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Amnesty International

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DATE: 3 DECEMBER 1992

WEEKLY UPDATE SERVICE 48/92

Contained in this weekly update are external items on the USA, Cuba, Mexico and Peru.

INTERNATIONAL NEWS RELEASES

China - 9 December

International news release to accompany document on torture in China. Both news release and document should be with you by now.

TARGETED AND LIMITED NEWS RELEASES

USA - 10 December

(New Information)

Weekly update item enclosed embargoed for 10 December to coincide with Human Rights Day, condemning a planned execution in Virginia included.

Brazil - no date fixed yet

(New Information)

There will be a weekly update item to accompany a document about human rights violations against indigenous peoples in Brazil. We are hoping to have it available in Brazil to coincide with a planned concert for human rights there, but the concert has recently been postponed and we do not know yet when it will be rescheduled. We shall make every effort to make sure that sections have the document in time.

Cuba - 14 December

(New Information)

Weekly update item enclosed embargoed for 14 December to go with document about pocs.

South Korea - 15 December

(New Information)

An open letter has been sent to all candidates in the presidential election in South Korea, scheduled for 18 December. This IS press office will be sending the letter to you shortly. It is not embargoed, but the IS will be sending it to Asia-interest radio services on 15 December.

Racism and ill-treatment in Europe - 10 February

(New Information)

News release to go with focus and campaign action on racist ill-treatment in Europe. There has been some confusion about the date: this is now confirmed as 10 February.

SECTION INITIATIVES

Belgian Section (francophone)

The Belgian francophone Section is organizing an international symposium called "Tout dire, tout écrire" on Sunday 6 December. Prominent speakers will discuss the subject of freedom of expression. For further information please contact the Brussels office of AI.

2. AMR 51/WU 13/92 EXTERNAL
EMBARGOED FOR 10 DECEMBER 1992

UNITED STATES OF AMERICA: PRISONER SCHEDULED TO BE EXECUTED IN VIRGINIA ON INTERNATIONAL HUMAN RIGHTS DAY

The execution of Timothy Bunch, scheduled to take place in Virginia on International Human Rights Day - 10 December 1992 - would add yet another grim statistic to the US practice of killing prisoners, which has reached a record number this year.

Timothy Bunch was sentenced to death in November 1982 for the murder of a woman, Su Cha Thomas, in January 1982. He received poor legal representation at his trial: the two court-appointed lawyers assigned to his case had never handled a capital case before.

Twenty-nine prisoners have been executed in the USA so far this year, more than in any one year since US states reinstated the death penalty in the mid 1970s. Over 2600 prisoners are under sentence of death in 36 states, a record number in US history. Four states, including California, carried out their first executions in a quarter century or more, and the trend is set to increase, with the courts - guided by the US Supreme Court - placing ever more restrictions on the right of appeal in capital cases.

Among those executed this year was Johnny Garrett, a juvenile offender put to death in Texas in violation of international standards which prohibit the imposition of the death penalty on people aged under 18 at the time of the crime. Convicted of murdering an elderly nun when he was 17, Garrett had been severely sexually and physically abused as a child. He was described by a psychiatrist as "one of the most psychiatrically impaired inmates" she had ever examined, and by a psychologist as having "one of the most virulent histories of abuse and neglect...I have encountered in over 28 years of practice".

At least six prisoners suffering from mental illness, brain damage or mental retardation have been executed in 1992, flying in the face of United Nations Economic and Social Council (ECOSOC) guidelines which provide that the death penalty should not be carried out on people who are mentally impaired. One of these was Nollie Martin, executed in Florida in May, who suffered from severe mental impairment as a result of several serious head injuries in childhood. He had a history of psychosis, suicidal depression and self-mutilation, and had been physically and sexually abused from infancy.

Evidence indicates that many of the prisoners executed so far in 1992 received inadequate legal representation at their trials, with court-appointed lawyers failing, for example, to present crucial mitigating evidence to the sentencing hearing, including a history of mental illness or abuse.

The execution of Roger Coleman in Virginia in May went ahead despite doubts which had been raised about his guilt. He had been represented at trial by lawyers who had never handled a murder or rape case before, and who failed to investigate many points of evidence. His appeal lawyers were unfamiliar with Virginia law, and inadvertently filed an appeal to the state court one day too late, resulting in its dismissal on procedural grounds. The US Supreme Court dismissed his appeal by six votes to three in June 1991, stating that "Coleman must bear the risk of attorney error that results in a procedural default."

Amnesty International opposes the death penalty in all cases, as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment, as declared in the Universal Declaration of Human Rights. In the United States, Amnesty International has found that the death penalty is both arbitrary and discriminatory in its application: studies have consistently shown that those convicted of murdering white victims are far more likely to be sentenced to death than other offenders. It is common for black defendants accused of capital crimes in some states to be convicted by all-white juries from which prosecutors have deliberately excluded black prospective jurors.

The US is out of line with current world trends towards abolition of the death penalty in law or practice, a trend which is particularly marked in both western and eastern Europe. Countries which have abolished the death penalty for all offences since 1989 include the Czech

and Slovak Federal Republic, Rumania, Hungary, New Zealand, Cambodia, Ireland, Mozambique, and Namibia. In 1990 Nepal abolished the death penalty for murder and Bulgaria announced a moratorium on executions pending consideration of the country's capital punishment laws. In July 1991, the then Soviet Union reduced the number of crimes punishable by death from 18 to five. South Africa has suspended all executions since February 1990. In June 1992, Paraguay abolished the death penalty for ordinary crimes.

Amnesty International is calling on Governor Wilder of Virginia to commute the death sentence of Timothy Bunch, and is urging Virginia and all other states to abolish this punishment which is not in keeping with the standards and values of a civilized society.

3. AMR 25/WU 01/92 EXTERNAL
EMBARGOED FOR 14 DECEMBER 1992

CUBA: AMNESTY INTERNATIONAL CALLS ON CUBAN AUTHORITIES TO FREE PRISONERS OF CONSCIENCE

Amnesty International is concerned about the dramatic increase in the number of prisoners of conscience held in Cuba over the past two years and is calling on the Cuban authorities for their immediate and unconditional release.

A new report issued by Amnesty International gives details of prisoners of conscience detained because of their peaceful activities in unofficial political, human rights, trade union and religious groups - or simply for voicing criticism of the government. The charges brought against them usually relate to their attempts to exercise their rights to freedom of association, assembly and expression. Scores of others are believed to be in detention for trying to leave the country without permission.

There are believed to be between three and five hundred prisoners of conscience or probable prisoners of conscience in Cuba, possibly more. However, restrictions on human rights monitoring in the country, lack of official information and the failure of the authorities to allow independent international human rights monitoring bodies to conduct on site research mean that exact figures are not available.

Amnesty International has, however, noted that sentences of as much as 10 years' imprisonment have been imposed in recent months on prisoners of conscience. In May 1992 Yndamiro Restano Díaz was sentenced to ten years' imprisonment and his co-defendant María Elena Aparicio to seven years on a charge of "rebellion" [rebelión]. Yndamiro Restano is the President of an unofficial political opposition group called Movimiento de Armonía (MAR), Harmony Movement. The authorities alleged that MAR was planning to change the country's "political, economic and social structure" ["el régimen político, económico y social"].

The Vice-President of the unofficial Comité Cubano Pro Derechos Humanos (CCPDH), Cuban Committee for Human Rights, Sebastián Arcos Bergnes, was sentenced to four years eight months' imprisonment in October 1992 on a charge of "enemy propaganda" [propaganda enemiga]. He was accused of sending abroad information relating to human rights abuses which the government alleged to be false.

Dozens of people are believed to be held for "enemy propaganda" or for "disrespect" [desacato]. The latter charge is brought against people who are accused of criticizing or insulting President Castro or other government officials. For example, José Luis Pujol Irizar, President of the unofficial Proyecto Apertura de la Isla (PAIS), Opening of the Island Project, was sentenced to three years' imprisonment in September 1992 for criticizing President Castro in a letter to a Cuban exile leader.

Although the most detailed information reaching Amnesty International usually relates to people arrested in Havana, the number of reports of arrests in other parts of the country has been increasing in recent months. For example, several political and human rights activists were reportedly detained briefly in Camagüey in October during a major operation carried out by the Department of State Security, when up to two hundred people were thought to have been arrested. It is not clear what the purpose of the operation was or how many people, if any, remain in detention but those who were released reported that they were given warnings to cease their activities and also had their photographs taken.

Many of the most prominent leaders of unofficial political and human rights groups are imprisoned and others frequently report that they are being subjected to harassment. They allege that they are regularly picked up for questioning about their activities by the security forces or members of People's Rapid Response Detachments [Destacamentos Populares de Respuesta Rápida], commonly known as Rapid Response Brigades [Brigadas de Respuesta Rápida]. The latter were set up by the government, through Communist Party organizations, in mid-1991 to counter signs of dissent. Participation in the brigades is supposed to be voluntary but there are signs that this may not always be the case.

In late 1991 and early 1992 members of such brigades participated in a number of incidents in which large numbers of pro-government supporters, hundreds in some cases, besieged known dissidents in their homes. They shouted insults and in some cases caused minor physical injuries to those under attack. In recent months they appear to have taken a lower profile.

Nevertheless, reports are still being received of political and human rights activists being attacked in the street by people believed to be members of such brigades. Amnesty International is also concerned at recent reports that such brigades are operating inside the prisons and are harassing prisoners of conscience and other political prisoners.

In its report, Amnesty International has made a series of recommendations to the Cuban Government, including that all prisoners of conscience be immediately and unconditionally released and that the People's Rapid Response Detachments be disbanded or strictly regulated by law. The organization has also recommended that local human rights monitors be protected and appropriate international human rights monitoring bodies be given access to political prisoners.

To Amnesty International's knowledge, no independent international human rights monitoring bodies have been permitted to visit Cuba over the past two years. Amnesty International itself, which last visited the country in 1990, received no response to a request for a visit which was sent to the authorities in July 1992.

* Cuba: Silencing the Voices of Dissent, AI Index: AMR 25/26/92.

4. AMR 41/WU 03/92 EXTERNAL

3 December 1992

INTERNAL

This is a follow-up to an item which appeared in an addition to weekly update service 45, AI Index: AMR 41/WU 02/92. That item was originally internal for response - please note that it can now be considered external.

EXTERNAL

MEXICO: HUMAN RIGHTS RECORD CRITICISED BY UN COMMITTEE AGAINST TORTURE

Mexico's human rights record has been strongly criticised by the United Nations Committee against Torture (CAT), meeting in Geneva. The hearing took place on 17 November, when Mexico presented its first periodic report before the CAT to describe the legislative, administrative and judicial measures adopted to implement the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the country ratified in January 1986.

Although the hearing welcomed certain measures adopted by Mexico - including the National Human Rights Commission - the CAT noted that torture and impunity appeared to be generalized in Mexico. The Committee called on the government to take effective steps to enforce the reforms which had been adopted. Amnesty International has expressed concern about the repeated failure of the Mexican authorities to comply fully with recommendations by the National Human Rights Commission.

5. AMR 46/WU 05/92 INTERNAL

3 December 1992

PERU: AMNESTY INTERNATIONAL DELEGATION VISITS PERU

An AI delegation is currently visiting Peru and will be there until 16 December. The delegation will be researching the human rights situation in the country. No government contacts are being planned.

The delegation is composed of Wolfgang Heinz (Germany), former Chairperson of the organization's International Executive Committee, Gonzalo Fernández (Uruguay), a lawyer, Rona Weitz (USA), a Latin American specialist and Peter Archard (UK), a staff member of Amnesty International.

On its return, the delegation will report its findings to the International Executive Committee.

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ADDITION TO WEEKLY UPDATE SERVICE 48/92

Contained in this addition to the weekly update are external items on Iran and Algeria.

1. SECTION INITIATIVES

German Section - Asylum-seekers law

Please refer any queries about the new law on asylum-seekers in Germany to the Refugee department of the German AI Section. They are preparing a press statement on the issue.

2. MDE 13/WU 08/92 EXTERNAL

7 December 1992

IRAN: AMNESTY INTERNATIONAL CONCERNED AT CONTINUING POLITICAL EXECUTIONS

Amnesty International has received information that three members of the Mohajerin Organization of Iran were executed in Iran approximately two months ago. The organization fears that at least 20 other prisoners, also members of the Mohajerin Organization of Iran, may be at risk of execution.

The three men - Ali Reza Hamidabad, 36; Hamid Kord, 32; and Gholam Reza Sagvand, 37; were followers of Dr Ali Shariati and had been arrested about two years ago. They spent most of their imprisonment in Dezful Prison, where their executions are believed to have taken place. They were all reported to have been tried in secret, but no further information about their trials is available.

In February Amnesty International asked the Iranian authorities for information about the three prisoners, and others, and said it wished to send an observer to their trial. However, the Iranian authorities did not respond and have consistently denied that any followers of Dr Ali Shariati have been imprisoned since the Islamic Republic was founded.

The three are the latest in a number of political suspects to be executed in Iran. Others have included members of Kurdish organizations, such as Komala and the Kurdistan Democratic Party of Iran (KDPI).

In a statement reported on 7 November, the Information and Security Minister, Hojatoleslam Ali Fallahian, said that Iranian intelligence services had arrested an official of the "Marxist Komala movement" and that a military group backed by "counter-revolutionary elements" in Iran had been dissolved and its members executed. The names of the victims are not known.

Two brothers, Rahman and Towfiq Aliasi, who were members of Komala, were executed in Sanandaj in June and August 1992 respectively. There has been no information about their trials, and the precise dates of their executions are unknown. The brothers had been arrested in September 1991, in a village in the Mariwan area, close to the Iraq border, and were imprisoned in Sanandaj Prison in Iranian Kurdistan.

Televised "confessions" of Towfiq Aliasi are reported to have been broadcast on local television in Sanandaj in August. Amnesty International fears that the confessions may have been obtained as a result of torture or coercion, and that they will not have had a fair trial.

An alleged KDPI supporter, Hussein Mouloudi, is reported to have been executed in public in Orumiyeh in October 1992. No information is available about his trial. He had reportedly been imprisoned for two years in different prisons.

Dr Ali Mozaffarian, a well known surgeon and one of the leaders of the Sunni Muslim community in Fars province in southern Iran, was executed in Shiraz at the beginning of August 1992. He had been convicted of spying for the United States and Iraq, adultery and sodomy. His video taped "confessions", which may have been obtained as a result of physical or psychological pressure, were broadcast on television in Shiraz and in the streets of Kazerun and Lar.

Dr Mozaffarian was arrested in his office in late 1991, a day after he and other Sunni leaders had attended a meeting in the house of Shiraz's Friday Prayer cleric, Ayatollah Haeri, to discuss deteriorating Sunni/Shi'a relations in Fars. Reportedly, his arrest was in connection with his refusal to take part in a "unity prayer" and his outspoken opposition to the government. He was executed following riots in Shiraz in August 1992. According to official reports, Dr Mozaffarian was tried in Shiraz, but no information about the proceedings is available. Amnesty International believes that his trial may have been unfair.

Amnesty International opposes the death penalty in all cases, but an added concern in Iran is that it is frequently imposed on political suspects and others whose trials fail to meet international fair trial standards. In political cases, trials often last only a few minutes, the accused has no access to legal counsel at any stage; is denied both the right to appeal against conviction and sentence; and is denied any opportunity to seek commutation of his/her sentence.

Amnesty International is also concerned by the use of televised confessions, apparently intended to discredit political suspects and which further undermines the possibilities of their receiving a fair trial.

3. MDE 28/WU 06/92 EXTERNAL

7 December 1992

ALGERIA: AMNESTY INTERNATIONAL VISITS ALGERIA

An Amnesty International delegation is visiting Algeria in December 1992. The purpose of the visit is to carry out research into Amnesty International's human rights concerns in Algeria and to hold discussions with members of the Algerian Government.

Amnesty International's concerns in Algeria include the administrative detention, without charge or trial, of over 1,000 detainees; irregularities in some trial procedures and the lack of investigation and public reporting in cases of use of firearms leading to deaths by law enforcement officials. Amnesty International is also concerned about abuses by armed opposition groups including deliberate and arbitrary killings.

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2ND ADDITION TO WEEKLY UPDATE SERVICE 48/92

Contained in this addition to the weekly update are external items on the EC Edinburgh Summit (refugees and asylum-seekers) and Yemen.

CORRECTION

Please note that the item on Peru, AI Index: AMR 46/WU 05/92, in Weekly Update NWS 11/48/92, is internal.

1. EUR 01/WU 02/92 EXTERNAL

8 December 1992

INTERNAL

Please refer the following item to refugee coordinators. Please use the item or appropriate parts of it for section publicity activities planned around the EC Edinburgh Summit on 11-12 December. The IS is not planning to send it out to international media.

EXTERNAL

AMNESTY INTERNATIONAL APPEALS TO EDINBURGH SUMMIT TO HEED ITS CONCERNS ABOUT REFUGEES AND ASYLUM-SEEKERS

Amnesty International is urgently appealing to the Edinburgh Summit of the European Community (EC) to heed its concerns about resolutions and conclusions relating to asylum-seekers and refugees, adopted in London last week by the EC ministers responsible for immigration. These resolutions and conclusions, which are expected to be endorsed by the Edinburgh Summit on 11-12 December, deal with refugees fleeing gross human rights abuses in the territories of the former Yugoslavia, and more general issues concerning a common policy for treating certain types of asylum requests.

Most people who have fled gross abuses of basic human rights in the former Yugoslavia have found temporary protection in adjacent countries. But tens of thousands of other refugees, particularly those fleeing from Bosnia-Herzegovina, have sought protection elsewhere in Europe, or may feel they need to do so. However, many potential asylum countries have taken measures to obstruct refugees from gaining access to their territory.

The "Conclusion on People Displaced by the Conflict in the Former Yugoslavia", adopted by EC immigration ministers last week, emphatically states, in its first paragraph, that large-scale permanent movements of people outside the former Yugoslavia "are likely to encourage the inhumane and illegal practice of ethnic cleansing". Amnesty International regrets the prominence given to this statement, because it appears to ignore the fact that people whose lives or safety are at risk in Bosnia-Herzegovina must themselves decide whether they choose to face that risk or to seek safety elsewhere. Amnesty International is also concerned by the conspicuous absence of any reference to the right of all individuals to seek and enjoy asylum from persecution; this right is enshrined in the Universal Declaration of Human Rights, adopted by the international community in the immediate aftermath of the Second World War and the previous major refugee crisis in Europe.

Furthermore, in recent months a number of EC governments, including Belgium, the Federal Republic of Germany, Luxembourg, Netherlands, and the United Kingdom, and other European states including Finland, Iceland and Switzerland have imposed a visa requirement on nationals of Bosnia-Herzegovina from where most of the refugees are fleeing. All these countries plus Denmark and Sweden have imposed visa requirements on nationals of Macedonia, and Serbia and Montenegro.

Abuses which have been perpetrated throughout Bosnia-Herzegovina include deliberate and arbitrary killings, torture and ill-treatment. All sides have committed at least some of these abuses, although the evidence clearly indicates that most abuses have been perpetrated by Serbs and that Muslims have been the chief victims. The conflict and the abuses associated with it have created a climate of such intense fear and despair in many areas that thousands of Muslims, Serbs and Croats have fled to seek greater safety in areas within the Republic under the control of their own community or outside Bosnia-Herzegovina altogether. In Serbia, in Kosovo province, there is a continuation of a long-term pattern where ethnic Albanians have been subject to beatings and ill-treatment at the hands of the police. Recent reports indicate an increased police harassment of political activists, in the form of house-searches and interrogations, and there have been a number of incidents where ethnic Albanians have died after being shot by police in disputed circumstances.

While Amnesty International notes the undertaking made in the EC governments' conclusion that governments will "respect ... flexible application of visa and entry controls", it nevertheless remains concerned that the very existence of these restrictive measures obstructs those in need of protection from reaching these countries to seek protection, and may be forcing them to remain in areas where their lives or freedom are at risk. An international crisis demands an international response, and that is not helped by narrow national efforts to restrict access to the territory through such measures as the imposition of visas.

There are continuing reports that people fleeing Bosnia-Herzegovina, particularly Muslims, are being prevented from entering Croatia if they have insufficient documents; in some cases those who have managed to enter Croatia are being forcibly returned to Bosnia-Herzegovina. This is in violation of international standards which prohibit the forcible return of refugees and asylum-seekers at the border even in situations of large-scale influx. However, Amnesty International believes that the Croatian authorities would be less inclined to violate these fundamental international standards if other European states were not resorting to the restrictive measures described above.

Amnesty International notes that some suggestions have been made for EC governments to assist in providing material support and protection to refugees in so-called "safe zones" immediately adjacent to the present areas of conflict. However, the existence of such "safe zones" must not preclude opportunities to flee abroad nor must it be used by potential asylum countries as a reason to refuse protection to those who ask for it. The individual right to seek asylum abroad must not be undermined.

The ministers' meeting in London also agreed to a set of resolutions and conclusions on handling certain types of asylum claims. These show an increasing preoccupation with blocking what EC governments consider to be non-deserving requests for asylum. Amnesty International believes these resolutions set a dangerous precedent for the treatment of asylum-seekers elsewhere in Europe and around the world.

According to one of the resolutions, all EC countries will use a special speedy process for dealing with "manifestly unfounded" asylum claims – a process which Amnesty International fears would not guarantee a fair hearing or allow adequate appeals. More worrying, the EC governments have extended the definition of what they consider an "abusive" or "unfounded" asylum claim beyond the definition set out in international standards – in particular they have decided to include in this widened definition those claims where the asylum-seeker could have sought protection in another part of his or her own country or in some other country.

Amnesty International is also concerned about the EC governments' conclusions by which they agree to jointly apply the notion of countries in which there is "generally no serious risk of persecution" -- a concept which is already used in some European countries. This would mean that asylum-seekers coming from countries considered to be "safe" would not necessarily be granted a full hearing which adequately takes into account their individual experiences or risks.

These resolutions have been drafted at an intergovernmental level, behind closed doors and without the involvement of the parliaments of the member states or independent experts, and without any consultation with organizations working on behalf of refugees and asylum-seekers. If implemented, they will have the effect of sending many asylum-seekers to countries they may have travelled through before arriving in an EC country. However, these other countries (in particular states in eastern and central Europe) were not involved in drafting the resolutions. Amnesty International fears they may now consider putting similar restrictions on the entry of asylum-seekers into their territories, thereby increasing the number of countries which are closing their doors to asylum-seekers.

The Office of the United Nations High Commissioner for Refugees (UNHCR) has expressed its concern over certain aspects of these resolutions, and has noted that some of the recommendations made by UNHCR to the EC Presidency on the content of these resolutions have not been fully taken into account.

Amnesty International strongly urges the EC heads of government at the Edinburgh Summit not to adopt the resolutions on the handling of asylum claims without taking full account of the concerns noted above and undertaking a full consultation process with all interested parties.

2. MDE 31/WU 01/92 EXTERNAL

8 December 1992

YEMEN: AMNESTY INTERNATIONAL DELEGATE VISITS COUNTRY

An Amnesty International staff member is visiting the Republic of Yemen between 6 and 16 December 1992. The primary purpose of the visit is to conduct research into Amnesty International's concerns in the country. These include the continued detention of prisoners of conscience, and other political prisoners; the torture or ill-treatment of detainees; and the "disappearances" of individuals while in custody in the former Yemen Arab Republic and People's Democratic Arab Republic in previous years. The staff member plans to visit the capital city of Sana'a as well as Hudaida, and Aden.

While in Yemen it is envisaged that he will also meet with government officials, parliamentarians, lawyers and members of the judiciary.

The Amnesty International delegate will not be authorised to make press statements during his visit. He will report back to the organization's Secretary General on his return.

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3RD ADDITION TO WEEKLY UPDATE SERVICE 48/92

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

1. MDE 15/WU 05/92 EXTERNAL
15 December 1992

INTERNAL

Unfortunately, the Border Policeman who was taken hostage has been found dead today in the West Bank. You may use the following item for response.

EXTERNAL

ISRAEL AND THE OCCUPIED TERRITORIES: AMNESTY INTERNATIONAL CONDEMNS HOSTAGE-TAKING OF ISRAELI POLICE OFFICER AND SEEKS ASSURANCES FOR PALESTINIAN DETAINEES.

Amnesty International has expressed its condemnation of hostage-taking to the Islamic Resistance Movement (Hamas), which has taken responsibility for the holding of Nissim Toledano, a member of the Israeli Border Police. Amnesty International is also appealing to the Israeli authorities not to carry out arbitrary arrests of Palestinians and to ensure that all detainees are treated humanely.

Nissim Toledano disappeared on the morning of 13 December after leaving his home in Lod in Israel. Two Palestinians in the town of al-Bireh claiming to belong to Hamas' military wing produced a photocopy of his identity card and said he would be executed that evening unless Israel released Sheikh Ahmad Yasin, the imprisoned Hamas leader. Before the expiry of the deadline Sheikh Yasin appealed on television to those holding the police officer not to execute him and called for negotiations between Hamas and the Israeli authorities to take place. In a statement released in Jordan on 14 December, Hamas said it was ready to negotiate.

The Israeli government has requested proof that Nissim Toledano is alive. In the meantime, it has sealed off the Occupied Territories, imposed a curfew on the Gaza Strip and arrested over one thousand Palestinians. They include Taher Shriteh, a well-known Gaza journalist, and Dr Mahmud al-Zahhar, a prominent political figure said to be close to Hamas.

Amnesty International takes no position on the legitimacy of political conflicts, nor on the legitimacy of resorting to arms in pursuit of political aims. However, it opposes human rights abuses such as the taking of hostages and torture or execution of prisoners by either governments or armed opposition groups.

Amnesty International said Hamas should release Nissim Toledano.

"We are concerned that he is held solely as a hostage to obtain the release of Sheikh Yasin. In any case he should not be subjected to any form of torture or ill-treatment and should not be executed. Hostage-taking and violence to prisoners are forbidden by international human rights and humanitarian law."

Amnesty International is also calling on the Israeli authorities not to carry out arbitrary arrests of Palestinians in reprisal for the holding of Nissim Toledano. "Anyone detained for this reason should be released. The others should be given prompt access to a judge and then charged and brought to trial if they are not to be released. All detainees should be protected from any form of torture or ill-treatment while in custody", Amnesty International said.