

## Newsletter

June '1995 Focus

Sri Lanka

The government owes a duty to the parents and kith and kin to help them ascertain the fate of their loved ones and offer some compensatory relief to lighten their misery.”

This statement was made by Sri Lanka's Minister of Justice and Constitutional Affairs, Professor G.L. Pieris, in October 1994, regarding the relatives of the thousands of people who have “disappeared” or been killed in Sri Lanka. It is encouraging as far as it goes. However, he went on to say: “It is not possible for us to embark on a futile and impossible task of apportioning blame.”

The minister's two statements encapsulate the problems Sri Lanka faces today. At the end of November 1994 the government set up three commissions to investigate past human rights violations in the country. Each commission is assigned a specific geographical area of the country. They began work in January 1995 and within two months had reportedly received information about 30,000 cases of “disappearances”.

AI welcomes the commissions and believes their work could be a key factor in preventing “disappearances” and extrajudicial executions in Sri Lanka from ever recurring. But the organization has a number of concerns about the scope of the commissions' work and the powers of investigation available to them. It is impossible to estimate the number of extrajudicial executions and “disappearances” that have taken place in Sri Lanka since 1983, but they are believed to run into tens of thousands.

In the face of armed opposition from Tamil secessionists in the north and east of the country since the late 1970s, the Sri Lankan security forces increasingly appeared to believe they could commit abuses with impunity. From 1984 to mid-1987, AI documented more than 680 “disappearances” in the custody of the Sri Lankan security forces in the northeast. From mid-1987 to March 1990, during the period when the Indian Peace Keeping Force (IPKF) was responsible for security in the northeast, AI documented 43 “disappearances” there for which the IPKF was thought responsible. After the IPKF had withdrawn, armed conflict resumed in June 1990 between Sri Lankan government forces and the Liberation Tigers of Tamil Eelam (LTTE), the main armed Tamil group. Within months, the number of extrajudicial executions and “disappearances” reached thousands.

In the south, the Sinhalese militant party, *Janatha Vimukthi Peramuna* (JVP), People's Liberation Front, opposed to a separate Tamil state and also fearing Indian imperialism — particularly after the IPKF had been deployed in the north — mounted a campaign of terror. Tactics of counter-terror were increasingly used by the security forces and other groups aligned with the government, causing a massive increase in extrajudicial executions and “disappearances” in the south from mid-1987.

One of AI's central concerns is that the three commissions of inquiry are only mandated to investigate cases that took place after 1 January 1988. The investigation of “disappearances” in the earlier period may indeed provide crucial evidence of the emergence of the practice of “disappearance”, subsequently adopted by the security forces in Sri Lanka on a vast scale. The two cases detailed in this *Focus* illustrate how vital it is for the commissions' starting date to be moved back to 1984 if justice is to be done in Sri Lanka.

The “disappearance” of 23 young men from Naipattimunai, Amparai District, in the east of Sri Lanka, is one of the best documented cases which will remain uninvestigated if the commissions' starting date remains at 1 January 1988. The men were arrested by members of a police commando unit, the Special Task Force (STF), on 17 May 1985, made to dig their own graves and then shot dead. Ten years on, these killings have still not been investigated and nobody has been brought to justice for their part in them.

At the time, the STF operated in the Eastern Province, targeting armed Tamil groups or people suspected of being members of such groups. Sometimes the STF acted in cooperation with the

army. The events of 17 May 1985 took place three days after 146 Sinhalese civilians, among them women and children, had been killed in Anuradhapura. The LTTE was widely held responsible for the killings. In the following days reprisal killings of unarmed Tamil civilians by army and navy personnel were reported.

According to sworn statements by eye-witnesses, during the morning of 17 May 1985 STF personnel travelling in jeeps arrested several dozen young men from the villages of Naipattimunai, Thuraineelavanai and Chenaikudiyiruppu in the eastern districts of Batticaloa and Amparai. In Thuraineelavanai and Chenaikudiyiruppu the STF is also reported to have shot at unarmed villagers, removing the victims and their belongings immediately afterwards. The wife of one of the victims from Chenaikudiyiruppu said in a sworn statement:

“...I heard that my husband...was shot in the field at Thuravanthiyamedu, and I ran to the said field. I verily state that some of the people who were present there informed me that the commando officers who had come in a jeep, called my husband and he, with his arms raised went towards them. The commandos shot him, put him in a jeep and took him away.”

There are similar reports of such arrests, shootings and removal of victims by STF personnel from the nearby village of Thuraineelavanai. Again in a sworn affidavit, a woman stated:

“...while my husband was bathing, the STF aimed at him, when he had prayed...at them not to kill him, but the bullets penetrated through the skull and the skull was blasted into many pieces. In addition to this act of killing, they too have carried the body along with them, leaving few pieces of skull at the spot...”

Earlier the same morning STF personnel travelling in at least eight jeeps, entered the village of Naipattimunai, near the coastal town of Kalmunai. The STF took away several dozen Tamil young men. They have never been seen again.

The father of one of the young men testified in a sworn statement how his son was taken:

“I was informed by neighbours at about 5.30am that several officers of the [STF]...heavily armed with a variety of automatic and other firearms arrived in army jeeps in the vicinity of my house...and entered several houses and arrested several youths and took them away. My son, Thambimuthu Packiyarajah, who had gone out for morning ablutions, was also arrested and taken away.

“I with other neighbours ran up to the main road to see if we could plead for the release of the arrested youths but the convoy of jeeps [was] already moving away northwards...”

The young men, together with the bodies of those already shot in Thuraineelavanai, were reportedly driven to an area just north of the Thambiluvil cemetery, where they were ordered to dig graves, bury the bodies of those already shot, and were then themselves lined up and shot dead.

Later that day reports reached the villages that the STF returned to camp with no one in custody. The parents immediately informed the Kalmunai Citizens Committee. On 18 May the president of the committee, Paul Nallanayagam, who was then warden of a Methodist orphanage in Kalmunai, contacted the coordinating officer of the area and was reportedly informed that some arrests had been made and that there had been a few deaths of “terrorists”.

At Paul Nallanayagam’s request, the coordinating officer directed the superintendent of police in Batticaloa to investigate the matter. Immediately afterwards a police party, five parents, the superintendent of police and Paul Nallanayagam visited the site where the young men had allegedly been shot. A human body, clothes and an identity card were found. The superintendent then called off the investigations, as it was getting dark. The parents were told not to speak to anyone about what had happened and to be present at Akkaraipattu police station the next morning. However, the next day investigations were abruptly discontinued. Local residents allege that STF personnel later dug up some of the bodies and disposed of them in secret.

The official position remains that none of the “disappeared” were arrested by STF personnel or killed and buried in secret. Paul Nallanayagam was arrested on 22 May 1985 and charged with

spreading rumours and false statements after speaking to foreign journalists about the incident. During his trial before the Colombo High Court in mid-1986, a lot of evidence emerged about the “disappearance” of the 23 young men, but no further action has been taken since. Parul Nallanayagam was acquitted.

There are also about a dozen cases of “disappearances” reported in the south of Sri Lanka which have not been investigated and which occurred before January 1988.

The “disappearance” of Sathyapala Wannigama in November 1987 was among the first in the south to attract widespread public attention. Sathyapala Wannigama, an assistant lecturer in philosophy at Ruhuna University, was 37 years old at the time of his arrest.

Witnesses said that at about 1pm on 13 November 1987, he was about to get on a bus near his home at Kariyammaditta when a vehicle drew up behind him. Four police officers, including two from the STF, got out, arrested him and drove him away.

Relatives inquired about him at Middeniya police station, where they reportedly saw Sathyapala Wannigama sitting at a table with a police officer. About 45 minutes later he was reportedly taken to Tangalle in a van by the police. The next day a relative went to Tangalle police station and, although told by a police constable that Sathyapala Wannigama was not there, reportedly saw him being photographed. On 15 November the relative returned to Tangalle police station with food and clothes for the prisoner. One police officer reportedly said he would give them to Sathyapala Wannigama, but another denied that he was in custody.

Two *habeas corpus* petitions were filed in an attempt to find Sathyapala Wannigama, but without result. The police denied that he had been arrested. Sources close to the case believe that he was killed in custody several weeks after being detained, but there is insufficient evidence to confirm this.

In many of these cases, there is often evidence from eye-witnesses who claim to be able to identify those responsible for the arrest, torture in detention resulting in death, and the disposal of the bodies of the “disappeared”. AI is concerned that these will not be investigated by the commissions. The organization was informed by one of the commissions that it would consider cases of “disappearance” which occurred before 1 January 1988 that were reported to them. The organization is concerned, however, that if so, relatives of all the people who “disappeared” prior to January 1988 should be given the opportunity to present evidence before the commissions. AI is therefore urging the President of Sri Lanka to formally extend the mandate of the commissions to include cases reported since 1984.

The People’s Alliance government took office in August 1994. Its leader, Chandrika Bandaranaike Kumaratunga, was sworn in as President in November 1994. The election results were widely interpreted as a vote for change after 17 years of rule by the United National Party. Soon after taking office, the new government announced a number of important steps in the field of human rights, including the investigation of past violations, the bringing to justice of those responsible and the granting of compensation to victims or their relatives. This will be an enormous and challenging task.

AI is calling on the Sri Lankan Government to strengthen the work of the commissions of inquiry investigating past human rights violations. It urges the government to use this opportunity to re-establish accountability among all law enforcement personnel and press upon them the need for strict respect for human rights.

To date only a very small number of the tens of thousands of cases of extrajudicial executions and “disappearances” that have occurred in the country in the past decade have been investigated. Even in these cases, there were often serious flaws in the investigative process, brought about almost always by the authorities’ lack of will to bring perpetrators to justice.

The United Nations (UN) Working Group on Enforced or Involuntary Disappearances, 1990 report, (paragraph 344)says: “Perhaps the single most important factor contributing to the phenomenon of “disappearances” may be that of impunity. The Working Group’s experience

over the past 10 years has confirmed the age-old adage that impunity breeds contempt for the law. Perpetrators of human rights violations, whether civilian or military, will become all the more brazen when they are not held to account before a court of law.”

An AI delegation visited Sri Lanka in early February 1995 and met President Chandrika Bandaranaike Kumaratunga, several members of the government, members of the newly established commissions, and members of the Presidential Commission of Inquiry into the Involuntary Removal of Persons and the Human Rights Task Force set up by the former government.

AI submitted a memorandum to the government setting out measures to prevent grave human rights violations. These included the holding of full and impartial investigations, a review of current security legislation and the strengthening of constitutional and legal protection. The delegation used the visit to seek clarification with regard to the mandate and the working methods of the commissions. AI has subsequently made recommendations relating to their work.

#### RECOMMENDATIONS

- 1 The mandate should include cases reported since 1984.
- 2 The four-month time limit imposed on the commissions to complete investigations and submit their report should be extended in order to allow them adequate time to complete their task fully.
- 3 The three commissions should produce one consolidated report, including a list of recommendations.
- 4 The final report of the commissions should be made public and made widely available throughout the country.
- 5 A mechanism should be set up through which the three commissions solve issues involving interpretation of their mandate.
- 6 Interim reports by the commissions should be used to ensure common standards are being applied.
- 7 Members of the security forces and others allegedly responsible for grave human rights violations should be suspended from any official duties during the investigations.
- 8 Complainants, witnesses, lawyers, members of the commissions and others involved in the investigation should be protected from violence, intimidation and reprisals.
- 9 The commissions should be given access to statements, documentary evidence and any other information relevant to the cases under investigation.
- 10 The commissions should be allocated the resources required to examine effectively and efficiently the evidence and cases brought before them.
- 11 The final report should include a critical analysis of the factors which have contributed to these grave human rights violations and make recommendations for their reform.
- 12 A procedure should be established to allow for forensic experts to be called upon by the commissions to examine the evidence of exhumations.
- 13 All necessary steps should be taken to ensure the analysis of skeletal remains exhumed to date are carried out in line with UN international guidelines and that adequate resources are made available for that purpose.
- 14 The government should act promptly to ensure that those responsible for grave human rights violations are brought to justice.
- 15 The commissions should make a strong recommendation that perpetrators should not be able to benefit from any legal measures exempting them from criminal prosecution or conviction.
- 16 A simple, speedy, just and fair procedure for the granting of compensation should be established and made widely known within the country.
- 17 Victims of “disappearance” who have reappeared should be provided with appropriate medical care or rehabilitation.

**June '95 - news**

## Bahrain

The ruthless suppression of dissent by the Government of Bahrain in recent months has resulted in unprecedented human rights violations. Since December 1994 Bahrain has witnessed widespread arbitrary arrests, the killing of demonstrators, the torture of detainees, detention without trial and the forcible exile of Bahraini nationals.

Protests and demonstrations have continued since December throughout the country, including the capital, al-Manama, and the municipalities of Jidd Hafs, Sitra and the Northern Region. The demonstrators, among them women and children, have called for the National Assembly (dissolved since 1975) to be allowed to reconvene, and for the provisions of Bahrain's 1973 Constitution to be respected. To date, the authorities have refused to consider the protesters' demands or to receive petitions on their behalf, resorting instead to the use of force.

Between December 1994 and April 1995, at least 11 civilians were killed in separate incidents. Scores of others have been injured as Bahrain's security forces, backed by Saudi Arabian riot police, used live ammunition and other weaponry to quell the demonstrations.

Among those killed by the security forces are Muhammad Ja'far 'Atiyya and Muhammad 'Ali 'Abd al-Razzaq, during protests on 1 April in the village of Bani Jamra. These protests began after the security forces surrounded the home of Shaikh 'Abd al-Amir al-Jamri, a prominent Shi'a Muslim religious scholar and member of the former National Assembly, placing him and 18 members of his family — including several young children — under house arrest. On 15 April Shaikh al-Jamri was transferred to an unknown location.

Measures were also taken by the security forces to prevent those wounded during demonstrations from receiving medical treatment in hospitals and clinics. In one case, according to eye-witness accounts, two men seriously wounded during demonstrations in al-Sanabes on 17 December died after an ambulance was prevented from taking them to hospital.

Unconfirmed estimates place the number of people arrested since December 1994 at several thousand. The official prisons are said to be severely overcrowded and many detainees are being held in makeshift detention centres, including a disused sports stadium. Most are being held incommunicado without charge or trial and denied access to the outside world. Many have reportedly been tortured to extract "confessions" from them, and at least one detainee has died in custody.

Those detained include religious scholars, teachers and students. Many women and children have been arrested. A 31-year-old woman, Zahra Salman Hilal, who is being held at the Juveniles' Prison in Madinat 'Issa, reportedly went on hunger strike until she was allowed to see her husband, himself detained since January. Six other women, all secondary school teachers, were arrested on 12 April in Madinat 'Issa, together with several of their students. All were released shortly afterwards.

Since late March, at least 23 detainees have been brought to trial before the State Security Court, the proceedings of which fall far short of international standards for fair trial. The charges against them include committing acts of sabotage and membership of a prohibited organization.

In January and March AI publicly appealed to the government to put an end to killings and torture and sent urgent appeals on behalf of those detained. AI also requested to be allowed to send delegates to Bahrain, including to attend the ongoing trials, but has received no response.

## Bolivia

The former president of Bolivia, General Luis García Meza, has become one of the few military rulers sentenced and imprisoned under their own country's legislation for crimes including human rights violations.

Nearly two years after being sentenced by the Bolivian Supreme Court to 30 years' imprisonment, Luis García Meza has started to serve his sentence in the high-security prison of Chonchocoro, near La Paz. He was sentenced *in absentia* on charges which included human rights violations perpetrated during his military government between July 1980 and August 1981.

Luis García Meza became president of Bolivia after a coup in July 1980. Scores of trade unionists and political opponents “disappeared” or were imprisoned, tortured and killed in the months that followed. With the return of civilian rule in 1982, procedures were initiated in the Bolivian Congress to start a Responsibilities Trial against Luis García Meza and his collaborators. However, after the Supreme Court passed on its sentence in 1993, Luis García Meza and most of his collaborators remained at large.

Luis García Meza had been a fugitive from Bolivian justice since 1989. Last year the Bolivian Government requested his extradition from Brazil following his arrest in Sao Paulo. In March 1995 the Brazilian Supreme Federal Tribunal ratified his extradition and transfer to Bolivia. AI believes that justice served in such cases is a victory for those who have campaigned and who continue to campaign for the protection of human rights in Bolivia and across the world.

International - 50th anniversary of liberation of Auschwitz

On 26 and 27 January, AI participated in the official ceremonies held in Poland to commemorate the 50th anniversary of the liberation of Auschwitz. Presidents, heads of state and delegations from 30 countries, including Israel, Germany and the United States of America, attended. AI was invited to take part, together with other winners of the Nobel Peace Prize, and was represented by Gerry O’Connell, a member of AI’s International Executive Committee.

The Nazis killed an estimated 1.5 million people at Auschwitz, 90 per cent of them Jews, but also Sinti and Roma, and people from some 30 nations, including many Poles. The terrible events of Auschwitz and Second World War gave rise to the United Nations and subsequently the Universal Declaration of Human Rights, the Convention against Genocide, and other significant international human rights legislation. AI’s work is based on these and the organization aims to ensure that there will never be another Auschwitz.

At a meeting hosted by President Lech Walesa in Krakow, participants agreed an “Appeal to the Nations”, which recalled the terrible incidents of Auschwitz and called on the international community to prevent further conflicts and killings. The official delegates travelled to Auschwitz and were joined by survivors and other participants at the main commemoration service. Among those who spoke was the Nobel Peace Prize laureate, Elie Wiesel. As a young boy, he had been a prisoner at Auschwitz with “no name, no hope, no future”. He was only known by his number — A70713, he said. He told those present: “Close your eyes, my friends, and listen, listen to the silent screams of terrified mothers, listen to the prayers of anguished old men and women, listen to the tears of children...”

After the speeches, the heads of the delegations laid wreaths. The last wreath was placed by eight men and women who had survived, in memory of the many who had not. Finally, as the names of the dead were being read out over the loudspeakers and the sirens wailed, the heads of the delegations signed the Auschwitz Commemoration Book. The AI delegate signed it too, as a pledge of solidarity with the victims of discrimination, racism and other forms of repression, past, present and future.

Algeria

Families are still waiting for a list of the dead to be made public after the killing of at least 96 detainees in an Algerian jail in February 1995. No independent investigation has yet taken place. Following a reported escape attempt and mutiny in Serkadji Prison, the authorities stated that 96 detainees and four guards had been killed. However, other sources indicate that the number killed is much higher. There are reports that detainees were extrajudicially executed in their cells by security forces.

Families were not informed of the deaths of their relatives until they had been buried. They were given burial permits with “X *Algérien*” written in place of the name. None of the families of those killed were allowed to see and identify the bodies of their relatives before the burial, and no autopsies were carried out to establish the exact circumstances and causes of death. The families

have no way of knowing whether the number of the grave given on the burial permit corresponds to the grave where their relatives are buried.

Many of the dead had been held in pre-trial detention, some since 1992, which is in breach of Algerian law.

A government human rights body, The *Observatoire National des Droits de l'Homme*, carried out an inquiry but did not attempt to examine the bodies of those killed. An AI medical delegation visiting Algeria in March 1995 requested permission to visit Serkadji Prison and interview surviving detainees, but received no response.

Algerian and international human rights organizations are calling for an investigation into the incident.

**PLEASE WRITE**, asking for an independent investigation and a list of those killed to: M. Mohamed Adami, Ministre de la Justice/ Ministère de la Justice/8 Place Bir Hakem, El-Biar/ Alger. Algérie Fax: +213 2 796557.

Nigeria

**Bashorun (Chief) Moshood K.O. Abiola**, the widely acknowledged winner of annulled presidential elections in 1993, has been held in prison on treason charges since June 1994. Bashorun Moshood Abiola is in constant pain and has failing sight. He is also at risk of a stroke or permanent paralysis and urgently needs specialist medical investigations and treatment. President Nelson Mandela of South Africa reiterated an appeal for his release after Desmond Tutu, Archbishop of Cape Town, met General Sani Abacha, the Nigerian Head of State, and Moshood Abiola on 5 April 1995. Moshood Abiola said he had suffered severe weight loss, was locked up 24 hours a day and allowed no exercise. Due to his health, he said he was willing to accept the conditional release he was originally offered in August 1994.

On 11 April the Nigerian Government said it would not release him as his case was still before the courts. However, it has repeatedly flouted court orders made in his case, such as an order in November 1994 by the Court of Appeal in Kaduna for his release on bail. The government later appealed against his release to the Supreme Court.

After Moshood Abiola went on hunger strike in March because he had been denied medical attention by his doctor, the authorities allowed him to be seen by the doctor. However, only a 10-minute visit was allowed.

+**PLEASE WRITE**, appealing for the immediate and unconditional release of Moshood Abiola, to: General Sani Abacha/Chairman, Provisional Ruling Council/State House/Abuja, Federal Capital Territory/Nigeria.

Turkey:

Piro Ay, a farmer, “disappeared” after being detained by members of the Derik Gendarmerie, from Konur district of Cay village, Mardin Province, on 16 April 1994. He was taken together with two other villagers who were later released. Piro Ay had been detained on three previous occasions and interrogated at the Anti-Terror Branch of Mardin Police Headquarters.

According to eye-witnesses, the village population had gathered in the main square of Kelektepe (another district of Cay village) to watch the three being beaten severely while they were told “You give the PKK food and shelter”. The PKK is the Kurdish Workers’ Party, an illegal armed organization which is fighting the security forces with the aim of establishing autonomy for the southeastern provinces of Turkey. AI has received no evidence to suggest that Piro Ay was involved with the PKK. Piro Ay was unconscious when he was loaded into an armoured vehicle and taken away in the direction of Derik.

Piro Ay’s father, 65-year-old Bedir Ay, was arrested in August 1994 while making inquiries throughout the area to discover the whereabouts of Piro Ay. He was held at Mardin Closed Prison until he was released earlier this year. While making inquiries about his son, he was told by Derik

Gendarmerie Headquarters that his son was in a coma in hospital. However, the father was not told in which hospital he was being treated, and the whereabouts of Piro Ay remain unknown.

+*PLEASE WRITE* to President Suleyman Demirel/ Office of the President/ Cumhuriyet Baskanligi/ 06100 Ankara/ Turkey, asking for an immediate and impartial investigation into the circumstances of the “disappearance” of Piro Ay.

UPDATE:

VASILY KRIVONOS was executed in Ukraine in January (exact date not known). He was featured as a *Worldwide Appeal* case in September 1994. Vasily Krivonos had just turned 18 at the time the crime for which he had been sentenced to death was committed. He was said to have had learning difficulties and a history of psychiatric problems. He was executed despite urgent appeals by international agencies.

RELEASED:

MARTA MARIA VEGA CABRERA, who featured as a *Worldwide Appeal* case in December 1994, was released in Cuba in March 1995. However, she is on bail pending two trials. Marta was arrested on 3 June 1993 and detained on charges of distributing “enemy propaganda”. She is a member of the unofficial Civic Democratic Party and her family has suffered frequent harassment from the authorities for their political beliefs.

Singapore:

The hanging of Filipino domestic worker Flor Contemplacion in Singapore on 17 March, in spite of international concern over the fairness of her trial, has highlighted the injustice of the death penalty at a time when executions in the island state are dramatically on the increase.

The hanging has led to an unprecedented diplomatic crisis between Singapore and the Philippines, indicating that international criticism of Singapore’s criminal justice system is not a matter of “Western” versus “Asian” perspectives on human rights, as the Singapore Government has maintained.

Flor Contemplacion was hanged at dawn at Changi Prison for the murder of fellow Filipino Delia Maga, and the child of Maga’s employer. The case against Contemplacion relied almost entirely on her confession to the police, and neither prosecution nor defence made any submissions at all at her trial. There is evidence to suggest that her confession may have been involuntarily extracted and that she was mistreated in custody. Prisoners in Singapore have no right to legal counsel during police interrogation and are not cautioned against making self-incriminating statements.

The sharp rise in executions from a recent annual average of about four to at least 32 last year — most for drugs-related offences — is of particular concern because of the gradual erosion of legal safeguards in capital cases in Singapore. The right to trial by jury was abolished in 1969 and, more recently, the two-judge courts were replaced by a single judge. The scope of the death penalty has been steadily extended, contrary to international trends at the same time as the widening use of “presumption clauses” which lay the burden of proof on the accused. For an increasing number of offences, the death penalty has become mandatory, removing judges’ discretion in deciding sentences. The right of appeal to the Privy Council in London was also abolished in 1994.

AI believes that vulnerable groups everywhere — people like Flor Contemplacion — suffer a disproportionate number of executions. AI is calling on the Singapore Government to commute all existing and pending death sentences, and is urging the Philippine Government to reconsider its own death penalty — reintroduced for a wide range of offences in 1993.

Italy

Allegations of deliberate and gratuitous violence against people held in the custody of law enforcement and prison officers throughout Italy have notably increased in the past five years. Many allegations concern immigrants — the majority of them African — and an increasing



number of Roma (Gypsies). Some cases have involved minors. There have also been complaints of severe prison overcrowding, poor sanitation and inadequate medical assistance.

These allegations are described in detail in an AI report\* which the organization drew to the attention of the United Nations (UN) Committee against Torture, meeting in Geneva on 27 April 1995 to examine Italy's compliance with the UN Convention against Torture.

The report says that the most common forms of ill-treatment include slaps, kicks and punches, beatings with truncheons, and verbal and racist abuse. There have also been reports of detainees being deprived of food for up to 24 hours and isolated reports of sexual assault. Officers from one city police force are reported to have chained some immigrants to radiators and transported others outside the city, removed their shoes and forced them to walk back barefoot. Allegations have been supported by medical evidence and eye-witness accounts. Detainees frequently claim that if they say they intend to lodge a complaint, they are threatened with further ill-treatment or criminal counter-charges.

Although Italy has taken certain legislative and administrative measures designed to combat ill-treatment of detainees, AI is concerned that these are not being fully respected and that elements within the law enforcement agencies may be ill-treating detainees on a regular basis. Both the UN Human Rights Committee and the Council of Europe's Committee for the Prevention of Torture have recently expressed concern over the treatment of detainees in Italy and have recommended that the authorities take more effective steps to safeguard them from such treatment. AI believes such reforms are urgently required.

\*See *Italy: Alleged Torture and Ill-treatment by Law Enforcement and Prison Officers*. AI Index: EUR 30/01/95.

News in brief

Since April 1992, when the conflict between various armed groups in Afghanistan intensified, women have become the targets of human rights violations, including murder, abduction and rape. Scores of women have reportedly "disappeared" and several have been stoned to death. The perpetrators are members of the main Mujahideen groups or warlords. AI is calling on the authorities in Kabul, the leaders of the warring factions and the international community, to take steps to ensure that human rights are respected in Afghanistan. Six years after the 4 June 1989 crackdown on pro-democracy protests, AI continues to have major concerns about human rights in China. Thousands of prisoners of conscience remain in detention, many without charge or trial; some of those brought to trial have received very harsh sentences. There continue to be reports of the widespread use of torture and in 1994 AI recorded at least 2,496 death sentences and 1,791 executions. At least 90 people were executed in Saudi Arabia between 20 January and 19 April 1995. This is the highest number of executions recorded by AI to have taken place in the country in such a short period of time. AI's concerns are heightened by the fact that executions are carried out after trials in which internationally agreed safeguards for prisoners facing the death sentence are completely disregarded.

July '95 Focus - Syria

Thousands of women and men are being held for political reasons in Syria's prisons. Among them are prisoners of conscience. Many have been behind bars for years without ever being charged. Others are serving long prison sentences imposed after grossly unfair trials or have served their sentences in full and are being denied their freedom.

Torture is routinely used to obtain confessions from detainees and to inflict punishment. Deaths in custody have been common. Many people have "disappeared"; some are feared to have been secretly executed. Arrests invariably take place without judicial warrants; families are not informed of the whereabouts of their relatives; and detainees are not allowed access to lawyers, doctors of their own choice, or family visits. These violations demand urgent action. The Syrian authorities have taken some positive steps in recent years — including the release of several

thousand political prisoners — but far more radical steps are needed to improve Syria’s appalling human rights record.

Since 1970, when President Hafez al–Assad assumed power, human rights violations — facilitated by special emergency powers — have been persistent and endemic. Under the state of emergency, which has remained in force without interruption since 8 March 1963, different branches of the security forces have been able to arbitrarily arrest and detain political suspects for as long as they please.

Tens of thousands of people have been rounded up in successive waves of mass arrests targeted at suspected members of left-wing, Islamist or Arab nationalist organizations, or at anyone engaged in activities opposed to the government. Among the victims have been hundreds of prisoners of conscience. Many thousands of families have been kept in the dark about the fate of their relatives. Some fear the worst, as their loved ones “disappeared” after arrest. Few have dared to complain too loudly for fear of reprisal.

During the 1990s there have been some improvements. Several thousand political prisoners, including prisoners of conscience, have been released. Since 1992 political trials have been more open — some have been attended by international human rights observers, including AI delegates — although the proceedings still fall far short of international fair trial standards. The authorities have also held talks with international human rights organizations. AI welcomes these steps while continuing to stress that these measures go nowhere near far enough.

To AI’s knowledge, no independent investigations or inquests have ever been held into deaths in custody of political detainees, including those allegedly following torture or ill–treatment. The fate and whereabouts of scores of political suspects arrested in previous years remain unknown: they have “disappeared”. In some cases, information recently received indicates that some prisoners had been sentenced to death years ago and may have been secretly executed.

The wide range of human rights violations described in this *Focus* are in clear violation of the International Covenant on Civil and Political Rights and other international standards which Syria has solemnly pledged to uphold. They are also in breach of Syria’s own laws, the 1973 Constitution and the Code of Criminal Procedures.

The majority of those targeted for arbitrary arrest in Syria are people suspected of activities opposed to the government or of membership of political organizations operating outside the ruling National Progressive Front led by the Ba’th Arab Socialist Party. Since 1992, hundreds of people have been arbitrarily arrested, and scores of them continue to be detained.

Prisoners are invariably arrested without a warrant and families are often not informed of the reasons for arrest. A detainee who is still being held gave the following account of an attempt to arrest him in 1986:

“...at dawn a patrol consisting of officers and others belonging to *Fara’ Falastin* [a detention centre in Damascus]... raided my house in order to arrest me... When they did not find me in the house they beat up my wife in front of her four–year–old daughter, and took her to *Fara’ Falastin*. She was separated from both daughters, the youngest of whom was only one month old.”

The length of incommunicado detention varies from months to years. Some families have had to wait years for information about where their relatives are being held. In most cases known to AI, arbitrary arrest and detention of political suspects are followed by gross violations of the right to fair and public trial or by denial of any trial. Information about political trials before 1992 is scant, as almost all trials were held in total secrecy before special military courts and the Supreme State Security Court (SSSC). However, it is known that defendants’ rights were routinely violated; they were denied the rights to counsel and to challenge their convictions and sentences before a higher court.

Defendants' relatives were often not even informed that the trials were taking place. In most cases, they learned about the trials long after they had been concluded. Political trials before military special courts continue to be shrouded in total secrecy, and information about them is still scarce. Trials held before the SSSC since 1992 have been conducted in somewhat improved conditions, although they too have failed to meet international standards for fair trial.

The majority of those sentenced are convicted of "terrorism" and opposition to the socialist system of the state and Arab unity. They received prison terms ranging from four to 15 years and most have already been held for periods ranging from five to 12 years before they even appear in court. During the trials many prisoners have admitted membership of their respective organizations while maintaining that they did not advocate "terrorism" or oppose socialism or Arab unity.

Relatives often remain totally unaware of the prisoners' trials and their outcome. Bara al-Sarraj, a 30-year-old former student of engineering at the University of Damascus, was arrested on 5 March 1984 for suspected links with the Muslim Brotherhood. His family have not seen him since his arrest and do not know where he is held. Reports received by AI suggest that he was sentenced to 20 years' imprisonment in 1989 after a secret trial.

Political prisoners have been arbitrarily detained after court orders for their release or after they have served their prison sentence in full, even though no further charges have been filed against them. AI considers such detainees to be prisoners of conscience. Those currently known to be held despite the expiry of their sentences include three former military personnel, arrested in 1970 and later sentenced to 15 years' imprisonment. Two of them were among a group of about 350 civilian and military detainees brought before the SSSC in a mass trial in August 1971, and charged with "offences against the security of the state and public order".

Arbitrary arrest and indefinite incommunicado detention have created a situation in which torture is commonplace. Torture is used to extract information or "confessions" and as a form of punishment.

The most commonly reported torture methods include: beatings on all parts of the body; *falaqa* (beating on the soles of the feet); *dullab* (hanging the victim from a suspended tyre and beating him or her with sticks and cables; and pouring cold water over the victim's body). Other methods include *al-Kursi al-Almani* (the German chair), where the victim is tied to a metal chair with moving parts. The back of the chair bends backward, causing acute extension of the spine and severe pressure on the victim's neck and limbs. This is said to result in difficulty in breathing almost to the point of asphyxiation, loss of consciousness and, in some cases, fracturing of the vertebrae.

Most of the 500 or more defendants on trial before the SSSC since July 1992 stated in court that they had been tortured, but none is known to have been medically examined and no investigations are known to have been carried out. One defendant testified:

"Following my arrest in 1987, I was subjected to severe torture in order to extract information from me. I was flogged, tortured by *al-Kursi al-Almani*, parts of my body were burned with acid, and my fingers were crushed. I was also subjected to psychological torture by having my wife flogged and insulted in front of me... and by bringing my mother [to the detention centre] and threatening to torture her. After that I was subjected to punching and kicking, which caused a fracture in my nose... my legs were pulled apart, causing a fracture in my pelvis."

When the prisoner was finally admitted to Harasta Military Hospital, his treatment was halted before its completion because of pressure put on the doctor treating him. He was discharged from hospital with a disability from which he is still suffering.

Munir Francis, a civil engineer, reportedly died as a result of torture in April 1990, after he was admitted to al-Muwassat Civil Hospital in Damascus suffering from internal bleeding. According to reports received by AI, when his coffin was returned to his family, his body bore the marks of beatings. Munir Francis was reportedly arrested, along with others, in Yabrud (al-Nabk), north of

Damascus, at the end of March 1990, after anti-government slogans had been written on the walls of the town. The arrests were reportedly carried out by one of the branches of the security forces.

“Disappearances” follow a similar pattern. The victims are arrested by one or other branch of the security forces and are not seen or heard from afterwards. The government does not acknowledge their detention and denies knowledge of their whereabouts. The families and relatives continue to seek information about their fate.

Wafa Fahmi ‘Ali ‘Abidat, a fourth-year student of dentistry at the University of Damascus, “disappeared” in November 1986. At that time she was living in the women’s residence at the University of Damascus. She was not apparently involved in any political organizations or activities. She may have been arrested solely because her brother, Hani Fahmi ‘Ali ‘Abidat, had reportedly been arrested a month earlier for membership of Fateh–Revolutionary Council, a faction of the Palestinian movement led by Abu Nidal. The fate and whereabouts of both remain unknown to their family.

Several other “disappearances” have involved Palestinians and Jordanians whose relatives had been caught up in the political struggles of the 1980s involving different factions of the Palestinian movement and various states in the Middle East. Usama Hasan Batayna, a secondary school student, was arrested on 10 September 1986 in Dar’a on his way to Syria from Jordan. The exact reasons for his arrest are unknown. He had apparently visited Iraq three months before he went to Syria and his passport bore an Iraqi stamp. His family suspect that this may have been the reason for his “disappearance”.

The families of the “disappeared” live in great distress caused by the uncertainty of the fate of their loved ones. One mother whose child “disappeared” nine years ago told AI “I have not been able to eat or sleep properly for nine years”. Another mother told the organization, “I need to know the fate of my child, dead or alive...If alive I need to know where, and be allowed to visit him...if he has committed any wrong they should tell me and allow me to visit him...if he is dead I need to know so that I can mourn properly”.

AI’s concerns in Syria are heightened by the government’s expansion of the scope of the death penalty during the 1970s and 1980s. Hundreds of people have been sentenced to death over the past two decades, particularly in the late 1970s and early 1980s; most were executed. The victims were mostly political opponents of the government. Others were military personnel convicted of coup attempts and individuals convicted of espionage. The sentences were passed by various courts, but particularly by military ones and the SSSC.

Imposition of the death sentence solely on political charges has decreased significantly in the 1990s. However, the organization continues to record executions of prisoners convicted of crimes such as murder, rape, smuggling and arson. At least 14 such executions were carried out in 1993, the highest number recorded in the country by AI in a single year since 1985. AI does not have full details of the trial procedures in relation to such cases, but in at least one case, involving five prisoners, there was strong evidence that they were denied fair trials. The five were accused of setting fire to al-Hasaka Prison on 24 March 1993 and were executed on 20 May of the same year. Such speed raises serious questions about the fairness of the trial and observance of the international guarantees and safeguards.

More than 1,000 names and details of human rights violations in Syria were submitted by AI in a memorandum to the Syrian Government in July 1994. They included 959 political prisoners (among them prisoners of conscience), 59 “disappearances” and nine deaths in custody. In October 1994 the Government undertook to look into these cases. As of April 1995 no response was received.

AI has learned that hundreds of prisoners have been released since these cases were submitted, including in early 1995 large numbers of detainees suspected of membership of the Muslim Brotherhood. However, thousands of people continue to be subjected to a wide range of gross

human rights violations in Syria. AI has repeatedly drawn the attention of the Syrian authorities to these violations and calls on the government now, as a matter of urgency, to redress these matters and to take clear and concrete steps to protect human rights in the future.

AI urges the Syrian authorities to take the following steps:

release unconditionally and immediately all prisoners of conscience;

release all political prisoners held without trial unless they are to be charged and tried promptly and fairly and all those detained beyond the expiry of their sentence;

review the cases of all political prisoners serving sentences imposed after unfair trial;

stop torture

clarify the fate of “disappeared” prisoners and prisoners feared to have been executed in secret;

stop executions and abolish the death penalty;

set up an independent and impartial body to investigate all allegations of torture, deaths in custody and “disappearances”, and make the findings public;

ensure that those responsible for torture and “disappearances” are brought to justice;

ensure that all victims of torture or “disappearance”, or their families obtain redress and have an enforceable right to fair and adequate compensation;

ensure that arrests are carried out with a judicial warrant and are always supervised by the judiciary;

ensure detained or imprisoned people are given prompt and regular access to family, lawyers and their own doctors;

ensure that all political detainees have prompt access to a judge;

ensure that arresting authorities and the various security forces are issued with instructions that torture and ill-treatment of any person in their custody is strictly prohibited;

ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

enact a law which provides the right to challenge the legality of detention before a court and to obtain release when the detention is unlawful;

enact a law guaranteeing the right to appeal to a higher judicial tribunal against conviction and sentence in all cases, without exception.