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WEEKLY UPDATE SERVICE 46/91

Contained in this weekly update are external items on South Africa, Indonesia/ East Timor, Turkey and Viet Nam.

1. NEWS INITIATIVES - INTERNAL

Myanmar - 10 December

You have now been sent the news release on abuses in Myanmar, timed to coincide with both Human Rights Day and Aung San Suu Kyi receiving the Nobel Peace Prize. A short biography of Aung San Suu Kyi has also been sent.

Guinea - 12 December

A news release targeted only for Africa specialists.

Ghana - 18 December

Ghana - Political imprisonment and the death penalty

A targeted news release for African media has now been sent out to you, to go with our first major report on Ghana in recent times.

2. AFR 53/WU 03/91 EXTERNAL
4 December 1991

AMNESTY INTERNATIONAL FACT-FINDING TEAM VISITS SOUTH AFRICA

Four Amnesty International delegates are visiting South Africa for two weeks from 2 December 1991 to seek further information about the response of the authorities to the numerous political killings in recent months in the Transvaal, Natal and the western Cape; and other human rights information of concern to the organization.

Amnesty International has expressed concern that in some cases members of the security forces appear to be directly implicated in killings. In other cases the police and other authorities appear to have failed to take appropriate action to bring those responsible to justice.

The delegates will also inquire into the effectiveness of the structures created under the National Peace Accord, including the implementation of a Code of Conduct for the police.

There have been positive developments in the human rights situation in South Africa since February 1990, including the unbanning of political organizations, the decline of the use of detention without trial and the halt to executions of prisoners sentenced to death. However, Amnesty International is gravely concerned at the deterioration in other areas of human rights. Political and human rights activists and others have died as a result of:

- assassinations;
- large-scale, armed attacks on whole communities;
- attacks on black commuters, funeral mourners and others;
- the assault and torture of prisoners in police custody;
- the police misuse of lethal force against demonstrators.

The organization is concerned about evidence which implicates members of the security forces in some of these acts, as well as the failure in most cases of the criminal justice system to investigate these violations and bring those responsible to justice.

Amnesty International's delegation is led by Stephen Owen, Ombudsman for British Columbia, Canada. The other delegates are Dr Piet van Reenen, until recently Director of the Dutch Police Academy, and two members of the organization's International Secretariat.

They will visit the Johannesburg area, Natal and Cape Town and will seek meetings with representatives of human rights and monitoring organizations, lawyers and others knowledgeable about cases of concern to Amnesty International, and with Police and Justice Department officials.

3. ASA 21/WU 03/91 EXTERNAL
3 December 1991

**INDONESIA/EAST TIMOR: AI URGES RIGOROUS STANDARDS
FOR INTERNATIONAL INQUIRY INTO MASSACRE**

Amnesty International said today that an investigation into the 12 November massacre at the Santa Cruz cemetery in East Timor would need to meet rigorous standards to command international acceptance.

The organization expressed serious doubts about the adequacy of the Indonesian Government's own investigations into the incident, and reiterated its call for a prompt international investigation under United Nations auspices. Commenting on the intention of the UN Secretary General to send an emissary to Indonesia in connection with the killings, Amnesty International said it hoped this would be a step towards such an investigation.

In letters to UN Secretary General Perez de Cuellar, and the Indonesian Government, dated 27 November, Amnesty International urged the nomination of one or more people of "recognized international stature to lead an impartial investigation into the Santa Cruz massacre and its aftermath" and detailed its reasons for concern about the Indonesian Government's National Investigation Commission.

Amnesty International said that serious human rights violations have continued in East Timor and Indonesia since the Santa Cruz incident, making an impartial international investigation a matter of urgency. Indonesian security forces have arrested scores of people in recent weeks, both in East Timor and in various cities in Indonesia. The arrests may be intended in part to prevent the dissemination of information about the massacre and its aftermath. Many have been held in incommunicado detention, raising concerns about possible ill-treatment and torture. Amnesty International has also received unconfirmed reports that dozens of those arrested after the 12 November incident in East Timor may have been killed.

Amnesty International said that an international investigation into the Santa Cruz killings and its aftermath should conform to the United Nations Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. The investigation must be thorough, prompt and impartial and must include independently-conducted autopsies and statements from witnesses. The investigative authorities should have the power to obtain all the information necessary to the inquiry, and suspected perpetrators should be required to appear and testify before them. They should also have the necessary technical and other resources for effective investigation. Complainants, witnesses and their relatives must be protected from violence, threats of violence or any other form of intimidation by the authorities. Those potentially implicated in the crime should be immediately suspended from their positions. The full results of the investigation must be made public within a specified period of time, and those identified as responsible for the crime should be brought promptly to justice.

Amnesty International said that the government's National Investigation Commission clearly did not meet the minimum standards of impartiality, independence, credibility and technical expertise, making an effective investigation under UN auspices all the more urgent. It specifically mentioned the following as reasons for concern:

- The National Investigation Commission cannot reasonably be perceived, either within East Timor or internationally, as an impartial body. It is clearly seen as a representative of the Indonesian Government and the military. East Timorese will understandably fear testifying before the representatives of a government which has been responsible for a pattern of serious human rights violations in the territory since 1975, and which has occupied that territory in violation of numerous UN resolutions.

- The Indonesian Government has never before conducted an adequate inquiry into reported human rights violations in East Timor since it invaded the territory in 1975. The government has simply dismissed or flatly denied all allegations of human rights violations, however well-documented, and has questioned the political motivation of those who report them. It is scarcely credible that the investigations of the government's Commission will lead to anybody being brought to justice.

• The National Investigation Commission does not include any delegate of genuinely independent or impartial stature. The members are drawn from the military, several government departments, with one member from the government-backed political party. The Commission is headed by Supreme Court Judge and former military officer, Muhammad Djaelani SH. The Supreme Court has rarely if ever challenged the position of the government or the military, particularly in political or national security matters.

• The statements of government and military authorities since the Santa Cruz incident give grave cause to doubt their sincerity in seeing that thorough and impartial inquiries are conducted. Some officials have tried to justify the actions of the security forces, and to blame the incident on opposition groups, the mourners themselves, or foreign journalists who witnessed it.

• Military authorities in East Timor have restricted access to prisoners and the wounded by relatives and outside observers, including the ICRC. They have prevented witnesses, human rights activists and independent observers from disputing the official version of events. Some witnesses are said to have been killed. Among those reportedly arrested in recent weeks are witnesses to the Santa Cruz incident, peaceful protesters and people involved in monitoring the human rights situation in East Timor.

• The authorities have hindered efforts to establish an accurate count of the number and the identities of the victims. They have admitted that the bodies of many who died at Santa Cruz were immediately buried at an abandoned graveyard outside Dili. The hasty disposal of the bodies has virtually precluded the performance of proper post-mortem examinations or forensic tests.

4. EUR 44/WU 02/91 EXTERNAL
4 December 1991

TURKEY: "DISAPPEARANCES" AND ALLEGATIONS OF EXTRAJUDICIAL EXECUTIONS

Last month Amnesty International sent a memorandum to Turkey's newly formed government urging independent and impartial investigation of 25 allegations of "disappearance" and extrajudicial execution in Turkey during 1991. These included a group of 18 incidents clustered in the Midyat/Nusaybin area of southeast Turkey. Since then two further cases have come to light.

Although there have been previous allegations of extrajudicial execution and "disappearance" in Turkey, the volume of such incidents in 1991 suggests that a new pattern of human rights violations may be emerging.

Hüseyin Toraman, aged 24 years, was detained outside his home in Istanbul by three plainclothes police officers on the morning of 27 October, according to eye-witnesses and police officers from the local police station, who were called to the scene by concerned neighbours. Police authorities have since denied holding him in custody, though two people claim to have seen him alive in Istanbul Police Headquarters, most recently on 20 November. Five weeks have now passed since he was detained and there is grave concern for his safety.

Amnesty International has appealed to the Turkish authorities for an immediate investigation into his current whereabouts. Amnesty International had previously approached the government in connection with another "disappearance" in Istanbul in 1991, when Yusuf Eri_tı was reportedly taken into custody during a police operation against an illegal organization, and has been unaccounted for since that day.

On 23 November 1991, _small Kocakaya, a member of Turkey's Kurdish minority, was detained by three people in civilian clothes in a white car. His brother alleges that another car had been following _small Kocakaya for several days and his son noted the registration numbers of both cars. Diyarbak_r police authorities have confirmed that both registration numbers belong to cars which they operate, but claim that the vehicles involved in the incident must have been carrying false number plates.

On 25 November, the corpse of _small Kocakaya was found some 100 kilometres west of Diyarbak_r and taken to the State Hospital. The body bore 12 bullet wounds indicating that he was shot from behind.

It is reported that _small Kocakaya was imprisoned from 1980 to 1985 on political charges but later acquitted, and that his brother Mehmet Kocakaya was taken into police custody in August 1991 but was later acquitted of the charge of supporting and harbouring guerrillas of the Kurdish Workers' Party (PKK).

_small Kocakaya's arrest and subsequent murder resemble those of Vedat Aydın in July this year. Vedat Aydın, a member of the Human Rights Association and President of the Diyarbak_r branch of the People's Labour Party (HEP) - a party perceived as representing Turkey's large Kurdish minority - was taken from his house in Diyarbak_r in July by several armed men, ostensibly plainclothes police officers. Three days later his body was found at a roadside some 60 kilometres north of Diyarbak_r bearing signs of torture and eight gunshot wounds.

5. ASA 41/WU 02/91 EXTERNAL
4 December 1991

VIET NAM: DR NGUYEN DAN QUE SENTENCED TO 20 YEARS

Amnesty International has received reports that Dr Nguyen Dan Que, a prisoner of conscience, was sentenced to 20 years in prison by the People's Court in Ho Chi Minh City (formerly Saigon) after a trial on 29 November 1991.

Dr Nguyen Dan Que had been formally charged with "activities aimed at overthrowing the People's Government". He had been accused of circulating documents and recruiting members for an organization which aimed at abolishing socialism in Viet Nam and denigrating the Vietnamese government in international fora. Amnesty International has reason to believe that his trial may not have conformed to international standards of fair trial.

Dr Nguyen Dan Que, a medical doctor, was appointed Director of Cho-Ray Hospital in Ho Chi Minh City in 1975. He reportedly became disillusioned with the government's health care policies and expressed criticisms openly. This led to his dismissal as hospital director and in February 1978 he was arrested and accused of "rebellious against the regime". He was imprisoned for ten years without charge or trial and was released in February 1988.

He later became a founder member of a political movement established in 1990 under the name of the High Tide of Humanism Movement (Cao Trao Nhan Ban). In May 1990 this body launched a petition calling for non-violent political, social and economic change in Viet Nam, including the introduction of a multi-party system of government. Dr Nguyen Dan Que was re-arrested on 14 June 1990 and was brought to trial on 29 November 1991. He had become an international member of Amnesty International in January 1990.

Amnesty International wrote to the Vietnamese Government in July 1990 to establish whether Dr Nguyen Dan Que's membership of Amnesty International was a factor in his arrest and whether the Vietnamese authorities have any objection in principle to individuals in Viet Nam becoming members of the organization. Amnesty International received no response.

International membership of Amnesty International is open to anyone who supports the organization's goals and works within its guidelines. International members live in countries which do not have formal Amnesty International structures such as groups and sections. They become individual subscribers to Amnesty International and are kept informed about Amnesty International activities. They participate in some of the organization's actions, such as writing letters on behalf of prisoners of conscience, helping to recruit new members, distributing Amnesty International material etc.

Like all members of AI, international members are guided by the general rules and practices of the organization, such as universality and political impartiality. They may not write letters or take any other action on cases in their own country in Amnesty International's name. This also means that they do not investigate or gather information about actual or possible human rights violations in their own country on the organization's behalf. Such work is the responsibility of the Research Department of the organization's International Secretariat, based in London.

There is no formal role for individual international members in the decision-making processes of Amnesty International. International members also do not have the authority to speak on behalf of or act otherwise as representatives of Amnesty International. This is the responsibility of the International Executive Committee or the International Secretariat at the international level, sections at the national level, and groups at the local level.

Dr Que, or any other Vietnamese citizen becoming a member of Amnesty International, would have no involvement in Amnesty International's work on Viet Nam, either through research or through appeals on behalf of Vietnamese political prisoners, and would have no formal role in the organization. Dr Nguyen Dan Que did not violate or infringe upon the rules and guidelines of the organization and any work he undertook on behalf of the organization was in keeping with his status as an international member.

It should be stressed that membership of Amnesty International does not preclude participation by members of Amnesty International in any other human rights activity or membership of other human rights organizations in their own country. The responsibility that members assume when they join Amnesty International is that they ensure that they maintain a clear distinction between the human rights work they do in Amnesty International's name and whatever else they choose to do either as an individual or as a member of other organizations.

Amnesty International believes Dr Nguyen Dan Que is a prisoner of conscience arrested solely for the non-violent exercise of fundamental human rights. It is appealing to the Government of Viet Nam for his immediate and unconditional release.