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Amnesty International

International Secretariat

1 Easton Street

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United Kingdom

TO: PRESS OFFICERS

FROM: PRESS AND PUBLICATIONS

DATE: 26 AUGUST 1992

WEEKLY UPDATE SERVICE 34/92

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

1. NEWS INITIATIVES

INTERNATIONAL NEWS RELEASES

Uganda - 9 September

A report, news release, questions and answers and FOB (fold out brochure) to go with a campaign focusing on extrajudicial executions, detention and torture. They have all been sent to you.

Indigenous Peoples' Campaign - 7 October

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.

Myanmar - 28 October

A document and news release on Myanmar, to go with an action to coincide with the General Assembly of the United Nations.

Turkey - 4 November

A document and news release to go with a section level action about a wide range of human rights violations, including torture, extrajudicial executions and "disappearances".

TARGETED AND LIMITED NEWS RELEASES

Malawi - 3 September

Targeted news release was sent to you last Friday.

\*CORRECTION\*

Please note correction to Malawi news release: 2nd paragraph, 3rd line should read, "...computer section of the Electricity Supply Commission of Malawi, the entire.." (not "the National Bank of Malawi").

Children/AI week - 21 October

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

2. ASA 17/WU 06/92 EXTERNAL

26 August 1992

CHINA: "WHITE PAPER" ON CRIMINAL REFORM LEAVES CRUCIAL QUESTIONS UNANSWERED

On 11 August 1992, the Information Office of China's State Council made public in Beijing a "white paper" entitled "The Reform of Criminal Offenders in China". While Amnesty International welcomes this effort on the part of the Chinese authorities to address issues related to the treatment of prisoners, it is concerned that the white paper fails to address specific reports of human rights violations in Chinese prisons and leaves several crucial questions unanswered.

The 26-page white paper introduces the "basic principles" of criminal reform in China. It lists the "rights of criminals" which are guaranteed under the law; describes the circumstances in which "criminals do productive and socially beneficial work" and receive "legal, moral, cultural and technical education". It also deals with such issues as "changing criminals through methods of persuasion"; the "humane handling of prisoners"; the "punishment of prisoners"; and the policies towards "convicts who have served their terms and been released".

Amnesty International takes no position on some of the policies outlined in the white paper, but does oppose all forms of torture and cruel, inhuman or degrading treatment or punishment of all prisoners and to oppose the death penalty in all circumstances. Amnesty International is concerned that the white paper provides partial and inaccurate information on crucial issues related to the treatment of prisoners in China:

◆ Torture and ill-treatment of prisoners. The white paper states that ill-treatment of detainees is prohibited and that prisoners may complain to judicial "and any other" authorities if their rights have been infringed upon. It states that, in 1990 and 1991, "a total of 24 wardens and guards" have been imprisoned for "administering corporal punishment to a detainee".

However, reports of torture and ill-treatment of prisoners received by Amnesty International indicate that torture is much more common in Chinese prisons than the white paper acknowledges, and that officials responsible for violations of human rights in prisons often remain unpunished. One case reported to Amnesty International is that of a 73-year-old woman from Shanghai, Sha Zhumei, sentenced in 1987 to five years' imprisonment for "counter-revolutionary crimes". She was severely beaten in detention by prison guards, reportedly because she failed to finish the work required of her when she was ill. She was "released for medical treatment" in April 1992 and admitted to hospital for treatment of her badly broken right knee. After more than two months' treatment she still could not walk normally.

In late 1991, political prisoners in Liaoning province's Lingyuan labour camp have been reported to have been beaten with fists, leather belts and electric batons, to be held in overcrowded cells and to be made to work up to 14 hours per day. They included Liu Gang, a student leader during the 1989 pro-democracy protests in Beijing, who was reported to have had his arm broken by jail warders and to have been force-fed when he attempted to go on hunger-strike in mid-November 1991, in protest at his conditions of detention. No investigation is known to have been held and no official is known to have been brought to justice in either of the above cases.

◆ Incommunicado detention. The white paper indicates that prisoners may be put in solitary confinement for up to 15 days after this punishment has been "discussed collectively by the prison staff" and reported to higher authorities. However, Amnesty International has information which indicates that solitary confinement is commonly used for much more lengthy periods against political and other prisoners. Yu Zhijian and Yu Dongyue, sentenced in 1989 to life and 20 years' imprisonment respectively for "defacing" a portrait of Mao Zedong in Tiananmen Square in May 1989, have reportedly been held in solitary confinement for at least 30 months in Provincial Prison No 3 in Lingling, Hunan Province. Yu Zhijian has reportedly dramatically lost weight, and Yu Dongyue is said to have become mentally disturbed.

◆ The white paper refers to prison labour, indicating that it is carried out by prisoners in the same conditions as ordinary workers "in terms of work hours, holidays, supply of food... and occupational safety...". Amnesty International, however, has received reports of prisoners made to work long hours for prolonged periods and of working conditions which appear to be liable to seriously endanger the health of the detainees -- for example, prisoners made to work unprotected using dyes and other chemicals in the textiles industry. The organization is concerned that such working conditions may constitute cruel, inhuman or degrading treatment.

◆ Other Amnesty International concerns include practices such as the retention of prisoners who have completed their term of imprisonment as "employees" of the labour camp in which they served their sentence; and the use of "deprivation of political rights" as a supplementary punishment for prisoners after their release. These restrictions, which make it difficult for ex-prisoners to find work and further limit their basic civil, economic and political rights, may constitute a form of continued and sometimes indefinite detention.

Amnesty International urges the Chinese Government to ratify international human rights instruments and to adopt legislation fully reflecting agreed international human rights standards and labour conventions which provide safeguards for prisoners and industrial workers. The organization also urges the Chinese authorities to allow visits to prisons and labour camps by international humanitarian and human rights organizations.

3. EUR 48/WU 09/92 INTERNAL

26 August 1992

INTERNAL

YUGOSLAVIA: FACT-FINDING TEAM RETURNS

The fact-finding team that has been in the former Yugoslavia for the past month has just returned to the International Secretariat. They will be reviewing their information and preparing an external weekly update item to be sent to sections as early as possible next week.

We have already received a few requests for the team to do media interviews. Until we have an external statement prepared, we would ask sections not to refer journalists to the researchers.

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ADDITION TO WEEKLY UPDATE SERVICE 34/92

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

1. MDE 30/WU 04/92 EXTERNAL

28 AUGUST 1992

TUNISIA: AMNESTY INTERNATIONAL CONCERNED AT CONVICTIONS AFTER UNFAIR TRIAL

Amnesty International today expressed its concern about the convictions of members of the illegal Islamic movement *al-Nahda* after an unfair trial in Bouchoucha, Tunisia.

Amnesty International observers attended two mass trials before military courts at which 279 Islamists were accused of plotting to overthrow the Tunisian government. The organization said that the pre-trial and trial proceedings in both trials did not meet human rights standards for fair trial.

Defendants in the first trial, of 171 people, were sentenced on the sole basis of uncorroborated confessions allegedly extracted under torture and consistently denied in court. Most had been held in incommunicado detention for weeks or months after arrest and many of them still bore the marks of torture suffered over a year before. At least three defendants had to be supported when they appeared before the court. The judge promised medical examinations, but the allegations of torture were not taken up by the court.

Arrest dates had been consistently falsified to cover up illegal incommunicado detention. The prosecution brought forward only one witness who was withdrawn after he denied that any meeting had discussed a plot and started weeping in court.

The rights of the defence were markedly curtailed. Lawyers complained that they had received the dossiers only days before the trial and that many of them had been unable to see their clients. They were only given the dossier of their own client. The defendants were brought into court only one by one and were unable to hear the examinations of the others. Although the judge promised full access to lawyers, lawyers still complained that meetings with their clients lasted only a few minutes and were watched over by military policemen; one lawyer said she was refused authorization to enter the prison because she was wearing an Islamic veil.

Amnesty International delegates reported that the presumption of innocence was violated by the judiciary's notable lack of independence, especially in the second trial, of 108 people, before the military tribunal of Bab Saadoun in Tunis. In this trial, the President of

the Court took a consistently hostile attitude to the accused, interrupting them when they attempted to speak of their torture or make any detailed statement about their activities.

The defendants may seek review by the Cassation Court, but AI remains concerned because the Cassation Court only examines points of law and not facts. This procedure fails to satisfy the right to appeal guaranteed by Article 14 (5) of the ICCPR to which Tunisia is a party.

Amnesty International has raised serious concerns about prolonged incommunicado detention, torture and unfair trials in Tunisia. In July an Amnesty International delegation visited Tunisia and discussed its concerns with President Zine El Abidine Ben Ali and government ministers. The Tunisian government accepted that violations of human rights had taken place but repeated its continued respect for human rights.

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Note to editors

For further information or interviews please contact:

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