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Amnesty International  
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TO: PRESS OFFICERS

FROM: PRESS AND PUBLICATIONS

DATE: 18 NOVEMBER 1992

WEEKLY UPDATE SERVICE 46/92

Contained in this weekly update are external items on South Africa and the ANC.

India Mission

(New Information)

The dates of a high-level mission to India are 15-22 November. AI's delegation includes Ian Martin the former SG, the Head of Asia Research Dept and the India Researcher. We will keep you posted on developments, which may include media work by the delegates while in India.

INTERNATIONAL NEWS RELEASES

China - 9 December

International news release to accompany document on torture in China.

TARGETED AND LIMITED NEWS RELEASES

Burundi - 27 November

Weekly update item to go with document a year after wave of ejes in Burundi and summary of general concerns there. To be sent to international media.

South Africa (ANC) - 2 December

See item included in this weekly update embargoed for 2 December.

Djibouti - 3 December

Weekly update item embargoed for 3 December to go with document about adoption of pocs after unfair trial.

Cuba - 14 December

Weekly update item embargoed for 14 December to go with document about pocs.

2. AFR 53/WU 07/92 EXTERNAL  
18 November 1992

SOUTH AFRICA: AMNESTY BILL OFFERING PROTECTION TO HUMAN RIGHTS VIOLATORS SIGNED INTO LAW

Amnesty International is concerned that a new amnesty bill - forced through parliament in October and signed into law by the South African government on 10 November - will mean that torturers and those responsible for political killings will not be brought to justice.

The new law has led to the setting up of a national indemnity council which will meet behind closed doors to decide who should be granted indemnity for politically-motivated crimes. Members of the council will be prohibited from disclosing any evidence presented to them.

"The government says that this law is essential for promoting reconciliation and peaceful solutions," Amnesty International said. "Our experience in many other countries is that when past human rights violations are swept under the carpet, similar violations are invariably repeated."

The South African Parliament, during a special sitting in October, had rejected the bill, entitled the Further Indemnity Bill. However, the State President De Klerk chose to resort to a rarely used "deadlock-breaking" mechanism and referred the bill to the 60-member President's Council. The President's Council has a built-in National Party majority and approved the bill on 30 October.

The Further Indemnity Act gives the State President the power to appoint a National Council on Indemnity to consider applications for indemnity from any person who has "advised, directed, commanded, ordered or performed...acts with a political object". It defines politically-motivated acts in extremely vague terms.

The State President has appointed two judges and a retired judge as members of the council. Amnesty International is concerned that the State President's absolute discretion in appointing the members of the council is likely to bias the proceedings in favour of government agents seeking indemnity. Furthermore, any person indemnified by the council will be immune from future trial for the violations for which they have been indemnified.

There are no guidelines or objective standards indicated in the Act for the council to follow when investigating and deciding on cases.

The government's decision to force through the bill was condemned across the political spectrum in South Africa as a unilateral and autocratic measure - apparently implemented under pressure from elements within the state security forces. The bill was criticized for establishing a blanket amnesty procedure designed to suppress the truth and absolve those guilty of torture and other serious human rights violations of any legal liability.

Amnesty International believes that thorough and impartial investigations into allegations of human rights violations must be made, the results made public and those responsible for human rights violations brought to justice.

"Although pardons may be granted after conviction in a court of law, Amnesty International believes that national reconciliation can only be achieved on the basis of truth and justice," said the organization.

Amnesty International also believes that state officials, security force members or others, including members of opposition organizations responsible for torture and other grave abuses, must never be allowed to hold positions of authority, in particular in relation to law enforcement or custody of prisoners.

2. AFR 53/WU 06/92 EXTERNAL  
EMBARGOED FOR 2 DECEMBER 1992

INTERNAL

The following item is embargoed for 2 December and goes with the document South Africa: Torture, ill-treatment and executions in African National Congress camps, AI Index: AFR 53/27/92, also embargoed for 2 December 1992.

It will be sent out to international agencies and specialist media by the IS Press Office.

EXTERNAL

SOUTH AFRICA: AMNESTY INTERNATIONAL REPORTS ON TORTURE AND KILLINGS IN ANC CAMPS

Prisoners held by the African National Congress (ANC) were ill-treated, tortured and summarily executed over more than a decade in several African countries Amnesty International said today.

The findings of Amnesty International's independent research are documented in a report issued today, and are similar to those of an internal ANC commission of inquiry report published in October.

The commission recommended that those responsible for abuses be identified and barred from holding positions of authority in future. Amnesty International endorses this recommendation and has also written to the governments of several African countries, asking them to investigate reports of abuse by the ANC with the aim of bringing those responsible to justice.

The issue of accountability for human rights abuses is on the political agenda in South Africa today, with the government enacting an indemnity law in November which could give immunity to security force members who have committed grave human rights violations. The ANC and others have opposed such an amnesty; however, those within the ANC who have committed abuses should not be amnestied by default.

Amnesty International's report documents abuses which took place for more than a decade in ANC camps in several countries, notably Angola, Zambia, Tanzania and Uganda. Although the victims of these abuses were often labelled as South African government spies, most appear to have been genuine ANC members, mainly in the organization's military wing, *Umkhonto we Sizwe* (MK), Spear of the Nation. They were imprisoned because they raised grievances in the ANC camps or because of differences over policy. However, Amnesty International said that torture or executions cannot be justified in any circumstances.

At houses run by ANC security officials in Zambia, prisoners were beaten with implements including bicycle chains and rubber hoses. Prisoners taken to an ANC farm on the Lusaka-Livingstone road have described being made to dig their own graves and climb into them. One alleged that the hole was filled in up to his neck and that a plastic bag was placed over his head until he lost consciousness.

Prisoners in the Quatro prison camp in northern Angola were routinely beaten, humiliated and forced to do hard labour. In May 1984, at Pango camp in Angola, MK members who had taken part in a mutiny were tied to trees, beaten, whipped and had molten plastic dripped on their naked bodies. Seven prisoners were summarily executed by firing squad. Amnesty International names several prisoners in various camps who are reported to have died from torture or ill-treatment or were victims of summary executions.

Amnesty International welcomes the recommendations of the ANC's commission, including the proposal to set up a fully independent body to carry out further investigations into alleged abuses. One of the weaknesses of the recent commission was that two out of its three members were also members of the ANC and it was thus not seen to be impartial. Amnesty International, which sent an observer to part of the commission's proceedings, also criticizes serious gaps in its terms of reference. It could not inquire into executions and "disappearances" of prisoners, nor was it asked to establish which ANC officials were responsible for abuses.

In its report Amnesty International commends ANC president Nelson Mandela for agreeing to implement the main recommendations of the ANC commission of inquiry. The report criticizes measures, such as the South African Government's recent indemnity law, which aim to give immunity to those responsible for human rights abuses.

"The ANC and the South African Government are both party to a process of negotiation which will at some point see the emergence of a new constitution protecting the fundamental rights of South African citizens." said Amnesty International. "However, if those who have violated such rights in the past through torture and political killings are allowed to enjoy impunity for their actions then the rule of law and future constitutional order will rest on a very fragile basis."

\* South Africa: Torture, ill-treatment and executions in African National Congress camps, AI Index: AFR 53/27/92, December 1992.

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DATE: 19 NOVEMBER 1992

ADDITION TO WEEKLY UPDATE SERVICE 46/92

Contained in this addition to the weekly update are external items on El Salvador, Turkey and Singapore.

India Mission

(New Information)

The dates of a high-level mission to India are 15-22 November. AI's delegation includes Ian Martin the former SG, the Head of Asia Research Dept and the India Researcher. We will keep you posted on developments, which may include media work by the delegates while in India.

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Errata

Please note, the following is an errata note for the Burundi document, AI Index: AFR 16/10/92.

On page 2, paragraph 4 of the Summary it states that the Burundi Government has ratified the above mentioned Convention. However, the United Nations said that by October 1992 it had not received the instrument of ratification and therefore the Convention had not been ratified.

Re: The Burundi Constitution -

Following a rearrangement of Articles in the new Constitution before its adoption by referendum in March 1992, Articles 39 and 179 became Articles 40 and 182 respectively. This amendment affects page 15, paragraph 1 of the document.

South Africa (ANC) - 2 December

See item included in this weekly update embargoed for 2 December.

Djibouti - 3 December

Weekly update item embargoed for 3 December to go with document about adoption of pocs after unfair trial.

USA - 10 December

Weekly Update item embargoed for 10 December to coincide with human rights day. It is about an execution scheduled for that day.

Cuba - 14 December

Weekly update item embargoed for 14 December to go with document about pocs.

2. AMR 29/WU 03/92 EXTERNAL

19 November 1992

EL SALVADOR: AMNESTY INTERNATIONAL URGES PRESIDENT TO ENSURE SAFETY OF FORMER MEMBER OF ARMED FORCES

Amnesty International wrote to the President of El Salvador, Lic. Alfredo Cristiani on 16 November, urging that measures be taken to ensure the safety of former member of the armed forces Cesar Joya Martínez.

Cesar Joya Martínez was extradited from the USA to El Salvador some time between 23 and 25 October and is now in Mariona prison, accused of taking part in several killings in 1989 - while still a member of the army.

While in the USA he had made serious allegations concerning the existence of a "death squad" within the 1st Brigade and about his involvement in several extrajudicial executions. Amnesty International opposed his extradition because of fears for his safety (see Weekly Update NWS 11/36/92), and wrote again to US Acting Secretary of State, Lawrence Eagleburger, on 23 October, urging him to reconsider his decision to allow the extradition to go ahead.

In its letter of 16 November, Amnesty International said that it did not oppose the judicial proceedings against Joya Martínez - provided they were carried out in accordance with international standards for a fair trial and that the killings are fully clarified, including chain-of-command responsibility.

The organization believes that the allegations made by Cesar Joya Martínez could place him at serious risk. "We fear that failure to protect him would give a clear signal to other members of the armed forces not to come forward with information about human rights violations - particularly at a time when mechanisms have been set up to investigate past human rights abuses," said Amnesty International.

The organization also called on President Cristiani to ensure that a full inquiry be carried out into Cesar Joya Martínez's allegations of "death squad" activities within the armed forces. It stated that continuing "death squad" operations made it imperative that any information which could shed light on these clandestine units should be rigorously pursued in order to eradicate the practices once and for all.

In this regard, Amnesty International noted the sensitive nature of the contents of a recent report by the Ad Hoc Commission set up under the peace accords to purge the Armed Forces. However, it stressed that it was vitally important that the Commission handed over any information it obtained which could lead to the identification of "death squad" structures and to the clarification of individual cases of human rights violations to relevant judicial or other authorities for investigation.

3. EUR 44/WU 11/92 EXTERNAL

19 November 1992

TURKEY: FOREIGN MINISTRY REJECTS AMNESTY INTERNATIONAL'S ALLEGATIONS OF TORTURE AND EXTRAJUDICIAL EXECUTION - INTERIOR MINISTER'S COUNSELLOR BEATEN BY POLICE.

The Turkish Government has rejected the criticisms and recommendations contained in Amnesty International's report on Turkey - Walls of Glass, AI Index: EUR 44/75/92, published 11 November - and responded as predicted in the introduction to the report with denial, justification and attack on AI's sources and methods.

The Turkish Government's response describes Amnesty International's allegations as "unjust, gratuitous and groundless", but few in Turkey question that torture and ill-treatment in police stations is widespread. It is ironic that on the night preceding the publication of Amnesty International's report, Haldun Ha\_\_met Aysan, a counsellor to the Minister of the Interior, experienced the problem first hand: He was severely beaten by police in a local police station in Ankara after detention in connection with a driving offence - according to an article in Hürriyet (Liberty), one of Turkey's most widely circulating daily newspapers. Haldun Ha\_\_met Aysan stated that when he was taken to Küçükcesat Police Station, the assistant police chief and 10 other officers attacked him. Afterwards he received a report from the State Forensic Medicine Institute describing injuries to the back and shoulders and stated: "If this is what happens to people like me, alas for the ordinary citizen". It is reported that a doctor at the Forensic Medicine Institute made a complaint to the public prosecutor stating that he too had been beaten after making out the medical report.



4. ASA 36/WU 01/92 EXTERNAL

19 November 1992

SINGAPORE: AMNESTY INTERNATIONAL CONCERNED BY CONTINUED RESTRICTIONS AFTER RELEASE OF LONG-TERM PRISONER OF CONSCIENCE

Amnesty International welcomes the release from nightly restriction of Chia Thye Poh - one of the longest serving prisoners of conscience in the world - but remains concerned about the continuing restrictions imposed on his rights to freedom of association and expression.

Chia Thye Poh will soon be allowed to leave the off-shore island of Sentosa, near Singapore, to which he has been restricted for "night confinement" since May 1989 when he was released from being detained without trial for 22 years. He was arrested in Singapore in October 1966 for peacefully exercising his rights to freedom of expression and association as a member of parliament for the opposition Barisan Socialis (Socialist Front).

Following his conditional release on 17 May 1989 he was obliged to live at a single storey, one room house beside the Fort Siloso monorail station on Sentosa island. He was allowed to leave the island during the day but bound to remain on Sentosa between 9pm and 6am.

The new restriction order, which takes effect on 28 November 1992, allows Chia Thye Poh to live on mainland Singapore, his address and employment being subject to Internal Security Department (ISD) approval.

The other restrictions remain in place and are as follows: he cannot participate in any membership organization or association without written consent of the ISD Director; he cannot address public meetings or take part in any political activity without the consent of the ISD Director; and he cannot associate or communicate with any present or former detainee of Singapore or Malaysia except with members of the Singapore Ex-Political Detainees Association, provided he is also a member of the association.

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DATE: 20 NOVEMBER 1992

2ND ADDITION TO WEEKLY UPDATE SERVICE 46/92

Contained in this addition to the weekly update are external items on Turkey and Jordan.

India Mission

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Cuba - 14 December

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2. EUR 44/WU 12/92 EXTERNAL

20 November 1992

TURKEY: "SCANDALOUS" REFORM PACKAGE PROTECTS TURKEY'S IMAGE BUT NOT HER DETAINEES

Amnesty International has expressed deep disappointment over the final form of the judicial reform package which was passed by the Turkish Grand National Assembly on 18 November.

"It is scandalous that Turkey, a Party to the European Convention on Human Rights should pass legislation which is clearly in breach of that convention - and that this legislation should be presented to the international community as a 'reform'", the organization said today.

"These measures would not have saved the lives of the three detainees who died after interrogation in police custody in October."

It will not be possible to evaluate the terms of the legislation in complete detail until the full text has been published in the official gazette, when it will become law. However, a summary of the legislation appeared in the newspaper Cumhuriyet (Republic) of 19 November, where the most important terms were described as follows:

**Detention periods:**

The detention period for common criminal detainees will be 24 hours for individual crimes, and up to eight days for collective crimes (a judge will have to give permission for extension after four days, but it appears that the detainee will not have to be brought before the judge);

The maximum detention period for political crimes (those crimes heard in the State Security Courts) will remain at 30 days (15 days outside the 10 provinces under emergency legislation).

**Right of access to lawyers:**

The right to appoint and consult with a lawyer, which already exists on paper, is restated unambiguously for common criminal detainees. The Turkish Bar Association will provide a lawyer for defendants unable to pay a lawyer's fees;

Political detainees will not have the right to consult a lawyer. This would in effect withdraw the theoretical right of access to legal counsel which they formerly had, but which was routinely ignored.

Amnesty International will have to examine the application of this legislation in practice to establish whether or not it will afford protection against torture for those detained for criminal offences. However, even the measures concerning the length of detention relating to this group are clearly in breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Meanwhile political detainees - those most at risk of torture - are afforded no protection whatsoever. The detention procedures for the three detainees who died, apparently as a result of torture, in police custody in Turkey during the last week of October, would have been unchanged by this legislation.

While Amnesty International is reluctant to reject any steps that could be interpreted as reform, the organization believes that this legislation may offer little protection to criminal detainees and none to political detainees. It concludes that the law is an empty gesture mainly intended to serve public relations purposes inside Turkey and abroad.

3. MDE 16/WU 05/92 EXTERNAL

20 November 1992

JORDAN: AMNESTY INTERNATIONAL WELCOMES ROYAL PARDON BUT CALLS FOR RIGHT OF APPEAL TO ENSURE FAIR TRIAL

Amnesty International has welcomed a general amnesty issued by King Hussein bin Talal on 12 November 1992 resulting in the release of hundreds of prisoners, including political prisoners and detainees. The human rights organization has also welcomed the King's announcement on 5 November of his commitment to increase respect for human rights - but has renewed its call for the right of appeal to be introduced before the State Security Court.

Among those known by Amnesty International to have been released following the amnesty announcement are Leith Shubeilat and Ya'qub Qarrash, two members of parliament, and Ahmad al-Ayubi and 'Abd al-Hamid Idkedek, two shop owners. Two days before, they had been convicted and sentenced to between 10 and 20 years' imprisonment by the State Security Court on charges including membership of an illegal, violent organization, Harakat shabab al-nafir al-islami, the Movement of the Youth of the Islamic Call to Arms, and possession of weapons and explosives.

Also released were Muhammad Abu Maidan and Tareq Qubi'ah, two prisoners of conscience who were members of the Islamic Liberation Party in Jordan (LPJ). They had been arrested in 1991 for speaking out publicly, and distributing leaflets, against peace negotiations with Israel: they were tried by the State Security Court on charges including membership of an illegal, violent organization. At the trial, the State Security Court concluded that neither the LPJ, nor those of its members on trial, had used or advocated violence in pursuit of their objective - the establishment of an Islamic state headed by a Caliph. However, it ruled that the LPJ was an illegal organization and on those grounds convicted the defendants. They were serving sentences of one and a half years' imprisonment. Three others tried with them were sentenced to one year's imprisonment and were released earlier in 1992 after the expiry of their sentences.

Other political prisoners released under the amnesty include prisoners convicted of violent offences in previous years by the Martial Law Court, abolished in April 1992, and the State Security Court. They included members of the Jaysh Muhammad group tried in 1991.

Those released also included a number of political detainees who were under interrogation or facing trial before the State Security Court, among them nine suspected members of Hamas, an Islamic Palestinian group, who were arrested in 1991 and 1992. Another of those released, Ibrahim Sirbil, had been detained since August on suspicion of belonging to another Islamic group while two others, Durgham Halasa and his brother, both members of the Party of Popular Unity, had been detained for over one month apparently on suspicion of possessing weapons.

In his speech on 5 November, King Hussein bin Talal appealed for Jordanians to "open wide the gates of freedom, democracy, pluralism and respect for human rights", so as to make Jordan a model for the Arab World. Amnesty International welcomes this call and also the King's emphasis on the importance of supporting and protecting institutions such as the judiciary, which he made clear to Prime Minister Sharif Zeid Ben Shaker on 12 November.

However, Amnesty International considers that an important measure to strengthen and enhance the credibility of the judiciary, would be the introduction of the right of appeal in all courts in Jordan. Amnesty International urges that the necessary legislative initiatives for this should be taken during the next parliamentary session beginning on 1 December. The right of appeal is an essential safeguard for fair trial - its introduction in all courts would also bring Jordan into line with the relevant provisions of the International Covenant on Civil and Political Rights, to which it is already a state party.

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3RD ADDITION TO WEEKLY UPDATE SERVICE 46/92

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

2. ASA 20/WU 07/92 EXTERNAL

23 November 1992

INDIA: AMNESTY INTERNATIONAL DISCUSSES RANGE OF HUMAN RIGHTS ISSUES WITH THE GOVERNMENT DURING VISIT

An Amnesty International delegation led by former Secretary General Ian Martin visited New Delhi from 16 to 20 November to discuss the organization's human rights concerns with the Government of India.

This was the first such visit since 1978. The delegation met with Home Minister S B Chavan and Minister of Human Resources Development, Arjun Singh, as well as senior officials of the Ministries of Home Affairs, External Affairs, Defence, Law, Welfare, and Women and Child Development. While the delegation was not permitted to travel outside New Delhi or to hold discussions with local officials responsible for law and order, Amnesty International also took the opportunity to meet a wide range of writers, lawyers, journalists, members of human rights and civil liberties organizations and representatives of opposition political parties.

During its meetings with the government, Amnesty International discussed the concerns detailed in its March 1992 report on Deaths in Custody, Rape and Torture and its recommendations to the government contained in the "10 point program to combat torture" in India. It asked the government to ensure that prompt and independent investigations be held into 69 more cases of custodial deaths reported to Amnesty International since that report was published.

Amnesty International welcomed the government's expressed commitment to strengthen investigation procedures in cases of death in custody and to introduce further legal safeguards to protect persons held in police custody from torture. It noted the resolutions adopted by recent chief ministers' conferences on the establishment of a national human rights commission and the administration of criminal justice, which suggest a number of significant measures to enhance human rights protection. It urged the government to give high priority to steps to make judicial inquiries into deaths in custody mandatory, to provide statutory compensation to victims of custodial violence, to make investigation and postmortem reports publicly available, and to strengthen legal safeguards on arrest and improve police training.

Amnesty International received from the government information about official investigations into 237 of the 455 cases it had raised before the visit. The government's response confirmed that there was prima facie evidence in at least 77 out of 230 cases that people had died in custody of the police and security forces after torture. It also provided additional information on compensation to victims in eight cases, although Amnesty International remained concerned that so few victims of these crimes had yet received monetary compensation. Amnesty International knows of no more than 18 cases in which compensation is reported to have been granted, with ex-gratia payments paid in a further 6 cases.

Amnesty International also remained unclear about the nature of investigations held to probe cases of custodial violence which led the government to conclude that in 153 out of 230 cases the reports by Amnesty International could not be substantiated. In that context it is significant to note that the government agrees that inquiries by magistrates, although mandatory, have not been held in all cases. In none of the cases in which inquiries were said to have been conducted has documentary evidence so far been provided in support of the government's findings that Amnesty International's allegations could not be supported. Amnesty International asked that copies of reports of postmortem examinations and of magisterial inquiries be made available, and was glad to receive the government's assurances that reports of magisterial inquiries would be made available to relatives and to Amnesty International in future.

The government's response also reinforced Amnesty International's concern about the lack of determination to bring the perpetrators of custodial crimes to justice: out of 77 cases in which the government found the reports to have been substantiated, no more than six were found to have resulted so far in convictions of the police officers responsible.

The government presented detailed information on the nature and scale of violent activities carried out by armed opposition groups in Punjab, Jammu and Kashmir and certain other parts of the country. Amnesty International clarified its policy of opposing deliberate and

arbitrary killings, torture and hostage-taking by all parties to internal conflict and confirmed it would continue to report and condemn such abuses by opposition groups.

Amnesty International expressed grave concern over the continuing reports of severe human rights violations in various parts of the country and notably in states where special legislation is in force, including Jammu and Kashmir, Punjab and the northeast. Amnesty International drew particular attention to persistent reports of "disappearances" in Kashmir, and requested the government to investigate reports of torture and rape.

Amnesty International also expressed concern that special legislation such as the Terrorist and Disruptive Activities (Prevention) Act and the Armed Forces Special Powers Act facilitates human rights violations and urged the government to review these and other special laws to bring them into conformity with international human rights treaties to which India is a party.

Amnesty International urged the government to investigate 53 cases of people who have "disappeared" in Kashmir in the last two years. It also asked the government to investigate reports of many dozens of custodial deaths now pending before the Jammu and Kashmir High Court, and requested prompt investigations by an independent authority into allegations that army personnel had raped eight women and an 11 year-old girl in Shopian on 10/11 October. It urged the government to release Jammu and Kashmir People's League leader Shabir Ahmad Shah, who has been detained without trial since September 1989, and who has a kidney condition.

Amnesty International also requested the government to investigate reports of many "disappearances" in Punjab, including of three men who were named in its March report as having been located by a judicial officer in custody of the Central Reserve Police Force, but who are still missing, and of two journalists, reportedly arrested by police this year whose whereabouts also remain unknown.

Amnesty International urged the government to ensure that inquiries into alleged human rights violations by the security forces in Punjab, Jammu and Kashmir and elsewhere in India should be the subject of prompt and independent inquiries, and that those responsible are brought to justice.

Amnesty International looks forward to developing its dialogue with the government, including at the state level. The organization also expressed its wish to be soon permitted to conduct independent research in various parts of the country. Under the organization's rules, Amnesty International only conducts work in an open manner and does not enter a country without informing the authorities. The government indicated that outstanding requests from Amnesty International for visits to Punjab, Jammu and Kashmir, Andhra Pradesh, Tamil Nadu and Manipur will receive active consideration.