Dissent bludgeoned in Zimbabwe

The situation in Zimbabwe continues to deteriorate as the presidential elections draw nearer. Robert Mugabe’s government is determined to remain in power by any means, including harassment, arbitrary arrests, assaults and killings of anyone who stands in its way.

The current pattern of severe human rights violations is part of a political campaign to suppress opposition and secure a victory for the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) party in the presidential election.

In the month of November 2001 alone, it is estimated that there were six political killings and 115 cases of torture. Since that time, AI has continued to receive daily reports of assaults and torture.

The independence of the judiciary is being systematically eroded and the independent press is being intimidated by arbitrary arrests of journalists and attempts to suppress the circulation of their newspapers. The government has introduced draconian new laws which punish non-violent civil disobedience, criticism of the President, and disturbing the peace with prison sentences and which criminalize journalism not authorized by the state.

The current pattern of severe human rights violations is part of a systematic effort to crush opposition and to ensure that the ruling party in the presidential elections is the party in power.

Anti-Roma racism in Europe

Karol Sendrei died on 6 July 2001 in Reváci police station, Slovakia, after being beaten while tied to a radiator. He and his two sons had been arrested the previous day after making a complaint against another police officer. Karol Sendrei was a member of the Romani community. A senior Slovak official investigating Karol Sendrei’s death said he had asked to be tied to the radiator.

Across Europe, Roma face discrimination. In most countries they are economically deprived and socially marginalized. In many they are abused by the police. Low levels of literacy and qualifications, combined with discrimination in employment, leave the vast majority of Roma unemployed. The resultant poverty leads some Roma into crime, mainly theft. This is used by politicians and the media to stir up even more prejudice against them.

Discrimination

Women and children form a disproportionately number of the victims. Roma youngsters are widely assumed to be inherently criminal; Roma women are often caught up in violent and punitive raids by police on Romani communities.

Discrimination is most intense in central and southeast European countries where open racial hatred and violence against Roma have emerged in recent years.

In Hungary, there is a pattern of racially biased policing in Budapest and other towns. Roma who file complaints or publicize their treatment risk further abuse. On 9 February 2001, around 80 police officers raided a funeral wake in the Romani settlement in Bag and reportedly assaulted the mourners and other people in the vicinity indiscriminately. The raid was apparently organized to arrest László Vidák, who had accused four police officers of torturing him in October 1999. The four were due to stand trial in April 2001, and one of the accused officers took part in the February raid, during which László Vidák was so badly beaten that he needed four days’ hospital treatment. When the trial took place in April, the four officers were convicted of intimidation and assault, but were sentenced only to suspended sentences or a fine.

Violence

In Romania, although there has been a decrease in racist violence since the mid-1990s, Roma are still vulnerable to attack by police and public. In May 2000 a Bucharest police officer shot a young Romani man in the head at point-blank range after reportedly beating him and knocking his head against a wall. Miraculously, Mugurel Soare survived, but he has lost the power of speech. Witnesses were allegedly detained and intimidated by other police officers.

While the treatment of Roma in the Federal Republic of Yugoslavia appears to have improved since the election of a new government in 2000, they still face inadequate police protection from attacks by “skinheads”.

continued on page 2

Inside

2 News Opinion

3 Worldwide Appeals

News in Brief

4 Worldwide Appeal Updates

3 • Persecution of Egyptians accused of being gay

• More than 300 tortured in Namibia

• Papuan independence leader killed
Returned communities in Colombia under threat

Many communities in the conflict-riven north-western departments of Antioquia and Chocó have taken a stand against forced displacement by returning to their lands. They have demanded that both sides in Colombia’s internal conflict remain outside their land and respect their right not to be drawn into the conflict.

However, the army and their paramilitary allies, as well as armed opposition forces, have reacted violently to these efforts. They consider any attempt by civilians to distance themselves from the conflict as support for the enemy. As a result these returned communities have been under constant attack. The UN has repeatedly called for decisive action to confront and dismantle paramilitary groups and to protect civilian communities, yet with only weeks remaining before the UN Commission on Human Rights meets, the Colombian government has failed to take any decisive action. This failure leaves these communities exposed to danger.

Since March 1997, more than 65 members of the Peace Community of San José de Apartadó have been murdered. Most were killed by army-backed paramilitaries who accused the victims of being guerrilla collaborators; others, large opposition forces. Despite advance warnings from the international community that further paramilitary incursions were imminent, three armed men, believed to be members of a paramilitary group, entered the community on 15 December 2001 and killed one of the inhabitants.

On 28 December 2001, two leaders of the Peace Community of San Francisco de Asís in Chocó department were reportedly killed by members of the armed opposition Revolutionary Armed Forces of Colombia (FARC). During the preceding months the community had suffered violent raids by army-backed paramilitaries. On 12 September 2001, four people were killed when about 170 men who reportedly identified themselves as members of a paramilitary group (the AUC) raided Puerto Lleras y Pueblo Nuevo. Paramilitaries have ordered the communities to abandon their lands, despite the threats of further assassination attempts and “disappearances”, the people of the community are determined to stay.

The returned Afro-Colombian communities of the Caucara River Basin continue to denounce the presence of paramilitary groups close to their lands despite the heavy military presence in the region. AI continues to receive reports of paramilitary operations carried out in coordination with Colombian security forces.

Following paramilitary incursions into Dabenal, Antioquia department, on 25 December 2001, close to 100 armed men claiming to be members of a paramilitary group reportedly invaded the nearby returned community of Mira Loma and destroyed 30 homes. The paramilitaries have reportedly remained there, raising fears for the safety of the civilian population.

The peace process initiated by President Andrés Pastrana in 1998 with the FARC is at a critical stage. Should the peace process end, it’s feared that the conflict will intensify and that civilian communities in conflict zones, including the returned displaced communities, will be at even greater risk of human rights abuses.

Major powers silent on Afghan arms

When AI campaigned challenged the US, Russian and Western European governments to reveal their military assistance to the United Front (Northern Alliance) forces in Afghanistan, they met a wall of silence. On 12 October 2001, Al called for a halt to unconditional transfers of arms and expertise to all the warring parties in Afghanistan. AI was concerned that the Russian government had announced massive further deliveries of arms to the United Front, while members of the US Congress proposed legislation that would provide direct US government military assistance to the United Front and other “eligible Afghan resistance organisations”. The European Union lifted its arms embargo on Afghanistan. AI had has no response to its letters to these governments.

On 28 December 2001, two leaders of the Peace Community of San Francisco de Asís in Chocó department were reportedly killed by members of the armed opposition Revolutionary Armed Forces of Colombia (FARC). Following the attacks in the USA on 11 September 2001, many governments introduced or are planning new laws to protect their populations from similar acts. The measures are wide-ranging and include banning so-called “terrorist” organizations and stopping funds being transferred to them; monitoring private communications; establishing special legal courts and rules for the trials of suspected “terrorists” and preventing people suspected of involvement in “terrorism” from applying for or being granted refugee status.

International human rights standards not only entitle states to protect the public from violent attacks such as those committed on 11 September, but oblige them to do so. However, measures to promote public safety must be implemented within the framework of all human rights that status must uphold. As recently stated by UN independent human rights experts: “Public policies must strike a fair balance between the one hand the enjoyment of human rights and fundamental freedoms for all and on the other hand legitimate concerns over national and international security. The fight against terrorism must not result in violations of human rights, as guaranteed under international law.”

Along with these UN experts, AI is concerned that some measures being introduced in the so-called “war on terrorism” may violate or unduly infringe upon basic human rights. The rights at risk include those relating to freedom of expression and association, liberty, privacy, fair trial, and the right to seek and enjoy asylum.

The definitions of “terrorism” in the security legislation of many countries are excessively vague and broad. This can lead to the criminalization of peaceful activities which are entirely unrelated to politically motivated violence. Some of the laws and proposals examined by AI use imprecise or undefined terms that create uncertainty about what they prohibit and are widely seen as infringing upon rights such as freedom of expression and association.

Both the US Congress and the UK Parliament have recently legislated to permit indefinite detention without trial of persons suspected of being terrorists. In both countries, the law applies to non-nationals who cannot be deported. The systems of detention have affected adjudicatory and criminal justice systems. Decisions on detention may be made on the basis of secret evidence and anonymous witnesses, thereby denying people facing extremely serious charges the rights and consequences the rights to defend themselves effectively.

Al is concerned about the rights to human rights of measures introduced during periods of internal and international threats to public safety and national or international security. The organization has monitored the use of security legislation measures in all regions of the world for more than 40 years. When there has been a “war” against political opponents of whatever kind, human rights have often been violated, including the right to be heard in the court and the right to life. Those affected are not only those people who use and support violence but also many other people who are innocent of any illegal activity or who simply wish to exercise their right to express opinions with which the government disagrees.
worldwide appeals

EGYPT

Persecution of men accused of being gay leads to torture, imprisonment

A group of men was sentenced to prison terms of between one and five years for allegedly being gay by an exceptional court in Cairo, which denies defendants the right to appeal. AI considers 22 of the 23 men sentenced to 10 years or more of imprisonment.

Some of the detainees reported that they were tortured. One of them told AI:

"The real beatings started in the police station. They beat us with a belt, a cane and a stick. Then they made us strip down to our underwear and the insults and humiliation continued."

Most of the detainees were held in police stations, where they said they were beaten and subjected to gashka, beatings with a stick on the soles of the feet. Despite appeals from AI and others the authorities failed to investigate the torture allegations.

Convictions were mainly based on evidence which aimed to establish that the men had had sexual relations with other men. The accused were forced to undergo medical examinations, which amounted to cruel, inhuman and degrading treatment, to determine whether they had engaged in anal sex. Other convictions were based solely on confessions.

The detainees were only given access to their lawyers and relatives some 10 days after their arrest. Family members say that they were not officially informed of their relative’s arrest. Some say that they only learned that their relatives had been arrested through the media.

This case is an example of how gays in Egypt suffer discrimination, persecution and violence simply for being who they are.

More than 300 people tortured in detention

More than 300 people were tortured during the period between 1999 and subsequent detention by police in Namibia. They were accused of involvement in an attack on a government target by an armed political group, the Caprivi Liberation Army, in August 1999. More than 130 of them, subsequently released without charge, have filed complaints of torture. Their cases are still pending. Three police officers named by many detainees as perpetrators of torture remain on duty.

One of those tortured was Oscar Laphalewi (picture), a former senior policeman with more than 24 years’ experience. He has more than 50 scars on his neck and back from the sjamboks (whips) that were used to beat him following his arrest in August 1999.

Of those arrested, 128 are facing charges of high treason. The Namibian government claims it does not have enough resources to provide legal aid to the defendants. Senior officials deny that the state is responsible for providing legal aid to the suspects, arguing that while the Constitution guarantees the right to a fair trial and legal representation, it does not guarantee the right to be provided with legal aid by the state.

In December 2001 the High Court ordered the government to provide free legal aid to the detainees, who have exhausted their financial means to pay for lawyers, but the government has now challenged that decision.

Papuan independence leader unlawfully killed

Thyes H. Eluay, a leading independence activist in Papua (formerly Irian Jaya) was abducted and killed on 10 November 2001 as he and his driver were returning home from a reception hosted by the army’s Special Forces Command (Kopassus) at their military base in Jayapura. His body was found the following morning in Koya, near the border with Papua New Guinea. An autopsy found that he had been suffocated. It remains unclear who was responsible for the killing.

Thyes Eluay’s driver, Aristotle Masoka, is still missing. He called Thyes Eluay’s family the same evening to tell them they had been stopped by “non-Papuans”, but the phone line was cut before he could relay any further details. There are grave concerns for his safety.

Repeated denials by the military of involvement in the killing have been strongly contested by local human rights groups. At the time of writing, a police investigation had not resulted in the identification of suspects. In the meantime, the National Commission on Human Rights (Komnas HAM) has called for the establishment of a national inquiry team.

Thyes Eluay was Chair of the Papuan Pressium Council (PPC), a local body created to lead civilian support for Papuan independence. Many members of the PPC have been subjected to human rights violations. Five have been imprisoned as prisoners of conscience. At the time of his death, Thyes Eluay and four other prominent PPC members, were on trial for their activities with the PPC.

New UK law erodes basic human rights

Rushed legislation opens door to human rights violations

The UK government rushed through new security legislation in December 2001 which opens the door to human rights violations in the UK.

The Anti-terrorism, Crime and Security Act allows non-nationals to be detained without charge or trial for an indefinite period of time, if the Home Secretary (a senior government minister) believes the person is a national security risk and a suspected “international terrorist”, and cannot be deported. This belief is likely to be based on secret evidence.

The only body which can review the executive decision is the Special Immigration Appeals Commission. However, this Commission can hold hearings in secret, can exclude the detainee and their lawyer from parts of the hearings, and can base its decision on secret evidence.

AI opposed these provisions because they will create a “shadow” criminal justice system without the essential safeguards of the normal system.

The UK Home Secretary has stated that the authorities cannot imprison suspected “terrorists” by prosecuting them for crimes because of “the strict rules on the admissibility of evidence in the criminal justice system of the United Kingdom and the high standard of proof required”. It is imperative to recall that the rules of evidence and standard of proof in the criminal justice system have been prescribed in order to reduce the risk that innocent individuals will be convicted and punished.

In order to allow legislation for indefinite detention without charge or trial, the UK derogated from (suspended) Article 5 (1) of the European Convention on Human Rights. Under the Convention, faced with an emergency which “threatens the life of the nation”, a state may limit or suspend some human rights guarantees. Such limitations must be strictly required by the exigencies of the situation. They may only last for the duration of the emergency, they should not conflict with other obligations under international law, and they should not be discriminatory.

Al is disturbed by the UK’s derogation from this provision under the European Convention on Human Rights. Doubts about the necessity of derogation are reinforced by the Home Secretary’s statement in October 2001 that “there is no immediate intelligence pointing to a specific threat to the UK”. The UK is the only European Union government that has derogated from its human rights treaty obligations and it must not be allowed to undermine the European human rights framework.

Under the new legislation, asylum-seekers labelled as “suspected international terrorists” will be denied the right to have the merits of their claim individually assessed.

On 19 December 2001, a few days after the Act was passed, immigration officials and police officers carried out a number of arrests. AI will be monitoring developments in these cases.
Many of the people featured in Worldwide Appeals were released in 2001. Please keep sending appeals for those who still need them.

Tanzanian prisoners of conscience Juma Duni Haji (pictured) and Machamo Chakhas Ali, (Mohamad Ali), were released in October 2001 after a court in Zanzibar dropped the charges against them. The two leading members of the main opposition party had been arrested in February and charged with murdering a police officer during a demonstration at which they had not been present. The releases follow the signing on 10 October of a political accord between the ruling party and the main opposition party in which it was agreed that the cases against hundreds of people who had been charged with illegally participating in the February demonstration with murder, would be dropped.

Armenian conscientious objectors to military service – Rafik Tonoian (military service – Rafik) were mainly generated by the appeal which was under the provision of an amnesty in July 2001, of May 2001; Karen Tonoian completed all their sentences. Rafik Tonoian charged with murdering a police officer during a protest party had been arrested in February and released in June. The court in Zanzibar dropped the charges against him.

UZBEKISTAN Ismail Adylov was released from prison in July, apparently following a presidential amnesty. Adylov was imprisoned as part of a pattern of repression and human rights violations in the build-up to elections due in October 2001 but postponed till March 2002. Opposition leader Yaowei Agboyibo remains in prison after a trial which appeared to be aimed at stopping him running in the elections.

Also recently released

CUBA José Orlando González Brídón was given “conditional release” on 22 November 2001.

MOROCCO Following a royal pardon on 7 November 2001, the Moroccan authorities released Brahim Laghzal, Chrikh Khaya and Laabir Massoundi. The three Sahrawi prisoners of conscience were sentenced to four years’ imprisonment in 2000 on charges of “threatening state security” in connection with alleged links with the Polisario Front, a movement which calls for an independent state in Western Sahara.

GUINEA In January 2001,20 prisoners of conscience released from the appeal which was published in the June 2001 issue of AI’s The Wire.

Also recently released

PAKISTAN On 12 January 2001, the Pakistan Air Force released 30 former political prisoners after the two prisoners of conscience from Togo (September 2001) were released in October 2001. Lucien Messan (March 2001) No one has yet been brought to justice in relation to the case of Erinnbint Wahib, Idris Yusuf, Bakhbar Usman (RATA volunteers) and Rusli. A police investigation resulted in the detention of eight suspects, four civilian and four military. The civilians escaped in March 2001 and have not yet been recaptured. The other suspects have not yet been charged. Please appeal for those involved in the killings to be brought to trial without delay in a civil court that meets international fair trial standards.

MAURITANIA (August 2001) On 12 December the Mauritanian court rejected an appeal on behalf of Chibb Ould Cheikh Maladnine and upheld his earlier prison sentence of five years for “conspiracy to commit acts of sabotage and terrorism”.

GUAYANA (April 2001) On 27 November 2001, a coroner’s inquest jury returned a unanimous verdict that the Guyana police should be held criminally responsible for the death of Mohammed Shafeek. The Director of Public Prosecutions must now make a ruling as to whether criminal charges will follow. AI remains concerned about reports of continuing police intimidation of witnesses, and about the failure to take effective measures to guarantee the safety of witnesses. Since Mohammed Shafeek’s death, there have been several other suspicious deaths in custody.

VIET NAM (September 2001) On 19 October, Father Thadeus Nguyen Van Ly was sentenced to 15 years’ imprisonment, plus five years’ probation on release, after a trial lasting only half a day. He was convicted under vaguely worded national security legislation used to criminalise peaceful political activity.

PHILIPPINES (December 2000) Lennie Lumanog, Rameses de Jesus, Joel de Jesus, Cesar Fortuna and Augusto Santos remain on death row. No charges have yet been filed against the seven suspects. After receiving 2,130 letters the Department of Justice set up an investigation panel, but later decided it should not investigate the torture allegations.

RUSSIAN FEDERATION (August 2001) Olga Kitova, an investigative journalist and member of the Belgorod regional parliament, was sentenced in December to a conditional (suspended) sentence of two-and-a-half years.

MEXICO (February 2001) In November 2001 Rodolfo Montiel and Teodoro Cabrera were released on humanitarian grounds, but their convictions were not quashed nor those responsible for their arbitrary detention and torture brought to justice. General Gallardo remains in detention.

Please keep sending appeals

Despite some good news in 2001, the people listed below have seen very little change to their situation. Please continue to work on their behalf.

INDONESIA (March 2001) No one has yet been brought to justice in relation to the case of Erinnbint Wahib, Idris Yusuf, Bakhbar Usman (RATA volunteers) and Rusli. A police investigation resulted in the detention of eight suspects, four civilian and four military. The civilians escaped in March 2001 and have not yet been recaptured. The other suspects have not yet been charged. Please appeal for those involved in the killings to be brought to trial without delay in a civil court that meets international fair trial standards.

BURUNDI, ANGEL QUINTERO and SA’D ZAGHLUL AL-MANNAI (March 2001) No one has yet been bought to justice in relation to the case of Erinnbint Wahib, Idris Yusuf, Bakhbar Usman (RATA volunteers) and Rusli. A police investigation resulted in the detention of eight suspects, four civilian and four military. The civilians escaped in March 2001 and have not yet been recaptured. The other suspects have not yet been charged. Please appeal for those involved in the killings to be brought to trial without delay in a civil court that meets international fair trial standards.

A member of Group 18, AI Norway

Death penalty news

President Priscilla Mupfumira of Zimbabwe informed the Permanent Secretary of the Ministry of Justice, Security and Home Affairs, Irene Khan, AI’s Secretary General, of the right to a fair trial of the 100 prisoners of conscience in Zimbabwe, and asked that their death penalty be commuted. This important action rein- forces the worldwide trend to abolish the death penalty in practice or law.

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