AMNESTY INTERNATIONAL

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UNITED NATIONS

Rights for children

THE United Nations has adopted the first universal international human rights treaty ever written for the protection of children.

The Convention on the Rights of the Child, adopted on 20 November, contains 54 articles covering the specific rights and needs of children in fields as varied as education, adoption and freedom of religion.

A Committee on the Rights of the Child, made up of experts, will be set up to monitor compliance with the Convention, which defines a child as a person under the age of 18, for most purposes.

Member states must now ratify the Convention before it can take effect. Countries which ratify it will undertake not to execute or imprison for life people whose offences were committed when they were children under the age of 18.□

MOROCCO

Concern over hunger-strikers

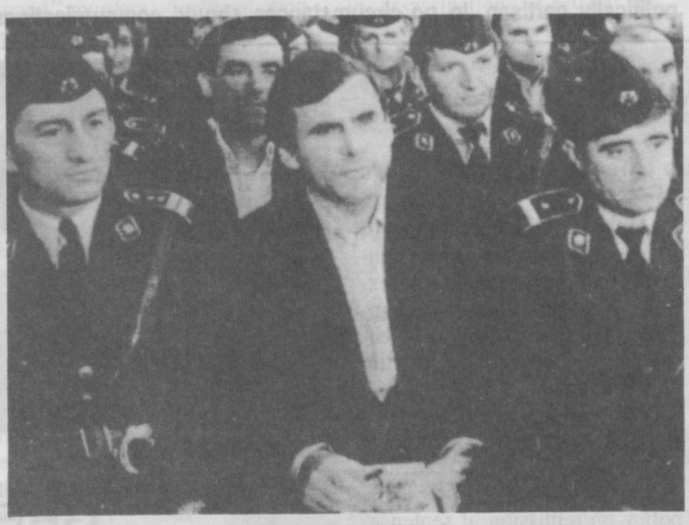
THE deteriorating health of five prisoners on hunger-strike in Morocco has been of grave concern to AI.

Two, Hassan Aharrat and Noureddine Jouhari, have been refusing food since June 1985. They have been force-fed by guards, without direct contact with doctors, in Averroes Hospital in Casablanca.

Hasan Alami Bouti, Abdelfattah Boukourou and Benabdessalem Abdelilah, on hunger-strike since June 1989, have been held in Avicennes Hospital in Rabat. According to reports, they interrupted their strike in October believing that their demands had been met, but resumed it one day later claiming they had been deceived.

AI has received reports that Hassan Alami Bouti is dangerously ill with viral hepatitis; and that Abdelfattah Boukourou, has become mentally disturbed.

The prisoners, imprisoned for political offences in 1984, have been protesting against torture, inadequate medical treatment and prison conditions.□



Azem Vllasi (centre) on trial in Titova Mitrovica

YUGOSLAVIA

Deaths follow trial protests

BEDRI Sokoli, a 27-year-old ethnic Albanian, was killed on 1 November 1989 in Pristina, the capital of Kosovo province.

He was shot dead by a police officer during demonstrations by ethnic Albanians against the trial of Kosovo's former Party President, Azem Vllasi and 14 co-defendants.

Official sources said that the police officer shot Bedri Sokoli in self-defence after being attacked by him. However, three eyewitnesses told AI that Bedri Sokoli was unarmed and was shot in the back while attempting to escape from the police officer.

Two other demonstrators, who according to official reports were armed, died on 2 November after a police siege of a housing estate in Pristina, where they had taken refuge. Official sources stated that one had committed suicide and the other had died of wounds sustained during demonstrations.

AI has called for a full and impartial investigation to clarify the circumstances of these deaths.

The trial of Azem Vllasi, Aziz Abrashi, Burhan Kavaja, Lazar Krasniqi and 11 employees of the local Trepca mines began on 30 October. At the outset of the trial the accused were charged with "counter-revolutionary" activity, an offence which carried sentences ranging from 10 years' imprisonment to the death penalty.

The charges are based on their non-violent political activity in November 1988 and February 1989 when there were widespread peaceful demonstrations and strikes by ethnic Albanians in Kosovo in protest against constitutional changes limiting the province's self-rule.

Two AI observers were denied entrance to the court-room in Titova Mitrovica when the trial began.

AI considers these restrictions to be contrary to the principle of public and open trial and has called on the authorities to ensure that all political trials are open to those who wish to attend them.□

AI AT THE MOSCOW BOOK FAIR

OUR reports on world-wide human rights violations were displayed in Moscow last September when AI attended the Moscow International Book Fair for the first time. More than 1,000 people visited the stand during the week-long fair. Over 500 signed AI's worldwide appeal to stop all executions. Among those drawn to AI's display, which included material on the human rights situation in the USSR, were students, soldiers, lawyers, engineers, cleaners, publishers and former prisoners. People from all over the USSR and many parts of Eastern Europe attended the fair.

MOZAMBIQUE

Flogging abolished

MOZAMBIQUE's National People's Assembly abolished flogging in September 1989.

The punishment had been introduced in March 1983, when the courts were empowered to impose sentences of up to 90 lashes for various crimes including black-marketeering, robbery and rape.

By 1987 some 200 people had been sentenced to floggings of between two and 45 lashes each. Many others were flogged on the orders of local government or security officials who apparently assumed that they were empowered to impose this punishment.

Since mid-1987 very few flogging sentences have been passed by the courts and a number of officials were prosecuted for illegally ordering floggings.□

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.

INDONESIA

Alexander Warouw and Manan Effendi; *these elderly men have been imprisoned since 1965.*

Alexander Warouw, aged 72, and Manan Effendi, aged 69, were arrested in October 1965, a few weeks after an attempted coup and the murder of six army generals which was blamed on the Communist Party of Indonesia (PKI). The party and its affiliated organizations were subsequently banned and a massive purge of suspected followers took place, resulting in at least 500,000 deaths. Over a million people are thought to have been arrested.

Manan Effendi and Alexander Warouw were linked to the PKI in Kalimantan. There is no evidence that either man had knowledge of events leading to the abortive coup, and there were no acts of violence in Kalimantan at the time.

Both men were brought to trial before the Balikpapan District Court in Kalimantan in May 1967 on charges of subversion. Manan Effendi was sentenced to death; Alexander Warouw was sentenced to life imprisonment. Alexander Warouw's appeals were rejected, but Manan Effendi's sentence was commuted to life imprisonment.

Both prisoners would have been released in August 1988, were it not for a presidential decree issued in March 1987 which changed the policy on remission of sentence. This decree ruled out remission for any prisoner whose death sentence had been commuted to life imprisonment. It also removed any hope of remission for prisoners serving a life sentence, other than through a presidential pardon.

■Please send courteous appeals for their immediate and unconditional release to: Let. Ismail Saleh S.H./Menteri Kehakiman/Jalan Hayam Wuruk 7/Jakarta Pusat/Indonesia□

Daniel Kokkalis with his wife

GREECE

Daniel Kokkalis; *a 29-year-old Jehovah's Witness Minister, he is serving a four-year sentence for refusing to perform military service.*

Daniel Kokkalis has been imprisoned since March 1988. His religion prohibits him from serving in the armed forces. The unarmed military service offered to conscientious objectors in Greece is double the length of military service. This is not considered by AI to be a satisfactory alternative to military service.

In July 1987 Daniel Kokkalis was recognized by the Ministry for the Interior as a religious minister for Jehovah's Witnesses in the province of Attica and has the right to conduct funerals, marriages and baptisms.

In September 1988 Law 1763/88, which exempts "religious ministers, monks, or trainee monks of a known religion" from military service, came into force. On the basis of this new legislation, Daniel Kokkalis requested exemption from military service and release from prison. As a result his trial was postponed five times while his case was reviewed. However, in July 1989 Athens Military Court sentenced him to four years' imprisonment.

At his appeal hearing on 31 October he requested release from prison on the grounds that he was a religious minister. His request was rejected on the grounds that the Jehovah's Witness faith is not a "known religion".

■Please write courteous letters appealing for Daniel Kokkalis' immediate and unconditional release to: President Christos Sartzetakis/Office of the President/17 Stisichorou Street/Athens/Greece□

CUBA

Elizardo Sánchez Santa Cruz; *a 45-year-old former Professor of Philosophy at Havana University, he is serving a two year prison sentence for making public statements in defence of human rights.*

Elizardo Sánchez, President of the Cuban Commission of Human Rights and National Reconciliation, *Comisión Cubana de Derechos Humanos y Reconciliación Nacional* (CCDHRN) was arrested on 6 August 1989. Some 20 state security agents arrived at his home in Havana in the early hours of the morning, searched the premises (also the CCDHRN offices) and arrested him. Later that day two other human rights activists were arrested; Hiram Abi Cobas Núñez and Hubert Jérez Mariño.

All three were charged with "spreading false news with the aim of endangering the prestige or standing of the Cuban state", apparently as a result of interviews they gave to foreign journalists about the trial and treatment of former army officers who were executed on 13 July 1989 on charges of high treason and offences related to drugs trafficking. (See September 1989 Newsletter). Following his trial on 17 November Elizardo Sánchez was sentenced to two years' imprisonment. He is being held at Combinado del Este prison in Havana.

© Margarita Sánchez

Elizardo Sánchez Santa Cruz

Elizardo Sánchez has been detained on several occasions apparently for political motives. He was arrested in September 1986 after denouncing human rights violations in Cuba to foreign journalists and was held without charge until his release in May 1987.

In October 1987 Elizardo Sánchez created the CCDHRN and in April 1989 began seeking its legalization. During 1988 Elizardo Sánchez was allowed to visit the USA, where his wife and two children have lived since 1980, to attend a human rights seminar.

■ Please send courteous letters urging his immediate and unconditional release to: Su Excelencia Comandante en Jefe Dr. Fidel Castro/Presidente de la República/Ciudad de Habana/Cuba.□

RELEASED: AI has just learned of the release of Maulavi Abdul Rauf Logari, a prisoner of conscience in Afghanistan, whose case was featured on this page last month.□

FOCUS amnesty international

Killings by Israeli forces

Unarmed Palestinian civilians have been shot dead by Israeli forces almost daily since the Palestinian *intifada* (uprising) in the Occupied Territories began on 9 December 1987. The number of dead had exceeded 540 by the end of October 1989.

Existing guidelines for the use of firearms as well as the pattern of killings and subsequent investigations suggest the Israeli authorities are effectively condoning, perhaps even encouraging, extrajudicial executions as a means of controlling the unrest.

Israeli troops on patrol in Gaza

© *Associated Press*

During the *intifada* protests by Palestinians against the Israeli occupation of the West Bank and Gaza Strip have taken many forms. The protests have included demonstrations and riots in which roads are blocked and stones and other missiles — including petrol bombs — are thrown at Israeli forces or civilians. Several hundred Israelis are reported to have been injured, and a number of Israeli soldiers and civilians have been killed. By the end of October 1989 about 130 Palestinians had been killed by other Palestinians. Most of them were suspected of "collaborating" with the Israeli authorities.

The Israel Defence Force (IDF), the paramilitary Border Police and other forces responsible for law enforcement in the Occupied Territories have tried to stop the disturbances by shooting at demonstrators, using tear-gas, and by severely beating detainees. The use of force has often been excessive and indiscriminate. Hundreds have been killed and thousands injured as a result. Several Palestinians have also been killed and injured in attacks by Israeli settlers and by other Palestinians believed to be "collaborators".

AI has repeatedly expressed concern about violations of human rights committed by Israeli forces in response to the *intifada*. The organization is particularly concerned that the guidelines regulating the circumstances in which troops can open fire may permit unjustifiable killings. In practice, the restrictions imposed by these guidelines are reportedly often disregarded. The authorities appear not to have taken adequate measures to promptly investigate fatal incidents and punish those found guilty of abuses.

Offical guidelines on opening fire

Israeli forces in the Occupied Territories are equipped with weapons which fire at least four types of ammunition. The use of these weapons is regulated by specific guidelines indicating when troops can open fire and what procedures are to be followed when they do. The scope of the guidelines has been progressively extended during the course of the *intifada*.

Guidelines in force throughout the *intifada* permit the use of live ammunition to arrest suspects. The procedure requires soldiers to first shout an order to halt, then fire in the air, and then fire at the suspect, aiming at the legs. It is not clear how serious an offence must be before the procedure can be initiated, but since September 1989 soldiers have been allowed to treat people wearing masks as suspects and consequently to use live ammunition in their efforts to arrest them.

The same guidelines are followed in response to life-threatening situations, except when soldiers are fired on, or — since March 1988 — are confronted by an individual in the act of throwing a petrol bomb. In both such circumstances soldiers are apparently authorized to open fire on the attacker without warning.

Special plastic bullets were introduced in August 1988 with the intention, Defence Minister Yitzhak Rabin was quoted as saying, of wounding more people during demonstrations or riots but causing fewer fatalities: "The rioters are suffering more casualties. That is precisely our aim". In October 1988 the Attorney General stated that the sole purpose of the use of plastic bullets was to disperse rioters, not to deter them through injury.

During January 1989 official statements indicated that plastic bullets were to be fired at people involved in activities such as leading a disturbance, throwing stones or building roadblocks. Following suggestions that plastic bullets could be fired at fleeing rioters, the chief legal officer of the IDF was quoted, early in February, as saying that soldiers may not shoot plastic bullets at fleeing rioters unless they were fleeing "in order to improve their positions and continue the riot". The same month, following a review conducted by the Ministry of Justice, these existing guidelines were officially endorsed. Since July in the Gaza Strip and August in the West Bank, Israeli forces have also been allowed to fire plastic bullets at people wearing masks.

The use of force has often been excessive and indiscriminate. Hundreds have been killed

The guidelines for opening fire with plastic bullets require soldiers to first fire a warning shot in the air; then fire at the person's legs — below the knee — only if

the terrain allows for accurate aiming. Soldiers must avoid firing at women and children under 16. Plastic bullets should not be used at a range less than 70 metres, beyond which they are supposed to be non-lethal. When plastic bullets are fired at masked people, the procedures for the arrest of suspects must be followed. It is not clear whether this means that soldiers are authorized to fire plastic bullets at a range less than 70 metres.

Cylindrical rubber bullets, in use since the early months of the *intifada*, and rubber-coated metal pellets or "marbles", introduced at the end of 1988, are apparently fired as multiple bullets. They are said to be non-lethal unless they are fired at close range.

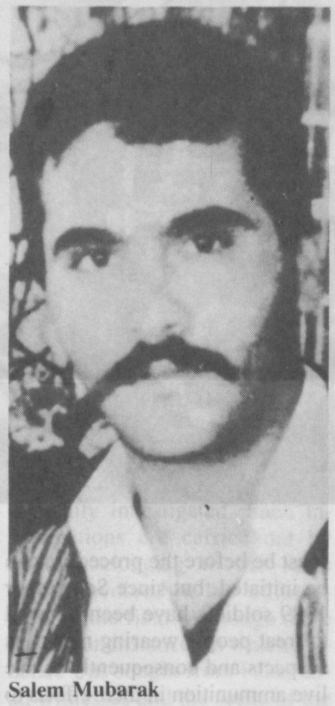
The existing guidelines on the use of firearms by Israeli forces appear to permit the killing of people who are involved in activities which do not necessarily endanger life, or are suspected of having been involved in such activities, or who are in fact simply wearing masks. If so, these guidelines are incompatible with the 1979 United Nations Code of Conduct for Law Enforcement Officials, Article 3 of which states: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty."

With regard to firearms, the Commentary to this Article specifies:

"The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities."

The Israeli authorities have stated to AI that the Code of Conduct is not legally binding on governments and that it is not intended to apply to situations such as exist in the Occupied Territories. However, AI believes that the Code embodies the internationally recognized principles of necessity and proportionality in the use of force, which are intended to safeguard international legal rights, foremost among which is the right to life and the prohibition of torture or other cruel, inhuman or degrading treatment or punishment. Such rights must be protected under all circumstances. □

'Atwah Hirzallah



Salem Mubarak

Samer 'Aruri

The victims

Almost half of the over 540 unarmed civilians shot dead by Israeli forces between December 1987 and October 1989 were aged 18 or below. More than 110 of the victims were aged 16 or below, and included children as young as three and four.

Most of the victims were killed by ordinary bullets, although by the end of September 1989 as many as 117 had been killed by plastic bullets. Several others were reportedly killed by "marbles" and some also by rubber bullets.

Most of the killings appear to have taken place in the context of demonstrations or riots and those killed include people reported to have been involved in life-threatening activities. However, in an alarmingly high number of instances the victims do not appear to have been involved in any life-theatening activities, or in any violent activity whatsoever, when they were shot. They were onlookers, or were running away. In stone-throwing incidents in which people — often children — were shot, it is not clear that, although violent, such incidents constituted a danger serious enough to justify the use of firearms.

In a number of cases unarmed Palestinians have also been killed by soldiers or men in plainclothes, apparently belonging to special units of the army or other security services, during operations ostensibly intended to arrest them in the streets or at home. The victims included people known or suspected to be leading activists in the *intifada*. Many were apparently shot when trying to escape. In addition, after shooting incidents Israeli forces have withheld or otherwise hampered emergency medical care for the casualties.

AI has documented several specific cases of people killed by Israeli forces in circumstances suggesting excessive use of force or deliberate killing. The following are some such cases, from 1989, including cases raised by AI with the Israeli authorities. To AI's knowledge, in none of these cases have the detailed findings of any investigation been made public. In the absence of such information, AI's concerns with regard to these deaths cannot be allayed.

Israeli forces have shot and killed unarmed Palestinians ostensibly while trying to arrest them

Rana al-Masri, aged 13, was shot in the head by a "marble" in the afternoon of 7 January in Nablus. She was apparently shot from a distance of a few metres when she and a number of women tried to follow a relative who had just been arrested and was being beaten while led away by two soldiers. The IDF said that stones had been thrown at the soldiers. She died of her wounds at Makassed Hospital in Jerusalem on 14 January.

In a number of cases the victims do not appear to have been involved in any violent activity when they were shot

'Atwah Hirzallah, a university student aged 26, was believed to be a local leader of the *intifada* in the village of Deir Ibzi' in the West Bank. He was shot on 27 February. He and four other youths were returning from a nearby village where they had taken a friend wounded in clashes with Israeli troops earlier that day. When they reached the centre of the village they were apparently confronted by soldiers, one of whom fired at close range hitting 'Atwah Hirzallah twice in the head and once in the shoulder. The soldiers are reported to have prevented the other youths from assisting him. He was eventually taken to Ramallah Hospital, with a military escort, where he was pronounced dead.

On 19 March Samer 'Aruri, aged 11, was playing football when a convoy of soldiers entered his village, Silat al-Harthiyah, in the West Bank, apparently to warn the population that a number of houses were going to be destroyed. When they saw the soldiers arriving, the children ran to higher ground to watch what was going on. It is not clear whether they also threw stones. One soldier got out of his vehicle and opened fire, apparently without warning. Samer 'Aruri was fatally wounded in the neck and fell to the ground. One of his friends was injured in the legs. The same soldier is then said to have swung around and fired at other youths. One bullet hit 17-year-old Nu'man Jaradat in the head. He died several hours later at Rambam Hospital in Haifa.

The same day As'ad Hammudah, aged 14, was walking home along a street in Gaza after having gone to buy medicine. He had allegedly been severely beaten by soldiers while detained in February and was still suffering from the resulting neck injuries. Reports of the incident state he was passing a group of people who were burning a tyre when a soldier shot him without warning from the top of a four-storey building. He was hit in the head by one bullet and was dead on arrival at al-Ahli Hospital. Military sources said the soldier who shot him thought he was throwing a petrol bomb. According to relatives and medical personnel, however, he had difficulties in moving his neck and arms as a result of his injuries, and would have had great difficulty in throwing a petrol bomb.

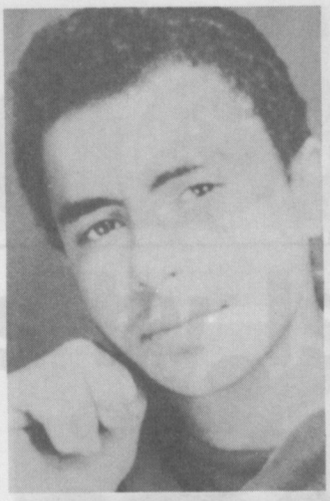
Salem Mubarak, a wood carver and domestic worker aged 26, was shot on 30 March in the West Bank village of Beit Saleh. In the early afternoon a group of Border Police arrived at the village in pursuit of demonstrators who were fleeing across nearby fields.

Israeli soldiers are allowed to use live ammunition to arrest people wearing masks

According to reports Salem Mubarak was working in a field next to his home. One policeman is said to have aimed and fired at him from a distance of possibly 200 metres, without warning, hitting him in the head. He was taken to Makassed Hospital in Jerusalem where he died on 6 April.

Basel Ba'ara, an 18-year-old student, was shot and died in Nablus on the evening of 14 April. He was in a street with other youths when Israeli forces ordered them against a wall. Basel Ba'ara reportedly started to run and was shot in the back of the neck, fell down, but got up again and ran down a side path where he was confronted by more soldiers blocking the path, who shot him. Soldiers are said to have prevented two civilian ambulances from taking him to hospital until a military ambulance arrived and took him to the military headquarters in Nablus. It is not clear whether he was already dead.

Maher Shalbek, aged 13, was shot on the morning of 8 April in Jenin. He came out of his house when he heard women shouting at soldiers who were forcing youths to clear a road. As he turned back to the house, two soldiers got out of a military vehicle. One of them reportedly knelt and fired one shot at him when he had reached the doorway of his home, hitting him



As'ad Hammudah

in the head. He was taken to Jenin Hospital and then to Rambam Hospital in Haifa where he died on 14 April.

Naser Qassas, aged 17, was shot dead on 16 April in the Deheishe refugee camp near Bethlehem. He and other youths had been in the streets, despite a curfew, and had apparently been throwing stones at soldiers nearby. Soldiers are said to have fired rubber bullets at the group, then fired in the air. The youths tried

Milad Shahin

out point. He died in hospital.

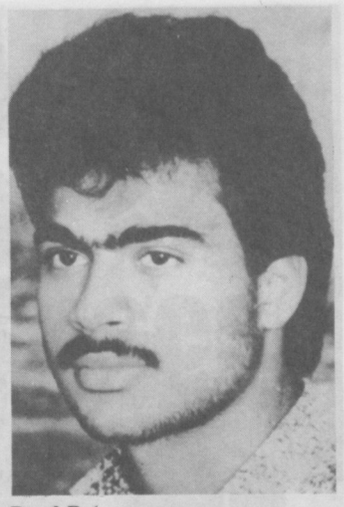
Also in Bethlehem, on 19 August, several youths were throwing stones at soldiers from the market area. Suddenly, three to five people dressed as tourists with cameras and bags, later confirmed to have been soldiers, pulled out guns and fired. Radi Salah, aged 24, was shot in the chest and died. At least two others were reportedly deliberately shot in the legs at point-blank range by the same men after being seized.

Rana al-Masri

to escape but ran into three more soldiers who opened fire. Naser Qassas was reportedly shot in the back. His friends took him to a hospital where he died shortly afterwards.

In Bethlehem on 5 May, 12-year old Milad Shahin and a few other friends were throwing stones at soldiers stationed on look-out duty on higher ground. When he moved away from the wall he had been hiding behind in order to throw a stone, he was shot in the abdomen, apparently without warning, by a soldier stationed behind a tree at the look-

Other unarmed civilians were shot dead during raids ostensibly intended to arrest them. They were believed to be local leading activists in the *intifada*. They include Yaser Abu Ghawsh, 17, who was shot dead in Ramallah on 10 July after a brief street chase. Three plainclothes men got out of a civilian vehicle, approached him, and as he tried to escape, fired in the air. They followed him into a side street and one reportedly shot him several times in the head and back at a range of under 10 metres. They then prevented a doctor who was nearby from



Basel Ba'ara

assisting him, and loaded him onto a military vehicle which had arrived at the scene. He was apparently taken to the local military headquarters, not a hospital.

Muhammad al-'Aqra, 28, was killed on 14 September during a raid on his home in Deir al-Balah in the Gaza Strip. He was reportedly working on the roof when soldiers arrived to arrest him. He tried to escape through the backyard, but was shot in the head. Military sources said that arrest procedures had been followed.

Between August and October a number of youths were killed in the Gaza Strip reportedly because they were wearing masks, writing graffiti, or attempting to confiscate special magnetic cards introduced by the Israeli authorities to control Palestinian workers. They are said to have been killed by plainclothes men firing from civilian cars with Gaza number plates. Official sources said they were shot in accordance with arrest procedures, but witnesses claim that their killers opened fire in some cases at close range and without warning. The victims include Iyad Abu Kamal, 18, shot on 23 August in Shaikh Radwan; Maher Darwish, 18, shot on 4 October in al-Bureij refugee camp; and 'Abed Abu Salem, 18, shot on 26 October in Jabalya refugee camp.

During October, several of the 30 Palestinians reportedly shot dead that month by Israeli forces in the Occupied Territories were said to have been among groups of masked people. Military sources said they were shot in accordance with arrest procedures when they tried to escape. They include Nidal Habash, 22, shot in Nablus on 9 October — eyewitnesses claim that he had stopped and raised his hands in surrender when he was killed; 'Ammar Qaddumi, 18, and Yasin al-Masri, 25, shot on 12 October in the Nablus area, Saleh Jawarish, 22, shot on 13 October in Beit Jala and Nidal Hajaj, 18, shot on 21 October in Gaza City.□

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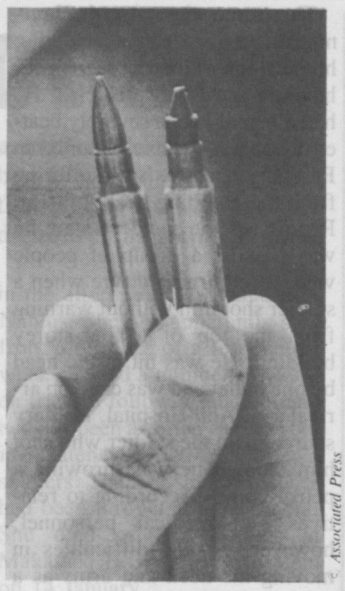
Masked Palestinians throwing stones at Israeli troops in Nablus. Soldiers are allowed to use live ammunition to arrest people wearing masks



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Above: Metal bullet (*left*) and plastic bullet. Above left: "Marbles" — rubber coated metal pellets. Left: Israeli troops also fire rubber bullets (*top*) which have the same diameter as "marbles". Rubber bullets and marbles are said to be non-lethal unless fired at close range.

The killing of alleged 'collaborators'

About 130 Palestinians have been killed by other Palestinians between December 1987 and October 1989, some after having been interrogated and tortured. Most such killings are believed to have been carried out by special squads of Palestinians intent on punishing people alleged to be "collaborating" with the Israeli authorities.

Palestinian leaders have reportedly called for restraint and for warning procedures to be adopted first, but nevertheless endorsed or failed to explicitly condemn the killing of "collaborators".

As a matter of principle, AI condemns the torture or killing of prisoners by anyone. However, AI bases its work on international human rights standards and only addresses governments or other entities capable of effective law enforcement and therefore bound by such standards.

Because the Israeli Government has in practice exclusive jurisdiction in the Occupied Territories it is solely responsible for law enforcement, including the bringing to justice, in accordance with international human rights standards, of those involved in killings of alleged "collaborators". □

Prompt, impartial investigations needed

According to the Israeli authorities every fatal instance of use of firearms by Israeli forces is automatically investigated. Such investigations are carried out by bodies belonging to the same forces involved in law enforcement in the field. Although there have been instances in which evidence was sought from Palestinian witnesses and the scene of the killings inspected, investigations appear to rely mainly on evidence gathered from the soldiers or police officers involved. In some cases no effort appears to have been made to seek information other than from Israeli forces.

The Israeli authorities have pointed to the practical difficulties of conducting such investigations, including the high number and frequent turnover of troops, as well as the widespread practice whereby friends and relatives of victims take the bodies away from hospitals for burial, thus preventing an autopsy. However, sometimes autopsies were reportedly not carried out even though the body was at the disposal of the Israeli forces.

Military spokespersons have often declared immediately after a killing that the person was shot in a lawful manner. However, official investigations generally seem to take a long time to complete. Their findings are not automatically made public.

Since the beginning of the *intifada* only four soldiers are reported to have been convicted — reportedly for manslaughter — despite the high incidence of civilian deaths caused by the use of firearms in apparent violation of existing guidelines. They received sentences of imprisonment of one year; nine months (six of which were suspended); 18 months; and three years (one of which was suspended). This last sentence was still under appeal by the end of October 1989.

By the end of September 1989, 117 people had been killed by plastic bullets

AI believes that existing guidelines for opening fire should be urgently reviewed to bring them into line with the internationally recognized principles of necessity and proportionality aimed at safeguarding the right to life. In no case should firearms be used to arrest people who are not involved or are not suspected of having been involved in life-threatening activities. Potentially lethal ammunition should also certainly not be used in order to punish or deter.

Neither should it be used only because people — especially children — are wearing masks, building road-blocks, or are involved in any other activity which is not of itself life-threatening or does not constitute a proportional danger. Every effort should be made to ensure immediate medical care for the victims. The highest political and military authorities should also make it clear to all law enforcement officials that abuses will not be tolerated.

In order to be effective and act as a deterrent, investigations into killings by gunfire should be pursued vigorously and speedily; their methods and findings made public; those found responsible brought to justice, and exemplary compensation given to the victims' families. To emphasize impartiality, consideration should be given to transferring the investigative powers to bodies separate from the military and police institutions.

Because of the wide range and seriousness of violations committed by Israeli forces since the beginning of the *intifada*, AI has reiterated its call for a comprehensive judicial inquiry into all such abuses. □

INDIA

Abuses in Maharashtra and protection for victims

THE protection of the rights of tribal people and members of the scheduled castes (formerly known as "untouchables"), is the subject of an important new law, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The Act, which entered into force in September 1989, defines a broad range of "atrocities", from which members of these groups have traditionally suffered. These include the deliberate abuse of legal and administrative procedures by police and other officials, as well as other abuses by public officials or private citizens, such as rape, forcing people to eat excrement, stripping them naked, painting humiliating signs on their bodies, and fouling the wells they use.

The Act requires state governments to implement important new safeguards to prevent atrocities and protect the members of the scheduled castes and tribes. It also recommends that legal aid and compensation be provided to the victims of atrocities.

The arbitrary detention and torture of members of the scheduled castes and tribes is persistent and widespread. When 20 members of the Pardhi tribal community in Maharashtra were arrested in mid-February 1989 and held in unacknowledged detention, local officials failed to investigate complaints that they were tortured by police. One of them, Jaggu Lakshman Chavan, is said to have died as a result of beatings, although the police claim he died of natural causes.

In August 1989 the Bombay High Court ruled that there was enough evidence to confirm that the other 19 had received "injuries which are grievous, including fractures" and called the allegations of torture "very gross and serious".

AI has welcomed provisions in the Act which strengthen protection against human rights abuses. It has called for a comprehensive, impartial inquiry into the death of Jaggu Lakshman Chavan, and for adequate compensation to the torture victims.□

SOUTH AFRICA

'Death squad' murders claimed by police

IN OCTOBER and November 1989 three former members of the South African security police claimed in separate accounts that they had been involved in the first half of the 1980s in "death squad" murders of political opponents of the government.

The first claim came from Butana Almond Nofomela shortly before he was due to be hanged in October for the 1986 murder of a white farmer, which he denied, claiming he had been framed by the police.

His execution was halted after he stated in an affidavit that he had been a member of a "death squad" which killed at least nine government opponents in South Africa and neighbouring states. He named senior security police officers who had allegedly paid him and others in 1981 to kill Griffiths Mxenge, a lawyer and human rights activist and former political prisoner.

Griffiths Mxenge, murdered by a "death squad"

His allegations were confirmed both by his former commanding officer in a special "death squad", Captain Dirk Johannes Coetzee, who was interviewed in Mauritius by the Afrikaans newspaper *Vrye Weekblad*, and by David Tshikalange, a former member of Coetzee's unit.

Dirk Coetzee said he had knowledge of, or had taken part in, assassinations of several suspected African National Congress (ANC) members both inside South Africa and in neighbouring states. He described how victims' deaths were kept secret by burning their bodies. He also confirmed that the security police had used letter bombs to kill anti-*apartheid* activists such as Ruth First, who died in Mozambique in 1982.

According to Dirk Coetzee, "death squads" were established on the orders of the country's most senior police officers. One of the senior members of the Pretoria police incriminated by Nofomela resigned shortly before his affidavit was published, apparently after being informed of its contents.

Human rights groups in South Africa and AI have for some time called for an inquiry into allegations that "death squads" inside the South African police have been responsible for over 100 killings of government opponents in the last 10 years.

Before Dirk Coetzee made his revelations the government had already announced that Butana Nofomela's allegations of police complicity in unlawful killings were being investigated by the Attorney-General of the Orange Free State assisted by a senior police officer. AI has called for a full judicial inquiry into allegations of extrajudicial executions by "death squads".□

UNITED KINGDOM / 'BIRMINGHAM SIX' CASE

Grave doubts over convictions

ON 19 October the Court of Appeal quashed the convictions of the "Guildford Four" and ordered their release. They had been sentenced to life imprisonment in 1975 for bombings in Guildford and Woolwich.

The four had been convicted on the basis of uncorroborated confessions which they alleged had been obtained through ill-treatment and coercion during incommunicado detention. The Court of Appeal stated that police officers had lied at the original trial about the confession statements.

However, in November the government stated that the cases of six other people sentenced in 1975 to life imprisonment for bombings in Birmingham are not to be further reviewed. Like the "Guildford Four" they allege that they signed confessions under duress while being held incommunicado by the police. They say that during interrogation they were physically ill-treated, threatened with violence and deprived of sleep and food.

AI believes that the December 1987 Court of Appeal hearing into the Birmingham cases failed to deal adequately with the cumulative effect of the testimony of witnesses that supported the prisoners' allegations. The testimony of every fresh witness was dismissed as "dishonest", "mistaken" or "irrelevant".

Moreover, in the summer of 1989 the West Midlands Serious Crimes Police Squad was disbanded, following allegations that police officers had fabricated confessions. Some of the Serious Crimes Squad officers implicated in the alleged fabrication of evidence in other cases had also taken part in questioning suspects in 1974 in the Birmingham case.

AI considers that the most grave doubt remains over official denials that these prisoners had been ill-treated while in police custody and therefore about the safety of convictions based on their confessions. The European Parliament, on 23 November, decided to investigate the "Birmingham Six" cases. AI has appealed to the Home Secretary to review their cases further.□

DEATH PENALTY

USSR: Proposals to restrict the death penalty are due to be discussed by the Soviet parliament soon. Nevertheless, there has been no stay on death sentences or executions. At least 19 death sentences and three executions have come to AI's attention since January 1989.□

Panama: At least 13 army officers were reportedly summarily executed without trial after the failed military uprising in October.

A military communique said 10 died in combat, but reports indicated they were shot immediately after surrendering and that three others listed as detained were also summarily executed.

AI called on Panamanian authorities to bring those responsible for the executions to justice, to guarantee the physical integrity of those arrested after the uprising, and to investigate the 5 October attack on opposition headquarters by paramilitary Dignity Batallions who beat and fired upon civilians, including foreign and local journalists, as uniformed soldiers stood by.□

New Zealand: On 22 November New Zealand became the 37th country to abolish the death penalty for all offences when its parliament voted to adopt a private member's bill removing the death penalty for all crimes still punishable by death.

The new law also gives the Minister of Justice the power to refuse to extradite a person to another country if it appears that the person could be sentenced to death or executed.□

HONG KONG SPECIAL ADMINISTRATIVE REGION

Firm human rights guarantees needed

IN NOVEMBER 1989, AI made public its comments on the second draft of the Basic Law of the Hong Kong Special Administrative Region, issued in February 1989.

The Basic Law is intended as a "mini-constitution" for Hong Kong when the People's Republic of China assumes sovereignty over the territory in 1997.

In a memorandum addressed to the Basic Law Drafting Committee in October 1989, AI noted that substantial amendments had been made to the draft, but expressed concern that a number of human rights issues had not yet been adequately addressed by the February 1989 draft.

AI expressed concern that a number of human rights issues had not been adequately addressed by the February 1989 draft of the Basic Law

In particular, there is still no explanation as to how Hong Kong would continue to be legally bound to two major United Nations' treaties on human rights which now apply to the territory because of their ratification by the United Kingdom.

AI urged that the Basic Law should include an adequate guarantee of the right to life, as without it, the use of the death penalty could be revived in Hong Kong after 1997. The organization also urged that the Basic Law include specific protection against cruel, inhuman and degrading treatment or punishment.

Some provisions in the revised draft Basic Law still raise the possibility that people could be imprisoned for the peaceful exercise of fundamental human rights. AI urged that the Basic Law should make clear that any laws applied in the Hong Kong Region after 1997 - particularly during a state of emergency - should not contravene the provisions of the International Covenant on Civil and Political Rights. The latest draft is imprecise. Article 39 says that the Covenant shall "remain in force", but neither specifies how nor provides for regular reporting to the Human Rights Committee that monitors international compliance with the Covenant.

AI's concerns over these issues have been deepened by the recent events in China. After the imposition of martial law in Beijing and the killing of many civilians when the army suppressed pro-democracy protests in early June, there have been large-scale arbitrary arrests, summary trials and executions throughout China.

Many people have been imprisoned for peacefully exercising their rights to freedom of expression, freedom of association and freedom of assembly.□

SAUDI ARABIA

Record number of executions

EIGHTY-three people were executed in Saudi Arabia between January and mid-November 1989, the highest number of executions in a single year AI has recorded.

In September, 16 Kuwaiti nationals were executed for political offences. They were among 29 Kuwaiti Shi'a pilgrims arrested following bomb attacks in Mecca in July. They were denied access to legal counsel and relatives and did not receive a fair trial.

Sixty-seven others, including Saudi and other nationals, were executed after conviction for murder or drug trafficking. Among them were two brothers held under sentence of death for 19 years until their victim's eldest son reached the legal age of consent. In Saudi Arabia relatives of murder victims may demand *qisas* (retribution) in the form of death, or waive such claim freely or by settlement.

All the executions were carried out publicly by beheading, except in the case of a Filipino housemaid publicly shot in Riyadh in March following her conviction for murder. □

Death penalty

AI has learned of 62 people being sentenced to death in 10 countries and of 102 executions in seven countries during October 1989.

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ARGENTINA'S 'DIRTY WAR'

Pardons may encourage abuses

AI HAS expressed concern to the Argentine Government about the October 1989 pardons for military officers awaiting trial for gross human rights violations.

The organization said the measures might encourage future abuses and asked how investigations into the fate of some 9,000 documented cases of "disappearances" would now be dealt with.

President Carlos Menem signed a decree on 6 October pardoning 39 senior military officers, who were to have been tried by civilian courts for crimes perpetrated between 1976 and 1983 during the Argentine Armed Forces' so-called "dirty war" against alleged subversives.

This decree has closed all but one of the criminal proceedings into past human rights violations.

AI believes the measure contravenes Argentina's international obligations to assist relatives of victims to establish the truth about what happened to their family members and to provide them with means of legal redress.

In early September thousands of Argentines demonstrated against the proposed pardons in the capital, Buenos Aires. Argentine human rights organizations have since contested the decree's constitutionality before the Buenos Aires Federal Appeals Court. Nevertheless, a further pardon has been proposed for former junta members already convicted of human rights violations.□

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