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INDIA: KILLING OF HAJA BEGUM (AND HER FAMILY)

On 1 August 1993, members of the Border Security Force (BSF) in Jammu and Kashmir shot dead Haja Begum, her young son and husband. According to police sources and eyewitnesses, a BSF patrol was passing through Daribal- Khanyar, when two gunshots were heard. The 10-year-old son of Haja Begum, Bilal Dar, was reportedly leaving his house when he saw BSF soldiers running towards him searching for the source of the gunshots. In fear, he ran back to his house but had no time to bolt the doors before the BSF entered the house and shot him. They then shot dead his parents, Abdul Rashid Dar and Haja Begum, as they ran into the room. Amnesty International knows of one daughter who survived.

A BSF officer who inspected the house after the shootings concluded that there had been no crossfire as the only empty cartridges found were those from the standard service weapon used by the paramilitary.

Demonstrations against the deaths were held in Srinagar, the capital of Jammu and Kashmir, on 2 and 3 August despite a curfew. On 2 August the demonstrators reportedly became violent and set fire to a government building. The paramilitary opened fire and one more person was killed. The following day, 3 August, the Border Security force again opened fire on demonstrators, killing two people.

A spokesman for the BSF described the shooting of the family as "unfortunate" and said that "those found guilty would not go unpunished" and shortly after the incident, an inspector of the Border Security Force was suspended from duty and then arrested for his involvement in the shootings. The government announced that there would be a court of inquiry into the incident, the nature of which was not further specified and that the Crime Branch would investigate the shootings. A magisterial inquiry was ordered three days later, its results are not yet known.

Reports of extrajudicial killings of unarmed civilians by the security forces in Jammu and Kashmir are part of a pattern (see UA 05/93, ASA 20/06/93, 20 January 1993 and UA 84/93, ASA 20/15/93, 25 March 1993)

BACKGROUND INFORMATION

Since early 1990 there has been an increasingly violent campaign for independence in Kashmir. Armed separatists have kidnapped and killed officials, members of paramilitary forces and civilians. Amnesty International has repeatedly expressed concern to the Indian Government about reports of deliberate killings of unarmed civilians by members of the security forces, about widespread allegations of torture and rape by members of the security forces and about arbitrary arrests of suspected separatists, an increasing number of whom are reported to have "disappeared". Amnesty International is concerned at the continuing pattern of extrajudicial executions which are occurring in the Kashmir valley, despite the governments condemnation of such practices.

There were two large-scale extrajudicial killings in 1993: on 6 January 1993, members of paramilitary forces are said to have indiscriminately shot or burned to death scores of civilians, including women and children, setting fire to houses and shops, in retaliation for an attack by Kashmiri separatists earlier that day. To date, 53 people have reportedly been killed in that incident which happened in the town of Sopore, Kashmir. The government have ordered a judicial inquiry and an inquiry by the Central Bureau of Investigation into this incident. The outcome is unknown.

On 23 October 1993, at least 43 people in the town of Bijbehara were reported to have been indiscriminately shot by members of the Border Security Force who opened fire on a crowd demonstrating against the siege of the Hazratbal Shrine in Srinagar. A magisterial inquiry was ordered and the National Human Rights Commission of India are also reported to be investigating, asking the Ministry of Home and Defence for reports on the incident. The Border Security Forces court of inquiry found four officials responsible for the deaths in Bijbehara, formal proceedings against the guilty will started after the magisterial inquiry submits its report to the government.

Former Jammu and Kashmir Governor, Girish Saxena, ordered several investigations of such abuses, in one case leading to charges of murder being brought against the Director of the Border Security Forces (BSF).

Such investigations, however, have usually been carried out by police or army officials rather than by an independent and impartial body. The inquiry ordered into the Sopore incident is to Amnesty International's knowledge the first of its kind ordered into such grave allegations of human rights violations. However, such prosecutions are very rare. The government says that action was taken against 230 members of the security forces in Jammu and Kashmir, but has failed to give details of the perpetrators, their actions and the punishments.

RECOMMENDED ACTIONS:

Please send letters to the authorities listed below:

- expressing concern at reports of extrajudicial killings in Kashmir by members of paramilitary forces, particularly the death of Haja Begum in August 1993;
- urging the government to order an investigation into the deaths of Haja Begum, her son and husband, to be conducted by an authoritative, fully independent and impartial body and that the findings of such an investigation be published in full and without delay;
- urging that those found guilty of any extrajudicial killings be promptly brought to justice, before the ordinary courts of law;
- urging that the relatives of the victims receive prompt and full compensation.

APPEALS TO:

1) General K.V. Krishna Rao
Governor of Jammu and Kashmir
Office of the Governor
Srinagar
Jammu and Kashmir
India

Salutation: Dear Governor

2) Mr S.B Chavan
Minister of Home Affairs
Ministry of Home Affairs
North Block
New Delhi 110 001

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

V.K. Kapoor
Chief Secretary

**Government of Jammu and Kashmir
Srinagar
Jammu and Kashmir
India**

**Mr Dinesh Singh
Minister of External Affairs
Ministry of External Affairs
South Block
New Delhi 110 001
India**

NORTH KOREA: FEAR OF "DISAPPEARANCE" OF SHIN SOOK JA (AND HER DAUGHTERS)

Shin Sook Ja, a 50 year-old radio announcer, and her two daughters, Oh Hae Won (aged 17) and Oh Kyu Won (aged 14) were taken away and reportedly detained in November 1986 in the Democratic People's Republic of Korea (DPRK, North Korea). A former political prisoner said he saw them in a labour camp in 1987, and Shin Sook Ja's husband received a photo of them in 1991. However the North Korean authorities have never acknowledged holding Shin Sook Ja and her daughters, and there has been no news of them since 1991.

Shin Sook Ja and her daughters were reportedly detained because Shin Sook Ja's husband Oh Kil Nam requested political asylum in Denmark. Shin Sook Ja was born and educated in South Korea. In 1970, she moved to Tübingen, Germany, where she worked as a nurse. In 1972 she married Oh Kil Nam, a South Korean, then a student in economics. Their two daughters, Oh Hae Won and Oh Kyu Won, were born in Germany in 1976 and 1979 respectively. During the 1980s, Oh Kil Nam was involved in political activities against the then military dictatorship in South Korea.

In December 1985, Shin Sook Ja, Oh Kil Nam and their two daughters travelled to North Korea, apparently after Oh Kil Nam had been invited to work in Pyongyang as an economist. After they arrived in North Korea, however, they were at first held for several months in a guest house near Pyongyang, where, according to Oh Kil Nam, they were made to study the official North Korea *Juche* (self-reliance) ideology.

In June 1986, Shin Sook Ja and Oh Kil Nam started working in a radio station broadcasting to South Korea. In November 1986, Oh Kil Nam, according to his own account, was asked to travel back to Germany to encourage South Korean students there to resettle in North Korea. He requested asylum in Denmark on his way to Germany. Oh Kil Nam remained in Europe until 1992, when he moved to South Korea.

Shin Sook Ja and her two daughters were reportedly requested to remain in North Korea during Oh Kil Nam's trip to Germany. They were apparently taken into detention shortly after Oh Kil Nam's request for asylum. A North Korean source in Germany reportedly told Oh Kil Nam in 1987 that his family would face "unavoidable difficulties" if he failed to return to North Korea. Unofficial North Korean intermediaries gave Oh Kil Nam letters from his family in 1988 and 1989, and photos in 1991. However, he has never been able to contact his family since 1986, or to obtain official confirmation of their current whereabouts.

According to a former North Korean prisoner, Shin Sook Ja and her two daughters were taken in November 1987 to a "re-education through labour" detention centre in Yodok District in South Hamgyong Province. They were reported still to be held there in 1989.

On the basis of all the available information, Amnesty International believes that Shin Sook Ja and her two daughters were detained because of Oh Kil Nam's request for political asylum abroad.

In the absence of information about their fate since 1991, Amnesty International fears that Shin Sook Ja and her daughters may have been "disappeared" by the authorities in North Korea. It is calling on the North Korean Government to publicly account for their fate, and to released them if they are still in detention.

BACKGROUND INFORMATION

Tens of thousands of people, including prisoners of conscience, appear to have been detained since the 1960s under various forms of arbitrary detention in the Democratic People's Republic of Korea (DPRK, or North Korea), according to former detainees. Thousands more appear to have been victims of unacknowledged detention, torture or summary execution.

On the basis of its information Amnesty International is deeply concerned that violations of human rights are widespread in North Korea. The organization is calling on the authorities of the DPRK to account publicly for the fate of all those mentioned in the present report, to publish the names of all political prisoners and detainees, and the charges under which they are held, and to reform its Constitution and laws to bring these into line with international human rights standards.

The Korean peninsula was divided in 1945 into two military zones (respectively controlled by the USSR and the USA) at the end of 50 years of colonial rule by Japan. The Korean War (1950-53) resulted in very heavy damage over most of the peninsula. It is estimated that at least one million Koreans died, and several million were displaced during the war. Since 1953, North and South Korea have been almost completely cut off from each other. There has been virtually no traffic across the 1953 cease-fire line. To this day, it is still impossible to travel, write or telephone directly between North and South Korea. Citizens on both sides of the demarcation line have been imprisoned for meeting, or attempting to meet, people from the other side. It is estimated that up to 20 million Koreans on the whole peninsula have been separated from close relatives since 1953.

North Korea has diplomatic relations with over 130 countries. It became a full member of the United Nations (UN) in 1991, at the same time as South Korea.

RECOMMENDED ACTIONS:

In letters to North Korean government, urge the authorities to account for the fate of Shin Sook Ja and her daughters, and to released them if they are still detained. Express concern that thousands of people have reportedly "disappeared" or have been detained for many years while the authorities refused to acknowledge their detention or to account for their fate.

You might also prepare a petition on the case of Shin Sook Ja and her daughters, and send it to the authorities of the DPRK, or to the DPRK's diplomatic representative in your country, if any.

APPEALS TO:

President Kim Il Sung (Dear President)
Pyongyang
Democratic People's Republic of Korea

Kim Jong Il (Dear Sir)
Workers' Party of Korea
Pyongyang
Democratic People's Republic of Korea

Kang Song San (Dear Prime Minister)
Prime Minister
Pyongyang
Democratic People's Republic of Korea

Lee Chang Ha (Dear Secretary General)
Secretary General
Institute for the Research of Human Rights
PO Box 49
Pyongyang
Democratic People's Republic of Korea

Ro Son Hi (Dear Madam)
Head of the International Department
Democratic Women's League of Korea
Pyongyang
Democratic People's Republic of Korea

Hong Hwan Gi (Dear Sir)
Head of International Department
Rodong Sinmun Daily
Pyongyang
Democratic People's Republic of Korea

BURUNDI: KILLING OF MARIE MAWAZO (AND OTHERS)

On the night of 23 November 1991 armed insurgents attempted to overthrow the government of Burundi by attacking key military barracks and other security installations in and around the capital, Bujumbura, and in Bubanza and Cibitoke provinces, to the northwest. The insurgents, members of the majority Hutu ethnic group, also attacked civilian members of the minority Tutsi ethnic group and Hutu who opposed the insurgency. The predominantly Tutsi security forces retaliated for about two weeks by carrying out reprisal attacks on unarmed civilians, virtually all of them Hutu, who they accused solely on the basis of their ethnic identity of being part of a conspiracy to exterminate the Tutsi and overthrow the Tutsi-dominated government. Many Hutu civilians were never seen again, after having "disappeared" from detention centres such as military barracks. Residents living down-river from a nearby military base reported seeing dozens of bodies floating down the river into lake Tanganyika. Many Hutu were simply gunned down in the streets, in the fields, in church or at home by soldiers. There were reports that insurgents captured "in action" were summarily executed and virtually none were detained. Over a thousand were killed. Hundreds of other Hutu civilians were arbitrarily detained.

Isidore Ciza was a well-off, but uneducated, Hutu civilian having made his living by farming and running a taxi service. His wealth appears to have attracted him to his Tutsi enemies who saw the opportunity to denounce him as a suspected member of the illegal opposition group *Parti pour la libération du peuple Hutu* (PALIPEHUTU), Party for the Liberation of the Hutu People, to which the insurgents were said to belong. Like many other Hutu men in the provinces affected by the insurgency, Ciza feared the worst and left the family home in Muzinda, about 15 kilometres north of Bujumbura on the 25 November, fearing arrest or execution leaving his two wives, the housemaid and four children.

On 26 November six soldiers travelling in an armoured vehicle are reported to have gone to his home at Muzinda and thrown a grenade at Ciza's taxi minibus in the compound. The soldiers seem to have come from nearby Muzinda barracks. They searched his house, apparently for weapons, while the seven members of his family were made to stay in the compound. No weapons were found. After the search the soldiers ordered members of the household back into the house; they then threw a grenade through the door, almost instantly killing Isidore Ciza's first wife, 27-year-old Marie Mawazo, Générose Habonimana an 18-year-old housemaid, Jean-Claude Nduwimana, his 5-year-old son, Anitha Ndayishimiye, 4-year-old son, Guillaume Ndayisenga his 8-month-old son and a teenage female relative, Pélagie Nzeyimana. The soldiers are then reported to have entered the house and shot the children at close range to ensure they were dead. Only Beatrice Tabu, Isidore Ciza's second wife, survived, having thrown herself underneath a bed.

Learning of the killings, Isidore Ciza fled to Bujumbura where he was arrested on 9 December 1991 and subjected to severe beatings and torture. He was later transferred to Bubanza National Gendarmerie brigade where for several days he suffered further severe ill-treatment and starvation, before being transferred to Bubanza prison. When AI representatives questioned the military authorities about this case in February 1992, they were told that members of the Ciza household had been killed in the cross-fire. This was evidently not the case. Although the seven victims were not formally prisoners at the time of their death, the soldiers who killed them ascertained that they posed no threat to anyone as they were known to be unarmed and were in a confined space so that it was obvious a grenade would kill some or all of them. It is unclear who gave the orders to kill them.

Isidore Ciza was released from prison on 9 November 1992, without being brought to trial. AI groups had been investigating whether he was a prisoner of conscience as well as expressing concern to the authorities about the extrajudicial execution of his family. His release was most likely a result of sustained pressure on the authorities. On his release, Ciza expressed his thanks to AI and announced his intention to re-build his life and sue the soldiers responsible for killing his family. AI groups continue to write appeals on behalf of Marie Mawazo (and her fellow victims) who was included as an appeal case in a Burundi Group Level Action in November 1992. On 25 May 1993 a 3-page fax was sent to the IS from the Prime Minister's Office in Burundi on the subject of these extrajudicial executions. Concerning the killings of members of Isidore Ciza's family, the advisor to the Prime Minister, Jean Nzeyimana, wrote:

"On reconnaissance duty, soldiers found out a human presence in a house supposed to have been evacuated for at least two days. Therefore, they believed that they came to grips with the rebels whose ambushes they escaped. In such circumstances of panic, they assaulted the house and killed almost all of them who were in (it).

It is therefore clear that the members of Ciza's family, including unfortunately a baby, have not been deliberately killed by the Burundi army as Amnesty International purports it. They have been victims of the bravery or boldness of Mr. Ciza (who refused to evacuate the combat zone) and the nervousness of the soldiers who believed they were at grips with rebels who had just triggered a serious attack..."

However, the government makes no mention of any independent inquiry set up to investigate the facts, or any action being taken against the soldiers responsible.

In June 1993, Melchior Ndadaye, the Hutu leader of the opposition political party known as *Front pour la démocratie au Burundi* (FRODEBU), Front for Democracy in Burundi, won the presidential elections. Legislative elections which were held at the end of the month were also won by his party with an overwhelming majority. Ndadaye's administration was carefully selected to include a Tutsi woman as Prime Minister and Tutsi ministers, in a move to foster national unity.

Ndadaye's government advocated a "new Burundi" and announced a general amnesty for all prisoners soon after taking office. Amnesty International welcomed the government's plans to abolish the death penalty and the setting up of human rights safeguards, but was critical of the general amnesty on the grounds that the amnesty perpetuated impunity for violators of human rights.

Melchior Ndadaye and several key government officials were murdered by soldiers during an attempted coup on 21 October 1993.

ADDITIONAL INFORMATION

Following an attempted coup on 21 October 1993, when President Melchior Ndadaye and several key government officials, including a minister, were executed by members of the armed forces, the Burundi army went once again on the rampage killing thousands of Hutu civilians apparently in reprisal for killings of Tutsi by Hutu, throughout the country. Many of those killed by soldiers and civilians from Hutu and Tutsi communities were women. At the beginning of December 1993, the government appointed a national commission of inquiry to investigate the coup attempt and the subsequent mass killings. A UN official announced in early December that the organisation would send a 5-person team to Burundi to attempt to investigate the killings which occurred in the wake of the coup on 21 October. AI believes that the killings which occurred in November 1991 should also be subject to an impartial and independent investigation, and would like to see all those believed responsible for carrying out extrajudicial executions both in 1991 and 1993 be brought to justice and impunity for members of the armed forces and others ended.

The extrajudicial executions and other abuses which began on 21 October 1993 emphasise Amnesty International's concern that the failure by successive Burundi governments to investigate human rights violations and bring those responsible to justice has served to entrench a long-term sense among the security forces that they can continue to violate human rights with impunity.

RECOMMENDED ACTIONS

Letters should be addressed to the Prime Minister and the Chief of Staff raising the following points:

- Expressing sympathy that tens of thousands of civilians have lost their lives in Burundi since the attempted coup in October 1993.
- Expressing concern that members of the security forces carried out extrajudicial executions during the failed coup on 21 October 1993, and are believed to have carried out many more thereafter as they did with impunity in at the end of 1991.
- Expressing concern that successive Burundi governments have failed to address the problem of impunity enjoyed by members of the security forces, and have therefore failed to stop recurring extrajudicial executions of civilians, as proved by massacres which occurred in late 1993.
- Welcoming the government's stand not to offer an amnesty to soldiers who carried out human rights violations in the aftermath of the coup attempt.

-Welcoming the appointment by the government of a commission of inquiry and urging that now is the time for the government to establish commissions of inquiry to investigate cases of extrajudicial execution, such as that of Marie Mawazo, "disappearance" and other human rights violations highlighted by Amnesty International at the end of 1991 and anyone found responsible for involvement in human rights violations be brought to justice.

-Saying that you believe that an end to extrajudicial executions and other unlawful killings by members of the security forces and civilians in Burundi will only be brought about if the government stops impunity for the security forces as an absolute priority.

Addresses for appeals

**1. Madame Sylvie KINIGI
Premier Ministre
Présidence de la République
BP 2800
Bujumbura
Burundi**

**2. Lieutenant-Colonel Jean BIKOMAGU
Chef d'Etat-Major général des forces armées
BP 1870
Bujumbura
Burundi**

TURKEY: "DISAPPEARANCE" OF Aysel MALKAÇ

Amnesty International is concerned for the safety of journalist Aysel Malkaç who went missing in Istanbul on 7 August 1993 and is alleged to have been abducted by government agents.

Aysel Malkaç, born 1971 in Tunceli, had been working at the main office of the Kurdish-owned newspaper *Özgür Gündem* since May 1993. She was a reporter at the editorial office in Istanbul. On the morning of Saturday, 7 August, she left the office on business at 10am and has not been seen or heard of since. For about a week before this happened the newspaper's office and staff had been under heavy surveillance by the police, who reportedly were patrolling the streets in the neighbourhood and monitoring telephone calls. Reportedly, eye-witnesses claim to have seen her being detained in the street, apparently by plainclothes police officers, but are too afraid to testify publicly. All efforts by the newspaper and Aysel Malkaç's lawyers to establish her whereabouts have been unsuccessful. A detainee who was interrogated in the Anti-Terror Branch at the time Aysel Malkaç was detained made a public declaration that he had seen her in police custody on 8 and 9 August, but to Amnesty International's knowledge the public prosecutor never took his statement or pursued this important lead.

BACKGROUND INFORMATION

Turkey has a Kurdish ethnic minority which is estimated to number some 10 million people, living mainly in southeastern Turkey. Since August 1984, when guerrillas of the Kurdish Workers' Party (PKK) started armed attacks against the security forces, more than 10,000 lives have been lost on both sides and among the civilian population in the context of their fight for an independent Kurdish state. In mid-March 1993 the PKK declared a unilateral ceasefire and its intention to end the fighting and to enter the democratic process as a political party. Operations by the security forces against the PKK continued. The ceasefire was broken when on 24 May 1993 guerrillas of the PKK ambushed a convoy of soldiers, reportedly travelling unarmed and in civilian clothes. They killed 33 soldiers and two civilians. The security forces responded with large-scale military operations covering the entire region. A state of emergency continues to be in force in 10 provinces in the region and the Emergency Legislation Governor in Diyarbakir has extraordinary powers over three additional provinces.

Özgür Gündem is the only Kurdish-owned daily newspaper in Turkey. It started publication in May 1992 and has consistently reported human rights violations in the provinces under State of Emergency in the southeast where most of Turkey's Kurds live. The State Security Court in Istanbul has been seeking to close the paper permanently on charges of separatist propaganda and praising the outlawed PKK. One ruling for temporary closure has already been given by the State Security Court but has yet to be approved by the Appeal Court. Three other prosecutions are continuing.

In the 18 months of its existence, seven of the newspapers' journalists and nine people distributing and selling the newspaper have been murdered under unclarified circumstances. Scores of its correspondents and editors have been detained and tortured. Its owner was released only on 8 December after almost three months in detention. About 160 of its issues have been confiscated and some 180 court cases opened. A total of several hundred years of imprisonment and huge fines are being sought by the prosecutor's office for the newspaper's owner and editors.

RECOMMENDED ACTIONS:

Please send letters

- expressing your deep concern that Aysel Malkaç, journalist from *Özgür Gündem*, has been missing in Istanbul since 7 August 1993;
- urging that everything possible is undertaken without further delay to establish her whereabouts and to secure her safety.

APPEALS TO:

1) President Süleyman Demirel
Office of the President

**Devlet Ba_kanl____
06100 Ankara, Turkey**

**2) Prime Minister:
Mrs Tansu Çiller
Office of the Prime Minister
Ba_bakanl_k
06573 Ankara, Turkey**

**3) Minister of the Interior:
Mr Nahit Mente_e
İçişleri Bakanl____
Ankara, Turkey**

COPIES OF YOUR APPEALS TO:

**Mr Hikmet Çetin
Ministry of Foreign Affairs
D_i_leri Bakanl____
06100 Ankara
Faxes: +90 312 287 3869**

and to diplomatic representatives of Turkey accredited to your country

SOUTH AFRICA: "DISAPPEARANCE" AND KILLING OF CLARE STEWART

Clare Stewart "disappeared" on 10 November 1993 after being abducted from near her home in Thandiswe in a remote rural area near Khosi Bay, close to the South African border with Mozambique. She left her home at about 7 am on 10 November intending to travel to the area of Mangusi where she was involved in an agricultural development co-operative project. Residents in her household heard the co-operative truck start up, then stop. They heard the horn hooting repeatedly and then heard the truck drive away. Witnesses claim they saw her later that morning in the truck, which was being driven by a stranger. At 1.15 pm the truck collided with another vehicle in the Empangeni area many kilometres south of Khosi Bay. When a traffic policeman went to investigate the truck, the driver fled. **Clare Stewart** was not in the truck, in which the police found an AK47 automatic weapon and two spent cartridges. **Clare Stewart** was not seen alive again.

On 24 November some herd boys found a decomposed body some 20 kilometres off a road near the town of Ingwavuma, northern Natal. Police investigators confirmed that the clothes on the body were the clothes that **Clare** was wearing at the time of her "disappearance" on 10 November. Police also found her identification document, her handbag and two gun cartridges. The police brought the body to Durban where a *post mortem* examination was performed. Reportedly at the time of her death her hands were tied behind her back, she suffered a blow to the jaw and she was shot in the face. A witness has reported that he thought he saw **Clare** in her truck being driven toward Empangeni on the morning of 10 November. Her body was found some 150 kilometres away from this area, suggesting that if the sighting in Empangeni can be verified, her body may have been moved after her death.

Clare was the mother of two young children. She was an African National Congress (ANC) member. Her former partner and the father of her younger child is a trade union activist, Spho Cele, who has a history of harassment by the police. He is currently involved in a civil damages suit against the Minister of Law and Order and the police for unlawful arrest and assault while in their custody in 1992 (see UA 93/92, AFR 53/06/92).

The day prior to **Clare Stewart's** abduction a number of men, who were reportedly speaking a Mozambican dialect, were seen in her home area making explicit inquiries about her. Northern Natal is a tense area which is politically dominated by the Inkatha Freedom Party (IFP) and falls under the jurisdiction of the KwaZulu "homeland" Government. There are well-documented incidents of both the KwaZulu Police (KZP) and the South African Police (SAP) in that area colluding in attacks against ANC supporters and trade unionists. In December 1993 a judicial commission of inquiry confirmed that they have solid evidence of the existence of a "hit squad" operating within the ranks of the KZP. The "hit squad" members were trained by the South African Defence Force (SADF) Directorate of Military Intelligence in the late 1980s and later absorbed into the KwaZulu Police. The "hit squad" has been linked to killings in the northern Natal area near Empangeni since late 1991. Northern Natal is also an area where in late 1993 journalists have located a paramilitary training camp for IFP members established with the assistance of the KwaZulu Government and members of the security forces. The area where **Clare** lived and worked is also a security sensitive area because of its proximity to the border with Mozambique and the scale of weapons smuggling into South Africa across that border.

There is no clear explanation yet for the abduction and murder of **Clare Stewart**. She apparently strove to make the work of the co-operative, which is independently funded, non-partisan. However, it is not clear how the project was regarded by the KwaZulu authorities. There is a possibility that the motive of her abductors was to use the co-operative's truck for weapons smuggling. However the *post mortem* evidence suggests that **Clare Stewart** was deliberately executed. There are some who fear that she may have stumbled across some security sensitive information in the area which made her a target.

Although **Clare Stewart** was abducted from a KwaZulu "homeland"-controlled area, the South African Police (SAP) are in charge of the investigation. Concern has been raised that one of the police officers involved in this investigation has in the past been involved in incidents of harassment of Spho Cele, and that this may affect the independence of the investigation into **Clare Stewart's** abduction and death. The weapon recovered from **Clare's** truck, together with other forensic evidence, was sent to Pretoria for analysis. The police had not released the results by the end of 1993.

By January 1993 there was no indication that the police had arrested any suspects in connection with **Clare Stewart's** abduction and murder. Amnesty International believes that pressure on the police will help ensure that a thorough investigation into this case occurs.

RECOMMENDED ACTIONS:

Please send letters to the following South African officials in Pretoria:

- Mr F W De Klerk, State President Salutation: Dear State President
State President's Office
Private Bag X83
Pretoria 0001
South Africa

- Mr H J Kriel Salutation: Dear Minister
Minister of Law and Order
Department of Law and Order
Private Bag X463
Pretoria 0001
South Africa

- Captain Erasmus Salutation: Dear Captain
Murder and Robbery Unit
Empangeni Police Station
Empangeni 3880, South Africa

- Sgt Van der Westhuizen Salutation: Dear Sergeant
Murder and Robbery Unit
Newcastle Police Station
Newcastle 2940, South Africa

Similar letters should also be sent to the South African ambassador in your country.

In your letters to the above authorities:

- Briefly outline the details of the abduction of **Clare Stewart** on 10 November 1993 and the subsequent discovery of her body on about 24 November;

outline AI's concerns that there is no clear criminal motive for **Clare Stewart's** abduction and murder. Note that in view of the high level of political violence in northern Natal and the confirmation in late 1993 of "hit squad" training and activity in the area, AI is concerned that **Clare Stewart** may have been the victim of an extrajudicial execution (please spell out fully) by officially sanctioned covert forces;

- ask what steps, if any, have been taken to investigate the circumstances surrounding the death of **Clare Stewart** (see point 10 of the 14 Point Program for the Prevention of "Disappearances for wording*");

- call for the investigation to be subjected to independent scrutiny;

- urge that those found to be responsible directly or indirectly for the abduction and murder of **Clare Stewart** are brought to justice (see point 11 of the 14 Point Program for the Prevention of "Disappearances for wording*").

* When referring to AI's 14-point Program, it is important that groups remember that AI is still investigating the possibility of officially sanctioned covert forces being involved in Clare Stewart's abduction and murder. Points 10 and 11 of the Program may be used in this

context because they deal with the universal requirements for proper investigations and prosecutions in all cases, whether or not there are suspicions of security force involvement.

Please send copies of your letters to Diakonia, which is an ecumenical church organization involved in the promotion of human rights and social justice issues:

Diakonia, PO Box 1879, Durban 4000, South Africa

SYRIA: FEAR OF "DISAPPEARANCE" OF SHAYKHA AND YUSRA AL-HAYEK

Shaykha and Yusra al-Hayek, both Palestinians with Jordanian nationality, were reportedly arrested on 7 October 1986 by members of al-Amn al-Siyassi (Political Security) in Kufr al-Sussa Triangle opposite Tashrin Garden in Damascus. Shaykha and Yusra had apparently travelled to Syria at the end of September 1986 from their home in Irbid, Jordan, to visit another of Shaykha's daughters who had just had a baby in Damascus where she was resident.

Since their arrest they have had no access or communication with their family. In November 1986 two of Shaykha's sons tried to go to Damascus to enquire about their mother and sister. At the Syrian-Jordanian border, one of the sons was sent back, while the other, Salih, was arrested and detained until July 1987. Shaykha's husband, Ahmad Yusuf al-Hayek, has made numerous inquiries to Syrian officials about his wife and daughter but has never received any response. He also sought help from Jordanian officials but has had no success. In the meantime the fate and whereabouts of Shaykha and Yusra remain the subject of speculation based on unconfirmed reports received by the families at varying dates since their arrest or "disappearance". According to Shaykha's husband, in February 1987 he received an anonymous phone call during which the caller told him that both Shaykha and Yusra were detained in Damascus. In September 1988, the husband was apparently visited at his home by a Syrian lawyer who told him that Shaykha and Yusra were held in Fara' Falastin Detention Center, (Palestine Branch), in Damascus. In 1991 the husband was apparently informed by a former prisoner in Syria that Shaykha and Yusra were alive and detained in Fara' Falastin. However, subsequently the husband said he heard that the two may have been held in 'Adra Prison.

The exact reason for the arrest or "disappearance" of Shaykha and Yusra, in the absence of official clarification and their lack of contact with the outside world, particularly with their family, remains also the subject of speculation. Unconfirmed reports suggest that they may have been suspected of being spies for Jordan, or having links with Palestinian movements or the Muslim Brotherhood. However, according to Shaykha's husband, neither she nor Yusra had any connections with the Jordanian authorities and were not politically active. He believes that both Shaykha and Yusra may have been victims of political differences between Palestinian movements and the Syrian Government on the one hand, and between Syria and Jordan on the other.

Shaykha al-Hayek was born in 1927 in al-Nasira in Palestine where she grew up and married Ahmad in 1946. After the establishment of the State of Israel and the war of 1948 she and her husband fled to Jordan where they settled and obtained Jordanian nationality. She has eleven children, including Yusra, who is aged about 37, and 35 grandchildren, most of whom live in Jordan. Shaykha was a housewife; Yusra worked as a hairdresser.

Shaykha and Yusra's case was shown in a five-minute long video film on BBC2 in December 1992 in a series entitled Prisoners of Conscience. Their case was introduced by the English pop star Phil Collins.

RECOMMENDED ACTIONS:

Letter-Writing to Government Authorities

Write polite letters, typed if possible, to the authorities in Syria.

APPEALS TO:

His Excellency President Hafez al-Assad	His Excellency Mahmud al-Zu'bi
President of the Republic	Prime Minister
Presidential Palace	Office of the Prime Minister
Abu Rummaneh	'Abd al-Rahman Shahbandar Street
Al-Rashid Street	Damascus, Syrian Arab Republic
Damascus, Syrian Arab Republic	

His Excellency Dr Muhammad Harba

His Excellency Dr Abdullah Talaba

Minister of the Interior
Ministry of Interior
Merjeh Circle
Damascus, Syrian Arab Republic

Minister of Justice
Ministry of Justice
Al-Nasr Street
Damascus, Syrian Arab Republic

**His Excellency Faruq al-Shar'a
al-Shatti**
Ministry of Foreign Affairs
Al-Rashid Street
Damascus, Syrian Arab Republic

His Excellency Dr Muhammad Iyad **Minister of Foreign Affairs**
Minister of Health
Ministry of Health
Al-Majlis al-Niyabi
Damascus, Syrian Arab Republic

His Excellency Dr Muhammad Salman
Minister of Information
Ministry of Information
Autostrade al-Mezze
Damascus, Syrian Arab Republic

His Excellency Nasser Qaddur
Minister of State for Foreign Affairs
Office of the Prime Minister
'Abd al-Rahman Shahbandar Street
Damascus, Syrian Arab Republic

There is no limit to the number of letters you write, but please try to send at least one letter per month. If after the first two letters you have not received any reply you should refer to your earlier letters in those you write subsequently. If you do not get a reply to your first round of letters, please do not be discouraged. This certainly does not mean that your letter was not received and read by the authorities. Continue to write regularly. It is important to keep up a constant flow of letters to demonstrate to the authorities the international concern over the case. Released prisoners have told us that they knew of and felt tremendously encouraged by AI's work on their behalf. If you do receive a reply from the authorities please send copies to the research team at the International Secretariat and the co-group in your section (if one exists) immediately.

All your letters should be copied to Syria's diplomatic representatives in your country.

Points to raise in your letters:

In your letters to officials you should introduce Amnesty International's work for the unconditional release of all prisoners of conscience (please explain this term), for prompt and fair trials for all political prisoners, and for an end to torture, "disappearance", extrajudicial execution and the death penalty in all cases. In order to illustrate the worldwide nature of AI's work you could mention other cases and campaigns which your group has been involved in.

- summarize the case of Shaykha Salim 'Abd al-Khalq al-Hayek & Yusra Ahmad Yusuf 'Abd al-Khalq al-Hayek, giving as many details concerning their "disappearance" as possible;

- say that AI is concerned that Shaykha Salim 'Abd al-Khalq al-Hayek & Yusra Ahmad Yusuf 'Abd al-Khalq al-Hayek appear to have "disappeared". Give reasons for AI's concern;

- urge that their family be informed of their whereabouts, and that they be given regular access to family, a lawyer and medical attention as necessary;

- request information about the exact reasons for their arrest or "disappearance";

- point out that Amnesty International is concerned that Shaykha and Yusra al-Hayek may be prisoners of conscience, detained solely for their conscientiously-held beliefs. Say that if this is the case, they should be released immediately and unconditionally;

-point out that if they are not prisoners of conscience, they should still receive a prompt and fair trial or be released. Ask for clarification of their current legal status, including details of any trial.

COLOMBIA: RIOFRIO MASSACRE

**María ZENEIDA LADINO, aged 33
Carmen EMILIA LADINO, aged 29
Lucelly COLORADA DE LADINO, aged 16
Dora ESTELA GAVIRIA LADINO, aged 15
Rita EDILIA SUAZA DE MOLINA, aged 47
Luz EDELSI TUSARMA, aged 16**

Also killed were seven men:

**Miguel Ladino, aged 75
Miguel Antonio Ladino, aged 47
Julio César Ladino, aged 28
Mario Molina, aged 50
Ricardo Molina, aged 19
John Fredy Molina, aged 16
Hugo Cedeño Lozano, aged 35.**

At 5.30am on 5 October 1993 between 20 to 25 men arrived at the school in El Bosque a village in the municipality of Riofrío, Valle de Cauca department. Before noon that day, 13 people had been dragged from their homes tortured and murdered.

According to witnesses men in combat fatigues, some wearing police uniforms and some wearing balaclavas, spread out, through the community. Some went to the house of the Ladino family whilst others went to the house of the Molina family and the house of another resident. The Molina family were taken to the school house where they were held between 5.30 and 9.00 am where they were interrogated and beaten. They were then taken to an empty house in the middle of the village.

Nine of the men in combat fatigues burst into the home of the Ladino family. Several were beaten and five of the women were raped and some were made to put on military style uniforms. The seven members of the Ladino family, aged between 75 and 15, were then taken to the same empty house where they were shot dead together with five members of the neighbouring Molina family. Hugo Cedeño, a civilian

who reportedly acted as an intermediary with the *Ejército de Liberación* (ELN) (National Liberation Army a guerrilla organisation) active in the area, was reportedly found in the Ladino house and was also killed.

"Neither my husband, nor my parents-in-law, nor my neighbours were guerrillas; they were all peasant farmers dedicated to their work", said the wife of one of the victims. Local authorities including the mayor of Riofrio and local parish priests publicly stated that the Ladino and Molina families were well known to be hard working, Christian peasant farmers who had lived in the area for 40 years.

The women victims were Carmen Emilia Ladino; Luz Edelsi Tusarma; Zenaida Ladino and Lucelly Colorada de Ladino, Dora Estela Gaviria Ladino who was Enrique Ladino's granddaughter, Rita Edilia Suaza de Molina who was married to Mario Molina and John Fredy Molina's mother.

Carmen Emilia Ladino had been beaten over the head and tortured along with the other women for information about the guerrillas according to one witness.

She was born on the 12 July 1958. She was described as hard-working at home and a devoted teacher at the Portugal de Piedras school. She was known for caring for the sick and looking after abandoned children. She was devoted to prayer and undertaking charitable work.

She was a Gregorian nun whose tomb has been visited by scores of devotees who reportedly believe her to be a saint.

16 year-old Luz Edelsi Tusarma was found with a pair of binoculars around her neck and a grenade eye witnesses said soldiers had placed in her right hand. Her left eye was badly bruised. One witness described how she was found: *"She had bruises all over her face from the beating that they had given her"* (*"Tenia la cara llena de moretones por los golpes que le dieron"*).

Her last photograph was taken on the day of her First Communion for which she wore a sky blue silk dress. She was at second grade in high school when she decided to go and live with John Fredy Molina two months before the massacre.

María Zenaida Ladino had a severe head injury. She had been beaten with a rifle butt because she did not want to hand over her six-month old baby.

Lucelly Colorada de Ladino had a 30 day old baby and was living with Julio Ladino.

Five of the women had reportedly been raped before being shot.

Military commanders immediately claimed the victims were members of the ELN. They claimed that one of the women who had been killed was "La Mona" an ELN guerrilla who was said to have been involved in attacks against civilian communities. According to the Commander of the *Palacé* Battalion, Lieutenant-Colonel Luis Felipe Becerra Bohórquez, the 13 people died in a confrontation with his troops. However, this version was contradicted by eye-witnesses who claim the victims were peasant farmers who only kept rifles used for hunting in their homes and were unarmed when shot.

Witnesses testified that towards midday around 80 regular army troops arrived in the community in three trucks. When the soldiers reached the school house they opened fire and threw grenades, one grenade damaged a house and killed some chickens. Lieutenant-Colonel Becerra arrived shortly afterwards in a helicopter. They crossed the group of camouflaged gunmen on the way back down the hill but they did nothing to prevent them from leaving the area. A witness later testified that when journalists and photographers arrived the soldiers placed grenades and rockets by several of the corpses to give the impression that they had been guerrillas.

Lieutenant-Colonel Becerra made a statement to the press in which he claimed responsibility for the military operation which he described as a victory over ELN combatants.

Lieutenant-Colonel Becerra arrived at the Ladino house and questioned one elderly survivor who had been locked up in a room in the house with several of the children. She later said that she recognised one of the men with him as being one of the nine camouflaged men who had been at the house earlier.

Following the Riofrío massacre the government announced that Lieutenant-Colonel Becerra had been given an honourable discharge. This measure carries no sanction and seems designed largely as a cosmetic measure to placate national and international concern. The massacre in Riofrío was not the first time that he had been implicated in serious human rights violations. The career of Lieutenant-Colonel Becerra provides a striking example of how impunity fosters further human rights violations.

Lieutenant-Colonel Becerra has already faced charges in connection with an earlier massacre, that of 21 workers at the Honduras and La Negra banana plantations near the town of Currulao in Urabá in 1988. The workers were massacred by some 30 heavily armed and masked men on 4 March that year.

Several of the civilian judges who investigated the Urabá massacre received repeated death threats. As a result one left the country; her father was murdered shortly afterwards. Only days before leaving, she had issued arrest warrants against four army officers, including Luis Felipe Becerra, then a major, in connection with the killings.

Although the Ministry of Defence subsequently stated that the army officers were in custody, it was later reported that Major Becerra was in the United States undergoing a training course before promotion to lieutenant-colonel. In May 1991 the military courts were awarded jurisdiction over criminal proceedings against the army officers implicated in the case. In 1992, while still supposedly on trial in a military court as an accomplice to murder, the recently promoted Lieutenant-Colonel Becerra was appointed to head the army's press and public relations department.

The Procurator Delegate to the Armed Forces investigated the Urabá massacres and recommended that the three army officers, including Lieutenant-Colonel Becerra, be dismissed for their part in the Urabá massacre. Despite seemingly abundant evidence that the army officers were involved in the massacre, in April 1993 the Procurator General rejected the Procurator Delegate's recommendations and decided not to seek the officer's dismissal on the grounds of insufficient evidence. He also ruled out reopening the investigation because more than five years had elapsed since the massacre and the statute of limitations had therefore expired.

So it was that in October 1993 Lieutenant-Colonel Becerra had moved on from public relations to become Commander of the *Palacé* Battalion, based in Buga, Valle de Cauca department.

The area in which the massacre took place is one in which drug-traffickers are influential and are pressuring peasant farmers to sell them their land so as to create large estates. Strong evidence exists of the close association between drug-traffickers and the police and army in the region. Guerrillas from the ELN, also operate in the region. They oppose the drug-trafficker's presence and have carried out a number of attacks in which drug-traffickers relatives and associates have been killed or injured.

It is believed that the Army committed the massacre in El Bosque to intimidate the local peasant community, seen as the guerrilla's social base. The community was well organised with a *Junta de Acción Comunal* (Civic Action Committee) working to develop the community. The village had a women's group which was running a food preserving project supported by the municipality. There were two women teachers at the school which was attended by 30 children between first and fifth grades and the village also had a nursery. Carmen Emilia Ladino ran a health programme and provided first aid. The Ladino and Molina families themselves were seen as spiritual leaders within the community.

The massacre has left 2 babies and several children orphaned and had a serious impact on the community. At least 18 families of the 22 resident families fled the community in the wake of the massacre and their homes have been ransacked. At present they are too afraid to return.

At the end of 1993, the Procurator General's office recommended that disciplinary charges be brought against the commander of the Third Brigade, Brigadier General Rafael Hernández López, retired Colonel Luis Felipe Becerra, and five other security force personnel. The recommended disciplinary charges brought against Colonel Luis Felipe Becerra and Brigadier General Rafael Hernández refer to their attempt to conceal the massacre at Riofrío. They are not at this stage charged with direct participation in the massacre despite the existence of strong evidence of their responsibility. Failure to do so may help fuel the sense of impunity enjoyed by the security forces in Colombia.

Please send appeals:

- expressing your concern at the killing of the seven men and six women in Riofrío on 6 October 1993, by army personnel belonging to the *Palacé* Battalion;
- expressing concern that judicial proceedings and disciplinary proceedings against Lieutenant-Colonel Luis Felipe Becerra Bohórquez were dropped in the case of the Urabá massacres and that this clearly encouraged the idea that he could commit further atrocities with impunity. Also express concern that Lieutenant-Colonel Luis Felipe Becerra Bohórquez had troops under his command despite accusations of very serious human rights violations levelled against him;
- urging that the investigations already started by the Procurator General's office be thorough and immediate, should identify those responsible for ordering as well as carrying out the massacre, and that the results be made public;
- urging that those found responsible for the killings be brought to justice and that their case should be heard by the civilian courts to prevent further impunity;
- urging that the Colombian government take all possible measures to protect the lives of the witnesses to these killings.
- urging the Colombian government to provide appropriate compensation to the families of the victims and to those people whose homes were ransacked when they fled in the wake of the Riofrío massacre.

Send appeals to:

President of Colombia:

Señor Presidente César Gaviria Trujillo
 Presidente de la República
 Palacio de Nariño
 Santa Fé de Bogotá, Colombia
 Fax: + 57 1 286 7324/7434?
 287 7937

Procurator General:

Dr. Carlos Gustavo Arrieta Padilla
 Procurador General de la Nación
 Procuraduría General
 Edificio Banco Canadero
 Carrera 5, No. 15-80
 Santa Fé de Bogotá, Colombia
 Fax:- 57 1 284 0472

Minister of Defence

Dr. Rafael Pardo Rueda
 Ministro de Defensa Nacional
 Ministerio de Defensa Nacional
 Avenida Eldorado - Carrera 52
 Santa Fé de Bogotá, Colombia
 Fax:- 57 1 222 1874

Attorney General

Dr. Gustavo de Greiff
 Fiscal General de la Nación
 Fiscalía General de la Nación
 Apartado Aéreo 29855

**Santa Fé de Bogotá
Colombia
Fax: + 57 1 287 0939**

Increase the power of your appeal by copying it to the Colombian Embassy in your country.

Where possible, please also send a copy to:

Señores, CINEP, AA 25816, Santa Fé de Bogotá, Colombia

**El Caleño
Calle 25 No.3-20
(Apartado Aéreo 9879)
Cali**