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Amnesty International

International Secretariat

1 Easton Street

London WC1X 8DJ

United Kingdom

TO: PRESS OFFICERS

FROM: PRESS AND PUBLICATIONS

DATE: 28 JULY 1992

WEEKLY UPDATE SERVICE 30/92

Contained in this weekly update are external items on Yugoslavia and the USA.

1. SECTION INITIATIVES

INTERNATIONAL NEWS RELEASES

Uganda - 9 September

A report, news release and FOB (fold out brochure) to go with a campaign focusing on extrajudicial executions, detention and torture.

Indigenous Peoples' Campaign - 7 October

(New Information)

ENR

There will be an Electronic News Release video to go with the Indigenous Peoples' Campaign. If you would like a copy, please contact Anne Jenkins in the Audio-visual Department at the IS (Tel: 071 413 5585) by 24 August.

Discussions are currently under way at the IS about the media strategy for the report. 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 telephone conference call, please let us know.

Myanmar - 28 October

A report and news release on Myanmar, to go with a campaign to coincide with the General Assembly of the United Nations.

Targeted and Limited News Releases

Somalia - NEW EMBARGO - 5 August

(New Information)

Please note that the embargo has been changed to 0001 hrs gmt Wednesday 5 August.

A limited news release is being prepared to go with a short document Somalia: A Human Rights Disaster. The document deals with a massacre of civilians in April 1992 and other human rights violations in the context of the civil war. The news release will be with you by the end of the week and the document is being faxed to sections which have a co-ordinator on Somalia. If any other sections wish to have the document, please contact the IS. Sorry for the short notice, but as Somalia is currently in the news, we felt it was worth the rush.

Haiti - 26 August

The embargo date of this targeted news release is now confirmed at 26 August. The document is about human rights violations since the coup last September.

Malawi - 3 September

(New Information)

Targeted news release to go with a document on human rights violations in Malawi this year.

Children/AI week - 21 October

(New Information)

A targeted news release on children to go with a Focus article in October.

2. EUR 48/WU 04/92 EXTERNAL
28 July 1992

YUGOSLAVIA: AMNESTY INTERNATIONAL DELEGATES VISIT YUGOSLAVIA

An Amnesty International delegation will be arriving in Belgrade on Tuesday 28 July to observe the trial of Zdenko Novak, Franjo Brodjanac and Zoran Cako. The three accused are Croatian soldiers who have been charged with "war crimes against the civilian population" and "armed rebellion" against the Socialist Federal Republic of Yugoslavia. Four death sentences have been passed at similar trials in recent weeks. Amnesty International is also investigating allegations that torture has been used during the interrogation of these prisoners.

The delegation will consist of Françoise Hampson, a senior lecturer at the Human Rights Centre of the University of Essex in the United Kingdom, and Paul Miller, a staff member of Amnesty International's International Secretariat in London. The delegates will not be authorized to make public statements about the trial or other Amnesty International concerns, but will report following their return to the organization's International Executive Committee.

3. AMR 51/WU 08/92 EXTERNAL

27 July 1992

INTERNAL

This item was sent to AIUSA yesterday to capitalize on USA press coverage of the case.

EXTERNAL

USA (UTAH): AI APPEALS FOR CLEMENCY FOR WILLIAM ANDREWS

Amnesty International is appealing for clemency for a man due to be executed for murder, even though the state has conceded he was not present when the victims were shot.

William Andrews faces execution in Utah on 30 July despite mounting concern nationally and internationally that racism may have tainted the fairness of his trial. In August 1989, the Utah Board of Pardons and Paroles denied his clemency petition by a vote of two to one. This month the Board refused to meet to reconsider the case.

Amnesty International is deeply disturbed at suggestions that racial prejudice may have played a part in influencing the jury's decision to sentence William Andrews, who is black, to death. He was tried before an all-white jury from the community in which the highly publicized crime occurred. In the middle of the trial the jury received an anonymous, hand-written note calling on them to "Hang the Niggers." The judge told the jury to ignore the note, but it may have influenced the sentence. Two members of the US Supreme Court later expressed deep concern at the courts' failure to remedy this error.

William Andrews was sentenced to death for his role in the "Ogden Hi-Fi Store murders" of April 1974 in which five white victims were tortured and shot, three of whom died as a result. Dale Pierre Selby, the admitted leader and the one responsible for shooting the victims, was convicted of capital murder and was executed in August 1987. William Andrews, Selby's accomplice, was also convicted of capital murder and sentenced to death.

Andrews' individual culpability was less than Selby's. The evidence suggests that Andrews was a somewhat reluctant accomplice who followed Selby's lead but ultimately refused to participate in the killings and left the hi-fi store before Selby raped one victim and shot all five. The trial judge refused numerous defence requests to separate the trials of Selby and Andrews and the two men were tried jointly in November 1974. The State of Utah has conceded on various occasions that Andrews was not present at the scene of the crime when the five victims were shot.

And the Board of Pardons and Paroles, denying clemency on 18 August 1989, wrote that "Mr. Andrews left the final killing to his partner and was not present when the rape and killings occurred."

William Andrews was 19 years old at the time of the crime. He was too poor to hire a lawyer and was represented at trial by an inexperienced court-appointed attorney who had left law school less than a year beforehand. The lawyer reportedly failed to present relevant defence and mitigating evidence which would have established Andrews' lesser role in the crime. As a result of inadequate legal representation, several important appeal issues were procedurally barred from review by the courts.

William Andrews is now 37 and has been under sentence of death for more than 17½ years: longer than almost any other death row inmate in the USA. This is the seventh time a warrant has been issued for his execution. William Andrews is also reported to be the only person under sentence of death in Utah who did not directly kill any victim. The jury at his joint trial with Dale Pierre Selby may have believed otherwise after the extent of his involvement in the crime was exaggerated, but the State of Utah now concedes this point.

Amnesty International is urging the Board of Pardons and Paroles to reconsider its decision not to review William Andrews' case for a second time. In light of the many arguments in mitigation of his death sentence, it is appealing that clemency be granted and his death sentence commuted.

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ADDITION TO WEEKLY UPDATE SERVICE 30/92

Contained in this weekly update is an external item on Yugoslavia.

1. EUR 48/WU 05/92 EXTERNAL

29 July 1992

INTERNAL

Please bring this to the attention of your refugee coordinators.

This item is being handed out to media at the conference in Geneva today and the IS Press Office will be sending it to agencies.

EXTERNAL

FORMER YUGOSLAVIA: AI WELCOMES CONFERENCE ON REFUGEE CRISIS

Amnesty International welcomes the international conference to discuss the refugee crisis arising from the war in the former Yugoslavia and is calling on states to live up to their obligations to asylum seekers.

The International Conference on Humanitarian Aid for Victims of the Conflict in the Former Yugoslavia opens today in Geneva, convened by the United Nations High Commissioner for Refugees (UNHCR). "The search for effective means to ensure that people displaced by conflict receive appropriate protection is extremely urgent in view of the continuing and widespread human rights violations occurring in the former Yugoslavia," said Amnesty International.

The human rights organization has evidence of the violation of human rights on a massive scale in Bosnia-Herzegovina. Deliberate and arbitrary killings of non-combatants have taken place throughout the country. Those taken prisoner have been tortured and ill-treated; many have been massacred.

The majority of refugees have fled out of fear after having witnessed or heard of atrocities or forced expulsions taking place in their area, but a significant number have been forcibly expelled, either from their immediate area or from Bosnia-Herzegovina completely. Some from eastern Bosnia-Herzegovina have been forced onto trains and taken into Serbia before being deported to Hungary. In recent months,

non-Serbians have been expelled also from Croatian territories which were occupied by the federal Yugoslav army during the war there and which are now under UN supervision. The perpetrators of these expulsions appear to have been Serbian paramilitaries.

The response of European governments to the tens of thousands of refugees fleeing the violence has varied. As far as Amnesty International is aware, there have been only isolated reports of refugees being forcibly returned directly to the territories they have fled; nevertheless, many European governments have made it difficult for refugees from the former Yugoslavia to gain access to their territories. Since the outbreak of fighting in Bosnia-Herzegovina, a number of European governments, including Austria, Belgium, Finland, Germany, Luxembourg, and the Netherlands have imposed visa requirements on nationals of Bosnia-Herzegovina. In addition, there have been numerous reports from several countries of people fleeing Bosnia-Herzegovina being refused entry at the border and being sent back to the country they first fled to -- in many cases, to Croatia, Hungary or Slovenia which have already provided protection to tens of thousands of refugees.

Amnesty International has repeatedly raised its concerns with a number of European governments about the way that visas obstruct asylum-seekers from gaining access to countries where they can seek protection from human rights violations. The organization has also expressed concern about the practice of returning asylum-seekers to third countries (countries asylum-seekers have travelled through), because this is often done without giving any consideration to whether those returned would receive adequate protection in the third country. Many governments have claimed that visas and other restrictive measures are not intended to obstruct asylum-seekers, but are a necessary and legitimate device to control illegal immigration. However, it is striking that, with regard to Bosnia-Herzegovina, visas have been imposed precisely at the time when large numbers of people are fleeing in search of protection from violence and human rights violations.

Amnesty International believes that states attending the Geneva conference must positively reaffirm their obligations towards refugees and asylum-seekers by explicitly recognizing that people fleeing Yugoslavia are in need of protection against forcible return. Furthermore, they should recognize that an international crisis demands an international response, and that is not helped by narrow national efforts to restrict access to the territory through such measures as the imposition of visas.

Finally, some governments have argued that the most appropriate protection for those fleeing Bosnia-Herzegovina is to be found in territories immediately adjacent to the present area of conflict, perhaps in so-called "safe zones". Amnesty International believes that if such a solution is put forward then steps must be taken to ensure that the protection offered in such "safe zones" is effective. In practice, moreover, the existence of such "safe zones" must not preclude opportunities to flee abroad nor must it be used by potential asylum countries as a reason to refuse protection to those who ask for it. The individual right to seek asylum abroad must not be undermined.

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2ND ADDITION TO WEEKLY UPDATE SERVICE 30/92

Contained in this addition to the weekly update are external items on the USA and Macao and an internal item for response only on South Africa.

1. AMR 51/WU 09/92 EXTERNAL

30 July 1992

USA (NEBRASKA): AMNESTY INTERNATIONAL APPEALS FOR CLEMENCY FOR WILLI OTEY AND URGES NEBRASKA NOT TO RESUME USE OF DEATH PENALTY AFTER 32 YEARS

Amnesty International has written to Governor Benjamin Nelson of Nebraska, urging the state not to resume its use of the death penalty by executing Harold Lamont "Willi" Otey on 6 August. If carried out, this would be the first execution in Nebraska for 32 years and Nebraska would become the fifth US state this year to resume executions after a period of a quarter of a century or more.

In its letter of 17 July Amnesty International said resumption of executions by Nebraska would be a retrograde step, incompatible with respect for the right to life. It urged Governor Nelson, who also chairs the Nebraska Board of Pardons, "to take this opportunity to lead the nation away from this barbaric practice by granting clemency to Willi Otey and by doing everything in your power to replace Nebraska's death penalty with an alternative punishment which is more in keeping with the standards and values of a civilized society at the end of the 20th century."

Willi Otey was convicted of the 1977 murder of Jane McManus who was raped and stabbed to death during a robbery at her home in Omaha. Otey is black and the victim was white. Studies, including a survey by the US Government's own General Accounting Office in February 1990, suggest that the race of the murder victim influences the likelihood of a defendant being charged with capital murder and receiving the death penalty. The evidence indicates that those who murder white victims are more likely to be sentenced to death than those who murder black victims. According to reports, all but one of Nebraska's 12 death row prisoners were convicted of the murder of white victims.

Willi Otey reportedly had no prior criminal record. He was born into poverty in New Jersey, the third of 13 children. At the age of four he was sent to live with relatives where he was neglected, beaten and abused. As a teenager he turned to drugs and was suspended from school when he was 15. Following his murder conviction he took steps to rehabilitate himself. He studied literature, logic and philosophy and has published three volumes of poetry. He passed his General Education Diploma in 1980.

In June 1991 the Nebraska Board of Pardons denied clemency to Willi Otey by two votes to one. He subsequently won a stay of execution from a federal appeals court on the grounds that his clemency hearing had been unfair. The power to grant clemency in Nebraska rests with the three members of the Board of Pardons: Nebraska's Governor, the Secretary of State and the Attorney General. Nebraska is one of only three states in the USA which permits its Attorney General to vote in the clemency decision-making process. This has been criticized on the grounds that the Attorney General is not an objective party. During the June 1991 clemency hearing for Willi Otey, members of the Attorney General's staff appeared before the Board to argue the case against clemency. The Attorney General, with the Governor, voted against granting clemency.

2. ASA 27/WU 01/92 EXTERNAL

30 July 1992

MACAO: AMNESTY INTERNATIONAL CALLS FOR STRENGTHENED HUMAN RIGHTS PROTECTION IN MACAO

Amnesty International is concerned that human rights may not be adequately protected when Macao, a Portuguese colony, reverts to Chinese sovereignty in 1999.

The first draft of the Macao Basic Law was published in July 1991 and the second one, slightly amended, in March 1992. The final text is due to be adopted in early 1993 by the National People's Congress, China's legislature. Amnesty International today called on the Macao Basic Law Drafting Committee and on the Chinese and Portuguese governments to make major changes to the second draft of the future Basic Law of Macao to bring it into line with international human rights standards.

The drafts were drawn up by a committee composed of representatives of both Macao and China appointed by the Chinese government. The Chinese government indicated that the opinions of the residents of Macao on the text of the Draft Basic Law would be taken into account in the drafting process. However, in November 1991, the Drafting Committee rejected Amnesty International's 16 recommended amendments to the first Draft Basic Law, on the grounds that Amnesty International was a "foreign" organization whose views had not been sought.

The current draft contains provisions which Amnesty International believes could gravely undermine human rights safeguards currently enjoyed by the people of Macao. Amnesty International is therefore reiterating its call on the Chinese authorities to ensure that the draft Basic Law be amended before its adoption by the Beijing Legislature.

Amnesty International's main recommendations are that the Draft Basic Law should be amended so as to ensure that after 1999:

- (1) all people in Macao will continue to benefit from the guarantees provided by human rights treaties which Portugal has already ratified;
- (2) all people in Macao will be afforded effective guarantees against torture and other cruel, inhuman or degrading treatment or punishment;
- (3) the right to life will be guaranteed to all people in Macao, and in particular that the current constitutional ban on the death penalty in Macao will be maintained;
- (4) all people in Macao will be guaranteed the right to a fair trial within a reasonable time;
- (5) all people in Macao will be afforded those rights which safeguard them against being detained as prisoners of conscience -- that is, for their non-violent, conscientiously-held beliefs or on account of their ethnic origin, race, colour, sex or language; and
- (6) should a state of emergency be declared at any time in Macao, all people will retain the rights which, under internationally agreed norms, may never be curtailed, such as the rights to life and to freedom from torture.

Amnesty International is also calling on the Portuguese government to formally recognize that the International Covenant on Civil and Political Rights (ICCPR) and other international human rights treaties ratified by Portugal currently apply to Macao. Amnesty International is urging the Chinese government to ensure that these basic standards for human rights protection will continue to apply in Macao after 1999, and to confirm this by ratifying the ICCPR and other international human rights standards, thereby also extending similar guarantees to all the people of China.

3. AFR 53/WU 05/92 INTERNAL FOR RESPONSE

30 July 1992

SOUTH AFRICA: AMNESTY INTERNATIONAL MISSION VISITS SOUTH AFRICA

A staff member of the International Secretariat of Amnesty International is visiting South Africa between 1 and 9 August 1992 as part of the organization's continuing program of research on the country.

Amnesty International's representative will be gathering information about the effectiveness of official investigations into deaths in custody, extrajudicial executions and other human rights violations. He will also attend a session of the commission of inquiry set up by the African National Congress (ANC) to investigate alleged abuses of prisoners held by that organization.

In June 1992, Amnesty International published a report, *South Africa: State of Fear*, which documented security force involvement in torture and killings.