



amnesty international newsletter



AI marked the launch of the South Africa campaign by publishing an *International Briefing* describing the increase in human rights abuses. (File on Torture in South Africa: see page 3).

Pass laws amended but not abolished

South African State President PW Botha announced his government's intention to amend the pass law system in a major policy speech delivered at the opening of the 1986 parliamentary session on 31 January.

Three days earlier AI had published *South Africa: Imprisonment under the Pass Laws*, a detailed report on the imprisonment and frequently inhuman treatment of vast numbers of black people each year under South Africa's pass laws.

In the report, which called for the abolition of the pass laws as a necessary step towards ending the imprisonment of black people on racial grounds, AI pointed out that the pass laws are "flagrantly discriminatory in their nature and application and, more than any other laws and practices of *apartheid*, provide the context for systematic and extensive violations of fundamental human rights."

It is not clear from State President Botha's speech whether the forthcoming amendments will result in the end of these violations of fundamental human rights or whether black people will continue to be imprisoned on racial grounds.

The statement did not promise abolition of passes, but the extension to all races of the need to carry identity documents. If the same information which is in the present passes — including permitted place of residence — still has to be carried in these documents, they could still be used to violate human rights on the basis of racial discrimination. If the new laws are enforced by South African police in a discriminatory way, the abuses would re-



A pass law arrest. The pass laws regulate where blacks may live and work. Thousands of blacks are arrested each year under these racially discriminatory laws.

main under a new name.

The ambiguous indications in State President Botha's statement could mean that some black South Africans would be subject to fewer restrictions, but that many millions of others might be even more severely restricted in their movement.

The full implications of the changes to be made are expected to become clearer when the government publishes a promised policy statement on "influx control" — the official term for the controls on the movement and residence of black people in areas of South Africa "prescribed" for white residence — and when draft legislation is put before the South African Parliament in the next few months.

AI launches campaign on South Africa

AI has launched a worldwide campaign against imprisonment on racial and political grounds, torture and other human rights abuses in South Africa.

The campaign started, on 5 March, with an open letter to State President PW Botha spelling out 10 measures needed to protect basic human rights.

The measures include: the release of all those imprisoned for their beliefs or origins; action to stop arbitrary detention and to remove the immunity from prosecution protecting police ac-

cused of torturing prisoners; independent judicial inquiries into reports that government agents killed, abducted and attacked people who criticized the government and into police killings of people who demonstrated against *apartheid*.

During the campaign letters will be sent from all over the world to South African officials and thousands of other South Africans, including community leaders, company executives, and members of church bodies, trade unions and other institutions. More than 10,000 organizations and people, including lawyers, doctors, editors, employers and university lecturers can expect to receive letters telling them of world concern.

In addition to letter-writing aimed at stimulating discussion in South Africa of human rights and ways to end the abuses, AI members are expected to hold meetings and demonstrations and to visit South African diplomatic missions during the coming months.

Ethiopia: fears of secret executions

AI called on the Ethiopian Government in January to clarify the fate of more than 60 political detainees who are reported to have "disappeared" and are alleged by some sources to have been secretly executed in November 1985.

They include alleged supporters of the Ethiopian Peoples' Democratic Alliance, the Ethiopian People's Revolutionary Party and other organizations opposed to the government. Some of the detainees had been held continuously

since 1977.

In January, AI received information suggesting that the detainees were executed after a secret review of their cases was carried out by a special committee appointed by the Ministry of State and Public Security.

In its appeal AI urged the Ethiopian Head of State Mengistu Haile-Miriam to say whether the prisoners are still alive and, if so, to disclose their whereabouts and the legal basis for their detention.

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.

CHILE

José and Ricardo Weibel Navarrete: *These two brothers, José, a carpenter and Ricardo, a driver, were both in their early 30s when they "disappeared".*

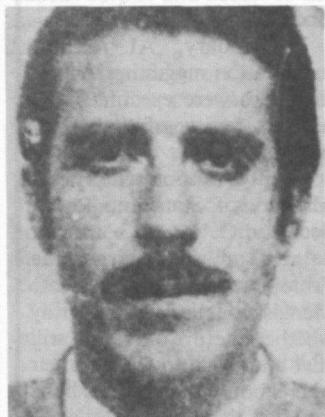
Ricardo Weibel Navarrete, a Communist Party member, was arrested on 26 October 1975 and held in a secret detention centre until 6 November when he was released. However, a day later five heavily armed men came to his house, and in front of his wife and her aunt, took him away.

José Weibel Navarrete, former deputy secretary of the Communist Youth Party, was arrested on a bus in front of several witnesses, including his wife and children, on 29 March 1976.

Despite numerous inquiries by their families, the authorities have repeatedly denied that they were in detention.

Nothing was known of the brothers' fate until 1984 when, in a sworn statement, an ex-member of the Chilean airforce, Andrés Valenzuela Morales, alleged that they and other "disappeared" prisoners had been the victims of a special command group of members of the security forces, formed illegally after the 1973 coup to eliminate known government opponents.

In the statement, which was submitted to the Supreme Court in December 1984, Andrés Valenzuela alleged that he had spoken several times to Ricardo Weibel while working in the detention centre where Ricardo was held and saw him being thrown into a van and taken away a few days later.



Ricardo Weibel Navarrete

He also said that he took part in the abduction of José Weibel and later saw him in detention. Although he had not witnessed either of their deaths, he believed that they had been killed.

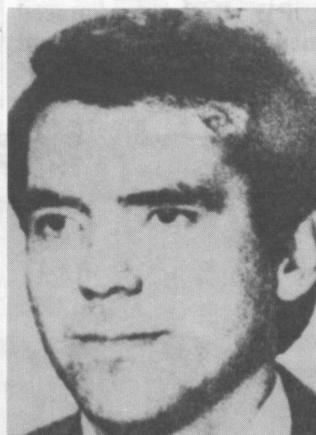
Despite the seriousness of these allegations, the Supreme Court rejected a request that a special judge be appointed to conduct an investigation into Andrés Valenzuela's statement regarding the fate of the Weibel brothers and other "disappeared" prisoners also mentioned in his testimony.

Ricardo and José Weibel Navarrete are two of some 650 people who "disappeared" after being arrested between 1973 and 1977, and whose fate has never been clarified by the authorities.

□ Please send courteous letters asking for clarification of the fate of José and Ricardo Weibel Navarrete to: Sr. Hugo Rosende/Ministro de Justicia/Ministerio de Justicia/Agustinas 1401-1419/Santiago/Chile.



'Abd al-Masih Kiryakos, Syria



José Weibel Navarrete, Chile

POLAND

Wieslaw Pyzio: *a 26-year-old sawmill worker, he is imprisoned for distributing illegal publications.*

On 29 July 1985 Wieslaw Pyzio was sentenced to two and a half years' imprisonment by a regional court in Wadowice, southern Poland.

He had been arrested in June for organizing the distribution of illegal publications, including leaflets calling for a strike, in Andrychow, and for distributing such publications himself.

He was charged under Article 282a of the penal code with attempting to foment public unrest between January 1984 and June 1985. AI does not yet know whether an appeal hearing has taken place.

Wieslaw Pyzio is reported to have lost his job after the imposition of martial law in December 1981. Shortly afterwards he was sentenced to three years' imprisonment for distrib-

uting unofficial literature and was adopted by AI as a prisoner of conscience. He was released under the July 1983 amnesty law.

Wieslaw Pyzio is one of some 200 people who are currently imprisoned in Poland for participating in non-violent opposition activities.

Most of them have been charged with participating in illegal activities: printing or distributing unofficial literature, or participating in an illegal organization (mainly the banned trade union Solidarity).

□ Please send courteous appeals for his release to: Professor Zbigniew Messner/Przewodniczący Prezydium Rzadu/Prezes Rady Ministrów/Urząd Rady Ministrów/Aleje Ujazdowskie 1-3/00-950 Warsaw/Poland.

SYRIA

'Abd al-Masih Kiryakos: *now in his mid-40s, he has been detained without charge or trial for over 10 years.*

'Abd al-Masih Kiryakos was born in al-Malkiyya in northeast Syria. He graduated in history at the University of Damascus and served in the army for seven years.

He was headmaster of 'Arabistan secondary school in al-Qamishli when he was arrested in September 1975 for his alleged membership of the pro-Iraqi wing of the Ba'ath Party National Command in Syria.

He has since been detained without charge or trial in al-Mezze Military Prison in Damascus, under the state of emergency laws in force since 1963.

The Ba'ath Party has been in power in Syria since 1963, various factions within it gaining ascendancy at different times. Relations between Syria and Iraq deteriorated sharply in 1975, resulting in widespread arrests of those suspected of supporting the pro-Iraqi wing of the party.

A number of people arrested during this period remain in detention without charge or trial and AI has adopted several of them as prisoners of conscience.

'Abd al-Masih Kiryakos is married and has an 11-year-old daughter, who was born after his arrest. His wife was not allowed to see him until 1980 when she received permission to visit him for half an hour each fortnight.

In 1982, he was reported to be suffering from kidney disease. None of AI's appeals to the Syrian authorities for his release have been answered.

□ Please send courteous letters appealing for his release to: H.E. President Hafez al-Assad/Presidential Palace/Abu Rummaneh/al-Rashid Street/Damascus/Syrian Arab Republic; and to: H.E. Muhammad Ghabbash/Minister of Interior/Ministry of Interior/Merjeh Circle/Damascus/Syrian Arab Republic.



FILE ON TORTURE

amnesty international

South Africa

For many years AI has received reports of widespread and systematic torture in South Africa.

Political detainees held incommunicado by security police are at grave risk. Criminal suspects are also reported to have been tortured.

Torture appears to be used primarily to intimidate detainees, to force them to "confess" and to implicate others in political offences. Some detainees have died as a result of torture.

Those detained under Section 29 of the Internal Security Act are held in solitary confinement, often for months, and denied access to their lawyers and families. Many are reportedly subjected to lengthy periods of continuous interrogation during which they are tortured or assaulted.

Billy Nair, 55-year-old Vice President of the Natal branch of the United Democratic Front (UDF) and an executive

member of the Natal Indian Congress, was detained under Section 29 on 23 August 1985. On 5 September he was referred to 'specialists' by a district surgeon because of an eye injury and a suspected perforated eardrum. In a letter smuggled out of detention, he told his wife that he had been beaten about the head by security police officers during interrogation.

Vusi Dlamini, a 15-year-old member of the student organiza-

tion, Congress of South African Students (COSAS), was also detained under Section 29, on 27 August 1985. On 3 September he telephoned his mother and told her that he had been admitted to the private Shifa Hospital in Durban on 1 September. He said that he had been severely assaulted while in detention, was unable to hear in one ear, and had a broken jawbone and suspected fractures of the skull and forearms.

The Supreme Court later granted interdicts restraining the police from assaulting both Billy Nair and Vusi Dlamini.

Yunis Shaik, a lawyer aged 27 and Secretary of the Garment Workers' Union, was detained on 4 July 1985 in the Durban area. After his release without charge on 19 July he informed a lawyer that he had been tortured under interrogation.

He claimed that he had been stripped naked and a canvas bag had been placed over his head. A police officer had then curled a finger around in his rectum while pressure was applied to his kidneys, causing extreme pain.

Detainees held under the state of emergency, which was imposed on large areas of South Africa from midnight on 20 July 1985, are also reported to have been tortured and ill-treated.

Mbulelo Goniwe, a leading member of the Cradock Residents' Association, a black community organization in the Eastern Cape, was detained on 25 July 1985. He was reported to have required medical treatment at the Livingstone Hospital in Port Elizabeth for a perforated eardrum.

This injury is often associated with a hard blow to the head and several detainees in Port Elizabeth are alleged to have suffered perforated eardrums as a result of being beaten while under interrogation.

Emergency regulations grant immunity in advance to all law enforcement officials for any

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Methods of torture

Detainees are reported to have been hooded, beaten and given electric shocks. Some have been threatened with execution, with pistols pressed against their temples. Others have been subjected to the "helicopter" torture — the victim is handcuffed by the wrists and ankles, hung upside down on a pole inserted between the knees, spun around and beaten.

Other common methods of torture include partial suffocation, beatings with sticks, whips and other implements, being forced to stand for long periods holding heavy objects above the head, exposure to extreme cold and prolonged sleep deprivation.

In September 1985 the University of Cape Town published a report on torture based on interviews with 176 former detainees. Of these 83 per cent reported some form of torture while in custody.

Seventy-five per cent of those who said they were tortured reported beatings, including punches, kicks and slaps as well as blows from a variety of implements; 50 per cent said they were forced to crouch or stand on their toes for a prolonged period; 25 per cent said they had been subjected to electric shocks and 18 per cent to choking; 15 per cent said their bodies had been suspended in various ways; 15 per cent said they had been chained or manacled for prolonged periods; five per cent said their hair had been pulled; three per cent said the soles of their feet were beaten and three per cent reported abuses to their genitals. ■

Torture in the 'homelands'

Torture is also reported in the four "homelands" which have been declared "independent" by the South African Government but not recognized internationally.

The Very Reverend Dean Tshenuweni Simon Farisani, effective head of the Evangelical Lutheran Church in Venda, was arrested by security police in November 1981.

Dean Farisani is reported to have been tortured so badly in detention that he had two heart attacks and required hospital treatment both before and after his release in June 1982.

He gave the following account of his treatment: in early January 1982 he was beaten about the head and body with sticks and fists and his head was repeatedly banged against a wall by interrogating officials. Handfuls of his hair and beard were pulled out and several times he was lifted up bodily and thrown



Dean Farisani

into the air, falling back down onto the concrete cell floor. He lost consciousness several times.

The following day he was stripped and had a canvas bag put over his head. Water was then poured over the bag and he was given electric shocks on the earlobes and back of the head. Electrodes were attached to his toes and genitals and he was given more shocks. ■

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actions committed "in good faith" in the exercise of their emergency powers. This was reportedly interpreted by police, prison and senior medical officials in the Port Elizabeth area as providing complete immunity against any legal prosecution of the police by detainees.

On 25 September 1985 Dr Wendy Orr, a district surgeon responsible for medically examining detainees and prisoners in the Port Elizabeth area, submitted evidence to the Supreme Court of widespread and regular torture and ill-treatment of detainees. Her evidence was supported by sworn statements from over 40 people, including detainees.

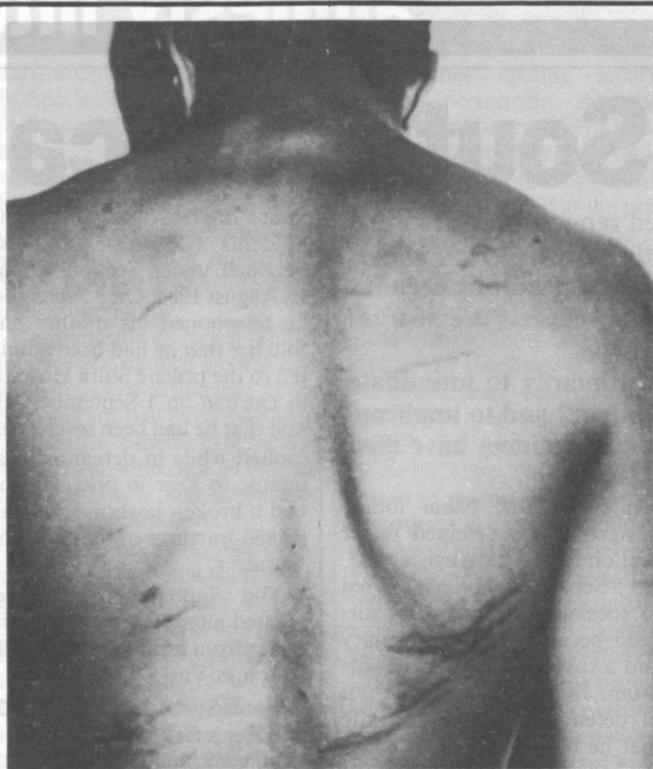
The court issued an order restraining police from assaulting all detainees held under the emergency regulations in the Port Elizabeth and Uitenhage magisterial districts. It ruled that the police had no immunity from prosecution if they assaulted or threatened to assault detainees.

Dr Orr had examined hundreds of detainees and alleged that approximately half of them appeared to have been assaulted. Their complaints appeared to be consistent with their injuries — severe weals, bruising and swelling on their backs, arms, legs, hands and faces.

She reportedly said that: "The overwhelming evidence presented to me... convinced me that detainees were being systematically assaulted and abused after their arrest and before being admitted to prison, and

also during their incarceration when they were being interrogated...".

AI has received persistent allegations of ill-treatment of detainees by the Port Elizabeth police over the years. ■



Marks left by a *sjambok*, the rhinoceros-hide whip used by the police. This photograph shows Myuvo Malgas, a 19-year-old student, who was held in incommunicado detention by the Ciskei security police from August to early October 1983.

Torture allegations in court

Numerous allegations of torture have been made in court, both by defendants and by detainees who have appeared as witnesses for the prosecution in political trials.

In most of these cases the courts appeared to accept police denials of torture at face value and to give insufficient consideration to the problems detainees faced, as a result of their incommunicado detention in solitary confinement, in proving that they had been tortured perhaps many months before.



Auret van Heerden

Auret van Heerden was detained between 24 September 1981 and 9 July 1982. For most of that time he was held in incommunicado detention for security police interrogation. He made a sworn statement after his release that he had been tortured during interrogation: a wet canvas bag was placed over his head, preventing him from breathing, while electricity was applied to his arms, feet, neck and back. A wet towel was repeatedly tightened around his neck and he was beaten about the head. His feet were beaten with a *sjambok* and he was dragged around the room by his hair.

When the authorities would take no action over his allegation of torture, Auret van Heerden brought a civil claim for damages against 10 security police officers. The judge dismissed the claim in September 1984, ruling that Auret van Heerden had not submitted his complaint within the six-month time limit prescribed by law. The fact that he was in incommunicado detention for nine months, and therefore unable to do so, was disregarded. ■

"[They] forced my legs open by beating the insides of my thighs with *sjamboks*. They then attempted repeatedly to kick me in my private parts. They then beat me with a *sjambok* on my back and chest and smashed my toes and head with a short wooden stick... another security policeman ordered me to stand as if I was embracing a metal filing cabinet. He then began punching me in the kidneys from behind and hammering me on my shoulders with two-fisted blows. He repeated this type of assault a number of times and then beat my ears with open hands. He then threw me on the floor and while kicking me asked me questions... a wet towel was placed tightly around my face and head. While the towel was suffocating me they beat me."

Sworn statement of Vusumzi George, an executive member of the Motor Assemblers' and Component Workers' Union of South Africa, who was detained on 22 July 1985. He was released without charge.

Inadequate safeguards against torture

Accusations that detainees in South Africa are subjected to torture are met with government denials and references to safeguards.

In November 1982 the government issued new guidelines for security police treatment of detainees held for interrogation under Section 29 of the Internal Security Act stipulating that they must not be tortured or ill-treated.

Among other things, police were prohibited from taking firearms into rooms where such detainees are held.

There is a statutory requirement that all detainees must be seen every two weeks by a doctor and a magistrate.

However, these guidelines constitute little more than a restatement of earlier guidelines and have proved ineffective for a number of reasons.

Detainees have apparently been threatened with reprisals should they complain of torture

or ill-treatment. Magistrates do not always introduce themselves as such when seeing detainees and are often perceived as government employees, who work closely with the police.

Doctors often "don't notice" injuries. They are also government employees working in association with the police. They report assaults in writing, giving one copy to their superiors and one to the security police who hold the detainee in question and who may already have tortured him or her.

The overwhelming evidence of affidavits, inquests into deaths in custody, allegations in open court, medical evidence and eye-witness statements proves beyond a doubt that the terms and conditions of security detention in South Africa provide the context for torture and abuse of uncharged detainees and that existing safeguards against such abuse are wholly inadequate. ■

How to stop torture in South Africa

AI has issued a 12-point program of practical measures for the prevention of torture. In view of the widespread and recurrent reports of torture and ill-treatment AI believes the South African authorities should implement the 12-point program as a sign of their commitment to stop torture and uphold human rights. The following points are particularly relevant. Please write courteous letters urging the authorities to take effective measures to implement these points.

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

□ Incommunicado detention should never become an opportunity for torture. All prisoners should be brought before a judicial authority promptly after being taken into custody and relatives, lawyers and doctors should have prompt and regular access to them.

□ Procedures for detention and interrogation should be regularly reviewed. All prisoners should be promptly told of their rights including the right to lodge complaints about their treatment. There should be regular independent visits of inspection to places of detention.

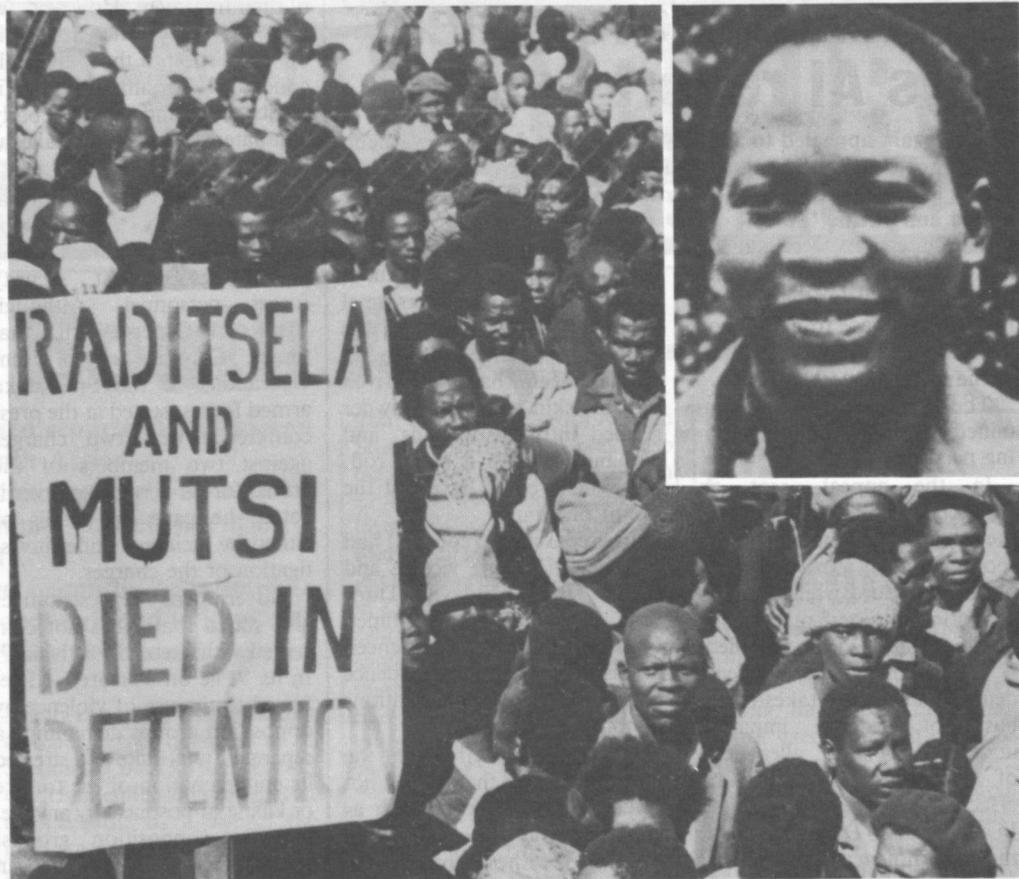
□ All complaints and reports of torture should be impartially and effectively investigated. The methods and findings of such investigations should be made public. Complainants and witnesses should be protected from intimidation.

□ Confessions or other evidence obtained through torture should never be invoked in legal proceedings.

□ Those responsible for torture should be brought to justice.

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

□ Send your letters to: Mr P.W. Botha/State President/Union Buildings/Pretoria/Republic of South Africa. ■



Protest over deaths of student leader Siphon Mutisi and Andries Raditsela, a leading trade unionist. Inset: Andries Raditsela

Detainees said to have died after torture

Deaths in police custody, allegedly as a result of torture or ill-treatment, have concerned AI for many years. Between January 1981 and November 1985, at least 12 political detainees are reported to have died in police custody.

Neil Aggett, a white official of a black trade union, was found hanged in his security police cell in February 1982. Auret van Heerden, another security police detainee, testified to having seen Neil Aggett briefly several times in the days before his death and to having observed a progressive deterioration in his physical and mental condition.

Neil Aggett had twice complained of torture, alleging that he had been assaulted and subjected to electric shocks and sleep deprivation. The inquest magistrate accepted police denials of torture and ruled that Neil Aggett's death had not been induced by ill-treatment in detention.

Siphon Mutisi, an 18-year-old organizer for COSAS, was one of around 20 black students arrested on 2 May 1985, follow-

ing a boycott at a black township school over the lack of sports facilities. Three days later, on 5 May 1985, Siphon Mutisi died in the custody of the police.

According to a police spokesman, Siphon Mutisi suffered convulsions and fell to the floor while being questioned. A post-mortem was carried out on 9 May. The cause of death is re-



Neil Aggett

ported to have been a brain haemorrhage and the doctors who carried out the post-mortem are reported also to have found whip marks and injuries on Siphon Mutisi's head, chest, back

and shoulders.

One of those detained with Siphon Mutisi claims to have witnessed him being assaulted in the police station:

"We went into the CID offices. In the office I saw Siphon lying down with his hands handcuffed behind his back. He was wet on the front and water was on the floor. . . A white stout policeman asked Siphon what he wanted in the Republic. Siphon answered 'nothing'. The policeman then kicked him in the face. He (Siphon) had been revived with water poured on his face and had been ordered to sit up. He was also given water to drink. But after he was kicked he lay still. There was a cut on Siphon's chin when I saw him. There were also *sjambok* marks on his chest. . . [A black police officer] said to me while I was in the room 'if you and Siphon are killed everything will be quiet in the township'."

Andries Raditsela, a trade unionist and senior shop steward of the Chemical Workers' Industrial Union and an executive council member of the Federation of South African Trade Unions, died on 6 May 1985 — two days after he was detained by the security forces. He apparently died of head injuries, allegedly after an assault by the police. ■

Sri Lanka: government says AI report 'untrue'

AI has again appealed to Sri Lanka President J.R. Jayewardene to stop torture. Its latest appeal came after the Government of Sri Lanka had dismissed reports of torture published by AI as "unfair, biased and untrue".

The statements were made at a press conference on 4 December 1985 called by the government in response to a "File on Torture" on Sri Lanka published in the October *AI Newsletter*.

The "File on Torture" contained sworn testimony describing persistent torture.

In the appeal, sent on 24 December 1985, AI regretted the government's failure to respond positively to numerous reports of torture which AI has submitted in recent years, some alleging that the victim had died.

The government has repeatedly denied that torture takes place, has not ordered impartial investigations into allegations of torture and has taken no effective action to stop torture. In a letter of 30 December to AI, the government said only that "As and when we come across such reports signed by you . . . we will respond to them and state our position."

AI received no response, for example, to its appeal on 30 April 1985 for an investigation into reports (detailed in the "File on Torture") that Menen-

dran Kesavapillai, a student at Jaffna University, was tortured by Special Task Force personnel in January 1985. He said he was beaten, suspended from a wooden beam, had nails driven into his skin and chilli powder rubbed into the wounds, and was burned with a metal rod. He is believed to have lost the use of one hand.

In preparing its report AI had interviewed torture victims and studied sworn affidavits. Three Sri Lankans had been examined by medical experts experienced in this field, who found evidence consistent with their allegations of torture.

At its press conference, the government said that AI had not given reliable evidence such as copies of affidavits or the names of victims, witnesses or doctors. However, AI had to withhold the identities of many of the victims, as they and their relatives have repeatedly expressed fear of the consequences should their identities be revealed. Some former detainees have said they were threatened with rearrest and further torture if they told

of their treatment. However, AI has expressed its willingness, with the permission of the individuals concerned, to submit the affidavits to an independent body mandated to investigate allegations of torture.

AI has received no information about any investigations into allegations of torture or any proceedings against security forces personnel. Although Lieutenant-General Cyril Ranatunga, Commander of Joint Operations of the Sri Lanka armed forces, stated at the press conference that two charges against two members of the armed forces were being investigated, he gave no details of either the incidents under investigation or the charges.

Government representatives also stated that AI is not concerned with "terrorist activities". In its "File on Torture" AI referred to the use of violence by opposition groups demanding a separate Tamil state and stressed its condemnation of the torture or killing of prisoners by anyone, including opposition groups. However, AI urged that in bringing to justice those responsible the government's actions should conform to international human rights standards. The Sri Lanka Government has reinforced this obligation by depositing with the United Nations a Unilateral Declaration Against Torture.

Haiti: political prisoners released

On 7 February 1986 a military-civilian junta, headed by General Henry Namphy, assumed power in Haiti, when the former President Jean-Claude Duvalier fled the country following increasing social and political unrest.

On 13 February AI telexed the new Minister of Justice, Maître Gérard Gourgue, previously President of the independent *Ligue haïtienne des droits humains*, Haitian Human Rights League. AI welcomed the release of 26 political prisoners and the disbanding of the *tontons macoutes* ("bogeymen"), the nickname of the *Volontaires de la sécurité nationale* (VSN), National Security Volunteers, an armed militia directly answerable to President Duvalier and responsible for numerous human rights abuses. AI also reiterated its previous concerns, particularly about "disappearances".

On 12 December 1985 AI had written to President Duvalier urging the authorities to publish a list of all those detained in demonstrations in preceding weeks and to investigate the killing by security forces of three young people in Gonaïves on 28 November.

During December and January AI had received reports of hundreds of arrests, including that of journalist and prisoner of conscience Gabriel Hérard (released by the new government on 8 February). Following the imposition of a state of siege on 31 January, many arrests and killings, including summary executions, by security forces were reported.

In a telex to President Duvalier on 5 February, AI reminded the Haitian Government that even under a state of exception the rights to life and physical safety must be safeguarded. It again requested the names of all those arrested and called for the immediate and unconditional release of all those detained for the exercise of their rights to freedom of assembly and expression. No reply was received to either of the telexes addressed to President Duvalier.

Death Penalty

AI learned of 96 people being sentenced to death in 18 countries and of 50 executions in nine countries during December 1985.

Algeria: AI observers attend trials

AI observers attended two trials in Algeria during December 1985. The first trial involved 23 members of two newly-created and unauthorized associations, the Algerian League of Human Rights and the *Fils des martyrs*, (the Sons of the Martyrs).

All had been adopted as prisoners of conscience, arrested for exercising their right to freedom of expression and association, after an investigative mission by an AI delegate between 20 and 27 September 1985 (see *AI Newsletter*, December 1985).

Their trial took place in the State Security Court of Medea between 15 and 19 December 1985, where they were convicted of distributing tracts, belonging to unauthorized associations and participating in an unlawful gathering. One was acquitted and the others sentenced to prison terms of between six months and three years.

The members of the *Fils des martyrs* were arrested on 5 July 1985 in several towns while trying to participate in the official commemoration of Independence Day by placing separate wreaths on the cenotaph.

Members of the Algerian League of Human Rights,

including its President, Ali Yahia Abdennour, a prominent lawyer and former government minister, were arrested between July and September.

AI sent several communications to the Algerian authorities expressing its concern about these arrests and reports of the ill-treatment and poor health of some of these detainees. It also appealed for their immediate and unconditional release.

The organization received replies to all its communications, including, in December 1985, a reply from the Minister of Justice stating that the detainees were being held because they had violated the law, and that those who had medical complaints were receiving adequate medical care. AI continued to appeal for their immediate and unconditional release.

AI also observed the trial of 40 alleged followers of ex-President Ben Bella, which was

held between 19 and 25 December 1985 in the same court in Medea. They were arrested in October 1983, reportedly following the discovery of arms trafficking on the Belgian/French border.

Although some were released pending the trial, many remained in preventive detention. During this period, AI received allegations that some detainees were being tortured and ill-treated.

The charges against the group of 40 included forming an armed organization, possession of arms and conspiracy against the security of the state. Twenty-one were acquitted and the rest sentenced to prison terms of between one and 20 years. Three of those sentenced to 20 years were tried *in absentia*. AI is concerned by reports of procedural irregularities in the detention and trial of the 40, including reports that they were held incommunicado for prolonged periods, and allegations that confessions presented as evidence in court had been extracted under torture.

USSR: crackdown on Hare Krishna Movement

At least 31 Soviet members of the Hare Krishna Movement have been prosecuted for practising their religion, according to reports AI has received since 1981.

Hare Krishna is a mystical Indian religion which advocates non-violence and preaches the illusory nature of material things.

Most were given sentences of up to five years' imprisonment on a charge of "anti-social religious activity". However, five were ruled unfit to stand trial and were confined against their will to psychiatric hospitals for indefinite periods.

One of the five is 35-year-old Anatoly Pinyaev, reported to have been the first Soviet convert to Hare Krishna. He met foreign evangelists of the Hare Krishna Movement while working as a technician in Moscow State University in 1971 and then spent five years travelling throughout the USSR preaching the principles of the religion. He was arrested in 1982 and ordered by a court to be forcibly confined to a special psychiatric hospital.

Anatoly Pinyaev is currently held in Sychovka special psychiatric hospital in Smolensk region, where repeated treatment with the anti-psychotic drug, haloperidol, is said to have undermined his health.

People who have visited him say his body has swollen, he suffers from facial convulsions, and is mentally lethargic.

Freedom of conscience is proclaimed as a fundamental human right by the International Covenant on Civil and Political Rights, to which the USSR is party.

There is no evidence to suggest that Anatoly Pinyaev, or the other imprisoned followers of Hare Krishna, have used or incited violence in support of their beliefs, and AI has adopted them as prisoners of conscience.



Anatoly Pinyaev

Czechoslovakia: religious believers arrested

In November 1985 the state security police searched the homes of at least 40 Roman Catholics in various parts of Moravia and confiscated religious literature, uncensored publications, tapes, typewriters and duplicating equipment.

Among those arrested were Jaromir Nemecek, a 50-year-old employee of the Institute for National Health in Gottwaldov and a signatory of the unofficial human rights movement, Charter 77, Pavel Dudr, a 36-year-old engineer, and Jirina Bedeiova, a 34-year-old secretary of the Criminal Department of the District Court in Gottwaldov.

They were charged with "incitement" under Article 100 of the penal code for duplicating and disseminating writings deemed to be against the social order of the Republic and were remanded in custody in Brno-Bohunice Prison. Jirina Bedeiova

was released in December 1985.

In the Kromeriz region on 11 November 1985, the state security police arrested Augustin Navratil, a 57-year-old railway employee and Charter 77 signatory and also charged him under Article 100. He had written and distributed an open letter presenting evidence that a clandestinely ordained priest, Father Premysl Coufal, had been murdered by the state security police in 1978. Official reports had stated Father Coufal had committed suicide. Augustin Navratil is being held in a psychiatric hospital in Prague.

Frantisek Adamik, a 53-year-old worker from Prerov, was arrested on 12 November 1985 on charges of "obstructing the State supervision of churches and religious bodies" (Article 178). He was released on 15 November 1985, but judicial proceedings against him continue.

Morocco: defendants say they confessed under torture

Over 50 individuals, including students, teachers, lawyers and a doctor, were arrested during October and November 1985, allegedly following the distribution of illegal pamphlets. Most of them were reportedly held incommunicado for periods longer than the legal maximum.

On 6 November one of these detainees, Tahani Amine, died in police custody, allegedly as a result of torture. AI urged the Moroccan authorities to hold an independent investigation into his death and to make the findings public.

AI also expressed its concern for the physical safety of the detainees held incommunicado, and requested that the detainees be allowed access to their families and lawyers.

Fifteen were tried and sentenced in Casablanca on 31 January 1986 to prison terms of between three and four years on charges of belonging to an illegal organization, participating in riots which occurred in January 1984, and distribution of illegal leaflets.

Twenty-seven were sentenced, also in Casablanca, on 12 February 1986, to between three and 20 years' imprisonment on several charges including plotting against the security of the state.

AI was concerned by reports that they were convicted and sentenced on the basis of confessions extracted under torture. AI believes that some may be prisoners of conscience and is investigating their cases.

Guatemala: government urged to end torture and killings

AI has called on the new civilian government of Guatemala to end widespread torture, "disappearances", and political killings carried out by government forces under previous administrations.

Many thousands of non-combatant civilians have died at the hands of government forces since the 1960s, often after torture and mutilation. The new government has promised to end human rights violations.

To this end, AI has urged President Vinicio Cerezo Arévalo, who took office on 14 January, to launch a full investigation into past abuses and to take concrete steps to prevent them from continuing.

It called on the new government to ensure that no one is arrested for their political views or activities, to end secret political detention by making sure arrests are acknowledged, to review the methods of reporting and certifying violent deaths, especially when they result from the acts of government forces or agents, and to act publicly against Guatemala's infamous "death squad" killings.

The evidence in thousands of cases under successive governments has led AI to conclude that regular military and security forces were responsible for most of the killings and torture. These forces sometimes operated as plainclothes "death squads" acting with official sanction.

Anyone thought to oppose the government of the day or to

have shown sympathy for its opponents was at risk and villagers, church and lay workers, trade unionists, university students and staff were long-standing targets.

Human rights activists have also been victims of abuses. AI has pressed the government to account for the violent deaths in 1985 of two leaders of a group founded to seek information on people who "disappeared" after being seized by government forces.

AI made its appeal to the new President in January in a letter accompanied by a memorandum of December 1985 also sent to the outgoing government of General Oscar Humberto Mejia Victores.

The memorandum cited evidence of recent abductions, beatings and other torture, and killings by government forces. It was based in part on information collected by an AI delegation which visited Guatemala last April and collected testimony on human rights abuses.

Prisoner News

AI learned in January 1986 of the release of 199 prisoners under adoption or investigation; it took up 146 cases.

Releases in Thailand

On 23 January 1986, three prisoners of conscience were granted a Royal Pardon by the King of Thailand.

Samaan Khongsuphon, Thawan Saengkaanjananon and Phongtheep Manuuphiphong, had been convicted in 1983 for "lese majesty" (see *AI Newsletter*, February 1986).

AI had appealed for their release several times, and in May 1985 had urged the King of Thailand to grant them Royal Pardons.

Shortly after being freed, one of the three wrote to AI: "it's like a . . . dream, but it's true. I am indebted for your assistance."

AI sent a telex to General Prem Tinsulanonda, warmly welcoming the releases.

It appealed again for the release of two other prisoners of conscience, Anan Seenaakhan and Rat Uttaphan, also imprisoned for "lese majesty".

Pakistan: martial law is abolished

Summary and special military courts were abolished in Pakistan when martial law was lifted on 30 December 1985. AI has welcomed this and the restoration of constitutional rights, including freedom of speech and assembly and safeguards against arbitrary arrest, which had been suspended since July 1977.

Martial law provisions prohibiting political activities and permitting indefinite detention without trial, removed from any form of judicial scrutiny, have also been revoked.

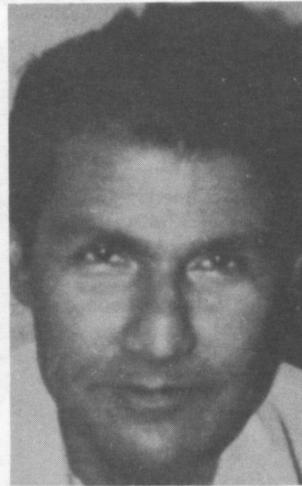
Yet although special military courts no longer exist, over 100 political prisoners convicted by them in trials AI believes were unfair remain without legal redress. Convictions imposed by military courts are protected by constitutional amendments.

On declaring the end of martial law, President Zia-ul-Haq announced that these prisoners may petition for a review of their cases.

However, these petitions can be considered only by the President, in the case of prisoners sentenced to death, or by the appropriate provincial governor

in other instances.

The President's approval is re-



Rasul Bux Palejo, Secretary General of the *Awami Tehriq* (People's Movement), who has been imprisoned for five and a half years.

Nicaragua: the human rights record

Frequent, although generally short-term, imprisonment of prisoners of conscience, prolonged pre-trial incommunicado detention of political prisoners, restrictions on their right to a fair trial and poor prison conditions are among the concerns documented by AI in its new report *Nicaragua: The Human Rights Record*.

Leaders and members of opposition parties, lawyers and trade unionists have frequently been arrested under the state of emergency in force since March 1982. Most were released before their cases came to trial, however. Most prisoners of conscience wrongfully convicted have been pardoned not long after sentencing. Many spent long periods in incommunicado detention while under interrogation by the State Security Service and were denied the right to *habeas corpus* and access to defence lawyers, doctors and families.

The report documents cases of torture, "disappearances" and killings, noting that in some cases official investigations led to the prosecution and imprisonment of members of the police and armed forces. Other such incidents, in particular reported killings and "disappearances" of Miskito Indians in the Atlantic coast area in 1981 and 1982, have still not been publicly clarified.

The report also cites frequent reports of torture, mutilation

and summary executions by irregular military forces opposed to the Nicaraguan Government.

Evidence of these abuses, which have occurred repeatedly since 1981 in areas bordering Honduras and the Atlantic coast region, has reached AI from testimonies of witnesses and deserters and has been documented in detail in independent reports. Forces believed to be responsible include the *Fuerza*

Democrática Nicaragüense (FDN), Nicaraguan Democratic Force, and the largely Miskito force, MISURA.

AI expressed concern at an apparent international dimension to these abuses; captives were reportedly taken to bases established on Honduran and Costa Rican territory, and there was evidence that FDN forces had received support and instruction from agencies of the United States Government.

Of particular concern to AI was a manual issued to anti-government forces in 1983 by the United States Central Intelligence Agency (CIA), which appeared to advocate killings.

AI's report is being sent to the Governments of Nicaragua, Honduras and the USA.

European Parliament calls for abolition of death penalty

On 17 January 1986 the European Parliament adopted a resolution recalling its strong desire that the death penalty be abolished throughout the European Community.

The resolution called on all member states of the Council of Europe to ratify the Sixth Protocol to the European Convention on Human Rights which abolishes the death penalty for peacetime offences.

The Sixth Protocol is the

first binding international treaty prohibiting the death penalty.

It entered into force on 1 March 1985, having been ratified by the necessary minimum of five countries.

Nine other member states have signed but not ratified the protocol. Seven member states have neither signed nor ratified it: Cyprus, Iceland, Ireland, Liechtenstein, Malta, Turkey and the United Kingdom.

quired before any prisoner's sentence can be amended by a governor.

AI believes that a review by the executive authorities alone is inadequate and that the only fair procedure is to allow the ordinary courts jurisdiction over these prisoners' cases.

Although martial law provisions for indefinite detention without trial have been revoked, Rasul Bux Palejo, Secretary General of the *Awami Tehriq* (People's Movement), Fazil Rahu, its President, and Dr Hasan Zafar Arif, a university lecturer, have not been released.

They have been in jail for five and a half, two and a half, and one and a half years respectively. All have been adopted by AI as prisoners of conscience.

It is feared that their continuing detention has been justified by invoking ordinary legislation providing for preventive detention.

AI has also appealed to President Zia-ul-Haq to grant clemency to 26 men sentenced to death by special military courts during December 1985.

Tunisia: trade unionists on trial

During October and November 1985 several hundred trade unionists were reportedly arrested following the breakdown of relations between the Tunisian Government and the *Union générale des travailleurs tunisiens* (UGTT).

According to later reports, the majority of those arrested were released, but over 100 are reported to have been tried since October 1985, on charges which include incitement to take illegal strike action and the distribution of petitions, and have received sentences of up to six months' imprisonment.

On 31 December, Habib Achour, UGTT Secretary General, and 12 other trade unionists were tried *in camera* in Sfax on charges of breaking into a fishing cooperative in 1982. Habib Achour and Mohamed Chaaban, Secretary of the Sfax UGTT, were sentenced to one year's imprisonment.

AI is concerned that the trade unionists may have been arrested and tried to prevent them exercising their right to freedom of association and expression.