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# AMNESTY INTERNATIONAL NEWS SERVICE 31/94

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NEWS SERVICE ITEMS: EXTERNAL - INDIA, INDONESIA, BULGARIA

NEWS INITIATIVES - INTERNAL

## INTERNATIONAL NEWS RELEASES

Kuwait - 24 February - SEE NEWS SERVICE 170  
Women - 8 March - SEE NEWS SERVICE 161/26

## TARGETED AND LIMITED NEWS RELEASES

European Parliament & Political killings/"disapps" Handbook - 23 Feb  
SEE NEWS SERVICE 22/94  
Turkey - 10 March - SEE NEWS SERVICE 26

## FORTHCOMING NEWS INITIATIVES

Saudi Arabia - 31 March more details to follow  
Colombia - 16 March - SEE NEWS SERVICE 123 + UAs AMR 23/56-57/93  
South Africa - 23 March - SEE NEWS SERVICE 05/94

**News Service 31/94**

**AI INDEX: ASA 20/WU 02/1994**

**16 February 1994**

**INDIA: AMNESTY INTERNATIONAL WELCOMES PROPOSED INVITATION TO JAMMU AND KASHMIR**

**Amnesty International welcomes the statement issued by the Indian Minister of External Affairs, Dinesh Singh, that the government is considering granting Amnesty International access to Jammu and Kashmir. Amnesty International has long sought access to Jammu and Kashmir as the human rights situation in the state gives Amnesty International grave cause for concern and a visit to the state therefore remains its highest priority. The organization is preparing a proposal for a visit in the near future which it will submit to the Government of India shortly.**

**ENDS/**

**News Service 31/94**

**AI INDEX: ASA 21/WU 05/1994  
16 February 1994**

**INDONESIA: FAILURE BY THE GOVERNMENT TO IMPLEMENT UNCHR RECOMMENDATIONS**

Amnesty International today criticised the Government of Indonesia for failing, with minor exceptions, to comply with either the spirit or the substances of the recommendations made by the United Nations Commission on Human Rights (UNCHR) in its March 1993 resolution on East Timor.

In a 24-page document published today, Amnesty International accuses the Indonesian Government of failing to provide sufficient information about the fate and identity of those killed and reported "disappeared" after the Santa Cruz massacre. Despite some prosecutions of military and police personnel in 1992, those ultimately responsible for the Santa Cruz massacre have not yet been brought to justice, and the serious discrepancy in the sentencing of soldiers and peaceful civilian protesters has not been redressed.

Amnesty International believes the root of these problems lies in the fundamental lack of any effective avenue for the prompt, thorough and impartial investigation of serious human rights violations, either in East Timor or in Indonesia itself. The perpetrators of human rights violations, whether in East Timor or Indonesia, are seldom brought to justice, and when they are, the punishment is not commensurate with the severity of the crimes they have committed.

The government has not released East Timorese prisoners of conscience arrested after the Santa Cruz massacre, and has continued to detain and harass suspected opponents of Indonesian rule. Some 20 East Timorese remain in prison for political crimes serving sentences up to life imprisonment imposed in unfair trials.

But the problem of political imprisonment is not confined to East Timor. An estimated 400 prisoners are currently serving sentences for political crimes throughout Indonesia and East Timor. Scores of others are currently in detention awaiting trial on political charges, including 21 human rights activists who have been arrested within the past three months.

Amnesty International points out that the Indonesian Government has begun to implement only one of the 11 concrete recommendations made by the UN Special Rapporteur on Torture in 1992. This is the appointment of a 25-member National Human Rights Commission. There are fears that even this may not meet UN standards.

The report also notes some positive steps taken by the government, such as the acceptance of visits by representatives of the office of the United Nations Secretary-General, and inviting a UN Special Rapporteur to visit East Timor in 1994. However, it points out that restrictions continue to be imposed on access to East Timor by international human rights and humanitarian organizations, including Amnesty International and the International Committee of the Red Cross. Government restrictions and repression also constitute significant obstacles to effective human rights monitoring by domestic groups.

In the report, Amnesty International evaluates the UNCHR's March 1993 resolution and offers a set of recommendations for action by the Commission and by member states of the United Nations. It concludes that while most of the Commission's recommendations refer specifically to East Timor, the problems identified and the proposals offered are equally relevant to Indonesia itself. By viewing the human rights situation in East Timor in isolation, UN member states have overlooked the problem of systematic and institutionalized human rights abuse by Indonesian Government forces throughout the archipelago. Consequently, the human rights organization is urging the Commission to pass a further resolution at its 1994 session, reiterating the recommendations enumerated last year, but broadening the scope of concern to encompass Indonesia as well as East Timor.

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**News Service 31/94**

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16 February 1994**

**BULGARIA: AMNESTY INTERNATIONAL WRITES TO PRESIDENT URGING AGAINST THE DEATH PENALTY**

Amnesty International is concerned that the Bulgarian National Assembly during its current session will vote on a proposal to lift a moratorium on the carrying out of death penalties in Bulgaria which came into force on 20 July 1990. The organization expressed its fears in a letter sent to Zhelyu Zhelev, the President of Bulgaria, on 15 February.

Amnesty International's concerns arise from a statement reportedly made by the President in a radio interview on 6 February 1993, in which he said: "In principle I am a convinced opponent to the death sentence because it has been proved scientifically that it does not change the level of crime...But in view of this giant rise of crime here, I am inclined for the death sentence ban to be lifted until the settlement of the issue of replacing the death sentence with life imprisonment".

Amnesty International said that while President Zhelev appears to recognise that there is no convincing evidence that the death penalty is a deterrent against serious crime, his statement suggests that the growing crime rate in Bulgaria justifies the resumption of executions until the death sentence is replaced by law with life imprisonment.

In April 1992, on the eve of Bulgaria's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Amnesty International urged Bulgaria to become a signatory, also to the Convention's Sixth Protocol, thus formally committing Bulgaria to abolishing the death penalty in peacetime.

President Zhelev replied to Amnesty International in July 1992: "In its resolution of 12 March 1992 the European Parliament calls on the European Community and Council of Europe members states to take the necessary steps to revoke capital punishment. Accordingly, we are doing our best to abolish this anti-human measure from the Bulgarian legislation and align with the majority of European states where this has long been a fact."

In its letter to President Zhelev, Amnesty International reiterated its view that the death penalty is incompatible with the right to life and the right not to be subjected to cruel, inhuman or degrading punishment. Amnesty International considers that the death penalty is inherently unjust and arbitrary, however heinous the crime for which it is provided and however scrupulous the procedures by which it is enforced. It is irreversible and, even with the most stringent judicial safeguards, may be inflicted on an innocent person. The death penalty serves neither to protect society nor to alleviate the suffering caused to the victims of the crime. Indeed, the use of the death penalty may distract societies from seeking more effective means to combat serious crime.

Amnesty International is urging the President to oppose any resumption of executions. In view of Article 28 of the Bulgarian Constitution, which affirms that: "Everyone has the right to life", Amnesty International said it is also urging President Zhelev to initiate before the Constitutional Court of Bulgaria a judicial review of the death penalty in the expectation that this would lead to the abolition of this punishment.

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