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Amnesty International

International Secretariat

1 Easton Street

London WC1X 8DJ

United Kingdom

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WEEKLY UPDATE SERVICE 18/92

Contained in this weekly update are external items on Turkey, Egypt and Malawi.

1. NEWS INITIATIVES - INTERNAL

PLEASE NOTE The German, Austrian and Swiss sections will be issuing a news release based on a recent Turkey document today. If you have not yet received the document and need it, please contact the research team at the IS.

China (Tibet) - 20 May 1992

(New Information)

A news release has been sent to you and the document will be with you shortly. We are currently working on a questions and answers.

Burundi - 28 May - PLEASE NOTE NEW DATE!

Targeted news release with short document, following recent mission to Burundi.

Pakistan - 3 June - PLEASE NOTE NEW DATE!

A document and targeted news release on arrests in Sind.

South Africa - 10 June

(New Information)

International news release and possible questions and answers to go with publication on security force involvement in torture and political killings over the past two years. We are also considering a conference call - let us know if you are interested.

Nepal - 17 June

(New Information)

Limited news release to go with a document on Nepal. This has now been confirmed.

Greece - 24 June

(New Information)

This targeted news release has now been confirmed. It will accompany a publication on ill-treatment.

Annual Report - 9 July

(New Information)

Thank you to everyone who replied to our query about embargo times. The response was overwhelmingly in favour of a 1300 hrs gmt embargo, so we shall go ahead with this time. Afterwards we will be asking you for feedback about how the media coverage was, particularly in the light of the changed time.

The Annual Report summaries have now been sent to you. The updates will be with you in the first week of June.

UNCONFIRMED NEWS INITIATIVES

Indigenous People's Campaign

(New Information)

Discussions are currently under way at the IS about the media strategy for the report, which will have an embargo date in September/October. We are currently considering media materials, speakers, how to present the material, etc. As this is the first time we have done a report like this, we would like your input and think there should be an opportunity to discuss problems in advance. If you are interested in a conference call, please let us know.

2. EUR 44/WU 03/92 EXTERNAL

7 May 1992

TURKEY: FOUR DEATHS IN CUSTODY WITHIN 18 DAYS DURING APRIL. DRAFT REFORMS OF DETENTION PROCEDURES INSUFFICIENT TO COMBAT SYSTEMATIC TORTURE

Amnesty International has appealed to the Turkish authorities for immediate investigations of four deaths in custody, alleged to be the result of torture, which occurred within the space of less than three weeks in April 1992.

On 11 April, Tahir Seyhan, an official of the People's Labour Party (HEP) in Dargeçit in the province of Mardin, died after four days under interrogation. The autopsy report registered death as the result of brain trauma. A relative has alleged that the officer in charge of the soldiers detaining him said to him, "You are a dead man now". A member of staff at the hospital where he died reportedly stated, "It is an inhuman case. He was brutally tortured. His body was all in pieces".

On 18 April, Mithat Kutlu, a bank employee, was detained in Bismil, province of Diyarbakır. He died six hours later, reportedly as the result of torture. The autopsy report is said to certify brain haemorrhage and internal bleeding as the cause of death. A fellow-detainee is reported to have stated: "They struck his head with truncheons and clubs. When he got a hard kick to his stomach, he lost his voice. He was left near us and we requested his hospitalization, but they refused. He was bleeding from his ears and mouth. He died shortly afterwards."

On the morning of 19 April, Kadir Kurt was detained in Birik village, district of Bismil near Diyarbakır, and taken for interrogation to the Gendarmerie Battalion Headquarters where he died the same night. His brother Davut is reported to have stated: "They tortured my brother next to me. They inserted a truncheon into his anus. One of my hands and ribs were broken as a result of torture." Kadir Kurt died due to internal bleeding caused by pressure on his lungs from a broken sternum.

The fourth report concerns the death of Agit Salman, a taxi driver who was detained on 27 April and died in Adana Police Headquarters on 29 April after two days' interrogation. The autopsy report stated that Agit Salman died of a heart attack. However, photographs of the body showed injuries indicating that he had been beaten. Agit Salman's wife Bediye Salman claimed that he was healthy before being detained and lodged an official complaint with the local prosecutor demanding a second autopsy.

Torture continues unabated in Turkey. The principal contributory factors are the extremely long police detention period (a maximum of 30 days in the 10 mainly Kurdish provinces under emergency legislation, and 15 days throughout the rest of the country), and the fact that detainees are almost invariably held incommunicado - that is, refused access to family, independent medical attention, and, in violation of existing law, lawyers. In spite of continued appeals by Amnesty International, no concrete reforms have been instituted.

In April 1992 the Turkish cabinet submitted draft legislation to the Turkish Grand National Assembly (TBMM) which would set the maximum police detention period at eight days. This reduction, though welcome as a marginal improvement, is unlikely to make any significant impact on the widespread practice of torture. Moreover, it is probable that this period will be doubled to 16 days in the provinces under emergency legislation.

The draft restates detainees' right to see a lawyer during police custody, which already exists but is routinely ignored. It fails to establish effective legal remedies for the detainee, family or lawyer should police refuse access. Past experience in Turkey has clearly shown that the theoretical right of access to a lawyer offers no protection from incommunicado detention and torture to detainees, unless measures are instituted which would enable that right to be enforced - for example, a mechanism whereby lawyers could immediately apply to a court to order the police to permit access.

Internationally recognized human rights standards demand that people arrested for any offence should be brought before a judge "promptly" and "without delay". A judgment made by the European Court of Human Rights stated that even in the context of terrorism, detention of four days and six hours was in breach of the Convention's requirement for "promptness".

The draft will go to the TBMM Judicial and Constitutional Committees before being debated in the general session of the TBMM and, if approved by the assembly, will be passed on to the President for signature. Changes may be made at any stage in this process. No date has been set for the debate.

3. MDE 12/WU 01/92 EXTERNAL

7 May 1992

EGYPT: SECRETARY GENERAL OF AMNESTY INTERNATIONAL VISITS CAIRO

The Secretary General of Amnesty International, Ian Martin, met with President Husni Mubarak during a three-day visit to Cairo to attend the meeting of the Arab Lawyers' Union Permanent Bureau between 2 and 4 May 1992. The talks focused on three main areas:

- 1) Egypt's role in the international field of human rights;
- 2) Amnesty International's membership development in Egypt and its legal status;
- 3) Amnesty International's human rights concerns in Egypt, which include torture, repeated and prolonged detention of political detainees, often beyond the limits allowed by Egyptian law.

President Husni Mubarak expressed Egypt's commitment to human rights, and stated that Amnesty International was welcome in Egypt so long as its work was fair and non-political. He affirmed his intention that the rule of law should be fully respected in Egypt and indicated that he was requesting the Ministry of Interior to provide Amnesty International with information regarding cases cited in the organization's recent reports¹.

The Secretary General held subsequent discussions with the Minister of the Interior, the Head of the State Security Investigation Services and the Minister of Foreign Affairs.

He also met members of the newly-elected Board of Amnesty International's members in Egypt, which is pursuing its request for legal recognition by the Egyptian authorities.

Egypt: Ten years of torture (AI Index: MDE 12/18/91) and Egypt: Security police detentions undermine the rule of law (AI Index: MDE 12/01/92), the first published in October 1991 and the second in January 1992).

4. AFR 36/WU 03/92 EXTERNAL

7 May 1992

MALAWI: AMNESTY INTERNATIONAL CALLS FOR INQUIRY INTO TORTURE CLAIMS

The mother of a possible state prosecution witness in the trial of Malawian trade unionist Chakufwa Chihana has been tortured, according to reports received by Amnesty International. Sophia Nkosana is alleged to have been stripped naked, beaten and tortured with a cattle prod at police headquarters in Lilongwe. Her daughter, Dorothy Kabala, who had fled to Zambia, was secretary to Chakufwa Chihana. Sophia Nkosana was apparently tortured in an attempt to force Dorothy Kabala to return to Malawi to testify against him.

Chakufwa Chihana, secretary general of the Southern Africa Trade Union Coordination Council, is due to appear in court on 6 May 1992, when he is expected to be charged with sedition. He was arrested on 6 April at Lilongwe's international airport as he returned from attending meetings in Zambia. He had stated that he was returning to organize for a non-violent transition from a one-party to a multi-party political system.

Sophia Nkosana was arrested on 17 April after her sister Jean had been detained by police in order to persuade Sophia to give herself up. At police headquarters in Lilongwe, Sophia Nkosana is alleged to have been stripped naked and placed in a cell smeared with excrement. She was allegedly beaten and poked with a cattle prod. Amnesty International is calling on the Malawian Government to mount a full investigation into these allegations and to guarantee the safety of Sophia Nkosana and other members of her family.

Amnesty International also remains concerned about the conditions in which Chakufwa Chihana is being held. Other prominent political prisoners in Malawi, such as the lawyer Orton Chirwa arrested in 1981, have been held in leg-irons for long periods after their arrest. During his month of imprisonment Chakufwa Chihana seems to have been moved frequently - there have been reports of him being seen at Kanengo police camp in Lilongwe, at Chichiri Prison in Blantyre, at Mikuyu Prison and at Zomba Central Prison. Throughout this time he has been held incommunicado. If he were to receive visits from his family and lawyer, that would provide some protection against ill-treatment.

Amnesty International approached the Malawian authorities for visas in order to send an observer to the hearing on 6 May. Despite repeated requests, the authorities have not replied to Amnesty International's request. When Amnesty International last sent a trial observer to Malawi - in 1983 for the trial of Orton Chirwa and his wife Vera Chirwa - he was refused access to the court and obliged to leave the country. Amnesty International is calling for Chakufwa Chihana's immediate release as a prisoner of conscience.

The authorities continue to arrest people suspected of involvement in the growing multi-party movement. On 30 April police in Lilongwe arrested two prominent members of the Church of Central Africa (Presbyterian). Reverend Aaron Longwe of the church's Mzuzu congregation had preached the previous Sunday on a biblical text from the book of Micah: "The godly have been swept from the land; not one upright man remains." Arrested with him was a church elder from Mzuzu, Chienda Mkandawire. They are reported to be held in Maula Prison.

The present wave of activity from the multi-party movement dates from 8 March when Malawi's Roman Catholic bishops issued a pastoral letter criticizing the government's human rights record. Their stand was supported by the Presbyterian church. On 18 April, Monsignor John Roche, a Roman Catholic bishop based in Mzuzu, was expelled from the country.

Amnesty International is calling for an independent investigation into the death on 11 April of prisoner of conscience Frackson Zgambo. A detainee at Mikuyu Prison, he died of an unexplained cause in Zomba Hospital prison ward. He is the fourth political detainee at Mikuyu to have died in the past 18 months. The authorities have not held inquests or any other inquiry into the deaths. Conditions at Mikuyu are harsh and medical care is rudimentary.

Frackson Zgambo was arrested in February 1989 with Fred Sikwese a senior official of the Ministry of External Affairs. They were apparently suspected of smuggling official documents out of the country. Fred Sikwese died in Maula Prison only weeks after his arrest and the authorities refused to release his body to his family. There was no inquest into his death either.

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ADDITION TO WEEKLY UPDATE SERVICE 18/92

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

1. AFR 36/WU 04/92 EXTERNAL

8 May 1992

MALAWI: AMNESTY INTERNATIONAL FEARS FOR SAFETY OF MALAWI TRADE UNIONIST

Amnesty International has expressed fears for the safety of imprisoned Malawian trade union official Chakufwa Chihana. He has been held incommunicado for a month and the police have failed to comply with two successive High Court orders that he be produced.

Chakufwa Chihana was arrested on 6 April on the tarmac of the international airport in Lilongwe. He was returning from meetings in Zambia and announced that he intended to organize non-violent activity in support of a change from single-party to multi-party government.

His lawyer applied to the High Court for Chakufwa Chihana to be produced and for the authorities to inform the court of the legal basis for his detention - effectively an application for a writ of *habeas corpus*. The date of the hearing was set for Wednesday 6 May.

On the morning of 6 May the police failed to produce Chakufwa Chihana, to the apparent surprise of the government lawyers present. The judge ordered that he be produced 24 hours later - at 9.00 am on 7 May. At the second hearing the police again failed to produce him.

A crowd of more than 2000 supporters of Chakufwa Chihana had assembled outside the court. When it became clear that he was not in court they began a riotous protest, chanting "We want the brave one." Riots had begun the previous day in Blantyre after paramilitary Malawi Young Pioneers had attacked a demonstration of striking textile workers and polytechnic students. Police later opened fire on the protestors. A total of 38 people are reported to have been shot dead by police in the two cities.

Amnesty International is seriously concerned for the safety of Chakufwa Chihana. The mother of a potential state witness in his case is reported to have been tortured in order to persuade her daughter to testify against Chakufwa Chihana. Amnesty International is also investigating credible reports that five students died in police custody in Blantyre after pro-democracy demonstrations in March 1992. In this situation the organization fears that he is in danger of his life. It is calling on the Malawian authorities to comply with the High Court order immediately and to release him without charge as a prisoner of conscience.

Chakufwa Chihana, aged 52, is secretary general of the Southern Africa Trade union Coordination Council. During the 1970s he was imprisoned for seven years without charge because of his political differences with the ruling Malawi Congress Party. He was held in solitary confinement and ill-treated for long periods while he was in detention.