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BENIN

Strikers shot dead in protests

Several factory workers died in Savé, Benin, in March when troops were ordered to open fire on those involved in strikes which began in protest at the non-payment of salaries and the threat of redundancies.

Strikes were started earlier this year in Porto Novo and Cotonou by teachers, who had also not been paid for several months, and were later joined by students and civil servants.

The deaths – unofficially estimated at about 10 – followed orders to security forces from President Mathieu Kérékou to open fire without warning on all gatherings in public places.

They were among concerns – which include long-term detention without trial, reports of torture and deaths in custody – raised by AI delegates who visited the country in April.

Delegates received information about 10 prisoners of conscience, mostly teachers and students, who were arrested in connection with the strikes and allegedly tortured in a military camp in Cotonou. They are among at least 40 people who have been detained without charge or trial since the strikes started.

Delegates also learned of

the death in custody of 18-year-old schoolboy Serge Gnimadi, who died in February in the Porto Novo gendarmerie offices following his arrest during the strikes. A journalist who was investigating the circumstances of his death was arrested in March and detained without charge for more than 20 days.

Despite the President's comment to AI that Benin had no political prisoners, and the release of about 50 prisoners of conscience a few days before AI's visit, he admitted that about 100 suspected left-wing activists were being detained without charge or trial.

Most of them have been held since 1985. They have had no opportunity to question the reasons for their detention.

The delegates were also told that an official inquiry had been carried out into the death in detention, apparently as a result of torture, of student Rémy Glélé Akpokpo, but were unable to obtain any information as to its findings. □

CHAD

Mothers and daughters freed

Four women prisoners of conscience detained without charge in N'Djamena, suspected of sympathizing with government opponents, were released in March.

They are Hadja Merami and her daughter Azzina Sako who were arrested after returning to Chad in February 1987, Mardie Ibrahim who was a teenager when she was arrested in the mid-1980s, and her mother Mabrouka Houni Rahil who was arrested in July 1987.

Over 200 other political detainees are believed to be still held. □



Mardie Ibrahim



Relatives of 14 people shot dead in Venezuela by security forces last October. Nineteen officers charged with their murder have been freed on a legal technicality. © Francisco Olivares/El Diario de Caracas

VENEZUELA

Proceedings halted against security forces

Proceedings against 19 Venezuelan police and army personnel accused of killing 14 peasants have been halted by the military appeals court.

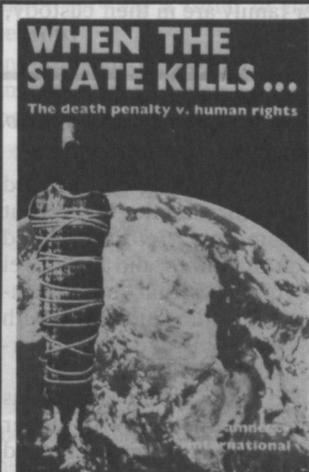
The court ruled in April that the military judge who had initially ordered their detention had no authority to do so. As a result, they were released and the case has gone back to the early stage of investigations.

Following the releases, the two sole survivors of the killings – fearful of their safety – sought and were given sanctuary by the church.

When the incident occurred last October police and army personnel maintained that there had been a "confrontation with guerrillas"; however the survivors said that a patrol had opened fire at close range without warning. An exhumation of the bodies showed that they had been shot in the back, and the back of the head. A congressional committee which investigated the incident concluded that the available evidence supported survivors' claims.

Following the decision, President Carlos Andrés Pérez promised to ensure that justice

would be carried out. AI has expressed to him its hope that, despite the ruling, the investigations will continue and that those responsible will be brought to justice. □



AI recently published its most comprehensive report ever on the death penalty to coincide with the launch of an international campaign for its abolition. See pages 3 and 7.

CAMPAIGN FOR PRISONERS OF THE MONTH

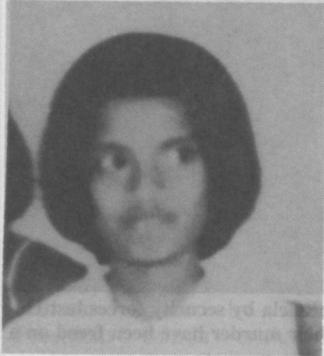


Each of the people whose story is told below is a prisoner of conscience. Each has been arrested because of his or her religious or political beliefs, colour, sex, ethnic origin or language. None has used or advocated violence. Their continuing detention is a violation of the United Nations Universal 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.

SRI LANKA

Kayathiri Vino Sangaralingam: a 10-year-old from Nallur, Jaffna District, she "disappeared" after her arrest in 1987.

According to eye-witnesses, Kayathiri Sangaralingam was arrested on 12 November 1987 together with her mother and two older sisters by members



Kayathiri Sangaralingam

of the Indian Peace Keeping Force (IPKF) stationed in Sri Lanka. They were apparently suspected of being sympathizers of the Liberation Tigers of Tamil Eelam, an armed secessionist group.

A relative who inquired after the family at an IPKF camp on the same day was briefly detained herself, and said she saw Kayathiri in detention although she could not speak to her. However, the IPKF authorities have repeatedly denied that Kayathiri or her family are in their custody,

and relatives' appeals to Sri Lankan and Indian authorities have brought no response.

Since 1983, AI has recorded over 800 cases of "disappearance" in Sri Lanka. The vast majority involve people reportedly arrested and kept in unacknowledged detention by the Sri Lankan security forces, but since the signing of the Indo-Sri Lankan accord in July 1987 the IPKF are also alleged to have been responsible in several dozen cases. In a recent case in which a writ of *habeas corpus* was filed on behalf of a "disappeared" person, the IPKF officer named has refused to appear in court.

■ Please write courteous letters expressing concern about the arrest of Kayathiri Sangaralingam and appealing for an impartial investigation to establish the family's whereabouts to: President R. Premadasa/Presidential Secretariat/Republic Square/Colombo 1/Sri Lanka. Please send copies to: Mr Nirupam Sen/Acting High Commissioner of India in Sri Lanka/3rd Floor/State Bank of India Building/Sri Baron Jayatilke Mawatha/Colombo 1/Sri Lanka. □

CAMEROON

Albert Mukong: a 55-year-old writer, he has been detained without trial since June 1988 for criticizing the government.

Albert Mukong was arrested after criticizing the way recent parliamentary elections had been organized and high level corruption within the government in radio interviews with the British Broadcasting Corporation (BBC).

He also talked about his detention in the 1970s under the previous government and the torture which took place at the headquarters of the paramilitary security police, *Brigade Mixte Mobile* (BMM). A book which he wrote about his prison experiences, *Prisoner Without a Crime*, was banned

by the government when it was published two years ago.

He has been charged with using subversive language detrimental to the government and to the head of state, an offence punishable by up to five years' imprisonment.

A *habeas corpus* writ sought through a civilian court in Bamenda late last year was refused apparently on the grounds that, as Albert Mukong was to be tried before a military court, his case did not fall within their jurisdiction.

He will be tried by a civilian

judge and a member of the armed forces sitting as an assessor, and will apparently have the right to appeal to the civilian Court of Appeal. So far the trial has been continually adjourned.

He is in the Central Prison in Bamenda.

Albert Mukong was previously adopted by AI when he was detained without trial for six years in the 1970s.

■ **Stop Press:** Just before going to press AI learned that Albert Mukong had been freed on 5 May.

CUBA

Manuel González and Lidia González García: members of an unofficial party, they have been imprisoned for printing a party bulletin.

Manuel González and his wife Lidia González García were tried on 26 January 1989 together with their son Manuel González González and daughter-in-law Isis Pérez Montes de Oca following their arrest a few days earlier.

They were charged with "clandestine printing", apparently for producing from their home typewritten copies of *Franqueza* (Openness), the bulletin of the unofficial Party for Human Rights in Cuba (PPDHC) which was set up in mid-1988. The ruling Cuban Communist Party is the only official party in Cuba.

Reports state that they did not have the chance to consult a lawyer before their trial, and that it took place outside normal working hours.

Manuel González was sentenced to 12 months' imprisonment and Lidia González García to nine; their son Manuel received a six-month sentence

and his wife Isis was fined.

Several PPDHC members have been arrested since November 1988 and charged with criminal offences such as clandestine printing, public disorder and illegal association, for which some have been fined and others sentenced to imprisonment of up to a year.

AI believes that all the PPDHC members in prison at the time of writing are prisoners of conscience detained for trying to exercise their rights to freedom of association and expression.

AI is concerned that the legal procedures followed in these cases fall short of international standards for a fair trial.

Manuel González and his son are in an open prison and Lidia González García is in a women's re-education centre in Havana.

■ Please send appeals requesting their immediate and unconditional release to: Su Excelencia Comandante en Jefe Dr Fidel Castro/Presidente de la República/Ciudad de la Havana/Cuba. □

Prisoners freed

Two prisoners whose cases were featured as appeals this year in the *Amnesty International Newsletter* have been freed.

Kevin Desmond de Souza in Singapore (see March issue) was released in March and Peter Chiko Bwalya in Zambia (see May issue) was released in April.

Death penalty

AI has learned of 33 people being sentenced to death in 12 countries and of 195 executions in seven countries during March 1989.



FOCUS

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Time to abolish the death penalty

This is the second of a two-part article

The death penalty is irrevocable. It sends innocent people to their deaths. It has no special power to prevent crime. It is a cruel, calculated and cold-blooded form of punishment. It is imposed to punish prisoners for their political beliefs, and when inflicted for criminal offences often becomes a judicial lottery.

The cruelty of the death penalty

International law explicitly states that torture and cruel, inhuman and degrading treatment or punishment can never be justified.

If hanging a woman by her arms until she suffers excruciating pain is rightly condemned as torture, how does one describe hanging her by the neck until she is dead? If administering 100 volts of electricity to the most sensitive parts of a man's body evokes disgust, what is the appropriate reaction to passing 2,000 volts through his body in order to kill him? Does using the legal process make such inhumanity justifiable?

Executions brutalize

Executions brutalize all who are involved in the process, from the person to be killed to the society in which the killing occurs.



John Spenkelink

Executions were resumed in the USA, after a 10-year moratorium, in 1979 when John Spenkelink met his death in Florida's electric chair.

These words began a morning radio show in May: "Hey, Spenkelink, you maggot, you listening this morning, Spenkelink? Just think, in just over 24 hours, Spenkelink you're going to fry, maggot! You're going to fry! And there's nothing those bleeding hearts can do to save you. Get used to the sound, Spenkelink, think of yourself . . . convulsing."

Hanging and shooting are the most common methods of execution in use today. Death by electrocution, poisonous gas and lethal injection are used in the USA alone. Under Islamic law beheading is prescribed in five countries and stoning to death in seven.

Efforts have been made to minimise the pain of execution. That is why electrocution was introduced in the USA in 1888—it was considered more humane than hanging.

But whatever the method, if something goes wrong—if, for example, the executioner is inexperienced or the equipment is faulty—prisoners die in agony.

A Thai building worker hanged in Kuwait in 1981 took more than nine minutes to die because, as medical reports revealed afterwards, he was not heavy enough to break his own neck. He died of strangulation.

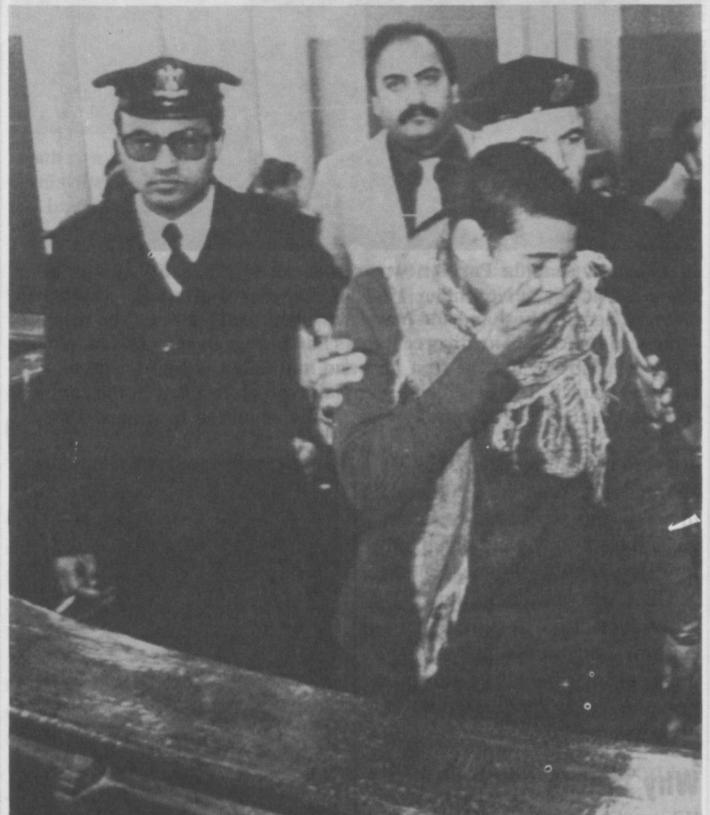
When James Autry was executed by lethal injection in the USA in 1984, a journalist reported that he took 10 minutes to die and was moving about, complaining of the pain. A prison doctor was later reported to have said that the catheter needle may have become clogged.

Deliberately intensifying pain

In some countries the pain of execution has been deliberately increased.

In Nigeria, execution—usually by firing-squad in public—is the mandatory punishment for armed robbery. In July 1986 the Military Governor of Niger State ordered that people convicted of armed robbery should be executed slowly, by successive volleys of bullets fired at intervals, starting with shots aimed at the ankles.

Stoning to death is also designed to ensure that death does not come quickly. The Islamic Penal Code of Iran stipulates: "In the punishment of stoning to death, the stones should not be so



A prisoner is led from a court in Cairo, Egypt, March 1985, after hearing that he will die on the gallows for rape. The cruelty of execution is not restricted to the prisoner's death agonies. Its unique pain—which developing more "humane" methods of killing cannot reduce—lies in the grief and terror with which many of the condemned approach their deaths. © Reuters

large that the person dies on being hit by one or two of them; they should not be so small either that they could not be defined as stones".

The cruelty of execution is not restricted to the prisoner's death agonies. From the moment sentence is pronounced the prisoner is forced to contemplate being put to death at an appointed time.

The mental suffering this causes cannot be quantified. Why else is the threat of execution one of the most powerful weapons of the torturer?

No future

Prisoners sentenced to death are treated as men and women without a future.

Often they are separated from

the general prison population and held on "death row", where isolation and enforced idleness add to the torment of waiting to be executed.

For some prisoners that torment stretches over many years. It was nearly 17 years after his arrest, early one morning in May 1985, when Mohammad Munir was secretly executed by firing-squad on a deserted island near Jakarta, Indonesia's capital.

Mohammad Munir was the head of a trade union federation led by the banned Indonesian Communist Party (PKI). The party, which Mohammad Munir represented in the Indonesian parliament, was blamed by the authorities for an attempted coup in 1965. He was one of thousands



In Pakistan Shahida Parveen was sentenced to death by stoning after being convicted, in November 1987, of the offence of adultery. She had divorced her first husband and married Mohammad Sarwar, who was also sentenced to death. The divorce papers had been signed by the couple before a magistrate, but the first husband had failed to register them with the local council. He then filed a complaint which resulted in the couple's trial and sentence. The couple were finally acquitted in August 1988.

arrested in ensuing years. He was charged with rebellion, convicted in 1973 and sentenced to death. He and his family were given only four days' notice of the execution.

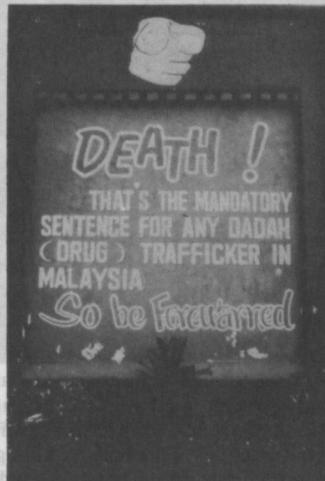
The cruelty of the death penalty is evident. Like torture, an execution constitutes an extreme physical and mental assault on a person already rendered helpless by government authorities.

Why states kill

Why, when the death penalty is so demonstrably cruel and unfair, do states still use it? One of the most common justifications is that the death penalty is an invaluable deterrent against crime.

The evidence, however, does not support this argument. In Jamaica, the homicide rate was lower during a moratorium on executions between 1976 and 1980 than it was after executions resumed. (This does not include a rash of political shootings during the 1980 general election.) In Canada, the homicide rate fell from a peak of 3.09 per 100,000 population in 1975, the year before the abolition of the death penalty for murder, to 2.74 in 1983, and in 1986 it reached a 15-year low.

Murders are often committed in moments of passion or panic, when extreme emotion overcomes reason. They are also committed under the influence of alcohol or drugs. Some murderers are



Posters in Malaysia draw attention to the death penalty. But despite the warnings and executions, there is no evidence of a decline in drug trafficking. © Abbas/Magnum

mentally ill. In none of these cases can fear of the death penalty be expected to act as a deterrent.

Those people who do plan crimes in a calculated manner proceed despite the risk, in the belief that they will not be caught. Criminologists have long argued that the way to deter such people is not to increase the punishment but to enhance the likelihood of detection and conviction.

The death penalty may even have the reverse effect to that intended. Someone who knows they risk death for the crime they are committing may well be more likely to kill witnesses.

Drug offences

More than 10 countries have introduced the death penalty for drug-related offences in the past decade.

In Malaysia the death penalty has been mandatory since 1983 for possessing more than a certain amount of drugs. A growing number of people have been sentenced to death - at least 55 in 1988. Many have been hanged, including a 68-year-old Chinese woman.

Death was the penalty for the illicit manufacture and sale of narcotics in the Philippines between 1972 and 1987. In a debate before its abolition, one of the men instrumental in introducing the death penalty for drug offences explained why he had changed his mind.

motivated acts of violence often kill or maim not only the intended targets of attack but bystanders as well. They often lead to calls for revenge, for the perpetrators to be punished with death. But executions are as likely to increase acts of terror as to stop them.

British authorities ruling Palestine in the 1940s hanged several members of the underground Zionist Irgun organization who had been convicted of bombings and other violent attacks. Menachem Begin, former Irgun leader and later Prime Minister of Israel, told a former British government minister that the executions had "galvanized" his group, which subsequently hanged several British soldiers in retaliation. Menachem Begin was

Execution can never be a condemnation of killing: it is killing

He said: "I remember the one who was executed, Lim Seng, and I hoped by his death there [would] be less narcotic addiction in our country, but today we have more. There is now a Narcotics Command, a whole Command to deal with narcotics addiction. So therefore the life of that man that was snuffed out to discourage drug addiction had been lost in vain..."

Killing to stop killings?

It is sometimes said that the death penalty is a useful tool in the state's efforts to deal with political violence. Yet in many cases men and women convinced of the legitimacy of their cause are prepared to sacrifice their lives for their beliefs.

Bombings, kidnappings, assassination of public officials, aircraft hijackings and other politically

reported to have said "[the hangings] got us the recruits that we wanted, and made us more efficient and dedicated to the cause".

The most recent study of research findings on the relationship between the death penalty and homicide rates conducted for the United Nations Committee on Crime Prevention and Control in 1988 has concluded that: "this research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment. Such proof is unlikely to be forthcoming. The evidence as a whole still gives no positive support to the deterrent hypothesis". □

Copies of AI's 268-page worldwide survey of the death penalty, *When the state kills...*, *The death penalty v. human rights*, and also an illustrated 22-page briefing are available from AI sections or from the International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom. Prices £10 and £2 respectively.



Australian Nolah Blake on her way to the Thai court where she and Thai national Supoj Kittidejdaunkern were sentenced to death for drug-trafficking in 1988. The death penalty is most often introduced today for drug offences, but there is no evidence of a decline in drug-trafficking which could be clearly attributed to the threat or use of the death penalty.

USA

The number of prisoners on death row in the USA is the country's highest on record and the rate of executions is likely to increase as many reach their final stage of appeals.

More than 2,100 prisoners face the electric chair, the gas chamber, the firing squad, the noose or a lethal injection of poison. Since 1977, over 100 people have been executed.

Some 40 per cent of prisoners sentenced to death are black, although blacks are only 12 per cent of the population. Race—especially that of the victim—has an important bearing on the likelihood of a death sentence being imposed. While 727 black defendants have been condemned to death in the past decade for killing whites, only 43 whites have been sentenced to death for killing blacks.

Black defendants, especially in the southern states, have often been convicted by all-white juries after prosecutors have used their powers to exclude black jurors. They are also allowed in most states to exclude committed opponents of the death penalty, thus creating what are known as "death-prone" juries.

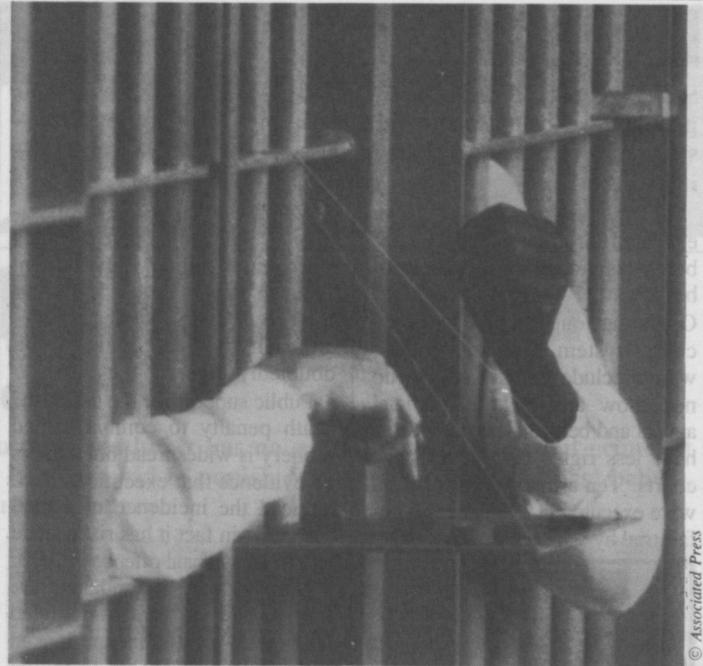
Most defendants facing the death penalty cannot afford their

own lawyers: an estimated 90 per cent have no financial resources. Court-appointed defence lawyers are paid far less than private lawyers or state prosecutors and most have little or no experience in criminal law. What is more, most states do not fund lawyers to pursue appeals beyond the first stage.

Some death row prisoners are mentally handicapped. Although most states have procedures for assessing prisoners' competence to stand trial, their tests evaluate sanity and mentally handicapped prisoners are generally found to be sane. Since 1984, at least six such prisoners have been executed.

At least three mentally ill prisoners have been executed too, sometimes after trials in which lawyers made no attempt to offer evidence about the defendants' medical or personal history.

The USA is one of only six countries in the world known in recent years to have executed juvenile offenders. Three teenagers aged 17 at the time of the crime were executed in 1985 and 1986. The US Supreme Court



© Associated Press

Death row prisoners play checkers in the Texas Department of Corrections, Huntsville, 1970. Some 40 per cent of those sentenced to death in the USA are black, although blacks are only 12 per cent of the population.

ruled in mid-1988 that "evolving standards of decency" made the execution of 15-year-old offenders unconstitutional. Internationally accepted standards prohibit executing anyone under the age of 18 at the time of the crime.

■ Please send courteous letters: —urging an end to the death

penalty in the USA and conformity to international human rights standards which forbid the use of the death penalty against the insane and people under 18 years old at the time of the crime.

Send your appeals to: President George Bush/The White House/Washington D.C. 20500/USA. □

USSR

The death penalty is regularly used in the USSR, but the prospects for abolition have improved as a result of legal reforms now under way.

The authorities are poised to restrict the number of capital crimes in law, and a small but prominent group of reformers has emerged who are questioning the fairness of the death penalty and challenging the secrecy which still surrounds its use.

Soviet legislators are due to adopt new principles of criminal law later this year reducing the number of capital crimes from 18 to six—treason, espionage, sabotage, terrorist acts, aggravated premeditated murder and child rape. Women, and men aged 60 years and over, will be exempted from the death penalty.

The number of death sentences and executions in the USSR is not known — these statistics have been an official secret since 1934. However, press reports reveal that the death penalty is used frequently, and that its use has not decreased since the announcement in February 1987 that it was under review.

In 1985 and 1986 at least 102 death sentences and 48 executions were reported. Between January 1987 and August 1988, 65 more

death sentences and 15 more executions came to light.

There are a number of procedural defects in death penalty cases:

— defence lawyers in capital

cases may not take part until after the preliminary investigation—which can legally take up to nine months;

— although in theory there is a right of appeal, in practice some death penalty cases are heard by the highest courts, and therefore no further appeal is allowed. Since January 1987, at least six prisoners have been sentenced to death without getting leave to appeal;

— clemency hearings are not automatic, nor are death sentences automatically suspended when they are undergoing judicial review—prisoners may legally be executed before all possible remedies have been exhausted.

The Soviet press has traditionally given enthusiastic support to reported death sentences.

However, recent discussion of reforms has led also to articles exposing previous errors, such as the 14 people wrongly convicted of multiple murder, one of whom was executed. Another person, Gennady Mikhasevich, was later convicted of the crimes. He was executed, apparently without leave of appeal, in 1988.

■ Please send courteous letters: — welcoming the proposed reduction in the number of capital offences;

— urging the authorities to stop all executions, pending total abolition of the death penalty;

— urging the authorities to end the secrecy surrounding the death penalty by making public full information on all death penalty cases.

Send your appeals to: Mikhail Gorbachev/Chairman of the Presidium of the USSR Supreme Soviet/Kremlin/Moscow/USSR. □



Valery Dolgov, sentenced to death for murder in 1986 and executed in 1987, is prepared for his condemned cell in Latvia. One justification offered for the death penalty is that execution repays an evil deed—by killing the culprit society shows its condemnation of the crime. But execution can never be a condemnation of killing: it is killing.

© Riga Films

NIGERIA

Since a return to military rule at the end of 1983 over 850 people have been executed in Nigeria, most of them by firing-squad, in public, and some in front of large crowds including children.

The greatest number have been executed for armed robbery after being convicted by special Robbery and Firearms Tribunals. Operating outside the ordinary court system, special courts, which include military courts, do not allow any right of judicial appeal and before them defendants have less rights than in ordinary courts. Ten armed forces officers were executed in 1986 after an unfair trial by a special military court.



International public opinion generates pressure to stop executions. Lawyer Vera Chirwa and her husband Orton Chirwa, a former Minister of Justice, were sentenced to death in Malawi in 1983. Their sentences were commuted in 1984 after international appeals.

Although the number of executions is believed to have declined since a new military government came to power in 1985, AI has learned of over 200 since then—although the real figure is undoubtedly higher.

Public support for the use of the death penalty to combat armed robbery is widespread but there is no evidence that executions have reduced the incidence of armed robbery—in fact it has risen since becoming a capital offence in 1970.

Many poor defendants are represented by state-appointed lawyers who are inexperienced and lack the resources to mount an effective defence. Errors at the trial stage are difficult to correct because there is no right of appeal.

The disturbing aspects about trials before special courts and the use of the death penalty in Nigeria are illustrated by the case of 12 young men—one of whom was just a boy of 14 when he was arrested—sentenced to death last year by a special Robbery and Firearms Tribunal.

The case provoked national and international protest not only because of the age of the defendants but also because of the conduct of the trial—even Lagos State's Ministry of Justice was critical. Its Director of Legal Services said: "The whole trial was full of procedural irregularities and overt bias against the convicts. The evidence of the identification . . . was a complete sham. I



A father takes leave of his son, convicted of armed robbery and about to face the firing-squad in Nigeria. © Camera Press

have no doubt in my mind that if this case were to come before an appellate court it would succeed."

The two principal defendants, who claimed they had been beaten and forced to identify the other defendants under duress, were deported to Benin before the end of the trial. The remaining 12 were convicted primarily on the basis of identification evidence which appeared to have been improperly obtained.

Prison overcrowding has been cited as a reason for executions. At least 70 condemned prisoners were involved in rioting in Benin City Prison in May 1987 in which 24 prisoners died. The trouble started after an unsuccessful attempt to prevent the hanging of

two men. Further disturbances in January 1988 were followed by the public execution of 12 prisoners. Officials said that the executions had been carried out to reduce overcrowding, one of the causes of unrest inside the prison.

■ Please send courteous letters: — urging the cessation of all executions;

— urging that anyone charged with a capital offence is given all facilities for a fair trial, including adequate legal assistance and the right of appeal.

Send your appeals to: General Ibrahim Babangida/President, Commander-in-Chief of the Armed Forces/State House/Ribadu Road/Ikoyi Island/Lagos/Nigeria. □

Stop executions now

Amnesty International opposes the death penalty in all cases. It calls on all countries which retain the death penalty to:

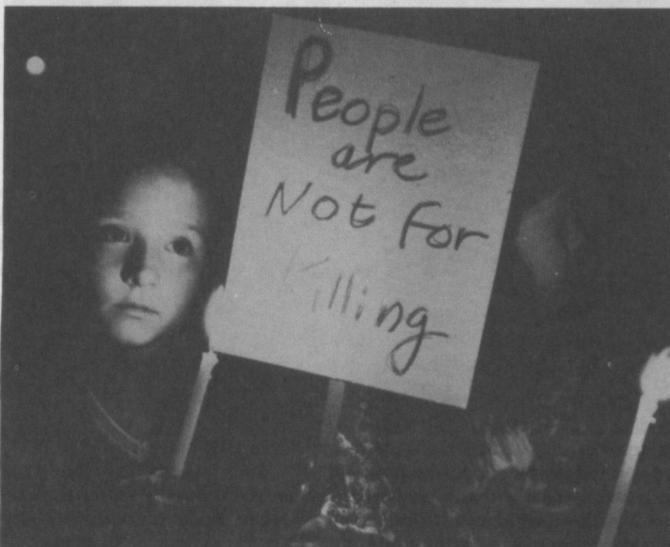
- stop all executions, immediately and permanently;
- commute all outstanding death sentences;
- abolish the death penalty in law.

Governments which have not yet abolished the death penalty are obliged under internationally agreed human rights standards to ensure that:

- every prisoner accused of an offence punishable by death is afforded all facilities for a fair trial;
- everyone sentenced to death has the right to appeal to a court of higher jurisdiction;
- everyone sentenced to death has the right to seek pardon or commutation of sentence;

— the death penalty is not used against people who were under 18 at the time of the offence;

— the death penalty is not used against people who are not of sound mind;



— the scope of the death penalty does not extend beyond the "most serious crimes" — those with lethal or other extremely grave consequences.

AI welcomes any measures which save the lives of prisoners who would otherwise have been executed and which bring closer the goal of worldwide abolition. Such measures include:

- increasing use of clemency in death penalty cases;
- progressively restricting the number of offences punishable by death;
- establishing official commissions to examine aspects of the death penalty, such as its relation to crime rates, its discriminatory application to various sections of the population and the suitability of alternative punishments. There should be a moratorium on executions pending the outcome. □

EGYPT

Court orders overridden by government

Thousands of government opponents, mainly Muslim activists, have been detained in Egypt in recent years and many of them tortured. In dozens of cases the courts have ordered the release of detainees eventually brought before them, only for their orders to be overridden by the government or for new detention orders to be issued.

In a recent publication, *Egypt: Arbitrary detention and torture under emergency powers*, AI documents reports of torture and ill-treatment which include beatings and electric shocks. Those detained have included people imprisoned solely for their peaceful political activities, and others for their connections with people wanted by the authorities.

In April at least 1,500 alleged government opponents were detained during protests and clashes throughout the country. The protests followed the arrest of some 40 people in Fayoum on 7 April, including Dr Omar Abdel-Rahman, a cleric and leading figure in the Islamic movement, after the break up by police of a meeting which he was due to address. AI has received reports that Dr Abdel-Rahman, who is blind and a diabetic, was beaten during his first few days in custody.

AI knows of many recent instances of the courts dismissing charges against defendants because their confessions had been extracted under torture.

Egypt's state of emergency legislation enables people to be detained without charge and held for up to months at a

time before being brought to court. AI believes that torture – which is expressly forbidden in Egypt's constitution – occurs in the first few days of detention. It is calling on the government to allow all detainees access to relatives and lawyers and prompt court appearances. □



This man said that during his detention in 1987 he was given electric shocks to his head. AI has received dozens of reports of detainees being tortured in Egypt.

JAPAN

AI visit

An AI delegation visited Japan recently and discussed the death penalty and reports of ill-treatment of suspects with government authorities, lawyers and ex-prisoners, among others.

Safeguards to protect prisoners from ill-treatment appear to be insufficient. In recent years several people have alleged that they were forced to make false confessions after being ill-treated.

AI urged ratification of the Convention against Torture. □

Stop Press

On 30 April Cambodia became the first country to abolish the death penalty since AI launched its campaign urging abolition.

Executions increase

AI has expressed concern to President 'Ali 'Abdullah Saleh about an increasing number of executions in the Yemen Arab Republic since January.

The organization has recorded 27 executions between January and early April – three more than the total number for 1988.

All 27 were convicted of murder and sentenced to death in accordance with *Shari'a* law. In a number of cases, parts of the execution proceedings were televised.

SOUTH KOREA

IWAJAM

Detainees' plight publicized

At least 35 people have been held without charge in South Korea for between six and 13 years for refusing to sign statements of conversion to "anti-communism".

Their cases have recently gained publicity with the release of two fellow inmates and former prisoners of conscience Soh Joon-shik and Kang Jong-kon who have started a campaign for their release.

The 35 were originally arrested after the 1950-1953 Korean War and sentenced to terms of imprisonment of between 10 and 24 years reportedly for spying or doing forced labour for North Korea or for having joined the armed resistance to the new government in South Korea.

All except two – who have been held continuously for some 34 years – were released after their sentences finished. However they were rearrested under the Public Security Law at various times between 1976 and 1983 on the grounds that they were likely to "commit an anti-state offence again" although no specific charges have been brought against them.

They are held in a detention centre in Chongju on orders of the Minister of Justice who may release them if they write a statement of recantation.

Most of the 35 are in their sixties and seventies and are

said to suffer from chronic illness. They staged hunger-strikes last December and



Former prisoners Soh Joon-shik (centre) and Kang Jong-kon (right) publicize the cases of 35 men held in South Korea for years under the Public Security Law in a campaign for its abolition. With them is Han Sun-hura, the son of one of the 35.

January to protest at their continued detention and to call for the abolition of the Public Security Law.

AI is calling on the government to release these prisoners or to charge them with a recognizable criminal offence. □

NICARAGUA

Trial defects lead to pardon

Prisoner of conscience Mario Baldizón Avilés has been pardoned by the Nicaraguan National Assembly following his early release on 15 March after serving a third of his 10-year prison sentence for treason.

Also pardoned was María Auxiliadora Rivas Urbina, the mother of three children, who had been allowed to return home in February 1988 to serve out the rest of her sentence. She was convicted in March 1986 of collaborating with the anti-government forces known as the *Contras*, but AI believes her trial was based on a confession made under duress.

AI delegates met Mario Baldizón during a visit to Nicaragua in March when they learned that the government had acknowledged serious defects in his trial.

The delegates gathered information on the country's human rights situation since the lifting of the state of emerg-

ency in January 1988. They met, among others, senior government and judicial authorities,



Mario Baldizón with AI delegate members of human rights organizations, lawyers and opposition party members. They interviewed the relatives of prisoners, of the "disappeared" and of alleged victims of extrajudicial killings, and visited four prisons. □

MALAWI

Fears for safety of detainees

Senior state employees, including teachers and doctors, are among a number of Malawians arrested recently in what appears to be a renewed crackdown on alleged political opponents of the government.

They are said to be held in incommunicado detention and there are grave fears for their safety in the light of reports that three detainees were killed or died in detention in March in unexplained circumstances.

Those concerned in the recent arrests, which have been made since February, had earlier either been dismissed from state employment or prematurely retired essentially because they came from the northern region.

Among those arrested in February was Dr George Mtafu, the country's only neurologist, who was detained in secret custody after refusing to apologise for challenging remarks made by Life-President Banda criticizing senior state employees from northern Malawi for allegedly pursuing their own interests.

Other senior state em-

ployees who according to reports also refused to apologise, were either dismissed or imprisoned without trial.

The current wave of political persecution of northerners started in February after Life-President Banda made a number of speeches in which he alleged that some Malawians of northern origin wanted their region to secede from Malawi and be ruled by one of the exiled former ministers who fled the country in 1965.

He also alleged that teachers of northern origin when employed elsewhere deliberately neglected their work to ensure that students from other regions did badly in examinations. All teachers were ordered to return to their own regions in a move that mostly affected northerners, many of whom were summarily dismissed or demoted. □

ISRAEL AND THE OCCUPIED TERRITORIES

More deaths: call for inquiry

Samer Aruri, an 11-year-old Palestinian boy, died on 19 March after being shot in the head by an Israeli soldier. He had been playing football and had fled as soldiers arrived.

He is one of many civilian Palestinians who have been shot dead by soldiers and border police since December 1987.

In a recent call stressing the increasingly urgent need for an independent judicial inquiry into abuses including the killing and wounding of Palesti-

nians by Israeli forces, AI said it was gravely concerned that senior Israeli authorities appeared to be condoning, if not encouraging, the excessive use of force by security forces knowing it would result in the death or injury of Palestinians. □



The funeral procession for Palestinian Akram al-Yasini who was shot dead by Israeli soldiers during clashes on 1 April on the West Bank.



Mourners at the site of demonstrations in Tbilisi, Georgia, in April during which 20 people are officially acknowledged to have died. © Associated Press

USSR

Soldiers using spades and gas blamed for deaths

Eye-witnesses have said that soldiers used spades and poisonous gas on protestors in a nationalist demonstration in Tbilisi, Georgia, on 9 April. At least 19 people are known to have died, but unofficial sources put the number at over 60.

AI has urged the authorities to find out if any of those who died were deliberately killed, rather than arrested.

Unofficial sources have claimed that among those killed or injured were 11 militiamen who were reportedly trying to protect demonstrators from members of Special Units of Internal Troops of the USSR Ministry of Internal Affairs.

Units were set up last July to combat "public disorders". Official commentators and human rights advocates have criticized the way they have

been used to break up peaceful meetings and to detain their organizers.

The official news agency TASS said that the security forces acted "strictly in accordance with instructions on the non-use of weapons, and precautionary measures were taken, especially with regard to women and children". AI has asked for information about the instructions and the precautions; it also asked for the release of any demonstrators imprisoned for their non-violent political activity. □

JAMAICA

Warders on murder charge

Eight prison warders in Jamaica have been charged with the murder of a prisoner following police investigations.

The prisoner died reportedly after being beaten by guards at the Gun Court Rehabilitation Centre last July. He and three others, who suffered broken limbs, denied the guards' charges that they had been trying to escape.

In another case the same month, members of the Jamaica Defence Force and prison warders at St Cather-

ine Adult Correctional Centre allegedly beat inmates and destroyed property while conducting a search of cells.

AI had raised these cases with the authorities. In a response in February the then Minister of Justice told AI that the Gun Court guards were to be charged and that a "substantive" reply on the second incident was pending. □