

Amnesty International Newsletter July 1993

Whole Text

Ruthless Repression by Indonesian forces

Terror in Aceh

An 80-year-old man was walking slowly down a small country road in a remote part of Indonesia. Suddenly, the crackle of gunfire exploded in the air: Indonesian soldiers had fired without warning, and the old man lay dead on the ground. Teungku Imam Hamzah was killed in April 1992 in Aceh. He was alleged to be a supporter of an armed rebel organization, but he was unarmed when soldiers shot him to death.

No action was taken against his killers -- in Aceh the Indonesian security forces murder or maim with impunity.

This part of Indonesia has been ignored by the outside world. Yet the people of Aceh live in fear. It is time for action.

A tradition of opposition

Aceh lies at the northern tip of the island of Sumatra, about 1,000 miles from Jakarta, the capital city of Indonesia. Over three million people live there.

Aceh was the centre of a powerful empire for several centuries and has a long tradition of resistance to outside domination.

That tradition has been rekindled in the past two decades by the armed independence organization, *Aceh Merdeka*. Popular support for the organization has been fuelled by resentment over the unequal benefits of industrial development in the area, and a perceived lack of respect for local custom and religion by central government officials and economic migrants. *Aceh Merdeka's* armed operations have been strengthened by renegade soldiers and criminal elements, who share the organization's animosity toward the central government.

Aceh Merdeka re-emerged after a period of dormancy in early 1989, when it claimed responsibility for a series of attacks on police and military installations that resulted in the destruction of property and several deaths. Government and military authorities initially dismissed the group as insignificant, but it emerged that scores of rebel fighters had received military training abroad and that the organization had gained the sympathy of a significant cross-section of the population.

Members of *Aceh Merdeka* have committed serious human rights abuses, including killings of alleged informers. AI condemns these abuses unreservedly, and calls upon the leadership of *Aceh Merdeka* to ensure that their followers abide by international humanitarian law.

However, abuses committed by the armed opposition offer no justification for the systematic and widespread violations committed by Indonesian government forces.

The scale of suffering

An estimated 2,000 civilians, including children and old people, have been unlawfully killed by government forces in Aceh since 1989.

At least 1,000 people, and possibly many more, have been arbitrarily arrested on the merest suspicion of supporting the rebels. Many of those detained have been held incommunicado for long periods and tortured to extract confessions or political intelligence. Others have "disappeared" in military or police custody.

More than 50 people have been sentenced to many years in prison after blatantly unfair trials: some are prisoners of conscience.

In the past year, the security forces' ruthless tactics have succeeded in achieving a significant decline in open opposition to the government. The number of political killings and other violations reported from Aceh has decreased. However, there is still a serious human rights problem in the area, which warrants urgent international concern.

There have been no independent investigations of the violations committed over the past four years and the perpetrators have escaped justice. The fate of those killed and "disappeared" in Aceh remains unresolved, and no compensation of any kind has been provided to their relatives.

The political context

The Indonesian government has repressed political dissent and "disorder" for more than 25 years. It strictly curtails the civil and political rights of political opponents and former political prisoners. The cause of justice remains subordinate to the interests of national security.

Despite the existence of three political parties and regular elections, the political system in Indonesia is tightly controlled by the President and his close advisers. In June 1992, following general elections tainted by allegations of vote-rigging, all three political parties nominated President Suharto to stand for his sixth consecutive term. As in previous years, he was the only candidate. Heavy restrictions are imposed on human rights monitors. A report on political trials in Aceh, prepared by the Indonesian Legal Aid Foundation (LBH), was banned in 1992.

International human rights organizations, including UN bodies, have been prevented from carrying out first-hand investigations. AI's requests to visit Aceh and other parts of Indonesia and East Timor have been consistently refused.

Repression: military tactics

In 1989 and the first half of 1990, some 6,000 soldiers stationed in the region were mobilized against *Aceh Merdeka*. In July 1990, the President ordered the deployment of a further 5,000 troops, including units of the army's Special Forces Command (*Komando Pasukan Khusus*) or Kopassus, and other elite counter-insurgency units.

This deployment coincided with clear political signals from the President, the Armed Forces Commander and the new Regional Military Commander that

the "trouble-makers" must be wiped out. Military and police authorities in Aceh were given virtually free rein in the name of national security. The methods employed bore all the hall-marks of counter-insurgency campaigns conducted elsewhere in Indonesia and in East Timor. Indonesian forces carried out armed raids and house-to-house searches in suspected rebel areas. There was a dramatic increase in violations against civilians. The houses of villagers suspected of providing shelter or support to the rebels were burned to the ground. The wives or daughters of suspected rebels were detained as hostages and some were raped. And anyone suspected of belonging to *Aceh Merdeka* became vulnerable to arbitrary arrest, torture or summary execution.

A key component of the counter-insurgency campaign in Aceh was "civil-military cooperation". This included an operation known as the "fence of legs" -- used previously in East Timor -- in which ordinary villagers were forced to sweep through an area ahead of armed troops, to flush out rebels and take their fire.

Also commonly employed were local "vigilante" groups and night patrols of civilians under military orders. Failure to participate could result in punishment, including public torture and execution.

In November 1990 the newly appointed Regional Military Commander, Major General H. R. Pramono, reportedly said: "I have told the community, if you find a terrorist, kill him. There's no need to investigate him... If they don't do as you order them, shoot them on the spot, or butcher them."

Hundreds of civilians have been mysteriously murdered since July 1990. The decomposing bodies of the victims have been left in public places, often by a road, with their thumbs and sometimes their feet tied up with a particular type of knot. Most had been shot at close range and had also been beaten with a blunt instrument.

Many victims were simply shot and thrown into mass graves, some of which reportedly contained as many as 200 bodies. Asked for comment on the discovery of one such grave, the Regional Military Commander said: "The grave certainly exists but I don't think it could have been 200 bodies. It's hard to tell with arms and heads all mixed up."

Virtually identical methods were used during the "mysterious killings" of at least 5,000 people from 1983 to 1986 in other parts of Indonesia. The Indonesian government and military authorities flatly denied any responsibility, blaming the deaths on gang warfare. In 1989, however, President Suharto revealed in his memoirs that the unlawful killings had been carried out by the security forces and that they were part of a deliberate government policy of public "shock therapy".

Death and destruction

The Indonesian government has shown that it is prepared to kill unarmed civilians, including children, in its efforts to quash opposition. The people of Aceh know this to their cost.

In December 1991 Nurdin Usman Murni, a young man, was killed by Kopassus soldiers in Pidie who cut off his head, arms and legs.

A Kopassus officer shot dead a prisoner who was blindfolded and had his hands tied in June 1991 near Kemukiman Tijue. The officer asked the villagers: "Have you ever seen someone killed?", then sent one to find a papaya. The officer thrust the barrel of his pistol inside the fruit to muffle the sound, then shot the helpless prisoner twice in the head.

Five people were reportedly shot dead by Indonesian soldiers in the town of Sigli on 4 May 1991. According to eye-witnesses, the public executions began at dusk and took place in different parts of the town in full public view. None of the victims had been charged or tried, and their names were not made public.

Iskandar Salim, an employee at a government health clinic in Alue Nirih, Peureulak, was killed in March 1991. He had reportedly been arrested on suspicion of providing medicine and treatment to rebels. An eye-witness said he was ordered out of a car by two uniformed soldiers, then shot in the back of the head as he walked away.

AI estimates that at least 2,000 civilians have been killed by Indonesian soldiers in Aceh since 1989. Most of the victims have been ordinary villagers living in areas of suspected rebel activity, particularly in the districts of Pidie, Aceh Utara and Aceh Timur. No official investigation has ever been launched into these killings.

The killings are aimed at terrorizing the local population in order to ensure cooperation with the security forces. Some villagers have been killed as retribution for the death of a soldier, or for failing to obey a military command. Government troops have also killed dozens of *Aceh Merdeka* combatants in apparent extrajudicial executions, rather than taking them into custody.

Secret detention

Close to a thousand people, and possibly more, have been held in unacknowledged, incommunicado detention in Aceh for periods ranging from a few days to more than a year. Government forces have used arbitrary arrest to intimidate suspected opponents of Indonesian rule and to gather political intelligence.

Hundreds of alleged rebel supporters who had been held in unacknowledged detention were released in 1992 in public ceremonies. None had been charged or tried and all had been denied rights stipulated in Indonesia's Code of Criminal Procedure, such as access to lawyers. Military officials told human rights lawyers that the Code did not apply where national security was at stake. All those released were required to sign and swear an oath of loyalty to the government and the national ideology, *Pancasila*.

Others still remain in unacknowledged police or military custody in Aceh and scores have "disappeared".

An alleged rebel supporter, Mohammad Jaafar bin Abdurahman Ed, a father of four, was arrested in August 1990 when he reported to a local military command to protest his innocence. He was transferred to a Kopassus command post for interrogation. The military authorities subsequently refused to provide relatives or lawyers with any information about him. His family fear that he has been killed.

Teuku Ahmad Dewi, a well known Islamic scholar and the head of a rural religious school in Idi Cut, Aceh Timur, "disappeared" in May 1991. His "disappearance" followed a disagreement with military authorities in Alue Nira, where he had gone to collect the body of his brother, a suspected rebel. Efforts to trace him have been obstructed by official obduracy and by fear. Villagers told a journalist: "We don't know where he is. If you ask anyone they won't know, and if anyone asks you, just say you don't know either."

Abdurahman bin Samad "disappeared" from prison while serving a 17-year sentence for subversion in Lhokseumawe jail. Members of a prison fellowship who went for a regular visit in June 1992 discovered that he was not there. Prison officials said that he had been transferred to the military headquarters in Lhokseumawe but the military authorities there denied holding him.

Torture in Aceh

All political detainees in Indonesia and East Timor are at risk of torture. The UN Special Rapporteur on Torture stated in his 1992 report: "Torture occurs in Indonesia, in particular in cases which are considered to endanger the security of the state. In areas which are deemed to be unstable... torture is said to be practised routinely."

Torture and ill-treatment have been commonplace in Aceh since mid-1989; a number of prisoners have been tortured to death. Political detainees have been subjected to electric shocks; beatings and whippings with wood and cable; burning with cigarettes; sleep and food deprivation; near-drowning; mutilation of genitals; and rape.

Ishak bin Ismael, a village head, was tortured to death in 1991. According to reports, police in Baktia placed a large wooden beam across the back of his neck and then stood or jumped on it until he was dead. His body was then stuffed into a sack and thrown in a nearby river.

Ismail bin Gani, a father of four and a civil servant, was arrested by the military in March 1992. Suspected of being a rebel supporter, he was held incommunicado for two months and tortured to extract a confession. When his wife was allowed to visit him in May 1992, for the first and only time, his arms and legs had been broken and soldiers had to carry him out to meet her. He told her that he had been beaten repeatedly with a length of wood, and had not received any medical treatment. ***[do we know what has happened to him since 5/92?]**

A man detained in October 1990 on suspicion of involvement with the rebels wrote to AI: "I was undressed to only one piece of underwear. A moment later I was blinded with a piece of black cloth then dragged to a small and dark mosquito-dominated cell. The following 15 days witnessed the severest tortures inflicted on me during the day and night interrogations by the military intelligence; beatings, cigarette burnings, whippings, electric shocks, water poured through the nose, forced drinking of urine and curses were their methods...The interrogations were to force me to confess to things that I did not do, know of or see."

This prisoner was convicted of subversion and in May 1991 was sentenced to nine years' imprisonment. In his letter he asked for his name not to be mentioned, "...otherwise things will go worse at my end".

In addition to the torture of political detainees, Indonesian security forces seeking revenge or military intelligence have threatened, beaten and occasionally raped the local civilians. In April 1992, at least a dozen villagers from Tjot Kruet, Pase, were beaten by soldiers searching for two suspected rebels. The victims, who included three elderly men, were also forced to beat members of their own families, to crawl over rough ground and to stare into the sun for several hours.

Indonesian military and civilian authorities have acknowledged that torture is still used by members of the security forces, but they have denied that it is a matter of policy. Yet for those detained in Aceh, torture has become a routine.

Prisoners of conscience

More than 50 people have been sentenced to prison terms of between three years and death for alleged links to *Aceh Merdeka*, after blatantly unfair trials. At least 20 appear to be prisoners of conscience.

All have been convicted under the sweeping Anti-Subversion Law, a 1963 Presidential Decree which is still in use despite insistent recommendations for its repeal by members of the Indonesian legal profession and the UN Special Rapporteur on Torture.

The trials, which began in March 1991, were intended to demonstrate that the government adheres to "the rule of law". Yet without exception they failed to meet international standards of fairness, or even to conform to Indonesia's own Code of Criminal Procedure.

The Indonesian judiciary, while formally independent of executive authority, is, in practice, subordinate to it. Judges, public prosecutors and other court officials are civil servants, and thus vulnerable to pressure from executive and military authorities.

Military officers routinely interfere in the judicial process and judges seldom, if ever, challenge such interference in political cases. A guilty verdict is a foregone conclusion; even the sentencing is likely to be worked out in advance in consultation with military officials.

Most of the Aceh defendants were arrested without warrant by the military and held in military custody, in contravention of the Code of Criminal Procedure. Most defendants were held incommunicado until their trials began. In many cases, their families were not told why or where they were being held.

The confessions of many defendants and the testimony of some prosecution witnesses were extracted under duress, and sometimes under torture. None of the defendants was permitted to have a lawyer present during interrogation, or to consult a lawyer before the start of the trial. The majority were defended by court-appointed lawyers with little or no political trial experience. Lawyers faced almost insuperable obstacles in providing an effective defence for their clients. Most were appointed only a few days before the trial, and were also denied access to crucial court documents to which they were legally entitled.

Moreover, defence lawyers were subjected to political pressure from the authorities. Lawyers defending political suspects in Aceh stated that they were "advised" by military and judicial authorities not to provide too strong a defence.

To AI's knowledge, no witnesses were called for the defence in any of these trials.

Picture box;

Adnan Beuransyah: prisoner of conscience

Adnan Beuransyah, a journalist, was tried for subversion in May 1991. During his trial he said: "I was hit with a block of wood and beaten and kicked while I was blindfolded. My shins were a particular target, and I still bear the scars on my back. My hair and nose were burned with cigarette butts. I was given electric shocks on my feet, genitals and ears until I fainted. As a result of the shocks, I was impotent for three months.

"...My body was bruised and bloodied, and I had been beaten and kicked so much that I coughed up blood and there was blood in my urine...It continued like this until I signed the interrogation deposition."

The court refused to consider the evidence of torture and sentenced him to eight years' imprisonment. The sentence was increased to nine years on appeal.

Picture box:

Hasbi Abdullah: prisoner of conscience

Hasbi Abdullah, a university lecturer, was convicted of subversion and sentenced to 14 years in prison in May 1991 for attending "illegal meetings" at which *Aceh Merdeka* activities and the idea of an Islamic state were discussed. He was also accused of allowing three alleged rebel sympathizers to stay at his home briefly in 1989.

Picture box:

Mulkan Usman: prisoner of conscience

Mulkan Usman was convicted of subversion and sentenced to 12 years in May 1991. During his trial he said that he had been a sympathizer of *Aceh Merdeka*

since the late 1970s, out of frustration at not being able to find a job. However, there was no evidence that he had used or advocated violence.

Conclusion

In the quarter of a century since it came to power, the Government of Indonesia has been responsible for a staggering range of violations of human rights. Some have received worldwide publicity, like the November 1991 massacre in East Timor, in which Indonesian troops opened fire on a peaceful memorial procession, killing at least 100 unarmed men, women and children. However, far from being an isolated aberration, such disregard for human life is an integral part of the Indonesian security forces' approach to its work. Killings, "disappearances", arbitrary arrests and torture have been institutionalized as the normal response to political dissent and other perceived threats to national security.

Effectively unchallenged by the international community, and unchecked by domestic legal or political mechanisms, the security forces have continued to commit violations with impunity. No known action has been taken against any members of the security forces who have killed or maimed unarmed civilians in Aceh. This sends a clear message that violations will be tolerated, even condoned, making future violations more likely.

The people of Aceh have every right to just and humane treatment, yet their plight has been ignored by the outside world. They deserve immediate action.

JULY NEWS (4,753 words)

ANGOLA

Pedro Katenguenha, a photographer in his 50s, was among dozens of people deliberately gunned down by government forces or civilians armed by them in the city of Benguela in early 1993 simply for expressing support for the opposition, National Union for the Total Independence of Angola (UNITA)ⁱ. An end to the 16-year war between UNITA and the ruling People's Movement for the Liberation of Angola (MPLA)ⁱⁱ seemed possible when the May 1991 peace agreement came into force. The MPLA won legislative elections in September 1992 which United Nations monitors declared generally free and fair. However, UNITA, claiming that the MPLA had rigged the elections, reorganized its army and began seizing control of towns and villages. Fighting started in the capital, Luanda, in late October 1992, during talks to break the deadlock. Government forces attacked UNITA offices and residences. Paramilitary police, assisted by civilians they had armed for the purpose, carried out house-to-house searches for UNITA supporters. Many hundreds died or were deliberately killed. Hundreds of other were taken into police or military custody. Prisoners "disappeared". Dozens were taken to a cemetery and executed extrajudicially.

In early January government forces and armed civilians supporting them attacked UNITA members in Benguela on the Atlantic coast and Lubango in the south. Pedro Katenguenha was among dozens of people deliberately killed. Other victims included two lawyers, two court clerks and a Protestant pastor who was dragged out of his house and shot in front of his family.

UNITA also deliberately killed suspected opponents in areas which it controlled before the elections and those which it occupied afterwards. In Benguela province alone government sources reported that UNITA members had murdered dozens of government officials, MPLA supporters or traditional leaders between September and December 1992.

Please appeal to the government to prevent a repetition of such killings by establishing an inquiry into the killings of Pedro Katenguenha and other UNITA supporters and bringing those responsible to justice, by sending courteous letters to: Sua Excelência/Presidente José Eduardo dos Santos/Presidente da República/Gabinete da Presidência da República/República de Angola.

CHINA

Zhang Ruiyu, a 55-year-old Christian, is reported to have been severely beaten by police before her arrest in 1990, and it is feared that her ill-treatment may have continued in detention.

Zhang Ruiyu has previously served two prison terms, totalling more than seven years, for preaching. After her release from prison in April 1989 she held private religious meetings at her home. On 31 May 1990 a group of officers from the local Public Security Bureau (PSB) reportedly burst into her home and confiscated religious literature and bibles. The PSB officers burned her face with electric batons and beat her about the face so severely that several of her teeth were broken. Following this incident she was reportedly harassed and beaten by police on many occasions and was finally arrested on 25 August 1990. After her arrest Zhang Ruiyu was held incommunicado for many months.

Zhang Ruiyu is a member of a local group of the New Testament Church in Fujian province, a Protestant congregation which has been banned by the local authorities. According to information received by AI, she was brought to trial on 9 April 1991 and sentenced in September 1991 to four years' imprisonment on charges of "counter-revolutionary propaganda and agitation". The basis for the charge was apparently that she held "illegal" meetings and corresponded with foreigners. She is detained in a women's prison in Fuzhou city, Fujian province.

Members of various religious groups continue to be imprisoned in China for carrying out religious activities which the authorities consider go beyond the "normal religious activities" provided for in the Constitution.

Please send appeals urging the government to release Zhang Ruiyu immediately and unconditionally, and to investigate the allegations of ill-treatment and bring the perpetrators to justice, to: Premier LI Peng/Guowuyuan/9 Xihuangchenggenbeijie/Beijingshi 100032/People's Republic of China.

KUWAIT

Zahra Muhammad 'Abd al-Khaliq, a 24-year-old Jordanian woman, was convicted of "collaborating" with the Iraqi authorities during the occupation of Kuwait. She is serving a 10-year sentence in Kuwait Central Prison. She was not charged with using or advocating violence; AI considers her a prisoner of conscience.

Zahra was a secretary at the Kuwaiti newspaper *al-Qabas* when it was closed down by the military authorities during the occupation and replaced with an Iraqi-controlled paper called *al-Nida'*. In court she testified that she initially refused to work for the new paper, but Iraqi military agents came to her home, confiscated her passport so she could not escape the country, and put pressure on her to work at *al-Nida'*.

In April 1991, after the Kuwaiti government was reinstated, Zahra was arrested on charges of collaborating with the Iraqis. She says she was threatened in custody, and that she was not allowed to see her lawyer before she went to trial. Kuwait's Martial Law Court convicted Zahra and 14 other people who had also gone to work at *al-Nida'* of collaboration: six were sentenced to death, later commuted to life imprisonment; the others received sentences of 10 years in prison.

The Martial Law court sat in May and June 1991, and convicted a total of 101 people of collaboration in proceedings that were manifestly unfair. Many defence lawyers were denied access to their clients, and were not allowed to cross-examine prosecution witnesses; some people were convicted solely on the basis of "confessions" extracted under torture; and all were denied the right of appeal.

The trials continued until Martial Law was lifted at the end of June 1991.

Those who had been arrested during Martial Law were held without trial until April 1992, when their cases began to be heard before the State Security Court, whose proceedings also fall short of international standards for fair trial. To date one man has been executed after being sentenced to death by the State Security Court.

Please send courteous appeals asking for the immediate and unconditional release of Zahra Muhammad 'Abd al-Khaliq, to: His Highness Shaikh Sa`ad al-`Abdallah al-Sabah/Prime Minister/Al-Diwan al-Amiri/Kuwait.

CHAD

Chad's security forces are to blame for the massacre of at least 300 men, women and children in southern Chad, according to the official commission of inquiry into the killings.

The inquiry was set up in Mid-April 1993 by Chad's transitional government after human rights groups reported the killing in early 1993 of hundreds of unarmed civilians in three villages in Logone Oriental prefecture.

The commission found that in one village soldiers separated the men on the pretence that they were carrying out a population census. The men were then shot down in cold blood. In another village, 18 people had their throats cut or were shot by soldiers. In a third village the military surrounded people in the market and opened fire -- apparently without provocation.

There have been reports of mass killings and other human rights violations by the security forces in Chad since early 1992, when thousands of troops were sent to the south of the country to deal with an armed opposition group led by a breakaway army officer who had attempted to overthrow the government.

The official report said that local people blamed the Republican Guard for the killings but did not confirm that they were responsible. However, the human rights groups involved in the inquiry also published the commission's findings, and this version blamed the Republican Guard almost exclusively, claiming that atrocities were committed on the orders of President Idriss Deby.

In May the Government announced it was abolishing the security police -- although they had not been mentioned in the commission's report -- and setting up a new force. However, there was no mention of action against army units

whom the commission had held responsible, although their commanders were reportedly removed from their posts.

THE GAMBIA

The Gambia has become the seventh African country to abolish the death penalty.

During parliamentary debate on the issue, Gambia's Vice-president said the death penalty was cruel and irreversible, and incompatible with the country's idea of respect for human rights.

The abolition proposal was made by President Sir Dawda Jawara and was passed overwhelmingly by Parliament in April. Since independence in 1965, 87 people were sentenced to death, but only one execution was carried out.

SUDAN

The Sudanese security services detained at least 50 people in a wave of arrests in northern Sudan in April and May, after several months in which few political arrests had been reported. Some detainees were beaten and many of them may have been tortured.

The first of these detentions, in mid-April, followed the widespread circulation of a speech by former Prime Minister Sadiq al-Mahdi calling for a return to multi-party democracy. Those arrested included members of Sadiq al-Mahdi's banned Umma Party, and members of the Ansar, a traditional religious order within Sudanese Islam founded by Sadiq al-Mahdi's great grandfather.

Ansar religious leaders, including imams from Omdurman and other parts of the country, were held without charge; at the end of May they remained incommunicado in secret detention centres known in Sudan as "ghost houses".

Another, apparently unconnected, series of arrests took place in April, when the authorities announced that they had discovered a coup plot. At least 14 men were detained, including the politicians Fadlalla Burma Nasir from the Umma Party and Mirghani 'Abd al-Rahman Suleiman from the banned Democratic Unionist Party. Nine of the arrested men were later shown on Sudanese television giving what the government referred to as "confessions".

Early in the year, the government had released several political detainees in an apparent effort to forestall international criticism of the human rights situation. This diplomatic offensive appears to have been abandoned in March, when the United Nations went ahead with its decision to appoint a Special Rapporteur to investigate human rights violations in Sudan. Since then, the recent

improvements have proved to be cosmetic and the face of repression in Sudan has become clear again.

PERU

Dissident general accuses military intelligence of massacre

The third highest-ranking officer in the Peruvian army has said that a military detachment was responsible for the massacre of a lecturer and 10 students from *La Cantuta* University, near Lima in July last year -- in spite of claims to the contrary by the army.

General Rodolfo Robles Espinoza, who issued the signed statement blaming the military, has sought political asylum in Argentina.

In his statement, he says that the massacre "was committed by a special intelligence detachment which operates under the direct orders of Vladimiro Montesinos...virtual head of the National Intelligence Service... but always with the full knowledge and approval of the Commander General of the Army." He also names the officers responsible for the planning and execution of the crime.

Despite these accusations, the full truth behind the alleged massacre may never be known, and those responsible may never be brought to justice. Brigadier General José Picón, the president of a military tribunal investigating the alleged massacre, reportedly told General Robles: "the General Inspectorate of the Army has reached the conclusion that the army and none of its members had anything to do with this case... so I'm going to stretch it out until everyone forgets about this affair." General Picón is also said to have told General Robles that he had received precise orders from the Commander General of the Army, General Nicolás de Bari Hermoza, to ensure that the army was not discredited.

If the military tribunal appears to be making little progress in discovering the truth behind the massacre, it could hardly be regarded as unusual; despite the mounting toll of torture, "disappearances" and political killings in Peru, military tribunals have rarely prosecuted and virtually never convicted military personnel accused of human rights violations. Moreover, once the Supreme Court awards jurisdiction over a human rights case to a military tribunal, the civilian courts are blocked from carrying out independent investigations. In May 1993 AI wrote to President Alberto Fujimori urging him to stop the military court investigation, and to ensure that a full and independent public inquiry be conducted into the extremely serious allegations made by General Robles. Failure to conduct such an inquiry, publish the findings, and bring those responsible for the killings to justice before a civilian court, would only serve to reinforce the virtually unbroken impunity enjoyed by the Peruvian army during more than 10 years of systematic human rights violations.

UNITED STATES OF AMERICA

On 4 May Darryl Stewart, a black man sentenced to death for the murder of a white woman, was killed by lethal injection in Texas. He was the 200th person to be judicially executed in the United States since the death penalty was re-instated in 1976.

Executions are on the increase in the USA, despite a worldwide trend towards abolition. In recent years, the US Supreme Court has restricted the ability of the federal courts to review capital convictions and death sentences, which has cut the time between conviction and execution. Application of the death penalty is racially discriminatory: those who murder white victims are several times more likely to be executed than those who kill blacks. And contrary to international standards, the USA continues to permit the execution of juvenile offenders and mentally ill or mentally retarded prisoners.

Gary Graham, a black juvenile offender, is scheduled to die by lethal injection in a Texas prison on 3 June*. Graham was convicted of the murder of a white man on the uncorroborated evidence of a single witness, who had glimpsed the killer for only "a split second". Since 1985 the USA has judicially executed five juvenile offenders -- the only other countries in the world known to have carried out such executions in the last decade are Bangladesh, Iran, Iraq and Pakistan.

*update on this case by 4 June

TAIWAN

Execution leads to debate on the death penalty

Liu Huan-jong, sentenced to death in 1986 for murder, was executed by shooting on 23 March amid heated public debate on the death penalty. At least 36 prisoners have reportedly been executed in Taiwan since early 1992.

Justice Minister Ma Ying-jeou stated after the execution that "further study was necessary" into "what effect [the death penalty] had in reducing criminality". On 23 March Taiwan's legislative assembly asked the government to undertake such a study. Several legislators had earlier appealed for the commutation of Liu's sentence. Taiwan's President Lee Teng-hui has never used his constitutional right to commute death sentences.

Prisoners on death row have their feet permanently shackled, a form of ill-treatment prohibited in international law. After his execution, some of Liu's organs were used for transplants. This occurred despite the opposition of several Taiwanese hospitals and medical associations to the use of organs from executed prisoners, which AI also opposes because it encourages medical involvement in executions.

SPAIN

Spain has been strongly criticized by the United Nations over allegations of torture and ill-treatment by the Spanish security forces.

The UN Committee against Torture said it was concerned about an increase in torture, long delays in investigating cases and the apparent impunity enjoyed by officers found guilty of such crimes. Meeting in April, the Committee called on Spain to comply with all the provisions of the UN Convention against Torture, which the country has ratified.

The Committee cited a number of cases and asked the Spanish Government for specific responses on several of them. Many of these cases had been documented in a recent AI report*, including: the alleged torture and ill-treatment of more than 30 Basque detainees suspected of belonging to the armed group, *Euskadi Ta Askatasuna* (ETA); the brutal beating of an Arab tourist by civil guards in Ibiza; an unprovoked attack with truncheons on eight members of a multinational rugby team by officers of the Municipal Police in Benidorm; and the beating of a trade union leader in custody after a demonstration in Mallorca.

The Committee also noted the slowness of the Spanish courts in investigating torture allegations -- citing a torture inquiry in Madrid that was still unfinished after 14 years -- and questioned the practice of offering pardons to security force officers convicted of torture. The current Civil Guard adviser on terrorism to the Secretary of State on Security was convicted in 1987 of torturing a woman prisoner, but was never imprisoned. He was instead promoted and was later pardoned that part of his sentence banning him from

public office for four years. In April 1993 he was again brought to trial charged with torturing another detainee.

The most commonly reported tortures in Spain are kickings and beatings with fists or batons. Detainees are frequently hooded for long periods. Others have been subjected to mock executions, electric shocks, partial asphyxiation with plastic bags and sexual and racial abuse.

**Spain: Torture and Ill-treatment: Summary of Amnesty International's Concerns (AI Index: EUR 41/01/93)*

ISRAEL/OCCUPIED TERRITORIES

A Palestinian man has died in custody, apparently after inhaling dangerous smoke and being ill-treated in custody. On 20 March soldiers reportedly threw a smoke bomb into a house in Deir al-Balah Refugee Camp in the Gaza Strip, then arrested and beat Ayman Nassar and three other men as they emerged, coughing and choking, from the house.

After three days in detention, soldiers took Ayman Nassar back to the camp, apparently to identify an arms cache. There he fell to the ground and was allegedly beaten again before being returned to prison. Witnesses said he was pale and weak and unable to walk or talk properly. Later that day, 23 March, he was transferred to the intensive care unit of Barzalai Hospital in Israel, where he died on 2 April.

A Danish pathologist who attended the autopsy concluded that Ayman Nassar died from "pneumonia due to ruptured lung blisters... presumably due to irritating smoke... and possibly influenced through beating on the chest". The pathologist believes that Ayman Nassar might have survived if he had been hospitalized sooner.

AI has called for a full and independent inquiry into the circumstances surrounding Ayman Nassar's death and into the treatment in custody of the other three men. It has also asked for clarification of official guidelines governing the use of massive fire power, as well as of apparently toxic gas, against houses in which people sought for arrest are suspected to be hiding.

JORDAN

Executions resume

Two men, aged 28 and 29, have been hanged in Jordan, the first executions to take place in the country for more than a year. Muhammad Ibrahim Muhammad and another man, identified only as J.M.A., were hanged in Swaqa prison in January and February of this year, after being convicted of murder. Under Jordanian procedure, people on death row are not informed of the time of their execution until the last moment, and their families only afterwards.

AI has expressed its deep regret at the resumption of executions there, having recorded none throughout 1992, and has appealed to King Hussein to commute all death sentences. At least 16 men were under death sentence by mid-May.

TUNISIA

Scores of activists and sympathizers of the Tunisian Workers' Communist Partyⁱⁱⁱ have been arrested, tortured or ill-treated and imprisoned after unfair trials over the past 18 months. They were sentenced to up to five years' imprisonment on charges of belonging to an unauthorized organization, holding unauthorized meetings, distributing leaflets and collecting funds without permission. They are prisoners of conscience.

The detainees, including women, were tortured and ill-treated during incommunicado detention, often illegally prolonged beyond the 10-day limit allowed by Tunisian law, in police stations in Gabes, El Kef, Tunis and Monastir. Torture methods included suspending the detainees in contorted positions for hours, beatings on the soles of the feet, genitals and other parts of the body, electric shocks underneath the eyes, and sexual abuse with sticks. Some detainees were threatened that they or their female relatives would be raped. Others were shown blank death certificates and told to choose a cause of death for their own certificate. A pregnant woman arrested in Gabes in November 1992 was beaten and ill-treated by police officers who told her: "We'll bring down what you have in your stomach."

Defence lawyers requested medical examinations of the detainees, some of whom still bore marks of torture, and asked for investigations into their allegations of torture. However, requests for medical examination were consistently ignored. The defendants were convicted on the basis of confessions, many of which were denied in court as having been extracted under duress.

Some of the accused were tried and sentenced in their absence only to be arrested and imprisoned later. Others remain in hiding, and their wives and families have also been subjected to arbitrary arrest, ill-treatment and harassment. Members of the security forces have searched their houses, often at night, without search warrants, and have broken into the houses when families refused them entry without a warrant.

MALAWI

The "winds of change" that swept Africa in the aftermath of the cold war have finally stirred a faint breeze in Malawi. In January Life President Dr Hastings Kamuzu Banda ordered the release of Vera Chirwa. Her 11 years in prison made her one of Africa's longest-serving prisoner of conscience, a dubious honour she shared with her husband Orton until his death in prison in October 1992.

In May Vera Chirwa, now 61, visited AI's International Secretariat, where she talked about her long ordeal in Malawi's notorious Zomba prison. "I was released", she says, "because of all your good work, and because of the pressure from you friends at AI."

Vera and Orton Chirwa, along with their son Fumbani, were abducted from Zambia by Malawian agents on Christmas Eve, 1981. The couple had been political exiles for more than 15 years, helping to lead the campaign for political reform in Malawi from their homes in Tanzania and Zambia.

Vera says that the family was travelling in Zambia, on their way to spend Christmas with a daughter, when gunmen ambushed their car. The men took her shoes and jewellery, kicked her unconscious, then handcuffed her and threw her into the back of a truck.

When she came to, she was in severe pain from internal bleeding, and frantic with worry about her husband and son. She didn't know where she was for two days, until a guard told her: "We've brought you home to Malawi and you will never leave again."

The Chirwas spent most of the next two years in solitary confinement, in irons and unable to speak to each other or communicate with their family. At a

grossly unfair trial in 1983, Orton and Vera were convicted of treason on fabricated charges and sentenced to death, a sentence that was confirmed on appeal in 1984, but commuted to life imprisonment later that year. Fumbani was released uncharged after more than two years in incommunicado detention.

After the appeal hearing, Vera and Orton were returned to Zomba prison, still in chains. For more than eight years, Vera was held only yards away from her husband, but they were not allowed to see or speak to one another. "I knew he was on the other side of the fence," she says, "and sometimes I could hear him in the lower yard and he shouted to me. And sometimes I could hear him singing hymns."

"I saw him once, secretly, when I peeped through the drain to the men's side. I saw him sitting there and just said 'hello', but they discovered us and covered it up right away."

Vera was given no news about her eight children. She could not write or receive letters and was not allowed visitors; relatives who came to the prison were told they would be arrested if they persisted.

"There's not much that you can do in prison you know," she shrugs. "For the first few years I had chains on me and I just sat in the cell, reading, praying, sometimes singing. I worried about my children, particularly one who was alone in England, but I prayed that he would find friends to help him."

She was eventually allowed to start a garden, where she tried to grow potatoes and cabbages to supplement the meagre prison diet of rice, beans and rotting vegetables. "I worked in the garden," she explains, "because it was of my free

will. But many other women had to do hard labour, pounding maize for all of the officers, from early in the morning till late at night."

Vera was sometimes given newspapers and magazines to read, but limited information also came to her from other sources. In 1988, for instance, a fellow prisoner told her that AI had taken up her case. "This news," she says, "brought new hope."

But it was only in 1992 that dramatic changes began to overtake Malawi. Wage riots, denunciations from the Catholic church and cuts in international aid in protest at human rights abuses forced the Life President to try and rehabilitate his tarnished international image. In July 1992 the government relented, and for the first time the couple were allowed to receive letters from their children and visits from the Red Cross, although they could still not see each other.

Three months later, a delegation of British lawyers were given permission to see the Chirwas together at Zomba prison. "We saw each other for the first time during the lawyers' interview, and then they left us alone for about 15 or 20 minutes. The lawyers got an assurance from the officers that from that day we were going to see each other. I was so very pleased. But after that, although they promised, they never let us meet again."

Orton Chirwa, who had spent much of his 11 years in prison manacled to a wall, was in failing health: aged 73, he was virtually deaf, suffering from stomach ulcers and nearly blind from cataracts and lack of sunlight. A month after the visit, Vera was called to the prison commissioner's office, where she was told that her husband had died in his sleep. She was allowed to see his body, but was refused permission to attend the funeral.

"The children came back," she says, "and they buried their father in his village. The church was so full, there were 50 ministers of religion alone, and thousands of people came to show that they loved this man."

After Orton's death, she became depressed. "I had no more hope of life, I thought I would die in the prison too." But on 24 January she was taken from the prison to the Inspector General's office, where she was greeted by her sister and some of her cousins. "I had no idea I would be released, she says, "and then suddenly I was free."

Vera Chirwa spent a few months recuperating in Malawi before starting off on a trip that includes visits to her eight children and 20 grandchildren in Africa, Europe and North America. She has already accepted a full-time job in Malawi as Director of the new Legal Resources Centre -- a human rights project linked to the Malawi Law Society

"My job will be helping those people who can't pay lawyers for themselves -- sometimes the victims of human rights violations. These are people who need me."

When asked why she wants to start working so soon after her release, she laughs. "If I relax now what would I eat? How would I find a shelter? I'm old, but I have to work for my living. And I am already involved in politics, I don't think I can leave things alone that need to be changed."

She admits that it could be dangerous for her to return to Malawi, but believes that the political situation in her country will improve. "Besides," she says firmly, "I don't ever want to be a refugee again."

In the mid 1960s, when Vera Chirwa studied law in London, she worked as an AI volunteer. "It was fun collecting facts about prisoners of conscience in

Malawi and passing them to members of the organization. I hardly dreamed I would be one of such prisoners one day!"

In October 1992 Life President Banda agreed to hold a referendum on the future of one-party rule by his Malawi Congress Party (MCP). It is now scheduled to take place on 14 June. However the government is taking measures to ensure that the vote goes their way. Recent laws have given the MCP immunity from prosecution for violence against its opponents, heightening a campaign of intimidation ranging from arrests and attacks on multi-party activists to threats to cut off food to whole villages if they vote against the one-party state.

i. União Nacional para a Independência Total de Angola

ii. Movimento Popular para a Libertação de Angola

iii. Parti communiste des ouvriers tunisiens