



### UN HUMAN RIGHTS EXPERTS ADOPT DRAFT PRINCIPLES TO PROTECT PRISONERS

A draft body of principles for the protection of the human rights of all individuals subjected to any form of detention or imprisonment has been adopted by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities.

The Sub-Commission, whose 31st session took place 28 August–15 September in Geneva, Switzerland, and was attended by *AI* representatives, based its document on a draft prepared earlier by a working group of its members. The 26 members of the Sub-Commission, who serve in their capacity as individual experts, decided by consensus to send the draft on to the UN Commission on Human Rights which is to meet in February 1979.

The draft includes a number of principles which, if genuinely applied to any form of detention or imprisonment, would provide effective safeguards against the ill-treatment of prisoners. These include:

- the right of any prisoner, or anyone else having reliable knowledge of the case, to challenge before a judge or similar authority the lawfulness or necessity of the detention;
- the right to access to counsel and legal advice in all cases, as well as to communicate with the outside world;
- the right to impartial investigation of allegations of ill-treatment.

Suggestions on what principles should be incorporated in the draft were made by *AI* and other non-governmental organizations and many of them are reflected in the text as adopted by the Sub-Commission.

The Sub-Commission also decided to renew its two-year-old request to the Com-

mission on Human Rights and to the Economic and Social Council for authority to set up a regular working group to prepare the Sub-Commission's annual review of the human rights of detained or imprisoned persons. This decision came after members of the Sub-Commission said that it was not dealing adequately with information it received on allegations of violations of the human rights of prisoners. *AI* has submitted such information over the past few years.

In a separate development, the Sub-Commission decided to transmit information before it on human rights violations in Democratic Kampuchea to the Commission on Human Rights. It did this after the Commission itself decided earlier this year to seek such information. *AI* had submitted a seven-page statement on the matter which will be presented with other information to the Commission by a rapporteur (October *Newsletter*).

### CHARTER 77 SIGNATORIES SENTENCED IN CZECHOSLOVAKIA

Three signatories of Charter 77 have been sentenced to terms of imprisonment in Czechoslovakia.

Ivan MANASEK, a student and Milan KOBAL, a worker, whose arrests were reported in the June *Newsletter*, were sentenced on 9 August in Prague to 18 months' and 12 months' imprisonment respectively for distributing previously unpublished information about conditions in the Czechoslovak Communist Party. Jan SIMSA, a Protestant pastor (September *Newsletter*), was sentenced on 30 August in Brno to 8 months' imprisonment for assaulting a public functionary. According to *AI* information the charges related to his having

intervened when a police officer tried to take a letter from his wife by force. *AI* Representative Detained by Czechoslovak Police:

On 3 October Austrian lawyer Dr Wolfgang AIGNER travelled to Brno, Czechoslovakia, to observe on *AI*'s behalf the trial of Petr CIBULKA, Libor CHLOUPEK and Petr POSPICHAL, on charges of "possessing and distributing 'anti-state' documents" (September *Newsletter*). Dr Aigner was approached by a plainclothes policeman outside the court where the trial was to be held and forced to accompany this officer and a uniformed policeman to police headquarters. There he was questioned for three hours about his presence in Czechoslovakia and about the activities of *AI*.

*Continued on page 2, column 1*

### OAU HELP SOUGHT ON HUMAN RIGHTS IN EQUATORIAL GUINEA

*AI* has appealed to the Organization of African Unity (OAU) to prevent further violations of human rights in the West African state of Equatorial Guinea, which celebrated the 10th anniversary of its independence from Spain on 12 October.

In cables to the Chairman of the OAU, President Jaafar EL-NIMEIRI of Sudan, and the OAU Secretary General, Edem KODJO of Togo, on 10 October, *AI* said that the 10 years of Equatorial Guinea's independence had been marked by a succession of arbitrary arrests, deaths from torture and summary executions.

*AI* said it knows the names of almost 600 people (out of a total population of some 300,000) who have been executed in the past 10 years, most of them without trial, for their alleged opposition to the rule of President Macías NGUEMA. *AI* believes that the true number of those killed in prison is much larger than the known figure.

Methods of torture are reported to be particularly brutal, and include severe beatings with sticks and metal rods, hanging prisoners in chains which cut through their flesh and pouring petrol or oil into open wounds.

President Macías was democratically elected in September 1968, but effectively seized absolute power in March 1969, when he accused members of his government of a conspiracy to overthrow him. Since then he has strengthened his position by a series of decrees and laws which have given him absolute power, and he now rules the country with the aid of close relatives who head both the National Guard and the National Police.

Thousands of Equatorial Guineans have left their country in order to escape the repressive policies of President Macías' government; most of them are now living in neighbouring Cameroun and Gabon, while others are in Nigeria and Spain.

*AI* also urged other African heads of state to endorse its appeal and to influence the government of Equatorial Guinea by exerting diplomatic pressure.

The 1963 Charter of the OAU affirms that its member states will adhere to the principles of the United Nations Universal Declaration of Human Rights.

## Charter 77 Signatories Sentenced in Czechoslovakia

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Upon his release Dr Aigner learned that the trial had been adjourned. At the Czechoslovak/Austrian border later on the same day Dr Aigner's car was thoroughly searched and he was questioned for a further two hours about his contacts with relatives, friends and lawyers of the defendants.

Dr Aigner had been nominated by *AI* to observe two previous trials in Czechoslovakia's capital, Prague. On those occasions, journalists and observers had been excluded from the courtroom, but Dr Aigner had not been harassed.

## RELEASES AND EXECUTIONS IN IRAQ

On 26 September, *AI* wrote to Iraqi Minister of Justice, Munzer Al SHAWI, about the large scale amnesty announced in Iraq on 16 July and the execution in Iraq of 21 "communists" in May.

In addition to several thousand criminal prisoners who benefited from the amnesty, 226 out of the 317 political prisoners said to be imprisoned in Iraq were also to be included. *AI* asked Minister Al Shawi for the names of all the 317 and details about those who would remain in prison.

Also included in the amnesty were prisoners held on charges which were not covered by the amnesty categories where these prisoners "have changed their basic attitudes towards the thinking about the revolution and its pan-Arab and national aims". *AI* also asked for details on these prisoners.

Specifically excluded from the amnesty, however, were the "Freemasons", 14 of whom have been held for political reasons since 1974. *AI* expressed regret at their exclusion, particularly since the amnesty was to include "prisoners who are aged more than 60 years old". The 14 "Freemasons" are all over that age.

At the same time, *AI* expressed concern at the execution of 21 "communists" who had been condemned for forming secret cells within the armed forces. In Iraq, this is a capital offence. *AI* regretted the Iraqi government's decision to carry out the executions two, three or four years after sentences had been passed, rather than to commute the sentences.

The 21 concerned had been tried at various times since 1974.

*AI* urged the Iraqi government to abolish the death penalty for this offence and commute all pending death sentences.

## STUDENTS THREATENED WITH RETURN TO ETHIOPIA FROM USSR

*AI* appealed to President Leonid BREZHNEV of the Soviet Union on 18 September not to force a number of Ethiopians studying in the USSR to return to Ethiopia. At the same time, *AI* also urged Ethiopian Head of State Lieutenant Colonel MENGISTU Haile

Mariam to guarantee the safety of those who are forcibly returned to Ethiopia.

*AI* fears that any students forcibly returned to Ethiopia may be tortured or summarily executed because of their political activities, as happened to many student opponents earlier this year.

All those under threat of deportation belong to a banned Ethiopian student organization which opposes the military government. Four Ethiopians studying in Odessa, who were forcibly returned to Ethiopia on 23 August, were reportedly arrested on arrival at Addis Ababa.

Article 38 of the USSR Constitution permits asylum to be granted to foreigners persecuted for their "progressive social and political activities". But the USSR has not signed the United Nations Convention and Protocol on the Status of Refugees, which prohibits *refoulement* (forced return of political refugees to their countries of origin), although this is an international standard which all UN member-states are expected to uphold. This protection, however, is not available to these Ethiopian students, since relations between the USSR and the Ethiopian government are close—USSR Vice President Vasily KUZNETSOV visited Ethiopia for the fourth anniversary of the revolution on 12 September.

In the past, the USSR authorities have allowed Ethiopians to seek asylum elsewhere, but *AI* knows of nine cases of *refoulement* since July.

## PEASANT LEADERS FREED IN HONDURAS

On 23 September the nine former leaders of the Isletas banana cooperative were freed by the Supreme Court of Justice in Honduras.

The nine had been acquitted on 31 March 1977 of a charge of "misuse of public funds"—a charge which can only be brought against public officials (*May Newsletter*). But the prosecution appealed to the Supreme Court against the verdict. The cooperative leaders had been detained for 19 months awaiting the Supreme Court hearing.

They had originally been arrested on 12 February 1977, almost two years after they had organized the banana cooperative. This gave work to more than 200 of the 700 workers who lost their jobs when a hurricane destroyed part of the plantations in the region. In March *AI* had expressed concern at the apparently arbitrary nature of the detentions and other judicial anomalies in the case.

## RELEASES IN THAILAND

Nineteen prominent Thai political prisoners were released unconditionally on 16 September under a government-initiated bill approved by parliament. They had been arrested

following the Thammasat University incident of 6 October 1976 which led to a military coup and the end of civilian rule in Thailand.

Of several hundred people arrested in the aftermath of the Thammasat University incident the 19 were the last remaining in detention. Considerable international attention to their cases had resulted for the first time in legal representation being allowed to the defendants during trial proceedings before a military tribunal.

All 19 prisoners had been the focus of *AI*'s Thailand campaign of May-June 1978. *AI* received news of their release through cables sent by the prisoners and their lawyers thanking *AI* for its support.

*AI* continues to be concerned that large numbers of people are detained without trial in Thailand under the provisions of Decree 22 on the grounds of "endangering society". The Thai Secretary of the Corrections Department stated on 25 September that 500 political prisoners are held without trial. The government has not disclosed the precise grounds for holding these individuals.

*AI* is also deeply concerned about the continuing application of the death penalty in Thailand. On 25 September, *AI* sent a cable to the Prime Minister, General KRIANGSAK Chamanand, expressing concern at the death sentences passed on 15 June against three convicted prisoners. Their appeal to the Supreme Court had been rejected for technical reasons, and *AI* urged that an appeal be considered by the Supreme Court on the additional grounds of observing due process.

## RELEASES IN INDONESIA

In a special amnesty to mark Indonesia's National Day on 17 August, the authorities released from prison 21 student leaders who had been arrested in February and March this year. This amnesty was followed on 2 September by the release of 46 untried political prisoners in Semarang in Central Java, many of whom had been held since 1965. Most of the 400 students who were arrested between January and March have now been released (*April and May Newsletters*).

On 27 September, the Indonesian authorities announced the release of a further 1,324 untried political prisoners throughout Indonesia, but so far no more detail is known.

- The trial is expected to open shortly in Jakarta of Dr Sutanti AIDIT, widow of D.N. Aidit, former chairman of the Indonesian Communist Party (PKI), who was shot by the army in 1965. Dr Aidit has been detained since December 1966 and has spent four of the last 12 years in isolation. She is charged with receiving underground PKI brochures and with giving medical treatment to former members of the PKI during 1965.

# Prisoners of the Month Campaign

Participants in the campaign are reminded that appeals must only be sent to the officials named at the end of each case. In *no* circumstances should communications be sent to the prisoner. It is important for the prisoner that messages to the authorities are worded carefully and courteously and that they are never sectarian.

## Peter KONDOFERSKY, Bulgaria

Peter KONDOFERSKY, a 74-year-old gynaecologist, was arrested in Bulgaria in February 1971 shortly after applying for permission to visit his daughter living in France. He was tried in June 1971 on espionage charges for allegedly acting as a "French imperialist spy" while visiting his daughter in previous years and of contacts with the French military attaché in Bulgaria's capital, Sofia. On the basis of available information *AI* believes that these charges were unfounded. Dr Kondofersky is at present detained in Stara Zagora prison, and his advanced age and poor health give cause for serious concern. Last year he received treatment in the prison hospital for a cardiac condition. He was reportedly about to undergo a prostate gland operation. Despite his fragile health, it appears that two parcels of medicine sent by his daughter have been returned to her. A former fellow prisoner, now living abroad, has expressed fears that he may not survive his term of imprisonment. Dr Kondofersky's family shares these fears.

*Please send courteously worded letters appealing for the immediate release of Dr Kondofersky, to: Mr Todor Zhivkov, Chairman of the State Council, Sofia, Bulgaria.*

## Yussuf AL-BURJI, Syria

Yussuf AL-BURJI is a 42-year-old Palestinian primary schoolteacher and member of the Palestinian "parliament in exile", the Palestine National Council. He has been imprisoned without trial in Syria since 1971.

Following the November 1970 coup which brought President Hafaz Assad to power in Syria, many people were arrested who had been connected with the previous government or who refused to serve under the new government. Yussuf al-Burji was reportedly arrested for the latter reason. On 25 June 1971 he was taken by Syrian security officers to al-Mezze military prison in Damascus where he has since been held without charge or trial. For the first 18 months he was held without interrogation in solitary confinement. After this initial period he was moved to the communal cell in al-Mezze prison occupied by about 20 members of the previous government, all detained without trial since 1971. He is now allowed family visits, usually at monthly intervals. These take place through a metal grill and within the hearing of a military policeman.

Reportedly his health is poor; his eyesight

is deteriorating and he suffers from a high cholesterol level as well as kidney and stomach ailments. Since 1974 no medical treatment has been available for political prisoners in the adjacent military hospital due to the escape of a former prisoner, and any medicines prescribed by the prison doctor must be purchased outside the prison by visiting relatives.

In 1975 Yussuf al-Burji joined other prisoners in a hunger strike to obtain an improvement in conditions and a meeting with the chief of security at al-Mezze prison. The strike ended after five days when the prisoners were promised an interview, but the meeting never took place.

*Please write courteously worded letters appealing for the immediate release of Yussuf al-Burji, to: Lieutenant General Hafez Assad, President, Damascus, Syrian Arab Republic; and to: Brigadier Adnan Dabbagh, Minister of Interior, Damascus, Syrian Arab Republic.*

## LEE Yong Hui, Republic of Korea

LEE Yong Hui, a former journalist and assistant professor at Hanyang University in the Republic of Korea (South Korea), was sentenced on 19 May to 3 years' imprisonment for alleged violations of the Anti-Communism Law. On 29 September, his sentence was reduced on appeal to 2 years' imprisonment.

Lee Yong Hui was arrested on 24 November 1977 and charged with having "benefited an anti-state organization" by translating and editing a collection of essays written by foreign authors who had visited the People's Republic of China. Among the essays was one entitled "The Chinese Economy Which I Saw" by the United States economist and former diplomat John Kenneth Galbraith and three articles on Chinese education by the Harvard sinologist Ross Terrill. Lee Yong Hui is also accused of translating *When China Wakes Up* by French Minister of Justice Alain Peyrefitte and praising North Korea and Mao Tse-tung in his own book of essays *Idolatry and Reason* (1977).

The publisher of *Idolatry and Reason*, Paek Nak-chong, was sentenced at the same trial to one year's imprisonment, but he has not been taken into custody and is expected to remain at liberty until all his appeals have been completed.

In passing sentence, the court did not give the customary formal statement of its reasoning, but simply cited two Supreme Court decisions establishing the precedent that a

publication may be held to violate the Anti-Communism Law if it benefits an anti-state organization, even if the author or publisher had no such intent. Lee Yong Hui had argued that his intention had been to widen intellectual horizons by making known in South Korea the writings of western scholars concerning modern China. Many of the essays had already been published in South Korea.

Lee Yong Hui is a member of *AI*'s Korean Section. *AI* urges the immediate and unconditional release of Lee Yong Hui and all other prisoners arrested in the Republic of Korea for their writing activities.

*Please write courteously worded letters appealing for the immediate release of Lee Yong Hui, to: President Park Chung Hee, The Blue House, Seoul, Republic of Korea; and to: Mr Lee Sun-choong, Minister of Justice, Seoul, Republic of Korea.*

## News of Past Campaigns

The trial of Taieb BACCOUCHE of Tunisia (October *Prisoners of the Month Campaign*) began on 28 September. On 9 October he was sentenced by the State Security Court to 6 years' imprisonment with hard labour.

• Roberto SAPIAINS of Chile (October *Prisoners of the Month Campaign*) has now been released and arrived in the United Kingdom on 24 October. Please stop all actions on his behalf.

## Prisoner Releases and Cases

The International Secretariat learned in September of the release of 155 prisoners under adoption or investigation and took up 53 new cases.

## HAITIAN EX-PRISONER THANKS AI

A former prisoner of conscience from Haiti has written to *AI* thanking the organization for its efforts on his behalf. Writing from his new home in United States to the Swedish *AI* group which worked for his release, he said:—

"I cannot thank you and your organization enough. Not only for myself but for all the Haitian prisoners released on 21 September 1977, and for all political prisoners around the world. If it were not for your efforts, I know I would not be alive today".

He was among the 104 prisoners amnestied by President Jean-Claude DUVALIER of Haiti in September 1977 (January *Newsletter*). He had been held for almost six years in Fort Dimanche prison, which he describes in his letter as "one of the most inhumane prisons on the face of the earth".

## PRESIDENT ASKED TO INVESTIGATE MURDER OF EX-PRISONER

*AI* called on President Alfredo STROESSNER of Paraguay on 14 September to investigate the murder at the end of August of peasant farmer Doroteo GRANDEL.

Doroteo Grandel disappeared from Tobati, in the Yhu district, on 2 May 1976 after his arrest by members of the Second Infantry Division of Villarrica. Grandel's arrest was linked with a military operation in the Yhu district. During the attack, allegedly connected with the sale of land in the area, Grandel and about 30 other peasants and their families were maltreated and their homes burnt. Reports of the incident in the newspaper *El Radical*—substantiated with documents, photographs and the testimony of 200 witnesses—brought a libel action against the newspaper director Dr MARTINEZ YARYES from Division Commander General CARPINELLI YEGROS. Grandel travelled to the capital to offer himself as a witness to the raid on his village. But 10 days after presenting a signed legal statement to the authorities, he disappeared.

After a writ of *habeas corpus* was submitted on 27 May 1976, the Paraguayan Supreme Court requested information about this prisoner from the commander of the armed forces. The answer to the court, dated 18 June and signed by the commander of the Second Infantry Division, stated that Grandel was "not known".

However, on 26 February 1978 he was acknowledged to be in detention without charge or trial in the Second Infantry Division of Villarrica and permitted to see his wife and father. Following considerable international attention Grandel was released in July, but a month later he was murdered.

Despite Grandel's testimony, Dr Yaryes was sentenced to 2½ years' imprisonment on the charge of libel. His appeal against his conviction is now before the Paraguayan Supreme Court.

• **Hunger Strike Ends in Paraguay**  
The remaining eight of 17 political prisoners still on a hunger strike which began on 11 August have abandoned the strike after 57 days. The hunger strikers were protesting against the government's failure to fulfil a promise that they would be released made during an earlier hunger strike (October *Newsletter*). The hunger strikers have reportedly now been promised "release within a short time". The *Comité de Iglesias para Ayudas de Emergencia* (Church Committee for Emergency Aid)—an ecumenical committee which provides help for prisoners and their families—has reportedly received a guarantee that the hunger strikers will be released.

## AMNESTY IN VIETNAM

On 2 September—Vietnam's National Day—the Standing Committee of the Vietnamese National Assembly announced an amnesty

for some prisoners detained in re-education camps. So far, few details of this amnesty have been made available.

On 25 September, *AI* asked the Vietnamese authorities for further details of the decision and for information regarding categories of people still detained in re-education camps.

## DON'T FORGET:



## SUNDAY, 10 DECEMBER 1978

will mark the 30th Anniversary of the Universal Declaration of Human Rights. *AI* sections and members throughout the world will be observing this important date with special exhibitions, public meetings and seminars. Every prisoner of conscience adopted by *AI* is imprisoned in violation of the declaration.

## STAFF NEWS

Derek ROEBUCK, Dean of the Faculty of Law of the University of Tasmania, Australia, has been appointed *AI*'s Head of Research. Professor Roebuck, originally from the United Kingdom (UK), is the author and editor of numerous books on comparative law, development economics and recently a political commentary on mercenaries. He has travelled in Africa, Asia and Eastern Europe. Professor Roebuck has been an *AI* member for 10 years. He will take up his post in January 1979. In the meantime Clayton YEO, Head of the Europe Research region, is Acting Head of Research.

• Gerry O'CONNELL, a founder member of the Italian section of *AI* in 1973, has been appointed *AI*'s first Head of Program. He was born in Ireland and has lived in Italy, England and the United States. He has a degree in politics from the University of Cambridge, UK, and has university teaching experience. As Head of Program, he is responsible for the overall direction and planning of *AI*'s campaigns and action programs. He took up his post in September.

• Richard REOCH has been appointed Head of Press and Communications. A Canadian, he has worked with *AI* since 1971 and until this new appointment, effective from October, was *AI*'s Regional Liaison Officer for Asia.

• Martin ENTHOVEN, who has worked in the International Secretariat since 1963, left his post as Executive Secretary at the end of September. At the International Council the movement expressed its appreciation for his years of service. Until this vacancy is filled, Jane WARD of the Coordination Unit has been appointed Acting Executive Secretary.

## Amnesty International seeks

### Regional Liaison Officer (Asia)

This is one of three posts in the Coordination Unit of the International Secretariat (IS), which is responsible for handling membership affairs in a specific area. (The others are in Africa and Latin America).

A Regional Liaison Officer is responsible for maintaining close contact with the *AI* national sections, groups and members in a specific geographical area—in this case, Asia. The work also involves introducing *AI* to people who are not yet familiar with it and advising on the distribution of *AI* information and publications in the region. The Regional Liaison Officer handles correspondence coming to the IS from the region relating to the organization and its activities. The work does *not* include research into human rights violations in the countries of the region, which is the responsibility of the Research Department. Where such violations are the subject of attention by *AI*, visits by the Regional Liaison Officer may be precluded.

Applicants for this post should have worked already in the *AI* movement and be familiar with *AI*'s mandate and techniques. They must be willing to travel extensively in Asian countries for periods of 4 to 6 months each year. Willingness to undertake this work for at least 4 years would be preferable.

Ability to speak and write fluent English is essential. Certain personal qualities are considered important in this post: patience; tact; capacity to adapt to frequently changing situations while maintaining consistency and withstanding undue demands from pressure groups both inside and outside *AI*; ability to converse with a wide variety of people; sensitivity to local customs and expectations.

Salary £4,680 per annum. A travel and field expense allowance is provided in addition. Closing date 30 November 1978. Interested applicants should contact: Caroline Reeson, Personnel Officer, Amnesty International, International Secretariat, 10 Southampton Street, London WC2E 7HF, England, or telephone 01-836 7788, Ext 289.

Please inform any *AI* members who you believe might be interested in this post.

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amnesty international

## campaign for the abolition of torture

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MONTHLY BULLETIN

# Irish Government Rejects Safeguards for Detained Suspects

*AI* has strongly criticized the Irish government for rejecting the recommendations of an independent committee set up by the government to advise on safeguards for people in police custody and for the protection of the police from unfounded allegations of maltreatment.

On 9 October *AI* said it was deeply disappointed. "Amidst considerable public concern, the government established a committee of inquiry and gave it a mandate to suggest practical means of preventing abuses. The government has now rejected the committee's most important recommendations and has evidently decided not to make institutional changes which would prevent recurrence of human rights violations which have taken place in the past."

The independent committee, chaired by Judge Barra O BRIAIN, was established in October 1977. It followed the submission of the report of an *AI* mission which concluded that people detained on suspicion of politically motivated crimes had been maltreated by the Irish police during 1975-77. The detainees were held for up to seven days under the Emergency Powers Act. The *AI* mission found that they had been held in complete isolation, beaten and deprived of sleep, food and drink during interrogation (November 1977 *Newsletter*).

*AI* had called for a "full, independent and public inquiry" into the allegations of maltreatment, but the O Briain Committee's terms of reference excluded investigation of individual cases. *AI* representatives gave oral evidence to the committee.

In terms of *AI*'s statutory concerns, the most important of the committee's recommendations are that a "custodial guardian" be assigned to all persons, who would be "responsible... for the well-being of the person in custody and the safeguarding of his rights"; that detained persons should be allowed prompt access to their solicitors; that a solicitor should have the right to be present during interrogation; that "regulations governing questioning procedures" be drawn up, and that an independent complaints tribunal be established to investigate complaints against the police.

The committee also recommended that "reliance on confessions and self-inculpatory statements should be lessened". *AI* stressed that the government had made no comment on this essential issue and pointed out that in most Western European countries a conviction cannot be based on a statement made only in the presence of police officers if that statement is later denied or withdrawn by the accused.

The committee had also found that it was common for the police to take people to

*Garda* (Irish police) stations "to help the police with their inquiries". According to the committee, some persons brought to *Garda* stations for questioning have erroneously believed themselves to be under detention and not free to leave at will or free to refuse to answer questions. The committee made clear that this practice had "no justification in law" and proposed it be discontinued. The government rejected this recommendation. *AI* said that by doing so the government appears to have condoned an unlawful practice.

The government published the committee's report on 12 September with a short accompanying statement rejecting the main recommendations and expressing reservations about others. *AI* believes it is therefore likely that the recommendations will not be implemented.

In a memorandum to the Irish government, made public on 9 October, *AI* said that the committee had put forward important principles regarding protection of people in police custody and had arrived at carefully considered and practicable safeguards. The organization urged the government to reconsider its announced position and to recognize the significance of the committee's work by implementing its recommendations.

By publishing the O Briain committee report simultaneously with the decision to reject its principal recommendations, the government has excluded the Irish parliament and people from effective public debate on this crucial issue, *AI* said.

### NICARAGUA: EXECUTIONS AND DISAPPEARANCES

*AI* is seeking more information on several hundred prisoners who "disappeared" in Nicaragua during a nationwide insurrection

in September and is inquiring into the cases of more than 200 individuals whose detention has been confirmed. Throughout the conflict, *AI* appealed on behalf of victims of arbitrary detention, torture and summary executions.

Sources have confirmed that many people suspected of supporting the armed opposition were shot in cold blood after being detained. In some areas all males over 14 years old were reportedly shot dead.

*AI* has received no information about similar reprisals being taken against civilian supporters of the Somoza government.

The uprising against the government of President Anastasio SOMOZA DEBAYLE, which regained control of most Nicaraguan cities by mid-September, was crushed by the National Guard at a cost of an estimated 5,000 dead. Bombings and artillery fire reduced much of the cities of León, Chinandega, Matagalpa and Estelí to ruins, after which troops carried out mass arrests and summary executions of those suspected of collaborating with opposition forces.

In León, eye-witnesses told of the execution on 15 September of 22 young men:

"They made the prisoners kneel in two lines... it seemed like thousands of shots... we could see a guard shooting his submachine-guns at the people writhing on the ground... They then drove a tractor over the bodies"

Those killed in this incident included brothers Flavio, Clemente and Julio PAIS BARRETO, aged 18, 23 and 27. Also murdered were 17-year-old Pedro VILCHEZ POVEDA and his brother Salvador, aged 23. The names of all 22 are known to *AI*.

Other atrocities committed by the National Guard include the detention on 18 September of most of the young men of the town of Catarina. Seven were later found dead on the outskirts of the town. In another incident, the entire family of the owner of the Hotel Soza in Matagalpa was machine-gunned in their home—the owner was reportedly castrated before being killed.

### SUICIDE VERDICT ON SOUTH AFRICAN DETAINEE

An inquest in South Africa ruled on 3 October that Lungile TABALAZA, who fell from a fifth floor window of Port Elizabeth security police headquarters last July,

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# appeals

## Ma'ruf Abdullah FATTAH, Iraq

Ma'ruf Abdullah FATTAH, 29 years old and married with two children, was a Kurdish teacher living in Zawita, a small town in northern Iraq, when on 10 June he was arrested with others on suspicion of setting up a cell of the illegal Kurdish Democratic Party.

Torture during interrogation reportedly included having his head enveloped for several days in a type of hood which was filled with flying ants. As a result of this treatment he is reported to have become insane.

He was subsequently brought to trial in November 1977, and sentenced to 7 years' imprisonment.

Kurdish hostilities against the Iraqi armed forces, which in effect stopped after the 1975 agreement between Iraq and Iran, were renewed in early 1976 and intensified following arrests, deportations and executions of Kurds by the Iraqi government. AI receives frequent allegations of torture in Iraq and there have been several reports of deaths under torture.

*Please send courteously worded letters appealing for the immediate release of Ma'ruf Abdullah Fattah on humanitarian grounds, to: His Excellency Field Marshall Ahmed Hassan Al Bakr, President, Baghdad, Republic of Iraq; and to: His Excellency Saddam Hussein Takriti, Vice Chairman of the Revolutionary Command Council, Baghdad, Republic of Iraq.*

## Mikhail ZHIKHAREV, Soviet Union

Mikhail ZHIKHAREV, a 50-year-old engineer in the Soviet Union was the subject of an appeal in the February *CAT Bulletin*. Since then Dr Olshevskaya, the head of the Krasnodar Territory psychiatric hospital to which Zhikharev was then forcibly confined, has stated that he is receiving treatment for mental illness and that people inquiring about him are in possession of "slandorous information".

On 13 January Zhikharev was transferred to section 3 of the Sochi Psychoneurological Hospital. Here his condition is reported to have further deteriorated. He has been injected with sulfazin and made to swallow aminazin and triftazin tablets. These depressant drugs cause distressing and damaging effects if prescribed and administered incorrectly. He was forbidden to wear his glasses even though he cannot read or write without them. He has reportedly suffered from heart pains.

The doctor in charge of section 3, Dr Natalya Shorokhovka, reportedly told Zhikharev's wife that her husband is being treated because "he is against Soviet rule". The head of the hospital, Dr Nina

Belyayeva, threatened Mrs Zhikharev with confinement to a psychiatric hospital after the latter reminded her of the outcome of the World Psychiatric Association's Congress in Honolulu last year, which specifically named the USSR as a country where psychiatry is abused for political purposes.

On 25 June Zhikharev was transferred to the psychiatric hospital in Armavir, a town in the Krasnodar Territory in the south of the Russian Federation. At the beginning of August his health was reported to be very poor.

*Please write courteously worded letters, appealing for the immediate release of Mikhail Zhikharev, to the chief doctor of the Armavir Psychiatric Hospital. Write to: SSSR, RSFSR, Krasnodarsky Krai, g. Armavir, Psikhiatricheskaya Gorodskaya Bolnitsa, Glavnomu Vrachu: and to the USSR Minister of Internal Affairs, Mr N.A. Shchelokov: SSSR, 103009 Moskva, ul. Ogarieva 6, Ministerstvo Vnutrennikh Del SSSR, Ministru N.A. Shchelokovu.*

## News of Past Appeals

- Iosif Mikhailovich TERELYA, the subject of a CAT Appeal in October 1977, was transferred in September 1977 from an ordinary psychiatric hospital to the Dnepropetrovsk Special Psychiatric Hospital. Here he is reported to have been forcibly treated with the depressant drugs stelazine and benzhexol.
- Algirdas ZYPRE, the subject of a CAT Appeal in March, was last reported in June to have been transferred to a psychiatric hospital in Kazan in the Tartar ASSR.
- Yevgeny NIKOLAYEV, the subject of an appeal in the August *CAT Bulletin*, was released from psychiatric confinement in mid-September.

## SEXUAL TORTURE IN IRAN

Three young men were sexually tortured by police in Iran in August according to newspaper reports. One, 17 years old, is believed to have died from internal bleeding.

On 29 August, the young men were leaving the house in Mashad of Ayatollah SHIRAZI, a prominent Moslem leader, when they were stopped by a number of policemen. A search revealed they were carrying pamphlets calling for a "fortieth day mourning ceremony." (Such ceremonies are traditional in Moslem countries and involve a street procession to mourn publicly the dead person 40 days after the death. Recently in Iran such processions have turned into large demonstrations and caused clashes between the police and mourners, sometimes leading to other deaths. The government has recently made unsuccessful attempts to ban the ceremonies).

The young men were then forced into a police truck and raped with wooden police

batons. Their half-conscious bodies were thrown out of the truck 45 minutes later.

The British newspaper *The Guardian* reported on 4 September that the incident had been observed by 27 eye-witnesses who have sent a telegram to Prime Minister Jaafar Sharif-EMAMI describing the incident and who are prepared to testify in court. They allege that the rape was supervised by a chief of police in Mashad.

AI has appealed to Prime Minister Sharif-Emami to investigate the attack.

## Suicide Verdict on South African Detainee

*Continued from page 1, column 3*

committed suicide. The magistrate said that Tabalaza's death had not been caused by any "act or omission amounting to a criminal offence" on the part of the security police.

Tabalaza, aged 20, died within hours of his arrest on 10 July. He was detained under the Criminal Procedures Act and, according to the police, was to have been charged with arson. His death occurred after his transfer into the custody of Port Elizabeth security police and several hours of interrogation. He was held in the building where Black

Consciousness leader Steve BIKO received fatal injuries in detention in September 1977, and where another political detainee, 30-year-old schoolteacher George BOTHA, fell six floors to his death in December 1976.

Following Tabalaza's death, (the fifth involving a political detainee in the space of 11 months), Justice Minister James KRUGER ordered an internal inquiry which resulted in the transfer to another area of Port Elizabeth security police chief Piet GOOSEN, and the return of two junior officers to the civil police.

During the inquest a visiting magistrate who talked with Tabalaza shortly before his death stated that Tabalaza feared he would be assaulted by security police. It was argued by the Tabalaza family's lawyer, Dr Wilfred COOPER, that this state of mind probably caused him to commit suicide. The inquest magistrate dismissed allegations by Dr Cooper that this state of mind was induced in Tabalaza by the treatment he received during his initial period of interrogation by security police.

## Change of Addresses

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