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WEEKLY UPDATE SERVICE 37/91

Contained in this weekly update are external items on Zambia and Israel and the Occupied Territories and an internal item on El Salvador.

The external item on Israel and the Occupied Territories is an external document which will be included in the Weekly Mailing. It is sent in the Weekly Update because there has been some media interest in the 5th anniversary of Mordechai Vanunu's detention in solitary confinement, and it was felt you might need the information quickly. No news release is planned to go with it, but you may send it to the media if you wish.

#### 1. NEWS INITIATIVES - INTERNAL

USA - 8 October

USA - The Death Penalty and Juvenile Offenders AMR 51/23/91

The international news release has been sent out to you. Please note that the embargo has been brought forward by one hour. Although the date of the embargo now reads as 8 October, effectively the embargo for many of you will be unchanged. If you are in a time zone where 2300 hrs gmt Tuesday 8 October 1991 falls overnight, the material will still in effect be released on 9 October.

African Charter - 21 October

An advice to editors on AI's activities to mark the fifth anniversary of the African Charter on Human and People's Rights coming into force has been sent to sections. The advice to editors is not embargoed, although it is intended to encourage specialist media to write about the charter on or

around 21 October, African Human and People's Rights Day. The IS will be sending the advice to editors to media in Africa and specialist media in London, and section press officers are encouraged to contact their African specialist media as well.

Egypt - 23 October

Egypt - Ten years of torture MDE 12/18/91

News release to go with an external document on torture, including strong individual cases and photo material.

## 2. AFR 63/WU 01/91 EXTERNAL

2 October 1991

## ZAMBIA: POLITICAL PRISONERS RELEASED BUT AI CONCERNS REMAIN

On 31 October 1991 Zambia is due to hold its first multi-party elections since it was declared a one party state in 1973. This is the culmination of a process of reform which has seen the release of political detainees, including prisoners of conscience. However, Amnesty International remains concerned about apparent "shoot-to-kill" tactics employed against both suspected criminals and political protesters and believes that as many as 200 prisoners may be under sentence of death.

In August 1990 President Kenneth Kaunda announced an amnesty for political prisoners, who included students and others arrested in anti-government protests two months earlier, as well as long-term political prisoners held in administrative detention under the Preservation of Public Security Regulations. Others released included Lieutenant-General Christon Tembo and three other army officers charged with treason, as well as former High Court Commissioner Edward Shamwana and three others convicted of treason in 1983.

In September 1991 the State of Emergency which had been continuously in force since 1964 was not renewed. As a result the Preservation of Public Security Regulations lapsed and the President is no longer empowered to detain a person indefinitely for political or security reasons. However, Amnesty International remains concerned about the detention without charge at Lusaka Central Prison of Katiza Cebekhulu. He was a co-defendant in the trial in South Africa of Winnie Mandela and others, and alleges that he was abducted from South Africa by supporters of Mrs Mandela to prevent him from testifying in court. The Zambian authorities have not replied to Amnesty International's requests for information about his legal status and the grounds for his imprisonment.

According to official figures, 29 people were killed in anti-government protests in 1990. Many were shot dead by police or vigilante groups in circumstances which suggest that there may have been extrajudicial executions. The vigilante groups involved are "anti-robbery squads" set up to deal with the problem of violent crime. They are organized by owners of businesses and have close links to the security forces. However, Amnesty International is concerned that despite their police backing, the anti-robbery squads may not operate under normal rules expected of a law enforcement body. Amnesty International is investigating whether the anti-robbery squads might also be responsible for the extrajudicial executions of alleged criminals.

The Zambian authorities have made extensive use of the death penalty as a response to violent crime. Eighteen people were hanged in 1989 for murder or aggravated (armed) robbery, although there appear to have been no further executions since. There may be as many as 200 prisoners under sentence of death at Kabwe Maximum Security Prison. Amnesty International has specific information about the cases of 74 and has called for all death sentences to be commuted.

One prisoner, Peter Lloyd Mwape, is currently appealing for clemency. He was arrested in 1980 and in 1988 the Supreme Court overturned a previous 15-year sentence passed by the High Court for aggravated robbery and substituted the death sentence. When he first appeared in court in 1980 the judge decided that he was mentally unfit to plead and referred him to a psychiatric hospital. On his discharge from hospital four years later he was rearrested on the same charge. The Supreme Court imposed the death sentence despite his mental illness and the fact that the gun used in the armed robbery was faulty and could not be fired. No one was killed in the course of the robbery.

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## 3. AMR 29/WU 05/91 INTERNAL

2 October 1991

## EL SALVADOR: TRIAL ENDS

The jury trial of nine members of the military accused of participating in the killing of six Jesuit priests, their cook and her daughter came to an end on Saturday evening (see weekly update 36). The five-person jury found Colonel Benavides guilty of all eight murders and an army lieutenant was found guilty on one count of murder. Seven others were acquitted. It is the first time that an army official of such senior rank has been found guilty of human rights violations in El Salvador. Sentences will be passed within the next 30 days.

Wilder Tayler, a staff member of the International Secretariat who attended the trial as observer, is remaining in El Salvador this week. He will report his findings in detail to the IS - for the time being, you are asked not to make any public comment on the trial. In the meantime, please refer all inquiries to the IS.

## 4. MDE 15/46/91 EXTERNAL

2 October 1991

ISRAEL  
AND THE OCCUPIED TERRITORIES

MORDECHAI VANUNU:

SOLITARY CONFINEMENT AS CRUEL, INHUMAN  
OR DEGRADING TREATMENT

Mordechai Vanunu has been detained in solitary confinement since his enforced return to Israel, on or about 7 October 1986, after agents of the Israeli Government had abducted him in Europe. He is serving an 18-year sentence in Ashkelon prison. Amnesty International considers that the prolonged solitary confinement imposed on him constitutes cruel, inhuman or degrading treatment, and is calling for this violation of his rights to be ended.

Mordechai Vanunu was born in 1954 in Morocco to a Jewish family which emigrated to Israel in 1963. In 1976 he started working as a nuclear technician at the Atomic Research Reactor at Dimona in the Negev desert in southern Israel. During this period he also studied philosophy and converted to Christianity. In September 1986 he provided information on Israel's nuclear program to the British newspaper, The Sunday Times, which published it on 5 October 1986. He maintains that he did so for reasons of conscience in order to promote a public debate on Israel's nuclear program, a subject surrounded by strict secrecy in Israel.

## The abduction and initial secret detention

Mordechai Vanunu was abducted by agents of the Israeli Government, apparently in Italy on 30 September 1986, and taken secretly to Israel. His detention there was not officially acknowledged until 9 November 1986 and he was first able to receive a family visit on 7 December 1986. During his period in secret detention he was apparently interrogated and made a confession.

The International Covenant on Civil and Political Rights (ICCPR) states in Article 9 that "No one should be subjected to arbitrary arrest or detention". The Human Rights Committee set up under the ICCPR has expressed the view more than once that the abduction of a person from one state to another by agents of that other state constitutes arbitrary arrest and detention within the meaning of Article 9.

## The trial

Mordechai Vanunu was charged on two main counts: assistance to an enemy, under Article 99 (a) of the 1977 Penal Law, an offence constituting treason and including the "intent to assist an enemy in war against Israel"; and aggravated espionage, under Article 113 (b) and (c), offences which include the "intent to impair the security of the State". (For more details see the attached document issued by the Israeli Ministry of Justice).

His trial, which began in August 1987 before the Jerusalem District Court, was conducted entirely in camera. Although he had full access to legal counsel, he was not allowed to reveal details of his abduction to the judges. He was found guilty on all charges and sentenced in March 1988 to 18 years' imprisonment. The Supreme Court upheld his conviction and sentence in May 1989. An Amnesty International delegate who went to Jerusalem in 1987 and 1989 was not allowed to observe any part of the trial proceedings, neither those before the Jerusalem District Court nor those before the Supreme Court.

It has been argued that Mordechai Vanunu had no intent to assist an enemy or impair state security, and that the charges against him of treason and spying were therefore unwarranted and the punishment imposed excessive. If so, this might suggest that the Israeli authorities wanted to punish him also for his opinions on Israel's nuclear program or for other reasons unrelated to the actual disclosure of classified information. While noting this argument, Amnesty International also notes that international law allows for certain restrictions to be imposed on the right to freedom of expression in specific limited circumstances. Without taking any position morally or otherwise on the issue of nuclear weapons, and without seeking to pass any judgment, for or against, Mordechai Vanunu's actions, Amnesty International recognizes that international law does not preclude the Israeli Government, or any other government, from taking measures to protect legitimately classified information. Amnesty International cannot accept, however, that cruel, inhuman or degrading treatment can be used for this or any other purpose: international law prohibits such treatment in all circumstances.

## Prolonged solitary confinement

Mordechai Vanunu has been held in Ashkelon prison with no contact whatsoever with other inmates. He is held in a single cell with a shower and lavatory. He may exercise for two hours a day, always in isolation and shielded from the sight of other inmates. His mail is censored.

According to Amnesty International's information, Mordechai Vanunu's access to the outside world is limited to visits in private by his lawyer when appropriate; visits by family members once every two weeks for half an hour or once a month for one hour; and visits by an Anglican clergyman when

available. Visits by relatives and a clergyman take place under conditions of strict surveillance over anything that is said or exchanged.

These conditions of detention are imposed on Mordechai Vanunu by the prison authorities on grounds of state security, and are apparently reviewed every two months. Mordechai Vanunu has repeatedly petitioned the Israeli judiciary against these conditions. Most recently, in July 1991, the Jerusalem District Court rejected Mordechai Vanunu's latest petition, finding no reason to order changes in his confinement. The Supreme Court decided in August 1991 not to grant him leave to appeal against the ruling of the District Court.

Israeli officials have maintained that Mordechai Vanunu is being held in solitary confinement and allowed visitors only under strict surveillance because of fears that he may be attacked by other inmates if put in physical contact with them and because of fears that he may disclose further classified information. The Israeli judiciary has distinguished two kinds of classified information in this context. One relates to information about Israel's nuclear program which Mordechai Vanunu may not yet have disclosed, and which he denies being in possession of. The other relates to information about his abduction, which is considered a state secret and which he has stated he would disclose.

Amnesty International considers that prolonged solitary confinement in conditions such as those in which Mordechai Vanunu is held constitutes cruel, inhuman or degrading treatment. Such treatment is prohibited by international human rights law, regardless of the reasons for its imposition. Amnesty International considers that it is unacceptable for the Israeli authorities to keep Mordechai Vanunu isolated to prevent disclosures relating to his abduction by Israeli agents in a foreign country. The abduction was an illegal act under international law and can certainly not be used to justify the imposition of such treatment by any state which professes respect for international human rights standards.

The Israeli Government can and should take measures to allow Mordechai Vanunu to associate regularly with prisoners or others in conditions of safety, while meeting any legitimate concerns regarding the possible disclosure of classified information relating to Israel's nuclear program. Amnesty International has learned in this context of cases of other prisoners convicted of espionage who are serving their sentences in Israel and are not isolated.

#### Health risks associated with isolation

Amnesty International has considered the situation of other long-term prisoners held in other countries in conditions similar to those of Mordechai



Vanunu to constitute cruel, inhuman or degrading treatment. These prisoners suffered both psychological and physical disorders, including emotional disturbances; impairment of concentration and ability to think; loss of reality; neuroses; sleep disturbances; headaches; dizziness; low blood pressure; and circulation and digestive problems.

The dangers of such isolation for the health of long-term prisoners is widely recognized. For example, the European Commission of Human Rights stated:

"The international literature on criminology and psychology indicates that isolation can be sufficient in itself gravely to impair physical and mental health. The following conditions may be diagnosed: chronic apathy, fatigue, emotional instability, difficulties of concentration, diminution of mental faculties, disorders of the neuro-vegetative system."

(Ruling of the Commission on the Applications Nos. 7572/76, 7578/76 and 7587/76 by Gudrun Ensslin, Andreas Baader and Jan Raspe.)

Similar findings have been reported in a 1977 Council of Europe publication entitled Treatment of Long-Term Prisoners.

Amnesty International's appeal

Amnesty International has repeatedly expressed concerns to the Israeli Government about Mordechai Vanunu's case, particularly about his prolonged solitary confinement. It believes that his conditions of detention constitute cruel, inhuman or degrading treatment, regardless of the reasons for them, and has called for him to be taken out of isolation. His health may already have suffered. This situation has now lasted five years with no indication as to how much longer it might last. It must end without further delay.

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ADDITION TO WEEKLY UPDATE SERVICE 37/91

Contained in this addition to the weekly update is an external item on Lebanon.

Weekly Update NWS 11/37/91 add

2. MDE 18/WU 02/91 EXTERNAL

3 October 1991

AMNESTY INTERNATIONAL REPRESENTATIVE VISITS LEBANON

An Amnesty International representative, Dr Joost Hiltermann, will arrive in Lebanon on 4 October 1991 for a stay of about three weeks to gather information about human rights issues of concern to Amnesty International. His work will involve meeting recently released former prisoners held in Khiam prison in South Lebanon. He will also meet relatives and others who may have relevant information.

Dr Hiltermann is a Middle East specialist of Dutch nationality. His visit is part of Amnesty International's continuing research work in the region.

In line with Amnesty International's normal policy, Dr Hiltermann, will report back to the organization's governing International Executive Committee. Since he is not authorized to make public statements on behalf of Amnesty International, he will be unable to give interviews to the news media.