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WEEKLY UPDATE SERVICE 40/91

Contained in this weekly update are external items on CSCE, the Czech and Slovak Federal Republic, Italy, Yugoslavia and Ian Martin's resignation.

1. NEWS INITIATIVES - INTERNAL

Egypt - 23 October

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

A news release was issued embargoed for today.

Peru - 21 November

Peru - Human rights in a climate of terror AMR 46/56/91

News release and feature article to go with research paper, to launch country campaign on Peru.

Djibouti - 6 November

A targeted news release for African and French-speaking media, based on a memorandum sent to the government. This is the first such document on Djibouti for some time. The summary is available in English; the rest of the document is only available in French.

Middle East Peace Conference - tentatively 30 October

As you probably all know, the Middle East peace conference has been tentatively scheduled to start on 30 October in Madrid. If the conference proceeds as planned, it is likely that some journalists will contact AI for information on the human rights situation in those countries. We are therefore preparing a brief summary of concerns paper (similar to the one prepared in February during the Gulf war) to give to journalists in response to requests. We are also working on a short questions and answers sheet about the conference itself.

In strategy discussions about the conference, it was considered inappropriate to actively seek publicity for our concerns around the time

of the conference. Therefore, we would ask press officers to distribute the document only in response to requests and not to issue it generally or to issue news releases or hold news conferences tied to the peace conference. However, if journalists ask for our position and for information about our concerns in the region you should feel free to give interviews on this and to give the paper to those who inquire.

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2. EUR 16/WU 01/91 EXTERNAL
23 October 1991

CZECH AND SLOVAK FEDERAL REPUBLIC: AMNESTY INTERNATIONAL WRITES TO GOVERNMENT ABOUT CONSCIENTIOUS OBJECTION LEGISLATION

Amnesty International has urged the government of the Czech and Slovak Federal Republic (CSFR) to ensure that any amendments to legislation on conscientious objection to military service are in line with internationally-recognized principles.

In letters to both the CSFR president, Vaclav Havel, and the chairman of the federal assembly, Alexander Dubcek, the organization urged that such legislation should recognize the right of objection to military service for reasons of conscience or religious, ethical, moral, humanitarian, philosophical, political or other strongly-held convictions.

Amnesty International has campaigned for many years for the recognition by governments of the right to conscientious objection to military service and for the protection of that right in national legislation.

The organization considers a conscientious objector to be a person who, for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical, political or similar motives refuses to perform armed service or any other direct or indirect participation in wars or armed conflicts. Where a person is detained or imprisoned because of such conscientious objection to military service, Amnesty International considers that person to be a prisoner of conscience, including in cases where the imprisonment is a consequence of a restricted recognition of conscientious objection in that only some of the above-mentioned grounds of objection are acceptable.

The United Nations Commission on Human Rights has recognized conscientious objection to military service as "a legitimate exercise of the right to freedom of thought, conscience and religion". It recommends that states refrain from subjecting conscientious objectors to imprisonment and that provision be made for alternative service of a non-combatant or civilian character and not of a punitive nature.

In October 1989, the European Parliament adopted a resolution calling for "the right to be granted to all conscripts at any time to refuse military service, whether armed or unarmed, on grounds of conscience", urging that "a declaration setting out the individual's motives should suffice in order to obtain the status of conscientious objection.

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3. IOR 52/WU 02/91 EXTERNAL
23 October 1991

INTERNAL

This item gives a brief summary of the agreements reached during the CSCE human rights conference - the Conference on the Human Dimension of the CSCE - which ended in Moscow on 4 October. Sections should refer to the item IOR 52/WU 01/91 in the Weekly Update of 13 September for background about the conference and our lobbying concerns. This item introduces some, but not all, of AI's concerns relating to the Moscow concluding document.

EXTERNAL

CONFERENCE ON SECURITY AND COOPERATION IN EUROPE: CSCE CONCLUDES MAJOR HUMAN RIGHTS CONFERENCE IN MOSCOW

Amnesty International has welcomed the strongly-worded declaration by the CSCE that human rights are a "direct and legitimate" concern of all governments and are not internal issues for individual countries.

The human rights organization is however disappointed that the conference failed to take a strong position against the death penalty and made no moves towards endorsing the internationally-recognized right to conscientious objection to military service.

The month-long conference attended by 38 countries agreed on a new, and potentially far reaching, system of sending experts to investigate human rights violations in member states. The CSCE stated that the new system would be used to address a wide range of human rights problems, including those relating to national minorities and migrant workers and, in an unusual move, has given the go-ahead for experts to investigate abuses in individual countries.

Known as the 'Moscow mechanism', any CSCE state may invite a team of up to three experts to help resolve any matter relating to its CSCE human rights commitments. However, if the state has refused requests by other states that it invite such a team, six other states can agree to override these objections and send in a team of experts. If the situation is judged to be particularly serious, 10 states can agree to send in a mission urgently without first trying diplomatic persuasion. The experts are intended to act both as fact finders and mediators and they will be chosen from a list of international experts previously agreed on by all CSCE countries.

Amnesty International welcomed as well the support given during the conference by 22 countries, including the USSR, Latvia and Estonia, to a resolution calling for the gradual abolition of the death penalty, at least in peacetime. No consensus, however, could be reached and the conference failed to take even incremental steps towards a stronger position against the death penalty.

Nevertheless, Amnesty International's public seminar on the death penalty - When the State Kills ...: International Perspectives on

Abolishing the Death Penalty - which was held in Moscow at the same time as the conference was a success. Delegates from six CSCE states, other international visitors, and Non-Governmental Organizations (NGOs) and individuals from as far away as Siberia, Kazakhstan and northern Russia joined with the international speakers to review and assess recent worldwide developments towards abolition of the death penalty and the future of the death penalty in the USSR.

Amnesty International is disappointed that the concluding document is silent on the issue of conscientious objection to military service. In lobbying governments the organization pointed out that last year's Copenhagen concluding document had in fact weakened existing international standards in this area. Amnesty International was calling on the CSCE this year to recognise that people have a right to object to military service on grounds of conscientiously held beliefs.

For the first time the CSCE has formally recognised that the views of NGOs can contribute to the CSCE human rights process at these conferences. The concluding document recommends that NGOs should be able to "distribute written contributions" to all delegations at future meetings. Amnesty International hopes that the Major CSCE Follow-Up Meeting in Helsinki next year will not only endorse these recommendations, but will go further in formally incorporating NGOs in the CSCE human rights process.

Following the practice of previous conferences, the concluding document set out detailed human rights agreements in areas considered to be central to "democracy", "justice" and "the rule of law". The conference called on member states to implement internationally recognised standards guaranteeing the independence of judges and lawyers, especially the UN Basic Principles on the Independence of the Judiciary. States are to ensure that law enforcement personnel do not use excessive force and are held accountable for any excesses. The CSCE affirmed that people deprived of their liberty must be treated with humanity and respect for their inherent dignity as human beings, and that they have a right to have any complaints about ill-treatment dealt with promptly, if necessary by a court. The CSCE also restated that states of emergency are only justified in exceptional and grave circumstances and must always be proclaimed or approved by the legislature.

Other commitments adopted by the conference related to the rights of women, freedom of expression, the protection of journalists, and the rights of the disabled, national minorities and migrant workers.

Although CSCE documents are not legally binding on member states, they have strong moral force. They represent political commitments freely entered into by a consensus of all CSCE nations. As such the extent to which all 38 CSCE nations implement their commitments set out in the Moscow concluding document - and previous documents - will be a measure of their continuing commitment to human rights.

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4. EUR 30/WU 02/91 EXTERNAL
23 October 1991

ITALY: MEETING WITH ITALIAN PRIME MINISTER

During a press conference held in the People's Republic of China on 20 September 1991, the Italian Prime Minister, replying to questions on human rights in China, was reported to have expressed the opinion that Amnesty International's information was unreliable on the grounds that in a recent report it had stated that detainees were tortured in Italy and had criticized preventive detention in Italy.

In view of these reports Amnesty International sought a meeting with the prime minister to clarify his statements. On Wednesday, 16 October 1991 a meeting took place between the Prime Minister, a representative of the International Secretariat of Amnesty International and the President of the Italian Section of Amnesty International.

During the meeting a representative of the International Secretariat delivered a memorandum containing a selection of cases of alleged torture and ill-treatment of detainees and prisoners in Italy which have been received by the organization in recent years. The cases had been raised previously with the Italian authorities.

Amnesty International has been concerned by the persistent failure of the Italian authorities to reply to its requests for information on most of the cases cited in its memorandum and by the apparent lack of progress in judicial inquiries opened into some of the allegations of torture and ill-treatment.

The prime minister gave assurances that he would ask for a thorough investigation into each of the cases described in Amnesty International's memorandum and would pass on the results of these investigations to the organization.

AI's representative from the International Secretariat explained that, under Article 1 b) of its mandate, Amnesty International works for fair trials within a reasonable period of time for political prisoners, including prisoners of conscience. The representatives also said that while the organization was not at present concerned by the application of preventive detention to specific cases of this nature in Italy, it had in the past criticized the length of such detention in particular political cases in the past.

The Italian section president raised Amnesty International's concerns about the death penalty at the end of the meeting. The prime minister indicated his support for a revision of the Wartime Military Penal Code, leading to the total abolition of the death penalty. The Wartime Military Penal Code currently retains the death penalty for a wide range of offences; the death penalty has been abolished for common criminal offences and for military offences committed in peacetime.

5. EUR 48/WU 07/91 EXTERNAL
23 October 1991

YUGOSLAVIA: THREAT OF DEATH PENALTY FOR CONSCIENTIOUS OBJECTION

Amnesty International has urged the Yugoslav Presidency to change recently announced provisions that could see the death penalty imposed for conscientious objection to military service.

Under these wartime provisions, non-violent offences against the armed forces, including desertion and failure to respond to call-up, could be punished with up to 15 years' imprisonment or even the death penalty.

"The Yugoslav authorities are threatening would-be conscientious objectors with the death penalty and other harsh sentences," said Amnesty International.

"We urge the authorities to introduce immediately the right to conscientious objection for all those who refuse to take up arms in the Yugoslav National Army on conscientious grounds and to abolish the death penalty for these and other offences."

Reports from Yugoslavia suggest that many people are currently deserting or refusing to respond to call-up. Amnesty International considers that the nature of the current conflict is such that many people feel unable to take up arms in the Yugoslav National Army, on political, moral or similar grounds.

Amnesty International is opposed to the death penalty in all cases, considering it to be the ultimate cruel, inhuman and degrading punishment. The organization considers people to be prisoners of conscience if they are imprisoned for exercising the internationally-recognised right to conscientious objection to military service. It is therefore particularly concerned that the wartime provisions would allow for people to be executed because of their conscientiously-held beliefs.

In a letter from the organization's secretary general, Ian Martin, Amnesty International notes that Yugoslavia has ratified the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to life, as well as the rights to freedom of thought, conscience and religion which are exercised by conscientious objectors.

6. ORG 60/WU 01/91 EXTERNAL
23 October 1991

INTERNAL

The following is an external item on Ian Martin's resignation, which can be handed out to press if required. With it is a set of questions and answers: please note that the questions and answers are internal for response only and should not be handed out.

SECRETARY GENERAL'S RESIGNATION CONFIRMED

This past weekend (20-21 October 1991) the newly elected International Executive Committee (IEC) of Amnesty International had its first meeting after the International Council Meeting in Yokohama. Ian Martin, Secretary General of Amnesty International, told the IEC that he still wished to leave as of 30 June 1992, allowing sufficient time to recruit a successor. He presented to the IEC his continuing concerns about the feasibility of the job, particularly in light of the need to match the growing expectations for AI's program with the resources adequate to do this. In subsequent discussions of these concerns, the IEC agreed that it would need to take them into account in its future decisions.

The IEC made it clear that it unanimously regretted Ian's decision and assured him of its continuing confidence and support for his work. It said that it greatly valued his contribution and that of the International Secretariat as a whole under his leadership in carrying out AI's program. It decided to respect the integrity of his decision and not to challenge his desire to leave after five exceptional years as secretary general.

International recruitment of a new secretary general will now get underway.

INTERNAL (for response only)

It is possible that press officers might be asked questions about Ian's decision to leave in June 1992. The following guidance will help answer such questions. If a press officer does not wish to deal with such questions or needs further guidance, he or she should contact the IS Press Office.

Q1. Did the IEC ask Ian to leave?

A1. No. The decision to leave and its timing was taken by Ian himself on reflection in the weeks following the ICM and reported to the IEC. The committee made clear that it unanimously regretted this but decided to respect the integrity of his decision.

Q2. Why is Ian leaving?

A2. He made clear to the committee that he had continuing concerns about how feasible the job of Secretary General was, particularly in view of the inadequate resources available to meet the growing expectations with and outside AI.

Q3. Is he leaving over policy differences?

A3. No. The IEC formally confirmed that Ian was in full agreement with the decisions, goals and working methods established by the Yokohama ICM. The issue that remains of concern is how the vast program of action can be implemented and managed if adequate resources are not available.

Q4. Was he asked to leave because of differences over the internal management of the International Secretariat?

A4. No. He was not asked to leave on any grounds at all. His decision to leave (originally taken in February this year) was based solely on the grounds given in A2 above.

Q5. Will Ian have full authority as Secretary General in the months up to the end of June 1992?

A5. Yes. The IEC made clear that it was giving its full support to him and supported his work. It appreciated the length of time available for transitional arrangements.