



Death penalty abolished in France

The Senate of the French Parliament voted on 30 September 1981 by 160 to 126 to accept Article 1 of France's bill to abolish the death penalty. The article states: "The death penalty is abolished." Article 2, which provides for the replacement of the death penalty by life imprisonment, and the other implementing articles, were passed by a hand vote.

Earlier, on 18 September 1981, the National Assembly had approved the bill by 369 to 113 votes. The new law came into force on 10 October.

President François MITTERRAND, elected in May 1981, had publicly stated his opposition to the death penalty in the course of his election campaign. *AI* wrote to all the candidates for the Presidency on 10 April 1981 outlining its concerns in France, including the continued existence of the death penalty. In his reply of 8 May, François Mitterrand stated that, if he were elected President, the French Parliament would be invited to take a decision on the subject.

Long-standing opponent

The Minister of Justice, Robert BADINTER, who was appointed on 23 June, is one of France's best known lawyers and a long-standing opponent of the death penalty. In December 1977 he was a participant at *AI*'s Stockholm Conference on the Abolition of the Death Penalty which, among other things, called upon all governments to bring about the immediate and total abolition of the death penalty.

The French Penal Code and Code of Military Justice authorize the use of the death penalty for a wide variety of civil and military crimes. However, since the Second World War it has been infrequently carried out because of the exercise of the President's right to grant clemency, under Article 17 of the French Constitution of October 1958,

the sentences then being commuted to life imprisonment. During the seven-year presidential term of Valéry GISCARD D'ESTAING, which ended in May 1981, death sentences were commuted in all but three cases. President Giscard d'Estaing had declared his "profound aversion to the death penalty" in his presidential campaign of 1974.

The last execution was carried out in 1977, that of Hamida DJANDOUBI, who was sentenced to death for murder, rape and torture.

The use of the death penalty has been the subject of continuous, often heated, debate in France, and of numerous actions by *AI*, both on the legislative plane and through appeals for commutation of individual sentences. The part played by international organizations like *AI* in securing the abolition of the death penalty was underlined during the debate by both the Minister of Justice and Bernard STASI, Vice-President of the *Centre du Démocrates Sociaux* (CDS), an opposition group, who voted for abolition in the Chamber of Deputies; both referred specifically to *AI*.

Seven people were under sentence of death when the death sentence was abolished □

DEATH PENALTY

AI has learned of 811 people being sentenced to death in 11 countries and of 807 executions in eight countries during September 1981.

Mexico Fears for expelled Guatemalans

A total of 1,885 Guatemalans are reported to have been sent back to Guatemala by the Mexican authorities on 19 July 1981 and there is grave concern about their fate.

The Guatemalans had fled across the Usumacinta River into the department of Chiapas, Mexico, after attacks by the Guatemalan army on the village of El Arbolito and surrounding villages in the Petén department in northern Guatemala on 17 June 1981 (see October 1981 *Newsletter*). The Mexican authorities are reported to have allowed 46 other Guatemalans to remain in their country.

The only name of those reportedly deported on 19 July known to *AI* is that of Israel OSORIO, leader of the village of La Felicidad in Petén. It is gravely concerned that he and the other Guatemalans said to have been forcibly returned risk torture and death.

AI has received reports that before the reported expulsions, another Guatemalan, Ramón ALTAMIRA, from Sinai, in Petén, who had fled to Mexico with his five children, and who had been forcibly sent back to Guatemala, was killed after returning to his village.

Earlier this year *AI* groups had sent appeals to the Mexican authorities on behalf of 475 Guatemalans who had been forcibly returned to Guatemala 13 days after they had fled across the

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A Mexican soldier supervises the expulsion of Guatemalans across the Usumacinta River.

Honduras

Security police blamed for 'abduction' of children

Agents of the Honduran security police, *Departamento Nacional de Investigación* (DNI), are believed to have abducted Jorge Manuel MORALES Alvarado, a foreign national living in the country, and two children who were in his car with him in the capital, Tegucigalpa, on 8 August 1981.

The two children are Salvadorian: Marisol VILLALTA, aged eight, and her brother Antonio, five. Their mother, Yamira Villalta, is reported to have been abducted in the capital between 3 and 8 August, allegedly by Honduran security forces.

After Jorge Morales had been abducted, eight armed men broke into his home and told his wife they were members of an "anti-guerrilla front" and were looking for supporters of

Salvadorian guerrillas. They knew that the children had been with her husband and they had details about his car.

The gunmen remained in the house for about six hours, a number driving off and returning on six occasions without interference from the Honduran police.

When the abducted man's wife later inquired at the DNI offices about her husband, officials already had details about his case—including the license number of his car—but they denied all knowledge of his or the children's whereabouts.

The children's mother has not been heard of since her abduction. About nine other people seized at the time, all apparently suspected of sympathy for the Salvadorian opposition movement, are also still missing□

United Nations

Political executions 'increasing'

The UN Sub-Commission on Prevention of Discrimination and Protection of Minorities has decided to draw the attention of the UN Commission on Human Rights to the increasing scale of politically-motivated executions.

During its August-September session in Geneva it decided to inform the commission of its view that the problem deserved the "most urgent consideration." It recommended that the commission put a proposal to the UN's Economic and Social Council calling upon governments to abolish the death penalty for political offences.

The sub-commission, which consists of 26 experts elected in their individual capacity, adopted a number of decisions of interest to *AI* (see October 1981 *Newsletter* for *AI*'s oral intervention on prisoners of conscience).

It called for governmental co-operation with the UN Working Group on Enforced or Involuntary Disappearances and said it was convinced that the extension of the mandate of the group was indispensable. It recommended also that the occurrence of events on which information had been requested should be presumed to be confirmed if the government in question did not supply the required information

within a reasonable period. *AI* had made the same suggestion in an oral intervention.

In a surprise resolution, the sub-commission informed the Commission on Human Rights of its view that "the establishment of a post of the United Nations High Commissioner for Human Rights would be highly valuable in advancing the promotion and protection of human rights in the world". This was the first time any UN body had spoken in favour of such a post.

'Gross violations'

In confidential session, the sub-commission dealt with communications alleging "consistent patterns of gross violations of human rights" in a number of countries. In accordance with its usual procedure, these deliberations were not made public. *AI* had made submissions on Argentina, Uruguay, Haiti, Republic of [South] Korea, Pakistan and Iraq.

Under its public procedures, the sub-commission adopted resolutions on Afghanistan, Kampuchea, the Baha'is in Iran, El Salvador, South Africa, Namibia and the territories occupied by Israel□

Tunisia

Islamic group members get long sentences

More than 70 members of the *Mouvement de la Tendance Islamique* (MTI), Islamic Tendency Movement, arrested during July 1981, were sentenced to terms of imprisonment in September and October after they had been tried on charges of defaming the head of state, participating in an unauthorized organization and distributing false information. The charges were under Articles 48 and 49 of the Press Code and Article 30 of Law 154 of 1959 concerning organizations.

The court passed judgment on about 90 people on 4 September (30 of them were sentenced *in absentia*): 16 were sentenced to 11 years' imprisonment and the rest to between six months' (suspended) and 10 years' imprisonment. Two were acquitted.

The case then went to the Court of Appeal which announced its judgment on 3 October: five of those convicted were acquitted; the sentences on five were suspended and 11-year sentences on the MTI leader, Rached EL GHANNOUCHI, and five others were reduced to 10 years.

All of those imprisoned are believed to be held in Bourj Er-Roumi Prison, near Bizerte.

In October *AI* adopted the imprisoned MTI members as prisoners of conscience. It was also concerned that the trial procedures had not conformed to the internationally recognized standards set down in the International Covenant on Civil and Political Rights, which Tunisia ratified in 1969.

Also of concern was the report that one session of the trial, in which lawyers were pleading for the defence, lasted between 27 and 28 hours, despite repeated protests from the defence.

AI is also concerned because several defendants alleged in court that they had been tortured and subjected to verbal abuse while in pre-trial detention. Defence lawyers are reported to have urged that they be medically examined, but it is understood that this was not done□

CHILE RELEASE

Jorge RODRIGUEZ Gallegos, of Chile, prisoner of the month in February 1981, was released on about 11 October and is now in exile.

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.

DIKONDA wa Lumanyisha, Zaire

A university professor detained uncommunicado and without charge since 26 March 1981, he is believed to be held under an administrative order and accused of "subversive propaganda".

Professor DIKONDA wa Lumanyisha was arrested at his home in Kinshasa's Lemba district early on 26 March 1981. He was taken to an office used by the national security service, the *Centre national de recherches et d'investigations* (CNRI), and questioned for several days about his alleged contacts with opponents of the government. He was also accused of having given an anonymous interview to Belgian journalists in which he was alleged to have criticized the Zairian Government. He is reported to have been deprived of food and tortured during interrogation.

After about two weeks he was transferred to the CNRI detention centre and has been held there ever since under a 1961 law which permits the security service to impose administrative detention orders.

Some reports have suggested that, in addition to being accused of having contacts with foreign journalists and opponents of the government, Professor Dikonda is suspected of being the author of a report documenting extrajudicial killings in Zaire's Kasai Oriental region in July 1979. The report, "The massacres of Katekelayi and Luamwela in Kasai Oriental", was published anonymously in Europe in February 1981.

AI is concerned about Professor Dikonda's detention without charge and believes he is being imprisoned because he is suspected of criticizing the government.

Please send courteous letters, preferably in French, appealing for his release to: Son Excellence Citoyen MOBUTU Sese Seko/Président-Fondateur du MPR/Président de la République/Présidence de la République/Kinshasa/Zaire.

GOH Kean Seng, Malaysia

A teacher aged 31, he has been detained under the Internal Security Act without charge or trial since March 1974. He is reported to have been tortured at the time of his arrest and to have been held in solitary confinement for 19 months up to November 1978.

GOH Kean Seng was one of several members of the Chinese Language Society of the University of Malaysia detained in 1974 after the government had accused the society of being one of the groups responsible for fomenting disturbances. This followed a series of anti-government demonstrations by students in Kuala Lumpur, Ipoh and Penang directed against rural poverty and corruption.

Under the Internal Security Act detainees can be held for very broadly defined acts "prejudicial to the security of Malaysia". They can be served with a two-year detention order which may be renewed indefinitely at the discretion of the Minister of Home Affairs without any judicial hearing.

Goh Kean Seng, who is reported to be in poor health, is being held in Batu Gajah Detention Camp. In 1978 Malaysian officials told a visiting AI mission that no prisoner held in the camp had used violence. The authorities have produced no evidence of Goh Kean Seng's involvement in any criminal activity.

Please send courteous letters appealing for his release to: Datuk Musa Hitam/Deputy Prime Minister and Minister of Home Affairs/Deputy Prime Minister's Office/Kuala Lumpur/Malaysia.

Sudan Release

Youssif Himat HASSAN, of Sudan, prisoner of the month in April 1981, was released on medical grounds in early October 1981 □

Mark MOROZOV, USSR

A Russian mathematician and a member of an independent trade union group, he was sentenced in January 1981 to eight years' imprisonment for "anti-Soviet agitation and propaganda" while serving a previous five-year sentence of internal exile.

Mark MOROZOV, aged 49, was arrested in November 1978 after he had allowed an unofficial trade union group, the Free Inter-Professional Association of Workers, to hold an inaugural news conference in his flat. He was charged with "anti-Soviet agitation and propaganda" and, at a closed trial in June 1979, sentenced to five years' internal exile.

In March 1980, while serving his sentence in the Vorkuta region in northern Russia, he was re-arrested and a new charge of "anti-Soviet agitation and propaganda" was brought against him. The authorities accused him of fomenting discontent among local workers and of preparing and circulating *samizdat* (uncensored and privately distributed) writings, including an article by him on the Soviet intervention in Afghanistan and Alexander SOLZHENITSYN's book *The Gulag Archipelago*.

Before his arrest, Mark Morozov, who is married with two children, had applied to emigrate from the Soviet Union.

He is currently imprisoned in a strict regime corrective labour colony in the Perm region and his health is reported to have sharply deteriorated. He has a heart condition and AI is concerned that prolonged imprisonment in difficult conditions may adversely affect his health.

Please send courteous letters appealing for his release to: SSSR/Moskva/Krem1/Generalnomu Sekretaryu Tsk KPSS i Predsedatelyu Prezidiuma Verkhovnogo Soveta SSSR/Brezhnev L.I.

In the United States of America, a black militant and an American Indian now serving life sentences for murder claim they are political prisoners, both victims of "frame-ups"—fabrication of evidence and withholding of crucial information by the authorities in order to get them convicted. They blame the USA's major national law enforcement agency, the Federal Bureau of Investigation (FBI). Now AI is calling for an inquiry into the effects on US trials of abuses by the FBI, particularly in the convictions of the two men.

FBI misconduct in trials of militants

In a new report, *AI* has called on the United States Government to set up an independent commission of inquiry into the influence of FBI activities on the criminal justice system. It said the inquiry should include the cases of Elmer PRATT, a leader of the Black Panther Party, and Richard MARSHALL, a member of the American Indian Movement, both convicted of murder after being targeted for FBI intelligence action.

Elmer Pratt was convicted in California in 1972 and Richard Marshall in South Dakota in 1976.

The *AI* report, a detailed 144-page study based on examination of thousands of pages of official transcripts and documents, cites many examples of irregularities by the FBI in the cases of activists from militant groups which were the targets of FBI intelligence work.

Production of false evidence, misstatements about FBI action, harassment, infiltration of defence teams by informants and failure to make available information which the defence might have used are all shown to have occurred.

The report does not comment on juries' decisions on the basis of the information given them, but says an independent, overall inquiry is needed to determine whether the basis of fair trial was undermined. It stresses that *AI* has not tried to judge questions of guilt or innocence.

Some of the abuses documented were part of the FBI's Counter Intelligence Program (COINTELPRO), aimed at disruption of target organizations, which officially ended in 1971; but other misconduct took place long after that under investigation programs.

The report, *Proposal for a commission of inquiry into the effect of domestic intelligence activities on*



The FBI's logo

criminal trials in the United States of America, says the inquiry should try to determine whether misconduct which judges might have treated as isolated irregularities formed part of a pattern. *AI*, it points out, does not assume that a defendant should automatically be acquitted if FBI misconduct is shown—"But there comes a point when the number or type of measures taken against members of a political group suggest that it may be impossible to decide whether a particular case has been affected by law enforcement misconduct without the conducting of a comprehensive inquiry into whether or not the individual measures form part of a pattern."

Much of *AI's* work is for people imprisoned for obviously political reasons. When people are charged under laws banning the expression of opinions or membership in political organizations, as happens in some countries, it is relatively easy to decide that they are prisoners of conscience. This is not what happens in the USA. When people are convicted on charges of criminal offences, it is often harder to establish whether the reason for prosecution is really political.

Evidence of FBI misconduct may not at first seem to affect the questions of whether a crime was committed, and by whom. But when that evidence is ruled out, the court may not be in a position to determine whether there is a

pattern that influenced the preparation of the case and the ultimate conviction.

In the case of the Black Panther leader Elmer Pratt, it emerged long after his 1972 trial that he had been a target of COINTELPRO. Official documents later confirmed this, although the FBI had denied it as late as 1979.

COINTELPRO went beyond intelligence gathering to try to disrupt target groups. As used against black nationalist organizations and activists, it was intended to discredit and demoralize them, to prevent the growth of such organizations and the rise of any leader who could unify the movement. Violence among black groups was fomented. Arrests and prosecutions were used to intimidate and demoralize, according to records which have since become public.

A US Senate committee, commenting on COINTELPRO, later said: Domestic intelligence activity has threatened and undermined constitutional rights of Americans to free speech, association and privacy."

AI's report notes: "Undoubtedly there is a clear distinction between the 'chilling' of constitutional rights and the imprisonment of individuals on political grounds. One object of an inquiry would be to ascertain whether COINTELPRO, which certainly did the former, also resulted in the latter." Elmer Pratt, a Black Panther leader in southern California, was targeted for "neutralization" under COINTELPRO. The report cites a long list of irregularities in connection with his case, the latest of which date from long after the trial and the end of COINTELPRO.

Still trying to clear himself, Elmer Pratt argued that records of FBI surveillance would show that he was attending a meeting in another city, Oakland, on the day the murder of which he was accused took place in Santa Monica, 18 December 1968. The FBI first replied that it had no information about him before 1969. When documents later came to light showing that there was surveillance of the Black Panther leaders in precisely

the period of the murder, the FBI was reported by an appeals judge to have said that "the transcripts of the conversations recorded by these telephone taps have been lost or destroyed".

At the time of the trial, it was not disclosed that the chief prosecution witness had been regarded by the FBI as a "probationary racial informant". He testified that Elmer Pratt had confessed to the murder to him.

The FBI had planted informants in Elmer Pratt's defence team and it received information about preparation of the defence case.

In 1980 an FBI document emerged indicating that the agency had passed to the Los Angeles police some 14 months before the trial information about an alleged second suspect in the murder, and that it had information about the suspect's identity. This had not been made known to the defence.

Elmer Pratt's lawyers have said that the jury should also have heard evidence showing that another witness, who identified Elmer Pratt at the trial, appeared to have identified someone else earlier as the assailant.

In cases involving the American Indian Movement (AIM), the report points both to irregularities in the FBI's actions against Richard Marshall and to a background of misconduct and alleged abuses against other Indians arrested in connection with an upsurge of unrest in South Dakota in 1975.

Myrtle POOR BEAR was a witness whose testimony was used by the FBI and state authorities against both Richard Marshall and Leonard PELTIER, another Indian later convicted of murder. She testified at Richard Marshall's trial that he had confessed to murder to her. Earlier, her testimony that she had witnessed other murders had been used by the FBI to extradite Leonard Peltier from Canada so that he could be put on trial. Myrtle Poor Bear later retracted her testimony against both men, swearing that it was false. She said she had testified against Richard Marshall after the FBI had threatened her life and that of her daughter.

At different stages, both prosecution and defence argued that Myrtle Poor Bear was not a credible witness. In the Marshall case, the South Dakota Supreme Court said a retrial was unnecessary; but the Chief Justice, dissenting, said the jury might have reached a different decision without Myrtle Poor Bear's testimony. He said the defence did not know of her "apparently false affidavits" and her "true relationship with the FBI", and that her medical history, which was

RECOMMENDATIONS

AI's report makes the following recommendations to the US Government:

- The government should establish an independent commission of inquiry to examine thoroughly and impartially the matters raised in the report.
- The commission of inquiry should examine the effect of the FBI's domestic intelligence program, COINTELPRO, on criminal prosecutions of people who were targeted under it. *AI* considers that the case of Elmer Pratt, including the role and conduct of the FBI, should form part of the material studied by the commission of inquiry.
- The commission of inquiry should consider the conjunction of FBI domestic intelligence investigation of members of the American Indian Movement with the irregular and inappropriate FBI conduct in prosecutions against them. *AI* considers that the case of Richard Marshall, including the role and conduct of the FBI, should form part of the material studied by the commission of inquiry.
- The commission of inquiry should consider whether the political views of any citizens or the FBI's attitude toward those views, have been a factor in prosecutions or the preparation of cases against them and, if so, seek ways of preventing this from occurring in future.

not produced for the trial, "would probably have had a substantial effect on her credibility". Medical records and her family's testimony, he said, "indicate that Poor Bear is a seriously disturbed young woman who often fantasizes and tells stories and lies".

The prosecution did not use her as a witness in Leonard Peltier's trial; she had already contradicted herself. The FBI's use of her testimony, however, to extradite Leonard Peltier from Canada led an appeal court to comment: "What happened happened in such a way that it gives some credence to the claim of the . . . Indian people that the United States is willing to resort to any tactic in order to bring somebody back to the United States from Canada. . . And if they are willing to do that, they must be willing to fabricate other evidence.

And it's no wonder that [Indian people] are unhappy and disbelieve the things that happened in our courts when things like this happen."

Government witnesses against Leonard Peltier testified that FBI agents had threatened, intimidated or physically abused them when questioning them about the murders early in the investigation.

Among other aspects of the FBI's actions against accused Indians, *AI's* report cites the infiltration of defendants' defence teams by paid informants. Replying to appeals on these grounds, courts decided that they did not have evidence that significant information gathered by these informants was actually passed on through the FBI to the prosecution; but *AI's* report says that in the context of a pattern of FBI bad faith and harassment, the presence of an informant in the defence team, with access to confidential information on the defence case, requires careful study.

AI, it says, "does not have any view about the need for any particular domestic intelligence investigation, but it wonders what conclusion should be drawn when a federal government agency (the FBI) conducts such an investigation and at the same time appears willing to fabricate evidence against its 'targets' and to withhold information which, according to law, should have been disclosed."

After citing a number of FBI actions connected with the accused which were not disclosed during trial, including the FBI's relations with witnesses, the report comments: "Allegations against the FBI of a pattern of FBI intimidation of AIM must be considered against this background. Moreover, within this context what is legally relevant to a case becomes important; for the discretion to exclude evidence as 'collateral' may coincidentally serve to conceal from the public an authoritative record of a pattern of misconduct.

"How widespread is such FBI misconduct? Amnesty International does not know."

In the Peltier and Marshall cases, inconsistencies in Myrtle Poor Bear's evidence, her retractions, and the evidence of other irregularities were not considered decisive by courts hearing the individual cases. The report argues that the two cases considered together, with examples from other cases, give enough cause for concern about the FBI's role and the effects of that role on trials to point to the need for a broad, independent examination□

Lesotho Editor abducted and killed

An *AI* mission visited Lesotho from 20 to 25 September 1981 to investigate the abduction of a leading member of the Christian Council of Lesotho, the attempted abduction of its Chairman and the detention incommunicado of a third member of the council.

On 7 September armed men abducted Edgar MOTUBA editor of *Leselinyana la Lesotho*, a weekly newspaper published by the Lesotho Evangelical Church. His body was later found with those of two friends who had insisted on accompanying him, Fello MOHALI and Lechesa KOESHE.

Three days earlier, Benjamin MASILO, Chairman of the Christian Council and Vice-President of the Evangelical Church, had gone missing after an attack on his home during which his young grandson had been killed. He is believed to have escaped abduction by the attackers and to have taken refuge outside the country.

On 6 September, Litsietsi PUTSOA, another member of the council's executive, was detained by security police under the provisions of the Internal Security (General) Amendment Act of 1974. This permits incommunicado detention without charge or trial for 60 days. No reasons were given by the authorities for the detention.

The attacks on Benjamin Masilo and Edgar Motuba may have been in retaliation for a series of bomb explosions in the first week of September. The government has blamed the bombings on the Lesotho Liberation Army, the military wing of the exiled Basutoland Congress Party (BCP) opposition led by Ntsu MOKHEHLE. Both Benjamin Masilo and Edgar Motuba have at times been critical of the government of Dr Leabua JONATHAN and appear to have been regarded by some government supporters as sympathetic to the BCP □

USA Indefinite stay in 'injection' case

The 10th Circuit Court of Appeals in Oklahoma has granted an indefinite stay of execution to Thomas "Sonny" HAYS, aged 45, who had been scheduled to be executed on 14 September 1981; if executed he would have been the first person in the USA to be executed by lethal injection.

The court's decision followed a 30-day stay of execution which had been granted by a federal court in Oklahoma on 8 September.

Thomas Hays was sentenced to death in 1977 for the murder of a shopkeeper. During an appeal hearing on 3 September 1981 he denounced his lawyers and the court ruled that he had thereby dropped his appeal.

He is now reported to have indicated that he wishes to appeal against his sentence and an appeal has been lodged on his behalf.

In September prominent doctors in several countries appealed to Oklahoma doctors to refuse to take part in the proposed execution.

In a news release on 23 September, *AI* said two telegrams had been sent to the Oklahoma Medical Association—one from 11 internationally re-

nowned doctors in France, Ireland, Sweden, Switzerland and the United Kingdom, and the other from *AI*'s Medical Advisory Board. Both declared that participation by doctors in executions would be a violation of medical ethics.

Of some 850 people under sentence of death in the USA, nearly 180 face execution by lethal injection under new laws in four states: Oklahoma, Texas, Idaho and New Mexico (see September 1981 *News-letter*).

Among the internationally known figures who signed the first appeal were two Nobel Prize winners from France, Dr Andre LWOFF and Professor François JACOB, and the former President of the World Medical Association, Dr Justus IMFELD of Switzerland.

In its news release, *AI*, which opposes the death penalty under all circumstances, said there was a danger that execution by injection might be wrongly presented as "humane", diverting attention from the agony suffered by prisoner and family □

Czechoslovakia Roman Catholics imprisoned

Six Roman Catholics were sentenced on 29 September 1981 by the District Court in Olomouc, Moravia, to prison terms ranging from 10 months to three years after being convicted on charges connected with producing and distributing unofficial religious literature "for personal gain".

Five of them were convicted of "illicit trading": Jan KRUMPHOLC, 54, an industrial worker, sentenced to three years and Rudolf SMAHEL, 31, a priest now working in industry, to two years' imprisonment; and Josef ADAMEK, 67, a retired printer; Frantisek LIZNA, 40, a priest now working as a medical orderly, and Josef VLCEK, 61, a warehouse worker, sentenced to 20 months' imprisonment. Rudolf Smahel was also convicted of contravening foreign currency regulations.

The sixth defendant, Jan ODSTRCIL, 57, an industrial manager, was convicted of "embezzlement", fined and sentenced to 10 months' imprisonment.

All six rejected the charge that they acted for personal gain and have appealed against their sentences. The two-day trial was closed, the public being admitted only to hear the verdict.

The cases go back to September 1979 when all except Jan Odstrcil were arrested during nationwide raids on Roman Catholics. They were adopted by *AI* as prisoners of conscience. After being held for four months, they were released in January 1980 and brought to trial on 28 September 1981.

Josef Adamek and Frantisek Lizana are signatories of the unofficial Czechoslovak human rights document Charter 77. Jan Krumpholc and Josef Vlcek served prison sentences of 11 and 10 years respectively in the 1950s.

On 28 September 1981 the District Court in Louny, Bohemia, sentenced the Roman Catholic priest and Charter 77 signatory Josef KORDIK to one year's imprisonment (suspended) for celebrating mass after state consent to exercise his ministry had been withdrawn from him □

Prisoner Releases and Cases

The International Secretariat learned in September of the release of 92 prisoners under adoption or investigation; it took up 271 cases.

Sri Lanka Government reply on detainees

The Government of Sri Lanka has replied to worldwide appeals on behalf of Tamil detainees arrested in April and May 1981 and held incommunicado without charge (see July 1981 *Newsletter*) by stating that acts of violence had occurred, politicians had been murdered and over 16 police officers investigating criminal offences killed.

The detainees belong to the Tamil minority, some of whose leaders have been advocating the establishment of a separate state.

The government described those arrested as "terrorists whose names were known to the police" and who "had been avoiding arrest".

Its statements were made in letters received by AI members from the Secretary to the President of Sri Lanka in June and July 1981.

The government said that the cases of those detained were under investigation and "should there be adequate evidence they will be charged in the Courts. If there is no evidence, they will be released". The reply specified: "Their families are aware of the detention and the places where they are kept".

AI had received information that most of them had been arrested in their homes at night. AI members had expressed concern that relatives had been unable to obtain information about the detainees' whereabouts for weeks after their arrest.

A number of AI groups have been informed by Sri Lankan embassies that the authorities have found it "essential" that the detainees—held under the Prevention of Terrorism Act—do not have access to lawyers "till the successful conduct and completion of preliminary inquiries are over".

Habeas corpus petitions brought on behalf of at least 16 detainees resulted in several detainees being brought before the courts on 28 July, for the first time since their arrest in April. At that time they had not been allowed visits by relatives or lawyers. The court ordered that they be allowed to meet their lawyers. According to press reports, the *habeas corpus* petitions contained allegations of ill-treatment in several cases.

As of 20 September 1981, 35 detainees were reported to be still held in Panagoda army camp.

AI remains concerned about their conditions of detention, without charge

or trial and without the protection of normal legal safeguards, and is now taking up the cases of several for investigation to establish whether any of them are prisoners of conscience.

Meanwhile, it is urging that all detainees in Sri Lanka, including those held under the provisions of the Prevention of Terrorism Act, be provided with the full legal safeguards laid down in the International Covenant on Civil and Political Rights, to which Sri Lanka is a party, and that those detained be either released or charged and tried before the ordinary courts of law.

In July and August 1981 serious communal violence broke out in Sri Lanka between the Sinhalese and the minority Tamil community; press reports said 25 people had died. A state of emergency was imposed on 17 August and the death penalty was prescribed throughout Sri Lanka for the offences of looting and arson. On 25 August emergency regulations were promulgated, allowing the death penalty to be imposed in the Tamil-speaking northern province for illegal possession and transport of arms.

In a cable of 28 August 1981, AI expressed grave concern about the extension of offences under which the death penalty could be imposed. Although it acknowledged the government's resolve to take measures to deal with violence and killing, it expressed concern that the ordinary rules of evidence had been changed—by putting the onus of proof that possession of firearms is legitimate on the suspect—and that trials can take place without juries. As yet, no death penalties are known to have been imposed under the new laws. No executions have taken place in Sri Lanka since the present government assumed office in July 1977 □

PRISONER 'BADLY BEATEN'

Prison guards in Port-au-Prince's National Penitentiary are reported to have badly beaten Sylvio CLAUDE, President of the *Parti democrat chrétien haïtien*, Haitian Christian Democrat Party, who was sentenced to 15 years' imprisonment with hard labour in August 1981 after being convicted of plotting against the internal security of the state (see October *Newsletter*).

He is reported to have been attacked on 28 September, after he had asked for medical treatment □

GDR Pro-Albanian group held

About 10 members of a pro-Albanian Marxist-Leninist group—including Andreas BORTFELD, a mathematician, and Manfred WILHELM, a mechanic—who were arrested on 19 March 1981 are facing charges in connection with the production and distribution of material critical of communism as practised in the German Democratic Republic (GDR).

The material included a newspaper entitled *Roter Morgen*, Red Morning, and some leaflets criticizing military education in schools and expressing support for striking trade unionists in Poland.

Other GDR citizens are believed to be in prison for supporting Polish trade unionists or for discussing the possibility of similar trade union reforms in the GDR. These include Wilhelm KOCH, a doctor from Weimar, and Thomas EISENBLATTER, a university lecturer from Strehla, near Dresden, both serving prison terms reportedly for sending money to the Polish trade union *Solidarnosc*, Solidarity □

Ethiopia Freedom for 500 prisoners

It is now known that over 500 prisoners were released in Ethiopia in an amnesty marking the seventh anniversary on 12 September of the 1974 revolution. (See October 1981 *Newsletter*). Details have not been officially published but it is believed that about a third of those freed were political detainees arrested in 1974 or soon afterwards.

Among those released were the former Imperial Court Minister BERHANE MESKAL Wolde Selassie; a former Minister of Mines, TESHOME Gebre Mariam; the former Senator and Administrator-General of the Ethiopian Orthodox Church ERMIAS Kebede and Bishop PAULOS. They included also former Governor of the National Bank TAFARRA Degueffe; a university lecturer, BAHRU Zewde, and several army and air force officers (mostly Eritrean) who had been held in the Fourth Army Division Headquarters.

However, most of the prisoners known to AI were not among those released □

In a bid to help end the mass executions in Iran, AI has asked the government to receive an AI mission to Tehran for talks with Iranian leaders

Iran executions average 450 a month

More than 1,800 people were executed in Iran in the less than four-month period from 20 June 1981 to 12 October, according to figures compiled by AI.

In the whole of 1980 there were 1,229 known executions throughout the world, including 709 in Iran.

Since the February 1979 revolution more than 3,350 people have been executed in Iran. This figure, which is based on reports which have become known outside the country, must be regarded as a minimum. Opposition sources say the total is much higher.

The latest execution figures include 127 people described as "leftists" who were executed in various cities during the weekend of 3 to 5 October 1981. Among them was a son of Ayatollah Ali Golzadeh GHAFURI, a member of parliament. Another son of his had been executed in September 1981.

In a news release on 12 October, AI disclosed that it was asking the government to receive an AI mission to



A member of the left-wing Mujahideen organization, hanged by the authorities in September in front of other prisoners.

Tehran for talks with Iranian leaders in an effort to stop the mass executions in Iran. AI has asked the Prime Minister, Ayatollah Mohammad Reza MAHDAVI-KANI, to agree to a visit by a delegation.

AI believes that Iran's mass executions are in violation of its obligations under international law. The International Covenant on Civil and Political Rights, ratified by Iran on 24 June 1975, provides for the right of a defendant to have adequate time and facilities to prepare a defence and to be able to appeal to a higher tribunal. In Iran, however, executions appear to have taken place immediately after sentence, and in some cases without any formal trial.

The use of the death penalty in Iran is difficult to reconcile with United Nations General Assembly Resolution 35/172 on arbitrary or summary executions. This resolution urges member states "to guarantee the most careful legal procedures and the greatest possible safeguards for the accused in capital cases" and "to provide that no death sentence shall be carried out until the procedures of appeal and pardon have been terminated and, in any case, not until a reasonable time after the passing of the sentence in the court of first instance".

Although there is a high level of violence in Iran, this cannot be a

reason for the suspension of fundamental human rights which Iran is required to provide its citizens under international law. Under the International Covenant on Civil and Political Rights, no derogation under any circumstances is possible from the right to freedom of thought, conscience and religion or the right of a person not to be arbitrarily deprived of life. AI believes that the use of the death penalty cannot be justified by a threat to the social order or by an unproved "deterrent" effect.

• During the reign of the late Shah, before the revolution, AI persistently called for public pressure to halt torture, executions and other abuses of human rights in Iran. Among those whose rights it defended were people who went on to become leaders in the Islamic Republic established since the revolution □

Bangladesh Army officers are executed

The 12 army officers condemned to death by a military court for their part in the death of President Ziaur RAHMAN in last May's attempted coup were executed early on 23 September 1981 (see October Newsletter).

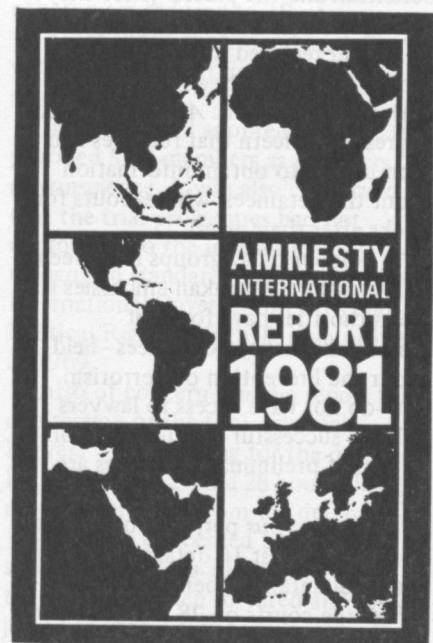
The day before, the Bangladesh Supreme Court had rejected their appeals against the military court's verdict, saying it had no jurisdiction to interfere. The court gave its ruling after a five-day hearing.

The executions are reported to have been carried out in five prisons throughout Bangladesh; the families are said to have been told to collect the bodies.

Mexico

Continued from page 1

border at Arroyo Negro, department of Campeche, on 11 May 1981. They are said to be held at the Guatemalan military camp in Camojaño, La Democracia, department of Huehuetenango □



AI's latest report, covering more than 100 countries, will be published on Human Rights Day, 10 December; price £5.00; available from national sections and address given below.

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amnesty international supplement

As part of its worldwide campaign on "disappearances" due to begin in December, AI is focusing attention on 67 missing children in Argentina—some "disappeared" with their parents after raids by the security forces, others born in captivity to women pregnant at the time of their abduction. Their cases have been allocated to AI groups all over the world to support endeavours by the 'Abuelas de Plaza de Mayo', Grandmothers of the Plaza de Mayo (in Buenos Aires), to locate their grandchildren. In September 1981 the grandmothers presented an extensive dossier on each case to the United Nations Working Group on Enforced and Involuntary Disappearances, having expressed their fear that the Argentine Government would shortly amend the adoption laws, the effect of which would make the search for the missing children more difficult. During October the grandmothers and the 'Madres de Plaza de Mayo', Mothers of the Plaza de Mayo, organized a series of activities aimed at the "aparición con vida de los detenidos-desaparecidos", the reappearance, alive, of the "disappeared" prisoners.

The missing children of Argentina

After searching for her two little granddaughters for two and a half years, Maria Laura IRIBAR de Jotar finally traced them during a visit to a juvenile court in the province of Buenos Aires—just as adoption formalities were being completed with the family who had been looking after them.

That was in March 1980. The grandmother had last seen the children—Tatiana, then aged four years, and Laura, then two months—together with their parents on 17 October 1977, the day they had "disappeared", victims of the Argentine armed forces' policy of secret kidnappings.

Found crying

A week after their parents' "disappearance" Tatiana and Laura had apparently been found crying in the street. Although Tatiana was able to give her name, she and her sister were registered in separate orphanages as "NN"—name unknown. No attempt was made to locate the family.

In 1978 the pair went to live with the married couple that eventually adopted them—but it was not until 19 March 1980 that their grandmother could be certain they were still alive, when she paid a routine visit to the offices of Judge BASSO in the Juvenile Court of San Martin, Buenos Aires Province.

Now she is allowed to visit her grandchildren. Their parents, Mirta Graciela BRITOS and Alberto Javier JOTAR, are still on the lists of the "disappeared".



Tatiana RUARTE Britos was four when she and her two-months-old half-sister, Laura, were found crying in the street after being abducted with their parents in October 1977. Their grandmother's long search for them ended in March 1980—just as they were being adopted.

For other grandmothers in Argentina the search continues—for grandchildren whom they too last saw before the parents were abducted by the security forces, and for others they have never seen. . . because the children were born in secret detention centres during their mothers' captivity.

At least 53 pregnant women are known to have been detained since the military coup of 1976 in Argentina—and at least 14 small children were seized with their parents.

According to AI's information, only one of the parents detained with their children has ever been seen again: Sara MENDEZ, a Uruguayan citizen, whose

20-day-old baby, Simon, was snatched from her soon after she was arrested at her flat in Buenos Aires on 13 July 1976. Transferred to Uruguay with over 60 other Uruguayans arrested that year in Argentina, she reappeared in the women's prison of Punta Rieles. When the then British Ambassador visited the prison in 1977, she appealed to him to find her baby. But, like other children, Simon had "disappeared". (AI learned in mid-October that Sara Méndez had been released in March 1981.)

Grandparents believe that most of these missing children have been placed for adoption, often with military families. In desperation, some relatives have placed newspaper advertisements appealing for news of missing babies.

The mothers of a young married couple, Roberto and Patricia TORANZO, placed this advertisement in the daily *La Nación*:

Court appeals refused

"It is over a year since our children failed to return home. Our denunciations have been shelved. Our court appeals refused. Our children are hard-working and studious. She is a teacher, he is a technician and engineering student. . . . Patricia was expecting a child. . . ."

"We want to know where it is. What has been done with it? How it is being brought up? What future is reserved for it?"

Continued on back page

More pictures of children missing in Argentina on centre pages.

MISSING IN ARGENTINA



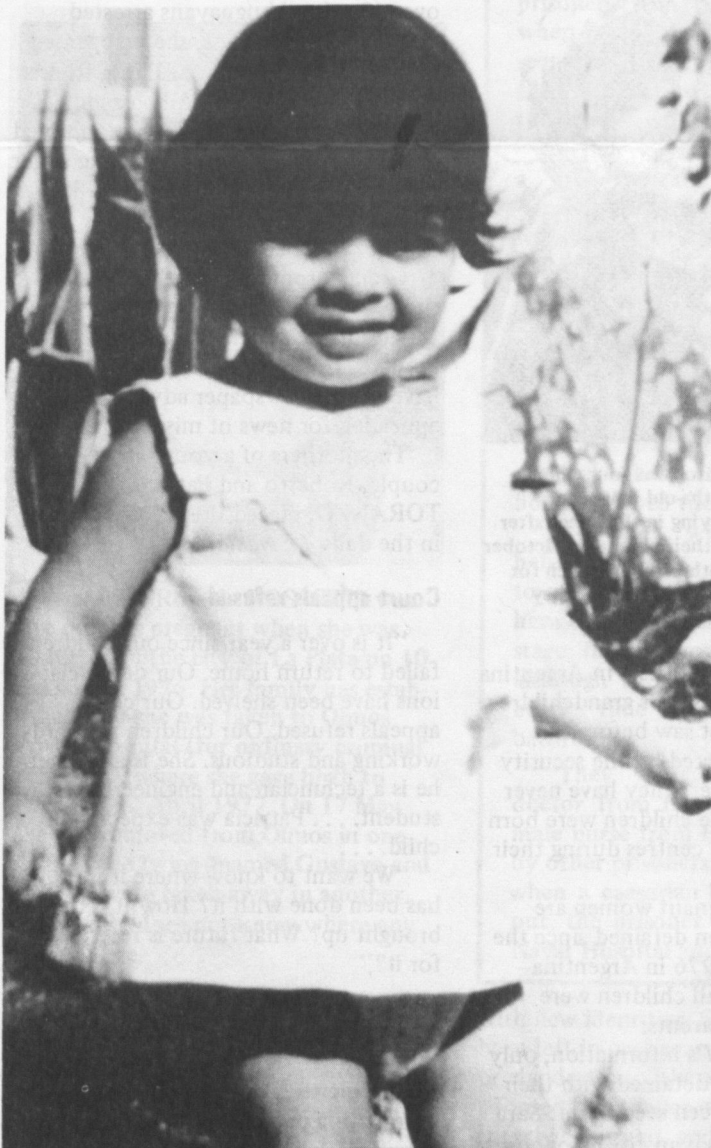
Mariana ZAFFARONI Islas was 18 months old when she "disappeared" after security forces raided the Buenos Aires home of her parents, Uruguayan exiles, on 27 September 1976.

These are some of the children and mothers missing in Argentina. The families of the children shown here have been unable to trace them since they and their mothers "disappeared" in 1976 and 1977. In other cases, women pregnant at the time of their abduction are report-

ed to have given birth to babies in captivity—but the whereabouts of both mothers and babies remain unknown to the families. As part of its worldwide campaign on "disappearances" due to begin in December, *AI* is focusing attention on 67 missing children in Argentina.

Treatment of pregnant women

"The fact that a woman prisoner was pregnant never led to her getting any sort of consideration under torture. Those who did not lose their babies on the torture tables, having survived the interrogation stage, were thrown into the cells under the same conditions as the rest. . . . When their pregnancy was very advanced, they were admitted to the infirmary and were given a little more food. They were given a layette for the baby, stolen in other operations. When there were only a few days left before the delivery, they said that they were taking them away to the Military Hospital." From testimony on secret detention camps given to *AI* by two former prisoners.



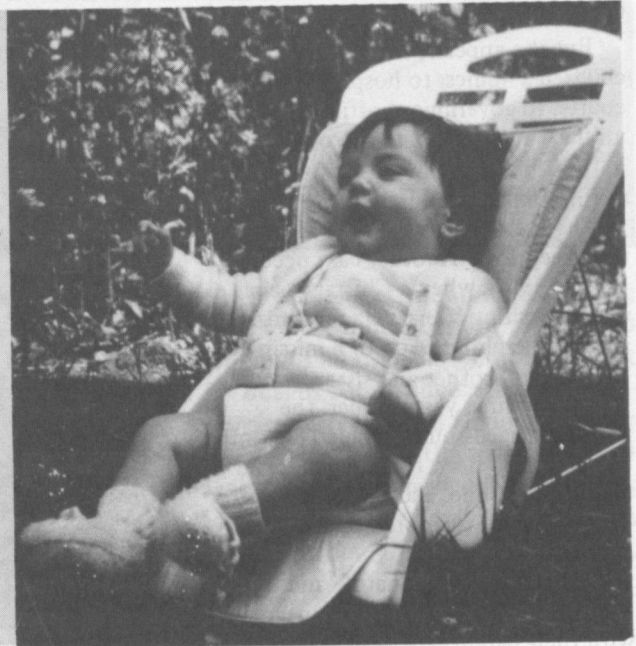
Astrid PATIÑO Caravelle was three when she and her mother, Gabriella, were abducted in Córdoba on 20 April 1976.



Stella Maris MONTESANO was seven months pregnant when she and her husband were abducted from their home in La Plata on 16 October 1976. She is reported to have given birth to a baby boy—called Martín—in detention on 5 December.



Clara Anahi MARIANI was three months old when she "disappeared" after security forces raided her parents' home in La Plata on 24 November 1976. Her mother was killed.



Jorgelina PLANAS was three and a half when her mother, Christina, was abducted in May 1977. She was handed over to the children's court in Lomas de Zamora, Buenos Aires province, but later taken away by an air force officer and allegedly given to a family for adoption.



Monica Edith de FORD was two months pregnant when she and her husband, Efraim Alejandro Ford, were abducted in La Plata on 11 May 1977. The baby was due in January 1978.

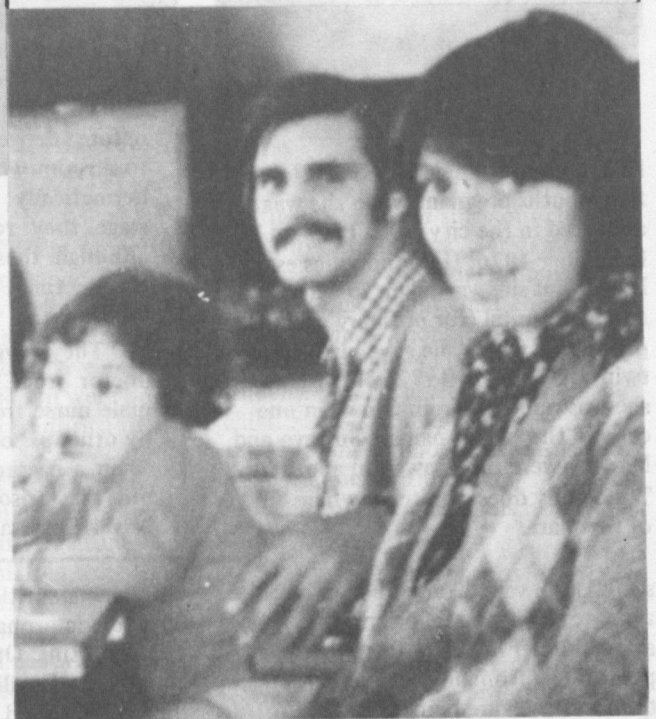


Ana Laura HISI Pineda was seven months old when she "disappeared" with her mother, Viviana Nelida de HISI, in Buenos Aires on 15 October 1976.

CHILDREN IN SECRET CAMPS

"One day while I was washing plates, they took me to wash diapers and rubber pants. . . I realised that there were children on the other side from where we were. At that time I heard the voice of children of about four years of age, asking why their parents had those things [hoods] on their heads. I asked the guard how it was possible for children to be there. He said. . . they had been brought with their parents because there was no place to leave them. However, they were going to be taken away the next day." From testimony of Estela CORNALEA de Falicoff to the Inter-American Commission on Human Rights, published April 1980.

Paula Eva LOGARES was born in Buenos Aires on 10 June 1976. She was 23 months old when she "disappeared" on 18 May 1978, kidnapped with her parents, Claudio Ernesto LOGARES and Mónica GRINSPON, in a street in Montevideo, a year after the family had taken refuge in Uruguay.



Continued from page 1

But the appeals, the pilgrimages to children's homes, to hospitals, to the courts, to government offices, to the military authorities, to the police stations, to the Church, have all failed to find the lost children.

The Jotar-Britos children are among the exceptions. Another case occurred in June 1979, when a Chilean social worker visiting Venezuela recognized a magazine photograph of a missing Uruguayan brother and sister.

Nearly three years earlier, the boy, then aged four, and his 18-month old sister had been found abandoned in Valparaiso, Chile, and taken into care. They were later adopted by a dentist and his wife.

The children are Anatole and Victoria JULIEN, who "disappeared" with their parents when security forces invaded their home in Buenos Aires on 26 September 1976. They had been taken across the border and left in Chile. They have now been reunited with their grandparents.

The great majority of grandparents, uncles, aunts, brothers and sisters, have



Liliana Irma Ross de ROSSETTI was five months pregnant when she was abducted in the city of La Plata on 10 December 1976. Her family has established that she was taken to Olmos Prison Hospital (for ordinary criminal prisoners), where she gave birth to twins on 22 April 1977. On 17 May she was removed from Olmos in one car and the twins—named Gustavo and Martin—were taken away in another. The family does not know where any of them are.

searched in vain. They must endure the agony of knowing that perhaps not far away, cut off not only from their parents but from all their family links, these children are being brought up



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The *Escuela Mecánica de la Armada* (ESMA), the principal naval training college in Buenos Aires, which has been used as a detention centre for abducted prisoners. The following account of births to women prisoners who had been pregnant when they were seized by the security forces was given to AI by three women who were detained there.

"When we arrived at ESMA, in a part of the building called 'Capucha', 'Hood', there were many women expecting the birth of their children. . . Some of them came from the other security forces—Aeronautics, Federal Police, the Army in Córdoba, Mar del Plata Naval Base; others were ESMA's own.

"They did not escape torture despite their condition. Their bodies showed the marks.

"To start with, a few days before delivery, they were taken to a room where the windows were hermetically sealed. At a later stage they removed the shackles, although these had to be replaced every time they went to the bathroom.

"They were attended by a doctor from the Naval Hospital, a male nurse from ESMA, and helped by other prisoners. On one occasion when a caesarian had to be carried out, the prisoner was taken to the Naval Hospital and returned immedi-

ately after giving birth.

"After the baby was born, the mother was 'invited' to write to her relatives who would presumably take the child away. The victim was then immediately 'transferred': [removed to another detention centre, or even killed]; the little one stayed behind, in the care of another pregnant prisoner. Then they took it away.

"Rear-Admiral Rubén Jacinto CHAMORRO personally accompanied visitors—usually from Navy High Command—around the place where the pregnant prisoners were kept, joking about the 'Sarda' [the best known maternity hospital in Buenos Aires] that they had set up in this prison camp. . . .

"From the moment of arrival, the fate of both was sealed: for the mother, 'transfer', for the child, an uncertain future. Under no circumstance could it be handed over to relatives, as it would be living proof of the mother's fate. We took it that the Naval Hospital had a list of couples, of the navy, who could not have children and who were willing to adopt the children of disappeared or dead prisoners. This list was in the keeping of a gynaecologist at the hospital.

"It is therefore not difficult to work out what might have happened to the children born at ESMA. What is certain is that they were not given to their relatives."

with new identities. Some may have been left in orphanages, either official or clandestine. Others may have been adopted by families who do not know their background, and many may have

been taken by military families who know very well who their parents were □

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