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NEWS SERVICE ITEMS: EXTERNAL - PORTUGAL, CZECH REPUBLIC

PLEASE NOTE: EFAI has a new address from 22 November. Following are their new details: 17, rue du Pont-aux-Choux, 75003 PARIS. Tel: +331 44 59 29 89, Fax: + 331 44 59 29 80, Mac 44 59 29 86, PC 44 59 29 87. Katie Rickards, in the Secretary General's Office at the IS has the full list of individuals' direct numbers, so please contact her if you need it.

NEWS INITIATIVES - INTERNAL

INTERNATIONAL NEWS RELEASES

Pakistan - 7 December - SEE NEWS SERVICE 137

****Iraq - 23/24 November****

We are planning a news item regarding human rights violations in Southern Iraq, including the marshes region for next week. It is to coincide with the start of debates in the Third Committee of the General Assembly and the presentation of the UN Special Rapporteur on Iraq's interim report to the General Assembly (23 November). It should come to sections on Monday.

India - 15 December - SEE NEWS SERVICE 137

TARGETED AND LIMITED NEWS RELEASES

Papua New Guinea - 19 November - SEE NEWS SERVICE 138/148/151

South Africa - 1 December - SEE NEWS SERVICE 151

Human Rights Day Speech - 9 December - SEE NEWS SERVICE 138

FORTHCOMING NEWS INITIATIVES 1994

Tunisia - 12 January

South Africa - 19 January

Colombia - 16 March - SEE NEWS SERVICE 123 + UAs AMR 23/56-57/93

AI INDEX: EUR 38/WU 02/93
18 NOVEMBER 1993

PORTUGAL: UNITED NATIONS COMMITTEE AGAINST TORTURE CRITICIZES "RELATIVE IMPUNITY" OF STATE OFFICERS GUILTY OF TORTURE AND ILL-TREATMENT

On 16 November, the United Nations (UN) Committee against Torture examined Portugal's initial report on the measures taken by the government to implement the UN Convention against Torture since it entered into force in the country in March 1989. The Committee regretted that Portugal's report had been submitted over three years late, thus contravening the Convention.

The Committee heard the Portuguese Government's replies to its questions on the report itself and on information regarding specific cases of torture and ill-treatment reported by Amnesty International. The Committee then presented its conclusions.

It welcomed efforts made by the government to implement the provisions of the Convention but expressed regret that incidents of ill-treatment and sometimes torture continued to take place in police stations and other places of detention across the country; that there were frequent delays in opening inquiries into allegations of torture and ill-treatment; and that those responsible for such acts were not always brought to justice. It concluded that this situation, together with the lightness of the sentences passed for acts of torture and ill-treatment created an "impression of relative impunity for the authors of these crimes which is highly prejudicial to the application of the provisions of the Convention"

The Committee also recommended that Portugal should, in accordance with the requirements of the Convention, establish mechanisms to systematically monitor rules, instructions, methods and practices of interrogations, particularly in police stations, which would be effective in preventing acts of torture.

Amnesty International had submitted a report to the Committee which detailed its concerns regarding allegations of torture and ill-treatment made against officers from the gendarmerie and the prison service over a number of years.

The report cited individual cases to illustrate the organization's concerns and described the most common types of torture and ill-treatment alleged, such as: repeated kicks, punches, kneeling, pistol-whipping and beatings with truncheons, noting that the majority of the allegations were supported by substantial medical and forensic evidence.

The organization drew particular attention to the continuing reports of alleged torture and ill-treatment; the slowness of the procedures to investigate such allegations; the small number of cases where offenders are brought to justice; and the nominal sentences given in the exceptional cases where offenders are held accountable for serious crimes of torture and ill-treatment.

Report submitted to the UN Committee against Torture: Portugal - Torture and Ill-treatment: Summary of Amnesty International's Concerns (AI Index: EUR 38/01/93). Copies of the document, published in October 1993, are available in English, French, Portuguese and Spanish.

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AI INDEX: EUR 71/WU 01/93
18 NOVEMBER 1993

CZECH REPUBLIC: AMNESTY INTERNATIONAL CONCERNED BY NEW LAW WHICH INFRINGES FREEDOM OF EXPRESSION

Amnesty International has today written to Vaclav Havel, President of the Czech Republic, urging him not to sign a new law, adopted by the Czech Parliament on 10 November, which would infringe people's right to freedom of expression.

The new law, replacing Article 102 of the Criminal Code, states: "Whoever defames the Czech Republic, its parliament, government or constitutional court, will be punished by imprisonment of up to two years."

Amnesty International considers that the adopted law would clearly violate the right to freedom of expression set out in Article 19, of the International Covenant on Civil and Political Rights (ICCPR) and Article 10, of the European Convention on Human Rights, both of which the Czech Republic has ratified and is legally bound to observe.

Both the European Convention and the ICCPR do permit limited restrictions on the right to freedom of expression, but only within strictly defined circumstances. Even if there are legitimate interests which the proposed law seeks to protect, it is so broad that it would threaten the very basis of freedom of expression in the Czech Republic. In the words of the United Nations Human Rights Committee, commenting on Article 19 of the ICCPR, "when a State Party imposes certain restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself".

Amnesty International considers that existing laws in the Czech Republic are quite sufficient to protect legitimate interests of the state such as "national security, territorial integrity or public safety...or maintaining the authority and impartiality of the judiciary", for which restrictions may be placed on freedom of expression under Article 10(2) of the European Convention.

Amnesty International is concerned that the implementation of the new provision of the Criminal Code could result in the prosecution of persons who have exercised their right to the free expression of political or other beliefs without resorting to or advocating the use of violence. If imprisoned, such persons would be considered by Amnesty International as prisoners of conscience.

Amnesty International believes that the newly adopted provision of the Criminal Code is in contravention of the international and European human rights standards which the Czech Republic has ratified and urges Vaclav Havel to initiate a process for its legislative revision.

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