
@URGENT ACTION NEWSLETTER

This issue of the Urgent Action (UAI) newsletter once again brings you news and information on previous UAI cases:

- ◆ We have highlighted the case of Nahamán Carmona López and the street children of Guatemala. Following the annulment on 19 July 1991 of the sentences imposed on the four police officers who were accused of killing Nahamán, Urgent Action participants are encouraged to send appeals to the President of Guatemala as outlined on page 22 of this newsletter;

We have also included:

- ◆ Letters of thanks and appreciation from former prisoners, those who have been tortured, the recipients of death threats, or even those under sentence of death;
- ◆ Replies received either here in Amnesty's International Secretariat or by UAI participants themselves from governments and their Embassies around the world responding to AI's concerns in individual cases. We have chosen to specifically highlight replies to death penalty appeals as despite recent successes in persuading governments not to re-introduce the death penalty in their country, sadly, 92 countries still retain and use the death penalty. AI's work towards total abolition therefore remains as important and necessary as ever. We hope that the letter from Joe Giarratano whose death sentence was commuted to life imprisonment earlier this year will motivate you all to continue this grim task;
- ◆ Publicity generated as a result of appeals from AI members and UAI letter-writers around the world, for example in the national press of the target country. These "press cuttings" serve as an illustration of the importance of informing and mobilizing public opinion about human rights violations in the country concerned in the hope that this will in turn help the victims of these violations.

The information contained in this newsletter of course only represents a small selection of the letters and replies which come into AI's International Secretariat. We compile the newsletter mainly using the feedback we do receive from UAI participants from appeals they have sent out in response to requests for urgent action. Please therefore remember that it is important for all of you out there to send to the IS copies of any replies you may receive from government authorities or other organizations or any publicity you may have generated as a result of a letter you have written or a telex or fax you have sent on behalf of a person who becomes the subject of an UAI appeal.

We need this information. It enables us to monitor government and other response to cases taken up by AI; some replies may provide us with important updated information on a particular case; other replies may provide us with important information on the effectiveness of our action.

Please continue sending us these replies so that we can continue to work effectively against human rights violations. Last, but by no means least, we wish to share this information, where possible, with you the UAI network to encourage you to continue sending your appeals and making efforts to ensure that the governments of the world cannot violate human rights unnoticed and with impunity.

NEWS FROM UA CASES:

Dr Mohammed Mandour

Dr Mohammed Mandour, a psychiatrist and member of the board of trustees of the Egyptian Organization of Human Rights, was arrested in the early hours of Friday 8 February 1991. Dr 'Emad Atre'es, a medical doctor, was arrested the same day. They were initially held in incommunicado detention at the State Security Intelligence Police (SSIP) Directorate at Lazoghly, Cairo, under state of emergency legislation. (See UA 44/91, MDE 12/05/91, and follow-ups)

Amnesty International issued an Urgent Action on their behalf on 11 February 1991 expressing concern that both men were being detained for the non-violent expression of their conscientiously held beliefs and urging that they be humanely treated while in detention, and immediately and unconditionally released as prisoners of conscience.

Both men were moved to Abu Za'bal prison before finally being released without charge in late February 1991.

While held at the SSIP Dr Mohammed Mandour was reportedly stripped, subjected to suspension, beating and electric shocks.

In May 1991 Amnesty International was informed by the Egyptian Embassy in London that "The investigation conducted by the competent authorities in Egypt proved that allegations that [Dr Mandour was] subjected to torture or other forms of ill-treatment were unfounded". In June 1991 Dr Mandour was unaware of any official investigation having been conducted into his complaints of torture.

Following his release, the Egyptian Organization for Human Rights reported that they had received "tens" of letters from AI members in the UK, Germany, Netherlands, USA, Australia, Costa Rica, Canada, Finland and Sweden. These were copies of letters sent to the Egyptian Government on behalf of Dr. Mohammed Mandour.

In the last issue of our UfA newsletter (ACT 60/01/91, March 1991) we published a message of thanks received by UfA from Dr. Mandour. In May 1991, Dr. Mandour was invited by Amnesty's German Section to speak at their Annual General Meeting. Below are extracts from the speech he gave on this occasion.

Cairo, May 16, 1991

Dear Friends,

Exactly 90 days ago, it would have been beyond my wildest imagination that I will be standing here among this international gathering of human rights workers, although it is just because of such a gathering and all it represents in the existence of a global human rights movement and network, that I am now free and able to be here today.

During the dark moments of captivity, when one is overwhelmed by his physical helplessness, denied any access to the outside world; and made to believe that not only his physical well-being but his life itself is totally at the mercy of his captors, the most precious hope one can hold to, is that others know of his whereabouts and of what is happening to him, and that somebody will move to try and extend a rescuing hand.

During these extremely long days, One tries to seek solace in the hope that in the latter event, others in his country and maybe in other parts of the world will know of his suffering and will work with renewed effort to try and prevent similar cases from occurring for others.

It is difficult for me to express my feelings, when having been released from incommunicado detention at the headquarters of the State Security Intelligence service and transferred to a legally designated prison, I finally came to meet with some one from the outside world, a lawyer and colleague from the Egyptian Organization for Human Rights, who informed me that during those ten days, thousands of voices in Egypt and around the world had risen to protest my detention and possible mistreatment, and that thousands of letters and cables had poured onto the offices of top government officials in Egypt to express indignation at mine and the case of my friend and colleague Dr. Emad Alris...

Later and upon my release without any charges and ironically with the apologies of a number of officers of the State Security Intelligence, I was able to go to the headquarters of our organization EOHHR, and see the tremendous efforts done on our cases.

What I can say in this respect, is that this whole experience has made me feel as never before, a member of a great human association and that my brothers and sisters in humanity gave real meaning to the word human, whatever one's country, doctrine or race etc.. ...

For personally, I well realize that I have been exceptionally fortunate. Being fairly well known in my personal and professional capacities in Egypt and in a few other parts of the world, as well as being a member of the board of trustees of the Egyptian Organization for Human Rights has no doubt somewhat stayed the hands of my torturers. I believe that the concerned police bodies in Egypt were concerned that my torture should be kept within certain limits as not to leave permanent or stark damage. From what I learned while at the State Security Intelligence service headquarters or later in prison, and from my work as a member of EOHHR, I realize that my torture was somewhat of a medium range, and I am humbled by the knowledge that there are tens of others in my country and possibly thousands around the world, who have not been as lucky as I have been.

The organizers of this meeting have asked me to speak a little about my personal experience with torture. This as you all may expect is not an easy matter for many reasons. ... I will restrict myself therefore to some aspects that have left a strong impression upon me.

- *The first of these, which has something of a humorous aspect in hindsight, is that despite of my fairly large size for an Egyptian, I have no recollection even as a child of ever having been beaten or of having been a party to a physical fight. One of the persistent and at the time extremely hard to bear aspects of my exposure to torture was that here I was suddenly while in my forties being exposed to the most humiliating beating and physical abuse. I might note in a more serious vein however, that the psychological humiliation and degradation involved in being totally helpless in the face of beating and physical abuse, in being stripped naked and in being verbally abused in the most vicious language possible, this psychological humiliation I might say is almost as difficult to bear as the actual physical pain.*
- *Another aspect I would like to especially make note of, is that my interrogation even under torture did not involve confronting me with any specific charges of any kind. Not once was I asked about my suspected involvement in armed activity or violence of any kind which is usually associated with this kind of brutal torture. ... The interrogating officer, whose face I never saw, would swear at me, abuse me verbally and order my torture not in an effort to make me confess to specific charges, but to disclose unspecified illegal activities of which I am suspect. A rather brutal fishing expedition.*
- *A final point, I may make is that in addition to the beatings, the two separate sessions of electric torture, and other forms of direct physical torture to which I was subjected, I was kept blindfolded and handcuffed continuously throughout my ten days of my captivity I will leave it to your imagination to conceive of the kind of often unbearable discomfort this involves.*

In conclusion, I would like to express in my own name and on behalf of the Egyptian Organization for Human Rights our profound appreciation for the wonderful efforts being made by Amnesty International and its members around the world. I would like to assure you that in the case of our country, and as my own case so clearly proves, these efforts have not been fruitless. Simply, you have played a very important part in saving the freedom, physical well-being and indeed the lives of countless numbers of prisoners of conscience around the world.

Dr Mohammed Mandour



LETTERS FROM PRISONERS:

~~SWAZILAND: UfA 468/90.~~ In November 1990, Sabelo Dlamini, Boy Magagulu, Dominic Mngomezulu, Ray Russon and Mphandlang Shongwe were placed in administrative detention. The five men undertook several protest hunger-strikes during their detention and were finally released on 22 March 1991.

Here are a few words extracted from a letter from one of the detainees to a UfA participant (who subsequently struck up a correspondence with him while he was still detained):

"I once more wish to pass my sincere thanks and gratitude to your tireless effort in securing our release from prison. Please pass my greetings to all members ... of Amnesty International."

The five men also sent a letter to AfI following their release, extracts of which are reprinted below:

RE: OUR TRIAL AND DETENTION WITHOUT TRIAL

"We would first of all like to congratulate Amnesty International for achieving 50th Anniversary of relentless work with a clear record of commitment to Human Dignity worldwide. This is no doubt a very demanding task especially in this our beloved world which is dominated by greed, selfishness and abuse of Human Rights. Today we talk about democratic changes sweeping the world especially our continent Africa and we are proud to give credit to your good organization Amnesty International for consistently having exposed infringements on the dignity of human kind. LONG LIVE AMNESTY INTERNATIONAL.

... we believe that our situation would not be what it is today if it was not for the valuable assistance we received because at one stage an application was made for the trial to be in camera and we believe that the presence of your representative had the required impact to influence the rejection of such an application. ... The pressure you exerted on the government during the trial and the detentions was of great help and no wonder we were released on the eve of the arrival of the delegation you sent here to talk to the government.

We thank you very much for all this assistance and urge you to carry on with this good work all over the world. Amnesty International shall always be inscribed in the annals of modern history with great pride. Long live Amnesty International, Long live the Spirit of Perseverance."

As a result of an action issued following the arrest on 11 May 1991 of Essolomwa Nkoy za Linganga, director and editor-in-chief of *Clima*, a prominent daily newspaper in Zaire, several Uf participants received a letter of thanks following his release on bail in late May 1991. Extracts from this letter are re-printed below:

CONCERNE: REMERCIEMENTS

C'est avec réel plaisir que j'ai pris connaissance de votre réaction consécutive à mon arrestation ... au courant du mois de mai 1991.

... Heureusement que suite aux réactions multiples venant de tous les coins du monde, des partis politiques de l'opposition, de la presse tant nationale étrangère, j'ai été libéré et continué à vaquer à mes occupations journalistiques.

... La seule solution qui reste pour le peuple zaïrois, c'est de continuer à combattre le régime de Monsieur Mobutu par des moyens démocratiques ...

ESSOLOMWA NKOY za LINGANGA
Directeur - Rédacteur en Chef."

"It was with real pleasure that I learned of your action following my arrest ... during May 1991.

... Fortunately after the numerous responses from all corners of the world: from opposition political parties, from the press - both national and international - I was released and I am continuing my work as a journalist.

... The only solution left to the people of Zaire is to continue the struggle against the regime of Mr. Mobutu using democratic means ..."

In late January 1991, Uf issued an Urgent Action on behalf of the leaders of the Rural Workers Union of Palmares, Pernambuco, Brazil and on behalf of Maria Aparceida Pedrosa, legal advisor to the same union. Uf was concerned for their safety in the light of repeated death threats and harassment against members of rural trade unions. Land disputes between peasant smallholders and landowners and conflicts over

rural workers' conditions are an endemic source of violence in Brazil. Over 1,000 peasants and their supporters are reported to have been killed since 1980, the vast majority of them hired by gunmen, known as *pistoleiros*, employed by landowners or aspiring landowners. According to FETAPPE, *Federação dos Trabalhadores na Agricultura em Pernambuco*, (Federation of Agricultural Workers of Pernambuco), of which the Palmares Rural Workers Union is a member, in the last seven years, 45 unionists have been murdered in the state of Pernambuco. Very rarely have the killers been detained or brought to justice. As a result of the Urgent Action, Maria Aparceida Pedrosa B. da Silva sent the following letter to an Uf participant in Germany:

"Dear sir,

It was a great pleasure knowing about the letter you wrote to the Ministry of Justice, Mr. Jarbas Passarinho, with a copy to FETAPPE.

I am very grateful, it is always good to know that people like you, had care and attention, as well as knowledge about the Brazilian reality, especially the land problems, with all its struggles and contradictions.

... I would also like to tell you that me and some close friends are still death threatened, not having any protection from the police. That fact had not allowed me to work as a union lawyer for rural people.

Brazilian law, in those cases, says that some procedures must be done to arrest them, it takes too much time, that's my fight, which I beg your help, writing to our authorities asking for justice in my husband's case.

yours,

Maria Aparceida Pedrosa is the widow of José Hélio da Silva, advisor to the Rural Workers Union of Palmares, who was killed on 13 December 1990 by unknown gunmen while travelling on the BR-101 highway between Palmares and Joaquim Nabuco.

On 22 February 1991, we issued an Urgent Action on behalf of Father Ricardo Rezende, former coordinator of the Pastoral Land Commission of Conceição do Araguaia, and leaders of the Rural Workers Union of Rio Maria, Pará, Brazil, who had been receiving death threats. (See UAF 65/91) Amnesty International's concern for their safety followed the assassination on 2 February 1991 of Expedito Ribeiro de Souza, president of the Rural Workers Union of Rio Maria (see UAF 40/91, AMR 19/02/91, 6 February 1991). Three men, including the landowner who allegedly ordered the assassination, have been arrested and are awaiting trial, charged with this crime. Following strong domestic and international pressure, the Brazilian Government granted Federal Police protection to Carlos Cabral Pereira, Roberto Neto da Silva and Orlando Canuto, and Military Police protection to Father Ricardo Rezende, but the situation in Rio Maria has since remained tense.

In response to UAF 65/91, copies of the following letter from the Rio Maria Committee has been received by UAF participants:

"Le Comité 'Rio Maria' remercie
ceux qui ont montré leur solidarité"

Chers amis,

*Nous vous remercions pour vos témoignages de solidarité en faveur de la communauté de **Rio Maria**, et pour les lettres que vous avez envoyées du Brésil et de tant d'autres pays, pour demander l'intervention des autorités. ...*

Le résultat a été remarquable. Les médias nationaux et internationaux ont donné une large couverture à ces crimes contre les travailleurs de notre région, et suscité l'indignation de l'opinion publique. ...

En raison de cette pression nationale et internationale, les autorités ont commencé à prendre des mesures pour assurer la sécurité de ceux qui ont reçu des menaces de mort. Des enquêtes policières et des procès criminels, suspendus depuis des mois ou des années, ont été rouverts. Quatre "pistoleros" et le représentant d'un commanditaire sont en prison. Cependant, le fait qu'aucun "commanditaire" ne soit incarcéré nous préoccupe, car ce serait pourtant bien là l'unique moyen de neutraliser la violence dans notre région. ...

*Rio Maria, le 28 mars 1991
Guaracy Boschiglia, pour le Comité
"Rio Maria"*

"Dear Friends:

We thank you for your expressions of solidarity in support of the community of Rio Maria, and for the letters that you sent from Brazil and many other countries demanding government intervention.

The result was remarkable. The national and international media gave huge coverage to the crimes against the workers in our region, and provoked the public to indignation. ...

Due to this national and international pressure, the authorities have begun to take steps to ensure the security of those who have received death threats. Police enquiries and criminal proceedings, suspended for months or years, have been resumed. Four gunmen and a "middle man" are in prison. However, we are worried by the fact that not one of the ringleaders has been imprisoned because this would certainly be the only way to halt the violence in our region.

In solidarity,
Guaracy Boschiglia
Rio Maria Committee"

Against a background of reports of further threats and acts of intimidation against Father Ricardo Rezende and the rural union leaders of Rio Maria, it has been reported that the Federal Police informed Carlos Cabral Pereira, Roberto Neto da Silva and Orlando Canuto of its intention to withdraw their protection from 3 September 1991. The

decision has not yet materialized, allegedly because of the intervention of the Attorney General's Office, however, Amnesty International believes that continuous police protection is still essential for the personal safety of the rural union leaders as well as of Father Ricardo Rezendes.

Joe Giaratano, (TLX 02/91) scheduled to be executed by electrocution in the state of Virginia (USA) on 22 February 1991, had his death sentence commuted to life imprisonment with the possibility of parole after 25 years (including the time he has already served). The following letter of thanks from Joe was received by the British Section of AI:

"Dear Friends

Please forgive my long delay in getting this note of thanks off to you. My stay in the death house has left me with a great deal of emotional stress to work through. Twelve years of psychological torture have taken its toll on me. But I am getting my head back together and intend to continue my quest for justice.

I cannot even begin to thank you for all your caring and support - your continuing efforts helped make the difference and save me from the executioner. Please know how very grateful I am to you - mere words seem so inadequate to express what I feel. Without your help and support of the Virginia Coalition I would not be writing this letter instead I would have been legally murdered in the state's death machine on 22 February 1991. Thank you for helping to stop that, and for caring for one so far away.

As you know, the Governor of Virginia, L. Douglas Wilder, commuted my death sentence to life in prison with possibility of parole in another 15 years. He also cleared the way for me to receive a new trial, but left the decision on that to the Attorney General, Mary Sue Terry. Ms Terry refuses to reopen my case, refuses to let my attorney or the public review the evidence, and remains obstinate on the new trial issue: in spite of the Governor's action. I will continue my battle for justice and hopefully one day truth and justice will prevail over legal artifice and perceived political embarrassment.

Thanks to your efforts and support of the Virginia Coalition I am ABLE to continue my quest.

As soon as I get to my regular prison assignment and settle in I hope to write and keep you updated on a regular basis on my case; and the Coalition's efforts to abolish capital punishment in this country.

Again thank you for caring and your continued support. Please know that you are very much in my thoughts.

Much love and Peace

Joe Giaratano"

REPLIES FROM GOVERNMENTS:

~~In reply to death penalty appeals:~~

A proposal for a constitutional reform to allow Brazilians to vote in a plebiscite to reinstate the death penalty for kidnappings, burglaries and rapes resulting in the victim's death has been presented by Congressman Amaral Netto and is currently being debated in the 1991 parliamentary sessions. On 12 March 1991, AI issued UA 95/91 (AMR 19/09/91) expressing concern at the possible reintroduction of the death penalty in Brazil. Since its issue, increasing publicity has been given by the Brazilian media to the death penalty issue. As press coverage gathers momentum the adoption of the death penalty seems to be portrayed as a solution to violent crimes.

An opinion poll published at the end of April 1991 indicated that 60% of the Brazilian population were in favour of the reintroduction of the death penalty and 84% were in favour of a plebiscite on the issue.

As a result of the UA, many replies have been received from the Brazilian Senate, the House of Deputies and the leaders of the main political parties. The following two are examples of the differing opinions within the political spectrum on this issue:

Brasília, 25 de abril de 1991

"Je crois que les membres de l'Amnesty International ont déjà perdu du temps et du papier en train d'écrire à ce député. De même qu'ils me font perdre mon temps en train de répondre.

Je pense que n'importe qui défend la vie des monstrueux assassins, ce type dugens ne mérite pas mon respect.

*Je suis l'auteur de la proposition constitutionnel d'avoir un plébiscite sur la peine du mort et je veux si possible être le bourreau de le premier condamné.
Autrement je veux dire qu'un accusé seulement recevoir la sentence capitale après quatre jugements".*

Deputado AMARAL NETTO
Vice-Líder do PDS

"I think that the members of Amnesty International have already wasted enough time and paper in writing to this representative. Just as they force me to waste my time responding.

I believe that anybody who defends the lives of these monstrous murderers is not worthy of my respect.

I am the initiator of the constitutional proposition to have a plebiscite on the death penalty and I want if possible to be the executioner of the first to be condemned. However, I should say that the accused only receives the death sentence after 4 appeals."

On 27 August the proposal by Congressman Amaral Netto to reintroduce the death penalty in Brazil was returned to the Constitution and Justice Commission for further study following serious questions by parliamentarians regarding its constitutionality. The parliamentary debate has been deferred.

On 14 August 1990, the President of Argentina, Carlos Menem, withdrew his proposal to reintroduce the death penalty. Twenty days after draft legislation was presented to the Argentine Congress to modify the Penal Code so as to reintroduce the death penalty for crimes such as kidnapping resulting in death, and drugs trafficking, the Presidential Legal and Technical Secretary (Secretario Legal y Técnico de la Presidencia) announced the presidential decision to withdraw it. (44-321/90)

Texas (USA) has the largest death row in the country and, since 1976, has executed more prisoners than any other state - 41 to date. As of April 1991 there were 335 prisoners under sentence of death in Texas. Four Texas prisoners have been executed this year, the most recent being James Russell on 19 September 1991. In response to their appeals for clemency on behalf of prisoners currently awaiting execution on death row, UA participants have received the following standard reply from the Governor of Texas, Ann W. Richards:

"Thank you for writing and expressing your concerns about the use of the death penalty in Texas.

Carrying out the death penalty is the most awesome responsibility a governor has. The people of Texas have given the courts the right to invoke the death penalty and it is a responsibility that judges and juries take very seriously. It has always been my belief that elected officials should act upon the interests of the people they serve. Furthermore, I am not going to substitute my opinion of a case for that of the court unless new evidence has come to light between sentencing and the carrying out of the sentence.

I certainly do not believe, however, that the only solution to the crime problem is to hand down stiffer penalties. We must focus our efforts on breaking the cycle of crime that finds some people in the criminal justice system and ensure that the system offers rehabilitative and educational programs that provide an alternative to a life of crime. I am committed to working with the Texas Legislature to ensure that those programs are enacted and properly funded.

The decisions that must be made in dealing with violent crime are agonizing ones, but they must be made to maintain order in our society. ..."

In July 1991, AI issued an Urgent Action on behalf of 15 people sentenced to death for drug offences allegedly committed in the state of Sabah, Malaysia (~~see UfA 256/91~~). AI expressed its serious concern that the 15 have been sentenced to death in trials which may have fallen far short of international standards. The 15 were allegedly tortured and forced to sign statements written in Malay, which they were unable to read or understand. They were disadvantaged by language difficulties during the trials and have been denied contact with their respective embassies.

In reply, the State Attorney-General's Chambers in Sabah, Malaysia sent the following letter to an AI participant:

"Re: 15 Drug Offenders

I am directed by the Honourable the Chief Minister of Sabah ... to refer to your letter ... concerning the above.

2. The Chief Minister of Sabah appreciates very much the concern of the Amnesty International about the trials of the 15 drug offenders in Sabah and would like to assure you that Malaysia like the United Kingdom and other common law countries practises the adversary system of criminal justice where a person is presumed innocent until proved guilty. ... In the circumstances, there is absolutely no truth in the allegations that the trials of these offenders have fallen short of international standards.

3. As regards the allegation of torture, the prison authorities have categorically denied this. However, the prison authorities welcome representatives from Amnesty International to interview these offenders so as to verify the truth of the information it had received.

4. As regards the issue of capital punishment, the need for it depends on the situation in a particular country. In Malaysia drug trafficking had become such a serious problem that it has threatened the very existence of our society. Therefore, the situation demands that capital punishment should be carried out according to the law. It is hoped that Amnesty International in its own wisdom should also appreciate the evils brought to the society by these people whose only objective is greed for quick financial benefits.

5. I hope that the above will help your organization to understand our country, our people and our system in the proper perspective. ..."

~~In writing urgent action appeals on behalf of prisoners who have been sentenced to death, AI participants may like to take note of the following points which represent the main thrust of AI's unconditional opposition to the use of the death penalty:~~

(a) Execution is irrevocable and can be inflicted on the innocent (no matter how good the judicial system);

(b) The death penalty has never been shown to deter crime more effectively than other punishments;

(c) The use of the death penalty is brutalizing to all who are involved in the process;

(d) Execution is an act of violence, and violence tends to provoke violence;

(e) The death penalty is frequently used as an instrument of repression against opposition, racial, ethnic, religious and underprivileged groups;

(f) The death penalty denies the widely accepted penal principle of rehabilitating the offender.

~~In addition, you may be interested in the following arguments against the use of the death penalty for drug offenders:~~

- (a) The rationale for using the death penalty against drug traffickers is that it will deter offenders more effectively than other punishments. However, despite hundreds of executions in different countries there is no decline in drug trafficking which could clearly be attributed to the threat or use of the death penalty. There is no scientific evidence that the death penalty deters drug trafficking more effectively than other punishments;
- (b) Using the death penalty for drug offences entails the risk of executing petty dealers or even drug addicts while the organizers behind the drug trade remain free. There is also a risk that faced with a possible death penalty, drug dealers would more readily kill to avoid capture.

~~The following may be of particular interest in relation to the reply reproduced overleaf from the Malaysian government:~~

Doubts about the effectiveness of the death penalty as a deterrent have been expressed by Malaysian officials. In June 1990, the Deputy Minister of Home Affairs, Megat Junid, said that Malaysia's mandatory death penalty for drug trafficking had failed to curb trafficking and drug abuse and that a new approach to the problem was needed. In a paper presented at the national Seminar on Drugs Treatment and Rehabilitation in Kuala Lumpur in July 1990, the deputy director of the Criminal Investigation Department's anti-narcotics force said the mandatory death sentence had not shown signs of achieving its role as a deterrent in the six years since its enforcement. Instead, the number of people detained for trafficking had increased and those detained were usually replaced by other traffickers within a short time.

René Prével, the Prime Minister of Haiti writes in response to UN appeals concerning Philistin Auguste, Lucien Auguste and Joseph Nixon (UN 140/94):

"J'accuse réception de la volumineuse correspondance reçue au Palais National concernant le cas des citoyens haïtiens: Philistin, Auguste, Lucien Auguste et Joseph Nixon qui auraient été appréhendés et torturés par des membres des Forces Armées d'Haïti.

Je désire vous assurer qu'une enquête est ouverte pour vérifier la véracité des faits portés à notre connaissance. Au cas où ils se révéleraient constants, des mesures de redressement seront promptement prises.

Dans l'espoir que sous peu les efforts déployés pour l'instauration de la Démocratie en Haïti, nous mèneront finalement à l'Etat de Droit tant convoité par nous tous ..."

"I acknowledge receipt of volumes of correspondence sent to the Palais National concerning the case of Haitian citizens, Philippe Auguste, Lucien Auguste and Joseph Nixon who, according to reports, were apprehended and tortured by members of the the Haiti Armed Forces.

I wish to assure you that an enquiry has been opened to verify the truth about the facts brought to our attention. If they turn out to be true, measures will be promptly taken to redress the situation.

In the hope that soon the efforts that have been undertaken in the restoration of democracy to Haiti will finally lead us to the rule of law so desired by us all ..."

Jorge Orlando Melo, Consejero Presidencial para los Derechos Humanos (Presidential Adviser on Human Rights) in Colombia sent a telex to the Swiss Section of AI in response to appeals sent to Colombia concerning the killing of journalists Julio Daniel Chaparro Hurtado and Jorge Enrique Torres Navas (see UFA 142/91):

"... EL PRESIDENTE DE COLOMBIA, CÉSAR GAVIRIA TRUJILLO, EN FORMA PÚBLICA, CONDENÓ ESTO ACTO CRIMINAL, EL CUAL ATENTA CONTRA LA LIBERTAD DE PRENSA. ADemás ORDENO EL PRESIDENTE GAVIRIA QUE LAS INVESTIGACIONES CORRESPONDIENTES SE ADELANTE CON PRONTITUD Y EFICACIA, ADemás DE SOLICITAR AL PROCURADOR GENERAL DE LA NACION LA DESIGNACION DE UN AGENTE ESPECIAL DEL MINISTERIO PÚBLICO PARA LA VIGILANCIA DE ESTAS INVESTIGACIONES Y PARA GARANTIZAR LA IMPARCIALIDAD DE ELLOS. ...

ESTA ES UNA RESPUESTA PRELIMINAR Y ME COMPROMETO CON USTEDES A REMITIRLES INFORMES PERIODICOS SOBRE EL AVANCE DE LAS INVESTIGACIONES QUE REALICE LA JUSTICIA COLOMBIANA PARA QUE LOS RESPONSABLES DE ESTE ACTO CRIMINAL SEAN IDENTIFICADOS Y CASTIGADOS.

REITERO EL AGRADECIMIENTO DE MI GOBIERNO POR SU INTERES EN COLOMBIA. ..."

"...The President of Colombia, César Gaviria Trujillo, publicly condemned this criminal act which is an outrage against the freedom of the press. Moreover President Gaviria ordered that the investigations into this case proceed promptly and efficiently and has asked that the Procurator General appoint a special agent to monitor these investigations and to guarantee their impartiality. ...

This is a preliminary response and I promise that I will inform you periodically of the progress of these investigations which the Colombian Justice system has undertaken to identify and punish those responsible for this criminal act.

On my behalf of my government, I thank you once again for your interest in Colombia. ..."

In response to UFA 250/91 regarding the attempted killing of Vidal Tombo and two companions, the Undersecretary to the Department of National

Defense in the Philippines sent the following communication to the Secretary of the Interior and Local Government who is responsible for the Philippines National Police requesting an immediate investigation into the incident:

REQUEST FOR RELEASE OF MR. ABDUL RAHIM FROM UNLAWFUL DETENTION.

This request was sent by the Prime Minister's Secretariat in Islamabad, Pakistan to The Chief Secretary of the North West Frontier Province, Pakistan enclosing "...copies of 12 petitions received from various international agencies and others addressed to the Prime Minister on the above subject. ..."

These petitions were sent to Pakistan from UFA writers in Germany, the Netherlands, Austria, UK and France in response to UFA 234/91 concerning the abduction of Abdul Rahim Chinai, a former senior government official in Afghanistan who lived as a refugee in Peshawar, Pakistan.

EMBASSIES:

Embassies are an important forum for conveying Amnesty's concerns about a particular case to the relevant government authorities in the target country. Each UA asks that participants send a copy of their appeal to the diplomatic representatives of the target country in their own country. Participants in countries where it is too expensive or too slow to send appeals to governments in other countries should not let this deter them from effective participation in the UA scheme. Consider sending your appeal direct to the embassy of the offending country in your own country. Alternatively, you could even organize a demonstration outside the relevant embassy highlighting the cases of prisoners who are the subject of UA appeals. The following letters, received in June 1991 from the Turkish Embassies in London (UK) and Oslo (Norway) respectively in response to UAs issued on that country, show that whatever the content of these replies a response has been forthcoming and the contents of the original letters from UA participants have been passed on to the authorities in Turkey:

◆ *"In reference to your letter dated 31st May, permit me to mention that its contents are a replica of those of Amnesty International. It has been witnessed by our Embassy that, various institutions and individuals convey letters to our Embassy when they receive information about an arrested person in Turkey, without undertaking any investigation to assess whether the allegations are serious enough to raise concerns about the subject matter. Mind you, what Amnesty says is not the word of the gospel. They are as liable as any of us to committing mistakes, innocently or with ulterior motives.*

Nevertheless, I have conveyed the contents of your letter to our authorities in Turkey for due consideration. You will be duly informed when I receive any information about the prosecution of the said individuals."

◆ *"Our Embassy has been approached by various members of Amnesty International Norwegian Branch with claims of ill-treatment concerning Turkish and/or Iranian citizens. All these allegations have been investigated by the Turkish authorities concerned. I am forwarding the results of these investigations for your information.*

Furthermore in a recent circular by the Turkish Ministry of Justice to Public Prosecutors, after stipulating elaborately Turkey's international commitments concerning human rights, it is instructed to precipitously inquire into and prosecute allegations of torture and ill-treatment, to hold medical examination of suspects before and after questioning and to meticulously comply with the provision allowing suspects to exercise their right of access to their lawyers during detention."

In response to UA 75/91, the South African Embassy in Washington (USA) writes:

"... Your concern for the safety of Reverend Mzamo Mathe is noted and appreciated. The South African Government is deeply troubled by any incident of intimidation or threats to an individual's safety and will do all within its power and limited resources to investigate such matters, and to deal with those responsible within the realms of the law. ..."

In response to a spate of UrfIs issued on Uganda earlier this year, the Embassy of the Republic of Uganda in Germany sent this reply to several UrfI participants:

"We have been receiving letters from members of Amnesty International regarding certain individuals under detention. Due to shortage of manpower, we are unable to answer each letter individually. ..."

The letter goes on to say that the detentions which took place in Northern Uganda are being investigated, that the results of such investigations will be made public and that some army personnel in the Kumi/Soroti area are already in custody in relation to offences committed.

The letter subsequently closes with the following words:

"... We do work closely with Amnesty International and International Alert and do take advice from both Organisations. ..."

The content of this reply is similar to others received from the Ugandan Government. They quite consistently reply to AI's queries or concerns, usually outlining what they are trying to do to improve human rights.

The Embassy of Sudan in Vienna (Austria) responded to UrfI appeals in the following way:

"The Embassy of the Republic of the Sudan presents its compliments to International Amnesty - Vienna and has the honour to inform that H.E. the President of the Republic of the Sudan announced the release of all political detainees in prisons, and the subjection of future precautionary arrests to judicial control in accordance with the law. The release extended to the former Prime Minister Mr. El Sadig El Mahdi and the leader of the dissolved Communist Party Mr. Mohamed Ibrahim Nugud."

"... The Embassy of the Republic of the Sudan avails itself of this opportunity to renew to International Amnesty the assurances of its highest consideration. ..."

Similar letters have been received by AI group members from various Sudanese Embassies and Government officials since the general amnesty in April 1991 all claiming that all political prisoners have been freed and that new political arrests will be referred to the judiciary. However, according to AI's information, at least 40 people remain in detention and new arrests have also been made.

In response to 13 death sentences passed by Kuwait's Martial Law Courts between 8 and 17 June 1991, a UrfI was issued urging the commutation of all 13 death sentences and the trials to be halted until the proceedings be brought into line with international standards. On 26 June 1991, a total of 29 death sentences were commuted to life sentences by the Crown Prince, Shaikh Sa'ad al-Abdallah Al-Sabah. The Embassy of Kuwait in London (UK) made the following response to UrfI appeals:

"... you will be pleased to know that the Emir and the Martial Law Governor of Kuwait have, once again, exercised their powers of clemency."

"This continues the merciful justice which has become the trademark of our ruler. ... In spite of the understandable feelings and desire for revenge among our own citizens, Kuwait continues to dispense justice with fairness. ..."

PRESS CUTTINGS:

On 31 July 1991, Yusuf Serhat Bucak, a lawyer and proprietor of the newspaper Yeni Ülke (New Land) was detained in the course of investigations under the Anti-Terror law into speeches advocating separatism, which he was alleged to have made at the funeral of murdered politician and human rights activist Vedat Aydın, on 10 July 1991.

The newspaper Yeni Ülke deals mainly with events in southeastern Turkey where most of the Kurdish minority live. Many editions of the newspaper have been confiscated on the grounds that they contain separatist propaganda, and 16 legal proceedings have been initiated against the paper since April 1991.

An Urgent Action was issued on his behalf on 31 July 1991. (~~UAI-263/91~~) On 7 August 1991 he was released by Diyarbakır State Security Court. On 18 August 1991, Yeni Ülke published the following message of thanks:

~~Government reply to Amnesty International concern at security forces' behaviour (UAI-72/91)~~

The article reproduced below represents the first public response from the Albanian government to appeals sent on behalf of an individual case:

~~Tibet Government Head speaks on Human Rights situation:~~

In an interview with the Chinese-language newspaper Wen Wei Po in Hong Kong on 21 April 1991, Gyaltzen Norbu, chairman of the government of the autonomous region of Tibet, brought up the case of Lobsang Tenzin [Luosang Danzhen], a Tibetan student sentenced to death for the alleged murder of a policeman during violent clashes between demonstrators and police at the climax of the Mon Lam prayer festival on 5 March 1988.

The interview contains the first public mention of Amnesty International by a senior government official in the People's Republic of China: *"... After that sentence was passed, the Amnesty International organization sent nearly 1,000 letters to me ..."* Lobsang Tenzin's death sentence was commuted earlier this year. (See ~~UAI-70/90 and follow-ups~~)

~~Flood of pleas — Individuals, human rights organizations worldwide still plead for freedom for condemned alleged kid robbers:~~

The case of 12 young men sentenced to death in Nigeria in 1988 was highlighted in a recent issue of Newswatch, a Nigeria news magazine (June 3, 1991). ~~(see U4 320/90 and follow-ups)~~

"... State House, Marina and Dodan Barracks, Lagos, are flooded with a deluge of letters from the United States of America, Bulgaria, Britain, Belgium, Poland, Sweden and France, urging President Ibrahim Babangida and Raji Rasaki, governor of Lagos State, to intervene and save the lives of the boys. ... The major grouse of the petitioners is the death of Mohammed Ibrahim while in prison last December.

"I am writing to express my concern over the death in prison of Mohammed Ibrahim, one of the 12 young men sentenced to death in June 1988 and to ask whether there has been an inquest into the reasons for his death," wrote William J. Cromartie from Pomona, USA.

Anna Tuommeinen and Sari Tuommeinen, both from Finland, urged the government to ensure that the "remaining 11 prisoners receive appropriate nutrition and medical treatment in conformity with the United Nations standard minimum rules for the

treatment of prisoners."

Some of the letters call for an independent judicial examination. Writes Till Soeling from Germany: "In view of the lack of any right of judicial review by a higher court, I urge that an independent judicial examination be made in this case."

Some of the petitioners expressed outrage: "I consider this penalty a particularly cruel, inhuman and degrading punishment and oppose it in all cases. And this in particular to people as young as 14, who cannot realise the consequences of their actions," Brita Werner, a member of Amnesty International from Sweden wrote.

Others wrote to say the trial was unfair, especially on persons considered to be minors at the time of the offence. "On this basis," said Magreth Stevenson from Canada, "I appeal to you to use your power and influence in this matter."

The 12, one of whom was under 18 when arrested, were sentenced to death in June 1988 by the Robbery and Firearms Tribunal in Ikeja, Lagos State, after being convicted of armed robbery. Their trial was marked by a series of procedural irregularities, and their case provoked protests both within and outside Nigeria.

Mohammed Ibrahim, one of the 12, died in prison on 24 December 1990 from pulmonary tuberculosis, apparently as a result of medical neglect.

Amnesty International remains concerned that the executions of the remaining 11 men could still take place. Colonel Raji Rasaki, Military Governor of Lagos State, announced on 26 July 1990 that he would not commute the death sentences imposed on the 12 men.

~~Augustine Eke, one of the 12, was 14 years old when he was arrested. His case is one of the 30 currently highlighted by AI as part of its 30th Anniversary Campaign~~

~~International appeals for stay of execution against Thai seaman:~~

On 25 April 1991, we issued a further information to UFI 112/91 - Indonesia, on behalf of Kamjai Khong Thavorn, a 33-year-old Thai seaman sentenced to death for drug-smuggling in December 1987.

As a result of UFI appeals, the following text appeared on GreenNet, an international electronic network which transmits news on human rights and environmental issues to subscribers around the world:

UFI participants were asked to send their appeals to several newspapers and journals in Indonesia. The letter opposite was one of several printed as a result in the Jakarta Post urging that the execution of Kamjai Khing Thavorn not be carried out:

~~Amnesty appeal to State President F.W. De Klerk: Four detainees released~~

George Molaioa, Henry Molome, Tsidiso Ntaopane and Solomon Rasemi were arrested on 30 December 1990 and detained under the terms of Section 50 of the Internal Security Act. Three of them went on hunger-strike the same day in protest against their detention. An Urgent Action was issued on their behalf on 9 January 1991 (44-03/91). The men were released unconditionally on 11 January 1991.

The following reports appeared in the Cape Times and Agence France Presse immediately following their release:

"POLICE RELEASE FOUR PEOPLE AFTER INTERVENTION BY AMNESTY INTERNATIONAL"

Johannesburg, 11 Jan [1991] (AFP) - Four detainees in Klerksdorp Prison (situated 130 km southwest of Johannesburg), three of whom had been on hunger-strike for the past thirteen days, were released on Friday following intervention by Amnesty International, their lawyer Satish Roopa announced.

On Wednesday, Amnesty International announced that it was urging President De Klerk to release Solomon Rasemi, George Molaioa, Tsediso Ntaopane and Henry Molome, detained under the terms of Section 50 of the Internal Security Act which provides for detention without charge for up to 14 days. The hunger-strikers demanded to be charged or released.

The four men are all senior office-bearers of the Jouberton Civic Association, Klerksdorp, and were detained in connection with the organizing of rent boycotts and campaigns to force local black government officials to resign. Mr Molome had been admitted to hospital on Sunday in a critical condition."

~~Four saved from gallows in Venda:~~

John Tsakani Chauke, scheduled to be executed on 31 January 1991 in the nominally-independent "homeland" of Venda (South Africa), was granted a reprieve only hours before his execution was due to take place. John Tsakani Chauke was the subject of TLX 03/91, issued on 30 January 1991, along with Nkhumeleni Mulaudzi, Ralson Mulaudzi and David Matodzi Rembuluwani. The latter 3 men had their death sentences commuted to life imprisonment on 30 January 1991.

~~Appeals from Germany to protect the life of Casa Alianza street educator:~~

In response to ~~44-499/90~~, concerning the attempted abduction of Axel Mejía, a street educator with Covenant House (Casa Alianza), the article opposite appeared in Prensa Libre, a national daily newspaper in Guatemala:

Franz J. Hücklenbruch from Germany has urged the government of Jorge Antonio Serrano Elías to protect the life of Axel Mejía who has received threats because of his work as a street educator for Casa Alianza. The plea was sent by fax to the Guatemalan government. Copies were sent to the Minister of the Interior, Lic. Fernando Hurtado Prem; to the Procurator General, Heiselo Valladares; to the Head of the National Police, Colonel Julio Enrique Paíz Bolaños, and to Casa Alianza.

The fax contained the following message: *"On 30 April, Axel Mejía was threatened. He is employed as a street educator with Casa Alianza and is the principal witness to an attack on street children by members of SIPROCI which occurred on 7 November. On 4 December armed men tried to abduct him".* He

adds: *"I am concerned by this series of attacks against Axel Mejía. I urge that he be protected; that the threats be investigated and that those found to be responsible be brought to justice".* In concluding, he states that "Axel Mejía and all those who work with street children require protection".

~~NAHAMÁN CARMONA LÓPEZ and the street children of Guatemala~~

Bruce Harris, executive director for Latin America of Covenant House, which works for street children in Guatemala, presents a plaque to AI on their behalf.

"I carry the voice of the street children of Guatemala to thank AI for all that you have been doing to help them - The kids never ever believed they had rights ... AI has moved mountains ..."

~~Street child Nahamán Carmona López~~, aged 13, was attacked by four policemen on 4 March 1990 as he was sniffing glue with other street children in central Guatemala City. Eventually taken to hospital in a coma he was identified there by a staff member of Covenant House (Casa Alianza), an agency that helps street children. Nahamán died on 14 March 1990 of multiple injuries including a ruptured liver, severe bruising to the membrane enclosing the abdominal and pelvic cavities, six fractured ribs, two broken fingers and severe bruising to seventy per cent of his body.

In June 1990, four policemen were arrested. Following Nahamán's death, a number of his friends and witnesses to the attack were subjected to threats, intimidation and beatings. ~~(See UAI 294/90 and follow-ups)~~

Urgent Action participants were asked to appeal for guarantees for the security of Nahamán's friends and the witnesses to the attack on him, and that those responsible for his death be brought to justice.

In March 1991, the four police officers who were accused of killing Nahamán Carmona López were brought to trial and sentenced to prison terms of between 10 and 15 years. However, on 19 July 1991, these sentences were overturned by the Third Chamber of the Appeals Court (*Sala Tercera de la Corte de Apelaciones*) on technical grounds. A transcript of the sentence made available to Amnesty International indicates that the annulment of the sentences was due to "the violation of ... essential formalities in the proceedings" (la violación de ... formalidades esenciales del proceso) which, in the Court's view, gave grounds for the annulment of the sentences. The transcript states that in the order initiating criminal procedures, the hour indicated for the killing of Nahamán was 2.30 a.m., while it had been established that the killing had taken place at 0.20 a.m. on 4 March 1990. The sentencing judge was imposed a fine of 20 Quetzales (US\$ 4.00). According to the information made available to Amnesty International, the charges against the policemen still apply, and a retrial has been ordered by the Appeals Court. The policemen remain in jail, pending the re-trial.

The following article appeared in the German press as a result of publicity generated from this UAI:

The caption reads:

Police Officers convicted of murder of street child. Guatemala City. [AP]

and the text follows:

Four police officers were yesterday sentenced to up to 15 years' imprisonment for the murder of a homeless boy. They were found guilty of beating 13-year-old Nahamán Carmona López to death on 14 March 1990. Killings of street children are very common in Guatemala. A social worker who at times had looked after the boy and had initiated proceedings said that Nahamán had died in hospital ten days after being attacked by the police officers. He had suffered a ruptured liver, brain damage, head injuries, numerous fractures and a laceration on his back.

~~Nahamán Carmona López is one of the 30 cases currently highlighted by Amnesty International as part of their 30th Anniversary Campaign and the photograph below shows his funeral procession.~~

~~RECOMMENDED ACTION: Express and airmail letters:~~

Urgent Action participants receiving this bulletin may wish to continue sending appeals to the President of Guatemala:

- ◆ noting the recent annulment of the sentences imposed on the four policemen found guilty of the murder of Nahamán due apparently to a procedural error, and that the Court of Appeal has ordered a re-trial;
- ◆ stating that Amnesty International is continuing to closely monitor the case and urging that those responsible for the murder of Nahamán Carmona López be brought to justice.

~~APPEALS TO:~~ S.C. Jorge Serrano Elías **[Salutation: Excelentísimo Sr. Presidente]**
Presidente de la República de Guatemala
Palacio Nacional, Guatemala, GUATEMALA