

AI Index: NWS 11/45/92

Distr: SC/PO

No. of words: 694

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International Secretariat

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TO: PRESS OFFICERS

FROM: PRESS AND PUBLICATIONS

DATE: 12 NOVEMBER 1992

WEEKLY UPDATE SERVICE 45/92

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

India Mission

The dates of a high-level mission to India have been confirmed for 15-22 November. The composition of AI's delegation and the programme of the visit have yet to be confirmed, but will include outgoing Secretary General Ian Martin. We will keep you posted on developments, which may include media work by the delegates while in India.

INTERNATIONAL NEWS RELEASES

China - 9 December

International news release to accompany document on torture in China.

TARGETED AND LIMITED NEWS RELEASES

Forthcoming weekly updates which the IS will be sending to specialist media include: Burundi, 27 November; South Africa (ANC), 2 December; Djibouti, 3 December; Cuba, 14 December. More information to follow.

2. ASA 17/WU 08/92 EXTERNAL

12 November 1992

INTERNAL

The IS has sent this to specialist media.

EMBARGO: 13 NOVEMBER 1992 0001 gmt

CHINA: STATE VIOLENCE AND DENIAL OF BASIC FREEDOMS UNDERPIN SECRET POLITICAL REPRESSION OF MUSLIMS IN CENTRAL ASIAN REGION OF XINJIANG

Amnesty International today (13 November 1992) criticised a pattern of human rights violations, including killings and imprisonment, which it said had emerged since 1989 in the Chinese central Asian Autonomous Region of Xinjiang.

"Government authorities have detained and imprisoned dissidents for peacefully demanding political independence or protesting against curbs on religious activities," said the international human rights movement. "They also oppose attempts by Xinjiang people to report independently on human rights violations." Political prisoners are held in incommunicado detention, without trial, in harsh conditions, Amnesty International said.

Based on official Chinese documents and interviews with members of the largely Muslim ethnic groups which form the majority of Xinjiang's population, Amnesty International's report details a pattern of human rights violations which has developed as the authorities have sought to restrict the religious activities of Muslims in Xinjiang and suppress public demonstrations and other peaceful expressions of political views.

Among cases detailed in the report are those of a teacher and school administrator who was reportedly detained in 1990 because he was suspected of writing to the United Nations to denounce human rights violations in Xinjiang. He is said to have been completely cut off from the outside world ever since. Taxi drivers who in 1991 organized a peaceful demonstration in Urumqi, the capital of Xinjiang, are serving terms of administrative detention of up to three years. Dissidents were imprisoned in 1990 and early 1992, apparently because they criticized curbs on religious activities imposed by the Xinjiang authorities.

Amnesty International's report also says that as many as 50 civilians may have been killed when the authorities used force to confront a protest by members of the Uighur "national minority" in the rural district of Baren in April 1990. Official accounts described the incident as a "counter-revolutionary rebellion" and stated that a total of 22 people, including seven members of the security forces, had died in the various disturbances. Amnesty International is concerned by unofficial reports that many more may have been killed, including some who may have been victims of extra-judicial executions - deliberate killings by government forces acting outside the law.

Hundreds of people, possibly thousands, were detained after this incident and many are reported to have been severely ill-treated in detention. An unknown number of alleged organizers of the protest have been tried and sentenced to imprisonment or death. To Amnesty International's knowledge, the names of those sentenced or executed have never been made public by the authorities.

Amnesty International is urging the Chinese authorities in Xinjiang to release all prisoners held solely for the non-violent expression of their political views or religious beliefs; to investigate reports that security forces committed extra-judicial executions in Baren county in April 1990; and to make public the names, trial circumstances and current whereabouts of all those who have been tried and sentenced to

imprisonment or death as a result of their alleged participation in the Baren incident. Amnesty International also calls on the Xinjiang authorities to implement international safeguards for fair trial for political prisoners, and to take steps to end the use of the death penalty.

AI Index: NWS 11/45/92 ADD

Distr: SC/PO

No. of words: 1854

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1 Easton Street

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TO: PRESS OFFICERS

FROM: PRESS AND PUBLICATIONS

DATE: 17 NOVEMBER 1992

ADDITION TO WEEKLY UPDATE SERVICE 45/92

Contained in this addition to the weekly update is an external item on Trinidad and Tobago and an internal for response item on Mexico.

India Mission

The dates of a high-level mission to India have been confirmed for 15-22 November. The composition of AI's delegation and the programme of the visit have yet to be confirmed, but will include outgoing Secretary General Ian Martin. We will keep you posted on developments, which may include media work by the delegates while in India.

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2. AMR 49/WU 02/92 EXTERNAL

16 November 1992

INTERNAL

The following item was issued to Caribbean media yesterday afternoon.

EXTERNAL

TRINIDAD AND TOBAGO: AMNESTY INTERNATIONAL OBSERVES APPEAL HEARING IN DEATH PENALTY CASES

Amnesty International has designated Mr Doodnauth Singh, a senior Guyanese barrister, to observe the hearing of the appeal in the case of three men currently facing execution in Trinidad and Tobago.

"Amnesty International is deeply concerned at the possibility of executions being resumed by Trinidad and Tobago, where executions have not been carried out since 1979 - one of the longest unofficial moratoria in the Caribbean".

The three men, Gayman Jurisingh, Peter Matthews and Faizal Mohammed, all convicted of murder, had been scheduled to be hanged on Tuesday 10 November 1992. They have spent between 10 and 14 years in prison, most of this time on death row. Lawyers acting on their behalf submitted a constitutional motion arguing that their constitutional rights would be violated if they were executed.

The executions were put on hold while the High Court heard the motion between Monday 9 and Wednesday 11 November. At the end of the hearing, on Wednesday night, the court dismissed the motion.

Amnesty International was concerned at the unusual speed at which the proceedings appeared to be taking place. It has been the norm in the past that a stay of execution is granted, and that a date for a hearing on the substance of the constitutional motion is set to take place at a later time.

Lawyers immediately filed an appeal and the court reportedly sought an undertaking from the government that executions would not be carried out pending further proceedings. The appeal is to be heard at 9.30 hrs, on Tuesday 17 November, by the Court of Appeal in Port of Spain. Mr Singh will attend these proceedings on behalf of Amnesty International.

Amnesty International said, "We do not condone the terrible crimes of which these men have been convicted and have the deepest sympathy for the victims and their relatives. However, the execution of these men will neither compensate for the lives of those murdered nor will it deter others from committing similar crimes." Amnesty International opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation.

Amnesty International noted that the death penalty had been abolished in five countries in the Caribbean in 1990: Anguilla, Cayman Islands, Montserrat, Turks and Caicos and the British Virgin Islands. In September 1992, Jamaica's parliament approved legislation narrowing the use of the death penalty. The number of executions in the region has gone down from a high of 17 in 1986 to two in 1991 and none so far this year. In this context, "The resumption of executions in Trinidad and Tobago after 13 years would be a retrograde step for the protection of human rights," the organization said.

In 1991 Trinidad and Tobago ratified the American Convention on Human Rights. The abolitionist spirit prevailing in the Americas was clearly demonstrated in the adoption, by the General Assembly of the Organization of American States in June 1990, of a Protocol to the American Convention on Human Rights to Abolish the Death Penalty, by which State Parties to the Protocol agree "not to apply the death penalty in their territory to any person subject to their jurisdiction". Amnesty International has urged Trinidad and Tobago to "refrain from acting against this regional move towards universal abolition of the death penalty".

According to Amnesty International's procedures Mr Singh will report back to the International Executive Committee of Amnesty International and will make no statements to the media.

3. AMR 41/WU 02/92 INTERNAL FOR RESPONSE

17 November 1992

MEXICO: Amnesty International calls for further reforms to bring Mexico into line with the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

INTERNAL

Mexico's human rights record will be reviewed this week by the UN Committee against Torture (CAT), which is meeting in Geneva for its Ninth Periodic Session. The hearing is expected to take place on 17 November, when Mexico will present its first periodic report before the CAT to describe the legislative, administrative and judicial measures adopted to bring it into conformity with the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which the country ratified in January 1986. Amnesty International is making available to the Committee information about its concerns in Mexico. Amnesty International has called on the Mexican government to institute further reforms and effective measures to stop torture, which continues to be widespread in that country.

The following is a summary of the information Amnesty International has made available to the CAT. We encourage press officers to use this information, together with the report Mexico: Torture with impunity (AI Index: AMR 41/04/91), to respond to any questions from the media.

Reports of torture in Mexico are still received on a regular basis and very few people are brought to justice - even though the United Nations Convention against Torture has been in force in the country for five years, Amnesty International said today.

Since the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment entered into force on 26 June 1987, Mexico has adopted legislation to curb and punish torture and ill-treatment, including the 1986 Federal Law to Prevent and Punish Torture. However, no law enforcement officer has apparently ever been sentenced under it, despite hundreds of complaints of torture presented to the authorities since its enactment. Increasing complaints about its apparent ineffectiveness led to its modification in December 1991, but Amnesty International continues to receive reports of the use of torture against Mexican detainees.

Most of the reports of torture and other human rights violations received by Amnesty International have occurred during the early stages of criminal investigations, which are under the exclusive responsibility of the Ministerio Público, district attorney or public ministry. Amnesty International has also received reports of torture and ill-treatment in Mexican prison establishments.

Torture, ill-treatment and other forms of coercion continue to be widely used during the early stages of criminal investigations as a means of obtaining confessions. The victims are then usually coerced by the police, under threats of further torture, to confirm their forced confession before the Ministerio Público. Such illegally obtained statements continue to be admitted as evidence by most courts, despite the fact that Article 15 of the Convention against Torture prohibits any statement made as a result of torture being invoked in any proceedings, except against the perpetrator.

Mexican law gives priority to the initial confessions of a detainee regardless of the circumstances under which they were obtained, and this has not been modified. In many cases reported to Amnesty International, the courts have failed to review statements reportedly obtained under duress, even when the defendant's claims of torture have been substantiated by medical certificates of the injuries.

Seventeen-year-old Pablo Molinet Aguilar, for example, was arrested without warrant on 24 March 1992 in Salamanca, Guanajuato, by members of the state's judicial police. He remained incommunicado for several hours during which he was reportedly tortured with beatings, blows to the ears and death threats, and was forced to sign a blank statement.

The Ministerio Público reportedly dismissed Pablo Molinet's complaints of torture and, based on his forced confession, presented the defendant to the courts, accusing him of murder. Pablo Molinet complained to the judge that he had been tortured. He told the judge that he

had been forced to sign a blank statement under torture (which was documented by two independent medical examinations), yet he was remanded in custody in the local prison awaiting trial. Those said to be responsible for his torture have remained at large.

Other reforms of Mexican legislation purportedly adopted to reinforce the law, including the provision of interpreters for non-Spanish speaking defendants, are also frequently flouted. For example, Amnesty International has continued to receive reports that non-Spanish speaking indigenous defendants have had no access to an interpreter during their declarations before the Ministerio Público or during subsequent court hearings, but who have nevertheless been remanded in custody based on their confessions.

Amnesty International believes the principal reason that torture continues to be widespread in Mexico is the effective immunity from prosecution commonly enjoyed by law enforcement agents who commit torture, even in cases where fully documented complaints presented before the Ministerio Público have been supported by corresponding recommendations made by the governmental National Human Rights Commission.

For example, on 25 January 1992, the Mixe and Zapotec community of Trinidad Yaveo in the state of Oaxaca was raided by members of the state judicial police who arrested six people, threatened several others including children, and arbitrarily killed Tomás Diego García. Those arrested were tortured, forced to sign confessions and all except one were remanded in custody on charges of murder. As a result of growing public outcry about the case, the state authorities released those in detention, but have failed to bring those responsible for torture and the arbitrary killing to justice. On 26 March 1992 the National Human Rights Commission published recommendation 52/92 to the Oaxaca state authorities, calling for full investigations into the case, and for those responsible to be brought to justice. Amnesty International is still deeply concerned that those responsible for the torture of six members of the indigenous community of Trinidad Yaveo, and for the arbitrary killing of Tomás Diego García, remain at large.

Amnesty International has welcomed the Mexican government's decision to create the National Human Rights Commission and similar offices in every state, and the provision of substantial resources for these offices. Nevertheless, the organization remains deeply concerned about the repeated failure of the authorities to fully comply with the Commissions' recommendations.

Amnesty International believes that the Mexican government's program to eradicate torture, in order to be effective, should include the full implementation of all the recommendations made in the organization's report Mexico: Torture with impunity.

Finally, Amnesty International would like to reiterate its recommendation to the Mexican government that it declare, under Article 22 of the UN Convention against Torture, that it recognizes the competence of the UN Committee against Torture to receive complaints from individuals who claim that the government has violated its obligations under the Convention against Torture.