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Sri Lanka: Fears over new police burial powers

New emergency legislation has been enacted in Sri Lanka which allows the police to bury or cremate the bodies of dead people if they deem it necessary—without anyone else being present and without inquest procedures.

Although Regulation 15A of 3 June 1983 specifies that any burial or cremation must be authorized by the Secretary of the Ministry of Defence, *AI* believes it to be a dangerous provision which could facilitate the deliberate extrajudicial executions of suspects in police and army custody. The new regulation falls under Sri Lanka's Emergency Regulations.

On 9 June *AI* cabled President J.R. Jayewardene expressing concern that the departure from normal procedures for burial and inquest could give rise to the gravest violations of human rights and appealing to the President to rescind Regulation 15A.

It recalled previous concerns expressed by *AI* about a similar emergency regulation in force from 11 to 16 July 1979, when six members of Sri Lanka's Tamil minority died in police custody—as described in a May 1980 memorandum by *AI* to the government.

AI noted too that it had opposed legislation in force after the 1971 insurrection "when young men and women were extrajudicially killed by security forces".

New *AI* report on Sri Lanka: Political suspects tortured in custody

In recent years *AI* has received reports of political suspects in Sri Lanka having been held incommunicado under the country's Prevention of Terrorism Act and tortured both in army camps and by the police.

In some cases detainees have been kept in solitary confinement for more than eight months after arrest. Torture is said to include hanging victims upside down from hooks, beating them with metal bars and driving needles under the toenails and finger-nails.



Dr S. Rajasunderam . . . detained and reportedly beaten up in Panagoda army camp in northern Sri Lanka in May.

A medical practitioner, he is Secretary of the Gandhivam movement, a social services organization involved in the resettlement of Tamil refugees in the north of the country. He was arrested under the Prevention of Terrorism Act on 6 April in Vavuniya, detained for a month in Gurunagar army camp and then moved to Panagoda camp on 7 May.

According to a *habeas corpus* petition submitted on his behalf to the Court of Appeal, Colombo, he was assaulted in his cell by army personnel for more than three hours on 8 May. A report by the Judicial Medical Officer was submitted to the court: it showed that Dr Rajasunderam had sustained injuries as a result of having been beaten.

At the time of going to press he was reportedly still being detained without charge or trial.

Evidence of these and other abuses was collected by an *AI* mission that visited Sri Lanka early last year. The *Report of an Amnesty International Mission to Sri Lanka, 31 January - 9 February 1982* was published on 6 July 1983.

In a news release that day, *AI* said that it was still receiving information that detainees were ill-treated, relatives denied information as to their whereabouts and lawyers hindered in meeting them.

On 10 April this year a young farmer from Trincomalee, K. Navaratnarajah, died in custody after having been held without charge for two weeks. Twenty-five external wounds and 10 internal injuries were found on his body during the post-mortem examination. A verdict of homicide was returned by a Jaffna

magistrate on 31 May at the end of a judicial inquiry into his death.

The *AI* mission, led by senior New York attorney Orville Schell, took testimony from 26 people who had witnessed or been victims of human rights violations perpetrated during security operations. These operations were carried out in the wake of robberies and killings attributed to extremists seeking an independent state for Sri Lanka's Tamil population.

In at least six of the individual cases examined by the mission, the detainees were still being held without trial at the time of going to press—more than two years after their arrest. Since the mission, arrests have continued but as details are rarely published and the families are not informed no exact figure can be given for those now in custody. At least 65 people are estimated to be in detention now.

Chained to grill

Former detainees, released without charge, told *AI*'s delegates they had been kept for as long as six months chained to an iron grill at Elephant Pass Army Camp. One said he had been handcuffed and kept lying on the floor for five months.

At another camp soldiers are said to have forced a detainee to crawl on broken glass, then stuffed hot chilli powder up his nostrils with a nail. Needles were reportedly driven under his finger-nails and into his arm. After 10 days a captain is said to have told him: "We took you in custody on suspicion. Now we find you are innocent. So you can go."

The mission also investigated the death of Tamils apparently shot or beaten to death by security forces in June 1981 following the shooting of two police officers. Two young Tamils rounded up at the time said they were taken to lonely spots,

Continued on back page

Also in this issue: ● Arrests in Iraq, page 2 ● Psychiatry and human rights abuses, page 4 ● Zaire amnesty, page 6 ● Afghanistan arrests, page 7 ● Chinese priests sentenced, page 8

Iraq More than 130 members of ayatollah's family arrested

More than 130 members of an exiled ayatollah's family—ranging in age from nine to 76—are reported to have been arrested and detained by Iraq's security forces in the holy city of Najaf during May.

More than 90 relatives of Ayatollah Muhammad Bagher Al Hakim were arrested on the night of 9/10 May and another 40 were arrested a week later. Sixty of those arrested were religious scholars.

Ayatollah Al Hakim is the spokesman in Iran of the Iraqi Shi'i opposition which is in exile in that country.

He is the son of the late leader of the Shi'i community in Iraq and is closely associated with the underground 'Al Da'wa Al Islamiya Party, most of whose members are believed to be Iraqi Shi'is.

In March 1980 the government passed

a law making it a capital offence to be a member of or affiliated to the party.

Many Iraqi Shi'is have been openly critical of the war with Iran. The government has systematically arrested thousands of them and deported to Iran tens of thousands whose loyalties were considered suspect.

On 24 May *AI* expressed concern to the Iraqi authorities about the reported arrest of the Al Hakim family and requested clarification of their legal position.

An official at the Iraqi Embassy in London has confirmed that the arrests took place. He said on 6 June that the three eldest members of the family had been released within two days of arrest and that releases were continuing—but that other members of the family were still being detained for interrogation □

Kenya President announces amnesty

An amnesty for more than 8,000 prisoners was announced by President Daniel arap Moi on 1 June, the 20th anniversary of internal self-government for Kenya.

Those released were all convicted criminal prisoners, except for 20 former members of the air force and three other people, including the former Police Commissioner, Ben Gethi, who had been detained without trial since soon after the coup attempt of August 1982.

None of the eight Kenyans adopted by *AI* as prisoners of conscience or other political prisoners whose cases the organization is investigating were released, despite a special appeal to the government by *AI* for the anniversary.

The eight prisoners of conscience were all imprisoned under the Preservation of Public Security Act, which provides for administrative detention without charge or trial for an indefinite period.

AI is particularly concerned about the renewed use of these powers since May 1982—for the first time since President Moi took office in 1978.

Seven of the prisoners of conscience were detained under the Act between May and July 1982. They are: George Anyona, a former member of parliament apparently imprisoned for calling for the formation of a second political party in Kenya—this was then permitted under the constitution, which was later amended to prohibit it; John Khaminwa, a lawyer imprisoned for his professional legal activities on behalf of political detainees and others; and four university lecturers—Al-Amin Mazrui (prisoner of the month in March 1983), Willy Mutunga, Edward Oyugi, David Mukaru

Ng'ang'a and Kamoji Wachiira.

The eighth prisoner of conscience is Koigi wa Wamwere, a member of parliament and outspoken critic of the government.

AI is concerned also about the detention without trial under the same Act of five other people: Oginga Odinga, the former Vice-President, who is under house arrest; Stephen Muriithi, former Deputy Director of Intelligence in the police force; and three others initially charged with treason offences and immediately rearrested and detained when these charges were dropped—Raila Odinga, Deputy Director of the Kenya Bureau of Standards and son of Oginga Odinga; Otieno Mak'Onyango, a journalist; and Alfred Otieno, a university professor.

AI believes that these five and two other people imprisoned after conviction on charges of possessing seditious publications—Wang'odu wa Kariuki, a journalist, and Maina wa Kinyatti, a university lecturer—may also be in prison because of their political opinions.

The organization is concerned, too, about the imposition of the death penalty in Kenya. Eleven former air force members who were convicted of treason by courts martial in connection with the 1982 coup attempt are under sentence of death. They have reportedly appealed to higher military authorities. *AI* has called for presidential clemency and commutation of the sentences if these appeals are rejected.

On 20 May *AI* wrote to the Kenyan Government, outlining its human rights concerns in the country □

Leg irons banned by Gambia's President

Following allegations by *AI* that 35 prisoners under sentence of death were being held in leg irons, President Sir Dawda Karaiba Jawara of the Gambia ordered an immediate inquiry into the matter and later abolished the practice altogether by presidential order.

In a letter to his Minister of the Interior on 31 December 1982, President Jawara wrote:

"I must confess I was shocked by this allegation [by *AI*]. . . .

"In the light of Amnesty International's letter to me . . . I have come to the conclusion that it is time the use of leg irons, inherited from the colonial era, was abolished entirely. I agree with Amnesty International that even security considerations cannot justify their use."

A copy of this letter is included in a new report issued by *AI* on 15 June, *Amnesty International Trial Observation Missions to the Republic of the Gambia (December 1980/January 1982)*. It contains *AI*'s two trial observation reports and the Gambian Government's comments on these reports, as well as a summary of major points of discussion during *AI*'s mission to the Gambia in August 1982.

The main trial observed during 1982 by *AI*'s delegate concerned seven people charged with treason, treasonable felony and carrying arms without authority. It was one of many trials of individuals arrested after the failed rebellion in the Gambia in July 1981, when between 500 and 2,000 deaths occurred.

In February 1982 five of the seven were sentenced to death and two were acquitted.

Altogether 35 people have to date been sentenced to death as a result of the rebellion. *AI* has appealed for the commutation of the 16 death sentences which have been confirmed after appeal. At the time of going to press none of those sentenced to death had been executed.

AI's report is available from the International Secretariat in London (the address is on the back page of this Newsletter) or from *AI* sections.

STOP PRESS: Six members of the Al Hakim family arrested in Iraq in May (see this page) are reported to have been executed on 20 May after torture in prison in Baghdad. One of the family, Ayatollah Sayyid Muhammad Husain Al-Hakim, is reported to have witnessed the executions before being freed. He was then reportedly ordered to go to Iran and tell Ayatollah Muhammad Bagher Al Hakim to stop criticizing the Iraq Government. He is now reported to be in Iran.

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.

Dr Justin YAC, Sudan
A doctor and member of Southern Sudan's Regional Parliament, he was arrested in December 1982 and is being held under the State Security Law, which permits indefinite detention without charge or trial.

Dr Yac was arrested in Juba during a period of political tension in Southern Sudan when a number of leading politicians—including the Regional Vice-President and the Speaker of the Regional Parliament—were detained because of their opposition to central government proposals to divide the south into three separately administered regions. (On 25 May 1983 President Numeiri announced that the division had been decided on.)

Southern Sudan gained regional autonomy in 1972, at the end of 17 years of civil war between Christian southerners of African descent and the mainly Muslim and Afro-Arab north.

Dr Yac has often criticized the central government's policy towards the south and is a known opponent of its proposals to divide the region. *AI* believes he is being detained for the non-violent expression of his political beliefs.

He was at first held incommunicado in Juba central prison, then transferred with other southern political prisoners to Kober prison in Khartoum. Early last May they threatened to go on hunger-strike in protest at their conditions. Since then their families have been allowed to visit them and bring them food.

However, Juba is some 1,300 km from Kober prison and a number of the families are in poor financial circumstances. Dr Yac's wife has been able to visit him—but the couple's five children have not seen their father since his arrest.

Dr Yac was Regional Minister of Health from 1974 to 1976 and from 1978 to 1979, and is a Fellow of the Royal College of Obstetricians and Gynaecologists in London.

Please send courteous letters appealing for his release to: His Excellency Field-Marshal Gafaar Mohamed Numeiri / President of the Democratic Republic of the Sudan / Office of the President / Khartoum / Sudan.

Jaromir SAVRDA, Czechoslovakia
A writer and a signatory of the unofficial human rights movement Charter 77, he is serving a 25-month prison sentence imposed in March 1983 for "incitement". He is reported to be seriously ill.

Jaromir Savrda, aged 50, was arrested on 24 September 1982, six months after he had completed a two-and-a-half-year prison sentence under Article 100 of the Penal Code for "incitement": he was accused of distributing "anti-state texts".

He was charged under the same article before the Ostrava District Court on 3



March 1983. The Procurator charged that he had collected, reproduced and distributed Charter 77 material "out of hostility" to the state and the socialist order.

Jaromir Savrda denied that he had

acted out of hostility and told the court he had signed Charter 77 as a moral duty.

He was further accused of distributing his own and other literary works considered to be hostile to the country's socialist order and its alliances or friendly relations with other states.

A member of Olomouc University, appearing as an expert witness for the prosecution, described most of the literature confiscated from the defendant's home during a police search as being anti-socialist. The material included work by the Russian authors Alexander Solzhenitsyn and Alexander Tvardovsky, and by Jaromir Savrda himself and other Czechoslovak writers.

The defence pointed out that much of the material had been published officially in Czechoslovakia in the 1960s. Jaromir Savrda reminded the expert that the Tvardovsky text in question was at the time of the trial available at the Ostrava City Library.

Jaromir Savrda, who had been receiving a full disability pension, is reported to be suffering from hypertension, heart problems and chronic kidney failure. Furthermore, there are fears that without urgent medical treatment his legs may have to be amputated.

Please send courteous letters appealing for his release (and for him to be given

medical attention urgently) to: JUDr Jan Fejes / Procurator General of the CSSR / nam. Hrdinu 1300 / Praha 4—Nusle / Czechoslovakia.

LEE Chul, Republic of Korea
A Korean born in Japan, he is serving a 20-year prison sentence for "espionage" and "anti-state" activities.

Lee Chul, now aged 35, was one of 21 students arrested and accused of being part of a "campus spy ring" after the interrogation in late 1975 of most Korean students normally resident in Japan but then studying in South Korea.

He was tried in April 1976 on charges of espionage and anti-state activities for North Korea. The prosecution said he was a communist and had travelled to the north for training as a spy. It produced a confession made by him while in detention. He was sentenced to death (this was later commuted to life imprisonment; in 1981 the sentence was reduced to 20 years).

At his appeal hearings in 1976, Lee Chul said he had confessed to the charges after being tortured and told his family and friends would suffer the same fate. (His wife had been arrested with him and was sentenced to three years' imprisonment.)

He told the appeal judges that while studying in Japan he had read books on communism and met students belonging to pro-North Korea groups—but he denied being a communist or ever having travelled to North Korea.

Relatives and friends gave evidence that he had been with them in Japan on the dates the prosecution claimed he had been in North Korea. Their evidence was later supported by the findings of an investigation conducted by the Tokyo Bar Association.

Lee Chul's appeal against conviction was rejected.

AI believes that he was wrongly convicted and that he was in fact imprisoned because of his non-violent student activities.

Please send courteous letters appealing for his release to: His Excellency President Chun Doo-hwan / 1 Sejong-no / Chongno-gu / Seoul / Republic of Korea.

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

The abuse of human rights carries implications for the psychiatric profession in two respects. Firstly, it is commonly acknowledged that the most serious damage caused by torture or ill-treatment is psychological rather than somatic. Therefore, it is frequently psychiatrists who are called upon to help in the rehabilitation of victims of human rights abuses. Secondly, the tools and skills of psychiatry have been misused in a number of countries for the punishment, torture or control of prisoners. The article below is based on a statement outlining AI's concerns in this area which was prepared for the Seventh World Congress of Psychiatry in Vienna from 11 to 16 July.

Psychiatry and human rights abuses

Some months after he had been detained incommunicado in a secret security force detention centre in Santiago, Chile, Pablo Fuenzalida Zegers went for a routine ophthalmic examination—and broke down at the sight of a chair.

In a subsequent medical report on him, a Chilean doctor noted:

"Apparently he has still not been able to forget the situation he had to endure . . . he suffered extreme distress because his chair was similar to one in the CNI [secret police] office."

Pablo Fuenzalida, who suffers from epilepsy, says he was tortured on four days in the CNI centre, including by being tied naked to a metal bed and given electric shocks.

His case, documented in AI's recently published report, *Chile: evidence of torture*, illustrates the psychological after-effects of incommunicado detention and also, according to his allegations, torture.

Two AI doctors who examined him in mid-1982, four and a half months after his detention, found consistency between the torture alleged and his present symptoms as well as those he described as having occurred at the time.

In all, the doctors examined 18 people who alleged torture by the Chilean security forces and found that nine had been mentally affected by their experiences. Five had consulted psychiatrists and psychologists after release and three were still receiving psychiatric treatment.

Many studies have noted the predominance of psychosomatic and psychological symptoms among the sequelae of torture. These symptoms range from recurrent headaches and insomnia to irrational fear and sexual dysfunction, and may persist for years.

A year after an Iraqi journalist and writer had been held in security headquarters in Kharkh, Baghdad—he said he had been tortured over a period of nine days in late 1978—AI doctors noted the following persistent symptoms: "Fear; depression; introversion; nightmares; impaired memory; reduced power of concentration; increased susceptibility to fatigue; spells of dizziness; loss of libido . . ." (*Iraq: Evidence of torture*, AI report published April 1981)

Long-term imprisonment

Many prisoners of conscience and other political prisoners are kept in prison for long periods in conditions that fail to meet rudimentary levels of penal care.



Anna Chertkova . . . forcibly confined in a Soviet psychiatric hospital because of her religious beliefs. In a letter to her sister in December 1981 she wrote: "For the time being hardly anything has changed for me . . . my ninth year . . ." She is still being held in grim conditions (see box on next page).

The effects of long-term removal from family and society may also be aggravated by uncertainty about treatment within the prison, possible arbitrary extension of sentence and inadequate psychiatric treatment.

AI knows of prisoners of conscience who have been incarcerated for half their lives, in some cases for more than 30 years.

In October 1982 the authorities in Taiwan announced that they were reviewing the cases of 22 prisoners detained on charges of sedition since 1950. A number of these people were known by AI to have mental problems.

Earlier this year six of the long-term prisoners who had been adopted by AI as prisoners of conscience were released. All were in poor health. One was said to show signs of mental disturbance and another was reported to be completely insane and to have made repeated attempts to commit suicide.

Prolonged isolation

Political prisoners sentenced to long-term imprisonment are sometimes further isolated by being kept in solitary confinement for long periods.

Prolonged isolation, while in itself not necessarily always giving rise to pathology, does represent a severe stress in the context of imprisonment.

Even short-term isolation, together with other forms of deprivation, can lead to rapid psychological breakdown.

Long-term isolation often includes not only the deprivation of human companionship but also the withholding of certain stimuli or the stressful imposition of others. For instance, the prisoner may be kept in perpetual darkness or subjected to continuous loud noise.

A Chilean who told AI's doctors he had been tortured on 10 days by CNI agents early in 1982 claimed that on each of four days he was tied to a chair for hours at a time and forced to listen to a cassette recording of a song played over and over at full volume.

Use of psychological methods to destabilize prisoners

In a number of prisons in which political detainees are held, the regimen is designed or administered so as to create severe stress and tensions among prisoners.

These methods include harassment and personal abuse (sometimes using sensitive information gained during visits by the prisoner's family); arbitrary application of and changes to prison rules; and threats to extend the terms of imprisonment.

One such institution is said to be the military-run *Libertad* prison in Uruguay, where some 850 political prisoners were reported to be held at the beginning of 1983.

Former prisoners have described conditions there as being deliberately designed to undermine their psychological stability. Similar conditions are said to exist in *Punta de Rieles*, where Uruguay's women political prisoners are imprisoned.

Detailed testimony on conditions in *Libertad* was given to AI in 1981 by a former prisoner of conscience. His account included the following:

"Life in the prison is a continuous series of shocks. When they open windows or doors they always do it suddenly and with a huge bang (it must not be forgotten they are made of steel) and if one is not expecting it, the shock can be unnerving.

"On other occasions, the door is opened and a soldier or sergeant says to a prisoner: '1820' (they are always referred to by number) 'prepare all your things'. Even such a simple phrase can petrify a prisoner because it means he is to be taken somewhere else.

"It could simply be to another cell or floor or hut. But it can also mean the 'Island' [isolation cell] or outside the

prison [to a military barracks], which is synonymous with torture."

Methods of psychological destabilization are frequently used against detainees in order to extract information or confessions from them. Such methods are used by security forces in countries all over the world.

In 1972 *AI* investigated allegations of ill-treatment of prisoners and internees in Northern Ireland and concluded that the security forces had used interrogation techniques which violated human rights.

In a memorandum to the United Kingdom's Parker Committee on Interrogation Procedures in 1972, it stated:

"It is a form of torture to force a man to stand at the wall in the posture described for many hours in succession, in some cases for days on end, progressively exhausted and driven literally almost out of his mind by being subjected to continuous noise, and being deprived of food, of sleep, and even of light.

"But the moral impropriety of these techniques principally derives not from their physical effects at all, but from the fact that they constitute a grave assault on the human mind. It is clear that the purpose and effects of these techniques is to disorientate and break down the mind by sensory deprivation."

'Disappearances'

That those who have "disappeared" and are being held in secret detention centres are under tremendous psychological pressures needs no elaboration.

The pressures on the families and close friends are intense too. Compared to other forms of traumatic and sudden separation—accidental death, say, or suicide—"disappearance" does not engender the same personal or social support systems for those left behind, primarily because of the uncertainty of the "disappeared" person's true fate.

The effects on the children of the "disappeared" are particularly cruel and damaging.

In an analysis of 203 children under the age of 12 from families affected by political imprisonment and "disappearance" who were observed in a mental health clinic in Santiago, Chile, from the end of 1973 to early 1977, it was reported that 78 per cent suffered from symptoms of social isolation; 70 per cent from depression; and 78 per cent from an intense and generalized fear aroused by specific environmental stimuli (sirens, the sight of uniformed adults, the sound of car motors at night).

Half of the children studied exhibited symptoms of loss of appetite and weight, sleep problems, regressive behaviour and diminished school performance, and excessive dependence on their mothers.

The most severe cases were associated with the youngest—65 per cent of the 203 were under six—and those who had suffered a long duration of the traumatic situation, isolation from relatives and friends fearful of the stigma attached to the victims of political repression, and an inadequate or false explanation of the absence of one or both parents. (These

Ten years in a special psychiatric hospital

A former prisoner of conscience has provided a grim account of conditions in a special psychiatric hospital in Tashkent, where he visited 56-year-old Anna Chertkova, a Baptist who has been forcibly confined there for the past 10 years because of her beliefs.

Anna Chertkova, adopted by *AI* as a prisoner of conscience, is a member of the breakaway wing of the Baptist Church not officially registered or recognized by the state authorities.

She comes from Alma-Ata in the Republic of Kazakhstan and is reported to have been denied living accommodation for several years because of her religious beliefs.

In 1973 she was arrested in the street and sent to a special psychiatric hospital—the severest form of psychiatric detention in the Soviet Union and designated by law only for people who "represent a special danger to society".

In mid-1980 *AI* received reports that she was being given repeated injections of a powerful anti-psychotic drug—sulfazin—because she refused to appear before an official medical committee and continued to speak out about her Christian faith.

The conditions under which she is held were described by another prisoner of conscience as follows:

"She is in a prison hospital for the mentally ill—put bluntly—a prison

mad-house. The bulk of the patients are murderers. Anna is among such people.

"She is held behind seven layers of security [including a 3.5m-high concrete fence, an electrified barbed wire fence and an armed patrol]. . . .

"For exercise there is a concrete pen, which the doctors call the exercise yard. The walls are 5m high and it is 11m wide by 17m long.

"The floor in cement with not a blade of grass or a bush. . . .

"The women's department, together with this pen, is enclosed by a 2m-high brick wall, which Anna calls 'the wall of China'.

"The entrance doors to the block housing the women's department are steel, as in a prison, and are locked. . . . The doors of the wards on the first floor are bolted, on the ground floor locked.

"You have to knock to go to the toilet, but you have to watch out how you knock! If you knock too loudly they curse you, too quietly and they don't hear. Don't knock too often, don't complain.

"If you talk too much you get an injection of sulfazin, which sends your temperature up to 40°C and you are immobilised.

"Anna got sulfazin because she does not believe in communism but openly believes in God. . . . they say that she is an enemy of the people."

statistics come from *Children of Prisoners and the Disappeared: A Diagnostic Study*, Santiago, 1979.)

Abuse of psychiatry for political purposes

For more than a decade *AI* has had convincing evidence that in a small number of countries—most notably the USSR—psychiatrists have been party to the compulsory confinement and treatment of political, social and religious non-conformists in psychiatric hospitals.

AI believes that in many cases the "patients" have been committed against their will for non-violently exercising their human rights in ways not approved of by their governments and not for genuine medical reasons.

AI now knows of nearly 200 people who have been forcibly confined to Soviet psychiatric hospitals for political reasons in the last eight years—and the real total is probably higher.

Among those confined for months or years, and sometimes punished by the use of powerful drugs, are people who were themselves seized for calling attention to the same treatment of others.

AI has learned of 193 new cases since 1975, when it published a report on Soviet political prisoners which described the abuse of psychiatry and urged an end to it. That report noted some 120 known

cases between 1969 and 1975, making over 300 in all between 1969 and the present.

These cases are only those which *AI* has been able to study in detail. They do not include people confined before 1969, even those who were still held after that time, nor many cases on which the movement does not have enough detail to know whether the people held were prisoners of conscience.

The following is a sample of the activities which led to the forcible confinement of those whose cases have been documented by *AI*: renouncing Soviet citizenship (Mikhail Berozashvili, 1980); sending a passport to President Brezhnev in protest against official emigration procedures (Mikhail Utemov, 1981); holding a placard in Red Square, saying "I demand the right to emigrate" (Zita Salaseviciute, 1981); trying to cross the border out of the USSR without permission (Gerhard Buterus, 1979); arranging to meet a Swedish journalist (Yury Ternopolsky, 1981); preaching about the national tradition of the Estonian Church (the pastor Vello Salum, 1981); distributing religious leaflets (the Seventh Day Adventist Anna Lapaeva, 1980); complaining to high officials about the standard of medical treatment given to her for chronic nephritis (Zita Kirsnauskaitė, 1978); joining an unofficial Helsinki monitoring group (the Lithuanian psychiatrist Dr Algirdas Statkevicius, 1980) □

Republic of Ireland Intervention call in Kelly case

AI has urged the Irish Government to intervene in the case of Eamonn "Nicky" Kelly, who is serving a 12-year prison sentence after a trial about which the organization has "serious doubts" (see April 1983 *Newsletter*).

He was sentenced in 1978 for armed robbery, his conviction being based solely on a confession. He claimed at his trial that he had been beaten into signing the confession.

In a letter to the Irish Minister of Justice, Michael Noonan, on 3 June, *AI* said there was "uncontested medical evidence consistent with Mr Kelly's allegations of ill-treatment". It noted also that the confession had been signed after prolonged, exhausting interrogation and reiterated its "serious doubts" about standards of fairness applied in the case.

AI has expressed these concerns to both the previous and the present Irish Governments. However, the present Minister of Justice has refused to intervene in the case on the grounds that this would infringe the authority of the courts.

In mid-May *AI* sent a member of its

International Secretariat to Dublin for further investigations into the Kelly case and on 19 May it made an urgent request for a meeting with the government.

The Minister of Justice replied on 27 May that there would be "no point" in such a meeting.

In its letter of 3 June *AI* said it was concerned that the Minister's refusal to intervene—and his grounds for doing so—"foreclose all possibility of remedy to Mr Kelly".

The Minister of Justice has consistently said that he would not override the courts' decisions. In Irish law, there is no procedure for formal review of a court judgment which has been appealed unsuccessfully to the Supreme Court.

In its letter, *AI* said that the authorities' approach meant that there was no remedy available to Kelly. However, the government had an obligation in the case because of the doubts surrounding the confession.

Eamonn Kelly ended a 38-day hunger-strike in protest at his conviction and sentence on 7 June 1983 □

Zaire POCs among those amnestied

An amnesty for all prisoners convicted of offences against the security of the state was announced by President Mobutu Sese Seko on 19 May to mark the 16th anniversary of the founding of Zaire's ruling party, the *Mouvement populaire de la révolution* (MPR).

In a letter to *AI* dated 6 June, Zaire's Ambassador in London named 17 people adopted by the organization as prisoners of conscience who were to be released under the amnesty—11 former members of the National Assembly and a former member of the MPR Political Bureau who were convicted in July 1982 of having attempted to form a new political party (see March 1983 *Newsletter*), plus two of their supporters and three other people convicted of the same offence in connection with a different political party.

When he announced the amnesty, President Mobutu said also that people who had been deprived of their civic and

political rights would have them restored. It is unclear whether this applies to former political prisoners who are now living under restriction in rural areas. Some of those reported to be living in internal exile are known to have been formally deprived of their rights, while others have had their movements restricted simply on the orders of the security police.

AI has publicly welcomed the amnesty and, in a message sent to President Mobutu on 24 May, expressed the hope that it would also be applied to untried prisoners of conscience.

• **Muteba Tshitenge**, who had been held without trial since October 1981 (see March 1983 *Newsletter*), is reported to have been released at the end of January from a detention centre in Kinshasa and transferred to the town of Demba, in Kasai Occidental region, where he is understood to be in internal exile □

Releases in El Salvador

Some 500 civilian political prisoners accused of minor offences are reported to have been released under a Law of Amnesty and Citizen Rehabilitation passed by the Salvadorian Constituent Assembly on 4 May 1983.

The law is applicable to civilian prisoners who have been charged with offences carrying a penalty of less than four years'

imprisonment and who have already spent six months in prison.

Most of the estimated 200 to 300 political prisoners remaining in prison have not been brought to trial despite having been held for longer than the pre-trial detention periods of up to 300 days provided for by Decree Law 507, under which most political prisoners in El Salvador are held □

GDR Church workers sentenced under 'information' law

Nine residents of the town of Cottbus in the southeast of the German Democratic Republic (GDR) are reported to have been sentenced recently to prison terms of between 2½ and 3½ years for "treasonable passing on of information", under Article 99 of the penal code.

Considerable secrecy surrounds political imprisonment in the GDR and *AI* does not know precisely why charges were brought against these nine people, seven of whom are understood to have been employed by the Evangelical Church in Cottbus.

Before their arrest a number of the nine are reported to have taken part in non-violent activities in support of peace—such as wearing badges bearing the words "Swords into Ploughshares" and making placards protesting against military toys.

The fact that they were charged under Article 99 indicates that they were in touch with people or organizations abroad about their activities. The article proscribes sending information "not categorized as secret" to "foreign organizations . . . and their helpers" if it is considered to be "to the disadvantage of the interests" of the GDR.

Article 99 may also have been applied because a number of the nine were reportedly seeking permission to emigrate. Would-be emigrants who turn to organizations and individuals abroad for help in their efforts to get exit visas have often been prosecuted under this article.

AI has adopted all nine as prisoners of conscience.

Roland Jahn

AI has learned that Roland **Jahn** (see March, April 1983 *Newsletters*) was expelled from the GDR on 8 June.

He was sentenced on 17 January this year to 22 months' imprisonment for cycling through the university town of Jena with a Polish flag bearing the words "Solidarity with the Polish people". He was freed from prison in February.

He is reported to have been handcuffed and locked into a train bound for Munich in the Federal Republic of Germany after he had refused to leave the country voluntarily.

A number of other residents of Jena are reported to have been arrested recently, including A. **Friedrich**, who organized a petition against the expulsion of Roland Jahn □

Prisoner Releases and Cases

The International Secretariat learned in May of the release of 120 prisoners under adoption or investigation; it took up 66 cases.

Afghanistan Widespread arrests reported

Widespread arrests have been reported recently of members of the Afghan Social Democratic Party (*Afghan Mellat*), which has consistently advocated a peaceful settlement of the civil war in Afghanistan.

Several hundred people are understood to have been arrested during May—mainly in the Kabul area. None are believed to have been charged.

On 7 June 1983 *AI* sent a telex message to President Babrak Karmal expressing concern at the reported detentions and asking that those held be charged or released.

Earlier, on 9 May, *AI* had sent a message to the President welcoming the announcement of an amnesty for political

prisoners on the occasion of the fifth anniversary of the Sower revolution, which brought the present ruling party to power.

AI asked for full details of the terms of the amnesty and for a list of prisoners released. It also expressed concern about reports it had received that wives, and in some cases children, of alleged members of anti-government forces had been detained without charge or trial. At the time of going to press *AI* had received no list of released prisoners from the government.

• Dr Philippe Augoyard, a French doctor sentenced to eight years' imprisonment in March for illegal entry and assisting counter-revolutionary elements, was released from prison on 9 June □

South Africa Three are hanged after appeals fail

Three alleged members of the African National Congress (ANC)—banned in South Africa by the authorities since 1960—were hanged in Pretoria on 9 June, three days after their clemency appeals had been rejected by the country's State President.

They were sentenced to death by the Pretoria Supreme Court on 6 August 1982, after conviction for treason and other offences involving the use of violence.

The three—Marcus Thabo Motaung, Jerry Semano Mosololi and Thelle Simon Mogoerane—had decided not to appeal to the South African Appeal Court but to petition State President Marais Viljoen for clemency.

On 6 June it was announced that the State President had confirmed the sentences. On 7 June *AI* appealed to him to reconsider his decision. It also sent clemency appeals on behalf of the three prisoners to Prime Minister P.W. Botha and the Minister of Justice, H.J. Coetsee.

AI drew their attention to reports that the three men had alleged at their trial that they had been tortured by security police and that one, Marcus Motaung, had been denied adequate medical treatment for some time after having been shot in the hip and groin by the police.

An application for a stay of execution brought by Marcus Motaung on the grounds that he had a case for damages pending against the security police was rejected in the Pretoria Supreme Court on 8 June by Mr Justice D.J. Curlewis, who originally sentenced the prisoners to death. He gave no reason for rejecting the application.

Marcus Motaung had also lodged a complaint with the South African Medical and Dental Council against an official District Surgeon about medical treatment he had received during his interrogation by the security police.

A spokesman for the council is reported to have said on 8 June that the complaint before it would be heard despite the execution.

In its message to State President Viljoen, *AI* welcomed his decision to extend clemency to three other alleged ANC members also sentenced to death for treason. Judicial appeals made by David Moise, Johannes Shabangu and Anthony Bobby Tstobe had earlier been rejected by the Appeal Court. Their death sentences have been commuted to life imprisonment □

Argentina—Cambiaso autopsy findings



Oswaldo Cambiaso, a former prisoner of conscience adopted by *AI*... shot dead after "disappearing" from Rosario, Santa Fe province, in May (see June 1983 *Newsletter*).

Witnesses say heavily armed men abducted him and a companion, Eduardo Pereira, from a cafe in Rosario at noon on 14 May.

Later, police said the pair had been shot dead on that date while "trying to escape" from a police patrol outside Buenos Aires.

An autopsy performed on the body of Oswaldo Cambiaso has shown that his skull was smashed by four bullets entering through the back of the neck.

Relatives who identified the body

say the bullets appear to have been fired at close range.

Reports in the Argentine press have said his body bore other gunshot wounds as well and that there were signs that he had been beaten.

Relatives of the second man, Eduardo Pereira, were not permitted to examine his body, which was handed over by the authorities for burial in a sealed coffin. He was buried on 19 May in the presence of armed officials.

The judge investigating these "disappearances" and killings, Jorge Eldo Juárez, is reported to have received telephoned death threats.

Lawyers representing the families of the dead men have submitted to the investigating court an account of the killings they say they received from an anonymous police informant.

According to this account, the two men were driven to a warehouse in Rosario after their public abduction, then drugged and taken to Zárate, some 200km away. By then unconscious, they were allegedly put in a car and shot by a member of the provincial police.

The informant is reported to have sent a copy of his allegations to the Italian Ambassador in Argentina—Oswaldo Cambiaso held dual Italian-Argentine nationality □

AI movement doubles in two years

AI now has more than 500,000 members, subscribers and supporters in over 150 countries and territories around the world—double the number of people in the movement two years ago. There are 3,000 local groups and 42 sections in countries in Africa, the Americas, Asia, Europe and the Middle East. These statistics are based on membership reports received from sections for the year 1982.

DEATH PENALTY

AI has learned of 91 people being sentenced to death in 14 countries and of 18 executions in eight countries during May 1983.

China: Long prison terms for elderly priests

Four elderly Roman Catholic priests are among a number of prisoners of conscience who are reported to have been tried in the People's Republic of China in the first quarter of this year.

The priests were tried in Shanghai in March and sentenced to between 2½ and 15 years' imprisonment.

Two of them—Father Vincent **Zhu** Hongsheng, aged 68 (prisoner of the month in June 1983), and Father Joseph **Chen** Yuntang, also in his sixties—were tried on 22 March.

No official information on their trial has been made public but unofficial sources say they were charged with "colluding with foreign countries", "endangering the sovereignty and security of the motherland", "collecting intelligence reports", "fabricating rumours" and "carrying out incitement".

Catholic sources in Shanghai say that these charges referred to the priests' contact with foreign visitors, their continued



Father Vincent Zhu . . . 15 years

allegiance to the Vatican and their independent religious activities.

Father Zhu was sentenced to 15 years' imprisonment and Father Chen to 11 years.

Reports received by *AI* say the trial was closed to the general public and to relatives of the defendants—but 100 people are said to have been officially invited to attend.

At an earlier trial, Father Stanislas **Shen** Baishun, aged 79, was sentenced to 10 years' imprisonment and Father Stephen **Chen** Caijun, aged 65, to 2½ years. *AI* has no further details.

Another prisoner of conscience reported to have been tried in early 1983 is **Liu** Shanqing, who was sentenced to 10 years' imprisonment. His trial, too, was reportedly closed to the public and no official information on it has been released.

An electronics sales engineer from Hong Kong, Liu Shanqing was arrested in December 1981 while he was visiting Guangzhou (Canton) to try to see relatives of a prisoner of conscience.

After Liu Shanqing's arrest, his father made three trips from Hong Kong to Guangzhou to try to get information about his fate. He was eventually told by officials of the Guangzhou Intermediate People's Court that his son had been tried and sentenced to 10 years' imprisonment, but was given no further details □

Sri Lanka

Continued from page 1

one of them near Jaffna burial ground, shot by a police inspector and left for dead. Both survived, but one is now physically handicapped. The government has taken no action in any of these cases.

AI's report notes that violence has frequently accompanied demands for a separate Tamil state, but points out that the torture or killing of individuals detained by anyone, including opposition groups, can never be accepted. It adds that, for their part, governments have a duty to safeguard human rights, particularly when faced with problems of national security.

The report makes 12 detailed recommendations which, it says, would bring the treatment of detainees into line with Sri Lanka's constitutional human rights guarantees and United Nations standards. These include: informing detainees of the grounds for arrest; disclosing the place of detention to relatives and allowing immediate and regular access to lawyers; establishing independent machinery to investigate torture complaints, with published findings and proceedings against those held responsible; restoring the normal rules of evidence in all cases, according to which statements made solely to the police are inadmissible in court.

* **Despite previous assurances, *AI*'s delegates were informed during their mission that they would not be able to see any officials. After sending its 72-page report to President Jayewardene on 7 February 1983, *AI* again sought talks with the government and repeated its offer to publish the government's comments. On 6 April the organization was told that "it will not be possible for him [the President] or a representative of the government to discuss the report with you" □**

Labour colony for Soviet yoga teacher

A 66-year-old Soviet yoga teacher has been sentenced to four years' imprisonment in a corrective labour colony after being convicted under an article of the criminal code dealing with religious ceremonies.

V.A. **Sukhova** was tried in Sverdlovsk on 5 February 1983 and convicted under Article 227 of the RSFSR Criminal Code of "Anti-social activity under the pretext of performing religious ceremonies".

It is not known where V.A. Sukhova, who is married, is serving her sentence.

At the time of her arrest the authorities are reported to have confiscated sticks of incense and manuscripts on philosophy and folk medicine after searching the homes of some 30 teachers and other staff at higher education and research institutes in Sverdlovsk.

Literature on yoga and Indian philosophy—the latter officially published in the Soviet Union—is said to have been seized as well.

Article 227 of the RSFSR Criminal

Code is applied specifically to punish individuals who violate official restrictions on religious practice in the USSR. It prescribes a maximum sentence of five years' imprisonment for those who "organize or direct a group, the activity of which, carried on under the appearance of preaching religious beliefs and performing religious ceremonies, is connected with the causing of harm to citizens' health, or any other infringement of their person or rights".

At any one time *AI* has always had under adoption as prisoners of conscience scores of people in the USSR convicted under this article—usually the leaders of "unregistered" Protestant congregations which reject the stringent restrictions imposed on their religious activities by the Soviet authorities.

V.A. Sukhova is the first yoga teacher imprisoned under Article 227 that *AI* has heard of. Since her imprisonment violates the right to freedom of conscience, it has adopted her as a prisoner of conscience □

On the record: Letters to Guatemala

AI has placed on the public record three letters which it has sent to the Guatemalan authorities since the present government came to power after the March 1982 coup.

The letters—dated 11 June and 31 August 1982 and 28 April 1983—review *AI*'s long-term concerns in Guatemala and draw attention to a series of human rights violations which have occurred in the country since March 1982. These concerns are: extrajudicial executions directed both at individuals and at groups on a massive scale; "disappearances"; and the judicial death penalty. As regards the last, one of *AI*'s particular concerns is Decree Law 46-82 of July 1982, which

extends the range of offences for which the death penalty is applicable.

At the time of going to press *AI* had received no replies to its letters from the Guatemalan authorities.

Copies of *AI*'s letters are available from the International Secretariat or *AI* sections □

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