

The Wire

October 2004 Vol 34 No. 09

AI Index: NWS 21/009/2004

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Indonesia's hidden war

'The men, women and children were then forced to march in front of soldiers looking for rebels in the jungle, effectively acting as human shields.'

While the world's attention focuses on Iraq, Afghanistan and other "hotspots", the massive human rights violations experienced by the population of the Indonesian province of Nanggroe Aceh Darussalam (NAD) during the last 18 months have gone largely unnoticed. Abuses such as that described above are so pervasive that virtually all aspects of life have been disrupted.

The latest upsurge of violence in NAD began in May 2003, after negotiations between Indonesia and the armed independence group, Free Aceh Movement (GAM), broke down. As a result, Indonesia declared a military emergency, crushing hopes for an end to the 28-year conflict.

What followed were some of the most intensive military operations ever seen in the province, accompanied by a blatant disregard for civilian security. AI has received dozens of accounts of unlawful killings, arbitrary arrest, torture, rape and other violations by the Indonesian security forces.

Between May 2003 and May 2004 the military claimed to have killed around 2,000 people. In May 2004, the military emergency was downgraded to a civil emergency, but 421 people were reportedly killed between May and September in continued operations. The majority of those killed appear to have been men. Young men in particular, are more likely to be suspected of being members of GAM.

AI has also documented incidents of rape and sexual violence. In one case, a woman wept as she told of how she was stripped naked and raped by six soldiers while in military detention in 2003. She was punched, beaten with a wooden plank, and on one occasion forced to stand in cold water up to her neck for nine hours. Her family was not informed of her whereabouts, but managed to locate her after one month. Her requests to see her three young children were met with refusal and threats that they would be killed. The woman was released only after paying five million rupiahs (US\$555) and has since fled Indonesia, leaving her children in the care of relatives.

As of mid-July 2004, the authorities claimed to have arrested around 2,200 members of GAM. Hundreds have been imprisoned, but trials have been manifestly unfair. In many cases, convictions have been based on confessions extracted under torture and suspects have not had adequate legal representation.

Forced participation in military operations and restrictions on freedom of movement have disrupted the livelihood of civilians. All adult males must participate in night guard duty and there are reports of civilians, including women and children, being used as scouts and spies. During times of intense military operations villagers have been prevented from tending to their fields or gathering food in the forest.

GAM is also responsible for human rights abuses, allegedly including unlawful killings. It has taken several hundreds of hostages and has recruited child soldiers. Children have been made to act as informants, collect "taxes", participate in arson attacks, and provide food and other supplies.

The situation in NAD is compounded by the fact that it has been, in effect, sealed off. Local human rights monitors have faced severe repression and the province remains closed to international human rights observers. International humanitarian agencies and journalists have had only very restricted access.

In this environment, limited efforts by the military to bring to justice perpetrators of human rights violations, although a welcome development, provide little hope of meaningful justice. Only a

fraction of the thousands of allegations of human rights violations are investigated or brought to trial – none of the cases described in this article are among them.

AI is launching a new report: *Indonesia: New military operations, old patterns of human rights abuses in NAD province* (ASA 21/033/2004) on 7 October.

Fleeing xenophobia in Côte d'Ivoire

Tens of thousands of people have fled their homes to escape persecution

“I left Côte d'Ivoire in December 2003 with my five children to flee the continual harassment against Burkinabè”, Seynou Maïmouna told AI delegates in Burkina Faso in July. Born in Burkina Faso, she is one of the tens of thousands of Burkinabè, living in Côte d'Ivoire for years, who had to flee their homes and plantations to escape xenophobic persecution after the armed uprising in September 2002. Burkinabè residents in Côte d'Ivoire (as well as nationals from neighbouring countries, including Mali and Liberia) are often targeted by the media and politicians who accuse them of supporting the armed groups that started the civil war.

The Burkina Faso authorities told AI in July that more than 360,000 Burkinabè had fled Côte d'Ivoire since September 2002 and that 80 per cent of those who had been officially repatriated were women with children. These women came back alone to Burkina Faso while their husbands, mostly farmers, remained in Côte d'Ivoire, despite the danger, to look after their plantations.

After leaving her children with her family in Burkina Faso, Seynou Maïmouna returned to her husband who was working as a night watchman in Abidjan, Côte d'Ivoire. She discovered that he had been killed during the indiscriminate repression launched by the security forces in Abidjan following a banned demonstration on 25 March 2004. “I looked for him in every morgue and found his corpse riddled with bullets,” she said. “I fled Abidjan and returned to Burkina. At every checkpoint, when I showed my Burkinabè ID, men in uniform asked me for 10,000 francs CFA (US\$18).”

Since her return, Seynou Maïmouna relies on the help of her family who gave her some land which she is beginning to cultivate with her children. She is now waiting for the first harvest to feed her family.

Like Seynou Maïmouna, thousands of Burkinabè had to abandon their belongings and land, often driven out by the local population. Many find themselves destitute in their country of origin and are trying to start a new life. The Burkina Faso authorities have launched some relief programmes with the help of international organizations. But the needs are huge and the situation requires a coordinated effort by the Ivorian and Burkina Faso authorities as well as a clear commitment by the international community to uphold the rights of returnees and to compensate those whose rights have been violated.

Despite the harassment and suffering, some Burkinabè returnees told AI that they will return to Côte d'Ivoire once the situation allows it. Seynou Maïmouna is not one of them. “I went to Côte d'Ivoire with my husband in 1971,” she said. “I lost everything there and will never return.”

See *Côte d'Ivoire: The indiscriminate and disproportionate repression of a banned demonstration* (AFR 31/004/2004).

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‘We had high hopes in Accra’

Despite the 2003 peace agreement, Liberians remain at risk of human rights abuses at the hands of former combatants, especially in remote areas of the country

The peace agreement signed in Accra, Ghana, on 18 August last year raised hopes for peace, rebuilding a devastated country, and an end to the appalling human rights abuses which characterized Liberia's 14-year-conflict. Much remains to be done to realize these aspirations.

AI representatives visited Liberia in July to gauge the impact of the peace agreement, the presence of the United Nations Mission in Liberia (UNMIL) and promises made at the International Reconstruction Conference on Liberia in February 2004. Steady advances in UNMIL deployment

and disarmament and demobilization had undoubtedly led to a decrease in the human rights abuses which had continued after August 2003. In less accessible areas, however, civilians remained at risk of harassment, intimidation, extortion, forced labour and looting by combatants of the former government of Liberia, the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL).

UNMIL forces need to be deployed quickly to these areas and to carry out their mandate to protect civilians. At the same time, however, the National Transitional Government of Liberia (NTGL), which includes representatives of the parties to the conflict, has a responsibility to honour commitments in the peace agreement to respect international human rights and humanitarian law.

Liberian civil society gave a strong message that impunity for crimes against humanity, war crimes and other serious violations of international law must end. Past failure to address impunity had resulted in continuing abuses and prolonged the conflict: “impunity is the propelling force of the conflict”, a Liberian non-governmental organization concluded. The international community and the NTGL should state categorically that perpetrators of these crimes will be brought to justice.

As Liberia emerges falteringly from a human rights crisis, protection of human rights must be a priority. The UNMIL human rights section, however, remains without sufficient personnel and resources to implement ambitious plans, including monitoring and documenting the human rights situation throughout the country.

Particular efforts are required to meet the needs of those who have suffered rape or other forms of sexual violence during the conflict and also to ensure protection of the rights of women and girls in post-conflict Liberia.

Liberians and international agencies have expressed frustration that a sizable proportion of the funds pledged at the International Reconstruction Conference have not yet been made available. Putting into place the mechanisms and institutions needed to protect human rights is therefore seriously impeded, as the Association of Female Lawyers of Liberia explained: “We had high hopes in Accra, but it seems that we are in the same boat... If the system doesn’t work, we can’t do anything”.

Lack of funds is also hindering successful rehabilitation and reintegration of thousands of child soldiers. A child protection agency was seriously concerned that “they are going back to communities but there is nothing there; families, communities, schools have no support. So, the children end up on the streets of Monrovia”.

While donor countries must urgently fulfil their promises, the NTGL must also demonstrate steadfast commitment to the peace agreement and post-conflict reconstruction based on good governance, the rule of law and respect for human rights. If not, the confidence and support of the international community will be quickly eroded.

See *Liberia: One year after Accra – immense human rights challenges remain* (AFR 34/012/2004), published 18 August.

Where are the children who ‘disappeared’ in El Salvador and Guatemala?

Ernestina and Erlinda Serrano Cruz, seven and three years old at the time, were caught up in an armed attack by the Salvadoran army in June 1982 and became separated from their family. They were captured by soldiers and, according to witnesses, taken by helicopter to an unknown destination. Despite efforts made by their mother and others they are still unaccounted for.

Marco Antonio Molina Theissen was seized by members of the Guatemalan army on 6 October 1981; the Inter-American Court of Human Rights has recently directed the Guatemalan government to provide reparation.

Thousands of children were innocent victims of the internal armed conflicts in El Salvador between 1980 and 1991, and in Guatemala between 1960 and 1996. Hundreds were killed in massacres committed by the armed forces; others were taken after their parents were murdered or after becoming separated from them during army attacks on their villages. Some were taken to

orphanages, others were given up for adoption. Some 5,000 children in Guatemala and 2,600 in El Salvador have “disappeared”. Their parents and relatives continue to search for them.

Since the end of the armed conflicts, parents and relatives have been trying to establish the whereabouts of the “disappeared” children. The governments of El Salvador and Guatemala have failed to take responsibility for the search.

Recently, the governments of Guatemala and El Salvador have been called, for the first time, before the Inter-American Court of Human Rights in two cases of “disappearances” of children, an indication of the international concern for the governments’ indifference to this issue.

In February 2001, the Inter-American Commission on Human Rights urged the government of El Salvador to undertake a thorough, impartial and effective investigation to establish the whereabouts of Ernestina and Erlinda Serrano Cruz. Also, if found, the state was to provide adequate reparation for the violations against them. The Commission also recommended finding those responsible for the violations against the two girls and their relatives.

The Salvadoran authorities failed to comply with any of the recommendations and so, in June 2003, the case was submitted to the Inter-American Court of Human Rights and a public hearing took place on 7 September 2004.

The case of Marco Antonio Molina Theissen, who “disappeared” in Guatemala in 1981, was also brought before the Inter-American Court of Human Rights. At the end of a process lasting six years, the court issued its judgement on 16 July 2004. It called on the government of Guatemala to: organize a public event to acknowledge the state’s responsibility for the “disappearance” of Marco Antonio Molina; to name a school in memory of the more than 5,000 children who “disappeared” during the internal armed conflict; to create a DNA bank to help identify the “disappeared” children and to pay financial reparation to Marco Antonio Molina’s family for the damages caused.

AI is reiterating its call for both governments to take a more active role in investigating the “disappearance” of more than 7,000 children during the internal armed conflicts in El Salvador and Guatemala to end the years of suffering their families have endured.

‘Official collusion and cover-up’ in the UK

More than 15 years after the killing of Patrick Finucane, his family are still awaiting a public independent inquiry into his death. The outspoken human rights lawyer was shot 14 times in his home in Belfast, Northern Ireland, in 1989. His was just one among a number of killings alleged to have been carried out with the collusion of UK security forces.

On 16 September 2003, Kenneth Barrett, a former loyalist paramilitary, was convicted of, and sentenced for, the murder of Patrick Finucane. His was the only outstanding prosecution arising from the case. Kenneth Barrett’s conviction removed any purported justification on the part of the UK authorities not to immediately initiate a public inquiry into the allegations of state collusion and the subsequent cover-up of Patrick Finucane’s killing.

Substantial and credible allegations of state collusion began to emerge almost immediately after Patrick Finucane’s death. Since then, evidence of criminal conduct by police and military intelligence agents acting in collusion with loyalist paramilitaries in the killing has come to light. In addition, allegations of a subsequent cover-up have implicated government agencies and authorities, including the police, the British army, the UK security service (MI5), and the Office of the Director of Public Prosecution in Northern Ireland.

In May 2002, the UK and Irish governments appointed Justice Peter Cory – a former Canadian Supreme Court Judge – to investigate a number of killings in which government security forces were reported to be involved. The existence of a British army secret intelligence unit, known as the Force Research Unit, was later confirmed by Sir John Stevens, the Commissioner of the Metropolitan Police. The unit is believed to have actively colluded with loyalist paramilitary forces in killings, including of Patrick Finucane. In July 2003, the European Court of Human Rights found that the UK authorities had violated Patrick Finucane’s right to life, including by failing to promptly investigate allegations of security personnel collusion in his murder.

Justice Cory submitted his reports in October 2003, but it was not until six months later that the UK authorities finally published them, simultaneously announcing the creation of public inquiries in three cases. As of 19 September, they had not yet announced a public inquiry in Patrick Finucane's case despite Justice Cory's unequivocal conclusion that in his case "only a public inquiry will suffice". However, claims were made that an announcement would be made soon.

Please write, urging the UK authorities to set up the public judicial inquiry into Patrick Finucane's case under the Tribunal of Inquiry (Evidence) Act 1921. Call for the inquiry to focus on confirmed collusion by state agents with loyalist paramilitaries in his killing, on reports that his death was the result of state policy, and on allegations that different government authorities played a part in a subsequent cover-up of collusion in his killing.

Send letters to: The Rt. Hon. Tony Blair MP, Prime Minister, 10 Downing Street, London SW1A 2AA, United Kingdom. Fax: + 44 207 925 0918 Send emails to the Prime Minister, on website www.number-10.gov.uk

See *Worldwide Appeal* November 1999.

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No excuses for torture

"We conclude that, under the current circumstances, necessity or self-defense may justify interrogation methods that might violate Section 2340A... Section 2340A makes it a criminal offense for any person 'outside the United States [to] commit... or attempt... to commit torture'."

These stark words were written on 1 August 2002 in a memo by the Assistant Attorney General, US Department of Justice, to a member of President George W. Bush's legal counsel. This document – one of several – written by senior advisers in the Justice Department of the world's only superpower, states that torture may sometimes be justified. Unfortunately, these were not just words; the "war on terror" has been marred by numerous reports of torture or ill-treatment of "terrorist suspects" in Afghanistan, Guantánamo Bay, Iraq and elsewhere.

AI is gravely concerned that the principle of the absolute prohibition of torture and ill-treatment is being challenged, especially in the context of "war on terror" interrogations. Recently, the Court of Appeal of England and Wales ruled that evidence obtained under torture in third countries may be used in special terrorism cases, provided that the British government has "neither procured the torture nor connived at it". This makes a mockery of the absolute prohibition of torture and ill-treatment by failing to outlaw one of the key motives for such conduct.

The *Amnesty International Report 2004. Statistics covering January to December 2003* (POL 10/015/2004) documents cases of torture and ill-treatment in 132 countries. The international community must challenge any attempt to legitimize torture and ill-treatment. In view of this, AI calls on all governments to publicly pledge that they will implement the AI 12-point programme for the prevention of torture and ill-treatment.

See *Combating torture – a manual for action* (ACT 40/001/2003 appendix 16).

Worldwide Appeals

Syria

Torture and unfair secret trials

Four men, who participated in a silent march in the town of Darya to protest against the invasion of Iraq, were arrested in May 2003. They were imprisoned following unfair secret trials before a military court and had no legal representation and no right of appeal. They are being held in extremely harsh conditions and have reportedly been tortured and ill-treated in detention.

Haythem Muhammed Yasin al-Hamwi, Muhammed Khaled Shehada, Yahya Taha Sharabajee and Mu'atez Muhammed Zuheyr Murad were involved with a voluntary network dedicated to the Islamic principle of non-violent direct action. Their activities included establishing a free library, showing occasional videos (such as on the life of Mahatma Gandhi), discouraging bribery and smoking, and actively cleaning up their town.

The four men are held in Sednaya prison and have spent periods in appallingly overcrowded cells and in solitary confinement. When asked by one of the military judges, "Do you ask for mercy?" Haythem al-Hamwi replied, "No, I ask for justice." His punishment for saying this was six months in solitary confinement.

The men are reported to have been tortured and ill-treated, including having their fingers crushed, their face and legs beaten and cold water thrown over them; being forced to stand for long periods during the night and to listen to the screams and beatings of other detainees; and being stripped naked in front of others and prevented from praying. While held in overcrowded cells, they became infested with lice and were allowed to take a cold shower only once or twice a month.

Please write, calling for the immediate and unconditional release of prisoners of conscience Haythem Muhammed Yasin al-Hamwi, Muhammed Khaled Shehada, Yahya Taha Sharabajee and Mu'atez Muhammed Zuheyr Murad. Urge the authorities to investigate reports that they have been tortured and ill-treated in custody and to guarantee that the men will not suffer any further harm.

Send appeals to: His Excellency President Bashar al-Assad, President of the Republic, Presidential Palace, Abu Rummaneh, Al-Rashid Street, Damascus, Syria. Fax: +963 11 332 3410

Germany

Case closed for 'disappeared'?

The cases of six "disappeared" Argentinians of Jewish German origin may be dropped following a German court ruling in July. The cases were declared to be outside German jurisdiction as the six were not German nationals at the time of their "disappearance". Their lawyer has now filed an appeal.

Alfredo José Berliner, Juan Miguel Thanhauser, Leonor Gertrudis Marx, Walter Claudio Rosenfeld, Marcelo Weisz and Alicia Nora Oppenheimer are the children of Jewish German parents who fled Germany during the Nazi period. They are among the thousands of victims of crimes against humanity perpetrated by members of the security forces during the seven years following the coup in March 1976. Those perceived as opponents of the government, including their relatives or acquaintances, were subjected to torture, extrajudicial execution or "disappearance".

Despite a campaign for justice led by the families of victims and other organizations, the majority of these cases remain unresolved and those responsible remain at large.

Please write, calling for the cases of the six to be kept open so that a thorough investigation into their "disappearance" can be completed. Urge the German authorities to challenge the impunity in Argentina and so provide an opportunity for the relatives of the six victims of human rights violations committed under the military governments to obtain truth and justice.

Send appeals to: Bundesministerin der Justiz, Brigitte Zypries, Bundesministerium der Justiz, Mohnstr. 37, 10117 Berlin, Germany. Fax: +49 1888 580-9525

Uzbekistan

At risk of execution

Iskandar Khudoberganov (right), who is on death row in Uzbekistan, may be executed at any moment, despite government assurances to the contrary. The Uzbek authorities have stated that his execution has been postponed while the UN Human Rights Committee considers his case. However, AI has received reports that the Uzbek authorities secretly executed two death row inmates at the same prison even though the Committee had also intervened on their behalf.

Iskandar Khudoberganov was sentenced to death in November 2002 for his alleged involvement three years earlier in a bomb plot in Tashkent. In a letter he smuggled to his family during his trial, he reported that he had been tortured and given drugs against his will while in detention. After the trial, he told his sister that he had been beaten and given electric shocks in the basement of the Interior Affairs Ministry. In court, two witnesses retracted their statements against Iskandar Khudoberganov, stating that they had been tortured and forced to incriminate him.

For almost two years, Iskandar Khudoberganov has not been allowed to exercise outdoors. He has reportedly been diagnosed with tuberculosis, but has not received any medical treatment. In September 2001, President Islam Karimov publicly stated that around 100 people were executed in Uzbekistan each year. However, local human rights activists believe the true figure to be more than twice that.

To take part in AI's campaign, *Make Europe and Central Asia a death penalty free zone*, starting on 4 October, see: www.amnesty.org/deathpenalty

Please write, asking the authorities to confirm that Iskandar Khudoberganov will not be executed while his case is being considered by the UN Human Rights Committee. Call on the President to commute his and all other death sentences in Uzbekistan. Urge the authorities to immediately provide him with appropriate medical treatment.

Send appeals to: President Karimov I.A., Rezidentsia prezidenta, ul. Uzbekistanskaia, 43, Tashkent 700163, Uzbekistan. Fax: +998 71 139 53 25 Email: presidents_office@press-service.uz

Saudi Arabia

Freedom of expression denied

AI has learnt that Dr Sa'id bin Al Zua'ir, who began a hunger strike in a Riyadh prison at the beginning of August, has been transferred to hospital. He is reported to be only drinking water and to have lost weight. He was arrested in April 2004 for calling for political reform in Saudi Arabia. Earlier criticisms of the government led to his detention without charge or trial for eight years, until his release in March 2003.

His two sons, Sa'ad bin Sa'id Al Zua'ir and Mubarak bin Sa'id Al Zua'ir, have also been detained following their public campaign for their father's release. All three are held in al-Ha'ir prison.

Since Dr Sa'id bin Al Zua'ir has been on hunger strike he has not had access to his family or lawyers. He had been protesting against the government's refusal to allow another son, Abdullah bin Sa'id Al Zua'ir, to arrange for legal representation for his trial. He was sentenced to five years imprisonment in September but is appealing against this decision.

Sa'ad bin Sa'id Al Zua'ir was detained in July 2002. His family has not received any information about his status since then. He has not been given access to a lawyer. Mubarak bin Sa'id Al Zua'ir has been detained for over 60 days. His brother, Abdullah, and a lawyer were present during interrogations. However, neither man has been allowed family visits. Both have been detained without charge or trial.

AI believes that the three men may be prisoners of conscience, held solely for the non-violent exercise of their right to freedom of expression and association.

Please write, urging the Saudi Arabian authorities to clarify the legal status of Dr Sa'id bin Al Zua'ir, Sa'ad bin Sa'id Al Zua'ir and Mubarak bin Sa'id Al Zua'ir. Call for anyone detained without charge or trial to be released immediately unless they are charged, without delay, with a recognizably criminal offence. Seek assurances that all three men are to be given regular access to lawyers of their choosing, their family, and medical assistance if necessary.

Send appeals to: His Royal Highness Prince Naif bin Abdul Aziz Al-Saud, Minister of the Interior, Ministry of the Interior, PO Box 2933, Airport Road, Riyadh 11134, Saudi Arabia. Fax: +966 1 403 118

Worldwide Appeal Update

Algeria

Algerian human rights defender Hafnaoui Ghouli, who has been imprisoned since May 2004 because he criticized local officials, has had his sentence extended to eight months' imprisonment. AI fears that his prison term may increase further, as six cases against him are ongoing and a further three are pending. Nearly all of these are defamation cases, which were brought against him by local officials whom he had criticized in public. See *Worldwide Appeal*, August 2004.

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Join AI's campaign to stop child executions

International law prohibits the use of the death penalty for crimes committed by people younger than 18, yet some countries continue to execute child offenders or sentence them to death. As a step towards the total abolition of the death penalty around the world, AI is calling for an end to one of the most heinous manifestations of the death penalty – its use against child offenders. Although executions of child offenders are few compared to the total number of executions in the world, they represent a disregard by the executing states of their commitments under international law, and an affront to all notions of morality and decency when it comes to the protection of children – one of the most vulnerable groups in society.

USA to review death penalty for children

The US Supreme Court is revisiting its 1989 decision allowing the execution of people for crimes committed when they were 16 or 17 years old. The Court will hear oral arguments on the constitutionality of this practice on 13 October and is expected to release its decision in the first half of 2005.

The USA leads the world in the execution of child offenders, carrying out 19 such killings since 1990. Many organizations and associations – including foreign governments, child advocacy organizations, religious groups, health professionals, and former US diplomats – have filed briefs with the Supreme Court, urging it to end such executions in the USA once and for all. AI joined 16 other Nobel Peace laureates in presenting one of the international briefs.

Iranian girl hanged for 'acts incompatible with chastity'

Ateqeh Rajabi, a 16-year-old girl, was executed in northern Iran in August for "acts incompatible with chastity". Reportedly, she was publicly hanged on a street in the city centre of Neka.

According to reports she was not represented by a lawyer during her trial and the judge is said to have severely criticized her dress. It is alleged that Ateqeh Rajabi was mentally ill both at the time of her "crime" and during her trial proceedings.

The case is said to have attracted the attention of the Head of the Judiciary for the Mazandaran province, who ensured that it was heard promptly by the Supreme Court. In Iran, all death sentences have to be upheld by the Supreme Court before they can be implemented.

The death sentence was upheld by the Supreme Court, and Ateqeh Rajabi was publicly executed on 15 August. According to the Iranian newspaper *Peyk-e Iran*, the lower court judge who issued the original sentence was the person who put the noose around her head as she was taken to the gallows.

It was further reported that although Ateqeh Rajabi's national identity card stated that she was 16 years old, the Mazandaran Judiciary announced at her execution that her age was 22.

An unnamed man, also accused in the case, was reportedly sentenced to 100 lashes. He was released after the sentence was carried out.

The UN Committee on the Rights of the Child strongly recommended that Iran "take immediate steps to halt and abolish by law the imposition of the death penalty for crimes committed by persons under 18".

A bill to raise the minimum age to 18 is reportedly under consideration in Iran. AI is seeking details of the legislative status of the bill.

Please write, calling on the Iranian government to ensure that no more child offenders are executed, and to adopt legislation precluding the death penalty for offenders under the age of 18.

Send letters, marked 'For the attention of the Office of His Excellency Ayatollah al Udhma Khamenei, Qom', to: Leader of the Islamic Republic, His Excellency Ayatollah Sayed 'Ali Khamenei, The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Iran. Fax: + 98 21 649 5880 Email: webmaster@wilayah.org

Afghanistan breaks promise to suspend death penalty

Afghan courts continue to hand down death sentences, despite assurances of a formal moratorium on executions given to AI in 2003 by President Hamid Karzai. In April this year, the courts carried out the first known execution since the fall of the Taleban. Abdullah Shah, a military commander from Paghman, was executed by firing squad.

AI fears that his execution may have been an attempt by powerful political players to eliminate a key witness to human rights abuses. During his detention, Abdullah Shah reportedly revealed first-hand evidence against several regional commanders against whom no charges have been brought.

AI wrote to President Karzai in September 2003 after AI delegates found that Abdullah Shah's trial failed to meet international fair trial standards. He did not have access to legal representation and his trial was heard in a closed "special court". The chief judge in his case was allegedly dismissed for accepting a bribe, and the second reportedly imposed the death penalty under pressure from the Supreme Court.

Abdullah Shah was not allowed to cross-examine the 23 written complaints that formed the bulk of evidence against him, and his allegations of torture were not investigated.

Although Abdullah Shah's case is the only known execution carried out by the transitional government, a growing trend towards capital punishment is of deep concern. According to AI, during the last one and half years, over 18 death sentences have been sent to the President's office for a decision on execution or commutation.

After 23 years of armed conflict the justice system is barely functioning. An AI report, *Afghanistan: Re-establishing the rule of law* (ASA 11/021/2003), documents the failures of the Afghan courts to ensure the right to a fair and independent trial.

The failure to provide effective security and to end the influence of armed groups has left the judiciary unable to resist outside pressure upon it. Often judges and prosecutors lack adequate qualifications, and many courts outside Kabul operate without basic facilities, such as electricity and stationery. In addition, economic influences have led to widespread corruption.

AI opposes the death penalty in all cases. With the Afghan judicial system incapable of fulfilling even the most basic standards for fair trials, the organization fears that the application of the death sentence would almost certainly lead to irreversible miscarriages of justice.

Woman forced to have abortion in China

Ma Weihua, facing the death penalty on drug charges, was forced to have an abortion in police custody, according to reports received in August. China's Criminal Law forbids the execution of pregnant women, but newspaper reports suggest that Ma Weihua's pregnancy was terminated so that she could be put to death "legally".

Ma Weihua was detained in January in possession of 1.6kg of heroin. She was discovered to be pregnant after a routine medical examination at a detention centre in Lanzhou City, Gansu Province. She reportedly wanted to continue with the pregnancy but the consent form authorizing the operation stated: "Because the patient was uncooperative, Chengguan substation director requested forced implementation." Her pregnancy was terminated on 19 February.

The quantity of heroin found in Ma Weihua's possession means she is liable to be sentenced to death. The verdict is expected imminently. She will have the right to appeal, but it is rare for appeal courts in China to change or overturn the verdict of a lower court. Sometimes prisoners are executed within hours of the sentence being passed.

Ma Weihua had reportedly been paid by an acquaintance to courier seven packets of heroin from Xinjiang to Gansu Province. As grounds for a lesser sentence, her lawyer cited not only the forced abortion but also the fact that she had confessed to the crime and that it was her first offence.

China accounts for nearly two thirds of the world's reported judicial executions. Each year, China executes possibly hundreds of people on drugs charges to mark the UN's anti-drugs day in late June. Despite this draconian action, China's drugs problem continues to grow.

Please write, expressing concern that Ma Weihua's pregnancy was terminated apparently so that she could be executed "legally" under Chinese law. Urge the authorities to take her lawyer's arguments for a reduced sentence into account, and to pass a custodial sentence only.

Send appeals to: President of Gansu Province High People's Court, Hao Hongtao, Gansusheng Gaoji Renmin Fayuan, 36 Qingyang Lu, Lanzhou Shi, Gansusheng, 730030, China.

Death penalty updates

India

India's first known execution since the late 1990s took place in August. Dhananjay Chatterjee was executed in West Bengal after being on death row for 13 years. The President of India and Governor of West Bengal dismissed mercy petitions despite the efforts of local human rights activists and numerous appeals from AI members. In the same month, the government of India requested a mercy petition for another Indian national who was executed in Indonesia. AI is calling on the Indian authorities to declare a moratorium on all executions, with a view to abolishing the death penalty. The organization is working with Indian human rights groups in its campaign.

Indonesia

Indonesia carried out its first execution in over three years in August. Ayodhya Prasad Chaubey from India was executed by firing squad. He had been sentenced to death for drug trafficking in 1994. President Megawati Sukarnoputri has turned down appeals for clemency from 10 other people sentenced for drug-related offences. She has repeatedly refused to grant clemency in such cases. There is grave concern that the 10 may be at imminent risk of execution. The resumption of executions is a step backwards for Indonesia which has rarely applied this inhumane punishment.

Zambia

President Levy Mwanawasa has commuted some 60 death sentences since the beginning of this year. He has made a public commitment not to sign any execution orders while he is in office.

Senegal

President Abdoulaye Wade has announced that the death penalty will be abolished in the forthcoming months.