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1998 UN COMMISSION ON HUMAN RIGHTS 5 Appeal Cases: Bringing the victims into the light

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**“There are some very basic standards of human behaviour,
violations of which are simply unacceptable”**

Kofi Annan, Secretary-General of the United Nations¹

Five appeal cases:

Cambodia Sok Srey
Colombia Elsa Constanza Alvarado and Carlos Mario Calderón
Kenya Geoffrey Ndungu Gichuki
Saudi Arabia Sarah Jane Dematera
Turkey Selahattin _im_ek

INTRODUCTION

Amnesty International as a worldwide movement works to prevent some of the gravest human rights violations wherever they occur. The organization does not grade countries according to their human rights record but concentrates on ending specific violations. This year Amnesty International is calling on the UN Commission on Human Rights (the Commission) to act in particular on **five** country situations where there is a pattern of persistent, severe and systematic violations of human rights.

¹Statement by the UN Secretary-General, 15 October 1997, Press Release SG/SM/6359.

These are: **Cambodia, Colombia, Kenya, Saudi Arabia and Turkey**. In this document Amnesty International summarizes five cases of serious human rights violations, one from each of the five countries. Amnesty International urges all governments, members and observers, attending the Commission to take up these five cases and Amnesty International's recommendations in their bilateral and multilateral meetings with government representatives of Cambodia, Colombia, Kenya, Saudi Arabia and Turkey. Where the Commission adopts a resolution, decision or statement on the general human rights situation in any of the five countries it should also take specific action to address the violations in the relevant appeal case.

1. CAMBODIA

Sok Srey²- freedom of expression

Sok Srey, mother of five young children, was seriously injured while she was peacefully exercising her right to freedom of expression and association during a demonstration. The injuries sustained were so grave that Sok Srey is now a paraplegic. On 30 March 1997, Sok Srey participated in a lawful demonstration calling for the reorganization of Cambodia's justice system. The rally, organized by the Khmer Nation Party, attracted less than 200 demonstrators outside the National Assembly building. During the gathering four grenades, each containing about a pound of explosive, were lobbed into the crowd. Security forces at the demonstration made no effort to detain three men seen running away after the grenades were thrown. The attack killed 16 people and injured many more some of whom are too poor to pay for proper medical treatment.

The grenade attack was condemned by the government and the international community. A committee of inquiry was set up under the Minister of Interior, with experts from the US Federal Bureau of Investigation (FBI), as one US citizen was injured in the attack but no progress has been made.

Amnesty International calls for a:

- Prompt, full and impartial investigation into the grenade attack, for the results to be made public and for those responsible to be brought to justice.

2. COLOMBIA

Elsa Constanza Alvarado and Carlos Mario Calderón - human rights defenders

In the early hours of 19 May 1997, five masked gunmen killed 36 year-old Elsa Constanza Alvarado and 42 year-old Carlos Mario Calderón. The armed men, believed to be members of a paramilitary group, forcibly entered their apartment in Bogotá. Police found the couple's baby son sitting by the bullet-ridden bodies.

Elsa Constanza Alvarado and Carlos Mario Calderón were university professors who also worked for the Centre for Research and Popular Education (CINEP). CINEP is one of the oldest and most respected human rights organizations in Colombia, working

²For security reasons her name has been changed.

mainly for popular education, environmental protection and defence of human rights. The killings were quickly condemned by the Colombian Government and the international community. Amnesty International received reports that five people, suspected of the killings were arrested on 29 and 30 September 1997 in Medellín. Four of them remain in prison in Bogotá and the fifth was released without trial. Human rights defenders in Colombia are frequently threatened and intimidated by the security forces and paramilitary groups. Many face repeated death threats and other human rights violations and some of them have been killed.

The gunmen who shot Elsa Constanza Alvarado and Carlos Mario Calderón identified themselves as Judicial Police, but are believed to be members of a paramilitary group. Paramilitary groups, declared illegal in 1989, are still responsible for the killings of thousands of civilians, including human rights defenders. Official and independent investigations continue to conclude that the armed forces train, support and work with paramilitary groups. Government promises to take action to establish mechanisms for the protection of human rights defenders have been insufficient to guarantee their safety.

Amnesty International calls for a:

- Prompt, full and impartial investigation into the killings, for the results to be made public and for all those responsible, including those who ordered the crime, to be brought to justice.

3. KENYA

Geoffrey Ndungu Gichuki - torture

Geoffrey Ngungu Gichuki, 26 years old, was tortured so badly that his right arm had to be amputated at the shoulder.

On 11 December 1994 Geoffrey Ngungu Gichuki and members of the religious group Mungiki were preparing to celebrate independence day. Although they had obtained the required licence, police broke up the meeting on the grounds that it was illegal. Over 150 people were arrested including Geoffrey Ngungu Gichuki. Those arrested were taken to Kinamba police station and later transferred to Special Branch Headquarters in Nakuru. While in Nakuru he was hung from a tree, string was tied around his upper arms to prevent blood circulation and his body was beaten. A rope tied around his forehead kept his head against the trunk. As a result of this torture his right arm was badly damaged. After six days he was taken to hospital with gangrene in his right arm. Doctors amputated the arm at the shoulder. Geoffrey Ngungu Gichuki was detained in hospital under police guard for seven months but never charged. He left hospital in July 1995.

In March 1995, Amnesty International medical delegates examined Geoffrey Ngungu Gichuki and others arrested with him and concluded “[They] suffered permanent damage to their bodies, mainly their arms. They all had pronounced impairment of function of their hands. Two of them were especially incapacitated: one of them lost his right arm, the other lost the function of his left hand, and they both had reduced function of the remaining hand. They all had pronounced ligature marks on their arms as

unequivocal causes of the damage described above. Self-infliction of the lesions described above is *not* possible”.

Amnesty International calls for a:

- Prompt, full and impartial investigation into the allegations of torture, for the results to be made public, for those responsible to be brought to justice and for the victims to receive reparations.

4. SAUDI ARABIA

Sarah Jane Dematera - death penalty

Sarah Jane Dematera, a 24 year-old Filipino woman, is at risk of imminent public execution in Saudi Arabia.

Sarah Jane Dematera’s legal ordeal began five years ago. She arrived in Saudi Arabia from the Philippines on 11 November 1992 to work for a Saudi Arabian family as a domestic helper. Four days later she was arrested and charged with the murder of her female employee. It is unclear whether Sarah Jane Dematera was able to claim her innocence before a judge or scrutinize any evidence produced against her. She had no access to legal assistance or other opportunities to exercise her right to an effective defence. Since her arrest Sarah Jane Dematera has been detained in a Prison in Dammam and is reported to have appeared before a court or a judge twice.

Sarah Jane Dematera’s mother received a message from Sarah “I have done nothing wrong here. I have been with (the family) for only four days, and they have no evidence against me...You know me...and I am incapable of such wrongdoing, which is a sign against God”.

Sarah Jane Dematera is facing imminent execution after a court appearance which failed to comply with even the most basic fair trial standards and UN Safeguards guaranteeing protection of the rights of those facing the death penalty.

Amnesty International calls for:

- Immediate commutation the death penalty.

5. TURKEY

Selahattin _im_ek - fair trial

Selahattin _im_ek, a 43 years old primary school teacher, is serving his 18th year in prison after a grossly unfair trial. Selahattin _im_ek was convicted and sentenced to death by a military court for murder and robbery carried out in the name of the banned Kurdish Workers’ Party (PKK). The sentence was upheld on appeal in February 1987 overruling a request by the Martial Law Court Prosecutor that he should be acquitted of the robbery and retried for the murder. After the 1991 Anti-terror Law the death sentence was commuted to 20 years’ imprisonment. Selahattin _im_ek continues to deny any involvement in the acts for which he was tried. His two petitions for retrial have both been rejected by the court. He is not due for release until 31 May 2000.

Before his trial Selahattin was tortured for more than four weeks. Police officers stubbed out cigarettes on his hand leaving scars that can still be seen today. He was stripped naked and suspended on a crucifix. He was threatened with rape, death and subjected to mock executions. He was kicked, beaten and given electro-shocks until he lost consciousness.

Selahattin _im_ek was tried by a martial court with 571 other defendants. His trial did not meet internationally recognised standards of fair trial. He received his indictment only one week before his trial and even then he was prevented from reading it. He met his lawyer only once, and the latter was not allowed to speak in court. The charges against him were replaced with more serious charges at the concluding stage of his trial. The case was based on evidence of incriminating and contradictory statements obtained from people who had been subjected to torture. Some important documents, such as testimonies of defendants and witnesses, were only provided after the trial had concluded. Selahattin _im_ek was convicted on the basis of his own statement extracted under torture and on a mass of contradictory evidence.

In April 1995 the United Nation's Working Group on Arbitrary Detention forwarded the allegations of torture and unfair trial of Selahattin _im_ek to the Turkish Government asking the government to reply within 90 days. The government failed to comply with this request. In September 1995 the Working Group declared Selahattin _im_ek's detention to be arbitrary, "in contravention of Article 5 of the Universal declaration of Human Rights and of Articles 7 and 14 (3)(b), (e) and (g) of the International Covenant on Civil and Political Rights".³ The Working Group requested the government to "take the necessary steps to remedy the situation". The Turkish Government has so far failed to comply with the Working Group's decision even though the Commission has called on "Governments to pay attention to the recommendations of the Working Group concerning persons mentioned in its report, who have been detained for a number of years".⁴

Amnesty International calls for a:

- Prompt retrial of Selahattin _im_ek in accordance with recognised international standards and the recommendation of the UN Working Group on Arbitrary Detention, or that he be released.

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| KEYWORDS: UN COMMISSION ON HUMAN RIGHTS / DEMONSTRATIONS / HUMAN RIGHTS DEFENDERS / EXTRAJUDICIAL EXECUTIONS / |
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³WGAD Decision No.34/1995 (Turkey).

⁴UN Commission on Human Rights resolution 1996/28 Question of arbitrary detention.

TORTURE/ILL-TREATMENT / DEATH PENALTY / TRIALS / CAMBODIA /
COLOMBIA / KENYA / SAUDI ARABIA / TURKEY /

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