



Death Penalty—the grim statistics

Worldwide statistics on the death penalty make grim reading. At least 1,869 people have been executed in over 40 countries since January 1982 and at least 1,782 death sentences have been passed in the same period in some 60 countries, many of them in politically related cases.

These totals must be seen as a minimum. Many governments do not publish details of death sentences and executions.

In the last five years at least 11 countries have reintroduced the death penalty or extended the crimes to which it applies, among them Iran, Iraq, Guatemala, Mozambique and Pakistan.

But not all the news is bad. A protocol on the abolition of the death penalty in peacetime has been adopted by the 21-nation Council of Europe's Committee of Ministers and already 13 member nations have signed it. Furthermore, important sections of the medical profession worldwide are now known to oppose the participation of doctors in executions.

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United Kingdom vote against restoring death penalty, page 7

Baha'i victims



Some of the 17 Baha'is who were hanged in Shiraz during June, including Roya Ishraqi and her parents (centre, lower). The others were (from left to right) Zarrin Muqimi, Dr Bahram Afnan and Shirin Dalvand.

Iran: Kurds, Baha'is hanged

The number of people being executed by the authorities in Iran continues to rise steadily and is now well past the 5,000 mark—AI has received information on 5,195 hangings and firing squad executions between February 1979 and June 1983, an overall average of 100 a month for just over four years.

These execution figures must be regarded as an absolute minimum—numerous executions are reported to have been carried out in secret, others have been officially reported as deaths occurring during alleged clashes with the security forces and a number may simply not have been recorded by the Iranian news media.

Seventy-seven people are reported to have been executed in Iran in June.

- On 2 June 59 Kurdish prisoners are reported to have been executed in Mahabad prison in retaliation for an attack by Kurdish Peshmargah forces on the Mahabad garrison during May.

- On 16 June six Baha'i men were hanged in Shiraz and on 18 June 10 Baha'i women were hanged in the city. Another Baha'i, a youth, was executed on 28 June, bringing the number of Baha'is put to death in Shiraz since February to 21.

The executed Baha'i women ranged

from 18 to 54 years of age and included a mother and her daughter.

More than 151 Baha'is have been executed in Iran since the revolution of February 1979. Although members of this faith are usually accused by the Iranian authorities of espionage, AI knows of no reason to accept the validity of such charges—it believes the real reason for the imprisonment and execution of Baha'is in Iran is their religious belief, regarded as heretical by the authorities there.

The 17 Baha'is most recently executed are reported to have been subjected to great pressure to recant their faith and accept the official religion of Iran, Islam. When they refused to do so they were executed.

On 28 June the Iranian daily newspaper *Jomhuri Eslami* (Islamic Republic) reported that a man who had killed his pregnant wife had been executed by his father-in-law in the city of Qom.

The death sentence, reportedly passed

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South Africa New move on bannings

The number of people restricted under banning orders in South Africa is reported to have fallen from 55 to 11 as a result of new measures taken by the authorities.

With one exception, all banning orders currently in force to restrict people in South Africa were withdrawn prematurely on 1 July 1983, one year to the day after the introduction of the Internal Security Act of 1982. This act amended and replaced earlier security legislation providing for the imposition of banning orders.

In all, 55 banned people were affected by this development—but 10 of them had new banning orders imposed immediately by the Minister of Law and Order.

Another banned person, Dr Beyers Naude, was not affected by the recent measure. A three-year banning order imposed on him in October 1982 remains in force.

The 11 banned people remain subject to restrictions on their freedom of movement, association and expression; among other things, they may not be quoted in public or private, may not leave the areas in which they reside and may not communicate in any way with other banned people.

Full details of the new banning orders were not available at the time of going to press but most appear to have been imposed for five years' duration, which

for some represents a longer period of restriction than was previously in force.

Those whose banning orders were renewed include Winnie **Mandela**, who has been almost continuously restricted under banning orders since 1962, and Johnny **Issel**, a former long-term uncharged political detainee, who has been restricted or detained without trial almost continuously since 1973.

New restrictions were imposed also on two black trade unionists—Maxwell **Madlingozi** and Dumile **Makanda**—former officials of the Motor Assemblers' and Component Workers' Union of South Africa (MACWUSA), who were restricted under banning orders in March 1982, only weeks after they were released from more than nine months in detention without trial.

A black journalist, Mathatha **Tsedu**, was also rebanned—he has only recently been released from 10 months' incommunicado detention without trial.

Among those no longer subject to banning orders are Albertina **Sisulu**, wife of Walter Sisulu, a leading member of the African National Congress imprisoned for life since 1963, and her son, Zwelakhe Sisulu, a well-known journalist; Dr Mamphele **Ramphela**, who was effectively "banished" to a rural area far from her home in 1977; and Peter **Jones**, who had been continuously detained or banned since August 1977 □

Argentina Police detained in Cambiaso case

Three Argentine police officers have been arrested and are being held in preventive detention in connection with the killing in May this year of a former prisoner of conscience adopted by **AI**, Osvaldo **Cambiaso**, and Eduardo **Pereira** (see June, July 1983 *Newsletters*).

An official police communique of 17 May said the two had been killed while "trying to escape" from a police patrol outside Buenos Aires on 14 May—the same day that witnesses report having seen them being abducted by heavily armed men from a bar in Rosario.

In a 17-page ruling on 24 June, the Argentine Penal Appeals Court in San Nicolás rejected a *habeas corpus* petition on behalf of the three policemen. The court has stated that they will face proceedings on a charge relating to homicide ("*homicidio calificado reiterado*").

Two of the accused, Luis Abelardo Patty and Juan Amadeo Spadar, have admitted responsibility for the shooting of the two men, maintaining that they were trying to escape. The third accused has been included in the case, according to the court's ruling, because his role as driver of the vehicle used in the operation made him an accomplice.

In its ruling, the court called for further medical and ballistics reports in order to clarify a number of discrepancies between the forensic evidence and statements made by the policemen. These reportedly include:

- Forensic evidence suggesting that Osvaldo Cambiaso was in the vehicle when shot and not outside it, as claimed by Luis Patty;
- Injuries on the bodies of both men which indicated that they were ill-treated or tortured before death. Osvaldo Eduardo Pereira's body indicated torture by electricity before death.

The court also ruled that the police doctor responsible for the initial stages of the autopsies on the victims would be called to explain his findings—they were said to have led to the initial official version that the two men had been killed in a confrontation with the police.

The San Nicolás court stated that the doctor's arrest had been ordered but that he was not in detention because a request for exemption from imprisonment had been granted.

In a separate ruling, a Penal Appeals Court in Rosario has decided that a "reasonable possibility" existed that the two men abducted from a bar in the city on 14 May had been Osvaldo Cambiaso and Eduardo Pereira.

In view of the "probable link" between the abduction and the subsequent killings, the court ruled, further investigations into both incidents would be carried out by the San Nicolás Court under Judge Marchetti □

UN Human Rights Committee's 18th session

The Human Rights Committee held its 18th session at United Nations headquarters in New York from 21 March to 8 April 1983. The committee monitors states parties' compliance with the International Covenant on Civil and Political Rights and considers individual complaints under the optional protocol to the covenant; 75 states are now party to the covenant and 29 to the optional protocol.

At this session the committee examined reports from Nicaragua, Austria and Peru, describing the measures they had taken to give effect to the rights recognized in the covenant and the progress made in the enjoyment of these rights. The committee again postponed consideration of a report of Guinea, since the government failed for the fourth time to send a representative to respond to questions raised by committee members.

The committee is concerned that a number of the reports from states parties are long overdue. These include India, the Gambia, El Salvador, Zaire and the Dominican Republic. *Notes verbales*

were again sent to governments reminding them of their obligations under the covenant.

It also adopted its final views on eight cases concerning individuals from Zaire, Madagascar, Uruguay and Italy, who had complained to the committee that they were victims of violations of their rights under the covenant. The committee finalized the text of a publication which will be issued later this year containing selected decisions on individual cases, so that the jurisprudence they have developed thus far in applying the provisions of the covenant to individual cases will be made accessible to the general public.

Preliminary discussions were held on Articles 14 and 20 of the covenant to reach agreement regarding the committee's interpretation of these. They provide for the equitable administration of justice, and prohibit propaganda for war. The discussions were due to be resumed at the committee's July 1983 session, when it was also scheduled to study reports from France, Lebanon and Guinea □

Campaign for Prisoners of the Month



Three Indian peasant leaders, Peru
The three are Quechua Indians who have been detained without trial for almost two years after a general strike in 1981.

All three were arrested for leading a peasant strike in rural Acomayo, a province in Cuzco department, in October 1981. They are: Julian **Choque Choquemamani**, aged 31, leader of the Provincial Peasant Federation of Acomayo (FEPCA), and a member of the elected district council of the village of Pomacanchi, Acomayo; Florencio **Torobeo Mendoza**, aged 60, a founder of FEPCA, leader of the Cuzco Departmental Federation of Peasants and a member of the council of Acomayo Province; and Roberto **Ayma Quispe**, a peasant farmer (*campesino*).

They were originally held on a charge of terrorism, which *AI* considered to be entirely without foundation—an *AI* mission to Peru in May 1982 visited them in Cuzco's Q'uencoro Prison (they are now held in Lurigancho prison, Lima).

The charge was changed this year to one of having incited "the disturbance of public tranquillity" during the strike.

AI believes that these three rural leaders were detained solely for their non-violent leadership of their communities and regional peasant organizations—and for having been among the first Quechua peasant farmers to be elected to serve on local government councils in Acomayo.

In a letter received by *AI*, Florencio Torobeo describes the charges brought against the three as an act of "revenge" by the traditional rural elites of Acomayo. He writes:

"The gentry of Acomayo cannot accept that a *campesino* who works a quarter hectare of unirrigated land and pastures two cows can be a councillor of the provincial government."

All three prisoners have respiratory ailments and Florencio Torobeo is also reported to be severely ill because of abdominal ulcers and kidney complaints aggravated by the poor prison diet.

Please write courteous letters appealing for the release of the three Indian peasant leaders to: President Fernando Belaúnde Terry / Palacio Presidencial / Lima / Peru.

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.

Seble DESTA and others, Ethiopia
They are 13 women of the deposed imperial family and two other high-ranking families who have been detained without trial since the revolution of 1974.

Initially held under house arrest, the 13 women have been imprisoned in Alem Bekagne ('End of the World') prison in the centre of Addis Ababa since July 1975.

Seble Desta, aged 51, a grand-daughter of the late Emperor Haile Selassie—who died in detention in 1975—is held in a small room in the former prison clinic with her mother, Tenagneworq Haile Selassie, aged 69; three sisters: Aida, Hirut and Sophia Desta; and four other women relatives. Four more women detained since 1974 are held in an adjacent room with other women imprisoned more recently.



Seble Desta

None of the 13 women has been charged with any offence. In 1975 the Ethiopian Government said they were being held in "protective custody" in order to save them from "the wrath of the people". The government has given no explanation for their continuing detention—certain other high-ranking women and all former officials of the overthrown imperial government who were also detained in 1974 have now been released.

The prisoners held no office in the former government but are presumed to be imprisoned because of their high status under it, particularly their relationship to the late Emperor.

Seble Desta, who was educated at Oxford University in the United Kingdom, was Vice-President of the Ethiopia Women's Welfare Association. Her husband, Kassa Wolde Mariam, a former Minister of Agriculture, was also detained in 1974; he "disappeared" in detention in 1979 and has not been seen since. Their five children are now refugees.

Please send courteous letters appealing for the release of Seble Desta and the 12 other women prisoners to: His Excellency Mengistu Haile Mariam / Head of State of the Provisional Military Government of Socialist Ethiopia / PO Box 1013 / Addis Ababa / Ethiopia.

Recep MARASLI, Turkey
A publisher and editor aged 27, he is serving sentences totalling 19 years' imprisonment for publishing works on the Kurds.

Recep Marasli was director and editor in charge of KOMAL Publishing House in Istanbul, whose publications were mainly on Kurdish history, culture and the situation of the Kurdish ethnic minority in Turkey. Among the works it brought out were books by Dr Ismail Besikci, a Turkish sociologist now serving a 10-year prison sentence—his third sentence for writing on Kurdish issues (see June 1982 *Newsletter*).

Recep Marasli, who was released from prison in 1979 after an eight-month sentence in connection with his publishing work, is now serving another three separate sentences after conviction in military courts on the following charges: "weakening" national feelings; making separatist propaganda; and insulting the Grand National Assembly (parliament), the security forces, the "moral personality" of the government and the memory of the founder of the modern Turkish state, Kemal Ataturk—under Articles 142, 159 and 311 of the Turkish Penal Code and Law 5816.

- He was detained in January 1982 and tried and sentenced in July that year to four years' imprisonment for publishing a book on Kurdish issues in the form of an open letter to Kemal Ataturk.
- In January 1983 he was again sentenced in connection with his publications to 12 years' imprisonment.
- In May 1983 he received a further three years for publication of two books said by the prosecution to have made propaganda for separatism.

There is no official recognition of the Kurds as a separate ethnic group in Turkey and the use of the Kurdish language is prohibited.

Many Kurdish organizations exist to promote the recognition of the Kurds in Turkey and in some instances to work for a separate Kurdish state. Some of these groups have engaged in violence but Recep Marasli has not been charged with membership of such a group or of any involvement in violence.

Please send courteous letters appealing for his release to: President Kenan Evren / Cankaya / Ankara / Turkey.

If you prefer, you may send your appeals to the embassies of these governments in your country.

AI's foremost concern in Italy has been the excessive length of judicial procedures in cases involving political prisoners. Under Italian law a defendant charged with insurrection, for example, may spend 10 years and eight months in prison before a final verdict on the case is reached. In recent years AI has been particularly concerned about the so-called "7 April" case in Rome in which defendants were held for up to four years before the first actual trial hearings in March 1983. The article below describes AI's concerns in this case at a time when the issuing of fresh arrest warrants against a number of the defendants could result in renewed periods of preventive detention.

Preventive detention in Italy

Professor Antonio Negri, a defendant in the "7 April" trial in Rome accused of "armed insurrection against the powers of the state", has been released from custody following his election to the Chamber of Deputies.

Before his arrest he was professor of political science at the University of Padua and visiting lecturer at the Sorbonne in Paris. He was elected as a candidate in the lists of the Italian Radical Party (*P.Rad.*) in Naples, Milan and Rome.

His election has resulted in an early suspension of the Rome trial. This is necessary to allow the Chamber of Deputies to consider a request to suspend Professor Negri's parliamentary immunity so that his trial may continue.

He maintains that he is innocent of the charges and has called for him immunity to be lifted so that his innocence can be established in a trial. The trial is expected to resume on 26 September after the summer recess.

The "7 April" trial—so called after the date in 1979 when a number of defendants were first arrested—opened at the Court of Assizes in Rome on 7 June 1982. However, owing to procedural technicalities hearings did not actually begin until 7 March 1983.

71 defendants

A total of 71 people face charges, *inter alia*, of foundation of, or participation in, an armed band (Article 306 of the Italian penal code) and subversive association (Article 270). Some are additionally charged with armed insurrection against the powers of the state, which carries a mandatory life sentence.

The defendants were allegedly associated with the extra-parliamentary *Autonomia operaia*, Workers' Autonomy, movement, which has a basically Marxist ideology.

AI considers that the period during which the "7 April" defendants were held in preventive detention before the opening of the trial was excessive. It is also concerned about the unclear and generic nature of the evidence that in a number of cases appears to have been used to support the charges, and has expressed the view that certain procedures used in the pre-trial stage might be

AI's mandate

AI is mandated to follow closely the "7 April" trial under Article 1b of its Statute, by which it opposes "by all appropriate means the detention of any Prisoners of Conscience or any political prisoners without trial within a reasonable time or any trial procedures relating to such prisoners that do not conform to internationally recognized norms".

Article 6 of the European Convention on Human Rights proclaims the right of detainees to a "fair and public hearing within a reasonable time . . .".

prejudicial to the chances of a fair trial.

AI sent as observers to the trial Dr Kurt Meier and Dr Marco Mona of the Zurich Bar, in June and November 1982.

Both in reports and in letters to government ministers and officials, AI has consistently criticized the length of time a person accused of politically motivated crimes may spend in prison in Italy prior to the final outcome of the judicial proceedings. In the "7 April" case the defendants had been held for between 46 and 38 months pending trial.

In its 1980 annual report, AI condemned, among others, Article 10 of a decree law introduced on 15 December 1979 dealing with "urgent measures for the protection of the democratic order and security of the public". According to this law, people suspected of the most serious crimes could be held for up to two years and eight months at each judicial stage from the moment of arrest to the outcome of the final appeal (see box).

Unwarranted delays

AI considered that the existing legislation had given sufficiently wide powers to the police and judiciary and that further delays in bringing people to trial were unwarranted "in a country already notorious for its lengthy legal procedures".

The length of preventive detention can be extended yet further by the issuing of

new arrest warrants. Several defendants in the "7 April" trial in Rome, including Antonio Negri, Luciano Ferrari-Bravo (see box) and Emilio Vesce, were issued with fresh arrest warrants on 21 June 1983 by the Deputy State Prosecutor for Padua, Dr Pietro Calogero. The charges against these three defendants and 38 others concern "possession of arms" (Article 21 of the Italian penal code) between 1977 and 1979.

The bringing of a new charge at this stage—apparently unsupported by new evidence against defendants who are already on trial in connection with charges relating to an armed band—will permit a further extension of up to four years' preventive detention on this separate charge. Some of the arms in question were the subject of a separate trial of different defendants in July 1980.

Other people faced with the new charge include Alisa Del Re and Alessandro Serafini, whose cases were investigated by AI after they had been charged by Dr Calogero in 1979 in connection with the "7 April" inquiry.

Lack of evidence

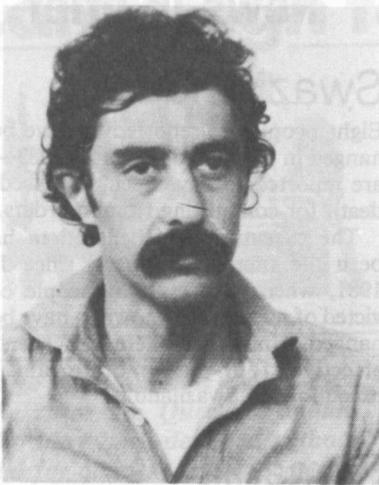
After their arrest they were released by the investigating judge, Dr Giovanni Palombarini, on grounds of lack of evidence. The judge referred to the evidence that had been gathered as being "largely favourable" to the defendants and stated that they "had never been involved in specific acts of violence".

The release orders were contested by the prosecuting authorities, who appealed to the Appeal Court of Venice, arguing that evidence against the defendants did exist. In January 1981 they were re-arrested.

They were subsequently again released by the investigating judge on the same grounds as before.

Now the dossier on the new inquiry into the "possession of arms" charge has been passed to Dr Palombarini.

The bringing of new charges, or alteration of old ones, has been a prominent feature of the "7 April" trial. In a review of its concerns in Italy, made public in April 1983, AI noted that "... the arrest warrant of 7 April 1979 charged a number of '7 April' defendants with belonging to the 'strategic command' of the Red Brigades. On 7 July 1979 a new arrest warrant, replacing the former, was issued.



Professor Luciano Ferrari-Bravo (above), one of the 71 "7 April" defendants in Rome. The author of several books on politics and economics, he was arrested with his former colleague Professor Antonio Negri and others on 7 April 1979 and has been detained in prison ever since.

The first court hearing of the case was on 7 March 1983, nearly four years after his arrest.

During his pre-trial investigation, which lasted until 1981, he was brought before a magistrate only twice, the last occasion being in July 1979.

Although the dossier of evidence in the case contains 50,000 pages (relating to all 71 defendants), the charges against Professor Ferrari-Bravo are not based on any specific crime of violence.

His case was transferred with others from Padua to Rome following a charge, later dropped, that he had been involved with the kidnapping and murder in Rome of the former Prime Minister, Aldo Moro.

The competence of the Rome court in respect of some of the defendants, including Professor Ferrari-Bravo, was questioned by the investigating judge, Dr Giovanni Palombarini, in the 1,045-page order he prepared committing others for trial in Padua.

In the "7 April" case, the charges against Professor Ferrari-Bravo are based on his alleged association with the *Autonomia operaia* movement, mainly through his collaboration on various magazines supporting "autonomist" groups and one of a number of "free" radio stations in Italy, *Radio Sherwood*.

AI began investigating his case in April 1981, the organization's main concerns being the length of time he had spent in prison awaiting trial and the apparently vague and generic nature of the charges against him.

"Although the earlier allegations were not formally withdrawn, the new warrant dropped all mention of an association between the defendants and the Red Brigades and referred to their connection with a 'subversive association, constituted in several variously named armed bands'.

"On 21 June 1980 a fresh arrest warrant associated some of the defendants with other (named) members of the Red Brigades and with another armed band called *Prima Linea* (Front Line).

"However, the deposition of the trial

dossier (*deposito formale degli atti*) in 1981 again made no reference to the Red Brigades or Front Line and left reference only to *Potere Operaio* (Workers' Power), now defined as an armed band. [*Potere Operaio* was not illegal or clandestine.]

"It is *AI*'s concern that the constant alteration of the charges in this way has made it difficult for the defendants to obtain a clear and specific idea of the grounds on which the accusations against them were made during the investigative phase, and therefore to make an adequate reply to them during this time." □

Four judicial stages

In the Italian judicial system an investigation stage is followed by a court hearing. A third stage is constituted by an appeal to the Court of Appeal, and a fourth and last stage by any final appeal that is made to the Court of Cassation (the supreme appeal court). Each judicial stage is subject to a fixed time limit, beyond which a defendant may no longer be held in prison.

The whole period covered by the four stages—that is, until definitive conviction or acquittal—is known as "preventive detention".

On 6 February 1980 a new public security law came into force, Law No. 625—entitled "Urgent Measures for the Protection of the Democratic Order and Public Security". Under Article 10 of this law the maximum length of preventive detention for "crimes committed with the aim of terrorism and subversion of the democratic order, as well as those covered by Article 416 of the penal code . . ." (i.e. association to commit a crime) was increased by one third at every judicial stage.

This means that, for instance, one of the most serious of charges covered by Article 10, that of armed insurrection against the state, now carries a maximum period of two years and eight months for each stage—and therefore, in effect, a defendant charged with insurrection could legally spend 10 years and eight months in prison before a final verdict on the case is reached.

Madagascar: health fears for detained leader, aged 75

There are serious fears about the health of the 75-year-old leader of one of Madagascar's opposition political parties who is being held in a remote military camp in the south of the country and is reported to be in danger of going blind.

Monja Jaona, leader of the *Madagasikara Otronin' ny Malagasy* (MONIMA) party, was arrested on 15 December 1982 after calling for a general strike to protest about alleged election irregularities.

He had stood as a candidate in the country's presidential election the previous month. He was defeated by the incumbent, President Didier Ratsiraka—but claimed that the election had been rigged.

No legal proceedings are known to have been taken in his case and he has not been charged.

He has been detained many times previously and was adopted by *AI* as a prisoner of conscience from December 1980 to March 1981.

He is reported to have gone on three hunger-strikes since January this year to protest against his detention and he is said to be in poor health.

Furthermore, it is reported that a cataract he suffered from had worsened considerably and that he needs specialist treatment to save his sight.

AI has again adopted him as a prisoner of conscience □

Rwanda: documents land four in jail

Four people are reported to have been convicted by the State Security Court at the end of April 1983 on charges of distributing seditious documents. Three were sentenced to four years' imprisonment each and the other received a three-year sentence. *AI* has adopted them as prisoners of conscience.

They were accused of having read and shown to other people, in March 1980, copies of leaflets or open letters which were circulating in the capital, Kigali, and which contained criticisms of President Habyarimana's government.

Sixteen people had already been convicted for distributing the same documents at a major trial in late 1981 at which 50 people were accused of offences against the security of the state. *AI* adopted all 16 as prisoners of conscience.

One of the four convicted in April, Gasamunyiga Flouard, Director of State Investments at the Finance Ministry, is reported to have been arrested in November 1981 and held incommunicado for many months in total darkness in a special cell in a section for political prisoners at Ruhengeri prison □

Iraq Three brothers executed

Six of the 130 members of the **Al Hakim** family who were arrested in Iraq on the night of 9/10 May this year are reported to have been executed in prison in Baghdad on 19 May after having been tortured (see July *Newsletter*).

Three of them have been named as brothers and the other three as nephews of Ayatollah Muhammad Bagher Al Hakim, who is in exile in Iran and is spokesman of opposition Iraqi Shi'is.

The three brothers were named as: Sayyid Ala'uddin Al Hakim, Sayyid Abd Al Sahib Al Hakim, aged 41, and Sayyid Muhammad Husain Al Hakim, aged 37. The nephews were named as Sayyid Kamal Al Hakim, aged 39, Sayyid Abd ul Wahab Al Hakim, aged 37, and Ahmad Al Hakim.

The executions are reported to have been witnessed by Ayatollah Sayyid Muhammad Hussain, one of those arrested on the night of 9/10 May. He was subsequently released and sent to Iran with a message from the Iraqi authorities to Muhammad Bagher Al Hakim which called on him to cease his criticism of the Iraqi Government.

Sayyid Muhammad Hussain was told by the Iraqi authorities that his four sons, who had been arrested with him, would be executed if he did not deliver the message and return to Iraq.

He was deported to Turkey and travelled from there to Iran but has not returned home. There has been no news of his sons' fate.

There are fears that more members of the Al Hakim family may be executed and that those in detention may have been tortured.

On 20 June *AI* sent a telex message to Iraq's President Saddam Hussain and the Minister of the Interior expressing concern and seeking clarification about the reported executions and urging that no further executions take place. At the time of going to press no reply had been received.

AI also submitted a report of the executions to the United Nations Special Rapporteur on summary or arbitrary executions and asked him to intervene to prevent further executions being carried out.

Viet Nam: Four executed

Four men were executed in Ho Chi Minh City, Viet Nam, on 31 May 1983. Two had been convicted of murder and two of plotting against the state.

According to a recent report in the Ho Chi Minh City daily *Saigon Giai Phong*, the latter two—Nguyen Van Hoang and Tran Quang Man—were sentenced to death on 27 May 1981 for forming "subversive" organizations in early 1979. The paper reported that their appeal for commutation had been rejected by the Council of State.

According to information received by *AI*, both men had been arrested with nine others in April 1979 and accused of plotting to overthrow the government. The pair and a third man were sentenced

to life imprisonment after a trial in August 1981.

All three were retried on 27 May 1982, apparently as a result of a prosecution appeal, permitted under Vietnamese law. After an *in camera* hearing—reportedly lasting only an hour and with no defence witnesses being allowed—they were sentenced to death; the third man later died in prison.

In July 1982 *AI* cabled the President of the Vietnamese State Council, Truong Chinh, appealing for the death sentences to be commuted. In April 1983 it heard that the two men had been granted a stay of execution on 27 January, the day before they were due to have been executed.

Equatorial Guinea: Two executed

Two members of the armed forces were executed in Malabo, the capital of Equatorial Guinea, some hours after having been sentenced to death by a military court on 5 July 1983.

They had been convicted of plotting to overthrow the head of state, President Obiang Nguema Mbasogo.

The two men were Lieutenant Carmelo Owono Ndongo Andeme, a member of the former military government, and a soldier, Gregorio Micha Ela.

A third person sentenced to death with them, Venancio Miko, was not

executed. Soon after his arrest on 12 May this year he escaped from custody and sought asylum at the Spanish Embassy in Malabo. He was subsequently returned to prison after the Equatorial Guinea authorities had given assurances that he would receive a fair trial and not be tortured or executed.

The alleged plot to kill the President was reportedly discovered on 12 May 1983.

Twenty-seven detainees went on trial on 30 June—*AI* does not know the outcome as regards 24 of them, except that they were not sentenced to death.

News in brief

Swaziland

Eight people are reported to have been hanged in Swaziland on 2 July 1983—all are reported to have been sentenced to death for committing ritual murders.

The executions are believed to have been the first in Swaziland since July 1981, when at least eight people convicted of murder are known to have been hanged. Until then there had been an effective four-year moratorium on executions in Swaziland.

Romania

On 15 April 1983 the county court of Calarasi sentenced Ion **Zangorescu** to death and total confiscation of his property for organizing the theft from a local state enterprise of large quantities of pork, according to reports in the Romanian press. Under Romanian law he has the right to appeal against his sentence to the Supreme Court and subsequently to file a petition for clemency to the State Council.

In the previous two weeks the Romanian press had reported four instances in which appeals against death sentences imposed for murder had been rejected by the Supreme Court and the State Council had rejected petitions for clemency.

Yugoslavia

On 27 June *AI* appealed to the Presidency of the Socialist Autonomous Province of Kosovo to commute a death sentence on Ferat **Muja**, aged 49, imposed by the district court of Titova Mitrovica on 28 July 1982.

An ethnic Albanian, he had been found guilty of the murder of a 22-year-old Serbian neighbour. The sentence was confirmed on appeal by the Supreme Court of Kosovo on 2 June 1983.

DEATH PENALTY

AI has learned of 96 people being sentenced to death in 14 countries and of 85 executions in five countries during June 1983.

Iran

Continued from front page

by a court in Qom, was said by the newspaper to be the first carried out under Iran's new Law of Retaliation, which allows injured parties to choose between financial compensation or the imposition of a stipulated punishment on the offender—and to carry out the punishment personally if they wish.

United Kingdom Decisive vote against restoring death penalty

The House of Commons (the lower house of the British Parliament) on 13 July decisively rejected a motion to restore the death penalty in the United Kingdom for murder.

The vote was 223 for and 368 against, a majority of 145 against restoration.

Five amendments calling for restoration of the death penalty for different categories of murder were also rejected.

The majorities against these amendments were: Murder resulting from an act of terrorism, 116; murder of a police officer during the course of his duties, 81; murder of a prison officer during the course of his duties, 96; murder by shooting or causing an explosion, 170; murder in the course of furtherance of theft, 175.

It was the second time the House of Commons had rejected motions for restoration of the death penalty in just over a year: in May 1982 the motion was defeated by 357 votes to 195.

After the UK general elections in June this year many new members of parliament entered the House of Commons and many were reported to favour restoration of the death penalty, which was abolished in the UK for peacetime offences in 1969.

In the last five years Spain, France and the Netherlands have abolished the death penalty, which has been totally abolished by 11 countries in Western Europe. The only country in the 21-nation Council of Europe still carrying out executions is Turkey.

Forty-three countries throughout the world have totally or partially abolished the death penalty; it is still in force in 127 countries and territories.

• On 7 July 1983 *AI* issued a news release calling on British members of parliament to vote against restoration of the death penalty □

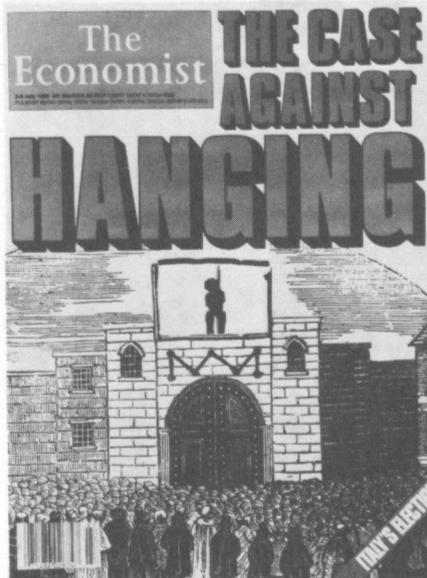
Executions in 1982

At least 1,609 people are known to have been executed in 42 countries and at least 1,435 people are known to have been sentenced to death in 60 countries and territories during 1982, according to figures compiled by *AI*.

• Most known executions occurred in Iran: at least 1,022 are known to have been put to death in 1982.

In many cases in Iran prisoners appear to have been executed almost immediately after passing of sentence, leaving them little or no time to appeal or petition for clemency.

• Reports from Iraq indicate that more than 300 people were executed there in 1982. Most were sentenced to death after summary trials before special courts.



This was the cover of the influential United Kingdom weekly *Economist* on 2 July. The journal took a strong anti-hanging stance in response to an announcement by the United Kingdom Government in June that a debate on the restoration of the death penalty was to be held in the House of Commons.

In an editorial, the *Economist* wrote: "The last time a British government paid an official to break a criminal's neck with a rope was in 1964. . . . It had finally seemed in the past decade that instruments of execution had been swept off the west European continent and its islands. . . . But there are still those who want to bring official violence back, hankering not so much for justice as for revenge against the enemies of society, or for a better protection for those (like policemen) who stand in the front line of its defence." □

Council of Europe

Thirteen of the Council of Europe's 21 member states have so far signed a protocol on the abolition of the death penalty which was adopted by the Council's Committee of Ministers in December 1982.

Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms Concerning the Abolition of the Death Penalty provides for the abolition of the death penalty for offences committed in peace time.

It will only be binding on member states of the Council of Europe that have ratified both the European Convention on Human Rights and the protocol.

The protocol enters into force after it has been ratified by five member states.

After entering into force it would be the first binding international instrument prohibiting the death penalty.

It was opened for signature on 28 April this year. Signing it is a signal of intention by a state to become a party to the protocol at some later date.

A state becomes bound by the protocol after it has in addition ratified it.

Although the new protocol does not abolish the death penalty for all offences, it does so for those committed in peace time, and *AI* considers Protocol No. 6 to be an important step towards total abolition.

The countries that have signed so far are: Austria, Belgium, Denmark, France, the Federal Republic of Germany, Greece, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden and Switzerland.

Those that have not yet signed are: Cyprus, Iceland, Ireland, Italy, Liechtenstein, Malta, Turkey and the United Kingdom □

Medical associations

AI knows of 11 national medical associations which have stated their opposition to the participation of doctors in executions—those in Australia, Holland, Ireland, Japan, New Zealand, Poland, Portugal, Singapore, Sweden, Switzerland and the USA.

Eight of these associations made their views known to *AI* in 1982.

In addition, the French National Medical Order (*Ordre National des Médecins*) has indicated to *AI* in a letter that it "formally rejects any participation, direct or indirect, of a doctor in an execution".

In Peru, the Second National Medical Congress in 1980 adopted a resolution stating that "doctors may refuse, and cannot be obliged, to attend, examine, verify or certify the death of a person who has suffered the death penalty" □

Colombian police on 'death squad' charges

Members of Colombia's National Police have been charged with "death squad" killings in the city of Medellín by the country's Attorney General, *Procurador General de la Nación*.

Detention orders have been issued by the criminal courts against five National Police officers on charges of homicide (*homicidio*).

It has not yet been decided whether the officers will be tried in courts under civil or military jurisdiction.

The Medellín charges by the Attorney General, Dr Carlos Jiménez Gómez, were made in June 1983.

They follow a nationwide investigation by him into killings attributed to a supposed organization called "*Muerte a Secuestradores*" (MAS)—"Death to Kidnappers".

In a report on that investigation issued on 4 February this year, Dr Jiménez concluded that members of the police and the army were involved in the killings and that MAS did not in fact exist as an organization.

The report included the names of 163 people facing prosecution for crimes previously attributed to MAS, including 59 members of the Colombian armed forces—among them, two army colonels.

Colombia's army chief, General Fernando Landazábal, has rejected the report's findings and declared that all members of the armed forces would donate to a fund to defend security personnel cited as being under investigation.

Although the Attorney General's office maintains that crimes attributed to MAS should fall within the jurisdiction of civil courts, this has been disputed by the



Armando Calle . . . a bullet in the spine

military authorities. They hold that the alleged crimes occurred in the context of military service and that those accused thus fall under the exclusive jurisdiction of the military courts.

Colombia's *Tribunal Disciplinario*, the high court that rules on civil-military conflicts of jurisdiction, has decided in at least one case that crimes attributed to MAS had been carried out in the course of active military service.

The court ruled in June this year that the trials of Lt.-Col. Alvaro Velandia Hurtado and Sergeant Luis Francisco

Vega Rodríguez fell within the jurisdiction of the military courts of the Sixth Army Brigade since "it was as a result of military investigations that they came into contact with the victims" and "as it is found to be unquestionable that their action, in contravention of the law, was not performed in a private capacity but as members of the military institution".

The charges were based on a sub-machine-gun attack on a trade union leader, Armando Calle Angel, in the town of La Dorada on 5 May 1982. He is reported to have been hit five times after two men in plainclothes opened fire on him from a passing motorcycle. One of the bullets hit him in the spine and he is now paralysed from the waist down. His mother was also wounded.

Armando Calle had been arrested earlier in the year and held at military bases in La Dorada and a nearby town until released on the orders of a military tribunal. He is later reported to have received death threats because of his refusal to cooperate with the armed forces.

He claimed that one of his attackers was a man he had encountered in the company of Sergeant Luis Francisco Vega, one of those to be tried. The other accused, Lt.-Col. Alvaro Velandia, has admitted that he had ordered Armando Calle's arrest in May 1982 but denied involvement in the attack on him.

AI continues to receive reports of unacknowledged detentions and killings of prisoners attributed to army units in rural areas of Colombia. It has written to the Attorney General, welcoming his report and urging continued investigation by the civilian authorities of possible extrajudicial executions □

One of the founder members of the independent *Ligue haïtienne des droits humains*, Haitian League for Human Rights, was arrested by the security forces on 9 May 1983 in what is thought to have been a round-up of people linked to the opposition *Parti démocrate chrétien haïtien* (PDCH), Haitian Christian Democratic Party.

Maître Dupleix Jean-Baptiste, a lawyer said to be in his late 60s-early 70s and in poor health, was arrested in Gonaives and held incommunicado in the Casernes Dessalines military barracks in Port-au-Prince. He is reported to have been ill-treated.

Maître Jean-Baptiste had defended the PDCH leader, Sylvio Claude, at his trial in August 1981 and retrial in August 1982.

Sylvio Claude, formerly adopted by AI as a prisoner of conscience, and 21 others were sentenced to six years' imprisonment after conviction for offences against internal state security. All were released on 22 September 1982 under an amnesty, but two are reported to have been rearrested since and six

Human rights leader held in Haiti

have gone into exile.

Four alleged PDCH members or sympathizers are also reported to have been arrested on 9/10 May and held incommunicado in Caserne Dessalines: Frédéric Denizé, a hotel owner who is said to have been beaten up when he was arrested at his hotel—he was reportedly in poor health at the time and was receiving essential medical treatment; Edouard Pierre, a stonemason aged 72; Antoine Phanor and Manuce (or Emmanuel) Gilles.

Maître Jean-Baptiste and the four other detainees were held incommunicado without charge for 27 days, in violation of Article 17 of the Haitian Constitution, which states that detainees must be brought before a judge within 48 hours of arrest.

Maître Jean-Baptiste is said to have been hardly able to stand or walk as a result of ill-treatment and Frédéric Denizé is said to have been badly beaten.

On 6 June *Maître* Jean-Baptiste and the four other detainees reportedly appeared before a judge on charges of subversion and offences against internal state security. AI believes that there is no evidence to support these charges and has adopted them as prisoners of conscience □

Prisoner Releases and Cases

The International Secretariat learned in June of the release of 134 prisoners under adoption or investigation; it took up 113 cases.

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