



Torture in Chile

AI has detailed evidence that Chilean political detainees were systematically tortured in a secret centre in Santiago which was used by a branch of the security forces and appeared to have been specially equipped for the infliction of torture.

The evidence shows that trained Chilean medical personnel at the centre examined victims before and after torture and there are grounds for believing that one or more of them actively participated in torture.

The centre was used by the Chilean secret police, the *Central Nacional de Informaciones* (CNI), and procedures followed there were part of a widespread and continuing pattern of torture in Chile.

A new *AI* report published on 18 May, *Chile: Evidence of Torture*, cites the cases of 19 former detainees who were medically examined by an *AI* mission, including two doctors, which visited Chile from 23 April to 15 May 1982.

Eighteen of the former detainees alleged that they had been tortured by members of the Chilean security forces—13 said this had happened in the CNI detention centre in Santiago; others said they had been tortured in provincial CNI centres or in police stations.

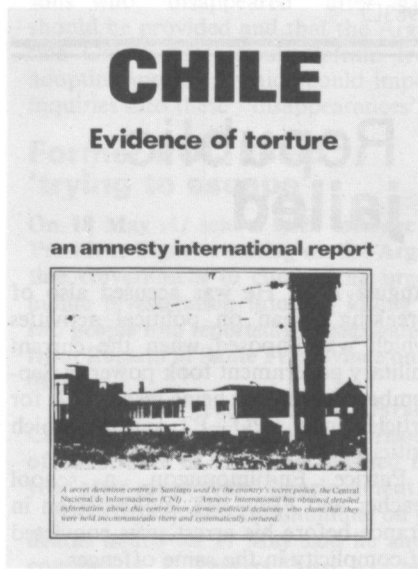
Most said they had been slapped, punched, kicked or beaten with a blunt instrument and 14 said they were electrically tortured.

The majority of the former detainees alleged that they had been in contact with someone they took to be a doctor while being held in a torture centre and that they had been medically examined just before torture and again afterwards. Four said that a man they had taken to be a doctor had assisted during their interrogations.

(See pages 4, 5 and 6.)



Rodrigo Mario González López . . . told *AI* doctors that he was tortured on two days in the CNI detention centre in Santiago. He said a black baton-like instrument was used to give him electric shocks.



AI's new report on torture in Chile. Copies are available in English and Spanish from *AI* Publications (address on back page); price: £2 each.

Abducted Namibians held for five years by South African army

More than 100 men and women who were forcibly abducted from Angola by South African military forces five years ago in May 1978 are still being detained by them without charge or trial in Namibia.

A number of these prisoners are reported to have been tortured during the first weeks of their detention.

The abductions followed a major raid into Angola by South African forces on 4 May 1978. The South African authorities stated that they were attacking camps they said were being used as bases by the military wing of the South West Africa People's Organization (SWAPO), the major—and legal—opposition party in Namibia. SWAPO and Angolan authorities said the camps were for Namibian refugees.

Hundreds of Namibians are reported to have been killed, including women and children.

According to South African press reports, a number of prisoners were taken from a camp about 20 miles inside Angola and forcibly returned to Namibia.

Three weeks later the South African Defence Force released 63 of these prisoners—described by the South African Press Association as "partially-trained terrorists and terrorist accomplices".

Shortly afterwards several of those released were interviewed by a senior priest of the Roman Catholic Church in Namibia, Father Heinz Hunke, who later publicized allegations that a number of them had been tortured, including by electric tortures.

Father Hunke wrote to the South African Administrator-General in Namibia about these allegations. (He had previously written to him about earlier incidents of alleged torture.)

A detailed rebuttal followed from the Administrator-General, Mr Justice Marthinus Steyn. When Father Hunke complained that the allegations had not been adequately investigated he was summarily deported from Namibia.

The remaining prisoners are believed to have been held first in Oshakati and are now understood to be in Mariental District, south of the capital, Windhoek.

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Amnesty appeal

More than 1,100 Pakistan lawyers are reported to have signed *AI*'s Appeal for a Universal Amnesty for All Prisoners of Conscience after lawyers in Lahore opened a register for signatures in early April.

According to Pakistan press reports, the register was signed by more than 200 lawyers of the Lahore High Court and district courts, including three former Presidents of the Lahore High Court Bar. The signatories included also poets and trade union and political party leaders.

Less than a week after the Lahore signings more than 850 lawyers are reported to have signed a register at the Faisalabad Lawyers Convention on 14 April. Another 100 lawyers from Bahawalnagar are also reported to have signed the appeal.

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Poland Authorities announce pardons

A total of 449 people convicted of offences defined in the Martial Law Decree of 12 December 1981 have been granted pardons, according to a statement by the Polish authorities on 3 May 1983.

The official statement added that the number of people still imprisoned after having been convicted of martial law offences had fallen to 215.

When martial law was suspended at the end of 1982 Polish official sources said that some 1,000 people were imprisoned for political offences and a further 500 were detained awaiting trial. Most of these people were being held under the Martial Law Decree.

The figure of 215 disclosed in the 3 May statement refers only to imprisoned people convicted of martial law offences. It excludes those convicted since 12 December 1981 of political offences defined in the Polish Criminal Code.

It also excludes at least several hundred people reported to have been arrested on political charges since the suspension of martial law who have not yet come to trial.

Since the imposition of martial law *AI* has adopted as prisoners of conscience

over 300 Poles; it believes they represent only a small proportion of the total number of prisoners of conscience imprisoned during this period.

By 6 May 1983 it had learned that some 60 of its adopted prisoners of conscience had been granted temporary breaks in the serving of their sentences because of poor health or family hardship. However, when the break expires each prisoner is required to complete the sentence imposed.

AI has learned also that 13 people adopted by it as prisoners of conscience have been granted pardon. They are Father Jan **Borkowski**, Father Tadeusz **Kurach**, Edward **Antonczyk**, Henryk **Kardas**, Andrzej **Lipinski**, Norbert **Lis**, Ryszard **Sawicki**, Wieslaw **Sporyszkiewicz**, Stanislaw **Fudakowski**, Wieslaw **Ratkiewicz**, Henryk **Podsiadlo**, Zbigniew **Sosnowski** and Zygmunt **Berdychowski** (see *May Newsletter*).

• Ewa **Kubasiewicz**, prisoner of the month in April 1982, had her sentence reduced from 10 to three years' imprisonment after a special appeal hearing by the Military Chamber of the Supreme Court in Warsaw at the end of April 1983 □

Central African Republic Political leader jailed

A special tribunal in the Central African Republic established to try political cases has sentenced the leader of one of the country's main political parties to five years' imprisonment after convicting him on charges involving non-violent political opposition to the government.

Dr Abel **Goumba**, leader of the *Front patriotique oubaingien—Parti du travail* (FPO—PT) and a former head of government, was convicted on charges of making contacts with representatives of foreign powers, of belonging to a group which advocated disobedience to government orders and of having distributed documents hostile to the government.

At the same trial another member of the FPO—PT, Patrice **Endjimoungou**, was convicted on the same charges and also given a five-year prison sentence. His brother, Roger **Endjemoze**, was convicted at the same trial on charges of insulting the Head of State in a letter which he had written to a friend; he was fined and released.

Dr Goumba was accused of having written letters addressed to Socialist Party members of the French National Assembly, which were discovered when Patrice Endjimoungou was searched as he was about to leave Bangui for Paris in

August 1982. He was accused also of breaking a ban on political activities which was imposed when the current military government took power in September 1981 and of being responsible for articles in a FPO—PT journal which criticized the military government.

Patrice Endjimoungou, a school teacher and FPO—PT spokesperson in France before his arrest, was convicted of complicity in the same offences.

An *AI* observer, *Maître* Robert Durst of France, attended the trial, which was open to the public.

The three defendants had already been adopted by *AI* as prisoners of conscience and the organization was concerned to see that they were given a fair trial before the Special Tribunal (set up in 1981), whose five judges include two soldiers and whose prosecutor is especially appointed by the government.

The accused were assisted by two lawyers and were also able to speak in their own defence. However, they have no right of appeal against their conviction or sentences. In addition to the five-year prison sentences, fines were imposed on Dr Goumba and Patrice Endjimoungou and they were deprived of their civil rights for 10 years □

Namibians held by South African army

Continued from page 1

No charges have been brought against any of them and none have appeared in court.

The legal basis for their continued detention is provided by Proclamation AG. 9 of 1977 as amended in May 1979, which makes provision for the indefinite incommunicado detention of any person. This provision came into force a year after the prisoners were abducted; it is not certain on what basis they were held until then, possibly under Section 6 of the Terrorism Act, a South African law which has been applied in Namibia since 1967.

The detainees have no effective means of appeal against their continuing imprisonment. Proclamation AG. 9 denies them access to legal counsel and cannot be challenged in the courts. It contains no provision for independent review of detention orders.

The South African authorities have refused to disclose publicly the names of the detainees, nor have they given any indication of what they intend to do with them or how much longer they plan to hold them without charge or trial.

Since mid-1979 (a year after the abductions), the authorities have allowed a number of visits by delegates of the International Committee of the Red Cross (ICRC). In late 1982 the ICRC reported that for the first time since their imprisonment a number of detainees had been allowed visits by close relatives.

AI is concerned about the circumstances of the detainees' forcible abduction from Angola and by the allegations that a number of them were tortured.

In the light of these allegations and in view of evidence in *AI*'s possession that other detainees held under Proclamation AG. 9 have been tortured by South African security forces in Namibia, *AI* has called for an impartial inquiry into the treatment of political detainees in the country, including those at Mariental.

It has also called on the authorities to release immediately and unconditionally all Mariental detainees who are prisoners of conscience and to release the others there if they are not to be charged or brought to trial □

Hanging in Lebanon

A 36-year-old Lebanese national, Ibrahim **Tarraf**, was hanged in Beirut's Sanaya Square on 7 April after being convicted of killing two people in November 1979. This is reported to have been the first application of the judicial death penalty in Lebanon since 1972.

AI has sent a telex message to Lebanon's President, Amin Gemayel, expressing concern about the execution and reiterating its opposition to the death penalty in all cases □

Campaign for Prisoners of the Month



Each of the people whose story is told below is a prisoner of conscience. Each has been arrested because of his or her religious or political beliefs, colour, sex, ethnic origin or language. None has used or advocated violence. Their continuing detention is a violation of the United Nations Universal Declaration of Human Rights. International appeals can help to secure the release of these prisoners or to improve their detention conditions. In the interest of the prisoners, letters to the authorities should be worded carefully and courteously. You should stress that your concern for human rights is not in any way politically partisan. In no circumstances should communications be sent to the prisoner.

Father Vincent ZHU Hongsheng, China

A Jesuit priest aged 68, he has been held since November 1981 and is serving a 15-year prison sentence.

Father Vincent Zhu was arrested for the second time on 19 November 1981 in Shanghai, one of a number of Roman Catholics to be rearrested that month. He was tried and sentenced on 22 March 1983.

The charges against him have not been made public but they are believed to concern his continued allegiance to the Vatican and opposition to the Chinese Patriotic Catholic Association, which was established in the mid-1950s to make the Roman Catholic Church in the People's Republic of China independent of the Vatican.

The charges may also relate to his connections with foreigners—he was educated in France, Ireland and the USA and is known to have received foreign visitors in the last few years.

Father Zhu was first arrested in 1955 with Gong Pinmei, the Bishop of Shanghai (now 82 and still detained), and a large number of priests and lay members of the Roman Catholic Church.

In 1960 he was sentenced to 15 years' imprisonment but was released from detention only in 1978 and allowed to return to Shanghai to live with his younger brother, Zhu Zansheng, and his family.

Many of those arrested with him in 1955 were also released in 1978 and 1979—and rearrested in November 1981.

His brother was arrested in January 1982 and is believed to be still detained.

Father Zhu is believed to be held in Shanghai Prison No. 1. AI believes he is imprisoned for the non-violent exercise of his right to freedom of religion.

Please send courteous letters appealing for his release to: His Excellency Zhao Ziyang/Prime Minister/Beijing/People's Republic of China.

Prisoner Releases and Cases

The International Secretariat learned in April of the release of 75 prisoners under adoption or investigation; it took up 95 cases.

Omar Arteh GHALIB and six others, Somalia

All members of parliament and of the Central Committee of the country's ruling party, they have been held incommunicado without trial since June 1982.

Omar Arteh Ghalib, a former Foreign Minister (1969-1976), was First Vice-Speaker of the People's National Assembly (parliament) when he and the six others were arrested on 9 June 1982.

They were reportedly arrested shortly after trying to organize Central Committee members to vote against the renomination for a further term of Somalia's President Siyad Barre. All seven are believed to have criticized his rule and government policies.



Omar Arteh Ghalib

They were charged under National Security Law 54 with "endangering the independence, unity and security of the state" and "conspiracy against the state". Each offence carries a mandatory sentence of death and confiscation of property.

The authorities have given no details of the basis for the charges or a date for the detainees' trial before the predominantly military National Security Court.

AI believes they are being held for their non-violent political opinions or activities in opposition to the government and the President.

They are believed to be held in solitary confinement in Labatan Jirow maximum security prison, near Baidowa, where conditions are said to be harsh.

Omar Arteh Ghalib was educated at Bristol University in the United Kingdom. He is 53 and is married with 12 children.

The other detainees are: Third Vice-President Major-General Ismail Ali Abokor, Warsame Ali Farah, Colonel Osman Mohamed Ghelle, Major-General Omar Haji Mohamed, Mohamed Aden Sheikh and Mohamed Yusuf Weirah.

Please send courteously worded appeals for their release to: His Excellency Mohamed Siyad Barre / President of the Somali Democratic Republic / People's Palace / Mogadishu / Somalia.

Gustavo Leopoldo VILARÓ Nieto and his wife, Rosita BARREIX, Uruguay

The couple have been imprisoned since November 1977 and are serving sentences of 17 and 20 years respectively. Both are reported to have been tortured after arrest.

Gustavo Vilaró, then a bank employee aged 32, and Rosita Barreix, a social worker, were arrested on 22 November 1977 and accused of belonging to the Grupo de Acción Unificadora (GAU), Group for Unifying Action, which aimed to unite the country's parties of the left.

The GAU formed part of the coalition of left-wing parties standing in the last parliamentary elections to be held in Uruguay in 1971. It was one of 14 left-wing groups and parties declared illegal in 1973, after the military take-over of the government.

Although Gustavo Vilaró and Rosita Barreix were also accused of robbery and possession of explosives, AI is aware of no grounds for these accusations and believes they are detained solely for their non-violent opposition to the government.

The couple are reported to have been badly tortured after arrest—even though Rosita Barreix was expecting her second child (who is now with relatives). Her husband was taken to the military hospital in a coma.

He was sentenced in 1981 to 17 years' imprisonment; she to 20 years' imprisonment plus one to five years' further detention under "security measures". She is reported to suffer from psychiatric problems, including hallucinations.

Please send courteous letters appealing for their release to: Exmo. Sr. Presidente de la República / Tte. General (R) Gregorio Alvarez / Casa de Gobierno / Plaza Independencia / Montevideo / Uruguay.

If you prefer, you may send your appeals to the embassies of these governments in your country.

A new *AI* report, *Chile: Evidence of torture*, presents the findings of an *AI* delegation which visited Chile from 23 April to 15 May 1982 to examine people who said they had been tortured while in the custody of the Chilean security forces between March 1980 and April 1982.

The delegation, including two Danish doctors, carried out detailed medical examinations of 19 former detainees and collected written testimonies and evidence of torture from others who complained of having been tortured or from their relatives and lawyers.

Chile: Evidence of torture

Allegations of torture inflicted by members of the Chilean security forces were made by 18 of the 19 former detainees examined in Chile by *AI* doctors in mid-1982. Most of the examinations—lasting between four and six hours each—took place within six months of the alleged torture.

Seventeen of the former detainees said they had been slapped, punched, kicked or beaten with a blunt instrument and 14 said they were electrically tortured.

- A 19-year-old trainee social worker said she was punched, kicked and electrically tortured; raped four times and threatened with further sexual debasement; and forced to lie beside a decomposing corpse, which she had been told was the body of the man she had been living with.

- A 24-year-old carpenter arrested in March 1982 said that for six days he underwent interrogation and torture sessions lasting between four and six hours each and that on the following 10 days he was beaten up in his cell on average 10 times a day.

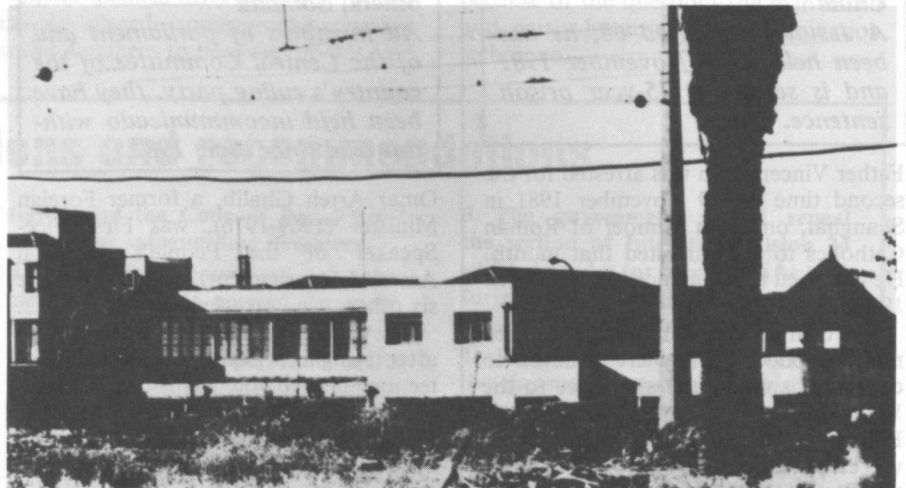
- A 33-year-old human rights worker being treated for epilepsy said he was electrically tortured after being tied naked to a metal bed and that a doctor examined him in between torture sessions (see photograph on next page).

The majority of the former detainees alleged that they had been in contact with someone they took to be a doctor while being held in a torture centre and that they had been medically examined just before torture and again afterwards.

Six said that while in such a centre they were given non-therapeutic medicine—medicine given for a purpose other than to treat illness; five said that medicine had been injected intravenously.

Four said that a man they had taken to be a doctor had assisted during their interrogations. Three said attempts had been made to hypnotize them.

Dr Juan Luis González, the President of the *Colegio Médico de Chile*, Chilean Medical Association, told *AI* that his association was aware that doctors had been accused of taking part in torture and had condemned such participation—but it had not been possible to identify the doctors allegedly involved.



A secret detention centre at 1470 Calle Borgoño, central Santiago, used by Chile's secret police, the *Central Nacional de Informaciones* (CNI) . . . former political detainees say they were held incommunicado there and systematically tortured.

Most of the former detainees said they had been victims also of psychological methods of torture, including prolonged blindfolding, sleep deprivation, mock executions and threats to their lives and those of their families.

Thirteen of the former detainees said they had been tortured in a secret centre in Santiago used by Chile's secret police—the *Central Nacional de Informaciones* (CNI). All said they had been arrested without warrant.

The people who made these allegations came from a variety of backgrounds and included a school teacher, an unskilled worker, a telephone operator and a farmer, in addition to those mentioned above; their ages ranged from 17 to 47.

Continuing allegations

Torture of political detainees has been reported regularly since the present military government under General Augusto Pinochet seized power in September 1973.

Continuing allegations of torture have been recorded year by year in *AI*'s annual report.

In 1982 *AI* received copies of more than 60 detailed testimonies from people who said they had been tortured while in the custody of the security forces; all the testimonies had been filed in the Chilean courts.

In the same year a total of 95 such testimonies by political detainees

alleging torture are said to have been submitted to the courts.

Of all the Chilean security service branches alleged to have been guilty of ill-treating or torturing detainees, the most frequently cited has been the CNI.

In 15 of the 19 cases examined by *AI*'s delegation the authorities had acknowledged that the arrests and detentions had been by the CNI.

In two cases the people were arrested and detained by *carabineros* (uniformed police); these were also acknowledged.

In the other two cases the former detainees were unable to identify the branch involved, nor have the authorities acknowledged that they were ever detained. However, the detention and interrogation procedures in these cases were consistent with those used by the CNI in others.

Since its creation in 1977, the CNI has carried out hundreds of arrests in which articles of the Chilean Constitution and Code of Penal Procedure have been violated. Many such breaches of the law have been reported to the judicial authorities but only rarely have prosecutions ensued.

In none of the 19 cases examined by *AI*'s delegation had a warrant of arrest been presented at the time of arrest, as required by Article 19, 7(c) of the Constitution and Articles 280, 281 and 284 of the Code of Penal Procedure.

In the 15 cases in which arrest and

detention were later acknowledged by the authorities, the CNI obtained the required warrants only after making the arrests.

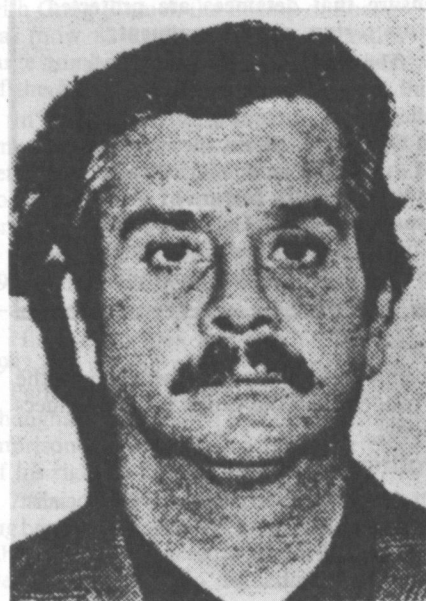
AI is concerned about the interrogation of political suspects by the CNI and their holding of detainees in secret centres. Such detention is a direct violation of Article 19, 7(d) of the Constitution, which states that "no one can be arrested, [and] detained, put in preventive custody or imprisoned anywhere other than in his own home, or a public place specifically designated for this purpose".

One of these secret CNI centres is at 1470 Calle Borgoño in central Santiago, where 14 of the people examined by AI's delegation were detained and interrogated. The evidence they gave is consistent with numerous other accounts by ex-detainees of procedures followed in this building collected over the past two years by AI and independent Chilean lawyers.

According to the majority of these accounts, detainees spend almost all their time underground in a basement of the building, which contains a "reception room"; a "medical room"; a room where detainees are photographed and finger-printed; interrogation rooms; individual concrete cells about 2m by 2m in area, and a bathroom with a shower.

A number of interrogation rooms are said to be specially equipped for torture with purpose-built metal beds, poles, sticks and electrical devices.

Some detainees have reported filmed interrogations in a soundproof "studio" equipped with a television camera and recording equipment.



Dr Sergio Arroyo Pinochet . . . arrested without warrant and held in the CNI centre for 20 days. A doctor himself, he felt certain that the person who examined him in detention was also a doctor, partly because of the questions he asked and partly because of his examination technique.

20-day detention orders

A new Constitution was promulgated in March 1981 and is due to come fully into effect in 1997. Since its promulgation the President has been empowered under Interim Provision 24 to order people to be detained in certain instances for up to 20 days—five days in the first instance and another 15 days "If terrorist acts with serious consequences occur".

None of the ex-detainees interviewed by AI's delegates who had been held by the CNI for over five days was ever charged with terrorist offences.

The 20-day period for which detainees may be held before being brought before a judge is of particular concern to AI since it is often then, with the detainees held incommunicado by the security forces—often in secret places—that torture takes place.

Torture is prohibited under Chile's Constitution, its Penal Code and its Code of Military Justice.

Nearly 200 complaints of torture, plus evidence, have been lodged with the courts since the 1981 Constitution was promulgated.

In a few cases the courts have ordered the CNI to produce detainees before them on the grounds of the executive's delay in producing the decree required under Interim Provision 24.

In these cases, once the court has been informed that the decree exists, it has promptly rejected the *recurso de amparo* (similar to a *habeas corpus* petition) and reversed its own ruling that the detainee should be produced in court.

Recursos de amparo were filed in at least 12 of the cases examined in AI's report—but in no single case did the judiciary do anything to protect the detainee against torture or other cruel, inhuman or degrading treatment.

Fourteen of the 19 people examined have filed complaints of torture. No progress was reported in the investigations at the time of going to press.

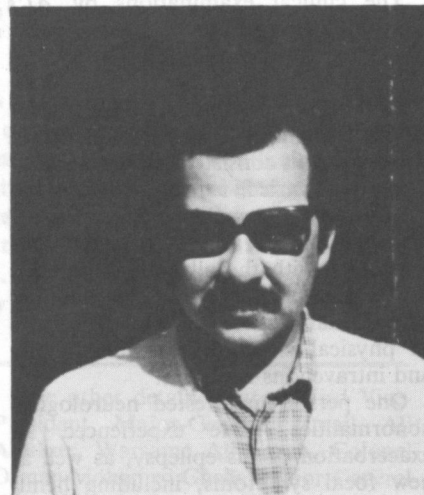
Medical findings

In their analysis of their examinations, AI's medical delegates state that they found complete consistency between the descriptions of the tortures alleged by 18 of the ex-detainees and the succeeding symptoms, and the clinical findings.

In 18 cases, the alleged torture covered a broad spectrum of physical and mental attacks: the most frequently used methods were said to be blows to the entire body, including the head and genitals, and electrical torture all over the body.

Of the 14 people who alleged electrical torture: four said they were tied to a *parrilla*, a special metal bed used for such torture; seven said they were naked during torture; and seven said the torture sessions lasted between one and two hours each.

One alleged torture by the *pau de arara* (parrot perch) method: the victim is trussed into a crouching position, then



Pablo Arturo Fuenzalida Zegers . . . suffers from epilepsy. He said he was electrically tortured three times, one session lasting for an hour and a half. He said also that he was given an injection and that a CNI doctor had said he needed it in order to be able to work with "the boys" (his interrogators).

suspended upside down from a horizontal pole and then has electric current applied to sensitive parts of the body.

Two said they were nearly asphyxiated: one said he had a cloth held over his nose and mouth; the other that the *bañera* (bath) torture had been inflicted on him (the victim's head is held under water).

Other physical forms of torture alleged included: being confined in a painfully hot and damp room; *quirófano* (operating theatre), in which the victim is forced to lie back horizontally on a table for long periods with the upper part of the body unsupported; having hair pulled out; being dragged over stony ground; being put in a room with rats or a snarling dog.

Seventeen said they were threatened: told they would be killed, further tortured or made to "disappear" or that their families would be arrested and maimed. One person said he had been warned that his baby would "disappear".

Seventeen said they were blindfolded whenever they left their cells.

Four said they were put through mock executions.

AI's doctors state: "The general impression is that the alleged torturers alternated between physical and mental torture according to a calculated plan of action. . . ."

"Many of them [the ex-detainees] said that, apart from the torture inflicted on them during interrogation, the very fact of being in the 'torture' centre created an enormous psychological pressure: both because they did not know what would happen to them and their families, and because they felt totally powerless in the face of their alleged torturers."

Five of the people examined had consulted psychiatrists or psychologists after their release; three were still receiving psychiatric treatment. →

The clinical examinations by *AI*'s medical delegates showed changes which could be related to the alleged torture in 13 cases.

Six cases showed skin changes consistent with the alleged cause: three showed marks consistent with the allegations of electrical torture; one showed marks consistent with the allegations of physical violence; another showed marks consistent with the allegations that the subject had been tied down; and the last showed marks consistent with allegations of physical violence, electrical torture and intravenous injection.

One person manifested neurological abnormalities. "He experienced an exacerbation of his epilepsy, as well as new focal symptoms, including hemi-

parisis [one-sided paralysis] and hypo-aesthesia [abnormal decrease in sensitivity]."

Nine people were found to be mentally affected by their experiences: most suffered from depression and anxiety attacks.

Medical involvement

Fourteen of the ex-detainees described contact with a person at the detention centre who they thought was a doctor. Twelve said they had been medically examined before torture and 10 afterwards.

Direct medical involvement in torture was also alleged—someone who appeared to the detainees to be a doctor was said

to have assisted CNI agents either during or just before the alleged torture.

Six people said they had been given non-therapeutic medicine to make them lose self-control and cooperate with their interrogators. Three said attempts had been made to hypnotize them.

In three cases, *AI*'s medical delegates consider that there were strong grounds for believing that the individual either was a doctor or had a thorough medical training.

In one case, the evidence came from an ex-detainee who was himself a doctor and who felt certain that the person who examined him was a doctor, partly because of the questions the man asked and partly because of his examination technique.

Conclusions and recommendations

Conclusions

The main details of *AI*'s conclusions are:

1. Detainees were tortured while in the custody of the Chilean security forces between March 1980 and April 1982.

Members of the CNI principally, but also of the *Carabineros* and *Investigaciones*, were implicated in the abuses, and at least one secret detention centre used by the security forces for interrogation of political detainees—at 1470 Calle Borgoño, central Santiago—appears to have been specially equipped for the infliction of torture.

2. Emergency legislation (and administrative provisions) now in force in Chile weaken safeguards against torture of arrested people and in some respects positively facilitate their torture.

3. Arrest, detention and interrogation procedures employed by the CNI and other branches of the Chilean security forces often violate principles embodied in both the Chilean Consti-

tution and the Code of Penal Procedure for safeguarding detainees.

4. The Chilean courts do not take effective action to prevent detainees from being tortured.

5. Trained medical personnel were present on CNI premises and examined a number of detainees before and after they were tortured; in certain cases there are grounds for believing that one or more of these people actively participated in torture.

Recommendations

AI's recommendations included the following:

1. The Government of Chile should institute promptly a full, open and independent inquiry into the allegations of torture filed before the courts. The results should be made public.

2. The government should ensure that the security forces obtain and show proper judicial orders before arresting suspects, as is required by law.

Detainees should be held only in publicly recognized and authorized places of detention.

3. The government should repeal the section of Interim Provision 24 which provides for suspects to be held for periods of up to 20 days on the orders of the Minister of the Interior.

4. The government should take effective measures to ensure that prisoners are not held in *incomunicado* detention, so as to avoid facilitating their ill-treatment; the measures should specifically ensure that all detainees have regular access to a lawyer and family as soon as possible after arrest, and that all detainees be brought before a court within a reasonable period after arrest.

5. The government should take steps so that the courts may fulfil their obligations under Chilean law to ensure that detainees are protected from torture and ill-treatment.

6. The government should order a full, open and impartial inquiry into allegations, including those detailed in this report, about the involvement of medical personnel directly or indirectly in the torture of detainees, especially at 1470 Calle Borgoño. The *Colegio Médico de Chile* should be invited to sit on such an inquiry □

A traditional court in Malawi has passed death sentences on Orton Chirwa, former Justice Minister and Attorney-General, and his wife, Vera, after convicting them of treason on 5 May 1983.

The Southern Region Traditional Court found them guilty of plotting to overthrow the Malawi Government "by force or other means". Their trial began on 28 July 1982 (see September *Newsletter*). Both pleaded not guilty.

The charges against them related to their formation in exile of the Malawi Freedom Movement in opposition to the government of Life President Hastings Kamuzu Banda.

AI does not believe they got a fair trial. The Traditional Court is presided over

Malawi Death verdicts in Chirwa trial

by five chiefs who are not required to have any legal training, and the defendants were not permitted the assistance of legal counsel.

After sentence they lodged an appeal with the National Traditional Court of Appeal. However, *AI* believes this court suffers from similar shortcomings to those of the lower Traditional Court.

The conviction and sentence of the Chirwas has provoked many appeals for clemency to President Banda, especially

from people in Scotland, where both the President and the Chirwas have connections.

Political leader shot

Dr Attati Mpakati, leader of the Socialist League of Malawi (LESOMA), was found shot dead at a busy crossroads in Harare, capital of Zimbabwe, on 28 March.

The Malawi Government denied responsibility for the killing almost immediately after it became known.

Dr Mpakati, one of President Banda's most prominent political opponents, went into exile soon after Malawi's independence in 1964. He later formed LESOMA in opposition to the country's only legal political party □

Argentina Government must account for 'disappeared' thousands

AI has called on the Argentine Government to give a full public accounting of all the thousands of people who have "disappeared" in the country after arrest and to refrain from adopting measures which could impede investigations into these "disappearances".

AI made its call in response to a statement issued by the Argentine Government on 29 April 1983 that the "disappeared" of Argentina must now be regarded as dead.

In a telex message to President Bignone of Argentina on 11 May, *AI* expressed dismay that the government's statement "neither dispels the anguish and uncertainty of the families, nor satisfies the legitimate concern of the international community about these cases".

The Argentine Government's statement offers two basic explanations for the large number of "disappeared" persons. First it alleges that many of those reported missing died in armed confrontations and that subsequent identification of the bodies was not possible. Second, it alleges that the lists of "disappeared" prisoners include the names of terrorists now in hiding or living abroad.

The first explanation ignores the detailed evidence available from a number of different sources which *AI* and other international bodies consider to have established that:

- the identities of most of the victims were known to their abductors;
- the victims were not engaged in violence at the time of their abduction; and
- many victims were later seen alive in secret camps run by the police and security forces where torture was routinely practised.

The claim that the lists contain the names of terrorists living abroad or in hiding has often been made but never substantiated.

AI's principal criticisms of the statement are:

1. It does not give specific information on the fate of thousands of individuals who were abducted by the security forces from their homes or places of work, in spite of the acknowledgement by the government that the security forces "operated in an organized way" and "with the appropriate orders of each service".

2. Despite the admission in the statement that "unusual procedures in the war against subversion led to errors which overflowed the limits of respect for fundamental human rights", there is no indication that any of the successive governments took steps to punish those responsible for human rights violations or attempted to prevent further abuses. Indeed, there is overwhelming evidence that the "unusual procedures" were an integral part of an official policy of

planned abduction and systematic torture, a policy which has led to the present tragic situation.

3. The statement fails to comply with the recommendations made by specialist bodies of the United Nations and the Organization of American States which have repeatedly stressed the Argentine Government's obligation to give detailed information to families about the fate of their "disappeared" relatives.

AI put these points to President Bignone in its telex and added: "*AI* cannot regard as final a statement which evades the fundamental issues:

"• If the 'disappeared' are dead, how, why, and on whose authority were they killed?

"• Why were so many of the families never informed of the deaths and, in some instances, burial of their 'disappeared' relatives?

"• Why are those deemed responsible for these deaths not being brought to trial?"

In conclusion, *AI* said it believed that a full public accounting of all those persons who "disappeared" after arrest should be provided and that the Argentine Government should refrain from adopting measures which could impede inquiries into these "disappearances".

Former POC killed 'trying to escape'

On 18 May *AI* sent a telex message to President Bignone calling on the Argentine Government to conduct an urgent public investigation into the killing of two people who reportedly "disappeared" from Rosario in Sante Fe province on 14 May.

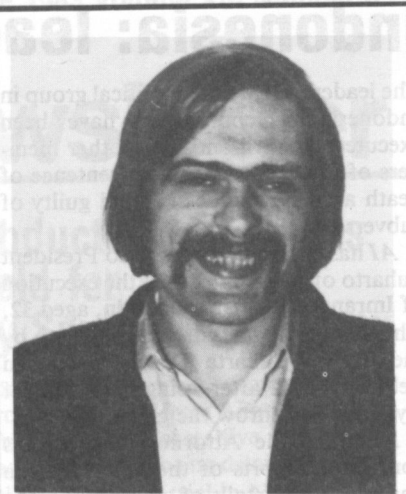
One of the dead men was Osvaldo Cambiaso, adopted by *AI* as a prisoner of conscience in 1979 and released last year after seven years' imprisonment.

An official police communique on the deaths issued on 17 May said he and a companion, E. Pereyra Rossi, had been shot on 14 May while trying to escape from a police patrol outside Buenos Aires.

AI has received reports that at noon on 14 May witnesses saw heavily armed men abduct the two from a bar in Rosario and drive off with them in an unmarked van.

On 16 May President Bignone assured journalists that the security forces were not involved in the killings—his statements came two days after the security forces had shot the men dead, according to the police communique.

A *habeas corpus* petition filed by Osvaldo Cambiaso's family immediately after the reported abduction was rejected by a judge on 17 May "for the lack of information"—just as the police were issuing their communique □



Jiri Gruntorad . . . a 30-year-old Czechoslovak mason who was prisoner of the month in December 1982. A signatory of the unofficial human rights movement Charter 77 and a member of the unofficial Committee for the Defence of the Unjustly Persecuted (VONS), he is serving a sentence of four years' imprisonment imposed in July 1981 for "subversion".

He is being held in Minkovice prison, where the administration is reported to have harassed him and subjected him to frequent administrative punishments, including solitary confinement, reduced food rations and having his head shaved.

He is said to have received facial injuries after reportedly being beaten up by a member of the prison staff on 17 March 1983. After complaining about this he was placed in solitary confinement for six days.

On 7 April he was charged under Article 174 of the Penal Code with making a false accusation. If convicted, he would be liable to further imprisonment of up to three years □

Swaziland 'Haircut' verdicts quashed by judge

Thirteen Jehovah's Witnesses sentenced to prison terms in late 1982 for refusing to cut their hair in accordance with a government directive after the death of King Sobhuza II (see April Newsletter) had their convictions and sentences quashed by Swaziland's Chief Justice on 7 April 1983.

He upheld their appeals on the grounds that they had not been properly charged and had been denied an adequate opportunity to give evidence in their own defence by the magistrate who tried and convicted them.

In all, between 90 and 100 Jehovah's Witnesses are reported to have been tried and convicted in late 1982 for refusing to obey government directives on national mourning for King Sobhuza □

Indonesia: leader of Muslim group executed

The leader of a Muslim political group in Indonesia is reported to have been executed in April and three other members of the group are under sentence of death after having been found guilty of subversion.

AI has expressed concern to President Suharto of Indonesia about the execution of Imran bin Muhammad **Zein**, aged 32, who was tried and sentenced to death by the Central Jakarta District Court in February 1982 after being convicted of trying to overthrow the government.

Although the Attorney General has confirmed reports of the execution, he has issued no details of where and when it was carried out. *AI* believes it was on 13 April.

Although the death penalty exists in Indonesia for a variety of offences and death sentences are periodically handed down, they are rarely carried out, particularly in cases of people accused of political offences. About 15 judicial executions have taken place since 1965, although as many as half a million people

are estimated to have died in the mass killings which took place after the alleged coup that year. More recently, the few prisoners who have been executed were convicted of criminal offences.

Imran bin Muhammad Zein was the leader of a group known as *Imran Jemaah*, which aimed to establish an Islamic state in Indonesia. Its members were accused of an attack on a police station in Bandung, West Java, and the hijack of an Indonesian airliner in March 1981.

Appeals dismissed

Imran bin Muhammad Zein's appeal to the Jakarta High Court was dismissed on 5 March 1983. On 12 March he appealed directly to President Suharto; his appeal was rejected on 18 March.

His lawyers say they were unable to see their client for over a year before his execution.

Three other members of *Imran Jemaah* are currently under sentence of death:

Salman **Hafidz's** final appeal for clemency is currently with President Suharto, earlier appeals having been dismissed by both the High Court and the Supreme Court; Ashar bin Mohamad **Syafar** was sentenced to death by the Central Jakarta District Court in September 1982 and Maman **Kusmayadi** by the Bandung District Court in early April 1983.

In a separate case, another alleged Muslim activist, Timsar **Zubil**, has been sentenced to death on charges of subversion. He was accused of being involved in bombings and arson in the Medan area of Sumatra aimed at the overthrow of the government. Sentenced in 1978, his appeals to higher courts have been rejected. His final appeal for clemency to President Suharto was reportedly dismissed in February 1982. In February 1983 his execution was reported to be imminent.

AI has appealed for all these death sentences to be commuted.

In addition to death sentences passed in recent years for subversion, at least 30 political prisoners have been under sentence of death for several years for involvement in the alleged coup of 1965.

Although the Indonesian authorities have indicated that these sentences would not be carried out, they have not been commuted. This means that these prisoners, most of whom have already been held for almost 18 years, face the prospect of indefinite detention.

On 28 March 1983 the Supreme Court confirmed the death sentence on one of the prisoners, Mohamad **Munir**, a former member of the Politburo of the Indonesian Communist Party and Chairperson of the trade union federation SOBSI at the time of the coup attempt. He was sentenced in April 1973 □

Labour colony for 'dissenting' Baptist



Lidia Bondar (circled) . . . imprisoned in a labour colony in the USSR for the second time. She is shown here with the other 10 members of the Council of Prisoners' Relatives, an unofficial Baptist group which has monitored and reported on the imprisonment of "dissenting" Baptists since 1964.

"Dissenting" Baptists do not accept state-imposed restrictions on religious activity in the Soviet Union and refuse to register their 2,000 congregations with the state. These congregations are regarded as illegal by the authorities and members are often harassed during church services, victimized at work and even imprisoned. *AI* knows of 172 "dissenting" Baptists who are currently imprisoned on grounds of conscience alone.

Lidia Bondar, aged 47, was adopted by *AI* as a prisoner of conscience after she had been sentenced in 1971 to two years in a corrective labour colony under Article 142 of the RSFSR Criminal Code ("Violation of the Laws on Separation of Church and State and of Church and School").

In April 1982 she was arrested with five others at a meeting of their council in the Ukrainian town of Lozovaya in Kharkov region. They were released but she was tried in February 1983 and sentenced to three years in a corrective labour colony. *AI* has no precise information on the charges against her □

DEATH PENALTY

AI has learned of 41 people being sentenced to death in 16 countries and of 28 executions in 13 countries during April 1983.

STOP PRESS: LIBYA: Five people were reportedly hanged in public on 7 April, including Muhammad Muhadhab Haffaf, adopted by *AI* as a prisoner of conscience since 1976 and serving a life sentence after conviction for membership of an illegal organization. The other four were Palestinian teachers, reportedly executed without trial after being charged with belonging to the same organization.

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