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SOUTH KOREA

Student tortured to death

Park Chong-chol, a 21-year-old university student, died in the custody of the South Korean police on 14 January 1987. Two police officers who admitted torturing him have been charged with causing his death.

Park Chong-chol died during interrogation by the Anti-Communist Bureau of the National Police in Seoul. He was being questioned about the whereabouts of a student activist wanted by the police. He had previously been

Although torture is explicitly prohibited in the South Korean Constitution as well as in other laws, AI has received reports that suspects are often tortured. Few thorough investigations into claims of torture and even fewer prosecutions for assaulting prisoners are known to have taken place in the past. This is the first time that police officers have been charged with assaulting a political prisoner. If convicted they face sentences of between three years and life imprisonment.

In a report published in June 1986* AI identified conditions of arrest and detention conducive to torture and recommended a number of measures to prevent its occurrence.

On 19 January AI sent a telex to the South Korean Government urging it to instruct all law enforcement agencies not to resort to torture and to state categorically that the use of torture will invariably lead to prosecution. □

*South Korea: *Violations of Human Rights*



Park Chong-chol

detained in 1985 and 1986 for taking part in anti-government demonstrations.

An official investigation into Park Chong-chol's death concluded that he died of suffocation after his head was repeatedly held under water and that bruises on his body were also caused by torture.

The Minister of Home Affairs and the Head of the National Police resigned, taking responsibility for the death of the student. The President instructed his government to set up a "special commission for the protection of human rights" composed of leading figures from all walks of life to advise it on how to prevent the recurrence of human rights abuses. Human rights commissions are also to be set up in the police and the Ministry of Home Affairs.



A student burns incense at an altar set up in memory of Park Chong-chol

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SOUTH AFRICA

Dean Farisani released

Lutheran church leader Dean T. Simon Farisani was released unconditionally from detention in South Africa's Venda "homeland" on 30 January after more than two months' solitary confinement.

He was not tortured but lost a lot of weight while in detention — he went on hunger-strike on 1 January to protest against his continued detention without charge or trial. Head of the Evangelical Lutheran Church in Venda, he is now reunited with his wife and children.

AI greatly welcomes his release. It considered him to be a prisoner of conscience whose arrest and detention could have no valid justification, as his unconditional release appears to confirm.

The organization believes that the attention given to his case by concerned people in many countries, and by the news media, may have been a significant factor in protecting him against physical torture such as he suffered when he was detained without trial in 1981 and early 1982.

His unconditional release after 69 days detention throws into sharper focus the plight of the hundreds of other critics and opponents of *apartheid* currently detained without trial in South Africa, many of whom also are prisoners of conscience. They include a number of other prominent church ministers. □

Libyan assassinated

Muhammad Fehaima, a member of the opposition Libyan National Organization, was assassinated in Athens on 7 January 1987.

He was reportedly shot several times while having dinner at a restaurant during a short stay in the Greek capital. Muhammad Fehaima had left Libya in 1982 and was living in exile in the USA with his wife and three children.

AI fears that this assassination may be the result of the official Libyan policy of "physical liquidation" of political opponents. The policy has been in force since 1980. □



Death Penalty
AI learned of 67 people being sentenced to death in 19 countries and of 40 executions in eight countries during December 1986.

CAMPAIGN FOR PRISONERS OF THE MONTH



Each of the people whose story is told below is a prisoner of conscience. Each has been arrested because of his or her religious or political beliefs, colour, sex, ethnic origin or language. None has used or advocated violence. Their continuing detention is a violation of the United Nations Universal Declaration of Human Rights. International appeals can help to secure the release of these prisoners or to improve their detention conditions. In the interest of the prisoners, letters to the authorities should be worded carefully and courteously. You should stress that your concern for human rights is not in any way politically partisan. In *no* circumstances should communications be sent to the prisoner.

SOMALIA

Yusuf Osman Samantar: a lawyer and former member of parliament, aged 55, he has been imprisoned for most of the 17 years that the present government has been in power.

Yusuf Osman Samantar, who is known by his nickname "Berda'ad", has been detained without charge or trial since 1976 under Somalia's Detention Law, which contains no provision for regular or independent reviews of detentions. Nor can detainees appeal against their detention.

Yusuf Osman Samantar has been imprisoned several times since the present government came to power in 1969. It is believed that he was detained again in 1976 because of his continued opposition to President Mohamed Siad Barre and his refusal to join or support the ruling Somali Revolutionary Socialist Party, the only legal political party.

Yusuf Osman Samantar studied political science at the University of Rome in Italy and obtained a law degree in Somalia. He was active in the nationalist movement and after independence in 1960 formed the Somali Democratic Union, a leftist party of which he was Secretary General. He was a member of parliament prior to the



October 1969 coup which brought President Siad Barre to power.

He is detained in permanent solitary confinement in Labatan Jirow maximum security prison near Baidoa. AI has received several reports in recent years that

he suffers from chronic ill-health and has been denied adequate medical treatment.

Throughout his detention he has been denied family visits or correspondence, access to any legal representative, and reading material.

■ Please write courteously worded letters appealing for his release to: His Excellency Mohamed Siad Barre/President of the Somali Democratic Republic/People's Palace/Mogadishu/Somalia. □

CUBA

Andrés José Solares Teseiro: a 40-year-old civil engineer, he is serving an eight-year prison term on charges of "enemy propaganda".

Andrés Solares was arrested on 5 November 1981. He was accused of planning to organize a political party, the Cuban Revolutionary Party, in opposition to the Cuban Communist Party, and of drafting several letters (which were not sent) about his plans to people such as François Mitterrand and Edward Kennedy, seeking their advice. A letter to his cousin in the USA, in which he apparently criticized the Cuban social system, was also reportedly intercepted by the authorities.

The court considered that his actions constituted incitement against the social order and the socialist state. The letters, which appear to have been the only evidence against him, were burned after the trial.

Andrés Solares is held in Combinado del Este Prison in Havana. In late 1984, he was reportedly accused of trying to provoke a riot with other prisoners and was held in a punishment cell for one year.

Since October 1985 he has been back in the main part of the prison where he is reportedly permitted only one visit every six months and no correspondence.

Andrés Solares studied engineering at the University of Havana and went on to work for the government as a civil engineer. In the

TURKEY

Mehdi Zana: a Kurd and former Mayor of Diyarbakir, he is serving sentences of over 31 years' imprisonment.

Mehdi Zana, aged 47, was imprisoned following the military coup of March 1971, but was released in 1974 after a general amnesty. He was elected Mayor of Diyarbakir in 1977. Days after the military coup of September 1980 he was detained again, held incommunicado and allegedly tortured for 32 days. He has been held in Diyarbakir Military Prison ever since.

When a Council of Europe delegation visited the prison in April 1984, Mehdi Zana told them

that he had been tortured at various times and daily between 14 February 1981 and July 1982. He said that he was now deaf in the left ear due to torture and suffered from a displaced vertebra.

In May 1981 Mehdi Zana was tried by a military court in Diyarbakir with 90 other defendants charged with membership of, and activities within, the illegal Socialist Party of Turkey Kurdistan (TKSP). In October 1983 he was convicted and sentenced to 24 years and one month's imprisonment.

In May 1984 he was sentenced by a military court in Diyarbakir to a further seven years and eight months' imprisonment for shouting a slogan during the announce-



ment of his sentence in 1983.

Mehdi Zana is presently on trial in Diyarbakir Criminal Court No.2 for alleged irregularities while in office as mayor.

All information available to AI indicates that Mehdi Zana is imprisoned because of his position in Kurdish society and his support for the rights of Kurds to have a separate cultural identity. AI knows of no evidence that he ever advocated or committed violence; in fact he is said to have consistently condemned the use of violence.

■ Please send courteous letters appealing for his release to: Prime Minister Turgut Özal/Basbakanlik/Ankara/Turkey. □



The death penalty in the USA

The use of the death penalty in the United States of America is arbitrary and racially biased, and clearly violates international treaties signed by the US Government.

The process has once again become a horrifying "lottery" in which factors other than the crime itself may play a more decisive part in sending someone to the death chamber.

This is the conclusion of AI's new report, *United States of America: The Death Penalty*. The report examines in detail the application of the death penalty over the past few years and includes information obtained by three AI missions to the USA in 1979 and 1985.

In 1976 the Supreme Court overturned a 10-year moratorium on executions and allowed the death penalty to be reinstated. The figures tell their own grim story. The rate of executions is growing: 57 prisoners were executed in the last three years, compared to 11 executions in the previous seven. A record 1,838 prisoners are now on death row waiting to see if they are to be executed: electrocuted, gassed, poisoned, hanged or shot dead — the different methods of execution in the USA.

Despite the introduction of elaborate judicial safeguards following Supreme Court rulings in the 1970s, the evidence suggests that the death penalty remains both arbitrary and discrim-

inatory in practice. It is now imposed only for murder with aggravating circumstances. Only a small proportion of criminal homicide offenders — three per cent — are sentenced to death each year and there are wide disparities in the sentencing of similar offenders. These disparities arise in part from the discretion which exists at every level of the judicial process.

Even though most of those on death row have been convicted of brutal crimes, AI believes that the death penalty is a violation of the fundamental right to life and is a cruel and inhuman punishment. Just how cruel is illustrated by the following examples:

■ In Alabama in 1983, it took three electric charges over a period of 14 minutes to kill a prisoner.

■ In Mississippi in 1983, a prisoner executed by lethal gas had convulsions for eight minutes and struck his head repeatedly.

■ In Texas in 1984, a prisoner took at least 10 minutes to die and was complaining of pain after administration of a lethal injection. □

AI's report also describes individual cases where the death penalty has appeared particularly inappropriate or unfair. These include executions of juvenile offenders, who were under 18 at the time of the crime, and the mentally ill, in violation of international human rights standards.

The death penalty denies the principle of rehabilitating the offender and does not protect society. There is no evidence that it has a special deterrent effect and it may be inflicted on the innocent. Most of all it is a violation of human rights.

The upsurge in the number of



The body of Charles Brooks (inset) lies on a stretcher outside the death chamber soon after his execution by lethal injection in Huntsville prison in December 1982. He was the first prisoner in the USA to die by this method. His co-defendant in the case (whose original conviction and death sentence were overturned on a technicality) later received a 40-year prison sentence as a result of a plea bargain. It was not established which of the two had been the actual killer. Charles Brooks was executed before he had completed the first round of federal habeas corpus appeals — his application for a stay of execution was denied by the US Court of Appeals without its considering the merits of his appeal.

© Huntsville Item

death sentences and executions in the USA in recent years has occurred when the trend around the world has been towards abolition. Each year since 1975 at least one country has abolished the death penalty. AI also believes its

reinstatement and growing use are contrary to international human rights standards which encourage governments to restrict progressively the use of the death penalty with a view to its ultimate abolition. □

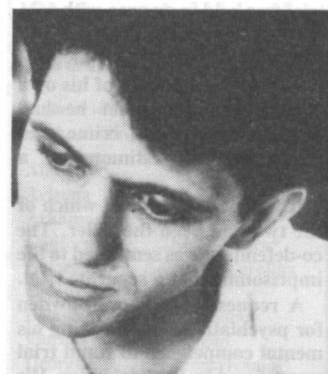
Juvenile offenders executed

On 11 September 1985 in Texas, Charles Rumbaugh became the first juvenile offender to be executed in the USA since 1964.

Two other juvenile offenders were executed in 1986 and at least 32 others were on death row in October 1986. They were all between 15 and 17 years' old when they committed the crimes. This is a clear contravention of the international human rights standards which prohibit sentencing to death people who were under 18 at the time of the crime.

Only nine of the death penalty states in the USA abide by these standards. Of those that permit such executions, Indiana and Vermont have the lowest age limit, of 10. But 11 states have no specified minimum age limit.

Of the 32 juvenile offenders under sentence of death in October 1986, six were in Texas, four in Georgia and 22 spread between 13 other states. Eighteen



Charles Rumbaugh was condemned to death in 1980 for a murder committed in the course of a robbery when he was 17 years old and thus still a minor.

(more than 50 per cent) were blacks, nearly all of them convicted of murdering whites. Several had spent more than eight years on death row. □



Texas prisoner Doyle Skillern and an accomplice were both found guilty of the 1974 murder of an undercover police agent. The accomplice fired six shots into the victim and was sentenced to life imprisonment. Doyle Skillern, who had been sitting in a nearby car, was sentenced to death and was executed in January 1985 — just before the accomplice became eligible for parole.

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Why the system fails

The guidelines set by the Supreme Court were intended to ensure that the death penalty would be fairly and consistently applied, but disparities still occur, for a number of reasons.

Locally elected prosecutors, for example, have wide discretion whether or not to seek the death penalty in a homicide case and many cases are settled well before trial through plea bargaining — usually an offer by the prosecutor to accept a guilty plea to a lesser, non-capital charge, thus avoiding the need to take a case to trial. The report examines the political, financial or other pressures which may influence them in their decisions. There is discretion at other stages of the judicial process: from juries in their sentencing decision to state governors or boards of pardons and paroles in deciding on clemency.

Unfairness may also arise from the very process of selecting jurors in capital trials. Most state procedures allow prosecutors to exclude people who oppose the death penalty from sitting as jurors in such cases. This has been criticized for creating "death-prone" juries. However, in May 1986 the Supreme Court over-

turned a ruling by a lower court that the practice violated the defendant's right to a trial jury composed of a fair cross-section of the community.

The complexity and length of the procedures which have resulted from the Supreme Court's concern to be fair may in fact discourage prosecutors from seeking the death penalty in all but a handful of cases, increasing disparities in sentencing. They also discourage many lawyers from taking on capital cases, making it difficult for many defendants to afford competent legal representation. Most prisoners sentenced to death come from the very poorest sectors of society.

There are regional disparities too. Within the 37 states which now allow the death penalty, four have no prisoners on death row and four have more than 100. Florida has the greatest number, 247. Three southern states — Florida, Texas and Georgia — account for two thirds of all executions since 1977. □

Jerome Bowden, a mentally retarded black man aged 33, was executed in Georgia in June 1986 for the murder of a white woman 10 years earlier during a robbery.

His execution came a day after a state-hired psychologist had conducted a three-hour IQ test on him in prison and had effectively found that his average score of 65 was not low enough for him to be spared electrocution. Defence lawyers had no opportunity to challenge the findings.

Jerome Bowden was sentenced to death by a jury from which the prosecutor had peremptorily excluded all blacks, even though the trial was held in an area with a 34 per cent black population.

Jerome Bowden was convicted partly on the evidence of his own alleged confession that he had participated in the crime and partly on the testimony of a co-defendant.

It was not established which of the two had been the killer. The co-defendant was sentenced to life imprisonment at a separate trial.

A request by Jerome Bowden for psychiatric help in testing his mental competence to stand trial was refused by the trial judge. His lawyer then withdrew an insanity claim on his behalf. This meant that not only was the jury never shown that Jerome Bowden was mentally retarded but that he had waived his right to raise the insanity issue afterwards. His case would otherwise have been reviewed in the light of a February 1985 US Supreme Court ruling.



Jerome Bowden was reported to have the mental age of a 12-year-old. His appeal lawyers said he had no comprehension of his conviction or of death as a punishment. One of them stated: "He cannot imagine his non-existence. Carrying out a sentence of execution against such a person would be a meaningless act of vengeance."

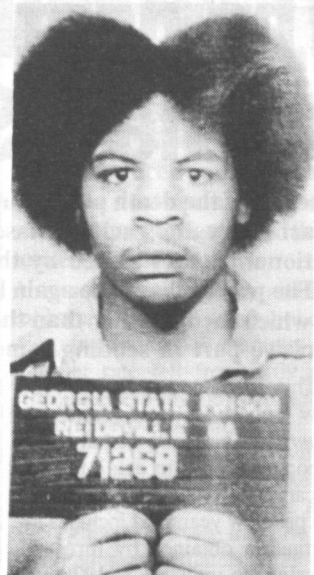
A spokesperson for the local branch of the American Civil Liberties Union said the prisoner's IQ of 65 would have entitled him to a full disability pension from the US Social Security.

"If your IQ is 65 or lower you're non-functioning in our 20th century society — but you're smart enough to be killed," she said.

A disturbing example of failure

John Young's case is a disturbing example of failure by the appeal courts to remedy errors resulting from inadequate trial counsel.

He was convicted in Georgia in 1976 of the murder of three elderly people when under the influence of drugs; he was 18 at the time. His trial lawyer was disbarred from legal practice days after the trial and left Georgia. He learned about the scheduled execution by chance and came forward to submit an affidavit to the court in which he admitted spending "hardly any time preparing for the . . . case" due to personal problems. Among other things, he had failed to investigate his client's background or to raise any mitigating circumstances at the sentencing stage of the trial which might have influenced the jury's decision. These circumstances included the fact that, at the age of three, John Young had seen his mother being murdered while he was lying in bed with her; had afterwards been placed in the care of an alcoholic relative who turned him out on to the streets at an early age; he had then drifted into petty crime, child prostitution and drug abuse.



The US District Court and the Court of Appeals ruled that they could not consider the lawyer's affidavit as new evidence because it should have been presented earlier. John Young was executed in March 1985.

The lawyer representing John Young at the time of his execution told AI that "the problem was not that we had new, powerful evidence; but that the courts simply would not consider it. It is, and remains to this day, the most frustrating, dehumanizing experience of my life."

Racial discrimination

The evidence suggests that race has an important influence on the outcome of a capital trial. Nearly 90 per cent of prisoners executed between 1977 and 1986 had been convicted of killing whites — although there were nearly as many black victims as white.

Almost half of those on death row in 1985 were blacks or members of other minorities, although they were only 12 per cent of the national population. In some states the proportion is even higher — in Alabama, 66 per cent of those on death row are black.

A number of research studies have isolated race as a factor in death sentencing. One study found that in Florida in 1977 blacks who killed whites were five times more likely to be sentenced to death than whites. Among black offenders those who had killed whites were 40 times more likely to be sentenced to death than those who had killed blacks. No white offender in Florida had ever been sentenced to death for killing a black person at that time.

A study of homicide cases in Georgia in the 1970s found that, overall, killers of whites were approximately 11 times more likely to receive death sentences than killers of blacks. After measuring each case against more than 230 non-racial factors, the study found

that in cases involving similar levels of aggression killers of whites were 20 per cent more likely to receive a death sentence than killers of blacks. These were cases in which prosecutors or juries had most discretion whether or not to seek or impose a death sentence.

The Georgia findings were used in support of an appeal on behalf of Warren McClesky, a black man sentenced to death for killing a white police officer, on the grounds that the discriminatory application of the death penalty violated his constitutional rights. The appeal was denied in January 1985. However, in denying it the appeal court did not dispute the Georgia study's findings but ruled, among other things, that the defendant had failed to prove intent to discriminate by the state. Three judges filed dissenting opinions and the US Supreme Court has agreed to hear an appeal against the decision. Its decision on the case was still pending in February 1987. □

The cruelty of the death penalty

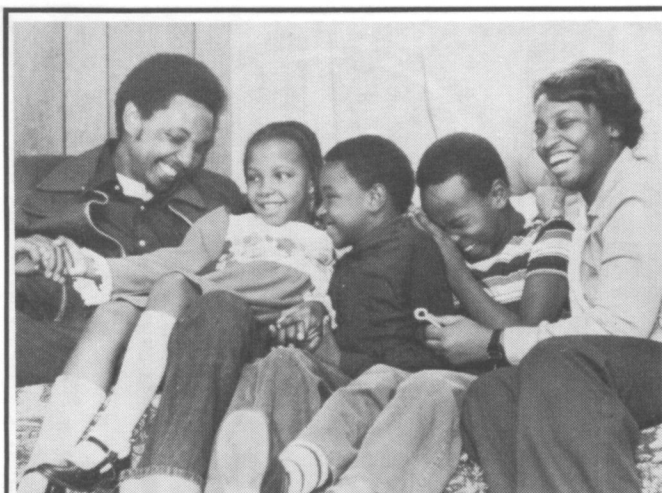
The experience of being under sentence of death is itself cruel, inhuman and degrading. The fears and uncertainties suffered by prisoners may stretch out for years as the appeal process continues.

The condemned prisoner's anxieties are exacerbated by the prolonged isolation in small cells, enforced idleness and other deprivations experienced by death row inmates in some states.

Condemned prisoners also suffer the prospect of imminent execution each time a death warrant is signed — this may occur two or three times during the course of various appeals. The prisoner may then have to undergo at least part of the "death watch" procedure, during which he or she is removed to an isolated cell adjacent to the death chamber to await execution. Some prisoners have been reprieved just minutes before the execution was scheduled. Some 30 to 40 prisoners in Florida have

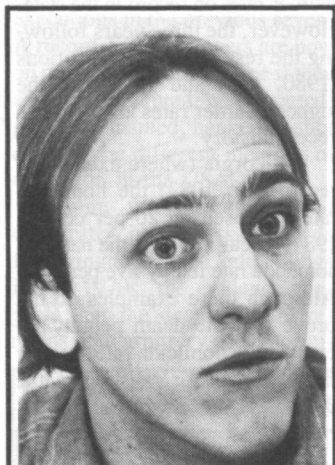
been through at least part of the "death watch" before getting stays of execution.

The most common methods of execution are electrocution, lethal injection of poison and asphyxiation by gas. There are examples with all methods of execution of a slow and painful death. James Autry was executed by lethal injection in Texas in March 1984. It was said after his execution that he took at least 10 minutes to die and throughout much of that time was conscious, moving about and complaining of pain. He had previously been scheduled for execution in November 1983 and was undergoing the first stage of the lethal injection process when his execution was stayed. □



Jerry Banks (above, with his family) spent five years on death row in Georgia before all charges against him were dismissed. Three months later his wife asked for a divorce and he killed her and himself. The children were later awarded damages by the state for its mishandling of the case. Jerry Banks had been tried twice and was sentenced to death both times, after conviction in 1975 on two counts of murder. In 1980 he was granted a third trial because of newly discovered evidence, including that of a witness who testified that the fatal shots could not have been fired from the defendant's weapon. All charges against him were dropped and he was released later that year. Jerry Banks' case was mentioned in a report documenting over 300 cases in the USA this century in which innocent people were wrongly convicted of offences punishable by death. Twenty-three of them were executed.

© Atlanta Journal



© Jeff Amberg/The State

James Terry Roach was executed in South Carolina on 10 January 1986. In 1977, when he was 17 and therefore a juvenile offender, he had pleaded guilty to the murders of two white teenagers and to additional charges, including sexual assault and kidnapping.

James Roach was given a death sentence, despite a finding by the trial judge that he had acted under the domination of an older co-defendant, was mentally retarded and had a personality disorder.

A few weeks before James Roach's execution, a neurologist found that he exhibited signs of the mental deterioration that characterizes Huntington's chorea, a hereditary illness. In appealing for clemency, his lawyers pointed out that the evidence of Huntington's chorea raised a serious question about his mental competence to be executed. Although the disease — which develops fully only in adulthood — was not apparent at the time of his trial, it was pointed out that the early stages might also have affected his mental state at the time of the crime.

Executing prisoners who are mentally ill

US law exempts from criminal liability defendants whose state of mind was such that they could not be held legally responsible for their crimes. Most states which permit the death penalty also forbid the execution of prisoners who are insane at the scheduled time of execution.

Some states have statutes that allow a prisoner found to be mentally unfit for execution to be transferred to a psychiatric hospital for treatment until he or she is restored to mental health and deemed fit for execution.

Yet there are cases of prisoners who have reportedly exhibited signs of mental illness at the time of their crimes being executed, and several prisoners apparently suffering from serious mental illness have been executed or come

close to execution. Many states lack procedural safeguards and clear standards for assessing insanity.

In June 1986, in the case of Florida prisoner Alvin Ford, the Supreme Court ruled for the first time that the Constitution forbade the execution of insane prisoners. In December 1983 three state-appointed psychiatrists examined Alvin Ford at the same time — for 30 minutes. No witnesses were interviewed. On the basis of their

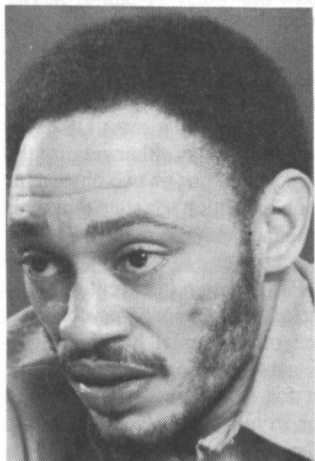
reports the Governor concluded that he was sane enough to be executed. A Washington DC psychiatrist who had previously found him to be suffering from a severe psychosis then examined him again and found that his condition had "seriously worsened". Eleven hours before the execution was due to take place an appeals court granted a stay and eventually the Supreme Court ruled against the state. In its ruling the Supreme Court held that Florida's procedures for determining the mental competence of a condemned prisoner were inadequate. Alvin Ford remains on death row, pending a re-evaluation of these procedures. □

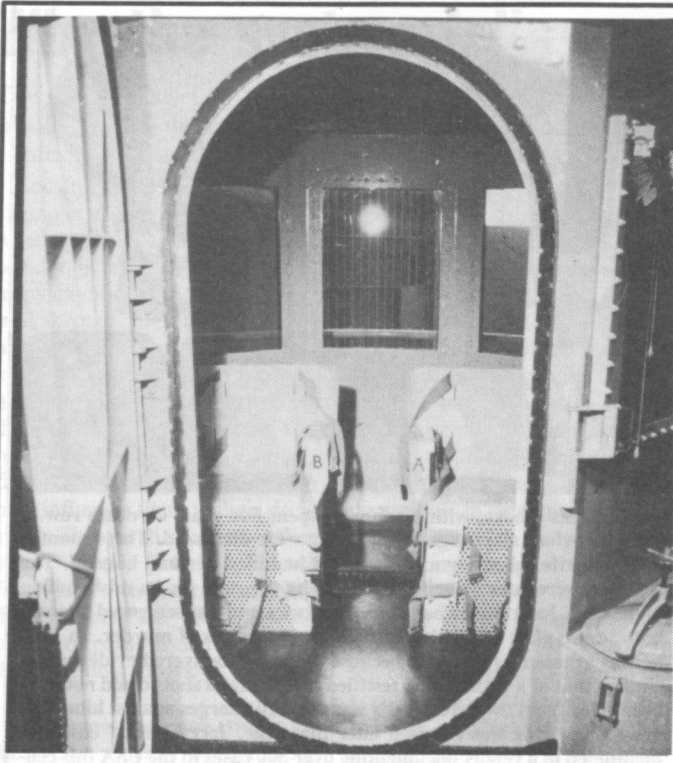
States retaining the death penalty

* States which prohibit the imposition of the death penalty on under-18s

- | | |
|--------------|----------------|
| Alabama | Nevada |
| Arizona | New Hampshire |
| Arkansas | New Jersey* |
| California* | New Mexico* |
| Colorado* | North Carolina |
| Connecticut* | Ohio* |
| Delaware | Oklahoma |
| Florida | Oregon |
| Georgia | Pennsylvania |
| Idaho | South Carolina |
| Illinois* | South Dakota |
| Indiana | Tennessee* |
| Kentucky | Texas |
| Louisiana | Utah |
| Maryland | Vermont |
| Mississippi | Virginia |
| Missouri | Washington |
| Montana | Wyoming |
| Nebraska* | |

Morris Mason, who had a long history of mental illness, was executed in Virginia in 1985. The trial court had denied his request for the assistance of a psychiatrist in evaluating his sanity and his attorney did not have the funds to hire a private psychiatrist. He was found competent to stand trial. In February 1985 the Supreme Court ruled that states must provide funds for indigent defendants to seek the help of a psychiatrist in preparing an insanity defence — one of the few rulings by the Supreme Court to increase the protection for capital defendants. However, Morris Mason's appeal in the light of this ruling was turned down by the Supreme Court.





The San Quentin gas chamber in California has not been used since 1967 but there are fears that as prisoners on death row exhaust their appeals, executions may begin again. There were 190 prisoners on California's death row in October 1986.

Death by gassing is said to have resulted in painful deaths in some cases.

The gas chamber at San Quentin prison was the scene of particularly horrifying executions in the past. Witnesses reported seeing condemned prisoners being dragged or carried screaming into the death chamber.

One prisoner cut his throat with a piece of glass and was taken into the chamber bleeding profusely. He managed to free his arm, which was slippery with blood, from one of the restraining straps and died shouting and struggling to free the other arm — this was a double execution and the other prisoner sat strapped to the chair beside him.

Death penalty is not a deterrent

Detailed research, both in the USA and other countries, has produced no evidence that the death penalty deters crime more effectively than other punishment.

In some countries the number of homicides declined after abolition. In Canada, for example, the murder rate fell from 3.09 per 100,000 in 1975 (the year before abolition) to 2.74 in 1983.

Two of the US states which have carried out the most executions since 1979 — Florida and Georgia — had an increase in homicides immediately after executions were resumed.

Florida had carried out no executions for nearly 15 years when John Spenkelink was executed in May 1979. Although the murder rate had risen in the late 1960s and early 1970s, in line with the national trend, the three years 1976, 1977 and 1978 had the lowest murder rates on record in the state. However, the three years following the resumption of executions (1980, 1981 and 1982) had the highest murder rates in the state's recent history.

In Georgia (where executions resumed in 1983) the homicide rate increased by 20 per cent in 1984, a year in which the national homicide rate fell by five per cent. Although these examples do not prove that the death penalty increases the homicide rate, neither do they show it falls when the death penalty is reintroduced. □

Doctors and the death penalty

Doctors and other medical personnel in the USA have taken part in the execution process by examining prisoners just before execution, remaining in the death chamber and monitoring the prisoner's condition during electrocution, or monitoring from outside during other forms of execution and advising executioners whether or not to continue the process of killing.

In the first execution by lethal injection, in 1982, the then Medical Director of the Texas Department of Corrections examined the prisoner before execution and was present throughout

the execution, monitoring the prisoner's heartbeat, indicating at one point that the execution should continue for a few more minutes.

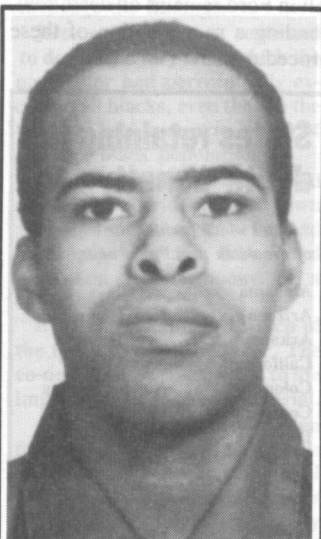
At the execution of Daniel Thomas in Florida in April 1986, a doctor is reported to have helped subdue the prisoner and restrain him in the electric chair.

AI believes that the participation of US doctors in executions has violated both domestic and world medical ethics standards obliging them to practise for the good of their patients and not to harm them. Their actions have contravened World Medical Association standards, which provide that a doctor's only role in executions should be to certify death after the execution.

In spite of this, most US death penalty statutes either require the presence of one or two physicians at an execution, or state that their presence may be required by the executioner.

Participation in executions also includes treatment by psychiatrists and other mental health professionals to render insane prisoners fit for execution, as is provided for in most death penalty states. The role played by psychiatrists in testifying for the state in Texas

on the "future dangerousness" of capital defendants is also disturbing ("future dangerousness" is one of three factors on which juries must rule affirmatively before imposing a death sentence). One Texan psychiatrist is reported to have testified in more than 100 capital trials that the defendants were a continuing danger to society. The American Psychiatric Association has stated that predictions of long term "future dangerousness" are inherently unreliable and research has shown such predictions to be wrong in at least two out of three cases. □



Daniel Thomas reportedly struggled as guards began to strap him into the electric chair in April 1986 in Florida. Witnesses say an attending doctor and a medical assistant helped in "brutally subduing and restraining" him.

Recommendations

The right to life and the right not to be subjected to cruel, inhuman or degrading treatment are enshrined in the Universal Declaration of Human Rights and other international human rights documents. The death penalty is a denial of those rights and its use in the USA has resulted in violations of human rights throughout that country. AI is calling on the USA to join the growing number of nations all over the world who have abolished the death penalty or are working towards abolition. In its report on the death penalty in the USA, AI included the following recommendations:

■ All governments in death penalty states should abolish the penalty for all offences in law and should immediately cease all executions.

Pending the abolition of the death penalty in law:

■ State laws and practice should conform to minimum international standards that preclude the imposition of the death penalty on juvenile offenders or the mentally ill.

■ Until the death penalty is abolished or a moratorium on death sentences is introduced, state governors and boards of pardons and paroles should broaden their criteria for granting clemency in capital cases.

■ The evidence of racial discrimination in the application of the death penalty is a matter of urgent concern and the executive or legislative branch of the federal government should commission a thorough, impartial inquiry into the question. □

INDIA

Sikhs held for over two years without trial

Over 360 Sikhs from the Punjab have been detained on political grounds in Jodhpur Jail in Rajasthan, India for more than two years, awaiting trial on charges of "waging war".

They were among about 1,500 people arrested when the Indian army invaded the Golden Temple in Amritsar, Punjab in June 1984, to remove the Sikh fundamentalist leader Sant Jarnail Singh Bhindranwale and his armed followers who had taken refuge there. The background to their arrest and detention is described in an AI document published on 1 December 1986.

In a letter to Prime Minister Rajiv Gandhi of 27 November 1986 presenting the document, AI expressed concern about the length of time detainees have been held without trial, exceeding the maximum of two years permitted by the National Security Act (NSA) under which they are held.

AI also said it was possible that some of these detainees may have been arrested simply because they were in the Golden Temple for religious or peaceful political purposes.

AI also expressed its concern that if these detainees are tried under the Terrorist Affected Areas (Special Courts) Act — which applies to people arrested in the Punjab — they may not be given a fair trial as its provisions may be incompatible with Article 14 of the International Covenant on Civil and Political Rights, to which India is a party.

The Act permits special courts

to try people on charges of "waging war" and suspends long-established legal safeguards: it is mandatory for Special Courts to sit *in camera*, they may sit in jails and the identity of witnesses may be kept secret. The burden of proving innocence is transferred to the accused. Appeals can be made only to the Supreme Court and must be lodged within 30 days of sentencing.

In January 1985 the government announced that a Special Court had been established in Jodhpur Central Jail. According to a report by the People's Union for Democratic Rights, published in May 1985, all the detainees had been charged with identical offences on the basis of cyclostyled statements of "confession", allegedly made by them stating they were members of the All India Sikh Students Federation or the Dal Khalsa (an outlawed Sikh organization allegedly supporting the policies of Sant Bhindranwale).

The Akali Dal Government in the Punjab, which assumed office in September 1985, has stated that most of the 369 Sikhs held on charges of "waging war" were members of the Akali Jathas (participants in demonstrations) or granthis (readers of the Sikh scriptures) and has repeatedly urged the central government to release them. □

AI missions to Kenya, Israel and the Philippines

An AI mission visited the Philippines in December to assess developments relating to human rights since the last mission in May 1986.

AI's delegates met government officials, including the Minister of Justice, and regional military commanders, church leaders, lawyers and human rights workers. They also interviewed victims of human rights abuses.

An AI mission visited Israel in January 1987.

They met the Ministers of Foreign Affairs and Defence, and other government officials, to discuss AI's concerns in Israel, the Occupied Territories

and South Lebanon, and ways of improving communication between AI and the government.

In December 1986 an AI mission visited Kenya to obtain further information about recent arrests and trials of suspected government opponents.

AI's delegate, David Weissbrodt, a US law professor, met the Attorney General and other officials and observed the trials of two people accused of links with *Mwakenya*, a clandestine socialist opposition organization (see *AI Newsletter*, December 1986). AI has written to the authorities detailing its concerns and recommendations.

Prisoners freed in Togo

Prisoners of conscience Yema Gu-Konu and Ati Randolph were released on 12 January 1987 on the orders of President Gnassingbe Eyadema to mark the 20th anniversary of his assumption of power.

They had been arrested in September 1985 and accused of possessing or distributing literature critical of the government. At least 12 others arrested with them were subsequently released without charge.

Following their arrests, the prisoners were reportedly ill-treated and some of them, including Ati Randolph, were tortured at the Security Annexe of the National Gendarmerie in Lomé.

Yema Gu-Konu and Ati Randolph were sentenced to five years' imprisonment on 30 July

1986 by the correctional court in Lomé for "insulting the representatives of public authority".



Ati Randolph

SYRIA

Ten lawyers released

Ten Syrian lawyers, detained for over six years without charge or trial and adopted by AI as prisoners of conscience in 1980, were released from 'Adra Civil Prison on 30 November 1986.

Dibo 'Abbud, George 'Atiyeh, 'Abd al-Karim Jurud, Muhammad Hamdi al-Khorasami, Haitham Malih, Sa'id Nino, Assad 'Ulabi, 'Adnan 'Arabi, Michel Arbash and Bahjat al-Missouti are said to be in good health.

Three other lawyers, Thuraya 'Abd al-Karim, Salim 'Aqil and 'Abd al-Majid Manjouneh, also prisoners of conscience, have not been released. It is not clear why they are still detained. No response has yet been received to AI's requests for the reasons for their continued detention.

The lawyers were arrested in April and May 1980 after they had joined a one-day national strike on 31 March organized by the Damascus branch of the Syrian Bar Association. The strike called for an end to the state of emergency in force since March 1963 and for reforms in the emergency legislation; for the abolition of the state security courts; for a boycott of such courts by all lawyers; and for the release of all untried detainees.

The strike was supported by the doctors', engineers' and architects' associations. The government responded by dissolving the national and regional councils of the Bar, medical and engineers' associations and arrested many of their members.

The Syrian Ministry of Foreign Affairs informed the Arab Lawyers Union Permanent Bureau at

the opening of their meeting in Khartoum on 1 December that all the detained lawyers had been released. □

Prisoner News

AI learned in January 1987 of the release of 179 prisoners under adoption or investigation; it took up 76 cases.

MOROCCO

Releases

Eight prisoners of conscience in Morocco have been released early.

Mohamed Amine Mechbal, Abdelaziz Tribak, Azzouz Laarich and Mohamed Lebnani were released from Kenitra Central Prison on 19 December 1986. They had appealed to King Hassan for clemency in an open letter which was published in the official Moroccan press.

Brahim Ahmich, Mustapha Fezzouan, Mohamed Kamouni and Abdelmajid Youssri were also released from Kenitra Central Prison on 30 December. They too had reportedly appealed to the King for clemency.

They were members of a coalition socialist group known as *Frontistes*, imprisoned in January 1977. All eight had been sentenced to 20 or 30 years' imprisonment. □

PERU

Prison killings covered up

Peruvian armed forces deliberately blew up a cell-block after a prison revolt in June 1986 and then claimed that missing political prisoners were buried under the rubble.

AI has compelling evidence that the "Blue Pavilion" cell block in El Frontón was razed to the ground only after scores of prisoners had surrendered. Some of them were tortured and summarily executed and up to 60 others were taken into secret custody for interrogation — what happened to them afterwards is known only to the authorities.

These are among the findings in AI's new report on its investigations into "disappearances", torture and the massacre of political prisoners by government forces after three prison revolts whose bloody aftermath was international news in June 1986.

AI has concluded that although Peru's President García initially spoke out and helped expose summary executions in one prison, there has since been a cover-up by civilian and military authorities of the gross human rights violations that occurred at the time and may be continuing.

The simultaneous revolts at the three prisons — Lurigancho, Santa Barbara (for women) and El Frontón — involved some 350 inmates, mostly members of the *Sendero Luminoso* guerrilla group. They seized hostages and (at El Frontón) weapons from guards. The armed forces were called in to quell the revolts and they expelled civilian observers.

All 124 mutineers in Lurigancho prison perished — more than 100 of them were summarily executed after surrendering. Two inmates in the women's prison died.

Although the Lurigancho killings were soon made public, official secrecy on events at the island prison of El Frontón was and has remained almost total.

Artillery, mortars, bazookas and rockets had been used to subdue the prisoners there. Of at least 154 mutineers, only 35 were acknowledged to have survived. Official communiques said the rest were buried under the ruined "Blue Pavilion" cell-block, allegedly flattened during armed resistance by the prisoners.

AI's version of events is backed up by photographs taken at the time, classified government documents and its interviews with acknowledged survivors and with a naval officer who described the transfer of the missing prisoners to the Peruvian navy's principal base at Lima's port of Callao.

The government ordered the armed forces to remove bodies

from all three prisons as quickly as possible and bury them secretly by night in scattered cemeteries.

AI has again called on the authorities to set up a full inquiry into the human rights violations committed during and after the prison revolts, and in particular to account for the missing prisoners of El Frontón. It has urged the government to ensure the safety of any prisoners still in secret custody — and to set up full investigations into the "discovery" of more bodies, with thorough and independent forensic examination of the corpses, and inquests into the causes and circumstances of death. □



Wife and child of José Pablo Aranda, a prisoner of conscience, who was killed at Lurigancho prison on 16 June 1986. Relatives of the victims of summary executions have received no official notification of the deaths.

USSR

Plan for a new human rights body

A plan for a new official commission which would "inform Soviet citizens of their rights" was announced by the Soviet Committee for European Security and Cooperation to mark the 11th anniversary of the Helsinki Accords in July 1986.

In October AI wrote to the Chair of the Committee to ask for more information about the new body and to learn if there would be opportunities for useful contact between the two organizations in future.

In the letter AI asked who would serve on the new commis-



Jean-Bedel Bokassa, former Emperor of the Central African Republic, is escorted into court to stand trial on charges which include murder, cannibalism and embezzlement. An AI observer has been attending the trial.

CENTRAL AFRICAN REPUBLIC

Former emperor on trial

An AI observer has been attending sessions of the trial in Bangui of Jean-Bedel Bokassa, the former Life-President and Emperor of the Central African Republic, which began on 15 December 1986.

After 14 years in power marked by arbitrary detention, torture and secret killings of prisoners, Jean-Bedel Bokassa was overthrown in September 1979 while he was out of the country. He spent the next seven years in exile in the Ivory Coast and France, but returned home voluntarily in October 1986 despite having been sentenced to death *in absentia* in 1980 on charges including murder, cannibalism and embezzlement of state funds.

He was arrested upon his arrival at Bangui airport on 23 October 1986. Within a few days the government announced that his previous conviction was being set aside and that he would be retried on the same charges by Bangui Criminal Court.

He appeared in court for the

first time on 26 November, but the trial was almost immediately postponed until 15 December. When it restarted, Jean-Bedel Bokassa was represented by two lawyers from France and three local lawyers. The trial was open to the public and an AI observer, Maître Biram Sy of the Dakar Bar Association, attended the first 10 days. He observed further sessions of the trial in January and February.

There are 14 separate charges against Jean-Bedel Bokassa to which he has pleaded not guilty. Throughout the first month and a half the court, composed of three judges and a jury of six, heard evidence concerning the principal charge, of murder and complicity in the murder of political prisoners who died in prison between 1970 and 1979. □

As of mid-February 1987, 15 Soviet citizens were still imprisoned for their private attempts to promote the human rights provisions of the Helsinki Accords. □

if, in its work to promote human rights in the USSR, the commission would also try to redress specific abuses that were brought to its attention, for example by exercising its constitutional right to petition the appropriate authorities on behalf of individual complainants. However, AI received no response to this letter. □