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INTERNATIONAL NEWS RELEASES

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TARGETED AND LIMITED NEWS RELEASES

ICM - 14 or 15 August - SEE NEWS SERVICE 95

Japan - 18 August - Included in this News Service is an item on Japan which the IS will be sending to limited regional media

Syria - 18 August - An embargoed News Service item is planned which the IS will send to regional media

Angola - 20 August - SEE NEWS SERVICE 90

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FORTHCOMING NEWS INITIATIVES

Myanmar - 8 October (International).

EJEs and "Disappearances" - 20 October (International)

Venezuela - 10 November (International, linked to EJEs & Disappearances)

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TAIWAN (REPUBLIC OF CHINA): AI STANDS BY ITS REPORT THAT DEATH ROW PRISONERS ARE ILL-TREATED

On 22 July 1993, Amnesty International published a document entitled Taiwan: Ill-treatment on "Death Row" in which the organization denounced the ill-treatment of prisoners sentenced to death in Taiwan, expressed concern about the use of executed prisoners as a source of organs for transplants and called on the authorities not to introduce executions by lethal injection.

Vice-Minister of Justice Lin Shyi-hwu reportedly stated to reporters on 22 July:

- that the foot shackling of prisoners sentenced to death was "definitely necessary" in order to prevent escape or suicide;
- that the consent of both the prisoners and their families to the use of executed prisoners' organs for transplants was sought;
- that executions by lethal injection, while allowed under the recently amended Law on Prisons and Executions of Sentences, have not yet been carried out. He reportedly noted that they may not be used in future, as medical doctors may be unwilling to participate in executions by lethal injections.

Despite the public statements made by Vice-Minister Lin Shyi-hwu, Amnesty International stands by its July 1993 report and continues to call on the Republic of China to implement the organization's recommendations. It wrote to Justice Minister Ma Yong-jeou on 13 August to reiterate these concerns.

Amnesty International recognizes that government authorities may legitimately take measures to prevent the escape or suicide of prisoners. However, there are other means to prevent escape than shackling prisoners and it is the responsibility of the authorities to ensure that the means that are used conform to international human rights standards. This is not the case for shackling.

The same applies to the prevention of suicide. The fact that prisoners other than those sentenced to death are not subjected to systematic shackling is in our view a clear indication that the measure is not necessary. Moreover, it is a bitter irony that authorities resort to cruel, inhuman or degrading measures such as permanent shackling in order to prevent the suicide of prisoners, until these same prisoners are shot in the head.

Concerning the use of organs for transplants, Amnesty International's report recognized that the consent of prisoners and their immediate relatives was sought. While the organization takes note of Lin Shyi-hwu's reported statement that, as far as organ donation is concerned, there is no distinction in law between prisoners and other people, the serious ethical questions remain. In particular:

- ◆ It is doubtful whether the consent given by prisoners or their relatives is genuinely free. Prisoners and relatives are extremely vulnerable, and under strong pressure to "atone" for a crime. Consent procedures may in practice increase the pressure on prisoners and relatives, rather than allow them to make a detached, objective decision.
- ◆ When organs are transplanted from executed prisoners, medical involvement in that procedure commences before the execution -- and the use of resuscitation equipment may lengthen the agony of an executed prisoner.

Amnesty International is calling for a comprehensive review of all procedures connected with the use of organs from executed prisoners, including the medical procedures used during actual operations on executed prisoners. These procedures (as well as those

connected with seeking a prisoner's consent) should be reviewed by an independent panel of impartial members with recognized expertise. Transplants from executed prisoners should not take place until such a review is completed.

Amnesty International also reiterated its call for the Republic of China to abolish the death penalty and, pending abolition, to stop carrying out executions and commute all death sentences.

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SOUTH KOREA: HUMAN RIGHTS SITUATION STILL GRIM, DESPITE PROMISES OF REFORM

On 12 August the South Korean Government announced a prisoner amnesty to mark the 15 August anniversary of the country's liberation from Japanese rule. Amnesty International fears, however, that most prisoners of conscience are likely to be excluded. Months after a new government was installed in South Korea, prisoners still face arrest and imprisonment on charges relating to freedom of expression and association. The government appears to have shelved plans to amend the law most frequently used to detain political prisoners, the National Security Law.

"I have a vision of a 'New Korea'. The 'New Korea' will be a freer and more mature democratic society. Justice will flow like a river throughout this land". These were the words of President Kim Young-sam at his inaugural speech on 25 February. Amnesty International is disappointed that to date his government's reform program appears to have omitted fundamental human rights issues which should now be addressed as a matter of urgency.

Prisoners of conscience detained recently under the National Security Law include human rights activists working for the repeal of this legislation. Hwang Suk-yong was arrested on 27 April and is currently on trial. He faces a lengthy prison sentence solely on account of his unauthorized visit to North Korea in 1989.

Another prisoner of conscience is human rights activist Noh Tae-hun who was arrested on 15 July only weeks after he had attended the World Conference on Human Rights in Vienna on behalf of the Korean Non-Governmental Organization (NGO) network KONUCH. He is accused of possessing books and leaflets written by former prisoners whom the authorities said were pro-North Korean. Professor Cho Guk was arrested on 23 June and has been accused of heading a Social Science Academy which is alleged to have links with a banned socialist group. Professor Cho Guk is a well-known legal scholar who has published a number of articles and books on criminal jurisprudence and freedom of thought. He is openly critical of the National Security Law.

The government says that it is not intending to amend the National Security Law, although Amnesty International and other human rights groups have urged it to do so. Amnesty International believes that the law has been used frequently to imprison government opponents on the pretext that they were pro-North Korean and posed a threat to state security. One year ago the United Nations Human Rights Committee concluded that "a serious attempt ought to be made to phase out the National Security Law which the Committee perceives as a major obstacle to the full realization of the rights enshrined in the Covenant [International Covenant on Civil and Political Rights] . . ."

Prisoners held on national security charges continue to be subjected to lengthy interrogation and sleep deprivation.

Nine former army conscripts were arrested on 21 July because they had deserted from the military after making a "declaration of conscience", in some cases as long ago as 1989. The content of the "declarations" concerned the reform of the military and the political and human rights situation in South Korea. Most had been assigned to the riot police and were required to perform duties they disagreed with. As the right to conscientious objection to military service is not recognized in South Korea, alternative civilian service was not available to them. Amnesty International considers them to be prisoners of conscience.

Trade unionists and workers continue to face arrest under laws which limit their freedom of association and expression. In early July arrest warrants were issued for several members of the Korea Trade Union Congress (KTUC), including union President Dan Byung-ho, for violation of a provision of the Labour Dispute Mediation Act which prohibits third parties from intervening in labour disputes. This provision prevents the KTUC and other union federations from giving advice to member unions about their labour rights and the conduct of wage

negotiations. In March the International Labour Organization called on the South Korean Government to repeal the ban on third party intervention, considering it to be a "serious restriction" on the free functioning of trade unions.

The South Korean Government has also failed to investigate the cases of over 20 political prisoners arrested in the 1970s and 1980s and sentenced to lengthy prison terms by previous governments. They were reportedly tortured and convicted after trials which fell far short of international standards. Some of them are serving life sentences. In spite of consistent reports that these prisoners were wrongly convicted, they appear to have been forgotten.

Amnesty International calls on the South Korean Government to release all prisoners of conscience, to amend provisions of the National Security Law and the Labour Dispute Mediation Act which curtail the right to peaceful freedom of expression and association and to ensure that prisoners are not ill-treated. It is also urging the investigation of possible miscarriages of justice which occurred under previous governments.

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EMBARGOED FOR 18 AUGUST 1993

JAPAN: AI CALLS ON NEW PRIME MINISTER TO ADDRESS HUMAN RIGHTS CONCERNS

On 6 August 1993, Hosokawa Morihiro was elected as Japan's new Prime Minister, amid widespread expectations that his government will undertake sweeping political reforms.

On 18 August 1993, Amnesty International wrote to Prime Minister Hosokawa Morihiro and Minister of Justice Mikazuki Akira, setting out the organization's human rights concerns in Japan and urging the new Japanese Government to give serious and urgent consideration to human rights issues and to Amnesty International's recommendations.

Amnesty International expressed concern that Japan has yet to ratify some major international human rights treaties; that the right of detainees to be safeguarded against cruel, inhuman or degrading treatment is not adequately observed; that the death penalty continues to be used and prisoners under sentence of death continue to be subject to cruel, inhuman or degrading treatment; and that protection for refugees and asylum-seekers is inadequate in view of Japan's international commitments.

AI in its Open letter made the following recommendations to the Japanese Government:

◆ **Ratify the Convention against Torture and other international human rights standards.** Existing safeguards against torture in the Japanese Constitution and laws would be significantly reinforced by Japan's ratification of the Convention against Torture, which also institutes a procedure for international control of its implementation by independent experts. The enhanced guarantees would be especially timely in Japan in view of the concern, summarized below, that detainees in Japan may in certain circumstances have been victims of cruel, inhuman or degrading treatment at the hands of officials.

◆ **End the lengthy detention of suspects in police "substitute prisons" (*daiyo kangoku*).** Amnesty International has received for several years reports that suspects held in police custody prior to indictment have suffered cruel, inhuman or degrading treatment at the hands of police officers. Police detention facilities, known as "substitute prisons" (*daiyo kangoku*) are used to hold detainees for up to 23 days prior to indictment. Allegedly, suspects held in *daiyo kangoku* have been coerced into confessing to crimes they did not commit. Detainees, including women, have been subjected to degrading treatment such as repeated body searches and denial of elementary privacy.

Amnesty International has concluded that *daiyo kangoku* as currently used for the lengthy detention of suspects prior to indictment may lead to human rights violations. Amnesty International is calling on the Japanese Government to end *daiyo kangoku* detention as currently practiced -- that is, to abolish the lengthy detention of suspects in police custody.

◆ **End the cruel, inhuman or degrading treatment of prisoners sentenced to death and abolish the death penalty.** In March 1993, three men were executed, including one, Kawanaka Tetsuo, who was suffering from mental illness and whose lawyer was preparing to apply for a retrial. These executions ended almost 40 months of a *de facto* moratorium on executions, as no death sentence had been carried out since November 1989.

Executions in Japan are carried out in secret. They are not even announced to the family or lawyer of the prisoners concerned. Prisoners themselves may not be informed of their impending execution until just a few hours before it takes place.

Many prisoners sentenced to death are held in solitary confinement indefinitely. Despite the length of their detention, they are systematically denied access to anyone but some selected relatives and their lawyer.

Since 1992, a former Minister of Justice, a former Supreme Court judge, more than 230 members of the Diet, lawyers and members of religious communities have expressed public support for a growing campaign for abolition of the death penalty. Amnesty International urges the Japanese Government to abolish the death penalty in law and to ratify the Second Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. As a minimum, and pending final abolition of the death penalty, all death sentences should be commuted. Amnesty International also urges the Japanese Government to ensure as a matter of priority that the treatment of prisoners under sentence of death be brought into conformity with international human rights standards.

◆ **Reform the procedures for the protection of refugees and asylum-seekers.** Japan has a responsibility to protect political refugees fleeing threats to their life or freedom. Instead, officials often fail to act on asylum applications and even put pressure on individuals to return to countries where they may be tortured, arbitrarily detained or killed.

Amnesty International is concerned that the Japanese Government has been shirking its responsibilities towards hundreds of asylum-seekers fleeing human rights violations and routinely threatens others with deportation. AI urges Japan to establish an independent advisory body to review the system of refugee protection in Japan; to ensure that all asylum-seekers have effective access to the asylum procedure; and to undertake not to detain asylum-seekers except in cases of absolute necessity in accordance with relevant international standards.

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EAST TIMOR: CONCERNS REMAIN ABOUT IMPRISONED RESISTANCE LEADER, DESPITE CLEMENCY

Xanana Gusmão, the East Timorese resistance leader who was sentenced to life imprisonment on 21 May 1993 after a blatantly unfair trial has had his jail term reduced to 20 years on the orders of President Suharto. He has now been moved from prison in East Timor to a jail in Indonesia.

State Secretary Murdiono announced the outcome of the clemency petition yesterday, 12 August, stating that among the reasons for the President's decision to reduce his sentence was Gusmão's admission of wrongdoing and his acceptance of East Timor's integration with Indonesia. Amnesty International believes, however, that the reduction in Gusmão's sentence is intended merely to appease the international community in the wake of his widely criticized trial, which Amnesty International has described as "a travesty of justice".

The filing of the clemency petition itself has also been the subject of controversy. According to his court-appointed lawyer, Mr Sudjono, the petition was filed in June with Gusmão's permission. The submission of such a petition by Gusmão would imply both an admission of guilt and a recognition of the right of Indonesia to try him. However, evidence provided by Xanana Gusmão's own defence statement - which was suppressed during the trial but which was subsequently smuggled out of the country - clearly demonstrates that far from accepting the notion of Indonesia's sovereignty over East Timor, Gusmão remains adamantly opposed to it. Consequently, he totally rejects the competence of any Indonesian court to try him.

It follows from this that he would likewise reject the legitimacy of an Indonesian President to grant him clemency. It is therefore highly unlikely that Xanana Gusmão would have sanctioned the filing of a clemency petition, unless he did so under duress. In his defence statement Gusmão alludes to the duress under which he made public admissions of wrongdoing shortly after his arrest, stressing that "I have always affirmed that the circumstances under which my earlier statements in Jakarta were made were such that they could not be viewed as credible."

Amnesty International has remained seriously concerned about the health of Xanana Gusmão throughout his detention. The organization has repeatedly called upon the Indonesian authorities to allow the International Committee of the Red Cross (ICRC) and Gusmão's family to visit him in detention. Neither his family nor the ICRC have seen Xanana Gusmão since he was removed from court on 21 May 1993. This has heightened anxiety about Gusmão's safety in detention, particularly in view of disturbing reports that he was beaten in custody after the trial ended. Despite assurances from the Indonesian Government that he is in good health, the continuing denial of access to him by his family and the ICRC has made his true state of health impossible to verify. Family visits will now be made even more difficult following yesterday's transfer of Xanana Gusmão from a jail in Dili to a prison in Semarang, Central Java.

In June the ICRC was obliged to suspend visits to political prisoners in East Timor for the third time this year because of unacceptable restrictions placed on their visits by the military. Amnesty International is calling upon the Indonesian authorities to permit the (ICRC) immediate - and thereafter frequent and regular - access to all East Timorese prisoners.