

EXTERNAL (for general distribution)

AI Index: AFR 52/37/90
Distr: UA/SC

19 October 1990

Further information on UA 17/90 (AFR 52/05/90, 12 January, and follow-ups AFR 52/09/90, 26 January, and AFR 52/10/90, 8 February) - Fear of Unfair Trial

New Health Concern

SOMALIA: Abdirashid Abdi Kheyre, businessman
 Farah Mohamoud Elmi, veterinary lecturer
 Mohamed Osman Farah ("Oon"), former security official
 Hassan Abdullah Hassan ("Goley"), businessman
 Mohamed Sheikh Mohamud Guleid ("Gamadeere"), businessman
 Hassan Gutale Abdullah ("Koshin"), businessman
 Abshir Ali Isse ("Dirshe")
 Mohamed Hassan Osman ("Sanweyne")
 Mohamed Osman Tifow, veterinary scientist

On 13 October 1990, the above nine prisoners, who were arrested in Mogadishu in mid-July 1989 and charged with political offences punishable by death, went on hunger strike. They are demanding to be either released or given a fair and early trial. They are held in Mogadishu central prison and visits appear to have been stopped. Their lawyer said yesterday that their condition is "critical".

They were to be tried before the National Security Court, together with 11 other "wanted" people who escaped arrest but were to be tried in absentia.

Other people arrested with them have been released without being charged. The trial has been postponed several times. However, on 11 October 1990 the National Security Court was abolished and all cases before it were transferred to the ordinary courts. In addition, the National Security Law under which the nine were charged and detained was repealed. These measures were in line with the introduction on 12 October of a new Provisional Constitution which will remain in effect until a constitutional referendum within a year's time.

The Provisional Constitution, whose text has not yet been published, reportedly contains improved protection for human rights and permits the formation of other political parties than the ruling Somali Revolutionary Socialist Party (SRSP).

Shortly beforehand, on 9 October, the Foreign Minister announced that all political prisoners would be released, and he is reported to have said this would take place by the end of October. A judicial review committee has been set up to review all cases which were previously before the National Security Court. At least 12 other political detainees, who had been held without being charged with any offence, have already been released. Abdirashid Abdi Kheyre and the other eight prisoners named above have not yet been released.

They have not been charged with any new offence, but there are reports that the authorities are claiming that they are not political prisoners. They have alleged that they continue to be detained because of their Hawiye clan origin - the other political detainees who had recently been released belong to the Ogadeni clan.

Four of the nine were reportedly already in poor health as a result of torture, ill-treatment and harsh prison conditions - in particular Farah Mohamoud Elmi, whose hearing is allegedly severely impaired, Mohamed Osman

Farah, said to be unable to walk, Mohamed Osman Tifow, said to have lost a considerable amount of weight, and Mohamed Sheikh Mohamud Guileid, said to be suffering from severe depression.

Amnesty International believes the nine are imprisoned for their non-violent opposition to President Mohamed Siad Barre's government. It has adopted them as prisoners of conscience and has called for their immediate and unconditional release.

FURTHER RECOMMENDED ACTION: Telegrams/telexes/express and airmail letters:

- expressing concern at the continued detention without trial of these nine political prisoners;
- urging that they receive any necessary medical treatment, particularly in view of reports that they are on hunger strike and that some are still suffering from injuries caused by torture or ill-treatment;
- repeating appeals for their unconditional release as prisoners of conscience.

APPEALS TO:

His Excellency
 President Mohamed Siad Barre
 President of the Somali Democratic Republic
 Villa Somalia
 Mogadishu, Somalia

Telegrams: President Siad Barre, Mogadishu, Somalia
 Telexes: 639 MOG (via Ministry of Foreign Affairs)

His Excellency Mohamed Ali Samatar
 First Vice-President
 The Presidency
 Mogadishu, Somalia

Telegrams: 1st Vice-President Samatar, Mogadishu, Somalia
 Telexes: 3645 PREMIER SM

Dr Abdulqasim Salad Hassan
 Minister of Interior
 Ministry of the Interior
 Mogadishu, Somalia

Telegrams: Interior Minister Hassan, Mogadishu, Somalia

COPIES TO:

Dr Mohamed Omar Farah
 Attorney General
 Attorney General's Chambers
 PO Box 1745
 Mogadishu, Somalia

Brigadier General Aden Jama ("Irday")
 Commander of the National Security Service
 National Security Service Headquarters
 Box 432
 Mogadishu, Somalia

General Ahmed Elmi Sahal
 Commander of Somali Custodial Corps
 Somali Custodial Corps Headquarters
 PO Box 721
 Mogadishu, Somalia

Dr Ahmed Hassan Sheikh
President of the Supreme Court
Supreme Court
Mogadishu, Somalia

and to diplomatic representatives of Somalia in your country service

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 30 November 1990.