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Amnesty International  
International Secretariat  
1 Easton Street  
London WC1X 8DJ  
United Kingdom

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FROM: PRESS AND PUBLICATIONS

DATE: 25 MARCH 1992

WEEKLY UPDATE SERVICE 12/92

Contained in this weekly update are external items on the Isle of Man and Turkey.

1. NEWS INITIATIVES - INTERNAL

Please note - because of absences in the IS press office at a time when we are short-staffed anyway, we expect that there will be no news releases embargoed for the following weeks: 3 June, 17 June and 24 June 1992.

Togo - 8 April 1992

A document and targeted news release about impunity are scheduled for 8 April 1992, to coincide with the anniversary of a massacre on 10 April 1991. The news release should be with you by the end of this week.

Sudan - 15 April

A document is expected to be ready for 1 April weekly mailing. It will be accompanied by a news item, either a news release or a weekly update which the IS press office will be sending out to press contacts in Africa and the Middle East.

Israel/Lebanon - 7 May

(New information)

New date for news release to accompany first detailed report on treatment and conditions of detainees in Khiam prison, south Lebanon.

China (Tibet) - 20 May 1992

A document and news release to go with a small-scale campaign.



POSSIBLE NEWS INITIATIVES, STILL TO BE CONFIRMED

South Africa - date now possibly 13 May

The research team is planning a document, but as yet cannot give a definite date. It will have an international news release and probably a questions and answers - the date has still not been fixed, although it is now possibly 13 May.

Pakistan - possibly 28 May

A document and targeted news release on arrests in Sind. The date is still provisional, depending on whether the document can be finalised to tie in with printing schedules.

Turkey

The planned news release on Turkey has been postponed. More details later.

2. EUR 45/WU 02/92 EXTERNAL

25 March 1992

ISLE OF MAN/UNITED KINGDOM: AI URGES GOVERNMENT TO END LEGISLATION ALLOWING IMPRISONMENT FOR HOMOSEXUAL ACTS

Amnesty International has written to the government of the Isle of Man, urging them to change legislation which allows imprisonment for homosexual acts between consenting adults in private.

Amnesty International sent delegates on a fact-finding visit to the Isle of Man on 21 - 23 February to investigate existing legislation. With the new Sexual Offences Bill about to be debated in the Isle of Man parliament, the House of Keys, Amnesty International is concerned that present legislation allows for the arrest, prosecution and imprisonment of consenting adults engaging in homosexual acts in private, with sentences ranging from two years to life imprisonment.

On 19 March Amnesty International wrote to the Chief Minister of the Isle of Man urging the House of Keys and the government to ensure that the island's legislation governing sexual offences will no longer permit the imprisonment of people for consensual homosexual acts between adults in private, who would be considered by the organization to be prisoners of conscience.

The provisions of the current law do not conform with the European Convention on Human Rights. Article 8 of the Convention states that "everyone has the right to respect for his private and family life, his home and his correspondence". In its judgments the European Court of Human Rights has maintained that legislation categorically prohibiting homosexual acts breach Article 8.

Amnesty International also expressed concern that the right of individual petition to the European Court of Human Rights, which was withdrawn in respect of the Isle of Man in 1976, has not yet been restored. Amnesty International has been informed that the government's position is that restoration of that right should await an amendment of the legislation on sexual offences which would bring Isle of Man law into conformity with Council of Europe human rights standards. Amnesty International noted this commitment, and urged the restoration of the right of individual petition to the European Court of Human Rights at the earliest possible date.

At its International Council Meeting in Yokohama in 1991, Amnesty International expanded its mandate to include a call for the release of individuals who have been imprisoned solely because of their homosexuality, including the practice of homosexual acts in private between

freely consenting adults. Amnesty International has for many years opposed the violation of human rights of homosexuals through its work to stop torture, cruel, inhuman or degrading treatment or punishment, the death penalty and extrajudicial execution, and by calling for the release as prisoners of conscience of people detained because of their advocacy of homosexual equality. Individuals imprisoned solely because of their practice of consensual homosexual acts between adults in private will now also be considered prisoners of conscience.

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3. EUR 44/WU 02/92 EXTERNAL

24 March 1992

INTERNAL

Please note that this item is dated 24 March 1992 - it was sent out last night to a few sections who needed it straight away.

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EXTERNAL

TURKEY: AMNESTY INTERNATIONAL CONCERNED AT SHOOTING OF UNARMED CIVILIANS BY SECURITY FORCES, AND "EXECUTIONS" OF SECURITY FORCE MEMBERS IN SOUTHEAST TURKEY

Amnesty International is concerned about reports that security forces in southeast Turkey have killed unarmed civilians. At least 60 people have been reported shot dead as a result of police fire on civilians during the disturbances which occurred at the time of the Kurdish new year - Nevruz - and subsequent demonstrations and clashes. Amnesty International does not have detailed information on the circumstances of all the killings but it is clear that in at least some cases those killed were not engaged in violent activities. In Cizre security forces have reportedly been firing indiscriminately at houses, and at any civilians venturing out onto the street. This has resulted in the deaths of 13 civilians in the city since 21 March. On 23 March as a group of seven journalists emerged from a house carrying a white flag they were fired at by security forces with a machinegun, as a result of which a journalist was killed. Demonstrators have been shot by police or soldiers in the towns of Sirmak, Nusaybin, Van, and Yüsekova.

Although clear information on the circumstances of the deaths of civilians in the current events is not yet available, recent incidents suggest that the large number of reports that Amnesty International is receiving which state that unarmed civilians are being attacked by police may well be true. Amnesty International has on a number of occasions in the past year expressed its concern to the Turkish Government about the use of lethal force in controlling demonstrations - particularly in the Kurdish southeast - but is aware of no serious inquiry into the killings. In one particularly serious case, six villagers, including a 15-year-old boy and a woman were killed when soldiers tried to take women into custody from a group of villagers in Aytepe, Mardin province on 15 February 1992. A report on the incident prepared by five members of the Turkish parliament clearly indicated that the major in charge of the troops had given the order to fire on unarmed Kurdish villagers who were posing no threat to his men. Nevertheless, no proceedings were taken against that officer and he was

still on duty in the days prior to the Nevruz festival when two villagers were shot and wounded in a similar operation under his command in the same area on 18 March.

The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials require law enforcement officers to minimize damage and injury and to respect and preserve human life. The Principles also state that "exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles."

There have also been reports of serious abuses by the Kurdish opposition in recent days. In the town of Sirnak, a police officer was lynched by demonstrators, and in the town of Cizre, four village guards were hanged from electricity supply poles. The village guards corps is a paramilitary organization established by the government to counter the activities of guerrillas of the Kurdish Workers' Party (PKK). Amnesty International strongly condemns the killing of prisoners by opposition groups as it condemns extrajudicial executions by governments, and the death penalty.

The events in southeast Turkey have also been accompanied by widespread detentions. Torture is almost a routine practice in police stations and gendarmeries in that area. Amnesty International is therefore seriously concerned about the treatment of detainees in police custody [see weekly update of 20 March] and the organization has appealed to the Prime Minister to take urgent steps to ensure that detainees are protected from torture and that international standards are observed.

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DATE: 27 MARCH 1992

ADDITION TO WEEKLY UPDATE SERVICE 12/92

Contained in this addition to the weekly update are external items on Algeria, Haiti, Indonesia/East Timor and two external items on India.

1. NEWS INITIATIVESANNUAL REPORT

We are currently writing the annual report media package, and we'd like to tell you about some changes in the material and the tentative schedule.

MATERIALS

As in previous years, we will have a news release, an overall summary, regional summaries and regional updates.

- News Release - This will reflect the impunity theme of the report, as well as four or five countries references for each region

- Overall Summary - This will also reflect the theme, and highlights from the regional summaries. It will include the statistics on human rights violations around the world, with several more categories added from last year. This year we are also compiling statistics on victims, which will show in the number of countries in which women, trade unionists, political opponents, etc were victims of abuses.

- Regional Summaries - This year the regional summaries will also reflect the impunity theme of the annual report, along with the major political trends in the region and a breakdown of human rights violations. This year we are also going to be compiling the statistics mentioned above by region, which will then form part of the summary.

- Regional Updates - The regional updates, covering major events in the first five months of 1992, will only mention significant human rights events in each region (ie Algeria, Turkey).

- Electronic News Release - will include footage from all regions

## SCHEDULE

The tentative schedule is as follows:

- Overall and regional summaries, including statistics, completed by the end of April
- Regional updates completed by first week in June
- News release to be completed by end of May
- Questions and answers sheet to be sent out in mid-June
- Electronic news release distributed in June

2. MDE 28/WU 04/92 EXTERNAL

27 March 1992

ALGERIA: AMNESTY INTERNATIONAL CONCERNS AFTER RESEARCH VISIT

Amnesty International delegates returned last week from a research visit to Algeria where they were looking into possible human rights violations since the state of emergency was declared on 9 February 1992.

While there, the delegates met senior officials, including the former Minister of Human Rights and officials in the new Human Rights monitoring body (Observatoire des droits de l'homme), the Minister of the Interior and officials in the Ministry of the Interior, the governor and military commander of one of the regions, and the director of an internment camp. The delegates also spoke to representatives of human rights organizations, lawyers, former detainees, victims of human rights violations and their families. They gathered information on arbitrary arrests and internments in desert camps, ill-treatment and over-crowding of detainees, the new appeal process and shootings by the security forces.

According to official figures given by the Algerian Ministry of the Interior on 12 March 1992, 6,786 people were being administratively detained in five internment camps in the Sahara, between 800 and 3,000 kilometers from Algiers. Two other camps have since been opened and hundreds of detainees have reportedly been moved there. The high cost and length of time necessary for the journey makes it virtually impossible for families to visit the detainees. At Reggane camp the authorities had stopped issuing visit authorizations after detainees reportedly refused to receive visits in protest at their internment.

Algerian authorities stated that detainees will be able to appeal against their detention. Six regional appeal committees are in the process of being set up. The appeal, which is final, is to be decided solely on the basis of the detainees' file, without either the detainee or his lawyer being present or having access to the file. Amnesty International is concerned that this appeal process does not safeguard detainees' right of defence, including being informed of the reason for their detention and being represented by a lawyer at the hearing. Amnesty International opposes administrative detention without charge or trial in all circumstances and calls for all those detained administratively to be given a prompt and fair trial or immediately released.

The information gathered by Amnesty International from former detainees, their families and other eyewitnesses suggests that in many cases arrests are carried out arbitrarily and that often those arrested and their families were ill-treated by armed members of the security forces in uniforms, sometimes accompanied by armed individuals in plain clothes. Detainees were also reportedly beaten by police and gendarmerie whilst held in garde a vue for several days in police stations, often without food.

According to official statistics, between 12 January and 14 March 1992 over 70 civilians died as a result of shooting by security forces. Unofficial figures are considerably higher. Over 30 members of the security forces were also said to have been killed, allegedly in attacks by members of extremist Islamic groups.

Amnesty International delegates in Algeria received testimonies from individuals who had been injured and from the families of some of those shot and killed by the security forces. In a number of cases the information suggests that the use of force by the security forces resulted in deaths and injuries in circumstances which did not pose a threat to lives of law enforcement officials.

No public inquiries had been held into any of more than 20 cases of deaths or wounding by security forces reported to Amnesty International.

Amnesty International has frequently urged the Algerian Government to institute a full and public inquiry every time a death or wounding by shooting occurs, bring to justice any law enforcement official shown to have acted negligently or criminally and compensate the victims.

The full findings of the research visit and Amnesty International recommendation are being prepared and will be sent to the Algerian Government.

3. ASA 20/WU 02/92 EXTERNAL

24 March 1992

INTERNAL

The following item is some updated information on India which we were able to prepare in time to give to press at the briefing held on Tuesday to launch the India report - it carries Tuesday's date.

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EXTERNAL

INDIA: TORTURE, RAPE AND DEATHS IN CUSTODY

ADDITIONAL INFORMATION ON THE RAPE OF BANAPATI DEB BARMA

A judicial investigation conducted by Justice S.C. Deb, a commissioner of the Supreme Court, has confirmed that Banapati Deb Barma, aged 25, a tribal woman from Tripura and pictured on page 53 on the Amnesty International report, (India, Torture, rape and deaths in custody, AI Index: 20/06/92) was raped by members of the Assam Rifles and that the army and the state government had tried to cover-up the crime.

In June 1988 the Assam Rifles conducted a cordon-and-search operation in Ujan Maidan, Khowai district, in pursuit of members of the outlawed Tripura National Volunteers. At least 14 tribal women said they were raped during the search and were admitted to Khowai government hospital, one woman said that her husband had been tied up. The youngest victim was 12 years old. The state government dismissed the allegations but admitted that some women might have been beaten. An inquiry conducted by the police and Assam Rifles found that one woman had "probably" been raped and that two others could have been molested, but no independent investigation was conducted. (See pages 28-29 of the Amnesty International report)

On 22 March 1990 the Supreme Court asked its Commissioner, Justice Deb, to investigate the allegations. He examined eight tribal women during nine days, one of them was Banapati Deb Barma. The Commissioner reported:

"Banapati Deb Barma is aged 25. She is so poor that sometimes she remains starved. Jawans of Assam Rifles used to visit Ujan Maiden and after making some enquiries about T.N.V. (Tripura National Volunteers), they used to beat her husband and young men of their village. So by seeing the jawans coming to their village they used to run away in the jungle out of fear. One night when the jawans went to their village, all young men and her husband fled away in the jungle. She went to sleep in her hut with Debaki, Hiranmala and Rajkanya and when they were sleeping 4/5 jawans of Assam Rifles entered into her hut by breaking the front door. They woke up by the sound of their boots. She was caught by the jawans and became very perplexed as a jawan started raping her. As she was very perplexed she did not notice when the other 3 women fled away from her hut by the back door in the jungle. She lost her sense after being raped by 2 jawans and as such she did not know whether the other jawans also raped her. In the morning

she regained her sense. Those 3 women returned and she told them after she was raped by 2 jawans she lost her sense."

Justice Deb noted that the entire case diary smacked of foul play, that high ranking officials, who had produced reports absolving the Assam Rifles of responsibility for most of the alleged offences, failed to appear before him and concluded his 137 page report with the following findings:

"(1) Some jawans (soldiers) of Assam Rifles had gang-raped at least Radhika, Banapati, Sonakali and Subhalaxmi and raped Pravati and Laximiti and a soldier of Assam Rifles has molested Panchalaxmi in Ujanmaiden during 31 May and 2 June 1988 and

(2) The State of Tripura and the Army officers are trying to hush up the aforesaid crimes and the police investigation has proceeded in that direction."

4. AMR 36/WU 02/92 EXTERNAL

27 March 1992

HAITI: AI REPRESENTATIVES MAKE RESEARCH VISIT

Three Amnesty International representatives are currently in Haiti on a research visit. The delegates will focus on human rights concerns in Haiti since the military coup which took place on the night of 29/30 September 1991. Issues of Amnesty International concern include continuing reports of extrajudicial executions, widespread detention and beatings of detainees, who are mainly supporters of ousted President Jean-Bertrand Aristide.

In keeping with normal Amnesty International policy, the representatives will not be able to make public statements about their visit. Upon their return, they will report to the organization's International Executive Committee.

5. ASA 20/WU 03/92 EXTERNAL

27 March 1992

Internal

The Indian government has responded to the report on torture, rape and deaths in custody both in a formal response and in media interviews. We've now had a chance to closely review their comments and have developed a response. The IS press office will be sending this to international agencies and we would encourage you to send it to any media who are interested, and raise these points in any meetings with officials.

We are also adding the text of an editorial run in the Deccan Herald (Bangalore) which we think would be useful in counteracting any criticism of the report.

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External

INDIA: REACTION TO GOVERNMENT RESPONSE TO AI REPORT ON TORTURE, RAPE AND DEATHS IN CUSTODY

Amnesty International is challenging the Indian government to deal seriously with the issues of torture, rape and deaths in custody documented in its latest report.

The human rights organization said "the government has in fact responded to a report we haven't written."

- the government's response deals with issues of armed insurgency, but ignores what the report is about - the pressing problem of torture that takes place in the course of normal policing in every one of India's 25 states. Where the report makes reference to the situation in Punjab, Jammu and Kashmir and the northeast AI has in fact condemned numerous human rights abuses committed by armed opponents of the government, including torture, killing and hostage taking.

- the government has accused AI of "strident unfairness and glaring inaccuracy" but has not pointed out a single inaccuracy.

- the government has said that AI hasn't investigated any of the 415 deaths in custody listed in the report. The report is based on three years of research: this included writing to officials in all 25 states as well as the central government and has resulted in explicit details of the arrest, death and any official action taken of those 415 people. The government has so far not disputed any of the specific cases in AI's report.

- the government has said that the report is unbalanced in tone and content, yet it is a report about India from India, based solely on sources from the country. The government's criticism that AI hasn't gone to India to collect this information only highlights the fact that the government has steadfastly refused to allow the organization into the country to do research.

- the government has criticized this report as being part of a campaign against India. This report is in fact the basis of a campaign for India to protect every Indian from the daily human rights violations, which lawyers, judges, civil liberties activists and even some government and police officers have worked for years to bring about.

- the government says the report was not received in New Delhi until the second week of March. In fact the text of the report was given by AI's Secretary General on 20 February to the leader of India's delegation to the United Nations Commission of Human Rights in Geneva. A copy was later given to the High Commissioner in London. Moreover, most of the cases described in the report have been raised with state and central government officials over the last three years.

INDIA: EDITORIAL CRITICIZING GOVERNMENT'S RESPONSE

DECCAN HERALD, BANGALORE, 26 MARCH 1992

The Union Home Minister, Mr. SB Chavan's dismissal of Amnesty International's latest report on human rights violations in India as based on "mere heresy" cannot successfully stand the test of a full reading of the report. The report, which examines complaints of police torture, custodial rape and lock-up deaths in the country, has meticulously documented the cases of 415 persons who died in police custody in the period 1985-91. Mr. Chavan still insists that Amnesty should have given specific instances instead of taking recourse to "conjectures and mere allegations". This is of a piece with the Home Ministry's consistent policy of deliberate neglect of the facts brought before it by national and international human rights organizations. Moreover, the charge of working on indirectly secured information is disingenuous in the light of the Government's refusal to permit legitimate first-hand assessments of the human rights situation in the country by reputed organizations. The plea of sovereign jurisdiction which the Government has often invoked in the face of such demands has only appeared to much of the outside world as a self-serving ploy to avoid accountability. The argument of denial of the rights of the silent majority by terrorist and other extra-legal groups, advanced by New Delhi at a recent session of the UN Human Rights Commission in Geneva, is very valid but cannot justify the use of extra-legal methods by the Government. A Government, working in a democratic constitutional framework, has to meet far more rigorous standards of conduct than any groups of individuals. For that matter, no genuine human rights body has condoned terrorist or secessionist violence in India or elsewhere. Even the latest Amnesty report has placed on record its condemnations of the use of extra-legal methods by groups that oppose the Government.

The report's conclusion that torture is pervasive and a daily routine in every one of India's 25 states, irrespective of the political persuasion of the parties in power, is a chilling indictment of the country's moral and constitutional system. It not only cites cases of murder and rape by the police but also analyses the causes of the persistence of widespread torture and suggests a nine-point (sic) programme to enhance the protection of human rights in the country. The claim that the country's vigilant press, free judiciary and a vibrant democratic system provide sufficient safeguards for the human rights of its citizens has not been proved entirely correct. Unless the government, as the report says, shows the political will and determination to change its policy and practice on human rights, India will continue to be in the dock on this vital issue.

6. ASA 21/WU 02/92 EXTERNAL

27 March 1992

INDONESIA/EAST TIMOR: EAST TIMOR HUMAN RIGHTS PROTESTORS CHARGED WITH SUBVERSION

Amnesty International has yet to receive a response from the Indonesian Government concerning the attendance of Amnesty International observers at the trials of 13 East Timorese arrested in connection with the November 1991 Santa Cruz massacre. Four of the defendants face charges of subversion; the remaining nine are charged under provisions which define "expressing hostility, hatred or contempt" toward the government as a criminal offence.

Amnesty International wrote to Foreign Minister Ali Alatas on 12 March 1992 to request permission to visit the country in order to observe the trials. The letter expressed the view that if convicted, some or all the defendants would be prisoners of conscience, imprisoned for the peaceful exercise of their rights to freedom of expression, opinion and association. The letter also expressed concern that the trials may fail to meet international standards of fairness.

Amnesty International noted that a consensus statement issued by the United Nations Commission on Human Rights on 4 March 1992 urged the authorities to improve the human rights situation in the territory and called on the government to "facilitate access to East Timor for additional humanitarian organizations and for human rights organizations".

Amnesty International said it continued to be deeply disturbed by the government's response to the Santa Cruz massacre, during which troops opened fire on participants in a peaceful demonstration killing between 100 and 200 unarmed civilians. In an important and unprecedented move, the government announced at the end of February that disciplinary measures would be taken against members of the armed forces and that eight officers would be court-martialled. Further information on these proceedings has not been made available in recent weeks. The government has continued to suggest that those who participated in the demonstration, which expressed opposition to Indonesian rule in East Timor, "provoked" the massacre. The alleged organizers, along with others who organized protests in Jakarta, Bali and elsewhere in Indonesia, have been arrested and some are now facing trial.

In Jakarta the trial of Fernando de Araujo, an East Timorese resident in Bali, began on 16 March 1992. Extracts from the indictment against Fernando de Araujo contain no reference to acts involving the use or advocacy of violence or other acts which could be construed as recognizable criminal offences in accord with international standards. Rather, they list a series of telephone conversations during which the defendant reported acts of violence by the security forces and discussed the holding of protest demonstrations. The indictment states that after the Santa Cruz massacre the defendant appealed for news of the killings to be conveyed to foreign embassies in Jakarta and to international organizations, including Amnesty International. The indictment itself asserts that the discussions were aimed at "obtaining the sympathy of the outside world for human rights violations that had taken place in East Timor". The defendant is charged under Indonesia's sweeping Anti-Subversion Law, which carries a maximum penalty of death.

The allegations against Joao Freitas da Camara, also charged with subversion in Jakarta, apparently refer primarily to his organization of a peaceful demonstration in Jakarta to protest against the Santa Cruz massacre. Three others on trial in Jakarta, Domingus Barreto, Agapito Cardoso and Virgilio da Silva Guterres are reportedly accused of participating in the demonstration and of carrying banners which were "insulting to the Indonesian Government".

The trials of Francisco Miranda Branco and Gregorio da Cunha Saldanha began on 12 and 14 March in Dili. Both face charges of subversion and are accused of membership of a student organization which allegedly supports Fretelin, an organization engaged in armed opposition to Indonesian rule in East Timor. But evidence for these charges appears to be based on their having organized peaceful protests against Indonesian rule in East Timor, including the procession to Santa Cruz cemetery.

"It is disturbing that efforts to disseminate information about human rights violations by the security forces have been presented as evidence of subversive activity", Amnesty International said.

Furthermore, Amnesty International has repeatedly expressed concern that political trials in Indonesia/East Timor fall short of international standards of fairness. With respect to the Dili trials, these concerns were heightened when lawyers from the Jakarta-based Legal Aid Foundation (LBH), acting as counsel for

Francisco Miranda Branco and Gregorio da Cunha Saldanha, were barred from the courts when the trials began on 12 and 14 March. The lawyers were ostensibly banned for not having a permit to practise in East Timor, a ruling the lawyers refuted on legal grounds. Supreme Court Justice Ali Said announced on 22 March that LBH lawyers would be granted access to the courts.

Other aspects of the authorities' treatment of those arrested in connection with the Santa Cruz massacre continue to cause serious concern. On 28 February the government announced the conditional release of 17 East Timorese imprisoned after the human rights protest in Jakarta. Subsequent reports indicated that the 17 detainees were taken to a government boarding house in East Jakarta, where they were to receive a "lecture" from military officials. Amnesty International has requested information about the current circumstances of the 17 but has to date received no response from the authorities. In East Timor, 24 detainees the authorities said would be released are believed to be still confined in unspecified locations outside Dili. On 9 March the military commander of East Timor, Brig. Gen. Theo Syafei, told the press that each of the 24 had been assigned to a company commander and that they were "to be given guidance, to be educated to become sound Indonesians".