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WEEKLY UPDATE SERVICE 02/92

Contained in this weekly update are external items on Syria, USA, Yugoslavia and Zaire.

1. NEWS INITIATIVES - INTERNAL

Haiti - 22 January 1992 (tentative)

An external document is just being finished on human rights violations in Haiti and our concern about US asylum practices over the past few months and will be issued with a news release as part of a rapid response action.

The timing coincides with another court hearing the same week. The external document will not be ready until Monday 20 January, therefore sections will be sent the news release and document introduction by fax, telex or e-mail.

We realise that this is very late notice and that some sections may not be able to do much work on this, but please do what you can.

Women's Action - 5 February 1992

An international news release and questions and answers on rape and sexual assault in custody to follow a Focus article in the International Newsletter.

Philippines - 26 February 1992

An international news release and possible questions and answers to go with a document on extrajudicial executions. The campaign launch is tentatively planned for Manila.

India - 27 March 1992

An international news release for the campaign against rape, torture and deaths in custody. A major international launch is planned for London.

Apologies to those sections which have made queries about the Facts and Figures sheet. Anna, who has been working on this, has been ill this week - she will deal with your questions when she returns.

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1. MDE 24/WU 01/92 EXTERNAL

17 January 1992

SYRIA: PRISONER OF CONSCIENCE RELEASED

Ghassan Najjar, a prisoner of conscience whose case was one of those featured in Amnesty International's 30th Anniversary appeal, was released reportedly on 21 December 1991. No reason for his release was given by the Syrian authorities. (Please see Weekly Update NWS II/48/91 of 20 December and MDE 24/WU 03/91 EXTERNAL, paragraph 6.)

Ghassan Najjar, a former member of the Syrian Engineers' Association, had been detained without charge or trial since his arrest in April 1980. He is one of a group of engineers, doctors and lawyers who were arrested following a one-day national strike on 31 March 1980 calling for an end to the state of emergency in force in Syria since 1963, the abolition of state security courts and the release of all untried detainees. Following the strike, the Councils of the Medical, Engineers' and Bar Associations were dissolved by presidential decree. The majority of those arrested at that time have remained in detention without charge or trial.

2. AMR 51/WU 03/92 EXTERNAL

17 January 1992

USA: US STATE GOVERNOR DENIES CLEMENCY TO LIFE SENTENCE APPEAL

On leaving office, Buddy Roemer, Governor of Louisiana until 13 January, denied clemency to Gary Tyler, a 33 year-old black man serving a life sentence in Louisiana State Penitentiary. Amnesty International has been deeply concerned since 1976 at evidence suggesting that a serious miscarriage of justice has occurred either because of, or exacerbated by, his race and the racially charged atmosphere at the time of the events, among other things.

Gary Tyler was convicted in November 1975 for the murder of 13-year-old Timothy Weber, a white schoolboy who was shot during racial disturbances in 1974 in Louisiana. He was tried by an all-white jury with members of the black community deliberately excluded from the jury. The prosecution relied mainly on the testimony of one girl student, Nathalie Blanks, who was in the same bus with Tyler. She testified to having seen Gary Tyler firing the gun but after the trial she recanted her testimony. Other students who also testified against Tyler have later recanted, saying that they were coerced by the police into making the statements.

Gary Tyler was represented by a white lawyer who specialized in civil, not criminal cases. He spent a total of about an hour with Gary Tyler during the whole year previous to the trial. Furthermore, he did not interview witnesses, present any expert witnesses, conduct tests on physical evidence offered by the state; he failed to object to gross errors committed at trial. His failure to object to the judge's instructions to the jury meant that subsequent appeals have been lost on this issue.

The forensic evidence presented by the prosecution was of questionable quality and did not clearly and definitely implicate Gary Tyler in the murder.

The US Court of Appeals, Fifth Circuit, declared in June 1980 that Gary Tyler was "convicted on the basis of an unconstitutional charge" and that his trial had been "fundamentally unfair". The court ordered a re-trial; however, the court reversed its decision on 27 April 1981, but reiterated its view that the trial had been fundamentally unfair. The US Supreme Court declined to hear the case.

In February 1991 Gary Tyler submitted a new petition for clemency to the Louisiana Board of Pardons, seeking a full pardon "because he is innocent of the charge against him, trial was fundamentally unfair and he was denied the presumption of innocence, the Courts have refused to take

action because of an error made by his trial attorney and his trial attorney was unable to remember why he made the error...". On 4 December 1991 the Board unanimously recommended that Gary Tyler's sentence be commuted to 50 years, which would have made him immediately eligible for parole. Shortly before leaving office on 13 January, Governor Buddy Roemer of Louisiana denied clemency to Gary Tyler for the second time. If he had not taken any action his successor, Edwin Edwards, could have considered the case at any time after assuming office. Roemer's denial means that Governor Edwards may not be able to consider Gary Tyler's case for another year.

Tyler, who was 16 at the time of the murder, has always denied involvement in the crime. He has spent the last 16 years in prison. In 1989 and 1991 AI wrote to the Board of Pardons and Governor Buddy Roemer urging them to grant clemency to Gary Tyler.

Amnesty International regrets the decision of former Governor Roemer to reject Gary Tyler's appeal for clemency in view of the strong indications that he had been the victim of a racially motivated miscarriage of justice and the abundant evidence submitted to him regarding Gary Tyler's good prison record and prospects on release from prison. Amnesty International hopes that Governor Edwards will review Gary Tyler's case as soon as possible and will grant him clemency.

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3. AFR 62/WU 01/92 EXTERNAL

17 January 1992

ZAIRE: REPORTS OF INVITATION TO AMNESTY INTERNATIONAL UNTRUE

According to Belgian and other press reports, the government of Zaire has invited Amnesty International to carry out an inquiry into an incident in May 1990, when students at Lubumbashi University were attacked at night by unidentified assailants leaving many students injured and others killed.

Amnesty International wishes to make clear that it has not received any such invitation from the Zaire authorities.

Both Amnesty International and others pressed for an independent and impartial inquiry following the attack to establish if, as was widely alleged, government and security force personnel had been involved. Despite a parliamentary commission of inquiry in late May 1990 and the trial and conviction in May 1991 of seven officials accused of complicity in the attack Amnesty International has continued its calls for an independent and impartial inquiry, without, however, suggesting that the inquiry should be an international one or carried out by a non-governmental organization such as Amnesty International.

Since May 1990 there have been dozens of extrajudicial executions and at least 250 other killings during confrontations between the security forces and civilians in Zaire. Amnesty International has continued to urge the Zairian government to establish independent inquiries into these and for the perpetrators to be brought to justice, as well as calling for preventative measures, in particular limits on the use of force and firearms by the security forces. The authorities have not responded to those appeals.

For further information, see Weekly Update dated 11 July 1990, Index number AFR 62/WU 01/90, and a report entitled *The Republic of Zaire: Outside the Law - Security Force Repression of Government Opponents*, published by Amnesty International in September 1990.

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4. EUR 48/WU 01/92 EXTERNAL

17 January 1992

INTERNAL

For further information please refer to Yugoslavia: Torture and deliberate and arbitrary killings in war zones (AI Index: EUR 48/26/91).

YUGOSLAVIA: CIVILIANS MASSACRED BY SERBIAN PARAMILITARIES; REPORTS OF KILLINGS BY CROATION FORCES

Information received by Amnesty International confirms reports that massacres of civilians have been carried out in November and December by Serbian paramilitaries fighting in close cooperation with Yugoslav federal army (JNA) units. The organization has also received reports, about which it is seeking further information, of massacres by Croatian armed forces.

On 18 November 1991 units of the JNA, followed by local Serbian paramilitaries, attacked and occupied the village of ■kabrnja, not far from the Adriatic port of Zadar. Many inhabitants fled but others were arrested or killed as Serbian paramilitaries searched the houses, plundering and burning many of them. Delegates from the European Community peace-monitoring mission and from the International Committee of the Red Cross were not permitted by the JNA to visit ■kabrnja on 21 and 22 November on the grounds that the surroundings to the village had been mined. On 23 November the JNA handed over 35 bodies from ■kabrnja and the neighbouring village of Nadin to the Croatian authorities in Zadar. On 26 November 10 more bodies from these villages were handed over. A report issued by the pathology department of Zadar's Medical Centre appears to support the villagers' assertion that with few exceptions those who were killed were civilians. It lists 45 dead from ■kabrnja and Nadin. The majority of those who were killed were elderly men or women. According to the report, all but 14 died as a result of being shot at close range. One woman was crushed by a tank. In several cases almost whole families were killed, including the ■egari ■ family which lost at least six members.

Over 60 people, many of them women and elderly men, were reportedly killed in December 1991 in villages in the Papuk hills, a predominantly Serbian-inhabited area in eastern Croatia, which had been under JNA and Serbian paramilitary control since August 1991. Following a Croatian offensive in the area, retreating Serbian paramilitary forces, including local Serbs and members of extremist units known as "White Eagles", killed at least 43 local Croatians, many of them women and elderly men, in the villages of Vo ■in and Hum. Some 20 others from neighbouring villages were

also reportedly killed. A report issued by a team of forensic specialists from Zagreb University on 19 December states that of 15 women, 12 were aged between 57 and 76; while 11 of the men were aged between 60 and 84. The report stated that most had been killed by gunshot; two women had died as a result of wounds inflicted by a heavy, sharp tool, probably an axe, while the cause of death had not been established for eight other victims, because their bodies had been found severely burned.

According to Serbian sources, Croatian armed forces massacred civilians in the villages of Divos and Paulin Dvor near Osijek and in Podravska Slatina in December. Amnesty International is seeking further information about these events.

Amnesty International is also concerned about reports of the ill-treatment and harsh conditions suffered by civilians and Croatian security forces, many of them from Vukovar, captured by the JNA. Doctors from Vukovar hospital who were arrested in November and subsequently released have stated that prisoners, including the wounded, were regularly beaten by guards in Sremska Mitrovica prison and in improvised camps at Begejci and Stajicevo in the Vojvodina (Serbia). They described the severe cold, poor food and total lack of hygiene to which prisoners were exposed.

Amnesty International is seeking further information about the reported arrests and "disappearances" of local Serbs in the Croatian towns of Gospic, Daruvar and Zadar. It has appealed to all sides to the conflict to respect international human rights and humanitarian standards, and to protect all non-combatants from acts of reprisal and violence.

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ADDITION TO WEEKLY UPDATE SERVICE 02/92

Contained in this addition to the weekly update is an external item on Sri Lanka.

1. ASA 37/WU 01/92 EXTERNAL

17 January 1992

SRI LANKA: AI CONCERNED ABOUT CONDUCT OF INQUIRY INTO EXTRAJUDICIAL EXECUTIONS

Amnesty International said it feared that the way the first ever presidential commission of inquiry into extrajudicial executions in Sri Lanka is apparently being conducted could mean that important evidence about the brutal killings will not be brought to light.

The inquiry was set up in June after 67 people were killed in the villages of Mahiladithivu and Muthalaikuda allegedly by soldiers of the Kokkadichcholai army camp after two of their unit were killed by a landmine nearby. Among the victims were 17 villagers shot and then burned in the crater created by the landmine. Others were locked in a rice mill which was then burned down.

Amnesty International contacted the government urgently on 15 January after learning that the commission had reportedly taken evidence from only one of the army personnel on duty at the camp that day - the camp commander - and that his evidence was given in the form of an unsworn testimony.

"This means that neither the commander nor any of the soldiers

allegedly responsible for the extrajudicial executions were cross examined about the events of that day, leaving many crucial questions about specific facts and accountability unanswered," Amnesty International said.

The commission now hearing evidence in Colombo had reportedly asked the lawyer appearing on behalf of the 17 army personnel on duty at the camp the day of the killings how he wanted to proceed in the giving of evidence. That was contrary to the commission's practice so far of asking the state counsel to lead evidence and allowing cross-examination of the survivors and eye-witnesses who had been summoned to give evidence.

Amnesty International is concerned at this sudden departure from the procedures which had been followed when hearing evidence given by survivors and relatives of the victims and has appealed to the government to take all necessary steps to ensure that the proceedings of the commission live up to international standards. In particular, the organization drew the attention of the Sri Lankan authorities to Principle 10 of the United Nations (UN) Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, which states:

"The investigative authority shall have the power to obtain all the information necessary to the inquiry. ... They shall also have the authority to oblige officials allegedly involved in any such executions to appear and testify. The same shall apply to any witness. To this end, they shall be entitled to issue summons to witnesses, including the officials allegedly involved, and to demand the production of evidence."

Amnesty International understands that the government recently requested the commission to speed up its proceedings. While the organization appreciates the government's stated intention to expedite investigations into human rights violations, it is concerned that those appearing on behalf of the victims and their relatives are given full opportunity to question all those allegedly responsible for these extrajudicial executions.