of the High Commissioner for Human Rights’ Office in **Colombia** but expressed concern about continuing widespread human rights violations and impunity.

“The High Commissioner’s Office will be judged on its ability to monitor human rights violations, issue detailed public reports, protect human rights victims and enhance

respect for human rights in a country racked with grave human rights abuses,” the organization said.