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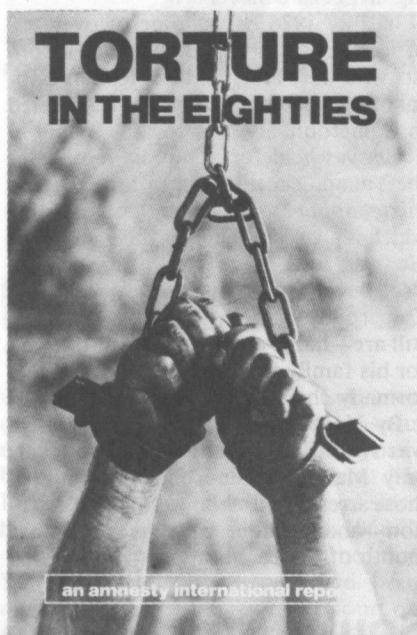
Torture in the Eighties

A major new report published by *AI* on 4 April—*Torture in the Eighties*—marks the start of a long-term campaign by the movement to expose and end the use of torture as a tool of state policy.

The report shows that prisoners have been tortured or cruelly treated in at least one out of every three countries within the past four years. However, although it cites allegations of torture or ill-treatment of prisoners in nearly 100 countries, *AI* emphasized in a news release of 4 April that government secrecy and intimidation surrounding such abuses often made corroboration of torture claims difficult. It said it was extremely likely that many other cases had not yet come to light: cover-ups and censorship made a full survey impossible.

The report discloses that, since 1980, *AI* has acted on 2,687 cases in 45 countries—not including its appeals for many people seized in mass arrests—and has learned of abuses in dozens of other countries. But the organization is not issuing any “blacklist” of countries as this would be incomplete and open to political misuse.

The cruelty is often systematically



applied as part of “state-controlled machinery to suppress dissent”, the 263-page report says.

Men and women of all social classes, ages, trades and professions are victims; children have been tortured in El Salvador and infants forced to watch their mothers being tortured in Iran, according to *AI*'s information.

Most of the torture documented in the report is aimed at intimidation, punishment or extracting confessions from political prisoners.

Methods range from beatings and whippings to such specialized techniques as the Syrian “black slave”, an electrical apparatus that inserts a heated metal skewer into the victim's anus.

Some methods, such as the pain-causing drugs forcibly given to some political prisoners in the Soviet Union or the use in a number of countries of electrodes on sensitive parts of the body, make verification of torture or ill-treatment especially difficult, the report says.

The evidence comes from victims, witnesses, medical examinations, court records and former security agents who took part in torture sessions.

The report includes case studies of situations in which public pressure, supported by international opinion, has helped to limit or halt torture. It outlines a practical 12-point program that governments can use to prevent torture. The

Continued on page 5

STOP PRESS: UN body agrees on draft convention on torture

Alleged torturers will be liable to trial anywhere in the world under the terms of a draft convention against torture which the United Nations Commission on Human Rights has agreed to send to the UN General Assembly after six years of discussions.

The Commission agreed in March on the text of the draft Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It now goes through the Economic and Social Council to the General Assembly, which alone can adopt a final text.

Two of the most difficult issues before a working group of the Commission had been the idea of universal jurisdiction over alleged torturers and an effective implementation mechanism.

This year articles were agreed on universal jurisdiction. The draft convention stipulates that any state party must prosecute, try or extradite any alleged torturer no matter what his or her nationality and irrespective of where the alleged abuses were perpetrated.

However, there was no agreement on proposals for a Committee Against Torture (to be established by the Convention) to initiate inquiries and investigations into situations where torture is being used systematically. Nor was there agreement on the terms whereby the proposed committee would examine reports to be submitted periodically by states parties to the Convention. The General Assembly will have to decide on these issues.

Released



José Luis Massera Lerena (above), a former mathematics professor, is one of two well-known Uruguayans adopted by *AI* as prisoners of conscience who have been released after more than eight years' detention each. The other is General Liber Seregni. See page 2.

Also in this issue: ● Torture and the courts in Chile, page 4 ● Canadian prison riot aftermath, page 6 ● Death penalty appeal, USSR, page 7 ● Extra-judicial executions in Zaire, page 8

Releases ... Releases ... Releases ...

Uruguay

José Luis Massera Lerena, a 68-year-old former mathematics professor in Uruguay who had been adopted by *AI* as a prisoner of conscience, was released on 3 March after nearly eight and a half years' imprisonment.

A former deputy in the Uruguayan parliament, he was arrested on 22 October 1975 and tried by a military court on charges of subversion. In 1979 he was sentenced in the first instance to 20 years' imprisonment. In mid-February 1984 the sentence was reviewed by the Supreme Military Tribunal and reduced to 14 years. The reduction meant that he was entitled to apply for early release, having served over half the final sentence.

In 1979 the Human Rights Committee set up under the International Covenant on Civil and Political Rights concluded that the Uruguayan authorities had violated his right not to be subjected to torture, his right to be promptly informed of the charges against him and his right to a fair trial within a reasonable time.

On 15 August 1979 the Committee ruled that he had suffered "permanent physical damage" as a result of torture in detention.

Over the years thousands of *AI* members from all over the world appealed for his release and expressed serious fears about his health. He has suffered from hypertension for several years and his condition requires regular monitoring.



General Liber Seregni, a 67-year-old Uruguayan adopted by *AI* as a prisoner of conscience, was released on 19 March after eight years' imprisonment. He has been deprived of his political rights for the next two years.

He was the presidential candidate of the *Frente Amplio* coalition of left-of-centre parties in the last presidential elections held in Uruguay, in 1971. He was detained for short periods on a number of occasions, then on 11 January 1976 he was arrested again and sentenced to 14 years' imprisonment in the first instance for, among other things, "attacks on the Constitution".

The sentence was still awaiting an appeal hearing by the Supreme Military Tribunal this year.

Cameroon

Martin Ebelle-Tobo, a prisoner of the month in December 1980, was released in January 1984 after seven and a half years' detention without charge or trial.

He worked for a Douala freight company in the mid-1970s after having studied in Britain for some years, including at Leeds University.

In July 1976 he was one of over 200 office workers, students and trade unionists who were arrested after leaflets critical of the government had been circulated in Cameroon.

He was held for about six months at the Yaoundé headquarters of the *Brigade mixte mobile*, a paramilitary police force which is alleged to have tortured suspects. He was later transferred to Tcholliré "re-education centre" in northern Cameroon, where conditions were—and still are—harsh and where it was difficult for his family to visit him. He was never formally charged.

By November 1982, when Paul Biya was sworn in as Cameroon's President, only Martin Ebelle-Tobo and four of those arrested with him were still in detention—and the four were freed within a month of the ceremony.

South Africa

Father Smangaliso Mkatshwa, a Roman Catholic priest and General Secretary of the Southern African Catholic Bishops' Conference, was acquitted in the Zwelitsha Regional Court, Ciskei, on 8 March on charges brought under Ciskei's National Security Act, 1982 (see December Newsletter).

He had been detained without charge or trial from 30 October 1983 until 10 February 1984, when he finally appeared in court and was charged with subversion, incitement to public violence and addressing an unlawful meeting. It was alleged that he had advocated violent change in Ciskei while addressing a gathering of students at Fort Hare University in Ciskei.

When he was brought to trial on 7 March 1984, the prosecution asked for a recess until the next day so that one of the defence witnesses, **Kalvin Mosala**, a student, might be interrogated by the police with a view to calling him as a witness for the prosecution.

The magistrate refused a recess and allowed only a half-hour interrogation. Calvin Mosala then repudiated in court a statement he had made in 1983 to the security police, on the grounds that it had been made under duress while he was being interrogated, naked, in security police detention.

The magistrate ruled that the statement was not admissible as evidence.

Kalvin Mosala was detained by plain-clothes security police as he left the court.

The following day, after the prosecution

had led its witnesses, the magistrate ruled that there was no case to answer and acquitted Father Mkatshwa on all charges. He was released from custody and has apparently left Ciskei. Calvin Mosala was released on bail and is reported to be facing a charge of perjury.

Paraguay

Alfonso Silva Quintana, adopted by *AI* as a prisoner of conscience, is reported to have been released from prison in Paraguay on 12 March after a total of nearly 15 years in custody.

AI's information is that he was taken to Clorinda on the border with Argentina and that he is now in Buenos Aires, where he is said to be in good health.

His case was featured in *Paraguay: An Amnesty International Briefing*, published on 22 February (see March Newsletter).

A tailor, now aged 52, he was first arrested with his wife, **María Saturnina Almada**, in January 1968. Both were held for 10 years without charge or trial and are reported to have been tortured. They were released in 1978, then rearrested in May 1979. After two years' detention, the couple were eventually convicted under an article of Paraguayan law relating to association or affiliation with a communist party.

He was sentenced to four years 10 months' and she to three years' imprisonment. On expiry of her sentence in May 1982, his wife was summarily expelled from Paraguay.

Malawi

Fumbani Chirwa—son of **Orton** and **Vera Chirwa**, who are under sentence of death in Malawi—was released from what was officially described as "protective custody" on 24 February, after more than two years' incommunicado detention without charge or trial (see February Newsletter).

He is reported to have left Malawi and to be in good health.

Fumbani Chirwa was arrested with his parents in December 1981. The Chirwas have said that they were abducted from Zambia by Malawian security agents. The Malawi authorities say they entered Malawi clandestinely. Fumbani Chirwa was never charged or brought to trial, not even in connection with his alleged illegal entry into the country.

GDR

(German Democratic Republic)

Barbel Bohley and **Ulrike Poppe**, two peace campaigners arrested in Berlin (GDR) on 12 December 1983 (see February Newsletter) were released from detention on 24 January.

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.

Golam MAZED, Bangladesh
A newspaper editor, he is serving a sentence of three years' imprisonment with hard labour because he published articles considered critical of the government. He is reported to be in poor health.

Golam Mazed, editor of the daily newspaper *The Dainik Runner* and the weekly *Ganamanash*, was arrested on 9 February 1983 and convicted and sentenced by a summary martial law court in August as a result of five articles he had published early in 1983.

He had been charged under Section 15 of the Martial Law Regulation No. 1 of 1982, which prohibits criticism of martial law, and Section 17 of the same regulation, which prohibits "any prejudicial act", including the publication of any document containing a "prejudicial report".

A "prejudicial act" is defined as one intended or likely to, among other things, prejudice the national interest, defence, or the maintenance of law and order, or to "bring into hatred or contempt or to excite disaffection towards the Government". A "prejudicial report" is one which is, or incites the commission of, a prejudicial act.

The newspaper articles concerned are reported to have been published during a period of nationwide demonstrations against continued military rule. Many people were arrested but *AI* understands that all those involved in the protests have since been released, except Golam Mazed.

AI has adopted him as a prisoner of conscience because it considers that he has been detained in contravention of his right to freedom of expression and opinion.

Furthermore, *AI* is concerned about the procedures of summary martial law courts, like the one that tried him. They do not permit defendants to be legally represented (although an accused may be assisted by a "friend"), and other customary safeguards against unfair trial which apply in ordinary courts in Bangladesh have been considerably weakened in cases before them; nor is there any right of appeal against their verdicts.

Golam Mazed is in Sylhet Central Jail, and his health is said to be poor. It is reported that his lower left leg is paralysed and that he has blood pressure trouble.

Please send courteous letters appealing for his release to: His Excellency President H.M. Ershad / Chief Martial Law Administrator / Office of the Chief Martial Law Administrator / Dhaka / Bangladesh.

Delmond CHOULOUE, Haiti
A former member of the armed forces now in his late fifties, he has been detained without charge or trial since 1979—the authorities will not acknowledge that they are holding him. He is reported to be in poor health.

Delmond Chouloute left Haiti in the mid-1960s because of threats from the *Tontons macoutes* militia and because he held views opposed to those of the government of the late Dr François Duvalier. He spent the next 13 years in exile in the neighbouring Dominican Republic.

In September 1979 he returned to Haiti to visit his parents, and within days was arrested in Croix-des-Bouquets, a town near the capital, Port-au-Prince.

The arrest was not acknowledged by the authorities and *AI* received no information on his whereabouts until 1981, when unofficial sources confirmed that he was being held with other political prisoners in the National Penitentiary in Port-au-Prince.

Although it is not known where he was taken immediately after arrest, other political prisoners arrested that year and also still being held in the National Penitentiary were originally detained in the Casernes Dessalines military barracks, where several of them were said to have been badly beaten.

The government has still not acknowledged that Delmond Chouloute is being held. Like other political prisoners in the National Penitentiary, he has not been brought before a judge, charged, tried, or allowed to see a lawyer.

The years of detention in harsh conditions are said to have impaired his health.

AI believes that he was arrested because he was known to hold views opposed to those of the Haitian Government, and that he has not used or advocated violence.

Please send courteous letters appealing for his release to: Son Excellence Jean-Claude Duvalier/Président-à-Vie/Palais National/Port-au-Prince/Haiti.

Emrush SALIJEVSKI, Yugoslavia
An ethnic Albanian street vendor, he is serving a five-year prison sentence for "hostile propaganda"—one of the charges against him was that he had possessed and listened to recordings of Albanian nationalist songs. He is physically handicapped and said to be in poor health.

Emrush Salijevski comes from a village close to Kumanovo, in the republic of Macedonia, and was making a living in the streets of that town selling cassette tapes of popular music when he was arrested in August 1981.

At his trial by the District Court of Skopje in February 1982 he faced charges of possessing, selling and listening to tape recordings related to Albanian nationalist issues. The charges included the following:

- That he had sold tape recordings of broadcasts by Albania's *Radio Tirana*, which criticized the Yugoslav Government's handling of nationalist demonstrations by ethnic Albanians in Kosovo province in March and April 1981. (The demonstrators' main demand was that Kosovo province, a part of the republic of Serbia, be granted its own republic status within the Yugoslav federation.)
- That he had at his home seven cassette tapes of songs described by the authorities as having an "Albanian nationalist content" which the court considered liable to provoke discord in Yugoslavia.
- That he had listened to some of these tapes in the presence of several witnesses.
- That he had said that ethnic Albanians in Macedonia had not shown enough support for the demands of the Kosovo demonstrators.

The court convicted him of having engaged in "hostile propaganda"—he is serving his five-year sentence in Idrizovo prison, near Skopje.

Emrush Salijevski, aged 45, is married and has nine children. He is a hunchback and is said to be in poor health.

Please send courteous letters appealing for his release to: His Excellency The President of the Presidency of the SFRJ/Bul. Lenjina 2/Belgrade/Yugoslavia.

Prisoner releases and cases
AI learned in February 1984 of the release of 118 prisoners under adoption or investigation; it took up 122 cases.

One of AI's continuing concerns in Chile has been the fact that the courts have not taken effective action to prevent detainees from being tortured. They have commonly failed to respond to *recursos de amparo* (similar to *habeas corpus* applications) within the 48-hour period stipulated by law, and have rarely insisted that the security forces produce detainees within the 20 days during which such detainees may be held on the orders of the Minister of the Interior. In its 1983 report *Chile: Evidence of Torture*, AI called on the government to take steps so that the courts might fulfil their obligations under Chilean law to ensure that detainees were protected from torture and ill-treatment. Now the country's most senior judge is reported to have publicly voiced his disquiet about their efficiency in dealing with complaints of torture.

Chile: torture and the courts

The President of Chile's Supreme Court, Judge Rafael Retamal, is reported to have called publicly for improvements in the efficiency of the country's courts and to have referred in particular to the time taken in dealing with complaints by victims of torture and relatives of people who have "disappeared" after being detained.

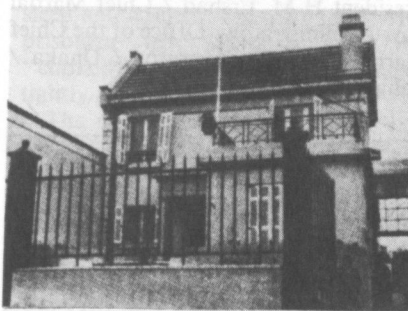
Judge Retamal is reported also to have called on the authorities to emphasize instructions to officials that torture was unacceptable and demonstrated "incompetence" in interrogating suspects.

Commenting on proposed new anti-terrorist legislation, which broadens the powers of the *Central Nacional de Informaciones* (CNI), secret police, he is reported to have said that the draft Anti-Terrorist Law reduced the powers of the civilian courts and demonstrated "a lack of confidence in the effectiveness of ordinary justice."

The judge was presiding over the opening of Chile's judicial year at the beginning of March and his "suggestions for improving the efficiency of the courts" were reportedly made in the presence of the Minister of Justice, Hugo Rosende.

Although hundreds of complaints of torture have been filed in the courts since 1973, AI is not aware of any conviction or disciplinary measures having been taken against members of branches of the security forces cited as responsible for torture during the interrogation of political suspects. Investigations have generally been slow and the civilian courts have been forbidden to continue investigating a complaint of torture if it is established that the security forces were involved. The case is then referred to a military court. These have failed to follow up adequately on complaints of torture.

This practice continued throughout 1983, although in a number of cases the courts were more active. At the beginning of October 1983, for example, the *Corte Marcial*, Military Appeals Court, in Santiago ordered a military judge to reopen investigations into a complaint of torture which had been submitted on behalf of **Fernando Benjamin Reveco Soto**, who was arrested by CNI agents in May 1982. He alleged that no arrest warrant was produced and that he was tortured while being held in secret CNI premises for 21 days. The military judge responsible for the inves-



The existence of this secret CNI detention centre in the seaside town of Viña del Mar, about 100km from Santiago, was verified by a judge in October 1983 after lawyers acting for 11 detained students had complained to the courts about illegal arrest and detention.

tigations had closed the case inconclusively on 7 October 1982. After an appeal by lawyers, the *Corte Marcial* ruled that the investigations were incomplete and should be reopened.

In another case, the Military Judge of Santiago on 14 November ordered investigations to be opened into allegations of torture made by **Jorge Burton Aravena** and eight trade union leaders, who had been arrested in June 1983.

The judge's decision to investigate was made after the Archbishop of Santiago had written to the Supreme Court on 5 August expressing the concern of the Roman Catholic Church about the continued use of torture. The Supreme Court is believed to have asked the Military Appeals Court to monitor the investigations and to report back to it every 30 days.

Two special judges (*ministros en visita*) were also appointed by the civil courts in Concepción at the end of November to investigate numerous complaints of torture and several deaths and injuries which had occurred in the region during various Days of Protest in the second half of the year.

The appointments were made after actions before the courts by the legal department of the Concepción branch of the *Comisión de Derechos del Pueblo* (CODEPU), People's Rights Commission, and by a group of about 60 lawyers. These are believed to have been the first such appointments in Concepción.

In its 1983 report *Chile: Evidence of*

Torture, AI cited several irregularities in CNI operations, including:

- its persistent practice of arresting people outside the terms of reference laid down by Chilean law;
- its interrogation of political suspects—Article 90 of the Constitution states: "The forces of order and public security are integrated only by *Carabineros* and *Investigaciones* [two other branches of the security forces]"; and
- its practice of holding detainees in secret detention centres—a direct violation of Article 19.7d of the Constitution which states that "No one can be arrested, detained, put in preventive custody or imprisoned anywhere other than in his own home, or in a public place specifically designated for this purpose."

The courts in Chile have usually failed to rule on the legality of arrests and detentions by the CNI when dealing with *recursos de amparo* submitted to them on behalf of individuals held incommunicado in secret CNI detention centres.

However, in the autumn of 1983, two unprecedented court actions occurred relating to these irregularities.

On 28 October, for the first time, the existence of a secret CNI detention centre was established by a judicial body. This case was at Viña del Mar, a seaside town about 100 km from Santiago, where 11 students had been arrested early on 27 October and taken to a secret detention centre.

Lawyers acting for them immediately submitted an official complaint (*denuncia*) of illegal arrest and detention, based on Article 317 of the Code of Penal Procedure, which makes it possible to apply in this way to the courts when individuals are presumed to be held in unauthorized places of detention.

Later that day, the magistrate of the Seventh Criminal Court (*Juzgado del Crimen*) dealing with the *denuncia* instructed Judge Haroldo Brito to go to Calle La Habana 476 in Viña where it was thought the students were being held and to investigate the allegations of illegal detention.

The occupants of the building told the judge he had made a mistake and denied that it was being used as a CNI detention centre.

However, the judge was instructed by the same magistrate to return to the

building the following day. This time accompanied by plainclothes police, he was able to enter the building and was told that in fact it was a CNI detention centre and that the students were being held there. He was not allowed to see them.

A few hours later, five of the detainees were released unconditionally. The other six were brought before the Naval Prosecutor and transferred to prison. All 11 alleged that they were tortured while held by the CNI. They are believed to have submitted official complaints to the courts.

Following the judge's action, the Regional Military Governor of the area submitted a request to the Appeals Court that disciplinary action be taken against the judge on the grounds that he had exceeded his powers. According to the Governor, the premises of Calle la Habana 476 fell under the jurisdiction of the military courts. He later withdrew this request.

In another important case, the Santiago Appeals Court ruled in November 1983 that Decree 1878, by which the CNI was created in 1977, does not empower it to arrest and detain people, and that according to the Constitution individuals could be detained only in public places or prisons.

This ruling was made when the court

accepted a request for protection (*recurso de protección*) submitted on behalf of **José Santos Tamayo Velásquez**, a shantytown leader, on the grounds that a warrant had been issued by the Ministry of the Interior giving the CNI the authority to arrest him.

The government has disputed the court's ruling, arguing that the CNI does have powers of arrest and detention. Chilean human rights lawyers have said, however, that if laws to that effect exist, they must have been passed in secret.

In the face of these rulings and widespread criticism of the CNI, the government announced on 25 November that it intended to introduce a decree law which would make public the location of all places where an individual might be detained, thus "ending the system of secret prisons".

AI is not aware of any such law having been introduced to date. Instead, the government appears to have sought to legalize disputed CNI activities by introducing a new anti-terrorist law. Published in January 1984 and still in draft form, it includes proposals for granting the CNI powers of arrest and detention without judicial warrant. Because there is no elected parliament in Chile, the final approval of the proposed law rests with a legislative committee appointed by the government □

Continuing allegations of human rights violations

AI has continued to receive reports of arbitrary arrests in Chile—since the beginning of the year it has learned of some 200 such detentions, mostly short-term.

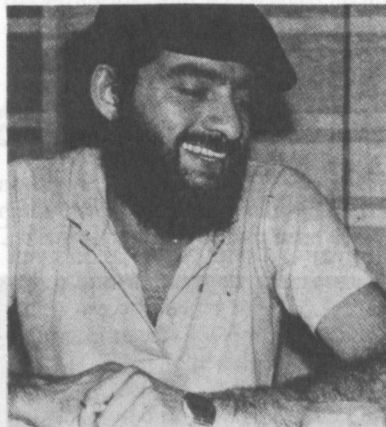
There have also been more allegations of torture and ill-treatment by members of the CNI and other branches of the police and security forces.

For example, **Juan Andrés Lazo Acuña**, a 24-year-old volunteer involved in local church community work in Santiago, has filed an official complaint in the courts alleging that he was arrested without warrant, held in secret detention centres and tortured in January this year.

He says that he was arrested on the morning of 27 January by some 15 plainclothes agents who did not identify themselves; that they handcuffed him, pushed him into one of five vehicles being used in a security raid and repeatedly beat him.

He says that he was taken to the home of a 19-year-old student friend who was working with him in a community project for children in Santiago's shantytowns. She was not at home and Juan Lazo says he was then taken into custody.

In his official complaint he states that he was held in two different centres during his period of detention.



Juan Andrés Lazo Acuña

He says he was stripped and blindfolded, examined by someone he took to be a doctor, then interrogated about the allegedly political activities of a number of priests and about the children's project he had been involved in. His head was banged against a wall and he was tortured with electric shocks four times, he says.

He was released on 28 January and has not been charged with any offence.

UN Human Rights Commission calls for immediate releases

An appeal for the immediate release of anyone detained solely for exercising the right to freedom of expression has been made by the United Nations Commission on Human Rights meeting in Geneva.

In a resolution adopted by consensus on 12 March, the Commission expressed concern about the extensive detention in many parts of the world of people who exercise this right, and called for them to be released at once.

The main sponsor of the resolution was Canada; co-sponsors were Belgium, Bulgaria, Colombia, Costa Rica, India, Iceland, Peru and Spain.

The Commission decided to review the subject again at its next session in February and March 1985.

● AI's Appeal for a Universal Amnesty for All Prisoners of Conscience was circulated to members of the Commission in February. On 8 December it had been formally presented to the United Nations in New York (see January Newsletter)

Torture in the Eighties

Continued from page 1

study points out that torture most often occurs during a prisoner's first few days in custody when visits by family or lawyers are banned—often under laws giving the authorities wide-ranging powers to deal with emergencies.

It says that when statements extracted under torture are accepted by judges as evidence and no official inquiries are made into torture complaints, a clear signal has been given to security forces that torture is tolerated.

"Torture can be stopped," it says. "What is lacking is the political will of governments to stop torturing people."

In its report, AI urges that the international anti-torture convention drafted by the United Nations Human Rights Commission should be adopted. It is due to go through the Economic and Social Council to the UN General Assembly, which alone can adopt a final text (see Stop Press item on front page) □

Canada Report on aftermath of 1982 prison riot

A report stating that there were reasonable grounds for believing that prisoners were tortured or ill-treated by guards in the aftermath of a prison riot in Canada in 1982 was published by *AI* on 21 March 1984.

The report is based on a memorandum sent by the organization to the Canadian Government in June 1983 calling for a full and independent inquiry into charges of torture and ill-treatment by guards after a riot at Archambault maximum security prison in Québec. *AI* urged that the results of the inquiry be made public.

In August 1983 it was announced that Canada's Correctional Investigator was to inquire into the allegations. The results of that inquiry had not yet been made public by the time *AI* had decided this year, in accordance with its normal procedures, to issue its report.

The *Amnesty International Report on Allegations of Ill-treatment of Prisoners at Archambault Institution, Québec, Canada* is the result of a fact-finding mission the organization sent to Canada in April last year to check allegations that prisoners had been ill-treated at the prison after the riot on 25 and 26 July 1982: three guards and two prisoners died during the trouble. The mission consisted of a US lawyer, David Weissbrodt, and a French doctor, Hélène Jaffé.

They received sworn statements about torture and ill-treatment from 17 prisoners and interviewed six of them. They also

interviewed prisoners' families, lawyers and prison officials.

The most serious allegations concerned the treatment of inmates placed in the prison's segregation unit and included reports of beatings, the spraying of tear-gas directly into prisoners' mouths, keeping prisoners naked in their cells for up to three weeks, depriving inmates of sleep and adulterating their food. Three prisoners were said to have been "choked" by having wet towels wrapped tightly around their heads.

The *AI* mission found that there exists at least "reasonable ground to believe" that there was, within the meaning of the UN Declaration on Torture, torture or other cruel, inhuman or degrading treatment or punishment in the Archambault Institution during the relevant period.

The mission concluded that the Canadian Government had an international obligation to undertake a full, independent and impartial investigation into the allegations.

In its report, *AI* points out that it received full cooperation from the Canadian Government and was given access to prison service employees, prisoners and records.

In February 1984, it informed the Canadian Government that it planned to publish its report on 21 March, some 11 months after its fact-finding visit—most *AI* reports are published within a year of mission visits □

Death sentences commuted . . .

Gambia

Death sentences passed on 27 prisoners convicted of treason and other serious offences involving violence at the time of an armed coup attempt in July 1981 were commuted by the Gambia's President, Sir Dawda Kairaba Jawara, on 18 February 1984.

Sixteen of the sentences were commuted to life imprisonment and the remaining 11 to 20 years' imprisonment.

The 27 prisoners had been convicted by the Special Division of the Supreme Court, established after the 1981 coup attempt. (Over 1,000 people were detained at the time and nearly 200 of them were eventually tried.) The death sentences had been confirmed on appeal.

An *AI* observer who attended some trials before the Special Division of the Supreme Court in January 1982 concluded that the trials observed had satisfied the principal international standards for a fair trial. Concern was, however, expressed because some politically-motivated abuses of detention powers had reportedly taken place. The observer's report was made public in June 1983.

In a message to the Gambia's President in late February 1984, *AI* expressed satisfaction at the news of the commutations, which it termed "an exemplary act, which enhances respect for human dignity". *AI* had appealed in 1982 and 1983 for the sentences to be commuted □

Cameroon

Death sentences passed on Cameroon's former President and two military officers are reported to have been commuted to terms of imprisonment by the country's present ruler, President Paul Biya.

AI does not yet know what the prison terms are.

The three had been sentenced to death by a military court in Yaoundé on 28 February.

Ex-President **Ahmadou Ahidjo** (tried *in absentia*—he is in Europe), Squadron Leader **Ibrahim Oumarou** and Captain **Salatou Adamou** were convicted of subversion, conspiracy against state security, and conspiracy to murder President Biya.

The two defendants who were present at the trial have no right of appeal. They are reported to have been tortured during pre-trial detention.

Initial reports of the trial suggest that there may have been insufficient evidence presented by the prosecution to justify the convictions. Two of the accused are reported to have refused legal counsel assigned to them by the state, and they were not represented. No inquiry is reported to have been established into allegations that Ibrahim Oumarou and Salatou Adamou were tortured □

Turkey Diyarbakir hunger-strike ends

The hunger-strike which began at Diyarbakir Military Prison at the end of December 1983 is reported to have ended on 3 March after the authorities had agreed to prisoners' demands for a halt to torture and the restoration of concessions granted after a previous hunger-strike but then withdrawn (see March Newsletter).

Forty-five of the prisoners who took part in this latest hunger-strike were reportedly transferred to the prison hospital and many are said to be in a critical condition.

AI's information is that two prisoners died as a result of the hunger-strike: **Cemal Arat** and **Orhan Keskin**. The organization has not been able to confirm press reports of other deaths resulting from the hunger-strike.

On 16 February *AI* had called on the head of the Turkish armed forces to account publicly for seven prisoners reported to have died in the prison in

January. It is not known how the prisoners died but their deaths are not thought to have been due to the hunger-strike □



Recep Marasli, one of the Diyarbakir hunger-strikers who is reported to be seriously ill. A prisoner of the month in August 1983, he is serving three separate sentences totaling 19 years' imprisonment for publishing works on Turkey's Kurdish minority.

Death penalty appeal

Yermak LUKYANOV, USSR

There are grave fears for the life of a Belgian citizen who was sentenced to death last year for "treason" after he had been confined in Soviet psychiatric institutions for 15 years.

During his years in confinement, 70-year-old **Yermak Lukyanov** never once saw a member of his family. He was held in Dnepropetrovsk and Kazan special psychiatric hospitals, the most severe type of psychiatric institution in the Soviet Union.

Yermak Lukyanov, who was born in the Kalmyk ASSR in 1914, settled in Belgium after the Second World War and obtained Belgian citizenship in 1967.

In 1968 he was detained on a charge of "treason" at the Soviet-Polish border after a tourist visit to the USSR, and spent the next 15 years in the psychiatric institutions—until he was ruled fit to stand trial last year.

His trial by a military tribunal in the Kalmyk ASSR lasted from 17 June to 8 July 1983. He was convicted under Article 64 of the RSFSR Criminal Code of "treason" in the form of "going over to the side of the enemy" and sentenced to death. The charge related to his activities during the Second World War, when he allegedly joined a Kalmyk cavalry force which fought against the Soviet army.

The Belgian Government later reported that neither its representatives in the USSR nor Yermak Lukyanov's relatives had been informed of the trial until more than a fortnight after it was over.

On 23 August 1983 *AI* wrote to the Chief Military Prosecutor of the USSR expressing concern about the passing of the death sentence and asking him to use his powers of judicial supervision to suspend the execution of the sentence and take steps to initiate a review of the case.

AI stated its unconditional opposition to the death penalty in all cases and all countries, and added:

"Moreover, in this case it is disturbed that the failure to announce the date of



Yermak Lukyanov

the trial in advance deprived Mr Lukyanov of the opportunity [of having] consular representation at his trial, and the possibility of having his family present. Mr Lukyanov has not seen his relatives since he was arrested on 4 September 1968."

In early December 1983 *AI* learned that Yermak Lukyanov's appeal had been rejected by the USSR Supreme Court on 30 September.

On 15 December *AI* wrote to Yuri Andropov, the late President of the Presidium of the Supreme Soviet of the USSR, asking him to grant clemency and commute the sentence. In that letter it welcomed the news that since its earlier letter Yermak Lukyanov had been allowed a short visit by his daughter Elza.

His sole hope now is a grant of clemency by the President of the Presidium—a successor to Yuri Andropov had not yet been elected at the time of going to press.

Please send courteous letters appealing for Yermak Lukyanov's life to be spared to: V.V. Kuznetsov / The First Deputy President of the Presidium of the USSR Supreme Soviet/Prospekt Kalinina 4-22/ 103009 Moskva/USSR.

Iran Tudeh members executed

Ten leading members of the military wing of the banned Tudeh Party have been executed in Iran, the authorities there announced on 25 February.

Official sources say 1,500 members of the Tudeh Party were arrested in early 1983 and recent reports indicate that the trial of members of the civilian wing of the Tudeh Party may begin shortly. *AI* has appealed to the Iranian authorities to ensure fair trials for all defendants, and has called for an end to executions.

During January and February *AI* received also unconfirmed reports of executions of political prisoners at Evin Prison.

During 1983 the organization learned of 399 executions which had been officially announced. However, the actual number of executions is believed to be considerably greater, as former detainees and relatives of prisoners have consistently testified to the large numbers of executions which are not officially announced □

Angola Telephone operator executed for treason, spying

A civilian telephone operator was executed in Angola shortly after a military court in Huambo had sentenced him to death for treason and espionage on 20 February.

The execution of **Isaias Jeremias Nangolo** was the first one reported of a civilian tried by a military court since martial law was introduced in more than half of Angola's 18 provinces in July 1983.

AI has sent a message to the country's President, José Eduardo dos Santos, expressing concern about the execution.

At the time of his arrest in September 1983, Isaias Nangolo worked in the telephone exchange of Huambo, a town in central Angola. At his trial he was accused of having listened to telephone conversations between Angolan military officials and of having passed on the information which he obtained to members of the *União Nacional para a Independência Total de Angola* (UNITA), an opposition movement whose guerrilla forces are engaged in armed conflict with government troops in many parts of the country.

No chance to appeal

He is reported to have been executed by firing-squad within days of being sentenced to death. He apparently had no opportunity to appeal to a higher court, although prisoners sentenced to death have such a right under Angolan law.

He is the first person reported to have been sentenced to death in Angola since May 1983, when a civilian convicted on charges of armed rebellion was sentenced to death by a civilian court established in 1976 to try cases involving the security of the state.

Seven other people accused of complicity with Isaias Nangolo were also tried by Huambo's Regional Military Tribunal. Four were acquitted and the three others were sentenced to two, four and 14 years' imprisonment.

In the past *AI* has been concerned because defendants at political trials have not had adequate opportunity to present their defence and because they have sometimes been convicted on the basis of statements obtained under torture.

• *AI* has issued a summary of its concerns in Angola, *Political Imprisonment in the People's Republic of Angola*, which is available from *AI* sections and the International Secretariat □

Death Penalty

***AI* has learned of 88 people having been sentenced to death in 14 countries and of 81 executions in nine countries in February 1984.**

Extrajudicial executions in Zaire

More than 100 prisoners are reported to have been victims of extrajudicial executions at two detention centres in Zaire's capital, Kinshasa, during the past two years.

Over 50 reportedly died at one centre last year—most of them are said to have been deliberately starved to death.

In early January this year at least eight prisoners are reported to have been killed in this centre, and later in the month *AI* received reports that the killings were continuing.

In February *AI* wrote to President Mobutu Sese Seko expressing concern about the reports and calling on him to order a thorough and impartial investigation into them and to see that officials found to have been involved were punished. It urged the President to take action to prevent further killings and in particular to issue orders stressing that extrajudicial executions of prisoners were forbidden in all circumstances.

AI has received persistent reports of secret extrajudicial executions of prisoners at detention centres in Kinshasa. The information has mostly come from former prisoners: some say they saw victims being taken off to be killed, and one stated that he had had to clean up the cells where victims had been held immediately before they were killed. A number of names of alleged victims have been received by *AI*.

Special Presidential Brigade

AI's information over the past two years suggests that deliberate killings of prisoners have occurred at two particular detention centres in Kinshasa. One was opened in the early 1970s and is in a military camp in Mont Ngaliema district, known as the *Deuxième Cité de l'OUA*, Second OAU (Organization of African Unity) City. The detention centre is supervised by members of the *Brigade spéciale présidentielle*, Special Presidential Brigade. The other is part of the new headquarters of the National *Gendarmerie*, in the Lingwala district. It is reported to have opened in 1982 and is supervised by a branch of the *Gendarmerie* known as the *Brigade spéciale de recherches et de surveillance* (BSRS), Special Research and Surveillance Brigade, which has particular responsibility for investigating people suspected of involvement in serious crime.

Each detention centre is reported to have some 10 large and small cells. While detainees held at the *Deuxième Cité de l'OUA* have often included political detainees, those held by the BSRS are reported to be mostly suspected of involvement in crimes such as armed robbery or theft.

The killings reported to *AI* include those of more than 50 prisoners at the *Deuxième Cité de l'OUA* between June

and August 1982. Groups of prisoners are reported to have been killed on at least four separate occasions during this period. According to *AI*'s information the following sequence of events took place:

The victims were ordered to come out of their cells one by one. They were then strangled as they came through a door leading from the cell area. An instrument consisting of two sticks with cords was used: it was put around the victim's neck and tightened by soldiers standing on either side of the prisoner.



Over 100 prisoners are said to have been extrajudicially executed in Kinshasa in the past two years—many were reportedly deliberately starved to death and many strangled by soldiers.

A lorry was kept outside the detention centre with its engine running, apparently to drown any noise. The bodies were later loaded onto the lorry and taken away—it is not known where to, although some sources have claimed that the bodies were dumped in the Zaire River.

The victims of these reported killings do not appear to have been political prisoners. Some were evidently criminal suspects—others appear to have been arbitrarily arrested. For instance, five men are reported to have been arrested at the beginning of July 1982 on the orders of the officer supervising the detention centre on no specific criminal charge. They are said to have been severely beaten, and one apparently died of his injuries. The other four are reported to have been executed extrajudicially a month later, together with other prisoners.

The first reports received by *AI* of extrajudicial executions at the BSRS detention centre in Lingwala concern prisoners allegedly deliberately starved to death in December 1982 in two cells said to have been set aside for this purpose. They were apparently suspected of complicity in armed robberies.

Elsewhere in the detention centre, detainees are reported to have been tortured and held in grossly overcrowded

conditions. Two of 10 victims who were reportedly starved to death in January 1983 are said to have been wounded at the time of their arrest and initially taken to Kinshasa's Mama Yemo Hospital. It is alleged that they were later dragged from their beds, taken back to the detention centre and then starved to death.

More prisoners are reported to have been killed during February, March and April 1983. The killings are reported to have resumed around September.

By the end of 1983 more than 50 prisoners were reported to have been killed, either after having been deliberately starved to death or else after having been taken out of the detention centre and put to death.

On 2 January 1984 eight more prisoners are reported to have been executed and later in the month the killings were reported to be continuing.

Although the government is not known to have officially condoned extrajudicial executions, unofficial sources have suggested that they are part of a deliberate policy to reduce the level of crime in Kinshasa.

Jobless youths arrested

Past campaigns against crime have resulted in the arrest of hundreds of young, unemployed men (known in Zaire as *balados*) who, while not necessarily accused of committing specific crimes, were held responsible for the high crime rate in the capital.

At times such detainees have been transferred from the capital to "re-education" camps in the provinces. One of these, Ekafera, became well-known during the mid-1970s when hundreds of untried prisoners reportedly died there as a result of malnutrition and harsh conditions.

Some years earlier, in 1971, another campaign against crime is believed to have resulted in some 500 deaths. The victims were allegedly murdered by an assassination squad organized by Manzikala Madrikani, who had been appointed security chief in Kinshasa. He gave evidence to this effect at his trial in 1972, when he was prosecuted for the murder of one of the victims. In his defence, he submitted that his prosecution for one murder was not justified as he had been allowed to arrange the killing of almost 500 others. He was convicted and sentenced to death, but the sentence was commuted and he was soon released from prison.

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amnesty international supplement

TORTURE IN THE EIGHTIES

While government representatives universally and collectively condemn torture, more than a third of the world's governments have used or tolerated torture or ill-treatment of prisoners in the 1980s. Political suspects and other prisoners face torture in police stations, secret detention centres, camps and military barracks.

In a major new report, "Torture in the Eighties", Amnesty International cites allegations of torture and ill-treatment in some 98 countries—documenting complaints by victims in every region of the world, from security headquarters in Spain to prison cells in Iran, from secret police centres in Chile to special psychiatric hospitals in the Soviet Union.

The report cites cases involving systematic torture during interrogation—electric shocks, severe beatings and mock executions; harsh prison conditions; the participation of doctors in the process of torture; and punishments such as flogging and amputation.

The report is part of Amnesty International's continuing campaign against torture and it spells out a global program for the abolition of this abuse.

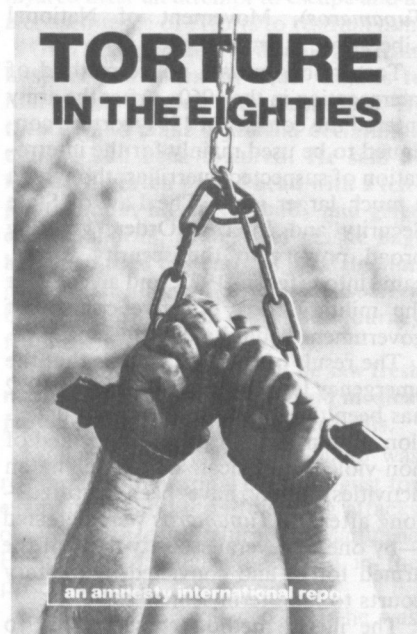
Thousands upon thousands of Amnesty International volunteers around the world are working together to eradicate torture and prevent cruel treatment of prisoners. In the next two years they will be taking part in a special drive to try to rid the world of these violations of human rights.

This supplement is part of that drive. It is based on the introductory chapters of "Torture in the Eighties" and touches on the institution, process and agents of torture; and, of course, the victims . . . Six appeal cases are included for action right now. A regular "File on Torture" will be included in future "Newsletters", with more appeal cases which will make it possible for each reader to do something to help individual prisoners who have been tortured, are feared to be undergoing torture or face the threat of torture.



In Chile human rights organizations have identified secret detention centres in which political suspects have been interrogated under torture. A group of nuns, priests and other church members protested outside such a centre in Santiago in October 1983. Their banner reads: "This place is used for torture."

TORTURE IN THE EIGHTIES



Torture as an institution

Torture does not occur simply because individual torturers are sadistic, even if testimonies verify that they often are. Torture is frequently part of the state-controlled machinery for suppressing dissent. Concentrated in the torturer's electrode or syringe is the power and responsibility of the state. However perverse the actions of individual torturers, torture itself has a rationale: isolation, humiliation, psychological pressure and physical pain are means of obtaining information, of breaking down the prisoner and of intimidating those close to him or her.

It is very often used as an integral part of a government's security strategy. If threatened by guerrillas, a government may condone torture as a means of extracting vital logistical information from captured insurgents. If the government broadens its definition of security, the number of people who appear to threaten it become larger.

The implication of others in banned activities or the intimidation of targeted social sectors like students, trade unionists

● Appeal cases
pages 5 to 8

or lawyers may become the rationale for torture in the new circumstances.

Emergency legislation may facilitate torture by giving extensive powers of detention to the security forces. This process may be accelerated if the military take over governmental, police and judicial functions.

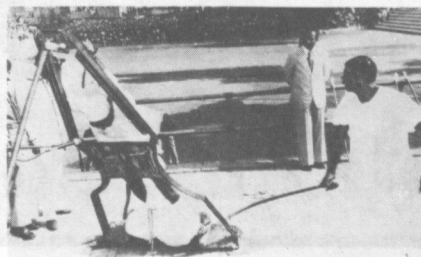
The Uruguayan Government's fight against the urban guerrilla movement *Movimiento de Liberación Nacional* (or *Tupamaros*), Movement of National Liberation, is an example.

Torture began as a police method of interrogation in the 1960s. After the army entered the conflict in 1971, torture continued to be used mainly for the interrogation of suspected guerrillas, though on a much larger scale. The Law of State Security and Internal Order, granting broad powers to the security forces, came into effect in 1972, and a year later the military took effective control of government behind a civilian façade.

The result of these changes is that the emergency legislation introduced in 1972 has been the formal basis for the detention of hundreds of people suspected of non-violent political or trade union activities. Many have been tortured—long after the *Tupamaros* were defeated—by one of several security units of the armed forces and convicted by military courts to long-term sentences.

The illegal methods first applied to suspected *Tupamaros* became, by 1975, routine treatment for virtually any peaceful opponent of the Uruguayan Government who fell into the hands of military units.

A specific motive for using torture is often to intimidate the victim and other potential dissidents from further political activity. Students detained for demonstrating or leafleting in the Republic of Korea have been tortured and beaten routinely at police stations, then released



Torture and ill-treatment are increasingly inflicted as judicial punishments, sometimes in addition to prison sentences. In Pakistan since the imposition of martial law in 1977, sentences of flogging can be imposed under both martial law regulations and Islamic law. Many floggings are carried out in public.

without charge.

The intimidation of rural populations by means of torture and killings has been part of government strategies to bring the population or particular parts of the country under government control. Guatemalan counter-insurgency operations in the early 1980s, for example, included the terrorization of targeted rural populations in an effort to ensure that they did not provide support for guerrillas. Tortured, dying villagers were displayed to relatives and neighbours, who were prevented from helping them. Newspapers in urban areas during this period were allowed to publish photographs of mutilated bodies, ostensibly as an aid to families seeking their missing relatives, but also as a warning to all citizens not to oppose the government.

In specific instances the torturers may want to keep their practices hidden from the local populace. According to a secret Indonesian army manual used in East Timor and obtained by Amnesty International in July 1983, "if the use of force is required [for interrogation], there



As well as caning and flogging, in a few countries amputations can be inflicted as court-ordered punishments: three convicted thieves, each of whom had a hand amputated in Mauritania in September 1980.

should not be a member of the local population present . . . to witness it so that the antipathy of the people is not aroused".

Armed conflict in Afghanistan has led to the involvement of the military and the state security police in torture to obtain intelligence information about guerrillas, to intimidate the population from supporting them, and to discourage strikes and demonstrations in the towns.

If detainees are charged and eventually tried, a confession may be the primary evidence against them. The increased number of assaults during interrogation during and after 1976 in Northern Ireland was partly a result of a governmental security strategy to obtain confessions that could be used in court. In Spain, torture and ill-treatment are still used in some police stations to obtain confessions from suspects charged under the anti-terrorist law.

Torture and ill-treatment are also used as punishments, sometimes in addition to prison sentences. In Pakistan since 1977 and Mozambique since 1983, prisoners have been flogged, sometimes in public, while serving sentences for political or criminal offences. Caning, flogging and, in a few countries, amputation are inflicted as judicially prescribed punishments.

Prisoners often face further ill-treatment after interrogation, sentencing or confinement. Prisoners on hunger-strike against harsh prison conditions or against their own torture have been severely beaten in the Republic of Korea. One is known to have died in 1982 following such a protest; others have needed hospital treatment. At least 15 military prisoners in Morocco are reported to have died in custody during the 1980s, in part as a result of diseases caused by appalling conditions and of a complete lack of medical care. In the USSR in the 1980s, medical personnel, in collaboration with the secret police, continued the practice of administering powerful pain-causing and disorienting drugs to prisoners of conscience who are forcibly confined to psychiatric hospitals for political rather than authentic medical reasons.

Isolated incidents of torture do occur without governmental approval—but it

A calculated assault on human dignity

Apologists for torture generally concentrate on the classical argument of expediency, which purports to justify undesirable but "necessary" suffering inflicted on an individual only for the purpose of protecting the greater good of the greater number.

This apology ignores the fact that the majority of torture victims, even in countries beset by widespread civil conflict, have no security information about violent opposition groups to give away.

They are tortured either to force confessions from them or as a savage message not to oppose the government.

Even if torture could be shown to be efficient in some cases, it is never permissible.

Torture is a calculated assault on human dignity and for that reason alone is to be condemned absolutely. Nothing denies our common humanity more than the purposeful infliction

of unjustified and unjustifiable pain and humiliation on a helpless captive.

Once justified and allowed for the narrower purpose of combating political violence, torture will almost inevitably be used for a wider range of purposes against an increasing proportion of the population.

Those who torture once will go on using it, encouraged by its "efficiency" in some cases in obtaining the confession or information they seek, whatever the quality of the material thus obtained. They will argue within the security apparatus for the extension of torture to other detention centres; they may form elite groups of interrogators to refine its practice; they may develop methods that hide its more obvious effects; they will find further reasons and needs for it if particular segments of society become restive. . . . What was to be done "just once" will become an institutionalized practice.

remains the government's duty to investigate them and discipline the offenders; failure to do so may well be taken as a signal that such abuses are officially tolerated.

Methods

The methods vary: for example, the long-used *falanga* (beating on the soles of the feet, also called *falaka*); the Syrians' "black slave", an electrical apparatus that inserts a heated metal skewer into the bound victim's anus; the *cachots noirs* in Rwanda, black cells totally devoid of light in which prisoners have been held for as long as a year or more. Some methods can make the verification of torture and ill-treatment especially difficult—pain-causing drugs administered forcibly to prisoners of conscience in Soviet psychiatric hospitals, the forcible use of techniques of sensory deprivation, and the electrodes that have become an almost universal tool of the torturer's trade.

Victims

Victims include people of all social classes, age groups, trades, professions and political or religious views. Criminal suspects as well as political detainees are subject to torture in many countries, although the information available to Amnesty International deals mostly with political cases.

In El Salvador, children have reportedly been tortured, and in Iran under the government at the time of writing, children held with their mothers in the women's block of Evin Prison have been forced to witness the torture of their mothers. Women often face special degradation at the hands of their male torturers. Relatives of wanted people in Syria, including adolescents, have reportedly been held as hostages and tortured to force suspects to give themselves up. Foreign nationals seeking asylum in the Congo have allegedly been tortured to force them to confess to espionage. Victims in Ethiopia have allegedly included members of several ethnic and religious minorities suspected either of supporting armed groups fighting for territorial independence or of obstructing the revolution.

Agents

The agencies involved in torture give an indication of the degree of governmental responsibility for it. Frequently several military and police intelligence units as well as police forces and prison employees are implicated, thus demonstrating the widespread institutionalization of the practice.

The general picture that emerges of torture agencies is often one of groups specially trained to torture, who have an elevated view of their role in protecting state security against "subversives". State propaganda reinforces this view, as does any real violence perpetrated against the state or their colleagues by opposition groups. If they are aware that their acts

are criminal, they also know that their superiors will protect them in the unlikely event that the state attempts to prosecute them.

'Preconditions'

Torture most often occurs during a detainee's first few days in custody. These critical hours are usually spent incommunicado, when the security forces maintain total control over the fate of the detainee, and deny access to relatives, lawyers or independent doctors. Some detainees are held in secret, and the authorities may deny that certain detainees are held, making it easier to torture or kill them or to make them "disappear".

The suspension of *habeas corpus* and other legal remedies, trials of political detainees in military courts and the lack of any independent means of examining and recording a prisoner's medical condition allow the security forces to conceal evidence of torture from lawyers, civilian magistrates, independent doctors and others who would be capable of taking action against their illegal activities.

Further incentives are trial procedures that do not exclude from evidence statements extracted under torture or during long periods of incommunicado detention, a government's refusal to investigate allegations of torture, its peremptory denial that torture occurs in the face of mounting evidence such as deaths in custody, its obstruction of independent domestic or international investigations, the censorship of published information about torture, and the immunity from criminal and civil prosecution given to alleged torturers.



Baljit Singh, blinded by the police in Bihar, India, in 1980. Thirty-six suspected criminals suffered the same fate. One of the men said that officers held him down, punctured his eyes with bicycle spokes and then wrapped acid-soaked pads over his eyes.

The process of torture

No experience of torture is typical, but there are discernible patterns in the thousands of personal testimonies, affidavits and statements that have reached Amnesty International in the 1980s.

For the individual victim torture can mean being seized at night, violently, while family and neighbours are terrorized into helplessness; being blindfolded and beaten in the police van or the unmarked car; the vague reasons, if any, given for the detention; the threats of execution, of rape, of family members being killed in "accidents"; the preliminary questions at the police station or army barracks about present health, medicines, past illnesses, so as not to go too far in the procedures that follow; the sometimes senseless questions ("Why were you born in Tunceli?") for which there are no answers—and throughout, the anticipation and the fact of brute force, without limit, without end, the feeling of being beyond all outside help, of being totally at the mercy of those whose job it is to have no mercy.

Torture usually means isolation: abduction, secret detention, incommunicado detention beyond the reach of family, friends and legal assistance. Blindfolding during days of interrogation and torture serves to increase the sense of being alone and defenceless. Iranian political prisoners released in 1982 tell of how it is used at Evin Prison, the Revolutionary Court headquarters in Tehran:

"The worst thing in Evin is being held blindfold for days on end waiting for someone to tell you why you are there. Some people are left blindfold for days, weeks or months. One man has spent 27 months like this. None of the prisoners appear to know what he is being held for. After 27 months, he sits, largely in total silence, wagging his head from one side to the other. Sometimes he just sits knocking his head on the wall. Obviously, they keep people blindfold to add to the fear. But when they suddenly whip off the folds to question you, you are almost blind, the light is painful and you feel dizzy. You can't concentrate on any single thought."

Essential to torture is the sense that the interrogator controls everything, even life itself.

"This is nothing but the introductory exercise," a South Korean security agent told a prisoner in 1979 after beating and stamping on him and burning his back with cigarettes. "You can test the limit

of your spiritual and physical patience when you are taken to the basement, where there are all kinds of torture instruments from ancient times to the modern age."

"We are six teams trained in Turkey and given full responsibility," a torturer told Suleyman Kırteke, a former trade union official detained in Turkey in 1981. "You will be killed whether you talk or not. For the cause of death we will say either suicide or a gun battle. You have no way out."

Torture means degradation: insults, sexual threats or assaults, forcible eating of one's excrement, humiliation of one's family.

Torture often means breaking down under extreme pressure and severe pain, whether the confession signed or information given is true or false.

"Eventually, I was forced to answer in the way they wanted me to since the pain became intolerable," said Fernando Benjamin Reveco Soto, who was tortured in 1982 by the *Central Nacional de Informaciones* (CNI), the Chilean secret police.

"They applied intense electric current to my hands . . . For 21 days I was held in the CNI's hidden premises . . . On each of the first 14 days which followed my arrest I was subjected to both physical and psychological torture . . . I was seen by the doctor after nearly all the torture sessions . . . I was given a document to sign which stated that I had been well treated. It also contained statements which I had made under pressure, and included others which I had never made at all. When I refused to sign I was threatened with further torture. Under such circumstances, I had to sign."

In the USSR psychiatrists administer drugs as a form of punishment to prisoners of conscience detained in psychiatric hospitals. The drugs may serve to compel the prisoner to renounce his or her religious or political beliefs, or they may be given as "treatment" for a prisoner's continuing "delusions". In the summer of 1980, for example, Vladimir Tsurikov, a 35-year-old worker from Krasnoyarsk, was interned for the third time in the USSR in connection with his peaceful attempts to emigrate. He describes the effect of drugs forcibly given to him:

"The triftazin [stelazine] made me writhe, and my legs began to twist about in a ridiculous way. I lost the ability to walk, while simultaneously feeling very restive and also feeling sharp pains in my buttocks at any movement—a result of the sulfazin [a one per cent solution of elemental sulphur



In many countries the torture of prisoners is systematic and routine. The picture of this machine was first published in the Turkish newspaper *Democrat* in May 1980. The headline asks the Prime Minister just what the machine is: according to *Democrat*, it was made in a government-controlled factory and used for electric shock torture.

in oil]. Fainting fits began, recurring very often: I fell and hit my head on the floor and on the brick walls. The pain prevented me sleeping or eating. The sulfazin made my temperature rise, and it then stayed around 40 degrees centigrade. Sometimes I experienced slight shivering and my tongue hung out . . . This nightmare lasted a week, until I was invited to chat with some medical students. I couldn't walk, so I was carried. In the auditorium it turned out that I couldn't move my tongue. I was taken back and they began to give me anti-Parkinsonian drugs, which made me feel a bit better. I was still suffering from the sulfazin, and I had got much thinner, but at the next meeting with the students I was able to talk to them."

Like at least nine other known dissenters who were forcibly confined to psychiatric hospitals shortly before foreign visitors arrived in Moscow to attend the Olympic Games in July 1980, Vladimir Tsurikov was released shortly after the Games ended.

Different security agencies develop their own methods and procedures for interrogating prisoners under torture. The Venezuelan-born film director Nelson Arrieti described his interrogation in El Salvador after being abducted by security forces in January 1981 from a hotel lobby in the capital, San Salvador:

"There were three different levels, you might say, three types of interrogation and three types of interrogator. The first was the most brutal, with a great deal of beating. There was a lot of violence. They threatened to kill me,

and shouted at me to tell them everything I knew about the revolution and the guerrilla movement. This is the typical brutal policy which produces a basic fear in the prisoner and which is intended to demoralize him.

"The second type is on a higher level. This is carried out by a policeman whose language is less crude, who asks general questions, without beatings, using a more refined language.

"The third type is the trained policeman who does not administer beatings or make threats, but who tries to explain the problem and who converses with a certain degree of ideological understanding. He is the type of man who tries to be friendly and make promises. He allows the prisoner to relax emotionally. His intellectual resources and investigative methods are better. I recall that it was these policemen who offered me a light sentence and offered to help me if I signed a telex for the international press, declaring that the Junta had played a beneficial role and that agrarian reform had been a success and that the revolutionary movement had failed. They make you fear for your life. 'Your life is in our hands' . . . that is the situation in a nutshell. 'If you say nothing, it makes no difference, you are still condemned because we know everything.'"

Many victims remain in prison, their situation uncertain and vulnerable. International support for them remains vital. After an Amnesty International mission in 1981 to Morocco, where delegates visited Kenitra Central Prison, Amnesty International received this message from a prisoner currently held there who had previously been tortured and had campaigned together with other prisoners of conscience for improved conditions:

"It is incontestable that our situation has improved in prison, but our situation is very precarious, since it is based on no judicial text (the government does not recognize having political detainees, and we are officially considered common criminals). In other words, the 'privileges' we have obtained thanks to the struggles we have waged in prison and the support given to us at the international level by many organizations, above all Amnesty International, all these 'privileges' are constantly threatened."

**See insert for the
Amnesty International
12-Point Program for the
Prevention of Torture**

APPEAL CASES

The following six appeal cases are a representative sample of the cases of torture and ill-treatment on Amnesty International's files and help to illustrate the organization's concerns about these abuses throughout the world. Other cases from other countries will be published in a regular *File on Torture* to be included in future *Newsletters*.

Dean Tshenuweni Simon FARISANI, South Africa (Venda)

The effective head of the Evangelical Lutheran Church in the Venda "homeland", he was arrested in November 1981 after helping a detained lay preacher and his family. He is reported to have been tortured so badly in detention that he had two heart attacks and had to go to hospital both before and after his release in June 1982.

The Very Rev. Tshenuweni Simon Farisani, aged 35, a dean in the Evangelical Lutheran Church, was arrested by security police on 18 November 1981 in the Venda "homeland" (declared "independent" by the South African Government in 1979 but not internationally recognized).

His arrest occurred almost a month after a police station in Sibasa, Venda's main town, was attacked, apparently by guerrillas belonging to the banned African National Congress. Two police officers were killed in the attack. In following weeks, more than 20 people suspected of opposition to the Venda administration were arrested and detained for interrogation. They included three Lutheran ministers and Isaac Tshifhiwe Muofhe, a lay preacher, who died in security police custody two days after his arrest. He had been in good health when arrested but a subsequent post-mortem examination revealed that he had sustained a number of injuries to the head, body and genitals which had caused his death.

Dean Farisani was detained after giving spiritual support to the bereaved Muofhe family and because the security police apparently believed that he had tried to engage a lawyer to represent Isaac Muofhe. He was held under Section 6 of the South African Terrorism Act, which still applies in Venda. It permits incommunicado detention without charge or trial for an unlimited period and authorizes the security police to withhold all information about individual detainees, including even where they are being held. Many held under this provision by South African security police in the past have claimed that they were tortured while in detention. Several who died in custody, including Steve Biko, leader of the Black Consciousness Movement, were held under Section 6 of the Terrorism Act at the time.



Dean T.S. Farisani

Dean Farisani has given the following account of his treatment:

A week after his arrest, his interrogators told him that they intended to kill him. They said he should write to his wife and to his church superior saying that he had escaped from prison and fled to Mozambique. He was told that he would be killed immediately if he wrote the letter but that if he refused (as he did) he would be slowly tortured to death.

In early January 1982 he was beaten about the head and body with sticks and fists and his head was repeatedly banged against a cell wall by interrogating officers. Handfuls of his hair and beard were pulled out and several times he was lifted up bodily and thrown into the air, falling back down onto the concrete cell floor. He lost consciousness several times. Next day he was taken somewhere else in Sibasa where he was stripped and had a canvas bag put over his head. Water was then poured over the bag and he was given electric shocks on the earlobes and the back of the head. Electrodes were attached to his toes and genitals and he was given more shocks. After being tortured for several hours, he was taken back to a cell in a weak state and shortly afterwards sent to hospital, where he had a severe heart attack. He received some medical treatment but was later returned to a prison cell where he had another heart attack. He was again sent to hospital in a serious condition. He was still receiving full-time medical treatment when he was released from detention, uncharged, in early June 1982. He then spent three months in Cape Town receiving medical treatment.

Despite Dean Farisani's allegations of torture and similar allegations made by other former detainees, the Venda authorities persist in their use of Section 6 of

the Terrorism Act to detain suspected political opponents for interrogation. They have so far failed to conduct an independent inquiry into the alleged torture of detainees.

Please send courteous letters urging the Venda authorities to establish an independent commission of inquiry into allegations that Dean T.S. Farisani and other political detainees have been tortured and ill-treated while in Venda security police custody.

Send your appeals to: His Excellency Patrick R. Mphahlele/President of Venda/Government Office / Sibasa / Venda / Republic of South Africa.

Copies of appeals should be sent to: The Honourable P.W. Botha / Prime Minister of South Africa / Union Buildings/Pretoria/Republic of South Africa.

Father Aparanam SINGARAYAR, Sri Lanka

A Roman Catholic priest and a member of Sri Lanka's Tamil ethnic minority, he is reported to have been tortured in an army camp in November 1982 while in incommunicado detention. He is still in detention, awaiting trial.

Father Aparanam Singarayar was arrested on 14 November 1982 and detained under the Prevention of Terrorism Act (PTA), which allows people to be held for up to 18 months without trial in conditions which may include incommunicado detention.

There is no judicial or other independent control over people detained under its provisions and such detainees have often been held without access to lawyers or relatives for weeks after arrest.

Father Singarayar is reported to have been tortured in Gurunagar Army Camp by two police officers of the Criminal Investigation Department and denied access to lawyers and relatives. The allegations made in his case are as follows:

He was stripped, beaten on the genitals and hit on the forehead with weighted PVC tubes, which are said to leave no marks. He was also prevented from sleeping by having bright lights shone on him at night.

On 6 December, under threat of further torture, he signed a 64-page statement which he was not allowed to read—it apparently concerned government allegations that he had failed to give information to the police about suspects in a bank robbery reportedly carried out by Tamil extremists.

APPEAL CASES

Gurunagar is one of several army camps cited in the *Report of an Amnesty International Mission to Sri Lanka, 31 January - 9 February 1982* (published in July 1983) as places in which detainees held by the security forces under the PTA are reported to have been tortured and ill-treated.

Father Singarayar was moved to Welikada Prison, Colombo, probably in January 1983. The following April Amnesty International received a report that the treatment he received in Gurunagar Army Camp appeared to have harmed his eyes, and that he was having difficulty reading.

On 17 January 1983 he and five other Tamils—two of them also clergymen—were charged under the PTA. He was specifically charged with “having information regarding the persons who robbed the Neervely Bank in March 1981, not informing the police of the commission of the offence and failing to inform the police of the whereabouts of the persons who committed the offence”. He was charged also with having harboured suspects who had attacked the Chavakacheri police station in October 1982 and of withholding information on the movements and whereabouts of the suspects.

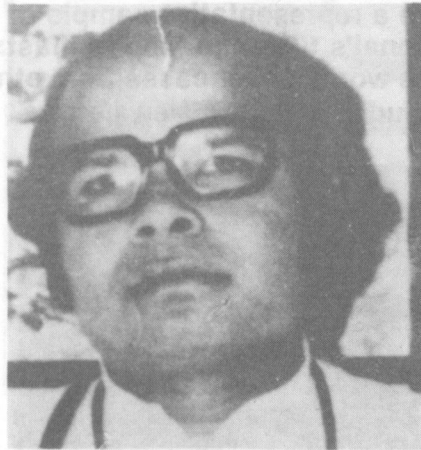
The six Tamil defendants were produced in court briefly on 6 February 1983, but their trial, which was due to begin the following June, has been repeatedly postponed and applications for bail denied.

While in Welikada Prison, Father Singarayar witnessed the killing on 25 and 27 July 1983 of some of the 53 Tamil prisoners being held in the prison under the PTA. The killings occurred during attacks reportedly carried out by Sinhalese inmates.

Father Singarayar was himself attacked, but survived with his five co-accused and was subsequently moved with other Tamil prisoners to Batticaloa Prison in eastern Sri Lanka. Most of the Tamil prisoners held there under the PTA escaped on 23 September 1983, but Father Singarayar reportedly refused to leave and is still there.

Amnesty International has asked the Sri Lankan Government to hold an independent inquiry into allegations that Father Singarayar was tortured. It has repeatedly appealed for him to be tried or immediately released.

Torture has been a long-standing concern of Amnesty International in Sri Lanka under the present and previous administrations. Reports of torture have regularly been put before Sri Lanka's parliament by members of the opposition, and evidence of torture, supported by affidavits, legal testimonies and medical reports, has been presented in Sri Lanka's Court of Appeal and in the Supreme Court.



Father Aparanam Singarayar

Please send courteous letters:

- *urging that Father Singarayar be either tried or immediately released, and that he be humanely treated while in detention;*
- *urging that the alleged torture of Father Singarayar be impartially investigated and that those responsible be brought to justice;*
- *urging the authorities to issue clear instructions to all law enforcement personnel that torture will not be tolerated under any circumstances.*

Send your appeals to: His Excellency President J.R. Jayewardene/Presidential Secretariat / Republic Square / Colombo 1/Sri Lanka; *and to:* His Excellency The Hon. Y.B. Werapitiya / Minister of Internal Security / Ministry of Internal Security / Colombo / Sri Lanka.

Riad al-Turk, Syria

A 56-year-old lawyer, his life was understood to be in grave danger in January this year after reports had emerged that he had again been tortured by members of the Syrian security forces in Damascus. He has been held in incommunicado detention without charge or trial since his arrest in October 1980 and has twice been admitted to hospital for urgent treatment.

Riad al-Turk is First Secretary of the Communist Party Political Bureau (CPPB), a prohibited wing of the Communist Party in Syria—the other wing, Soviet-oriented, is represented in the ruling National Progressive Front. The CPPB was founded in 1973 and has faced periodic suppression and arrests of its members because of its opposition to the policies of the present Syrian Government, and especially to Syria's intervention in Lebanon in 1976.

Leading party members were arrested in October 1980 after attempts had been made to form an internal opposition

coalition in Syria.

Among those arrested was Riad al-Turk's wife, Asmah al-Feisal, who was held hostage while the authorities searched for him. (The couple have two children.)

He was eventually arrested in Damascus on 28 October 1980 by agents of *al-Amn al-Siyassi* (Political Security). He is reported to have been severely tortured after arrest.

In February 1981 he was admitted to the intensive care unit at al-Muwassa'a Hospital in Damascus for urgent treatment.

In January 1982 he was admitted for intensive care to al-Mezze military prison hospital in Damascus, reportedly suffering from inflammation of the kidneys and renal failure.

In January this year Amnesty International received reports that he had been taken from al-Mezze Prison to military intelligence headquarters and tortured in mid-December 1983. His health was reported to have deteriorated seriously and there were grave fears for his life. No further reports on his condition had been received at the time of writing.

Riad al-Turk, who has been adopted by Amnesty International as a prisoner of conscience, was arrested previously in 1959 because he was a communist. He was held in al-Mezze Prison and is reported to have lost his hearing as a result of torture. He was freed in 1961.

Amnesty International has continued to receive allegations of torture or ill-treatment of prisoners in Syria during the 1980s, as in previous years. In most cases victims were detained by branches of the security forces, were held incommunicado in their detention centres and interrogated to obtain confessions or information about other individuals.

Most reports of torture or ill-treatment have come from former detainees, prisoners' relatives and lawyers; they include many first-hand accounts. The extent, consistency and detailed nature of these allegations suggest that torture is used regularly and systematically.

Please send courteous letters:

- *appealing to the authorities for the immediate release of Riad al-Turk, as a prisoner of conscience;*
- *urging them to hold an impartial investigation into the allegations that he has been tortured, and to ensure that he gets appropriate medical care;*
- *urging them to issue clear instructions to the security forces that torture will not be tolerated under any circumstances.*

Send your appeals to: President Hafez al-Assad/Presidential Palace/Abu-Rumaneh/Al-Rashid Street/Damascus/Syrian Arab Republic; *and to:* Faruq al-Shar' / Minister of Foreign Affairs / Ministry of Foreign Affairs / Al-Rashid Street / Damascus / Syrian Arab Republic.

Lucía ARZUAGA GILBOA,
Uruguay

A 25-year-old medical student, she was still recovering from an attack of meningitis when arrested in June 1983 and held incommunicado for 15 days before her detention was acknowledged by the authorities. She is reported to have been tortured, threatened with rape and forced to watch other women detainees being raped. She is now in Uruguay's military prison for women political prisoners and is reported to be in poor health.

Lucía Arzuaga Gilboa was one of more than 50 university students and young people arrested in Uruguay in June 1983; 25 of them were later charged with "subversive association" as suspected members of the *Unión de Juventudes Comunistas*, Union of Communist Youth, an illegal organization. All 25 have been adopted by Amnesty International as prisoners of conscience.

Lucía Arzuaga was taken into custody on 15 June and held incommunicado in an unknown place of detention until 30 June, when relatives were told that she was in the *Jefatura de Policía* (Central Police Station) in the capital, Montevideo.

While in police custody, she was reportedly tortured by beatings, electric shocks applied to the genital area and having her head held in a tank of water (the *submarino* torture). On one occasion she is said to have passed out after being hung, naked, from a chain attached to her handcuffs.

She was also reportedly subjected to sexual insults and threatened with rape. Several other women arrested and held with her are alleged to have been raped by police while she and other detainees were forced to watch.

Allegations about the torture of this group of prisoners were made public in Uruguay in July 1983 by a Uruguayan human rights organization—but Amnesty International knows of no official investigation into the allegations.

Before her arrest, Lucía Arzuaga had had an attack of meningitis, from which she had not completely recovered. Afterwards, she is said to have suffered from vomiting thought to have resulted from her treatment by the police, and has been taken to hospital several times for medical tests, including electroencephalograms.

She is now in the military prison for women political prisoners, *Punta de Rieles*. She faces a possible sentence of between three and 18 years' imprisonment. The trial has not yet taken place.

Her fiancé, Hugo Rodríguez, aged 25, also a medical student, was detained at the same time as she was and is also understood to have been tortured.

Since the 1970s there have been persistent reports from Uruguay of torture



Lucía Arzuaga Gilboa

being used to obtain information or confessions leading to prosecution. Arrested political suspects may be held for several months before charges are brought against them, and denied access to relatives, lawyers and doctors. It is during this period of incommunicado detention that torture reportedly occurs. Most of these detainees are held on suspicion of membership of illegal political parties or trade unions.

Please send courteous appeals:

- *urging the immediate release of Lucía Arzuaga; her fiancé, Hugo Rodríguez, and the 23 other prisoners of conscience arrested in June 1983;*
- *urging that the alleged torture of Lucía Arzuaga be impartially investigated and that those responsible be brought to justice;*
- *urging that, as a safeguard against torture, relatives and lawyers be given prompt and regular access to detainees.*

Send your appeals to: Exmo. Sr. Presidente de la República/Tte. General (R) Gregorio Alvarez / Casa de Gobierno / Plaza Independencia / Montevideo / Uruguay.

Joaquín OLANO, Spain

A Basque mechanic, aged 25, he is reported to have been tortured while held in incommunicado detention in the headquarters of the Civil Guard in San Sebastián at the end of July 1983. He had been arrested on 29 July and the National Court, using its powers under Spain's anti-terrorist law, had given permission for him to be held incommunicado for 10 days without legal assistance.

Joaquín Olano, from Lasarte in the Basque country, was admitted to hospital in San Sebastián after a local resident had reported hearing cries coming from the Civil Guard headquarters in the city.

The cries were said to have been heard above the sound of loud music issuing from the building. The city's duty judge was informed and he ordered the prisoner

to be medically examined in the Civil Guard headquarters. Afterwards, Joaquín Olano was admitted to the city's Red Cross hospital.

There, a doctor reported that he was suffering from concussion, cuts on the head, multiple grazes and bruises on the back, abdomen and arms.

On 30 July a statement by the Civil Guard said that the prisoner had been injured after an attempt to escape and as a consequence of efforts to restrain him.

On 11 August he was discharged from hospital and taken by Civil Guards to Martutene Prison, San Sebastián. By then he had made a judicial declaration that he had been tortured. He said he had been beaten on the head with a telephone book, hit on the body and given electric shocks. Water and plastic bags had been used to nearly asphyxiate him, he said. He alleged that he had also been beaten up by guards during the journey from the hospital to prison.

His lawyer has stated that he saw fresh marks on his back and a second medical report is said to have confirmed this.

Still in custody, Joaquín Olano was re-admitted to hospital on 14 August for examination and tests following attacks of dizziness. He was returned to Martutene Prison on 18 August and held in the prison hospital.

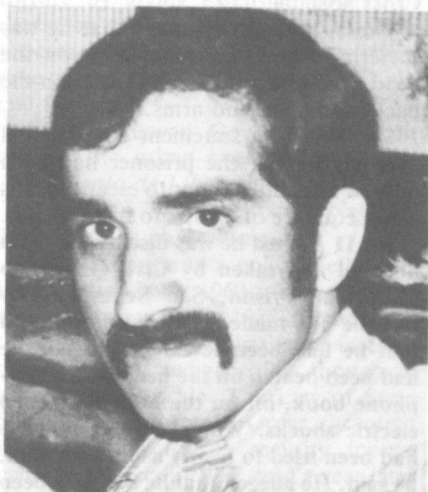
At the time of going to press he was still being held in the prison hospital and the National Court had not yet formally informed him of the charges against him. It is probable that he will eventually be transferred to Madrid to face possible charges. The Provincial Court in San Sebastián was reported in November to have been investigating the allegations of torture.

On 6 September 1983 Amnesty International expressed concern about Joaquín Olano's reported ill-treatment and requested the Minister of the Interior to ensure his safety during any future transfer. It also asked the Minister of Justice for information on the judicial investigation into the alleged ill-treatment.

Since 1980 Amnesty International has recorded between 25 and 30 substantive allegations a year of torture or ill-treatment of detainees held under the anti-terrorist laws. Under the current anti-terrorist law, Organic Law 11/80 of 1 December 1980, detainees are held incommunicado, denied access to a lawyer and have no right to independent medical treatment or to inform their families, for a period of 72 hours. This period can be extended up to a total of 10 days if permission is granted by the *Audiencia Nacional*, National Court.

In Amnesty International's view these features of this law facilitate torture or ill-treatment because incommunicado detention removes the safeguard of access to a lawyer or others during the crucial phase of the police investigation. Nearly all cases of torture or ill-treatment known to Amnesty International have taken place during this period.

APPEAL CASES



Joaquín Olano

Please send courteous letters urging the authorities to ensure that Joaquín Olano is humanely treated while in detention, that his torture allegations are impartially investigated and that criminal proceedings are instituted against the alleged offenders.

Send your appeals to: Exmo. Sr. Presidente del Gobierno/Sr. don Felipe González/Presidencia del Gobierno/Palacio de la Moncloa/Madrid/Spain; *and to:* Ministro de Estado de Interior/Exmo. Sr. don José Barrionuevo / Ministerio del Interior / Castellana 5 / Madrid / Spain.

Vladimir KHAILO, Soviet Union
A Baptist from Krasny Luch in the Ukrainian republic, he has been forcibly confined for an indefinite period in the most severe type of psychiatric institution in the Soviet Union because of his peaceful attempts to practice his religion, and his efforts to get permission to leave the USSR. He is reported to have been treated with powerful anti-psychotic drugs. He has already been detained for more than three years and is reported to be in poor health.

Vladimir Khailo, 51, a former fire brigade employee who is married with 15 children (the youngest is 12), belongs to a dissenting Baptist congregation which refuses to accept stringent state restrictions on religious practice.

Such congregations broke away from the official Baptist church after its adoption in 1960 of statutes which provided for a strongly centralized church and registration of all congregations with the local secular authorities. The dissenting congregations—now estimated to number about 2,000 throughout the

Soviet Union—refuse in particular to accept the state's control over the content of sermons and the appointment of clergy, and its restrictions on the giving of religious education to children. Since they will not register with the authorities, the congregations are officially considered to be illegal.

Vladimir Khailo, his wife, Maria, and several other Baptists from Krasny Luch (in Voroshilovgrad region) left the official church in 1961 and began to conduct religious services in the homes of fellow believers.

The Khailos became the targets of official harassment for the next 15 years and were repeatedly attacked in the local newspaper. The children were reportedly discriminated against at school and the eldest sons several times sent for psychiatric examinations.

In 1977 the children stopped attending school for fear of victimization. The local soviet then sought a court order to deprive Vladimir and Maria Khailo of their parental rights; the case was later dropped.

Earlier, in 1974, official harassment had led the Khailos to apply for permission to emigrate from the Soviet Union. In October 1977 they repeated their applications, again without success.

In January 1978 the unofficial Moscow Helsinki monitoring group issued a document on the harassment of the Khailos. Support for their case was publicly expressed by Academician **Andrei Sakharov** and by the unofficial Christian Committee for the Defence of Believers' Rights in the USSR.

On 22 September 1980 Vladimir Khailo was forcibly confined to a psychiatric hospital in Voroshilovgrad region. He was arrested there on 14 November—the exact charge against him was not made public.

After the official investigator into his case had ordered a psychiatric examination, Vladimir Khailo was diagnosed as a "schizophrenic" and ruled not responsible for his actions.

On 1 December 1980 a court ordered him to be forcibly confined for an indefinite period to a special psychiatric hospital. This is the most severe type of psychiatric institution in the USSR and officially designated for those "who represent a special danger to society". There is no evidence to suggest that Vladimir Khailo posed such a threat at the time of his arrest or previously.

Accounts of his treatment at Dnepropetrovsk special psychiatric hospital came from his wife and have been published in the regular unofficial bulletin produced by dissenting Baptists in the USSR.

Maria Khailo says her husband was examined on arrival at the hospital by a panel of three doctors, one of whom reportedly concluded: "I can't understand how they could send you here".

A year later the panel is reported to have promised to release Vladimir Khailo if he agreed to join a registered Baptist congregation. He refused.

He is reported to have been treated with haloperidol, aminazin, stelazin and triftazin—anti-psychotic drugs which can have severe side-effects.

His wife says his health has deteriorated in the hospital; that he is suffering from oedema (swelling), sore joints, high blood pressure, fainting fits, impaired vision and heart pains.

She says that on her first visit to him in January 1981 she did not recognize him.

In January 1982 the hospital authorities reportedly offered to grant him invalid status—he refused on the grounds that he had entered the hospital a healthy man.

Vladimir Khailo has been adopted by Amnesty International as a prisoner of conscience.



Vladimir Khailo

Many prisoners of conscience indefinitely confined to psychiatric hospitals in the Soviet Union are reported to have been given forcible treatment with disorienting and pain-causing drugs by doctors. In some cases these drugs have been given in excessive quantities without the necessary correctives and in disregard of contra-indications. Other forms of punishment have included insulin-shock therapy and various forms of restraint and immobilization.

Please send courteous letters:

- *urging the immediate and unconditional release of Vladimir Khailo, as a prisoner of conscience;*
- *expressing concern about the forcible confinement of prisoners of conscience to psychiatric hospitals (including, in many cases, the forcible administration of disorienting and pain-causing drugs) and urging the immediate and unconditional release of all such prisoners.*

Send your appeals to the Procurator-General of the USSR: Moskva / ul. Pushkinskaya 15a/Prokuratura SSSR/Generalnomu Prokuroru/A. Rekunkovu—USSR; and to the Chairman of the Supreme Court of the USSR: 121260 Moskva/ul. Vorovskogo 15/Verkhovny Sud SSSR/Predsedatelyu L.N. Smirnovu—USSR.

The prevention of torture

Amnesty International believes that any government that wishes to stop torture has the means to do so. It is a question of political will. In adopting the Universal Declaration of Human Rights, the United Nations Declaration against Torture and other instruments of international law and human rights, governments have accepted the illegality of torture and agreed to abolish it.

Two instruments currently being elaborated by UN bodies would give additional protection.

The first is the draft Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which could give legally binding force to the standards included in the Declaration against Torture for states which ratified the Convention. It would establish "universal jurisdiction", meaning that an alleged torturer could be brought to justice wherever he or she might be and whatever the nationality of the perpetrators or victims. It would provide that no one should be forcibly returned to a country where they risked being tortured.

The second is the draft Body of Principles for the Protection of all Persons Under any Form of Detention or Imprisonment which could establish additional safeguards. It could provide, for example, that relatives should be promptly informed of the whereabouts of prisoners; that prisoners should be promptly informed of their rights; and that there should be inquests into deaths in custody.

These two instruments should be adopted as soon as possible, in a form which provides the strongest possible measures of protection against torture.

Also currently under discussion, both regionally and in connection with the draft Convention and the draft Body of Principles, are proposals for national and international systems of independent visits of inspection to places of detention, which would help to provide additional protection against torture.

Safeguards need to be reviewed immediately

Without waiting for these new international instruments to be adopted, however, governments should review the safeguards against torture available in their own countries in the light of the provisions of the Declaration against Torture. Among other measures to be taken, they should make the text of the UN Code of Conduct for Law Enforcement Officials available to all law enforcement officials in their own languages.

Amnesty International has compiled a list of some of the principal measures

'The torturer has become . . . an enemy of all mankind'

In a case of international significance, the father and sister of Joelito Filártiga, a 17-year-old Paraguayan youth who died under torture in 1976, filed a civil action for damages in a US court against their compatriot Américo Penabaz-Castillo, who was Inspector General of Police of Asunción at the time of the alleged torture.

Although the initial ruling in the federal district court found that the US courts did not have jurisdiction to hear the case, in June 1980 the US Federal Court of Appeals for the Second Circuit ruled that torture, when officially

condoned, is a violation of international law under the Alien Tort Statute (Title 28 of the *United States Code*, Section 1350).

This was a landmark decision that opened a new domestic remedy in international human rights law, and an important precedent in a world where the enforcement of human rights law remains principally at the national level.

In the words of the US Court of Appeal's judgment, "the torturer has become, like the pirate and slave trader before him . . . an enemy of all mankind".

which governments should take to prevent torture. The following 12-Point Program for the Prevention of Torture (see overleaf) has been compiled from existing international standards and from the recommendations which Amnesty International itself has made over the years to governments of countries where torture is inflicted. The organization believes that the program and the standards on which it is based should be publicized widely. The various points in the program can be used as a test of a government's willingness to prevent torture.

Governments must act to fulfil their responsibility for the prevention of torture but efforts can also be made by non-governmental groups in combating torture by disseminating practical information to victims and potential victims on prisoners' rights, procedures to be followed in lodging complaints of torture, or on what medical, financial or legal aid is available.

Bar associations and individual lawyers and judges can press for the adoption of

legal safeguards against torture; members of parliament can send appeals through international channels and seek to prevent torture through investigative missions and special reports or hearings; journalists can expose torture by locating torture centres, identifying individual torturers and obtaining testimonies and photographic evidence.

Once reports of torture are published, the news media should follow up the story to see whether the government conducts an impartial and effective investigation of the allegations and brings those responsible to justice.

Among other individuals and groups which can help to prevent torture are religious leaders, who can denounce torture as incompatible with religious teachings and encourage action against it; trade unionists, who can mobilize support for their colleagues and others who have been tortured at home or abroad; women's organizations, which can take action concerning the special degradation faced by women at the hands of male torturers; and teachers' organizations, which can ensure that the issue of torture is raised within schools and universities in the context of human rights education.

Medical organizations can investigate allegations that members of their profession had participated in the infliction of torture and can impose appropriate disciplinary sanctions where involvement is proved.

Organizations of military, police and prison officials can press for training programs which instil a personal conviction that torture must not be inflicted.

Elsewhere, individuals should raise their voices to appeal for an end to the illegal and shameful use of torture, either working on their own or through the various non-governmental organizations engaged in programs of education and action, of which Amnesty International is one.



Demonstrators in El Salvador call on their government to release people who have "disappeared" after being abducted by security forces. The bodies of many such people, including women and children, have been discovered bearing the marks of torture.

Amnesty International

TWELVE-POINT PROGRAM FOR THE PREVENTION OF TORTURE

Torture is a fundamental violation of human rights, condemned by the General Assembly of the United Nations as an offence to human dignity and prohibited under national and international law.

Yet torture persists, daily and across the globe. In Amnesty International's experience, legislative prohibition is not enough. Immediate steps are needed to confront torture and other cruel, inhuman or degrading treatment or punishment wherever they occur and to eradicate them totally.

Amnesty International calls on all governments to implement the following 12-Point Program for the Prevention of Torture. It invites concerned individuals and organizations to join in promoting the program. Amnesty International believes that the implementation of these measures is a positive indication of a government's commitment to abolish torture and to work for its abolition worldwide.

1. Official condemnation of torture

The highest authorities of every country should demonstrate their total opposition to torture. They should make clear to all law enforcement personnel that torture will not be tolerated under any circumstances.

2. Limits on incommunicado detention

Torture often takes place while the victims are held incommunicado—unable to contact people outside who could help them or find out what is happening to them. Governments should adopt safeguards to ensure that incommunicado detention does not become an opportunity for torture. It is vital that all prisoners be brought before a judicial authority promptly after being taken into custody and that relatives, lawyers and doctors have prompt and regular access to them.

3. No secret detention

In some countries torture takes place in secret centres, often after the victims are made to "disappear". Governments should ensure that prisoners are held in publicly recognized places, and that accurate information about their whereabouts is made available to relatives and lawyers.

4. Safeguards during interrogation and custody

Governments should keep procedures for detention and interrogation under regular review. All prisoners should be promptly told of their rights, including

the right to lodge complaints about their treatment. There should be regular independent visits of inspection to places of detention. An important safeguard against torture would be the separation of authorities responsible for detention from those in charge of interrogation.

5. Independent investigation of reports of torture

Governments should ensure that all complaints and reports of torture are impartially and effectively investigated. The methods and findings of such investigations should be made public. Complainants and witnesses should be protected from intimidation.

6. No use of statements extracted under torture

Governments should ensure that confessions or other evidence obtained through torture may never be invoked in legal proceedings.

7. Prohibition of torture in law

Governments should ensure that acts of torture are punishable offences under the criminal law. In accordance with international law, the prohibition of torture must not be suspended under any circumstances, including states of war or other public emergency.

8. Prosecution of alleged torturers

Those responsible for torture should be brought to justice. This principle should apply wherever they happen to be,

wherever the crime was committed and whatever the nationality of the perpetrators or victims. There should be no "safe haven" for torturers.

9. Training procedures

It should be made clear during the training of all officials involved in the custody, interrogation or treatment of prisoners that torture is a criminal act. They should be instructed that they are obliged to refuse to obey any order to torture.

10. Compensation and rehabilitation

Victims of torture and their dependants should be entitled to obtain financial compensation. Victims should be provided with appropriate medical care and rehabilitation.

11. International response

Governments should use all available channels to intercede with governments accused of torture. Intergovernmental mechanisms should be established and used to investigate reports of torture urgently and to take effective action against it. Governments should ensure that military, security or police transfers or training do not facilitate the practice of torture.

12. Ratification of international instruments

All governments should ratify international instruments containing safeguards and remedies against torture, including the International Covenant on Civil and Political Rights and its Optional Protocol which provides for individual complaints.

The 12-Point Program was adopted by Amnesty International in October 1983 as part of the organization's Campaign for the Abolition of Torture.