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*amnesty international*

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**Children's Day Action:  
Appeal Cases**

20 November 1995

AI Index: ACT 76/01/95

Distr: SC/CC/PG/CO

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# Argentina

"Disappeared"

Valeria Beláustegui Herrera and Ricardo Waisberg and their child

Valeria was about 2 months pregnant when she "disappeared" on 13 May 1977.

During the period of military rule in Argentina (1976 - 1983) thousands of people, including children and pregnant women, "disappeared" after being taken into custody by members of the security forces.

In 1995, twelve years after the end of military rule, high-ranking officers admitted for the first time the Argentine armed forces' responsibility for kidnapping, torture and murder during this period and have apologised. In April Argentine Army Commander General Martin Antonio Balza made a statement which acknowledged that "illegitimate methods leading to the suppression of life" were used. In his statement, General Balza indicated that the army did not have a list of victims, or information about the fate of the "disappeared". However, he exhorted anyone in the army who remembered enough to reconstruct the past to come forward. His statement followed declarations by former members of the armed forces about the fate of the "disappeared".

Even now many relatives of the "disappeared" still do not know what happened to their loved ones. In 1984 the National Commission on Disappeared People (CONADEP) catalogued 8,960 unresolved "disappearances", warning that the true number might be higher. The report includes children who "disappeared" with their parents and pregnant women whose babies were born in secret detention centres.

On the day Valeria was abducted her mother-in-law found her first child, 15 month old Tania Maria, at a clinic in Buenos Aires. The child had a sign around her neck saying "I am the daughter of Valeria Beláustegui". Neither Valeria, her husband Ricardo Waisberg nor the baby she was carrying have been seen since then. Valeria's unborn baby would be 18 years old this year, if he or she is still alive.

Children and babies born to women in custody were taken away by members of the security forces to raise as their own. So far 56 such children have been traced. Most were found through the efforts of the "Grandmothers of Plaza de Mayo", a group of relatives of the "disappeared". Some children have been returned to their natural families; others who were adopted in good faith remain with their adoptive parents. A number of cases of children whose identity is disputed are at present before Argentine courts.

Amnesty International is concerned that the remaining children must be traced, as part of the effort to establish the fate of thousands of prisoners who "disappeared" in Argentina during the latter part of the 1970s. The relatives of the victims have the undeniable right to a full investigation into the fate of their loved ones and to public disclosure of the findings. Amnesty International recognizes that competing custody claims of relocated children can only be determined by the competent Argentine courts.

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"States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations ..."

Article 8

Convention on the Rights of the Child

Ratified by Argentina, 4 December 1990

## China

Imprisoned

Jampa Choejor

Jampa Choejor was arrested with his father Tsewang Dradul, his uncle Dundrup Tsering and three other men on 8 February 1994. He was 16. The group was arrested in Tsawa Bomi, in Chamdo prefecture (eastern Tibet). They were accused of putting up illegal posters calling on the Han Chinese to leave Tibet. As they are not reported to have used or advocated violence, they are considered to be prisoners of conscience.

Jampa Choejor was a novice monk from Chamdo monastery. He was reportedly detained in Shrithang prison, Poe-me county, the biggest prison in Chamdo prefecture.

During recent years, Tibetan children, of which a majority are novice monks and nuns, have been arrested for expressing their peacefully held political views. Children have been detained while peacefully demonstrating, chanting pro-independence slogans on the Barkor, the pilgrimage circuit around the Jokhang temple in Lhasa, and for putting up pro-independence posters. Amnesty International considers the majority of them to be prisoners of conscience. At least 45 children under the age of 18 were arrested between 1991 and 1994. In December 1994, 26 of them were still under 18 years old and 13 of them were under 16. The two youngest children were aged 12 at the time of arrest. Of these children, 34 were boys and 11 girls. At least 12 of them were tried on criminal charges and sentenced to between two and six years' imprisonment.

Chinese regulations prohibit juveniles under the age of 18 from registering in monasteries as monks and nuns, but many Tibetan juveniles have settled in or near monasteries without being properly registered, in order to receive a traditional Tibetan education and religious teaching. This follows a long-established tradition of admitting children aged 11 or 12 as novices in

monasteries and nunneries. They wear traditional religious dress and consider themselves novice nuns and monks.

There is well-founded concern that Tibetan children who are political detainees may be ill-treated. Juvenile political detainees who were released say that they were whipped, kicked, beaten and tortured with electric shocks whilst they were in detention. Reports indicate that in recent years several young detainees died soon after their release. One such was Sherab Ngawang, aged 15, who was released in February 1995 after three years in a labour camp. According to information received by Amnesty International she was beaten and ill-treated whilst in detention, and when she was released from prison she was suffering from malfunction of both kidneys and from lung problems. She died on 15 May, just 3 months later.

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"States Parties shall respect the right of the child to freedom of thought, conscience and religion"

Article 14

"No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment...."

Article 37

Convention on the Rights of the Child

Ratified by China, 2 March 1992

## India

*Killed*

*Nisar Ahmad Mir*

*Nisar Ahmad Mir, a 13-year-old boy from Bandipora, Baramulla, in the state of Jammu and Kashmir, was arrested by members of the Border Security Force (BSF) on the evening of 9 May 1994. Eyewitnesses reported that Nisar Ahmad Mir was standing in the street smoking when he was picked up by security forces and taken away in a van with two other boys who were aged 16. The three boys were allegedly taken away for interrogation. It is reported that they were shot later that evening. Their bodies were later found by police on a nearby roadside.*

*The BSF alleged that the three boys were shot dead in an encounter and that weapons were recovered from them. The Government of India, in its response to Amnesty International's allegations about Nisar Ahmad Mir's death, stated that the case was "under investigation".*

*In Jammu and Kashmir, reports of deaths in custody are rarely investigated independently and impartially and no members of the security forces are known to have been brought to justice for killing people in their custody.*

*For many years Amnesty International has been concerned about torture and ill-treatment in custody in India. In many cases this has led to the deaths of individuals in custody. Amnesty International recorded over 60 deaths in custody throughout India (except in the northern state of Jammu and Kashmir) during 1994 and this figure is believed to be an underestimate. In Jammu and Kashmir it recorded over 700 cases of deaths in custody between 1990 and 1994. Amnesty International is particularly concerned that children are among those who have died in the custody of police and security forces.*

*In the southern state of Tamil Nadu, Amnesty International received information on the deaths of two children during 1994. One of these, Raja, a ten-year-old boy from Dharmapuri district, was said to have been beaten to death by police officials while in custody. At least five police officers were involved in his death*

and attempted cover-up by setting fire to his body in a nearby forest. Raja had been taken to the police station by his mother on 29 January after he had escaped from a Juveniles Reformatory. Police initially claimed that they had found Raja attempting to commit suicide in the police station, and had rushed him to hospital but that he had escaped from a police jeep on the way there. This case of custodial death is unusual - the police officers said to be responsible were arrested shortly afterwards and the case investigated promptly. Charges have now been brought against the police officers and compensation ordered to be paid to Raja's relatives. As yet, the police officers have not been tried. In many cases, police officers responsible for custodial deaths are never brought to justice.

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*"States Parties recognize that every child has the inherent right to life"*

*Article 6*

*"No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;"*

*Article 37*

*Convention on the Rights of the Child*

*Acceded to by India, 11 December 1992*



## *Iraq*

*Killed*

*Fariq Tawfiq 'Ali*

*Throughout the 1980s and the early 1990s, gross human rights violations against the Kurds were documented. Now in 1995, the same people, Kurdish men, women and children, are suffering human rights abuses on a similar scale, only at the hands of their own political leaders. Since the withdrawal of Iraqi government forces on 23 October 1991, Kurdish forces have controlled a large area of northern Iraq. Amnesty International holds them accountable for human rights abuses committed in this area.*

*Fariq Tawfiq 'Ali was found dead just a month before his twelfth birthday. He and ten others had reportedly been arrested by members of the Patriotic Union of Kurdistan (PUK) on 5 May 1994 in the town of Halabja. They were suspected of involvement in an opposing political party. Their bodies were found over the next few days: they had been dumped in various locations on the outskirts of the town.*

*These killings followed widespread military clashes which erupted on 1 May 1994 between the armed forces of three Kurdish political parties. Widespread and gross human rights abuses were committed by all sides during and after the conflict. Reports detailed deliberate killing and mutilation of prisoners in custody, and made allegations of abduction, torture and killing of civilians because of their political ties. It appears that even unarmed children were not safe.*

*The deliberate killing of Fariq Tawfiq 'Ali is part of a pattern of gross human rights abuses which have been perpetrated in Iraqi Kurdistan by Kurdish political parties against Kurdish people since 1991. Fariq is only one of hundreds killed since then.*

*Iraqi Kurdistan has been self-governing since 1991, when the Iraqi army withdrew. The Kurdish administration, although nominally independent, is in many respects an extension of the powerbase of the two main political parties,*

*the PUK and the Kurdistan Democratic Party (KDP). These two parties share power in the government and control appointments to the administration. They also retain control of large areas of territory and military capability.*

*The PUK and the KDP, together with the Islamic Movement of Iraqi Kurdistan (IMIK), are mainly responsible for human rights abuses committed in the region. By far the most important factor underlying the human rights crisis is the phenomenon of impunity, which is rife in Iraqi Kurdistan. Despite evidence of the responsibility of forces under the authority of the political parties for grave human rights abuses, no one has been brought to justice.*

*In December 1994, armed clashes erupted once again between the KDP and the PUK. They have continued intermittently since then. Amnesty International has received new reports of abuses committed by parties in that context. The organisation is currently investigating these allegations.*

*Amnesty International condemns the torture or killing of unarmed prisoners and all unlawful and deliberate killings of people, like Fariq, who are taking no active part in hostilities. In armed conflicts both governments and those opposing them must observe internationally recognized standards protecting the individual.*

*The Geneva Conventions of 12 August 1949 say that "Persons taking no active part in hostilities ... shall in all circumstances be treated humanely" and that "violence of to life and person, in particular murder of all kinds" is prohibited.*

# Israel

## Torture

Muhammad Mahmoud Ibrahim Shafoud, 'Usama Jum'a Kayyali, and Hamid al-Kuni

Palestinian children have frequently taken the lead in activities such as stone-throwing against the Israeli authorities in Israel and the Occupied Territories. As a result they have been targeted for arrest. In the Occupied Territories the age of criminal responsibility was lowered to 12 years by military order. There are believed to be 170 children under 16 in prison. Many children, like adults arrested for political offences, suffer torture or ill-treatment while they are in pre-trial detention. The torture or ill-treatment may be to make them confess, to force them to name others, or simply as an additional punishment.

'Usama Jum'a Kayyali, a 14-year-old boy, was arrested on 23 April 1995 at his home in Shufat Refugee Camp near Jerusalem. He was taken to the Moscobiyya Detention Centre where torture of political detainees is systematic. He told his mother that he had been hit and punched during several days' interrogation to make him confess to throwing stones. He was reportedly taken to see a doctor three times during his interrogation. Despite the fact that 'Usama needs ongoing treatment for injuries caused by a rubber bullet when he was only nine he was remanded in custody and returned to the Moscobiyya Detention Centre.

Muhammad Mahmoud Ibrahim Shafoud, a schoolboy aged 15, was arrested on 23 April 1995 at his house in a Palestinian refugee camp near Bethlehem. He was accused of having thrown stones many times in Bethlehem. Two days after his arrest he was allowed to telephone his family; he was weeping and begged them to get him out. Muhammad said that he had been beaten all over his head and body. A lawyer in court reported that Muhammad was bleeding from his ear. He was released after eight days.

*Hamid al Kuni, a 17-year-old high school student accused of being a Hamas opposition activist, was arrested and held in the interrogation wing of Nablus Prison. He stated he was continually hooded and made to sit on a low chair with his hands and legs tied for 5 days. He was reportedly beaten continually on his testicles and penis, causing his testicles to swell. He also said he was beaten on his head and bad leg and prevented from going to the toilet. He had to relieve himself in his clothes which he continued to wear for 20 days. On 30 November he was served with a six-month administrative detention order. This order does not allow the detainee to know the exact charges and evidence against him.*

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*"Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person"*

*Article 37*

*"States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of ... torture or any form of cruel, inhuman or degrading treatment or punishment"*

*Article 39*

*Convention on the Rights of the Child*

*Ratified by Israel on 3 October 1991*

## Romania

Beaten

Virgiliu Ilie\_

Torture and ill-treatment of detainees is one of the most serious human rights problems in Romania. Lawyers and local human rights organizations report that the incidence of ill-treatment is high and that cases are widespread. However, few detainees make official complaints of ill-treatment and only rarely are cases brought to court. But evidence points to a pattern of casual violence and illegal acts by police officers, with little redress for the victims.

Virgiliu Ilie\_, a 15-year-old, was beaten by police while he was in detention, according to reports. He was arrested on 15 January 1994, suspected of being a member of a gang which organized thefts from cars. The following morning, his mother went to inquire what had happened to her son. She said that she heard screams in the police station. When she saw her son he had blood on his face.

For over three weeks Virgiliu Ilie\_ did not see a lawyer. When he finally saw a court-appointed lawyer they could not talk in private. Virgiliu Ilie\_ claims that while he was in police detention he was beaten and threatened. During interrogations he was told that he would be released when he had signed a confession they would dictate to him. He was forced to kneel on a chair while police officers beat his hands and the soles of his feet with rubber truncheons.

Virgiliu Ilie\_ was detained in the Dolj County Police Lockup together with adults, although he was a child. Later he told a local human rights organization that he had been repeatedly beaten by his cell-mates, who told him that they had been ordered to do so.

Under Romanian law children between the ages of 14 and 16 are only liable for criminal acts if they are aware they are committing a crime. On 17 February 1994, after examining Virgiliu Ilie\_ to test the development of his power of reasoning, the "Mina Minovici" forensic medical centre in Craiova established that

his "ability to reason was low". Despite the results of the examination the prosecutor refused to release him.

On 4 March Virgiliu's mother saw him in Craiova Court. His hands were handcuffed behind his back and he looked very weak. When finally she was allowed to visit him, on 24 March, he was being held in the Bucharest Penitentiary Hospital. He had been diagnosed as having anaemia and a severe bacterial skin infection covering his whole body.

On 29 March the General Prosecutor revoked the arrest warrant and released Virgiliu Ilie\_. The charges against him were not dropped.

In January 1995 Virgiliu Ilie\_ and his mother made a complaint to the Military Prosecutor about his ill-treatment, illegal arrest and detention. They still have not received an adequate reply.

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"No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment...."

Article 37

Convention on the Rights of the Child

Ratified by Romania 28 September 1990

## Rwanda

children;

victims of gross human rights violations

The massacres which occurred in Rwanda in 1994 left over 90,000 children as orphans or with their parents "disappeared". Amnesty International is appealing to the Rwandese government and to the international community to help and support these children.

These orphans are a direct result of country-wide human rights violations that were systematically perpetrated against the Rwandese people. As many as one million people, mostly Tutsi, but also many Hutu - are estimated to have been massacred between April and July 1994 following the death of President Juvénal Habyarimana in a plane crash in April 1994.

Children, as well as adults, were systematically targeted by the former Rwandese army and militia purely on the basis of their ethnic origin during the massacres last year. UNICEF estimates that 300,000 children were killed. Some children survived by running away or hiding, others were saved by families from both ethnic groups. Large groups of children were escorted by adults into neighbouring countries. Of those children who survived the massacres, almost all have lost relatives, and around half of all children witnessed killings and the destruction and looting of their homes.

Many of the orphans ended up in refugee camps. Many had seen all or most of their families killed - some had run away and do not know what happened to their relatives. Humanitarian agencies such as the International Committee of the Red Cross, UNICEF and Rwandese organizations have made some progress in reuniting children in refugee camps with family members.

Aid workers who have set up education and trauma counselling projects in Rwanda and in refugee camps in neighbouring countries have reported that many children do not believe they will live to grow up. They have no hope for the future and feel disillusioned because those who killed their relatives have not

*been held to account for their actions. Everyone is waiting for the perpetrators of the crimes against humanity to be brought to justice.*

*Amnesty International has campaigned over the past year for the international community to assist the Rwandese government in gathering evidence and providing personnel and resources to rebuild the Rwandese judicial system and set up fair trials. Rwandese prisons are overflowing. More than 40,000 detainees are being held without charge in appalling prison conditions with no immediate prospect of being brought to trial or being released. Many of the prisoners are children accused of taking part in the massacres. Some are as young as seven. Many more are babies and young children who are in prison with their mothers because there is no-one else to care for them.*

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*Considering that the child should be fully prepared to live an individual life in society ... and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity."*

*Convention on the Rights of the Child  
Ratified by Rwanda 24 January 1991*