

## AI NEWSLETTER

### MARCH '96 FOCUS

#### Algeria

Since the beginning of 1992 up to 50 thousand people are reported to have been killed as a result of political violence in Algeria. Gross human rights violations and abuses by both security forces and armed political opposition groups have been widespread. Many of the victims have been unarmed civilians, killed on the street, in their homes and in front of their families. Although the government claims that those killed by the security forces died in armed conflict, many are believed to have been extrajudicially executed when they were unarmed and posed no threat to the lives of members of the security forces. Armed opposition groups which define themselves as "Islamic groups", most notably the *Groupe islamique armé* (GIA), Armed Islamic Group, have increasingly killed or threatened civilians with death.

In the context of increasing political violence, with armed groups murdering civilians and members of the security forces and carrying out widespread violent acts against public property, the authorities have an obligation to take the necessary measures to protect themselves and the civilian population, and to bring to justice those responsible. However, no level of violence can ever justify the security forces' recourse to practices such as torture, "disappearances" and extrajudicial executions.

Of the tens of thousands of people who have been arrested on charges of "terrorist" activities, thousands have been brought before the courts in trials which often violate international standards for fairness. Judges and magistrates have accepted as evidence confessions denied by the defendants in court as having been extracted under torture. They have consistently failed to order investigations into allegations of torture and ill-treatment, even when the defendants still bore marks of torture weeks after arrest. According to both international human rights treaties ratified by Algeria and to Algerian law, which forbid the torture or ill-treatment of detainees, allegations of human rights violations by law enforcement officers must be investigated and those responsible brought to justice. However, since the beginning of 1992 not a single allegation of torture, "disappearance" or extrajudicial execution has been the subject of a thorough, independent and public investigation, despite repeated requests for such investigations by the victims, their families and lawyers, and Algerian and international human rights organizations. No member of the security forces is known to have been brought to justice for committing such violations. It is crucial that measures be promptly taken by the authorities to break the pattern of impunity.

AI has repeatedly condemned the killings of civilians and other human rights violations and abuses, by both armed opposition groups and the security forces. The organization has called for swift measures to be taken to stop them and for full and independent investigations to be carried out by the authorities.

Security forces who hold suspects in *garde à vue* (incommunicado) detention beyond the maximum 12-day period permitted by Algerian law are guilty of arbitrary detention, a crime punishable under the law. Yet, over the past four years, hundreds, possibly thousands, of people have been kept in secret detention in police stations, gendarmerie and military security centres for weeks or months before being transferred to prisons or released. It is during this period, when detainees are completely cut off from the outside world, that they are most at risk of torture, ill-treatment, "disappearance" and even extrajudicial execution.

The practice of "disappearance" of individuals after they have been arrested by the security forces has increased dramatically since 1993. Hundreds of people have "disappeared". Some are reported to have been seen in police stations, gendarmerie and military security centres days, weeks or months after their arrest, but the authorities continue to deny their detention. Others are reported to have died. However, their families have not been given the bodies or been informed of their place of burial. Fouad Bouchelaghem, a lecturer in physics at Blida University, was arrested at his home on 3 June 1994 and "disappeared". Despite repeated inquiries, his family was unable to obtain any information

on his place of detention from the security forces and authorities. In September they learned that he had been seen on 20 July as he was being taken away from the Chateauneuf detention centre, in Algiers. They then found out that his body had been taken to the Bologhine morgue in Algiers, on 21 July, and subsequently buried.

Among those who remain “disappeared” is Allaoua Ziou, a 28-year-old farmer from Heliopolis, near Guelma, who was arrested by the gendarmerie on 1 January 1995. To date, his family has been unable to obtain any information concerning his whereabouts. His brother, Mohamed Ziou, a medical doctor, was also arrested on 27 September 1995, held incommunicado until 28 October and then released without charge. During his detention, his family tried repeatedly to find out where he was being held, but the authorities denied detaining him, even though he had been arrested in front of several eyewitnesses, including members of his family.

Mustapha Benkara (*pictured below, right*), a medical doctor and a candidate for the National Liberation Front (FLN) in the 1991 legislative elections, was arrested on March 1994 at the hospital where he worked in Médéa and has since “disappeared”. He had previously been arrested at the beginning of 1993 and released without charge the same day after his house was searched by the security forces. In September 1993 he received a written notification from the court in Médéa forbidding him to leave the country. He was, however, able to travel to France with his wife in December 1993 and returned to Algeria in January 1994. He was arrested in March and since then his family has been seeking information concerning his whereabouts. The authorities refuse to acknowledge his detention.

These are only some examples of the many cases of “disappearances” which have been brought to AI’s attention, and which have been raised with the authorities. Whatever these people may be accused of, they have a right to a fair judicial process and, if the charges warrant their detention, they should be held in a recognized place of detention and allowed access to their families and lawyers. Their families also have the right to be informed of their whereabouts and legal status. Ensuring that the rights of detainees are respected does not in any way affect the right of the authorities to detain and prosecute those who have committed crimes and acts of violence.

#### Torture and ill-treatment

Many of those who have been transferred to prison after weeks or months in secret detention have alleged that during this time they were tortured and ill-treated. Their lawyers have lodged complaints with the courts and requested that their clients be allowed to receive independent medical examinations, and the detainees themselves have made allegations of torture before the courts. However, to date no judicial investigations are known to have been carried out into any such complaints.

Torture and ill-treatment are reported to be used mainly to obtain confessions during incommunicado detention. Testimonies from detainees, doctors, magistrates, lawyers, journalists and security and armed forces personnel indicate that torture in some detention centres has become widespread and even institutionalized, since some of the methods used require equipment which would not normally be available in places of detention.

The most commonly reported methods of torture are the “*chiffon*”, whereby the detainee is tied to a bench and a cloth soaked with chemicals and dirty water is forced into the mouth; the “*chalumeau*”, burning with a blowtorch; electric shocks to sensitive parts of the body; placing the detainee’s penis in a drawer and slamming the drawer shut; tying a rope around the detainee’s penis and/or testicles, causing swelling to the genitals; suspension in contorted positions; cigarette burns; and beatings.

Noureddine Lamdjadani, a medical doctor who was arrested in Algiers on 17 May 1994 and held in *garde à vue* detention for 60 days, alleged that he was tortured in the Chateauneuf detention centre and in another place to which he had been taken while hooded. He said he was tortured by the

“*chiffon*” method, beaten and threatened with death. To date, no investigation is known to have been carried out into his allegations.

Some detainees have died, reportedly as a result of torture in *garde à vue* detention. In some cases, detainees who sustained injuries during torture have been taken to hospitals for emergency treatment, but most were not examined by a medical doctor or given medical treatment, even of the most basic kind.

In the past four years no Algerian or international human rights or humanitarian organization has been allowed to visit detainees in prison. Visits by independent human rights organizations to prisons and detention centres would constitute an important safeguard for the protection of the detainee’s basic rights and would help to investigate complaints of torture and ill-treatment.

The failure to investigate reports of grave human rights violations by the security forces was illustrated after an incident in Serkadji Prison, in Algiers, in February 1995, in which at least 96 detainees, four prison guards and one member of the security forces were killed. There were allegations that some of the detainees were extrajudicially executed, some after they had returned to their cells.

The vast majority of those who died during the incident were detainees accused or convicted of “terrorist activities”; some had been held in pre-trial detention since 1992. At least 40 had been sentenced to death or life imprisonment and were held in Serkadji Prison in violation of the Algerian Prison Code. The families of the victims were not informed of their deaths until after they had been buried. No autopsies were carried out to establish the circumstances and causes of death, and most of the dead were buried as unknown (“*X Algérien*”). The list of detainees killed was never made public and there are reports that, in fact, more than 100 were killed. AI is not in a position to establish what happened during the incident in the prison because there is no independent account of the incident. However, the organization has collected available information from the Algerian authorities, from the families and lawyers of those held in Serkadji Prison, and from other sources.

Reports from surviving detainees, their families and lawyers, state that after the mutiny began efforts were made by some detainees to get the others to return to their cells and end the incident peacefully, but that the security forces fired on the detainees without giving them time to go back to their cells. Those killed include Hassan Kaouane and Nouredine Harrik, who were reportedly shot dead, and Jamal Bouzarek, alleged to have been killed in the courtyard with an iron bar. There were also allegations that after they had returned to their cells some were extrajudicially executed and others were beaten and ill-treated.

An inquiry carried out by the official human rights body, the National Observatory for Human Rights (ONDH), failed to investigate the most crucial issues – the exact circumstances in which the detainees were killed, and by whom. Of more than 1,500 detainees held in Serkadji Prison at the time of the incident, the ONDH only interviewed 10 detainees, most of whom had already testified on television after the incident. There were allegations that some of them had been forced to make their declarations under duress.

According to the authorities, the incident began with an attempted escape by a small group of detainees –armed with four firearms, three grenades and some knives – during which the four prison guards were killed. It is not clear how the incident led to the large number of subsequent killings, almost all of them detainees.

The ONDH did not examine the bodies of those killed, or the weapons used by the security forces and the detainees. This is crucial to determine the weapons used to kill the victims, and the circumstances in which they died.

Concerning the dead detainees’ burial as “X”, the ONDH stated in its report that the bodies had been photographed and had their fingerprints taken before being buried, to allow for post-burial identification. However, despite repeated requests, no photographs were shown to families and lawyers of the victims, or to AI and other human rights organizations. Families of the detainees killed

in Serkadji Prison have expressed concern that they could not be certain that their relatives were really buried in the graves assigned to them. In addition, different families were given burial permits bearing the same grave number, thus leading to increased doubts about the identification process.

A similar incident had already occurred in Berrouaghia Prison in November 1994, when scores of detainees were reportedly killed. To date, no investigation into the incident is known to have been carried out. For example, the family of Mourad Malik, who died in Berrouaghia Prison, has to date not been able to obtain any information about his place of burial or the circumstances of his death.

AI is concerned that the killings of detainees in prisons and detention centres have not been investigated to establish the circumstances in which they were killed. The failure of the authorities to carry out a thorough and independent investigation, and to make the findings public, seriously calls into question their will to hold law enforcement officers accountable for the serious human rights violations they are alleged to have committed. Such impunity can encourage further violations.

#### The killing of civilians

The killing of civilians, whether by security forces or by armed opposition groups, remains one of AI's main concerns. Such killings, which have continued to be reported daily over the past four years, have been difficult to investigate, particularly because of the restrictions imposed by the authorities on access to information.

Even though killings by the security forces are generally reported as taking place in self-defence during attacks by armed groups or in the context of clashes with them, many of the victims are reported to have been extrajudicially executed when they were unarmed or after having been captured. Killings are reported to have been increasingly used by the security forces as an alternative to arrest.

Communal guards and paramilitary "self-defence groups" are reported to be increasingly participating in security operations with the army and security forces, during which civilians have been killed. Both the communal guards and "self-defence groups" are reportedly composed of individuals, who include former fighters in the war of independence and relatives of people killed by armed opposition groups. The recruitment and training procedures, and the line of command and accountability of the communal guards is unclear. The "self-defence groups" do not appear to be subject to any degree of formal control by the authorities.

Armed groups who defined themselves as "Islamic groups", such as the GIA, *Armée islamique du salut* (AIS), Islamic Salvation Army, and others, have also continued to kill civilians, both in targeted individual attacks and random killings by bomb explosions. Leaders and spokesmen of the *Front islamique du Salut* (FIS), Islamic Salvation Front, have denied responsibility for the killing of civilians, and some of them have publicly condemned such attacks. However, to date they have failed to call on these groups to stop targeting civilians, and on some occasions have sought to justify the attack. For example, when more than 40 civilians were killed in a bomb explosion which took place during the day in a busy street in central Algiers in January 1995, a FIS spokesman in the United States of America justified the action, saying that the bomb was aimed at the central police station.

These armed groups have often carried out bomb attacks on bridges, state-owned factories and public buildings, often in areas where there is a high concentration of civilians. In recent months, dozens of people were killed in a bombing campaign which targeted railways, streets, and buildings housing relatives of members of the security forces, officials and other civilians. Bomb attacks and other killings believed to have been carried out by armed groups decreased in the days before and after the November 1995 presidential elections, when there was an increased security forces presence throughout the country. However, such attacks have since resumed and are continuing. Journalists have been among the civilians targeted by these armed groups; more than 45 have been killed since May 1993. Among the victims was Malika Sabour (*pictured left*), a 22-year-old journalist at the Arabic language daily *Echourouk*, who was shot dead in front of her family at her home near Reghaia

in May 1995. In December 1995 another woman journalist, Khadija Dahmani, who worked for the same newspaper, was also killed in the street near her home in the Baraki district of Algiers.

By carrying out such attacks, either deliberately targeting civilians, or targeting military and security forces sites during daytime and in areas populated by civilians, these armed groups have shown a total disregard for the most basic of all human rights – the right to life.

AI has repeatedly urged the authorities to take the necessary measures to ensure that allegations of human rights violations are investigated and that further violations are prevented. The organization has also repeatedly called on all armed political opposition groups to stop targeting civilians. It has also called on the leaders and spokesmen of the outlawed FIS to condemn clearly and unequivocally all killings of civilians, and to call on armed groups which define themselves as “Islamic groups” to stop these killings.

### **MARCH '96 NEWS**

#### **Kuwait**

Five years after the end of the Gulf War the Kuwaiti Government has still failed to take effective action to investigate human rights violations committed during the period of Martial Law which followed the withdrawal of Iraqi forces. AI is urging the authorities to end impunity and to see that justice is done.

During Martial Law, from February to June 1991, Kuwaiti Government forces and armed civilians, often acting with the knowledge or acquiescence of government officials, carried out a campaign of arbitrary arrest, torture and extrajudicial execution of individuals suspected of “collaboration” with Iraqi forces. Many of those detained “disappeared” and their whereabouts remain unknown.

The victims were mainly non-Kuwaitis, including Iraqis, Palestinians, Jordanians and members of the *bidun* community (stateless Arabs). Close to 1,000 people were arbitrarily detained and at least 70 of those individuals “disappeared” between February and June 1991. More than 600 alleged “collaborators” were tried in unfair trials before special courts. Those convicted were denied the right to a full appeal. Although some defendants were subsequently released, more than 160 people, including prisoners of conscience, are believed to be serving prison sentences after conviction in unfair trials.

AI has documented the cases of 70 non-Kuwaiti nationals who “disappeared” in custody and whose fate remains unknown. George Victor Salsa, a Palestinian with Jordanian nationality, was a bank officer from al-Salmiyya. He was arrested at his home by two State Security policemen on 9 May 1991. In January 1992 AI was informed that he was being held incommunicado at Kuwait Central Prison. He was later allegedly tortured and held in Kuwait Military Hospital.

The Kuwaiti authorities, while repeatedly giving assurances that “disappearances” and extrajudicial executions during the Martial Law period were being investigated, have failed to conduct adequate investigations to resolve these cases. Where investigations have been carried out, they do not appear to have fulfilled the requirements of independence and thoroughness required by internationally recognized standards. In George Victor Salsa’s case, the Kuwaiti Minister of Information, Saud Nasir Al-Sabah, stated in January 1994 that a thorough investigation had been conducted. Although the Minister invited AI to inspect the relevant official records, when the organization actually requested information relating to prison and hospital records no reply was received. The lack of response casts serious doubts on the adequacy of the investigation procedures.

Allegations of torture and ill-treatment during Martial Law remain, almost without exception, uninvestigated and AI’s requests for information have again met with no adequate response from the Kuwaiti authorities. While one of the death sentences handed down by the State Security Court has already been carried out, at least eight people remain on death row. AI has repeatedly urged the authorities to carry out a judicial review of the cases of all those unfairly tried before special courts.

AI has welcomed the positive measures such as the abolition of the State Security Court and steps towards ratification of international human rights treaties. The number of reports of current human rights violations in Kuwait has also decreased considerably. However, it is regrettable that the authorities have made little effort to investigate outstanding violations. AI again calls on the Kuwaiti Government to take adequate measures to investigate and redress all outstanding cases of human rights violations and to take steps to ensure the full protection of the human rights of everyone in Kuwait.

#### Burundi

More than 1,000 people are being killed each month by government forces and armed groups in Burundi. The government has shown itself to be incapable of preventing its security forces from carrying out human rights violations, and yet the international community continues to turn a blind eye.

Most of those killed by the security forces are members of the Hutu ethnic group from which the majority political party, the Front for Democracy in Burundi, of President Sylvestre Ntibantunganya, draws most of its support. At least 430 unarmed civilians, virtually all of them Hutu, were killed by government forces who surrounded Gasarara, in Kanyosha district, Rural Bujumbura province, on 14 November 1995. Some of the victims were lured to a school and then shot or bayoneted to death. The soldiers also looted property and set houses on fire. In a letter to the provincial governor, the Kanyosha district administrator said he had counted 421 dead: 40 men, 73 women, 165 boys and 143 girls. The results of an inquiry carried out by security officials have not been made public.

In another incident, 300 unarmed civilians, most of them Hutu, were reportedly unlawfully killed by government forces between 6 and 7 December 1995, in the suburbs of Bujumbura, the capital. Some of the attacks by government forces appear to be a continuation of attempts by the Tutsi-dominated security forces to rid Bujumbura of Hutu.

Hutu armed groups have also killed scores of Tutsi. An armed gang attacked Campazi camp for displaced members of the Tutsi ethnic group in Muruta district, Kirundo province, in early November 1995, and killed about 40 people.

More than 100,000 people have been slaughtered in Burundi since the current civil war broke out in October 1993. AI fears that the real figure may be even higher. Hutu-dominated and Tutsi armed groups appear to be in virtual competition to kill large numbers of civilians suspected of supporting their rivals. AI is calling on the international community to help Burundi's leaders bring an end to politically motivated killings and other human rights abuses.

#### Singapore

Sixty-four members of the Jehovah's Witnesses religious sect in Singapore have been convicted of membership of an illegal society, despite the guarantee of freedom of religion set out in Singapore's Constitution. The group of men and women were sentenced to pay fines after trials which took place from November 1995 to January 1996, but most chose not to pay on grounds of conscience and were imprisoned for periods of up to four weeks. Some of those convicted face trial again in early 1996 for possession of banned religious literature.

The trials of the Jehovah's Witnesses followed police raids on several homes in February 1995 when scores of people were arrested. During overnight detention and interrogation, the detainees were reportedly deprived of sleep and denied access to legal representatives. A number of teenagers in the group were not permitted to inform their parents of their whereabouts. Four foreign nationals were subsequently released without charge and permitted to leave the country.

The Jehovah's Witness religious sect has existed in Singapore since the 1940s. In 1972 it was banned by the authorities on the grounds that the group was prejudicial to public welfare and order. All literature of the Jehovah's Witnesses Watch Tower Society was also banned. The ban is believed to

be based on the Jehovah's Witnesses' refusal on religious grounds to perform the two-year military service, which is compulsory for all male citizens of Singapore.

More than 100 conscientious objectors to military service — including around 35 currently serving sentences — are believed to have been detained and court-martialled since 1973. Those who refuse to comply with military orders are sentenced to an initial 12 or 15 months' detention in military barracks. A second refusal to comply results in a further two years in detention.

AI considers all those Jehovah's Witnesses imprisoned for the peaceful expression of their religious beliefs or for their refusal on religious grounds to perform military service to be prisoners of conscience and has called for their immediate and unconditional release.

#### News in Brief

As Iran and Pakistan announced a joint initiative on **Afghanistan** in January 1996, AI renewed its call for the international community to play a role in ending widespread human rights abuses in Afghanistan. AI said that it will be looking closely to see if this initiative aimed at bringing "fratricidal fighting in Afghanistan to an end" results in concrete improvements in the human rights situation.

#### Kenya

Koigi wa Wamwere, a human rights activist and former member of parliament, his brother, Charles Kuria Wamwere, and G.G. Njuguna Ngengi, a local councillor, are being held in appalling conditions in Kamiti prison, near Nairobi. The three were each sentenced on 2 October 1995 to four years' imprisonment and six strokes of the cane after an unfair trial that lasted more than 16 months. They are alleged to have raided a police station near Nakuru in 1993. AI believes the three were convicted on false charges and considers them to be prisoners of conscience. The three prisoners are appealing against their sentences.

Conditions in Kenyan prisons are cruel, inhuman and degrading. At least 815 people died in prisons last year. High Court Judge Emmanuel O'Kubasu recently described them as "death chambers". Koigi wa Wamwere, Charles Kuria Wamwere and G.G. Njuguna Ngengi are being held in solitary confinement and are shut in their cells for 22 hours a day. All three are ill; their medically prescribed diets have been withdrawn and they have been denied medication and access to their doctor. As a result, Koigi wa Wamwere's ulcer has grown worse and Charles Kuria Wamwere is suffering from anaemia. G.G. Njuguna Ngengi continues to suffer from hypertension. They are not given soap or toilet paper. Unlike other prisoners, they are not allowed to take part in religious worship and had been denied a copy of the Old Testament.

Koigi wa Wamwere told AI: "Instead of hanging us by the rope [they are] hanging us by killer prison conditions."

+*Please write*, calling on the authorities to order the immediate and unconditional release of Koigi wa Wamwere, Charles Kuria Wamwere and G.G. Njuguna Ngengi, and, pending their release, for their diets to be restored, and for them to have access to their doctors, to: President Daniel arap Moi/ Office of the President/ PO Box 30510/ Nairobi/ Kenya.

#### Israel and the Occupied Territories

"I don't know how to describe my happiness...I am a bird flying over the clouds near the stars... I'm so happy...because of your letter", writes Husayn Rumayti to an AI group on receiving a letter from them after seven years in detention.

Husayn Rumayti was one of six Lebanese prisoners detained at the end of 1987 in Beirut and held with other Shi'a Muslims by the Lebanese Forces, a Christian militia. For two years their families were able to visit them. Then the six prisoners "disappeared".

In 1992, one of the group was discovered in an Israeli prison hospital and at last the families were informed that they had been taken to Israel where they were being held secretly in incommunicado detention. AI groups had never received any answers from the prisoners and were sometimes told they were not on any official lists.

The six are currently being held under administrative detention orders, which are renewable indefinitely. In these cases, the detainees and their lawyer may not know the charges and crucial evidence may be withheld. The Israeli authorities said the men were being held because they were members of or associated with *Hizbullah*, “a terrorist organization”.

AI believes that administrative detention should not be used as a means of avoiding the safeguards of a criminal justice system.

+ ***Please write***, calling for the immediate release of these six Lebanese detainees, unless they are to be charged with a recognizably criminal offence and tried promptly in a fair trial, to: Prime Minister Shimon Peres/ Office of the Prime Minister/  
3 Kaplan Street/ Hakiryia/ Jerusalem 91007/ Israel.

Viet Nam

AI is gravely concerned about the state of health of two prisoners of conscience detained in Viet Nam since 13 June 1995. Hoang Minh Chinh, aged 76, and Do Trung Hieu, aged 57, were sentenced to 12 months’ and 15 months’ imprisonment respectively, on 8 November 1995, on charges of “abusing the rights of freedom and democracy to damage national security”. The two men were sentenced by Hanoi People’s Court during a one-day trial. AI is also concerned about the fairness of the trial, particularly as both men were reportedly denied representation by lawyers of their choice.

Both prisoners are suffering from serious health problems. Hoang Minh Chinh is said to suffer from heart and respiratory problems as well as low blood pressure. He is also known to be in severe pain and suffering paralysis due to a long-standing shoulder injury. Do Trung Hieu suffers from a heart complaint and his health is reported to have deteriorated since his arrest.

Hoang Minh Chinh is a communist activist who held senior positions in the North Vietnamese Government. Between 1967 and 1991 he spent 11 years in prison and nine years under house arrest or surveillance for his repeated calls for political and economic reforms. He is believed to have been jailed this time for his criticism of the ruling Communist Party of Viet Nam (CPV) in interviews with foreign journalists, and for calling for the rehabilitation of CPV members purged during the 1960s.

Do Trung Hieu was a senior member of the CPV until his expulsion in 1992. He was charged after writing a pamphlet calling for a national reconciliation conference which would include expatriate Vietnamese groups.

AI is concerned that both prisoners were jailed solely for peacefully exercising their rights to freedom of belief and expression, and to prevent any criticism of the CPV before the next Party Congress, in June 1996. It is also concerned that they may not be receiving adequate medical attention in prison.

+ ***Please write***, calling for the immediate and unconditional release of Hoang Minh Chinh and Do Trung Hieu, to: His Excellency Le Duc Anh/ President/ Office of the President/ 35 Ngo Quyen/ Ha Noi/ Socialist Republic of Viet Nam.

Haiti

The Haitian Government has begun to take tentative steps to bring to justice those responsible for human rights violations under previous administrations, particularly that of General Raoul Cédras who overthrew the democratically elected President, Jean-Bertrand Aristide, in a military coup in September 1991 and ruled the country until October 1994. Under General Cédras, supporters of President Aristide and other opponents of the military regime had been subjected to systematic and gross human rights violations, such as “disappearances”, extrajudicial executions and torture, including rape.

Although some steps have been taken by the government to encourage the prosecution of human rights violators, progress has been slow. The corrupt and stagnant justice system, which is now undergoing reform, has so far not been able to adequately deal with such cases. In addition, many judges and witnesses are said to fear reprisals from former members of the armed forces and paramilitary.

Trials have taken place in two prominent cases and investigations are under way in others. In June 1995 former army lieutenant Jean Eméry Piram was sentenced *in absentia* to 60 years' forced labour in connection with the death under torture of teacher Jean-Claude Museau in January 1992.

In August 1995 Gérard Gustave, a civilian working with the army, was sentenced to life imprisonment with forced labour for the assassination in September 1993 of Antoine Izméry, a businessman and prominent supporter of President Aristide. Several others, including former police chief Michel François, were later sentenced *in absentia* in connection with the same case.

Investigations are also under way into the 1987 massacre of some 200 peasants in Jean-Rabel, the massacre of unarmed civilians in Raboteau, Gonaïves, in April 1994, and the extrajudicial executions of Justice Minister Guy Malary in October 1993 and Father Jean-Marie Vincent in August 1994. The return to Haiti by the United States authorities of former paramilitary leader Emmanuel Constant is also imminent. He is expected to stand trial on as yet unspecified charges related to human rights abuses committed during the coup period.

While AI welcomes the steps taken so far to prosecute human rights abusers, it believes that urgent measures are needed to strengthen the capacity of the judiciary to tackle the task and to ensure that such trials take place in accordance with international standards for a fair trial.

\*See *Haiti: A question of justice*,

(AIIndex: AMR 36/01/96).

Permanent international criminal court

The campaign for the establishment of a permanent International Criminal Court took a major step forward in December 1995. After a very successful lobbying action by AI members around the world, the General Assembly (GA) of the United Nations (UN) has established a committee to prepare a statute for the Court. This will be based on a 1994 International Law Commission draft and suggestions by non-governmental organizations. AI is urging UN Member States to participate in this preparatory committee.

The committee will meet twice in 1996, from 25 March to 12 April and from 12 to 30 August. In the light of the report that it will present to the 51st session of the GA, it is likely that the UN will decide to convene a diplomatic conference in Rome in 1997, to adopt a convention establishing a permanent International Criminal Court.

Now more than ever, AI members must keep up the pressure on this issue. At this extremely crucial time, it is essential not to lose the momentum which made possible a victory at the GA. At the next two meetings of the preparatory committee, some governments which publicly support the Court will continue to pose a threat to the justice, fairness and effectiveness of a Court by attempting to weaken the Commission's draft. That draft, however, needs to be strengthened.

Through their campaigning activities on the establishment of a permanent Court throughout 1996, AI members must emphasize that the world has waited long enough for the establishment of the Court. More than 50 years have passed since the possibility of such a court was originally discussed. Governments around the world must fulfil their pledges of international justice and this will not be possible until the international community finally establishes a just, fair and effective International Criminal Court.