

# AMNESTY INTERNATIONAL



**REPORT**

**1989**

**AMNESTY  
INTERNATIONAL  
REPORT  
1989**

This report  
covers the period  
January to December  
1988

**Amnesty International** is a worldwide movement independent of any government, political persuasion or religious creed. It plays a specific role in the international protection of human rights:

- it seeks the release of prisoners of conscience. These are people detained for their beliefs, colour, sex, ethnic origin, language or religion who have not used or advocated violence;
- it works for *fair and prompt trials* for all *political prisoners*;
- it opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

**Amnesty International** is impartial. It does not support or oppose any government or political system, nor does it support or oppose the views of the prisoners whose rights it seeks to protect. It is concerned solely with the protection of the human rights involved in each case, regardless of the ideology of the government or the beliefs of the victim.

**Amnesty International**, as a matter of principle, condemns the torture and execution of prisoners by anyone, including opposition groups. Governments have the responsibility for dealing with such abuses, acting in conformity with international standards for the protection of human rights.

**Amnesty International** does not grade governments according to their record on human rights: instead of attempting comparisons it concentrates on trying to end the specific violations of human rights in each case.

**Amnesty International** acts on the basis of the United Nations Universal Declaration of Human Rights and other international instruments. Through practical work for prisoners within its mandate, Amnesty International participates in the wider promotion and protection of human rights in the civil, political, economic, social and cultural spheres.

**Amnesty International** has more than 700,000 members, subscribers and supporters in over 150 countries and territories, with over 3,985 local groups in more than 60 countries in Africa, the Americas, Asia, Europe and the Middle East. Each group works on behalf of prisoners of conscience in countries other than its own. These countries are balanced geographically and politically to ensure impartiality. Information about prisoners and human rights violations emanates from Amnesty International's Research Department in London. No section, group or member is expected to provide information on their own country, and no section, group or member has any responsibility for action taken or statements issued by the international organization concerning their own country.

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**This report documents Amnesty International's work and its concerns throughout the world during 1988.** The absence of an entry in this report on a particular country does not imply that no human rights violations of concern to Amnesty International have taken place there during the year. Nor is the length of a country entry any basis for a comparison of the extent and depth of Amnesty International's concerns in a country. Regional maps have been included in this report to indicate the location of countries

and territories cited in the text and for that purpose only. It is not possible on the small scale used to show precise political boundaries, nor should the maps be taken as indicating any view on the status of disputed territory. Amnesty International takes no position on territorial questions. Disputed boundaries and cease-fire lines are shown, where possible, by broken lines. Areas whose disputed status is a matter of unresolved concern before the relevant bodies of the United Nations have been indicated by striping.

# Amnesty International Report 1989

## ERRATA

### *Work with international organizations*

**Page 22**, lines 12-13 should read: bringing the total to 43

**Page 22** line 18, should read: only 10 had ratified

**Page 22**, line 19, should read: 11 of the 43 states

**Page 26**, line 27, should read: Nine member states of the Council of Europe—Ireland, Italy, Luxembourg, Malta

### *Africa*

**Page 68 (Mauritania)**, first column, line 27: detainees should read defendants

### *Asia*

**Page 181 (Kampuchea/Cambodia)**, first column, line 19: September should read July

**Page 193 (Pakistan)**, second column, lines 2-3 delete: and one by the Federal *Shari'a* Court

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## INTRODUCTION

Tens of thousands of people were deliberately killed in 1988 by government agents acting beyond the limits of the law. They were victims of executions that evaded the judicial process.

Killing grounds were many and varied. Some alleged opponents of governments, or people targeted because of their religion, ethnic group, language or political beliefs were killed in full public view; others in secret cells and remote camps. Some victims were shot down near battlefields, others in mosques and churches, hospital beds, public squares and busy city streets. Prison cells and courtyards, police stations, military barracks and government offices were all sites of political killing by agents of the state. Many people were killed in their own homes, some in front of their families.

Victims were assassinated by snipers, blown up by explosive devices or gunned down in groups by assailants using automatic weapons. Others were stabbed, strangled, drowned, hacked to death or poisoned. Many were tortured to death. In Colombia, Guatemala, El Salvador, Syria and the Philippines victims were often severely mutilated before they were killed. Their bodies were burned or slashed, ears and noses were severed and limbs amputated.

A state of armed conflict was frequently the pretext, as well as the context, for government campaigns of extrajudicial execution against those they considered undesirable. Warfare makes it easier to evade accountability: not only is access by independent observers limited but the dead can be characterized as combatants killed in encounters or as the unavoidable civilian casualties of war. In Afghanistan forces of the Afghan Government and the USSR summarily killed civilians and captive guerrillas. In one incident a mosque was demolished, killing nine of the 12 captured guerrillas held within. In Ethiopia troops combating guerrilla movements in Eritrea and Tigray carried out mass executions of civilians accused of supporting the guerrillas. On one occasion hundreds of people were reportedly forced into a shallow ditch and then crushed by army tanks. In Burma measures to control the people in areas of insurgency included instant, illegal executions of those found outside their communities or in possession of quantities of food or other goods. In Peru massacres and summary executions largely replaced imprisonment and trial by the courts in counter-insurgency zones under the control of the military.

Many people became victims simply because they lived in an area where the population as a whole was seen as the enemy. In Iraq the Kurdish population was attacked with chemical weapons; survivors were arrested and summarily executed – in one town over 1,000 executions were reported. In Somalia government forces bombarded and strafed fleeing refugees in the north, killing thousands, and executed hundreds of other members of the Issaq clan, which was associated with a guerrilla opposition movement.

In Sri Lanka, both Sri Lankan and Indian troops used deliberate killings of non-combatants in their efforts to suppress armed opposition groups. They

were also responsible for “disappearances” – secret, unacknowledged arrests which often resulted in execution.

Mass killings were also carried out outside the immediate context of armed conflict. In Burundi tensions between the dominant Tutsi minority and the Hutu community – which makes up over 80 per cent of the population – led to the reported massacre by Tutsi-dominated troops of thousands of unarmed Hutu. In Guatemala people were killed each month for their political beliefs. During the 1980s tens of thousands of Guatemalan civilians have been killed by agents of the government’s security services. Among those executed, apparently because they were deemed subversive, have been teachers, community leaders, trade unionists, human rights workers and peasant farmers active in community life.

In many countries prisoners died as a consequence of torture. Many governments used methods of torture that were inherently life-threatening, such as beating, electric shocks, drugs, immersion and hanging. In 1988 deaths after torture were reported in Turkey, El Salvador, Indonesia, Iraq, China, Syria and Burma.

Some prisoners died as a result of deliberate neglect – by being denied medical attention, by exposure, or from starvation. In Chad a journalist held in secret detention without charge reportedly died as a result of illness brought on by harsh conditions and ill-treatment. In Mauritania four political prisoners in the remote desert prison of Oualata also died after being held in harsh conditions. In Burma at least 41 students arrested during demonstrations suffocated to death in a police van.

Not all victims of extrajudicial execution were formally in custody when they were killed, although all were under the state’s control. Some were marched out of their homes at gunpoint and shot dead on their doorsteps; others were shot by government agents who made no attempt to arrest them.

The violence of non-governmental entities often provided the background to extrajudicial executions by government forces. Violent opposition groups and sectarian movements in many countries were responsible for the random killing and maiming of civilians on a large scale and tortured and killed their captives. Many government troops and police involved in these conflicts were themselves tortured or killed after capture or while incapacitated by wounds. The torture and murder of captives by non-governmental groups in Afghanistan, Sri Lanka, Peru, Colombia and elsewhere were a grim part of the context of gross human rights abuse.

As an organization concerned particularly with prisoner-related human rights and dedicated to the abolition of torture and the death penalty, Amnesty International condemns the torture or killing of prisoners by non-governmental groups. It does not, however, treat such groups as though they had the status of governments in the sense of international human rights law. Nor does it address them unless they have the essential attributes of a government, including the exercise of effective power over substantial territory and population. Amnesty International works within the framework of interna-

tional human rights law and with the governments bound by it.

Extrajudicial execution on a large scale often arises in the context of internal armed conflict, inter-communal violence, economic crisis, or even rampant drug-related criminality – and of course international armed conflict. The context is important. But it cannot excuse gross human rights abuse, or justify setting aside the norms of international law concerning governmental obligations to respect human rights. Acknowledgement of the context within which governments resort to torture and extrajudicial execution should never be mistaken or misused to suggest that the particular problems of states may in any way justify gross and persistent abuses of the rights that can never be set aside in time of peace or war. International law does not recognize the argument of necessity to justify the violation of the rights to life and personal integrity through torture and extrajudicial execution.

Early in this century the body of international law evolved to confront the most acute of national crises – that of international war. The norms that crystalized in the four Geneva Conventions of 1949 set limits to the behaviour of governments in war, arguably the most provocative and complex of circumstances. Governments continue, however, to attempt to deflect criticism of murder by their own forces by references to the acute circumstances of internal armed conflict and to the criminal behaviour of non-governmental groups. Domestic crises, whatever their nature, can no more justify the torture and murder of civilians than can the exigencies of international war.

Although governments often explained deliberate killings by saying they were a result of law enforcement or armed conflict, they often made enormous efforts to conceal or destroy evidence of killings and their own responsibility for them. Sometimes they denied that killings had taken place and destroyed all traces of the victims. Corpses were burned, placed in quicklime, buried in secret graveyards or dumped in the sea or in dense jungle. Arrest records were destroyed. In Peru a press exposé of an army massacre of 28 people in the hamlet of Cayara was followed by a campaign to eliminate all evidence of the killings. Graves were dug up and the bodies removed, witnesses were killed and access to the region by independent investigators was severely restricted.

Governments sometimes targeted domestic human rights defenders for liquidation – setting out to kill the people who most effectively monitor, report on and combat human rights abuse. The victims have included leaders of local and national human rights commissions, human rights lawyers and members of religious orders who have worked actively for human rights and have helped dismantle the walls of silence, fear and lies concealing gross human rights abuse. Some have been killed outright – in El Salvador, Guatemala, Colombia, and the Philippines. Others have been the object of persistent death threats or have survived assassination attempts in public places.

Government denials and measures to muzzle or eliminate local witnesses were often combined with efforts to exclude outsiders. In Burundi the authorities denied reports of a pogrom of the Hutu majority and refused to allow

12 an international commission of inquiry to investigate how thousands of civilians had died. The Government of Iraq refused a request by the United Nations Secretary-General to permit on-site investigation of the reported killings of members of the Kurdish population.

Suppression of evidence can extend to silencing a government's institutions established to investigate disputed killings. In India a government-established committee investigating the "disappearance" of several dozen Muslims in 1987 was not allowed to make public its findings, which reportedly implicated the provincial police.

Governments' methods of murder often help them evade accountability. Killings are carried out at night, when the victims are alone, or in remote rural areas where even large-scale troop movements can be undertaken unobserved. In urban areas specialized squads are trained to function in secrecy and are authorized to conduct operations in areas under curfew and police control.

Some of those killed are among the "disappeared", although efforts at concealment may break down. In Colombia, El Salvador, Guatemala, Peru, the Philippines and elsewhere the bodies of "disappeared" prisoners were periodically found in remote mass graves and dumping grounds – in sandpits, overgrown ravines, caves and abandoned wells – or washed up on beaches.

One way for governments to deflect criticism is to attribute responsibility for killings to private citizens "taking the law into their own hands". Assassination may appear more acceptable to the public when represented as the spontaneous action of righteous or zealous civilians compensating for a breakdown in law and order. In Colombia since 1981 the authorities have attributed killings by the security forces to mysterious civilian "death squads" – groups they say cannot be apprehended. Military courts which claim jurisdiction over such cases have refused to take action even when civilian legal authorities have identified police and military personnel as responsible. Governments are often the first to attribute killings of their critics to shadowy "death squads" – although these may exist only in the armed forces' propaganda.

In many parts of the world conventional security services operate jointly with part-time civilian auxiliary services organized in paramilitary formations. Paramilitary forces responsible for extrajudicial executions sometimes have both official status and an identity of their own. Some are built around religious sects – as in the Philippines; some are connected to political organizations – as in the case of Haiti's *tonton macoutes*; some are part of ethnic groupings – as with the forces raised by officials of South Africa's "homelands". Government efforts to distance themselves from their actions can build upon these forces' uncertain status. Governments often deny that paramilitary forces enjoy official status, and may set out their legal basis and regulations in secret decrees. They claim such forces are acting spontaneously in self-defence or against law-breakers.

Civilian militias often provide the framework for part-time irregular

forces to be incorporated into government service. In the Philippines, Guatemala, El Salvador and Peru, official civil defence or civil self-defence militias participate in joint operations with conventional forces. The governments in question evade accountability for routine extrajudicial executions by blurring the official status of the forces involved.

Blaming phantom "death squads", outraged private citizens or inter-communal violence for killings often goes hand in hand with policies to publicize such executions deliberately as a medium of terror. Whole sectors of the population are intimidated by "death lists" naming candidates for imminent elimination and by manifestos pledging annihilation of political critics.

Bodies of victims may be publicly displayed as grotesque tokens of power and symbols of terror. The dead themselves are used to sow terror. They may be placed in public places and hung with posters threatening others; often corpses are grossly mutilated to further intimidate the target population. Mutilation, such as severing hands and feet and destroying faces, also complicates identification. The victim is made anonymous in order to obstruct investigation and to terrify potential victims.

Many deliberate killings occur in the context of law enforcement but are at the margin of the permissible use of lethal force. International legal norms establish principles of necessity and proportionality in the use of legal force, defining the frontiers at which the legitimate use of force shades into unlawful killing and murder. In some countries such norms are routinely violated.

Secret executions after secret, summary trials flout international standards of due process and fair trial. They may blur the distinction between judicial and extrajudicial execution or make it almost meaningless. The terms of reference of the United Nations Special Rapporteur on Summary and Arbitrary Executions acknowledge this. They include deliberate killings by governments with no pretence of judicial process, and those carried out after summary and arbitrary proceedings that do not measure up to international standards for a fair trial.

The refusal of governments to acknowledge secret executions may also extend to executions carried out after secret, summary and arbitrary trials. The killing of more than 1,200 prisoners in Iran in late 1988 was summary and arbitrary – but government secrecy has made it impossible to determine whether some form of trial preceded them or if they were carried out without any recourse to the judicial process.

Assessing whether killings carried out in the context of crowd control and against violent opposition groups are lawful may depend on whether official policies on the use of lethal force comply with international legal standards. Orders issued to security personnel were in question in many countries in which unarmed civilians were shot dead during demonstrations in 1988. They included Israel and the Occupied Territories, where over 300 Palestinian civilians were killed; Algeria, where at least 176 demonstrators died; Tibet, where armed Chinese police killed dozens of pro-independence demonstrators; Burma, where troops normally assigned to counter-insurgency

14 operations killed hundreds of demonstrators calling for an end to military rule.

Circumstances of killings by government personnel have often been disputed, such as those in the 1988 shooting of three unarmed members of the Irish Republican Army group in Gibraltar by United Kingdom security forces. Sometimes there is no clear political background – as in the killing of suspected criminals by law enforcement officials in Venezuela, and of over 100 villagers during operations against cattle rustlers in Madagascar in mid-1988. But whenever individuals are deliberately killed by government agents, the cause and circumstances require independent, impartial evaluation. The same standards of evaluation should apply regardless of the nature of the government involved or the apparently unique character of a disputed killing.

Determining the circumstances of killings and whether they were in violation of international standards may require an assessment of post-mortem, inquest and inquiry procedures. A first step is to ensure effective and public inquiries into all suspicious deaths at the hands of government agents.

International awareness of extrajudicial executions as a major human rights issue has grown dramatically in the 1980s. The strengthening of human rights monitoring at a local level in many countries and concerted efforts by international human rights organizations – both governmental and non-governmental – have helped turn this awareness into action.

The United Nations Commission on Human Rights has developed important mechanisms to counter extrajudicial executions. Its Special Rapporteur's brief on summary and arbitrary executions covers the full range of extrajudicial executions and those killings at the fringe of legality – executions that follow sham trials and trials in which inadequate safeguards for fairness make a mockery of justice. The Commission's Special Rapporteurs and Representatives appointed to deal with particular countries have confronted the crisis of deliberate political killings head-on, notably in Afghanistan, El Salvador and Iran. Its Working Group on Enforced or Involuntary Disappearances has investigated thousands of cases of "disappeared" prisoners, showing that many of the "disappeared" have been secretly executed. However, the Commission has balked at subjecting to the scrutiny of a Rapporteur the extreme situations in Colombia, Iraq and Peru, despite the copious testimony it has received from Amnesty International and others about these situations. Moreover, too many countries simply ignore the approaches of the Special Rapporteur on Summary and Arbitrary Executions and the Working Group or fail to act on their recommendations.

The 1980s have been marked by an extraordinary level of mass killings and individual assassinations by government forces and by a significant change in the way they are viewed by international public opinion. The international community receives more and better information and is readier to cut through the fog of secrecy and deceit that cloaks illicit government actions.

It is common practice for governments to attribute state-sponsored killings to independent "death squads", vigilantes or uncontrollable intercommunal violence but it is increasingly obvious that this may merely be a device to

deflect public criticism from those in authority.

Killings continue but the fact that reports of extrajudicial executions now rapidly become known around the world is a new element in international relations. In the 1990s the impact of public opinion and the remedial action of the international community should make it more difficult for governments that aim to carry out killings which are murder by any other name.

## AMNESTY INTERNATIONAL – A WORLDWIDE CAMPAIGN

A Soviet lawyer, a South African church worker and a Ugandan human rights activist were among the thousands of prisoners of conscience who spent New Year's Day 1988 in prison or exile. Ukrainian lawyer Levko Lukyanenko, who belonged to an unofficial group monitoring human rights in the Union of Soviet Socialist Republics (USSR), spent 10 years in jail before beginning his sentence of internal exile. Lance Seera Muwanga, a leading Ugandan human rights activist, was arrested in February 1987. Ntombazana Botha, who was a South African human rights worker assisting families of detainees, had been in jail since March 1987.

However, these three prisoners were more fortunate than many. By New Year's Day 1989 they were free. Their cases had been widely publicized during Amnesty International's 1988 Human Rights Now! campaign.

In 1948 the world's governments committed themselves to the Universal Declaration of Human Rights. Forty years on, the campaign to tell people about their rights and to demand that governments maintain their commitment to basic human rights was stepped up. Millions of people from all over the world saw this 40th anniversary as an opportunity to call for Human Rights Now!

Amnesty International's Human Rights Now! appeal brought an urgent message from ordinary people to the United Nations, to their own governments and to other governments around the globe. It called on governments to protect people who speak out in defence of human rights, to ratify international human rights treaties and to act for worldwide human rights protection.

"It is true that the responsibility for the protection of human rights rests primarily with governments," UN Secretary-General Javier Pérez de Cuéllar told an Amnesty International meeting at the UN headquarters in October. "Nevertheless," he continued, "the preamble of the Universal Declaration of Human Rights rightly tells us that every individual and every organization of society must strive by teaching and education to promote respect for human rights and freedoms, and to secure their universal and effective recognition and observance." The Secretary-General maintained that this was "an obligation which devolves on all of us. No opportunity is too small and no hour too late to fulfil it."

With this responsibility in mind, in December Franca Sciuto, Chairperson of Amnesty International's International Executive Committee, and Secretary

General Ian Martin, presented the Human Rights Now! appeal to Javier Pérez de Cuéllar. It had been signed by more than 3 million men, women and young people from over 130 countries.

International rock musicians Bruce Springsteen, Sting, Peter Gabriel, Tracy Chapman and Youssou N'Dour supported the campaign goal of worldwide human rights awareness, performing for more than a million people in 19 countries during the Human Rights Now! concert tour. Joined in each location by artists of national renown, they called on young people to stand up for their own human rights and the human rights of others throughout the world. Nationwide audiences in over 50 countries viewed a broadcast of the concert tour on International Human Rights Day, 10 December.

The appeal linked people from all walks of life and from all regions of the world, giving new strength to the international movement for human rights. Police officers in Ghana, members of an Esperanto-language association in China, staff reporters from Radio Bangladesh, Colombian banana workers, a retired chief justice in India and several prisoners on death row in Jamaica - all these and many more were joined by world leaders, politicians and community organizers as each person signed the appeal.

Following the tour there was a significant increase in interest in the work of Amnesty International. Membership rose in a range of countries that included Argentina, Brazil, Costa Rica, Greece, India, Italy, Japan and Spain.

Being part of the human rights movement means keeping up the pressure on governments to end abuses, even when results are not immediately apparent. What motivates people is the knowledge that individual victims are waiting for help and that something can be done.

Sita Ram Maskey, a teacher of deaf children in Nepal, was detained by the police in May 1987. He had tried to organize a protest against the sale of Polish milk powder contaminated by the Chernobyl nuclear explosion. Several times during the concert tour Sting appealed for Sita Ram Maskey's release from prison. On 29 October he was freed.

Amnesty International fights for individuals such as Sita Ram Maskey in many ways. Its strength lies in the thousands of individuals who have joined the fight: people from different countries and backgrounds, young and old, who are prepared to use their spare time to write letters and to organize publicity on behalf of those whom governments attempt to silence.

Many of these individuals work through a local Amnesty International volunteer group. By the end of 1988, there were 3,985 such groups throughout the world. It was local groups who were the driving force during the Human Rights Now! campaign. Campaigning by local groups in Sierra Leone resulted in one in every thousand people in the country signing the appeal for worldwide human rights protection. Just one group in Colombia collected nearly 40,000 signatures for the appeal. In Sudan groups arranged the launch of the campaign by the Deputy Governor of the central region, an Amnesty International exhibition and lectures and seminars on human rights.

Groups campaign on numerous fronts. They send letters and telegrams on

behalf of prisoners at immediate risk of torture or execution, or in need of urgent medical care. Letters sent by members of the Urgent Action network helped secure the release of a former Deputy Minister of the Interior of Thailand, convicted of "lese majesty" for opinions expressed in an election campaign speech. Within a month of his detention he was granted a Royal Pardon and released. In Africa, a rapid response by network members helped save the life of a 17-year-old Nigerian boy who was condemned to death for armed robbery. His sentence was commuted to a prison term "in response to an appeal by Amnesty International and other voluntary philanthropic organizations", according to a Nigerian official. In Peru, an American anthropologist was rearrested on the same charges of terrorism of which she had recently been acquitted and released. As she had expressed publicly her concern for human rights abuses in Peru, Amnesty International believed she had been arrested for the non-violent expression of her opinions and not for any terrorist activities. An Urgent Action was initiated and within less than two weeks she was released. During 1988 Amnesty International issued over 400 Urgent Action appeals on behalf of more than 1,900 prisoners in over 74 countries.

Groups also "adopt" prisoners of conscience – that is, people imprisoned solely because of their beliefs, sex, ethnic origin, language or religion and who have neither used nor advocated violence. They campaign for the immediate and unconditional release of these prisoners. In addition, groups may work on "investigation" cases – prisoners about whom Amnesty International has insufficient information to confirm their status as prisoners of conscience. In order to protect Amnesty International's impartiality no group is asked to work on a case in its own country.

Groups often write to officials urging them either to charge the prisoner with a recognizably criminal offence and give him or her a fair and prompt trial, or to release the person. Local groups worked on behalf of more than 3,000 people under adoption or investigation as prisoners of conscience in 1988. These prisoners were held in 84 countries.

When Amnesty International launches large-scale campaigns to publicize human rights violations in individual countries, local groups marshal their creativity and resources to put pressure on the authorities responsible for abuses. Campaigns are marked by a diversity of activity.

During the Turkey campaign events ranged from a documentary on torture shown on national television in the UK and other countries to leaflets placed in a chain of supermarkets in Denmark, and to a travelling exhibition and petition in Sudan. Some sections sought to raise concern among local police, sending out information, suggestions for action and copies of the UN Code of Conduct for Law Enforcement Officials, with the encouragement to write to police in Turkey. Several European sections were successful in asking members of parliament who attended the North Atlantic Parliamentary Assembly, in November, as well as others active in the Council of Europe, to raise human right concerns with their Turkish counterparts.

The campaign on Brazil was characterized by a high degree of contact with

other voluntary organizations, such as environmental and minorities' rights groups. Local Amnesty International groups were in touch with members of trade unions, church and lawyers' groups in an effort to raise awareness of the human rights violations suffered by their counterparts in Brazil. Campaign tactics also included sending a letter outlining Amnesty International's concerns and recommendations to local, municipal and state authorities in Brazil. Thousands of letters were sent out by dozens of sections from Macau to Malta, from Costa Rica to Papua New Guinea.

The activities of Amnesty International groups working to help release a prisoner or to stop torture and executions are countless. A long-term perspective is needed, and auxiliary tasks must be done. Fundraising and membership recruitment activities, besides providing much-needed resources for human rights work, are opportunities for informing local communities about urgent human rights concerns.

Not all Amnesty International members belong to a local group. Some campaign as individual members, educating themselves and friends on human rights issues and writing letters on behalf of victims of human rights violations. Others contribute their professional expertise to the work of Amnesty International's legal and medical networks. Members of health professionals' networks in some 30 countries write letters on behalf of colleagues unjustly imprisoned abroad and prisoners who are seriously ill. After years of writing letters to the Soviet authorities about political abuse of psychiatric confinement, the Amnesty International medical network saw its perseverance rewarded. In November members received letters from a senior legal scholar attached to the Ministry of Justice, the first response Amnesty International had received on new laws governing psychiatry.

Amnesty International legal networks have been organized in 42 countries. Lawyers belonging to the networks write letters on behalf of colleagues abroad who are victims of human rights violations, advise local groups on legal issues relevant to their prisoner work, and research human rights legal issues.

Police and military staff in some countries also join in Amnesty International's campaigns. A Dutch group of more than 100 police officers launched a letter-writing campaign to 500 police officers in South Africa. They received several replies, including one from the South African Police and Security Office.

In 43 countries and territories, local group activities are coordinated by an Amnesty International section. Sections also undertake national publicity work and fund-raising programs and translate into their national language the information published by the movement's International Secretariat which serves as a basis for all Amnesty International's actions. Section representatives meet other organizations – such as trade unions, youth groups, women's organizations, religious bodies and political parties – to inform them of Amnesty International's concerns and to request action for human rights protection. They may hold regular meetings with parliamentary committees and government officials to urge that human rights become an important part of foreign policy.

1988 saw an exciting development in the Middle East – the opening of the first section in the Arab world, in Tunisia. With several groups in operation since the beginning of the decade, it had taken eight years of perseverance before the section was able to register legally.

All the work of the members, groups and sections of Amnesty International is based on the facts gathered, documented and analysed at the movement's International Secretariat in London. Its main task is to ensure that Amnesty International members in over 150 countries receive accurate and timely information for effective human rights action. Research teams covering all regions of the world establish networks of contacts, monitor media reports and government statements and undertake fact-finding missions to individual countries.

The International Secretariat disseminates its information not only to members but also to international news media. It publishes reports on current human rights abuses in individual countries and on pervasive patterns of human rights violations. A digest of current human rights news and prisoner of conscience cases for worldwide letter-writing action is provided in the monthly *Amnesty International Newsletter*. During 1988 a major report on use of the death penalty throughout the world was prepared; publication is scheduled for April 1989.

The International Secretariat also communicates with the government authorities in countries where human rights violations take place. It submits information to the United Nations and other intergovernmental organizations, and maintains contact with non-governmental organizations such as international trade unions and human rights organizations.

### **Abolition of the Death Penalty**

Amnesty International is unconditionally opposed to the death penalty and works for its abolition. The organization regularly monitors death sentences and executions around the world and appeals for clemency whenever it learns of an imminent execution.

During 1988, 1,903 prisoners are known to have been executed in 35 countries – the highest number of executions recorded since 1981 – and 1,240 people were sentenced to death in 58 countries. These figures include only cases known to Amnesty International: the true figures are certainly higher. The large increase in executions over the previous year's figure (769) was due to mass executions of political prisoners in Iran from August.

By the end of 1988 over 40 per cent of the countries in the world had abolished the death penalty in law or practice. Thirty-five countries had abolished the death penalty for all offences and 18 for all but exceptional offences, such as wartime crimes. A further 27 countries, while retaining the penalty in their laws, had not carried out any executions for at least 10 years.

Groups of prisoners in several countries had their death sentences commuted. In Pakistan, when Benazir Bhutto became Prime Minister in December, she asked Acting President Gulam Ishaq Khan to commute all death

sentences to life imprisonment; her father, former Prime Minister Zulfikar Ali Bhutto, had been executed in 1979 despite worldwide appeals. The Acting President immediately suspended all executions. In Libya, the General People's Congress adopted a constitutional document setting abolition as an aim of Jamahiri society and Colonel Mu'ammar Gaddafi intervened to commute all existing death sentences.

Moves to reintroduce the death penalty for common crimes were defeated in the Constituent Assembly of Brazil by a vote of 392 to 90, and in the House of Commons (lower house of parliament) of the United Kingdom by 341 to 218.

### **Refugees**

Amnesty International opposes the forcible return of any person to a country where he or she might reasonably be expected to be imprisoned as a prisoner of conscience, tortured or executed. Most of the movement's work in this field is done by Amnesty International sections in the countries where individuals seek asylum. This report covers the work of the International Secretariat, so references to actions taken on behalf of refugees do not fully reflect the work done by Amnesty International sections on behalf of individual refugees faced with being returned to countries where they would be at risk of such human rights violations.

### **Relief**

During 1988 the International Secretariat of Amnesty International distributed £312,057 in relief payments to help prisoners of conscience and their families and to assist the rehabilitation of torture victims. Amnesty International sections and groups sent probably as much again to many thousands of prisoners and their families. This relief program is not a substitute for the primary objective of securing freedom for prisoners of conscience and an end to the use of torture. It aims only to alleviate some of the suffering caused by these human rights violations. When relief payments are distributed by bodies outside Amnesty International or through individual intermediaries, the organization takes care to stipulate the precise purpose of the payments. Amnesty International's relief accounts, like its general accounts, are audited annually and are available from the International Secretariat.

### **Amnesty International's Decision-making and Funding**

Major organizational and program policies are determined by Amnesty International's International Council, the movement's highest decision-making body. Delegates selected by each section meet biennially to establish policy. The Council also elects members of the International Executive Committee, responsible for implementing Council decisions and overseeing the work of the Secretariat.

Amnesty International's funding reflects the movement's independence and its reliance on broad public support. No money is sought or accepted from governments. The hundreds of thousands of donations that sustain the

organization's work come from the pockets of its members and the public. Fund-raising is a responsibility of the movement's groups and sections; there is no central fund-raising program.

A person who joins Amnesty International pays an annual membership fee varying from country to country. Some members also make regular monthly or yearly donations to support the work. In addition, each member personally pays the cost of the many letters, telegrams and, in some instances, parcels that he or she sends on behalf of prisoners throughout the year.

Even major fund-raising drives rely overwhelmingly on the cumulative effect of small donations. Amnesty International members organize street collections in their localities. They arrange film screenings, concerts and other public events that help increase public support and bring in further contributions. Some sections sell promotional items such as key-rings, T-shirts and badges.

A major source of funding in some countries has been found in direct mail programs organized by the sections, whereby literally thousands of people throughout the country are informed of the movement's work and urged to make contributions to Amnesty International.

Increasingly, Amnesty International sections are organizing major events for publicity and fund-raising. These events take the movement's message to large audiences and dramatically broaden the base of financial support.

Other sources of income include donations from foundations and corporations. To preclude the possibility of donors exerting pressure of any kind on the organization, Amnesty International has adopted several basic rules. The first is that no one can make a donation earmarked to support activity on a particular country; donations can only be made to support the work of the organization as a whole or for a broad category of its work, such as its humanitarian relief program or its medical work to assist victims of torture. A second rule precludes any part of the organization, such as a group or section, from accepting a donation likely to exceed five per cent of its anticipated income in any year without prior approval by a higher governing body in the movement. This rule applies to all donations, regardless of their source.

The movement's central bodies and activities rely on income pledged by its sections. The funds to be contributed towards the central budget are determined every two years by the movement's International Council. Amnesty International's budget represents roughly one third of the estimated income likely to be raised by the sections in that year. The funds voted by the section for the budget are supplemented by additional voluntary contributions made by sections which have been particularly successful in their fund-raising.

The international budget is administered under the control of the International Executive Committee. The budget covers the cost of all international initiatives undertaken by Amnesty International, such as missions to individual countries, research into human rights violations, the planning and coordination of global campaign activities, the publication of reports in various languages, an international relief program and the administration and coordination of the movement as a worldwide membership body.

The accounts are audited annually by a firm of internationally known auditors and are subjected to further scrutiny throughout the year by an elected Financial Control Committee that reports to the International Council. Anyone wishing to study the audited accounts for 1988 may obtain a copy free of charge either from the section of Amnesty International in their country or from the International Secretariat.

## WORK WITH INTERNATIONAL ORGANIZATIONS

The year 1988 saw the 40th anniversary of the Universal Declaration of Human Rights, a landmark in the quest for justice. The Declaration has become the basis for human rights standards set by intergovernmental organizations at the global and regional levels: leading examples are the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). However, many states still have to ratify or accede to human rights instruments and even those which have undertaken legal commitments often fail to carry them out.

There was disappointingly little progress on ratification during the year. One state acceded to the ICESCR to bring the number of ratifications to 92. Ratification of the ICCPR remained at 87, although three states acceded to its Optional Protocol – which allows the right of individual petition – bringing the total to 42. Eleven states ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which had previously been ratified by 28 states. A number of states were in the process of amending national legislation which would lead to further ratifications of these instruments but it was striking that of the 43 states which made up the United Nations Commission on Human Rights in 1988 only eight had ratified or acceded to all four of these treaties. At the end of the year 10 of the 43 states had not ratified or acceded to any of them. During 1988 Amnesty International undertook a range of activities aimed at encouraging governments to ratify international and regional human rights instruments.

Among the most effective UN procedures for dealing with human rights violations are the theme mechanisms established by the Commission on Human Rights. These investigate and report on specific cases of human rights violations, including “disappearances”, summary or arbitrary execution and torture. At the 44th session of the Commission the mandate of the Working Group on Enforced or Involuntary Disappearances was renewed for a further two years and, for the first time, the Special Rapporteurs on Summary or Arbitrary Executions, and on Torture were granted two-year mandates – a move which Amnesty International urged in a statement to the Commission. Amnesty International also drew attention to the failure of some governments to cooperate with these procedures: some had failed to provide information requested by the Special Rapporteurs or the Working Group – for example,

Libya and Syria failed to respond to requests from the Special Rapporteurs on Summary or Arbitrary Executions, and Torture respectively. Other states issued blanket denials: for example, Indonesia in relation to summary or arbitrary executions and Sri Lanka in relation to "disappearances". Some governments gave misleading or inaccurate responses: for example, China in relation to killings in Tibet and Turkey in response to allegations of torture.

During 1988 Amnesty International brought to the attention of the Special Rapporteur on Torture cases from 43 countries, including Benin, Burkina Faso, Burma, Chile, China (Tibet), El Salvador, Haiti, Iran, Jordan, Liberia, the Philippines, Somalia, Sri Lanka, Syria and Turkey. It submitted to the Special Rapporteur on Summary or Arbitrary Executions information on cases of extrajudicial execution from countries including Brazil, China, Colombia, Guatemala, El Salvador, Iraq, Peru, the Philippines and Syria, and reported on cases where death sentences were imminent or had been carried out in apparent violation of international minimum standards in countries including Cameroon, Indonesia, Iran, Jamaica, Jordan, Nigeria, Somalia, South Africa and the United States. Information on cases from 15 countries, including Colombia, Peru, the Philippines and Sri Lanka, was submitted to the Working Group on Enforced or Involuntary Disappearances.

The UN's tendency to move away from scrutiny of the human rights situation in individual countries was a matter of concern. Some governments suggested that an appropriate response to problems of "selectivity" – the suggestion that some countries or regions were receiving special attention – was to abandon scrutiny of specific country situations and to rely on the more impartial procedures of the theme mechanisms. Amnesty International argued before the Commission on Human Rights that the proper response should be to ensure scrutiny of all situations serious enough to merit attention and that the reports of the theme mechanisms could be used to identify such countries – for example, Colombia, Peru and Iraq. Amnesty International also urged the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities to resume its role of identifying situations requiring attention by the Commission. The situation in Iraq, where mass executions took place in 1988, demanded that that country come under the scrutiny of the Commission, but a draft resolution to that effect was not adopted by the Sub-Commission.

The tendency of the Commission on Human Rights to abandon scrutiny of some situations in the light of apparently positive political developments was also a matter for concern. In Guatemala, for example, fact-finding gave way to the naming of an expert on "advisory services". Similarly, Haiti had been dropped from consideration under the Commission's confidential procedure for deciding on the existence of "consistent patterns of gross violations of human rights" – the procedure established under Economic and Social Council Resolution 1503. Instead, an expert on "advisory services" had been appointed. The Philippines had also been dropped completely from consideration under the 1503 procedure.

Amnesty International continued to submit information to fact-finding

bodies on individual countries, namely Afghanistan, Chile, El Salvador, Iran, Israeli-Occupied Territories and South Africa. A statement from Amnesty International on Iran was formally circulated to the Commission and the organization made oral interventions on the situations in Israeli-Occupied Territories and in South Africa. It also submitted its information to the experts on Guatemala and Haiti. In addition it sent information to the Secretary-General of the UN for possible consideration under the 1503 procedure on Benin, Brunei, Burma, Chad, Colombia, Honduras, Iraq, Paraguay, Peru, Somalia, Syria, Turkey and Zaire.

Amnesty International made submissions to two Special Rapporteurs named by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities: one on administrative detention, the other on states of emergency. Amnesty International's submission to the Special Rapporteur on Administrative Detention included examples of people detained without charge or trial in Brunei, Ethiopia, Israeli-Occupied Territories, Jordan, Malaysia, Singapore, Somalia, South Africa, Sri Lanka, Uganda and Viet Nam. Information about human rights concerns in over 25 countries was submitted to the Special Rapporteur on States of Emergency. Amnesty International drew particular attention to torture and killings under states of emergency, with examples from Egypt, Jordan, Pakistan, Peru, South Africa, Sri Lanka, Syria and Turkey. Amnesty International also spoke before the Sub-Commission's Working Group on Indigenous Populations about problems of torture, ill-treatment or extrajudicial execution of members of indigenous populations in Brazil, Burma, Colombia and India.

The first meeting of the Committee against Torture, established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, took place during 1988. It adopted rules of procedure for its future activities. Funding of the Committee is the responsibility of states which are party to the Convention Against Torture. Unfortunately, there was only enough money available for one session of the Committee.

Amnesty International continued to submit materials about countries whose periodic reports concerning implementation of the Covenant's provisions were under examination by the Human Rights Committee established under the ICCPR. Representatives of Amnesty International observed each of the Committee's public sessions – it was encouraging to note that an increasing number of individuals active in human rights protection at the national level also observed the Committee's sessions and provided information to Committee members when the report by their government was being reviewed.

Thirteen years after it undertook to draft a Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment, the UN General Assembly adopted a final text. This incorporated a number of elements which Amnesty International had worked to have included, in particular restrictions on the denial to detainees of access to family, friends and a lawyer and the opportunity to appear before a judge.

Further progress towards setting standards took place in the crime preven-

tion sector of the UN. The Committee on Crime Prevention and Control adopted two draft texts for submission to the Economic and Social Council (ECOSOC) in 1989. One laid down detailed principles for the prevention and investigation of extrajudicial executions. The other extended safeguards, already adopted by ECOSOC in 1984, on the rights of people facing the death penalty. The debate at which this text was adopted, however, disclosed a reluctance to reinforce the agreed UN approach to eventual abolition of the death penalty. The Committee also adopted a significant draft on restraints on the use of force and firearms by law enforcement officials. The draft, which spelt out more precisely some of the obligations contained in the UN Code of Conduct for Law Enforcement Officials, was to be submitted to the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders in 1990. A number of Amnesty International's suggestions were reflected in the drafts.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities forwarded to the Commission on Human Rights the text of a draft second optional protocol to the ICCPR aimed at the abolition of the death penalty – a move which had been urged by Amnesty International. The draft had to pass through the Commission and through ECOSOC before reaching the General Assembly for final adoption. Once the protocol was adopted states ratifying or acceding to it would be bound to abolish the death penalty, at least in peacetime.

The Commission on Human Rights also adopted resolutions calling for the release of people detained for the exercise of their rights to freedom of expression, association and assembly. Most prisoners of conscience adopted by Amnesty International would be covered.

In October Amnesty International organized a meeting, in cooperation with the UN Centre for Human Rights, to promote the ratification of international human rights instruments. Held at UN Headquarters in New York, the meeting was addressed by a distinguished panel of speakers: Javier Pérez de Cuéllar, Secretary-General of the United Nations; Simone Veil, former President of the European Parliament; Justice P.N. Bhagwati, former Chief Justice of the Supreme Court of India; Professor Sophia Kelina of the Institute of State and Law, Academy of Sciences of the USSR; Judge Kéba Mbaye, Vice-President of the International Court of Justice; Ambassador Andrés Aguilar, President of the Economic and Social Council and a member of the Human Rights Committee; and Franca Sciuto, Chairperson of Amnesty International's International Executive Committee. Amnesty International's initiative was part of its *Human Rights Now!* campaign to commemorate the 40th anniversary of the Universal Declaration of Human Rights. A theme of the campaign was the promotion of ratifications of major international human rights treaties. Amnesty International wrote to all governments which had not ratified the main human rights instruments or accepted the optional implementation procedures, urging them to do so. A petition organized by the *Human Rights Now!* campaign with over 3,147,085 signatures from 136 countries was submitted to the UN Secretary-General in December. The need to protect human rights defenders, another

theme of the *Human Rights Now!* campaign, was the subject of an intervention at the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Amnesty International continued to submit information to the Committee on Conventions and Recommendations set up by the United Nations Educational, Scientific and Cultural Organization (UNESCO), which examines human rights violations against writers, teachers and others within UNESCO's mandate. Amnesty International drew the Committee's attention to cases in Malawi, Nepal, South Korea, Turkey and the USSR. In April the Secretary General of Amnesty International and another staff member met the new Director General of UNESCO to introduce the organization to him. Amnesty International was also represented at a UNESCO meeting on human rights held in December. Amnesty International continued its membership of the joint Non-Governmental Organizations/UNESCO working group on human rights education.

As in past years Amnesty International attended the International Labour Conference of the International Labour Organisation (ILO) in Geneva as an observer and followed the proceedings of the Conference Committee on the Application of Conventions and Recommendations. This Committee is part of the ILO's supervisory mechanism for the implementation of its conventions. Amnesty International's concerns sometimes coincided with the ILO's under a number of Conventions including No. 87 (1948) concerning freedom of association and protection of the right to organize; No. 98 (1949) on the right to organize and collective bargaining; No. 105 (1957) on the abolition of forced labour; and No. 107 on indigenous and tribal populations (1957). Among the concerns raised by Amnesty International was the extrajudicial execution of Indians in Brazil.

Eight member states of the Council of Europe – Ireland, Luxembourg, Malta, the Netherlands, Sweden, Switzerland, Turkey and the United Kingdom – ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment during the year. This meant that the Convention was due to come into force on 1 February 1989. All remaining member states had signed the Convention. Amnesty International attended a seminar in November with government representatives, independent experts and non-governmental organizations to discuss implementation of the Convention, under which an independent committee may visit all those places under the jurisdiction of the states parties where people are deprived of their liberty and make recommendations for their protection.

The Council of Europe's Committee on Migration, Refugees and Demography of the Parliamentary Assembly examined the increasingly urgent situation of Iranian and Iraqi asylum-seekers who had fled to Turkey in large numbers, especially in the period following the cease-fire in the Iran-Iraq conflict. In November Amnesty International, which has been an observer at the Committee, made a statement about its concerns for the safety of these people, urging that the principle of non-refoulement be strictly observed by the Turkish authorities and calling on the international community to take steps to ensure

the protection of Iranian and Iraqi refugees and asylum-seekers in Turkey.

An 11-member African Commission, the monitoring body established under the African Charter on Human and Peoples' Rights, adopted by the Organization of African Unity (OAU), held three sessions during 1988 – in Senegal, Gabon and Egypt. One of its first tasks was the examination of more than 30 complaints about human rights violations under its confidential procedure for receiving communications. It also drew up an ambitious program of research, information and promotion.

In April Amnesty International was granted observer status with the African Commission. Under the Rules of Procedure adopted at the Commission's second session in February Amnesty International was permitted to participate in public sessions and to cooperate with the Commission in its activities. Regrettably however the Rules of Procedure provided that, in general, the Commission would meet in private session. Amnesty International attended the Commission's fourth session in October and delivered a statement describing its activities and methods and emphasizing the important role that non-governmental organizations could play in the Commission's work.

As a member of the Coordinating Committee on Assistance to Refugees of the OAU Amnesty International attended the 18th annual meeting of the body in Malawi in June and made a short statement highlighting its work on refugees with particular reference to Africa.

In December the European Community's European Parliament formally adopted a Declaration incorporating the text of Amnesty International's *Human Rights Now!* appeal. Other resolutions were passed by the Parliament concerning human rights violations in a number of countries, including Brazil, Burma, Chile, El Salvador, Iran, Turkey, the Republic of Korea and Syria. Amnesty International submitted its information to the European Community – African Caribbean and Pacific (EC/ACP) Joint Assembly under new procedures which were adopted for dealing with individual cases and general situations of human rights abuse. The organization also attended one of the Assembly's sessions in Madrid. The European Commission agreed plans to harmonize asylum policy throughout the Community but information on its specific proposals was not made public. Amnesty International wrote to the President of the Commission and the two Commissioners responsible urging full and open consultation with all interested parties, including non-governmental organizations active in this field.

The Inter-American Court of Human Rights handed down its first judgment in a "contentious case", one brought by the Inter-American Commission on Human Rights against a State Party to the Inter-American Convention on Human Rights, as opposed to an "advisory opinion", which is not automatically binding on States Parties. The Court, which was established under the Inter-American Convention on Human Rights, found that Honduras had violated the Convention in the case of a "disappeared" prisoner, Angel Manfredo Velásquez Rodríguez. The Court held that Honduras had failed to ensure respect for the rights to personal liberty guaranteed by the Convention,

to humane treatment and to life. As urged by Amnesty International in an *amicus curiae* (friend of the court) brief, the Court considered that “disappearance” violated the prohibition against torture or cruel, inhuman or degrading treatment or punishment and ordered compensation to be paid to the next-of-kin.

An Amnesty International delegation, led by its Secretary General, met members of the Inter-American Commission on Human Rights in September. Amnesty International urged the Commission to give full attention to human rights situations, including those in countries with constitutional forms of government. In this connection Amnesty International mentioned its concerns in Colombia and Peru.

The General Assembly of the Organization of American States continued its recent practice of not expressly reflecting the Commission’s country-specific concerns in its resolutions. It did not take action on the proposal by Amnesty International, which annually attends the Assembly as a “special guest”, that the problem of “death squads” deserved urgent examination.

The Assembly was active in the sphere of standard-setting. It adopted an additional protocol to the Convention – the Protocol of San Salvador – aimed at the protection of economic and social rights. Because of a lack of adequate government responses it was unable to act on the previous year’s decision to draft an additional protocol on abolition of the death penalty and asked the Permanent Council to present a text to the next Assembly. It also asked the Council to set in motion a consultation process on a convention against “disappearances” which the Commission had drafted.

The Inter-Parliamentary Union (IPU), a non-governmental organization composed of members of parliament from 110 countries, maintains a special committee to investigate reported violations of members of parliaments’ human rights and to seek redress. During 1988 Amnesty International sent the committee information on the situation of members or former members of parliament in 10 countries, including members of parliament held as prisoners of conscience in Malaysia and Somalia.

An Amnesty International delegation observed the September session of the IPU’s Inter-Parliamentary Conference in Sofia, Bulgaria. The meeting discussed action which could be taken by members of parliament to bring national legislation into line with international human rights standards. Amnesty International’s Secretary General delivered a statement to the conference, asking members of parliament to urge their governments to ratify and implement international human rights instruments.

# AFRICA



# AFRICA

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## ANGOLA



Many suspected members or supporters of the *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola – an armed opposition group fighting against the government – continued to be held without charge or trial. Over 20 others were sentenced to prison terms after trials which may have been unfair and others who had been tried in previous years continued to serve sentences against which they had been unable to appeal. Three former security officials were convicted of ill-treating prisoners. Seven people were sentenced to death for murder and a death sentence passed in 1987 was commuted on appeal. No death sentences were carried out and in December the head of state announced that the sentences of all prisoners currently under sentence of death were being commuted.

Fighting between UNITA, which was supported by South African troops until they withdrew in September, and government forces aided by Cuban soldiers, continued throughout the year. In December Angola, Cuba and South Africa signed agreements concerning the independence of Namibia which were to lead to the withdrawal of Cuban troops from Angola. Angola and South Africa each agreed not to allow their territory to be used for attacks against the other. However neither would pledge to end financial or diplomatic support for the African National Congress (ANC) and the South-West Africa People's Organization (SWAPO) – which have been backed by Angola – and UNITA –

which has been backed by South Africa.

Prisoners were taken by both sides during conflict between government troops and UNITA forces and some were said to have been tortured or killed. There were reports that in some areas the government's military or security police, known as "red berets", extrajudicially executed suspected UNITA supporters. In the south some government soldiers who deserted were reportedly summarily executed upon recapture. These reports were impossible to confirm. There were further reports, relating to previous years, that UNITA tortured or killed suspected opponents.

Official sources announced the arrest of some 200 members or suspected members of UNITA in areas of conflict but the total of those held, including suspected civilian UNITA supporters, seems to have been significantly higher. Hundreds of other members or suspected members of UNITA arrested in previous years were held without trial. Other UNITA members reportedly surrendered voluntarily to the authorities in response to a government policy of clemency first announced in 1978. In December a law was passed guaranteeing that armed government opponents who surrendered and agreed to obey the Constitution would be allowed to return to civilian life. The measure, which was to take effect from February 1989 and remain in force for a year, also applied to government opponents who had been detained or imprisoned by the Angolan authorities.

Several members of the Church of Jesus Christ on Earth, known as the Tocoist Church, were reportedly arrested in May. The reasons for these arrests were not reported, though in previous years there had been clashes between two factions of the sect which had resulted in arrests. Three Zairian asylum-seekers held without charge since December 1985 were released, one in late 1987 and the other two in early 1988.

In January nine former security officials were tried by the People's Revolutionary Court in the capital, Luanda, on charges concerning the torture of detainees in 1983 or 1984, most of whom had been tried for diamond-smuggling by the same court in October 1984 (see Amnesty International Report 1985). This was the first report of a trial of officials accused of torture since Angola achieved independence in 1975, although officials were dismissed in 1979

following allegations that security police had tortured and killed prisoners. The nine former officials tried in January were accused of involvement in a plot to discredit the government by forcing detainees to make statements alleging that high-ranking government officials had been involved in diamond-smuggling. The court found that three of the former security officials had personally tortured or ill-treated detainees, by, for example, subjecting one to a mock execution and causing another to be held in handcuffs in a bathroom for over two days. Another of the victims, Francisco Fragata, had been convicted of espionage in October 1984 and sentenced to death, though a month later his sentence had been commuted to six years' imprisonment. At the time the appeals court did not indicate whether the original sentence had been imposed on the basis of statements made under duress. The court which tried Francisco Fragata's alleged torturers in January reportedly concluded that what had happened to him had not affected the verdict in the 1984 trial.

At the end of the January trial two of the former security officials found guilty of torture were sentenced to four months' imprisonment for "treating prisoners with illegal severity" while the third, the leader of the alleged plot, was also convicted of "rebellion" – attempting to change the form of government by illegal means – and sentenced to 18 years' imprisonment. Three others were convicted of "rebellion" and given 15- and 16-year sentences; their superior officer received a three-year sentence for negligence. The remaining defendants, both charged with torturing prisoners, were acquitted.

As in previous years very few of the prisoners suspected of supporting UNITA were charged and tried. Regional Military Tribunals tried the cases of over 20 people accused of committing crimes such as sabotage and sentenced them to periods of imprisonment ranging from two years to 16 years. Few details of the trials were available but in the past trials by regional military courts were known to have been unfair, particularly as defendants were not adequately assisted by defence counsel.

The trial of 30 members of the Church of Jesus Christ on Earth began in November before the People's Revolutionary Court in

Luanda. Neither the names of the defendants nor details of the charges against them were available but the charges apparently arose out of violent clashes between two factions of the sect in December 1986 and a demonstration in February 1987 (see *Amnesty International Report 1988*). The trial was believed to be continuing at the end of the year.

There were reports that a group of about 25 political prisoners were released at the government's orders in late 1988. They apparently included Estevão Gomes Dias, who was serving a 12-year prison sentence imposed in 1981 for complicity in bomb attacks in Huambo in support of UNITA. His trial before the People's Revolutionary Tribunal was believed to have been unfair.

In contrast to previous years no political opponents of the government were sentenced to death. However, an increased number of death sentences as a punishment for ordinary crimes was reported. Seven people were sentenced to death for murder in the course of robbery. A soldier and five other people who were apparently dressed in military uniforms at the time of their crimes were sentenced to death by military courts in January and October. The seventh, an army deserter, was sentenced to death by the People's Revolutionary Court in June. None was executed.

In May the death sentence passed in August 1987 on Felix Mateus Mungue – the first person to be sentenced to death by an ordinary district court – was commuted to 22 years' imprisonment by the *Tribunal da Relação*, the court of appeal in ordinary criminal cases. The court concluded that although he was guilty of murder there had been mitigating circumstances. In its verdict the court referred to increasing opposition at the level of international public opinion to the use of the death penalty as punishment for ordinary crimes and declared that states and their institutions had a duty to preserve the most sacred human right to life. In December President José Eduardo dos Santos announced the government's intention to commute the sentences of all prisoners currently under sentence of death as a measure of clemency "to mark the 40th anniversary of the Universal Declaration of Human Rights and in the name of national harmony". He reported that a law commuting the death sentences had been drafted

and was to be submitted to the National Assembly in early 1989.

There were reports that Tito Chingungi, a former UNITA representative in the United States, had been recalled to UNITA's headquarters in southeastern Angola and briefly held in custody for expressing opposition to some of UNITA's policies. Amnesty International also received further information in 1988 about human rights abuses within UNITA between 1979 and 1986. During this period, internal critics and opponents of the UNITA leadership are reported to have been tortured and killed. In March 1982 three women were declared witches and burnt to death with members of their families before watching crowds. In September 1983, 12 people were burnt, including, it is believed, João Kalitangui, his wife, their three children aged between seven and 15 years, and a 12-year-old niece. João Kalitangui had been accused of plotting against the life of UNITA leader Jonas Savimbi.

There were reports that SWAPO continued to hold prisoners in Angola, although in October it announced that they were to be released and rehabilitated. Over 100 SWAPO members apparently accused of spying for South Africa had been held in SWAPO bases since 1986. No information was available about the legal basis for their imprisonment in Angola, or about their whereabouts or conditions of detention. They included Samuel Thomas, a former employee of the Zambia-based United Nations Institute for Namibia, and Johannes Konjore, a former SWAPO representative in Zambia. Bience Gawanas, a London-based barrister and SWAPO member, was reportedly detained by SWAPO in Zambia in August and subsequently transferred to SWAPO premises in Luanda. The reasons for her detention remained unclear at the end of the year. No new information was received during the year about ANC members reportedly imprisoned in ANC bases in Angola.

Amnesty International continued to make inquiries about political detainees but received no reply from the authorities. It also investigated the cases of prisoners believed to be held in Angola by SWAPO with the acquiescence of the Angolan Government. Amnesty International welcomed the government's decision to bring to justice security officials accused of torturing prisoners and called for the intro-

duction of specific safeguards to prevent torture. The organization continued to urge the commutation of death sentences, welcomed the commutation of a death sentence in May and the draft law to commute all such sentences.

## BENIN



At least 80 prisoners of conscience arrested during the previous four years remained in detention without trial throughout 1988 and there were new arrests of non-violent opponents of the government. Some 100 people were arrested in connection with alleged conspiracies against the government in March and June and were still held without trial at the end of the year. A new State Security Court was set up with jurisdiction over political offences but no trials were reported. Political detainees were tortured while held incommunicado and one prisoner of conscience died in January, apparently as a result of torture. Six people were sentenced to death during the year; four of them were sentenced *in absentia*.

In March it was announced that a conspiracy to overthrow the government by force had been discovered. According to some reports as many as 150 people, mostly members of the armed forces, were arrested as a result. However, the government did not disclose information about the number and identity of those detained. Among those arrested and still held at the end of 1988 were Lieutenant-Colonel Hilaire Badjogoumé and Captain Jean-José Hountondji, a member of the Presidential Guard. Although most of those arrested

34 were apparently suspected of involvement in a conspiracy, it seemed that some soldiers may also have been detained because of their suspected links with non-violent opposition groups. The detainees were held in military camps in northern Benin and some were transferred to Camp Séra Kpéra in Parakou to be questioned by a government commission, the Permanent National Commission of Inquiry into the Security of the State – an administrative body empowered to question political detainees about their activities and to decide whether they should remain in custody. The commission is directly responsible to the President and in 1988, as in previous years, it apparently functioned outside the legal framework, although it effectively exercised powers of administrative detention.

In June there were reports that the government had discovered another plot, apparently to oust President Mathieu Kérékou while he was out of the country. There were no official statements about the discovery of the plot or about the arrests which followed. Those detained apparently included many people close to the government who were suspected of involvement in the plot or whose names appeared on a list allegedly drawn up by the conspirators of those who were to form a new government. For example, Michel Bamenou Toko, a former minister of justice who had been imprisoned for political reasons in the early 1980s and was apparently one of those named on the list, was arrested in July and was still held at the end of the year.

At least 80 prisoners of conscience arrested between 1984 and 1987 remained in detention without trial throughout the year. Although no charges were brought against them, most were questioned soon after their arrest by the Permanent National Commission of Inquiry about alleged links with left-wing student groups in Benin or abroad or about alleged membership of the banned *Parti communiste de Dahomey* (PCD), Dahomey Communist Party. The authorities referred to these detainees as "leftist anarchists" and on a number of occasions during the year suggested that they would be brought to trial. However, shortly before the end of the year foreign lawyers seeking information about their cases were told they were in administrative detention and would not

be brought to trial. The detainees were held at two remote detention centres: the Civil Prison in Segbana and the Séro Kpéra military camp in Parakou (see Amnesty International Report 1988). In August, those held at Segbana mounted a protest against the authorities' refusal to allow them to receive visits with the result that some of them were allowed to see relatives for the first time in more than two years.

At least three of the prisoners of conscience accused of left-wing sympathies were imprisoned on account of the views or political activities of close relatives. Marcellin Glélé Akpokpo and Bah Bagnikan Yaya Maléhossou were arrested in 1987, apparently in an attempt to make them reveal the whereabouts of their sons or to coerce their sons into giving themselves up to the authorities. In fact their sons were arrested in December 1987; Rémy Glélé Akpokpo died in police detention in Abomey in January, reportedly as a result of torture, and Bouraïma Maléhossou was still detained without trial at the end of the year, when he was reportedly ill as a result of torture. The two fathers were released in early 1988.

Antoine Yelomé was arrested in February and detained until 31 August, apparently because the authorities were seeking his son, Léon Yéломé, who was detained in October and was still held at the end of the year. Léon Yéломé was taken to Camp Guézo in Cotonou where political detainees have frequently been interrogated and tortured. He had previously been detained without trial as a prisoner of conscience from 1979 to 1984.

Another former prisoner of conscience, Moussa Mama Yari, was arrested on 24 October. He was first held at a police station in Sémé but in early November was moved to Camp Guézo in Cotonou. He too had been detained without trial between 1979 and 1984 as a prisoner of conscience on account of his left-wing views.

There were fresh reports of torture during the year. Rémy Glélé Akpokpo and Bouraïma Maléhossou, who were both arrested on 24 December 1987, were reported to have been severely tortured at Abomey's central police station, where Rémy Glélé Akpokpo died on 18 January, reportedly as a result of his injuries. According to the country's legislation, his death in custody should have been fol-

lowed by a judicial investigation; no such investigation is known to have been carried out by the end of the year.

Some of those arrested in connection with the alleged conspiracies against the government were reported also to have been tortured. For example, soon after his arrest in April, Captain Jean-José Hountondji was said to have been in a coma for a time as a result of torture, prompting suggestions from some sources that he had died. He was held incommunicado at the end of the year but was apparently in poor health due to torture and lack of medical attention.

On several occasions during the year the authorities asserted that political prisoners would be brought to trial but no trials took place. In January, the Central Committee of the ruling party – the *Parti de la Révolution Populaire du Bénin*, People's Revolutionary Party of Benin – announced that it had reviewed the cases of "anarchist and left-wing" prisoners and concluded that they posed a serious threat to the country's stability. The Central Committee referred their cases to the Permanent Committee of the country's parliament, the National Revolutionary Assembly. The Permanent Committee was apparently expected to order whatever further steps were to be taken against the prisoners. The legal status of this procedure is unclear. In April it passed a law establishing a State Security Court to try prisoners charged with offences against the security of the state. The government then indicated that the first cases to be tried by the new court would be those linked to the banned PCD. Judges and court officials were appointed and the State Security Court was officially inaugurated on 30 September. Some of the judges appointed were members of the armed forces or members of the Central Committee of the ruling party. Those brought before the court have the right to appeal against conviction and sentence; if the appeal is upheld, the same court, differently constituted, hears the case again. By the end of the year no trials had started and it seemed that pre-trial judicial investigation of cases which might be tried by the court had not begun.

During the year, six people were sentenced to death after conviction for murder. Two were sentenced in June by a special criminal court, four in *absentia* in

July by an Assize court. The penal code allows those sentenced in *absentia* to be retried if they are arrested and Amnesty International urged the Benin authorities to respect this provision in the event of their arrest.

Amnesty International appealed for the release of prisoners of conscience and for an end to the indefinite detention without trial of political prisoners. The organization also tried repeatedly to get the government to agree that an Amnesty International delegation should visit Benin to discuss the organization's concerns with the authorities. On several occasions senior government officials made public statements suggesting that an Amnesty International delegation had been invited. However, by the end of the year no formal invitation had been received. In August Amnesty International published an 11-page report entitled: *Benin – Political Imprisonment and Torture*. The Minister of Information described the report as "inaccurate", although neither he nor other members of the government provided any substantive response to the concerns described in the report.

In November the government organized a national human rights seminar and announced that a national human rights commission was to be established. Its exact terms of reference and the role it was to play were not made clear.

In April, Amnesty International submitted information about its concerns in Benin to the United Nations procedure (under Economic and Social Council Resolutions 728F/1503) for confidentially reviewing communications about human rights violations. The submission was also sent to the Benin Government, which was invited to comment but without response.

## BURKINA FASO

About 20 associates and supporters of former President Thomas Sankara, all arrested after a military coup in October 1987, were held without charge or trial throughout the year. Others suspected of opposition to the government of President Blaise Compaoré were also arrested; most were soon released but six students and school-children arrested in connection with peaceful demonstrations in May

36 were held for several months before being released. There were some reports of torture. Political prisoners sentenced after unfair trials in 1984 and 1986 were released in an amnesty in August. In December seven soldiers were executed for murder.



Captain Blaise Compaoré came to power on 15 October 1987 following a military coup in which President Thomas Sankara and 12 others were killed. The ruling *Conseil national de la révolution* (CNR), National Revolutionary Council, was dissolved and replaced by a *Front populaire*, Popular Front. More than 40 people associated with the Sankara government, including former government ministers and officials and military personnel, were arrested immediately after the coup or in November and December 1987. They included Valère Somé and Basile Guissou, both former ministers in the Sankara government and members of the *Union de lutte communiste - reconstruite* (ULC-R), Union of Communist Struggle - Reconstructed, which was accused by the new administration of producing and distributing leaflets criticizing President Compaoré's government. Both men were among a number of detainees reported to have been beaten and ill-treated following their arrest in 1987. Other detainees were accused of financial improprieties but appear to have been held for political reasons. In March President Compaoré said that former members of the CNR would be brought to trial before *Tribunaux populaires de la révolution* (TPR), Revolutionary People's Tribunals. None of the detainees had been brought to trial by the end of 1988.

Valère Somé, Basile Guissou and 12 others arrested in 1987, including Ousseini Compaoré, former head of the *Gendarmerie nationale*, were released in late March and five others were freed on 17 May. However, at least 18 people connected with the Sankara government remained in detention without charge or trial and were still held at the end of the year. Ernest Nongma Ouedraogo, former Minister of the Interior and of Security, was held in the *Conseil de l'Entente* building in Ouagadougou. Others, mostly former military personnel, were also held in the capital at the *Gendarmerie nationale*. Two more former ministers, Eugène Talata Dondasse and Juste Tiemtoré, and Etienne Zongo, formerly a security adviser to President Sankara, were held under house arrest.

There were more political arrests in March. Pascal Kinda and Hortense Sankara - a cousin of former President Sankara - were alleged to be in possession of pamphlets criticizing the Popular Front. They were arrested at the end of March and accused of subversion but no formal charges were brought against them and they were released on 14 April. There were further arrests in May in connection with demonstrations in Ouagadougou by students and school-children to commemorate the arrest of Thomas Sankara five years earlier, before he became head of state. Demonstrators had planned to march to Thomas Sankara's grave on the outskirts of Ouagadougou. Students and school-children were arrested, as were two former ministers - Valère Somé and Moussa Michel Tapsoba - both of whom were said by the government to have helped plan the demonstrations. They and most of the others detained were released after a few days, although at least two students and four school-children remained in detention without charge until August. Some of those detained were beaten after their arrest while they were held at the *Direction de la sûreté nationale*, Security Service Headquarters, in Ouagadougou. Guy Yogo, a medical student, sustained severe head injuries and was admitted to hospital shortly after his arrest.

On 4 August some 30 prisoners, including a number of political prisoners convicted after unfair trials, were released in an amnesty to mark the fifth anniversary of the coup which had brought Thomas Sank-

ara to power in 1983. Among those released were Paul Rouamba, Lieutenant Boukary Tapsoba, Ambroise Norgo and Yembi Barthélemy Kaboré, all of whom had received long prison sentences in June 1984 after an unfair trial in which they were convicted of a plot to overthrow the government. Nine other prisoners convicted in August 1986 were also released under the amnesty. They had been tried, under circumstances which may not have been fair, in connection with explosions in Ouagadougou and Bobo-Dioulasso the previous year.

In December seven soldiers were convicted by a military court in Bobo-Dioulasso of the murder in November of army officer Captain Guy Lamoussa Sayogo and his wife. The seven were executed by firing-squad the next day without an opportunity to appeal against conviction or sentence. These were the first reported judicial executions since President Compaoré came to power.

In January Amnesty International appealed to the government for the fair trial or release of those detained after the coup. The government responded publicly with a denial that any detainees were being held because of their political opinions and claimed that those in custody had been arrested in connection with offences they had committed while holding public office under the Sankara government. However, no charges were brought against any of the detainees. The authorities also denied that anyone had been tortured.

Amnesty International continued to investigate the cases of detainees who remained in prison after the releases in March and May. Following the new arrests in May Amnesty International called for the release of those held as prisoners of conscience and expressed concern about allegations that some of those held had been tortured or ill-treated.

In October Amnesty International published a 10-page report, *Burkina Faso: Political Imprisonment and the Use of Torture from 1983 to 1988*, giving accounts of the imprisonment of political opponents and torture under the present and preceding governments.

## BURUNDI



**There were reports of many extrajudicial killings of civilians by government troops during military operations to suppress intercommunal disturbances in two northern provinces. Most of those killed belonged to the majority Hutu community. Other Hutu suspected of opposing the government, including prisoners of conscience, were detained without trial, both before and after the intercommunal unrest.**

Major Pierre Buyoya, who took power in a military coup in September 1987, continued to head the *Comité militaire de salut national* (CMSN), the Military Committee for National Salvation, which was composed entirely of officers belonging to the minority Tutsi community which dominates the army. In October, following the intercommunal violence, the Hutu community was given stronger representation in the government and a prominent Hutu leader, Adrien Sibomana, was appointed Prime Minister.

In August intercommunal killing involving the Hutu and Tutsi communities broke out in the provinces of Ngozi and Kirundo, particularly in Marangara and Ntega districts near the border with Rwanda. The disturbances began in Marangara but appeared to have calmed down when on 14 August the first killings were reported in Ntega, where a number of Tutsi were killed by Hutu using machetes and spears. Violence then spread rapidly throughout Ntega district and to Marangara. Government troops were brought in to quell the disturbances but in the course of what the authorities described as

counter-insurgency operations against armed rebels they carried out apparently systematic reprisals against Hutu civilians. Many people, including women and children, were said by eye-witnesses to have been killed by soldiers while fleeing and others were reported to have been killed after being herded into huts which were then set on fire. Medical examinations of Hutu civilians who sought refuge in Rwanda revealed that many had bayonet or gunshot wounds in the back, apparently caused by weapons of a type used in Burundi only by the armed forces.

In the wake of the killings several thousand Hutu fled to Rwanda; some also sought refuge in Tanzania and Zaire. Three days after the killings began the government estimated the number of dead at 5,000 and implied that most were Tutsi who had been killed by Hutu. Other sources suggested that as many as 20,000 people had been killed, the majority of them Hutu.

At the end of August the government announced that the killings had ceased and in September President Buyoya appointed a 24-member commission, comprising 12 representatives from each community, to study the question of national unity. The commission was not mandated to investigate the August killings; this task was said by the authorities to have been entrusted to a "technical commission" neither the composition nor terms of reference of which were revealed. At the end of the year its findings had not been made public. However in December official sources indicated that some 60 civilians were to be charged in connection with offences committed during the August disturbances, although no disciplinary measures were to be taken against members of the armed forces. The authorities conceded that some innocent civilians might have been killed by soldiers but said that such killings had not been the result of a deliberate policy of reprisal.

At the beginning of 1988 six former senior officials of the government of ex-President Jean Baptiste Bagaza who had been arrested in October 1987 as part of a government anti-corruption campaign were still in custody. At least one of them, Isidore Nyaboya, a former Minister of Public Works, was charged with complicity in the embezzlement of public funds and was brought to trial in June. He was acquitted

by the High Court but the government protested against the verdict and re-detained him. He was retried in August after the intercommunal killings, convicted of falsification of public documents and sentenced to eight years' imprisonment. It was not clear how many other officials had been tried by the end of 1988.

Arrests of Hutu were reported both before and after the August killings. Early in the year suspected supporters of the *Parti pour la libération du peuple hutu*, (PALIPEHUTU), Party for the Liberation of the Hutu People, an opposition group based outside Burundi, were said to have been arrested in the provinces of Cibitoke and Gitega. In January six other Hutu who had been deported from Rwanda were detained on their arrival in Burundi, apparently because they were suspected of plotting against the Burundi Government. One, Hezekiya Sahera, was reported to have died as a result of beatings inflicted while he was in custody. In February the other five were released uncharged, apparently after local people in their home area, Cibitoke, had protested against their detention.

Those detained following the outbreak of violence in August who appeared to be prisoners of conscience included Marc Ntahondereye, a development worker in Kirundo, who was arrested together with several others. At the end of the year it was not known whether they had been released.

Six signatories of an open letter addressed to President Buyoya by 27 academics and students at the end of August were among those arrested and still held at the end of the year. Apparently no formal charges were brought against them but the authorities alleged that they had incited racial hatred. They included Aloys Habonimana, Leonce Ndikumana and Augustin Nsanze, all teachers at the national university. Further arrests of Hutu intellectuals occurred in September and October; those detained included two civil servants, Melchior Ndadaye and Pierre Claver Sendegeya, who were arrested in Gitega province at the end of October after attending a public meeting at which relations between the Hutu and Tutsi communities were reportedly discussed. The government publicly acknowledged only the detentions of the signatories of the open letter. This gave rise to fears among

relatives for the safety of other Hutu prisoners.

Amnesty International expressed concern to the government about reports of extrajudicial killings of civilians by government troops in August and called for immediate action to prevent further killings and to investigate the events. Amnesty International also urged the government to identify publicly all those detained, to reveal where they were being held, and to release unconditionally all those detained for the peaceful expression of political opinions.

## CAMEROON



**Ten prisoners of conscience were known to be held during the year. At least 40 other political prisoners were still held in connection with an attempted coup in 1984, most of them after trials which did not meet international standards. Some were held after the end of their sentences. There were reports that conditions in a number of prisons were harsh and that many prisoners had died of malnutrition. At least 14 people were sentenced to death. It was not known whether any executions took place.**

A number of prisoners of conscience arrested in previous years, one of whom had been tried and convicted and others detained without trial, remained in prison throughout the year. Only Augustine Kong, a Jehovah's Witness, had been tried; he received a two-year prison sentence in June 1987 for practising a banned religion. Frédéric Batoum and Samuel Zézé were arrested in 1985, apparently for supporting the banned opposition party

Union des populations du Cameroun (UPC), Union of Cameroonian Peoples. They were released in August 1986 and rearrested shortly afterwards. Both were believed still to be in prison without charge at the end of 1988. The UPC sought official recognition in 1985 and was refused on the grounds that Cameroon was a one-party state. Membership of the UPC and other unofficial political parties remained a punishable offence, although in practice members of such groups have been detained without charge rather than prosecuted.

At least seven other people were reportedly detained without trial during 1988 on account of their non-violent political views or activities. In February two men were detained, apparently in connection with an article critical of former French President Valéry Giscard d'Estaing. Joseph Benyimbe, a journalist working for the weekly magazine *Le Combatant*, and Samuel Zong Desjoies, director of the magazine, were released without charge four months later. Also in February the editor of *Cameroon Magazine*, Francis Emile Mbounja, and a journalist on the publication, Paul Nlend, were arrested after an article appeared in the magazine alleging police corruption. They were released without charge in April. In all four of these cases it seemed that short periods of imprisonment without reference to the courts were used to intimidate journalists and persuade them not to publish material which did not meet with government approval.

In a similar case in May, a singer, Koko Ateba, was arrested after performing in the presence of the wife of President Paul Biya. One of her songs was evidently interpreted as insulting Mme Biya and although no reasons for arrest were made public Koko Ateba was detained for over two weeks.

Albert Mukong, a writer and long-term opponent of the government, was arrested in June. He had taken part in radio interviews with the British Broadcasting Corporation (BBC) in December 1987 and May 1988, in which he discussed his detention in the 1970s. He spoke of detainees tortured under the previous government, the organization of recent elections, and alleged corruption among present government officials. He was charged with insulting the Head of State, an offence which carries a sentence of up to five years'

imprisonment. He was still held at the end of the year.

In July Dr Joseph Sende was detained for a few days and then released without charge. He had been detained without trial for some five months in 1985 (see Amnesty International Report 1986) and was believed to have been detained once again for supporting the UPC.

The government did not give reasons for the detention of those held without trial, nor clarify the legal basis for their imprisonment. Under ordinary criminal law, suspects must be referred to the courts or other judicial authorities within a few days of arrest. Under emergency powers which have been in force continuously since 1961, however, anyone suspected of threatening public order may be detained without charge for indefinitely renewable periods of two months. The courts have no jurisdiction over such detentions.

In December 1987 the security forces clashed with University of Yaoundé students over the authorities' failure to pay student grants. Some 300 students were arrested. Most were released shortly afterwards, although about 50 were reported still to be held at the end of January 1988. A newspaper report quoted a Cameroon Government spokesperson to the effect that they would be released after questioning but a number of them appeared to be held for several months before their release without charge.

Some 40 prisoners arrested after an unsuccessful coup attempt in April 1984 were believed still to be in prison in 1988. Most had been convicted in trials which did not meet international standards. Abdoulaye Mazou, a judge and former Secretary-General of the Ministry for Education, had been tried in camera in 1984 by a military court without right of appeal and sentenced to five years' imprisonment. There were reports that political pressure had been put on the presiding judge to convict him. Abdoulaye Mazou was reported to be in poor health as a result of harsh prison conditions.

Some 12 people acquitted in 1984 or 1985 of offences relating to the coup attempt, then redetained, were still held without trial in 1988. Alain Touffic Othman, a businessperson acquitted by a military tribunal in 1984, was reportedly held at a labour camp in Yoko. Others continued to be held after the end of their

sentences. For example, Ali Youssouffa, a former airline official due for release in August 1986, was believed to be detained throughout 1988.

According to reports received in 1988, more than 40 prisoners died from malnutrition and lack of medical attention in December 1987 in Nkondengui Prison. Many political prisoners were held at this prison in Yaoundé, the capital. The food there was nutritionally inadequate and prisoners were held in cramped, overcrowded and insanitary conditions with virtually no opportunities to receive visits from friends or relatives. Medical care was inadequate for the many prisoners suffering from tuberculosis and other infectious diseases. A high death rate reportedly continued at the prison throughout 1988. Many inmates at New Bell Prison in Douala also reportedly died as a result of disease, lack of medical care, overcrowding and inadequate food.

Twelve Chadians detained in Cameroon since April 1987 were reported to have been released. Although the Cameroonian Government had given no information about the reasons for the detentions, the Chadians were apparently suspected of opposing the Government of Chad. Amnesty International remained concerned that asylum-seekers returned to Chad might be summarily executed.

At least 14 people were sentenced to death during the year. A criminal court in Douala convicted eight of them in March on charges of aggravated theft. It was not known whether an appeal was heard in these cases. Also in March a military court in Yaoundé convicted six civilians of aggravated theft and illegal possession of arms and ammunition. They were sentenced to be executed by firing-squad in public. Military courts were given jurisdiction in 1987 to try both military personnel and civilians in cases involving the security of the state, subversion and firearms offences. Those convicted had no right of appeal. It was not known whether any executions took place.

Amnesty International appealed for the unconditional release of prisoners of conscience and for the fair trial or release of those detained without trial, tried unfairly or held beyond the end of their sentences. It also appealed to the authorities to commute all death sentences.

## CAPE VERDE



**Three police officers were imprisoned for torturing prisoners and causing the death of one of them. One person was imprisoned for and two others charged with offences connected with their criticism of the government.**

João Alfredo Fortes Dias was imprisoned in April after the Supreme Court upheld his conviction for painting slogans that were defamatory to the government on walls. He had been sentenced to nine months' imprisonment in November 1987 by the Regional Criminal Court in Mindelo, São Vicente Island, but was released pending his appeal (see *Amnesty International Report 1988*).

On 1 November the director of Terra Nova, a Roman Catholic monthly newspaper noted for its strong criticism of government policies, was given a suspended three-month prison sentence and a fine for abusing press freedom. His appeal had not been heard by the end of the year. The newspaper had published articles by a correspondent, José Teófilo Santos Silva, which the court found offensive to the reputation of a government official, the ruling party and other institutions. He was also charged with abusing press freedom but the trial was postponed until the following year.

In February the senior officer of a police station on Brava Island and two of his subordinates were sentenced by a military court to 14 and eight years' imprisonment respectively. They were found guilty of causing the death of one prisoner, Arlindo Gonçalves, and physically abusing two others. They were also ordered to pay

compensation to the victims or their families. Arlindo Gonçalves died in Brava police station on the morning of 4 November 1987, the day after he and two others were arrested and severely beaten while under interrogation about a crime of arson.

## CENTRAL AFRICAN REPUBLIC



**Two prisoners of conscience were held throughout the year and a third one was released in November. There were new arrests of possible prisoners of conscience, none of whom had been tried by the end of the year.**

Under the terms of the Constitution adopted in 1986 all political activities outside the framework of the newly created *Rassemblement démocratique centrafricain* (RDC), Central African People's Alliance, the sole political party, were banned. The government continued to enforce the ban.

Two prisoners of conscience sentenced to three years in prison in August 1987 remained in prison throughout 1988. Jeanne-Marie Ruth Rolland and Thomas Koazo had both been tried before the Special Tribunal, a court set up in 1981 specifically to try political cases, and from which there is no right of appeal (see *Amnesty International Report 1988*).

A third prisoner of conscience, Modibo Walidou-Bachir, who had been arrested in November 1986, apparently for criticizing the new Constitution, was released in November. He had been charged under Article 77 of the penal code with setting up

a political party. He was brought to trial before the Special Tribunal in August 1987. However, the court asked for more information about his case and the trial was adjourned. It had not been resumed by the time of his release.

At least four students arrested in the capital, Bangui, in September, were still in Ngaragba Prison at the end of the year. They appeared to have been detained for political reasons but no charges were known to have been brought against them. The four had been among more than a dozen students arrested in March 1986 after a strike in protest against changes in the system of allocating grants and against the high level of unemployment among university graduates. The students had been tried and released.

At the beginning of the year Amnesty International learned of the arrest and detention without trial of Guy Kossi Bella, a citizen of the Central African Republic. Kossi Bella had been arrested at Bangui Airport on his return to the country from Chad at the end of December 1987. A member of a banned opposition political party, he had previously been arrested in March 1982, accused of involvement in a coup attempt and had later escaped from detention and gone into exile. In early 1988 he was accused of endangering the security of the state; however, he was released in March without having been charged or brought to trial. Amnesty International had been concerned that he might have been arrested for political reasons.

In February President Kolingba commuted the death sentence imposed on former head of state Jean-Bedel Bokassa in June 1987 to one of life imprisonment. Jean-Bedel Bokassa had been convicted of conspiracy to murder, illegal arrest and detention of children, illegal detention of other prisoners and embezzlement of public funds (see Amnesty International Report 1988). However, three people convicted in 1982 were believed still to be under sentence of death.

Amnesty International continued to appeal for the release of three prisoners of conscience and made inquiries about the detention without charge of Kossi Bella and of the students arrested in September.

## CHAD



A number of prisoners of conscience were held throughout the year. Together with many other suspected government opponents, they were detained without charge or trial, incommunicado and often in secret. There were new political arrests including those of more than 20 suspected government opponents arrested in June and July. The fate of many alleged opponents of the government arrested in previous years was still unknown. A number of prisoners reportedly died in custody in suspicious circumstances. According to a government statement, 312 political prisoners arrested in previous years were released in December. A recognized refugee was reportedly arrested and executed in custody after being forcibly returned to Chad from Togo.

The armed conflict between Chad and Libya which began in 1982 came to an end, and in October the governments of the two countries restored diplomatic relations. However, a territorial dispute over the Aouzou Strip, along their common border, remained unresolved. Several hundred members of the Libyan armed forces and at least one Libyan civilian were still held as prisoners of war together with Chadians who had fought alongside them.

Acheikh Ibn Oumar and Dr Facho Balaam, the two leaders of the Front patriotique tchadien (FPT), Chadian Patriotic Front, a coalition group opposed to President Hissein Habré, signed a reconciliation agreement with the government in November. They returned to N'Djamena, the capital, from abroad, along with a number of other prominent opposition

figures living in exile. Under the terms of this agreement the government was to release all prisoners detained for supporting the FPT. The authorities announced the release of 312 prisoners in late December, but no information was available about their identities. None of the 48 supporters of the political group led by Dr Facho Balaam, the *Union nationale démocratique* (UND), National Democratic Union, was known to have been freed.

Although the government was in control of most of the country, several armed opposition groups were still engaged in guerrilla activities against government troops. These included the *Mouvement du salut national du Tchad* (MOSANAT), Movement for the National Salvation of Chad, which was supported principally by members of the Hadjerai ethnic group; the *Première armée*, the First Army; and the *Volcan*, the Volcano. They operated mainly in the southeast of the country.

Many prisoners of conscience arrested in previous years remained in detention without trial; the secrecy surrounding their detention made it extremely difficult to obtain information about them. They included Moussa Konaté, a teacher arrested in April 1986 apparently because he was the relative of a government opponent, and Hadja Merami and her daughter, Azzina Sako, who were arrested in February 1986. Mabrouka Houni Rahil, who was arrested in 1987, remained in secret detention in N'Djamena. Her daughter, Mardié Ibrahim, who had been arrested several years earlier, was believed to be held with her mother in a building adjacent to the *Société tchadienne d'énergie électrique* (STEE), the Chadian Electric Energy Company (see *Amnesty International Report 1988*).

More than 180 people belonging to the Hadjerai ethnic group who were arrested in N'Djamena by the *Direction de la documentation et de la sécurité* (DDS), the National Security Service, between May and July 1987 remained in secret detention without charge or trial. Although no evidence was available that they had supported the armed opposition they were apparently detained because of the support given by other Hadjerai to MOSANAT. The government did not give information about the reasons for their imprisonment nor of their whereabouts. Reports received in 1988 indicated that many had been

tortured with electric shocks and severe beatings, and that some had died.

One of them, Saleh Gaba, a journalist arrested in June 1987, was reported by unofficial sources to have died in custody in mid-1988. He had reportedly been held incommunicado in the *Camp des Martyrs* military camp in N'Djamena until January when he was transferred to an unknown place of detention. At the beginning of the year he was reported to be seriously ill and suffering from a nervous breakdown as a result of ill-treatment. His relatives were not told about his death nor was any investigation known to have been conducted into it.

A number of Hadjerai children were reportedly detained throughout 1988. Among them were two brothers – Abderahmane Tchere and Dari Tchere, both aged 13 – who had been arrested in July 1987 in Bitkine, apparently because of their family connections with a suspected government opponent who had evaded arrest.

There was a new wave of arrests in June and July. At least 20 supporters of the *Gouvernement d'union nationale de transition* (GUNT), the Transitional Government of National Unity, were arrested in N'Djamena by members of the security service and detained without trial. The GUNT was the coalition which governed Chad from 1979 to 1982. After its defeat by troops loyal to Hissein Habré in June 1982, GUNT army units retained control of some parts of northern Chad. In October 1986 the *Forces armées populaires* (FAP), the Popular Armed Forces, troops loyal to the GUNT, began fighting alongside Chadian Government forces against Libyan troops stationed in northern Chad. High-ranking GUNT and FAP officials, some of whom were based in Libya, then returned voluntarily to Chad. However, after the failure of negotiations to bring about a reconciliation between the GUNT leader, Goukouni Oueddeï, and the Chadian Government, a group of GUNT supporters, members of the Zaghawa ethnic group from the northeast of the country, were arrested in June. Among them were Sidik Fadoul, a former head of military police under the GUNT government and GUNT representative in Libya from 1983 to 1987; Yacoub Ernest, former senior member of the GUNT in exile; and Mahamat Arthur, a former signals specialist in the FAP.

Another group of GUNT supporters, all

members of the Toubou ethnic group from northern Chad, were arrested in July and accused by the security service of plotting against the government. They included Anar Oueddeï, Khalifa Oueddeï and Mahamat Oueddeï, FAP military officials closely related to Goukouni Oueddeï.

Moukhtar Bachar Moukhtar, Secretary of State at the Ministry of Agriculture until a few days before his arrest, was also arrested in July. He had been a member of the Central Committee of the ruling *Union nationale pour l'indépendance et la révolution* (UNIR), National Union for Independence and Revolution, the only permitted political party. According to some reports he was arrested on suspicion of criticizing President Hisssein Habré. Later in the year he was reported to be seriously ill and to have apparently been denied medical treatment.

All prisoners were held incommunicado following their arrest and at the end of the year no formal charges had been brought against them. Since President Hisssein Habré came to power in 1982 no political prisoners have been brought to trial or even had their cases referred to the judicial authorities. Instead, they have been kept in secret detention, reportedly in extremely harsh conditions.

At least one other prisoner, Commandant Galliam, was reported to have died in custody, probably as a result of torture. A high-ranking military officer, he had been arrested in mid-November 1987.

As in previous years, the government failed to account for many GUNT combatants and civilian officials arrested in July 1983 when government troops recaptured the town of Faya Largeau. Approximately 1,000 people were arrested, of whom a large number were executed extrajudicially in 1983; others were imprisoned in N'Djamena. In March 1987, 19 prisoners were taken from the *Maison d'arrêt*, N'Djamena Prison, and subsequently "disappeared". More than 50 others reportedly died in detention as a result of ill-treatment and poor prison conditions and a group of 73 were released from detention in March 1987 and forced to join the army. At the end of 1988 the fate of almost 500 of the 1,000 prisoners was still unknown as was the fate of six civilians arrested in Abéché in July 1983.

Bichara Chaïbo, a Chadian refugee recognized by the United Nations High Com-

missioner for Refugees, was arrested on arrival at N'Djamena airport after being forcibly returned from Togo in September. He was reported to have been executed extrajudicially after being held for 10 days in the President's headquarters. A former Deputy Director of the DDS, he had escaped arrest and left Chad in December 1986 following accusations that he was plotting against the President.

Amnesty International continued to urge the government to release prisoners of conscience and appealed repeatedly on behalf of political detainees who had "disappeared" or who were believed to be in secret detention. In particular, it called on the government to reveal their places of detention and to allow all detainees to receive visits from relatives and legal counsel. The organization expressed concern about reports that Saleh Gaba had died in detention and called on the Chadian Government to conduct an urgent investigation into the circumstances of his death. No response was received.

In April Amnesty International submitted information about its concerns in Chad to the United Nations procedure (under Economic and Social Council Resolutions 728F/1503) for confidentially reviewing communications about human rights violations.

## COMOROS



**One prisoner of conscience was released before completing his sentence. Another, a leading opponent of the government sentenced to life imprisonment after an unfair trial in 1985, remained in prison.**

**Sixteen political prisoners sentenced to life imprisonment after an unfair trial in 1985 also remained in prison throughout the year. More than 40 people arrested in 1987 in connection with an alleged coup attempt were still in custody and had not been brought to trial by the end of 1988. Four politically motivated arrests were reported during the year; all four detainees were released after about two months.**

Two prisoners of conscience sentenced in November 1985 for participation in a coup attempt were still in prison at the beginning of 1988. Moustoifa Saïd Cheikh, Secretary General of the Front démocratique des Comores (FDC), Democratic Front of the Comoros, were serving a life sentence at M'dé military camp. Abdou Mhoumadi, serving an eight-year sentence at Voidjou military camp (see *Amnesty International Report 1988*), was freed in March by order of President Ahmed Abdallah. Sixteen former members of the Presidential Guard, convicted at the same trial of involvement in the coup attempt and sentenced in November 1985 to life imprisonment, were held in Itsundzu Prison throughout 1988. They had not received a fair trial.

Two former government ministers, Mohibaca Baco and Salim Djabir, and two history teachers, Saïd Dhoïfir and Saïd Nassur, were arrested in March. All were residents of Mohéli. They were reportedly detained in connection with a leaflet criticizing the government for its social and economic marginalization of the island of Mohéli and accusing the authorities of discrimination. The four were released without charge after about two months; they were believed to be prisoners of conscience.

At least 40 people arrested in connection with an alleged coup attempt in November 1987 remained in custody throughout the year. It seemed that they may have been accused of offences against state security and trespassing in a prohibited zone with criminal intent. They had not been brought to trial by the end of the year.

The authorities said three people had been killed in the alleged 1987 coup attempt but other sources continued to assert that the three had died in custody after torture by foreign mercenaries serving as officers in the Presidential Guard.

When handed over to their families the bodies of the three were reportedly mutilated. The government indicated in December 1987 that a parliamentary commission would investigate what had occurred but by the end of 1988 no further information had been made public about the three deaths.

In May Amnesty International sent the government a memorandum detailing its concerns about the imprisonment of people for their conscientiously held views, insufficient legal protection against torture and ill-treatment, and unfair political trials. It called for time limits on incommunicado detention to be strictly observed in order to safeguard detainees against torture and ill-treatment and for detainees to be granted prompt access to legal counsel. It also urged measures to ensure that courts would not admit statements extracted under torture. Amnesty International also urged the government to grant the 16 soldiers convicted in November 1985 of attempting to overthrow the government in March 1985 a new trial which would meet international standards of fair trial; to permit independent inspection of prison conditions; to investigate impartially all allegations of torture and ill-treatment; and to abolish the death penalty. By the end of 1988 Amnesty International had not received a response from the government.

The organization appealed for the immediate and unconditional release of Moustoifa Saïd Cheikh and of the four people arrested in Mohéli in March. It also expressed its concern about people detained without trial at the end of 1987 and called for an investigation into the deaths of the three said to have died as a result of torture.

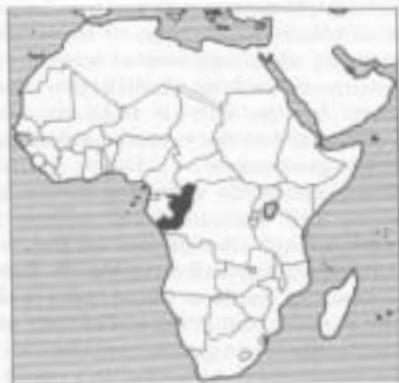
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## CONGO

**Many political detainees arrested in 1986 and 1987, including several prisoners of conscience, were believed to be detained without charge or trial throughout the year. There were new arrests of suspected government opponents, who were also detained without trial. Some long-term detainees were released. In August the head of state, Denis Sassou-Nguesso, commuted a death sentence imposed follow-**

ing a major political trial two years earlier and shortened the prison sentences of three others convicted on the same occasion.

Four prisoners of conscience who had been held without trial since 1986 were reported to have been released during the year. Georges Mafouta-Kitoko, Florent Kihoulou and Christopher Samba had been detained since April 1986, apparently on suspicion of meeting to discuss the political situation in the country. Jean-Felix Demba-Ntelo had been held since December 1986, apparently because he was suspected of producing a leaflet in support of a former senior ruling party official who had been tried earlier in 1986 (see Amnesty International Report 1987). When they were released – Demba-Ntelo in January and the others in October – the four had been detained continuously by the state security service since their arrest in 1986. None had been charged or had their cases referred to an examining magistrate, although this is required by Congolese law.



Former President Joachim Yhombi-Opoango and a number of his suspected supporters continued to be detained without trial throughout 1988. They included four military officers arrested in July 1987; a civilian, Lecas Atondi Monmondjo, arrested in August 1987; and some of the 60 to 70 people arrested in September 1987 in Owando, in the northeast of the country. All the arrests appeared to be connected with government suspicions of a conspiracy – its belief that members of the Kouyou ethnic group were planning to restore the former president who had given himself up to the authorities in September 1987.

Lecas Atondi Monmondjo had been Director of the *Office national des librairies populaires* (ONLP), National Office of the Peoples' Bookshops, at the time of his arrest, and appeared to be a possible prisoner of conscience detained for criticizing government policy. Following his arrest, he was held first at the Cité des 17, an estate of government-owned villas in Brazzaville often used to hold political prisoners, but in mid-1988 he was moved to a military camp in Brazzaville, where he continued to be held incommunicado. He reportedly went on hunger-strike for a time to protest against both this move and his continuing detention without trial.

Some of those arrested in Owando in September 1987 were reported to have been released in April but an unknown number of others remained in detention without trial despite indications by the authorities in 1987 that some might be brought before a court, and in contravention of the Code of Penal Procedure. This requires that all people who are arrested should be formally remanded in custody and have their cases referred to an examining magistrate within three days of arrest. Some of those arrested in Owando were kept in custody by branches of the security forces, including the armed forces.

They were held incommunicado and had no opportunity to challenge their detention before a court or any other review body.

Those detained included Father Joseph Ndinga, a Roman Catholic priest, who appeared to be a prisoner of conscience, and Thérèse Okouli, whose brother, Pierre Anga, was said by the government to be one of the ringleaders of the alleged conspiracy. Father Ndinga was held in Owando Prison; Thérèse Okouli at a military camp in Brazzaville. Both were in prison throughout the year.

Pierre Anga had escaped arrest in 1987 but in early July 1988 the authorities announced that he and two others had been killed by security forces, and that his brother, William Issambo, had been seriously wounded. William Issambo received treatment, but was reportedly still held at the end of the year. Pierre Anga's wife, 16-year-old daughter and other close relatives and associates were detained, although his wife and daughter were released after a few months. However, at the end of the year at least four of the

others arrested at the same time remained in detention for reasons that were unclear but appeared to be connected with their family ties to Pierre Anga. Those detained included two of Pierre Anga's brothers — Julien Issambo and Emanuel Apoya.

Claude-Ernest Ndalla, a prominent political prisoner sentenced to death after an unfair trial in August 1986 (see *Amnesty International Report 1987*), had his sentence commuted to life imprisonment in August. Three others sentenced to 20 years' imprisonment at the same trial — two of whom had made self-incriminating statements after being tortured while in pre-trial custody — had their sentences reduced by five years.

Amnesty International urged the authorities to release Georges Mafouta-Kitoko and other prisoners of conscience and expressed concern about long-term detention without charge or trial of other suspected government opponents, some of whose cases it investigated as possible prisoners of conscience. The organization also made inquiries about the circumstances in which Pierre Anga and others were killed in July; it received no response from the government.

## CÔTE D'IVOIRE



**Twenty trade unionists who had been forcibly conscripted into the army for political reasons were released in July.**

The conscripted trade unionists had all been arrested in 1987. Three had been arrested in September of that year, later charged with embezzling union funds and sentenced to short terms of imprisonment: on their release from prison they were

conscripted into the armed forces. More than 10 others had been detained after protesting at these arrests; they were released uncharged in November 1987 and immediately conscripted.

The arrests in September 1987 had followed disputed elections in July 1987 to the executive committee of the *Syndicat national des enseignants du second degré de Côte d'Ivoire* (SYNESCI), a secondary school teachers' trade union (see *Amnesty International Report 1988*). Two union leaders, Laurent Akoun and Yaya Traoré, were subsequently sentenced to six months' imprisonment and a third, Stéphan Vangah, to a four-month prison term. In all three cases charges appeared to be politically motivated. They completed their sentences in January and March 1988 but were then sent for an indefinite period of military service to Séguéla military camp, where they joined 11 other members of SYNESCI who had been conscripted in November 1987. While at Séguéla, they were compelled to undertake military training, although they were separated from other conscripts. They were not allowed visits from lawyers or from their families and slept in a dormitory said to have been infested with insects. While the trade unionists were at Séguéla, other members of SYNESCI were arrested and conscripted. The last such arrest took place in June when Léopold Kouaho was detained in Abidjan; he was taken to Séguéla in July, four days before all the trade unionists were released. In each of these cases, the authorities claimed the reason for conscription was to provide the trade unionists with a "civic and moral education". However, it appeared that conscription was a way of punishing the trade unionists and depriving them of their freedom of movement by use of methods which fell outside the terms of the ordinary criminal law, on account of their peaceful political activities. They were considered by Amnesty International to be prisoners of conscience. In the past, journalists and students who participated in demonstrations or criticized the government have also been forcibly conscripted, effectively as a form of restriction and punishment.

Anaky Innocent Kobena, a businessman and leading member of the *Front populaire ivoirien*, Ivorian Popular Front, an opposition political party, was arrested

48 in November and detained for a month without charge before being remanded in custody in December on charges of failing to make a series of payments for which his company was liable. It appeared that he was detained outside the framework of the law, initially at a house belonging to the head of state and later at the National Security Service headquarters. Although the charges eventually brought against Anaky Innocent Kobena did not concern a political offence, Amnesty International was concerned that he might be imprisoned on account of his non-violent political activities and views.

Amnesty International appealed repeatedly for the release of the conscripted trade unionists, all of whom were adopted as prisoners of conscience. At the time of their release, the authorities announced that the trade unionists would remain subject to military discipline, which could have the effect of limiting their trade union activities. However, they were all allowed to resume their teaching jobs.

## DJIBOUTI



About 12 suspected supporters of an opposition group were reportedly detained without trial and tortured. Several hundred Somali asylum-seekers were held for some weeks and a number were ill-treated. Several Ethiopian refugees and asylum-seekers were also detained for short periods because of alleged political activities.

About 12 people believed to have been arrested for political reasons during 1988 were reportedly still detained at the end of

the year without having been tried. They were apparently suspected of links with an opposition group based in Ethiopia, *Mouvement national djiboutien pour l'instauration de la démocratie*, Djibouti National Movement for the Installation of Democracy. They were reportedly held initially by the security police at the Villa Christophe, a security detention centre in Djibouti town where they were allegedly tortured, and later transferred to Gabode Prison. Their legal status was not known.

In May and June several hundred Somali youths who had fled to Djibouti after fighting in northern Somalia between government forces and the opposition Somali National Movement (SNM) were arrested in Djibouti, reportedly for expressing support for the SNM. Several were reported to have been beaten in police custody. They were all released uncharged after some weeks.

Amnesty International investigated reports that a number of Ethiopian refugees and asylum-seekers had been detained for short periods without being charged, in some cases reportedly as punishment for opposing repatriation to Ethiopia, in other cases for alleged political activity. Over 20 people arrested in mid-December for alleged links with an Ethiopian opposition organization were released at the end of the month.

In December Amnesty International appealed to the Djibouti Government to ensure that no refugees in Djibouti would be forced to return to their country of origin or coerced, ill-treated or arrested if they opposed repatriation.

## EQUATORIAL GUINEA

About 30 people, some of whom may have been prisoners of conscience, were arrested for political reasons in August. Nine of them were convicted after an unfair trial by a military court in September. Death sentences imposed on two of the defendants were commuted to prison terms. Other political prisoners continued to serve sentences imposed after unfair military trials in previous years.

At least 28 people, including military personnel and civilians, were arrested in

August in the capital, Malabo, on Bioko Island, and in the mainland towns of Bata and Ebebiyín. Four of those detained had been in exile in Spain and had returned to visit Equatorial Guinea a few months before their arrest. One of them, José Luis Jones Dougan, is a lawyer and Secretary General of an opposition party in exile, the *Partido del Progreso de Guinea Ecuatorial*, Equatorial Guinea Progress Party. He had returned in June apparently to try to seek official recognition of the party, although a 1986 law established the *Partido Democrático de Guinea Ecuatorial*, Democratic Party of Equatorial Guinea, led by President Teodoro Obiang Nguema Mbasogo, as the only legal political party.



Two other former exiles were released not long after their arrest and returned to Spain, but a third one, José Primo Esono Micá, remained in detention. The cases of almost 20 other people, including former government officials, military and naval officers, lawyers and a surgeon, remained unclear at the end of the year. They were not brought to trial in September, nor known to have been charged or released.

Nine of those arrested were tried by a military court in Bata between 14 and 16 September on charges of attempting to overthrow the government, espionage, dereliction of duty and fraud. No details of the alleged coup attempt were reported at the time and few details of the trial were published. Two military officers, Sergeant Joaquín Elema Boringue and Second Lieutenant Francisco Bonifacio Mba Nguema, were convicted of attempting to assassinate the head of state and sentenced to death. José Primo Esono Micá and José Luis Jones Dougan were sentenced to 30

and 16 years' imprisonment respectively. The other five sentences ranged from 12 to 24 years' imprisonment. Specific charges against these seven defendants were not known. However, José Luis Jones Dougan's efforts to have his political party recognized were apparently considered to amount to a form of treason. The defendants were tried by "most summary" procedures from which there is no right of appeal (see *Amnesty International Report 1988*). However, the two death sentences were immediately commuted by presidential decree to life imprisonment.

At the end of the year at least seven political prisoners were still serving sentences imposed in previous years after unfair trials by military courts. Sergeant Venancio Mikó, who was convicted in 1983, appeared at a news conference arranged by the authorities in Malabo in November after relatives had expressed fears that he had died or been secretly killed in prison. He had been sentenced to death but the sentence was subsequently commuted to life imprisonment (see *Amnesty International Report 1984*).

In addition to the two people sentenced to death by a military court in September, at least one other man was sentenced to death by a civilian court for murder. The sentence was not known to have been carried out as he apparently escaped from prison after the trial.

In February Amnesty International delegates visited Equatorial Guinea at the invitation of the government and discussed, among other things, the concerns described in a May 1987 Amnesty International report entitled *Military Trials and the Use of the Death Penalty in Equatorial Guinea*.

The delegates were informed that the government intended to make changes to the military justice system. These would include the establishment of a permanent military court from which there would be a right of appeal to a higher court. The delegates were told that commissions had been set up to draft new military penal and procedural codes to replace Spanish military laws dating from 1945 which were retained in Equatorial Guinea after independence and which contain few guarantees for the defence. The authorities expected these new codes to conform to the provisions of the International Covenant on Civil and Political Rights, to which

Equatorial Guinea acceded in December 1987. The delegates were also told that laws were to be drafted to give effect to the rights of *habeas corpus* and *amparo* which are both proclaimed in Equatorial Guinea's 1982 Constitution. However, none of these reforms had come about by the end of 1988.

In November Amnesty International sent a memorandum to the government reminding it of recommendations the organization had previously made regarding unfair military trials. The recommendations included the setting up of an independent commission to inquire into reports that defendants tried in 1986 had been tortured or ill-treated while held incommunicado in military custody. The report had also recommended that prisoners still serving sentences after unfair trials be given the opportunity to appeal to a higher court against their convictions and sentences. Amnesty International expressed concern that the trial in September had not conformed to internationally recognized standards and it investigated the cases of those convicted. It considered that José Luis Jones Dougan, José Primo Esono Micá and others might have been imprisoned on account of their non-violent opposition to government policies rather than for any recognizably criminal offence.

## ETHIOPIA



Several hundred unarmed civilians were said to have been extrajudicially executed by government forces in Eritrea and Tigray, where there was intensified fighting between government and opposition forces and where the government im-

posed a new state of emergency. Here and in other parts of the country, hundreds of people were arrested for suspected links with opposition groups. Seven members of the former royal family who had been detained since 1974 were released in May. However, many people arrested in previous years for political reasons, including prisoners of conscience, remained in detention without trial or had "disappeared". Torture of political prisoners continued to be reported and conditions in most prisons – particularly special security and military prisons – were harsh.

In March and April the opposition Eritrean People's Liberation Front (EPLF) and Tigray People's Liberation Front (TPLF) gained control of several towns in Eritrea and Tigray regions. Some of these were later reoccupied by government forces but many rural areas remained under the control of these groups. Armed conflict involving other opposition forces continued elsewhere including Gondar, Hararghe and Wollega regions. Those trying to resist or evade conscription into the government's armed forces were subject to harsh penalties including extrajudicial execution. Relatives of those evading conscription were sometimes detained for short periods. There was no provision for conscientious objection to military service and children as young as 13 years old were reportedly conscripted.

The government continued its program to resettle millions of people, many from famine areas, into new villages in their own region or in other parts of the country. Many were reported to have been removed by force and those trying to resist or escape were imprisoned, ill-treated or extrajudicially executed. Twenty-two people who refused to be resettled were killed by soldiers in Keren in Eritrea in February.

There were also reports of human rights abuses by opposition organizations. For example, in April an EPLF group was said to have killed some 100 members of the Afar ethnic group who refused to join their organization.

In May the government proclaimed an indefinite state of emergency in Eritrea and Tigray. Emergency regulations empowered the security forces to "use force when necessary to ensure law and order" and to detain civilians. Special Emergency Administrators were empowered to convene military

courts to try civilians accused of political offences or offences against the provisions of the proclamation – for example, disobeying an order prohibiting civilians from living in a particular area. Those convicted had the right to appeal to a higher military court and death sentences required confirmation by the Emergency Administrator. Amnesty International was unable to obtain information on the numbers of people detained or tried under the emergency but it appeared that soldiers frequently detained and executed civilians without reference to the courts.

Detailed information on political imprisonment was difficult to obtain. No official figures were published and the government did not reply to inquiries by Amnesty International or other organizations. Prisoners' relatives were threatened with reprisal if they inquired persistently about prisoners or gave information to foreign organizations. Prisoners were regularly held incommunicado for long periods without charge or trial, despite a provision in the 1987 Constitution that all arrested people should be brought to court or released within 48 hours. Detainees had no legal redress for illegal or arbitrary imprisonment. No trials of political prisoners were reported.

Several hundred suspected government opponents were arrested. Some were released but most were believed still to be detained without charge or trial at the end of the year. They were mostly held by the Central Investigation Organ – the state security police – by which prisoners have been routinely tortured, or in ordinary prisons after interrogation. Most were arrested in areas where opposition forces were active, particularly in Eritrea and Tigray, but there were also many arrests in the capital, Addis Ababa. Most of those arrested were accused of supporting opposition forces but none was charged on such a basis. In Asmara, the Eritrean capital, there were many arrests of suspected EPLF supporters. In August in Addis Ababa some 200 Eritreans were reportedly arrested on similar grounds. In June arrests were reported in Tigray after the TPLF forces withdrew from towns they had occupied.

In February, Abdullahi Mohamed Dhdan, an elderly poet belonging to Ethiopia's Somali community, was arrested near Hararghe for allegedly criticizing Ethiopian government policy in Somali-populated areas in the region. He was released after

some weeks, redetained later in the year, and was still held without charge or trial at the end of 1988. There were reports of other arrests of ethnic Somali critics of the Ethiopian government, some of whom were suspected by the government of being supporters of opposition guerrilla groups.

There were new reports of extensive short-term arrests of Protestant church members in Wollo and western regions, although several churches which had been closed in previous years because their activities were considered "anti-revolutionary", were reopened. Tesfaye Gabiso, an evangelist of the Baptist *Kale Hiwot* (Word of Life) Church, who had been a prisoner of conscience from 1980 until 1985, was reportedly rearrested in April and still held at the end of the year.

Some political prisoners were released during the year without announcement but the authorities did publicize the release in May of seven women who had been detained without trial since the 1974 revolution on account of their family ties to the former Emperor Haile Selassie. They were the late Emperor's daughter, 76-year-old Tenagnework Haile Selassie; her four daughters – Aida, Hirut, Sebel and Sophia Desta; the former Emperor's daughter-in-law Sara Gizaw; and another relative, Zuriaswork Gebre-Igziabeher. However, three grandsons of the late Emperor – Wossen-Seged, Michael and Bede-Mariam Mekonnen – were not freed and were still held in Addis Ababa Central Prison at the end of the year. Over 30 Ethiopian Jews, members of the Beta Israel, House of Israel, sect – also known as Falashas – who had been arrested in Gondar and Addis Ababa in early 1987, were also said to have been released in 1988 without having been charged or tried.

Many prisoners of conscience and other political prisoners known to have been arrested in previous years were still held at the end of 1988. Some were in the Addis Ababa Central Prison, where several hundred of the 4,500 inmates were reportedly held for political reasons. Conditions in this prison had improved considerably but those held in regional prisons, for example in Sembel Prison in Asmara, or in security or military detention centres, faced harsh treatment and most were held incommunicado.

Many prisoners of conscience arrested in 1980 for alleged links with the Oromo Lib-

eration Front, who appeared to be imprisoned simply because they were prominent Oromos, were held throughout the year. They included members of the Ethiopian Evangelical Mekane Yesus Church such as Tsehai Tolessa, the wife of the church's former head, and Zegeye Asfaw, a former Minister of Law and Justice.

Two former United Nations staff members in Ethiopia also remained in prison – Tesfa-Mariam Zeggai, arrested in 1983 for suspected opposition to the government and sentenced to 25 years' imprisonment for alleged espionage, and Shimelis Teklu, arrested in 1984, whose trial on political charges had been adjourned in 1987. Berhanu Dinka, Ethiopia's former Permanent Representative to the UN in New York, who was arrested in 1986, was still held without charge or trial.

Thirteen alleged members of the opposition Ethiopian People's Democratic Alliance (EPDA) arrested in 1983 were serving administratively-imposed prison terms of up to 25 years (see *Amnesty International Report 1988*). Eighteen members of the Democratic Front for the Salvation of Somalia (DFSS), an opposition group fighting the Somalia Government and based in Ethiopia, were still detained without trial, having been arrested in 1985 and 1986. They included DFSS leader Colonel Abdullahi Yusuf Ahmed, who had not been seen since shortly after his arrest in October 1985.

The government continued to refuse to disclose the fate of 16 prominent former government officials and a church leader who "disappeared" in 1979. They were believed to have been extrajudicially executed, as were some 40 political prisoners associated with the EPDA and other opposition groups, who "disappeared" from prison in Addis Ababa in November 1985, and 10 others who "disappeared" in October 1986 (see *Amnesty International Report 1988*).

There were new reports of torture. Methods reportedly used on political prisoners held incommunicado by the security police or army included beating on the soles of the feet, suspension of the body in a contorted position, the application of electric shocks, and submersion in water. No investigations into torture allegations were reported, nor were any steps known to have been taken by the government to safeguard prisoners from such treatment.

Extrajudicial executions of civilians by government forces were reported in Eritrea after EPLF forces captured the town of Afabet and moved close to Keren and Asmara. In April over 70 people were reportedly executed in Qazien and Shebah villages; in May over 200 villagers were reportedly executed by government troops in She'eb village; and in October 11 civilians were executed in Mai Harast. There were also reports from Tigray of killings by government forces of civilians suspected of links with the TPLF. In June some 340 people were killed in villages around Hagareselam and up to 100 near Maikinetal and Adua – some 20 of them were said to have been bayoneted and thrown over a cliff.

Extrajudicial executions were also reported elsewhere. In Metekel district near Lake Tana, some 200 villagers were said to have been killed by the security forces in February on account of their suspected links with the Ethiopian People's Revolutionary Party (EPRP). In the same month, General Tariku Yayne, a senior army commander, was arrested and extrajudicially executed, allegedly for criticizing the government for its pursuit of the war in the north. There were also reports that some 50 captured EPLF guerrillas and civilians suspected of supporting the EPLF, who had been held in Sembel Prison and Mariam Gimbi Security Prison in Asmara, were executed extrajudicially in April. In the same month over 20 elders in the southeastern town of Gode were reportedly summarily executed for opposing conscription.

Little information was available on the use of the death penalty, which may be imposed for numerous political offences as well as for murder. In August a man convicted of 15 murders by the Wollo High Court in Dessie was sentenced to death. It was not known if any judicial executions took place.

Amnesty International called for impartial investigations into reports of extrajudicial executions, particularly in Eritrea and Tigray, and appealed for an end to such killings. It called on the government not to use the state of emergency to detain civilians arbitrarily and for indefinite periods without charge or trial and sought assurances that those tried by military courts would be afforded fair trials. No reply was received from the government and no investigations into extrajudicial executions or the extent of detentions under the state of

emergency were known to have taken place.

Amnesty International continued to appeal for the release of prisoners of conscience and investigated cases of political prisoners detained without trial or serving prison sentences to establish if they were prisoners of conscience. The organization appealed for the introduction of safeguards against torture by the security police and the army.

## GAMBIA



**A number of people accused of conspiring to overthrow the government were tried in April. Two of those convicted claimed that statements used as evidence against them had been made after torture while they were in pre-trial custody. In a separate case, a newspaper editor who had written an article alleging corruption by government ministers was imprisoned briefly and charged with libel.**

In January the authorities announced that a conspiracy to overthrow the government had been discovered and that 20 people suspected of involvement had been detained. The leader of the plot was alleged to be Kukoi Samba Sanyang, who had led a coup attempt in 1981 and subsequently escaped arrest when he fled into exile. Ten of those detained were freed the following day, others were released over the next two months. Some were freed on bail, although it seems that eventually charges were dropped against all except four, who were kept in custody.

In March the four still held were charged with treason. They were Adrien Sambou and Amadou Badjie, both from the Casamance area of neighbouring Senegal,

and Musa Sanneh and Ousman Sanneh, both Gambian nationals.

In April the four went before the Supreme Court in a trial that lasted until late June. The main evidence against them consisted of some letters and a cassette tape, which they had allegedly received from Kukoi Samba Sanyang. In addition, the prosecution cited statements which the defendants had made in custody, which allegedly indicated that they had partially confessed their involvement. Defence counsel contested the admissibility of these as evidence, claiming that they had been made after torture including the use of electric shocks. Some discussion about these allegations took place in court but the prosecution did not seek independent evidence about the defendants' treatment in custody. Defence counsel's objections were overruled and the statements were admitted as evidence.

Three of the four were convicted of treason: two were sentenced to 30 years' imprisonment with hard labour and one to nine years' imprisonment. Adrien Sambou was acquitted for lack of evidence.

In October Sana Manneh, the editor of *The Torch* newspaper, was arrested and held for 24 hours. He was interrogated about an article he had written about the government, which implicated three of its members in acts of corruption. He apparently refused to retract his allegations in any way and a government commission was set up to investigate the allegations. Nevertheless, in November, soon after the commission was set up, and before it had announced any conclusions, Sana Manneh was charged with libel and required to report regularly to the police. His trial started in December and focussed on the validity of his allegations. Meanwhile, the head of state, President Dawda Jawara, reportedly declared that if the allegations were true the ministers concerned would be punished; otherwise, the author of the article would be punished in accordance with the law.

In June the Gambian Government acceded to the Optional Protocol of the United Nations International Covenant on Civil and Political Rights.

## GHANA



**At least 50 critics or opponents of the government arrested in previous years, including several prisoners of conscience, continued to be detained without trial throughout 1988 and there were a number of new detentions. There were some releases, including prisoners of conscience. At least 28 people were sentenced to death and 21 executions were reported.**

Out of a group of five prisoners of conscience held during the year, two – Akwasi Adu-Amankwah, a trade union official, and Tony Akoto-Ampaw, a former student leader – had still not been brought to trial at the end of 1988. They were among a group of seven detainees arrested in 1987. In a letter to Amnesty International in August, the government's information department alleged that Akwasi Adu-Amankwah had "sought to bring about a violent confrontation between some sections of organized labour". However, the authorities did not provide evidence that he or any of those detained in 1987 had used or advocated violence and it appeared that they had been imprisoned solely on account of their opposition to government policy. Two of the group had been released at the end of 1987 (see *Amnesty International Report 1988*), three others were freed during 1988: John Ndebugre, a former government minister, and Ralph Kugbe, were released in April and Kwame Karikari, a journalist, was released in December.

In February the authorities released Ben Ephson, a journalist who had been detained incommunicado since September 1987, apparently also on account of his

non-violent criticism of government policy.

B.D.D. Asamoah, an official at the secretariat of the military government, the Provisional National Defence Council (PNDC), was arrested in August. A senior government official claimed he had published incorrect information about the armed forces and said he was suspected of planning illegal activity. According to other sources, he was detained because he had written a document accusing leading government officials of corruption. He had reportedly been released by the end of the year. Akrong Wiafe, a government-employed journalist who was arrested in November, apparently on suspicion of distributing B.D.D. Asamoah's document, remained in detention.

In August Lieutenant-Colonel Owusu Agyekum, a member of the medical staff at a military hospital in Accra, was reportedly arrested. He had just returned from the United States and was apparently suspected of contacts with government opponents abroad. He was believed to be still in detention without charge at the end of the year.

Over 50 detainees were reportedly held without charge under security legislation throughout 1988, many of them former armed forces personnel arrested in previous years in connection with alleged plots against the government. They included Corporal Isaac Opere, allegedly involved in a coup attempt in 1983; Sergeant Anamolga George Akolgo and Private John Kwesi Attipoe, apparently suspected of involvement in an attempt to assassinate the head of state in February 1985; and Corporal Moses Harley, who was reported to have been severely ill-treated following his arrest in October 1985 on suspicion of involvement in another conspiracy against the government in 1985. Corporal Samson Nyame Bekyere was also said still to be in detention. He had reportedly been acquitted in August 1983 when brought to trial for involvement in a coup attempt but to have been immediately redetained under the Preventive Custody Law of 1982 (PNDC Law 4).

PNDC Law 4 empowers the PNDC to order the detention without trial for an unlimited period of anyone suspected of endangering the security of the state. The authorities are under no obligation to in-

form detainees of the reasons for their detention and since 1984 the courts have not been allowed to review the legal basis or reasons for detentions.

At least four of a group of some eight armed forces officers were also reported to have been released in late 1988. They were members of the Armed Forces Reserve Unit, a commando corps alleged to have been involved in the torture of detainees arrested in recent years in connection with coup attempts. They were apparently detained in 1986 on suspicion of involvement in conspiracies against the government.

Three people detained without trial in 1987 in connection with a dispute over the succession to a traditional chieftaincy in Yendi were released uncharged during the year (see *Amnesty International Report 1988*). Afa Ajura, a religious leader in Tamale, was apparently released in March; Ibrahim Mahama, a lawyer and former member of parliament, and another detainee, Amadu Sana, were released in July. An unknown number of those sentenced to death in 1987 for murders committed in factional fighting in connection with the Yendi dispute were released in an amnesty in December.

At least 28 people were sentenced to death during the year following conviction for armed robbery and murder. Eleven people convicted of armed robbery in a number of separate trials were executed by firing-squad in June; at least six of them had been sentenced in 1987.

A further 10 men were executed by firing-squad in October. They had been convicted in three separate trials in August and September of ritual murder—premeditated murder committed in the context of magical or religious beliefs—and their sentences were confirmed by the National Appeals Tribunal in September. A woman was convicted and sentenced to death in the September trial but the outcome of her appeal was not known.

All those sentenced to death are believed to have been convicted by Public Tribunals, special courts established in 1982 by the PNDC. As in previous years, it was not clear whether the Public Tribunals were fully independent. They could impose the death sentence for offences specified by the PNDC but not necessarily punishable by death in law, or in cases where the judges felt it was merited. Tri-

bunal judges were appointed by the PNDC and had no specific protection against dismissal. The National Public Tribunal, the highest court to which those convicted by lower Public Tribunals could appeal, could try cases itself and hear appeals against its own decisions, sitting as a National Appeals Tribunal. The independence of the appeals process was therefore not ensured.

In December an amnesty was announced for an unspecified number of prisoners convicted of criminal offences to mark the anniversary of the coup which brought the PNDC to power. Included were an unknown number of people sentenced to death for murder in 1987 in connection with the Yendi dispute, and Salifu Amankwah, an armed forces officer sentenced to death for murder in November 1987.

Amnesty International appealed for the release of prisoners of conscience and expressed concern about the long-term detention without trial of other political prisoners. It also appealed for the commutation of death sentences and for an end to executions.

## GUINEA



There were a number of political arrests. Those detained were held incommunicado without charge or trial and reportedly subjected to frequent beatings. The government released 39 prisoners sentenced after secret and unfair trials in 1986 for participation in an unsuccessful coup attempt but failed to account for more than 60 others. In October the government announced its intention to set up a commission to draft a new constitution.

In January 50 students were arrested by police after two simultaneous demonstrations in Conakry by students and others complaining about price rises and living conditions. During the protests one person was reportedly killed. Those arrested were released after a few days but nine students were re-detained shortly afterwards and held without charge until 15 February, when they were released. The cases of the nine, who included Moustapha Diallo and Mamadou Maréna, were not referred to the Procuracy for further investigation and possible prosecution and those detained appeared to have been held primarily because they were regarded as leaders of the student community and had been demanding improvements in their living conditions, rather than for their conduct during the demonstrations. While in custody they were reportedly beaten and subjected to mock executions.

More arrests occurred in October after an incident at celebrations marking the 30th anniversary of independence in which one person was killed. An army vehicle apparently went out of control and drove towards a stand in which government officials were sitting. A journalist was killed and others were injured. Official statements indicated initially that it had been an accident and later denied rumours that a coup attempt had taken place. However, a number of military personnel, including Kabinet Kaba, a non-commissioned officer in the air force, were arrested in Conakry. Shortly afterwards, there were reportedly arrests in the Kankan area, in the east of the country, the area associated with the Malinké ethnic group. None of those arrested was known to have been charged or released by the end of the year. All were believed to be held incommunicado.

On independence day in October, the government announced the release of 39 political prisoners. They had been among 201 people convicted at secret and unfair trials in 1986 before the State Security Court and Military Tribunal, apparently on charges relating to an unsuccessful coup attempt in July 1985. The 201 included 21 sentenced to death in *absentia*. Government sources indicated that the 39 released were the last prisoners remaining among those convicted and the only political prisoners remaining in Guinea. However, this left 63 prisoners – 18 civil-

ians and 45 military and police personnel – unaccounted for of the 72 civilians and 129 military and police personnel convicted at the secret trials. Of the remainder, 21 were tried in *absentia*, some were freed when the sentences were made public in May 1987, and 67 were released in January 1988. Two others, Diarra Traoré and Siaka Touré, were acknowledged by the government to have died in detention.

Those freed in October included three people who had been sentenced to death and seven others serving life sentences. No information was made available about the other prisoners who had been sentenced to death, many of whom were reported by unofficial sources to have been executed extrajudicially in July 1985, a year before their cases were officially said to have been tried. Similarly, nothing was disclosed about other prisoners who remained unaccounted for, such as Mory Kaba, an engineer sentenced to 20 years' imprisonment, and El Hadj Sory Sidibé, a relative of Sékou Touré, sentenced to life imprisonment. Secrecy also surrounded the fate of many of the 129 military and police personnel who had been convicted in separate trials, particularly as their identities had not been disclosed by the authorities and it was not clear what sentences each had received. After the October releases, 45 of these remained unaccounted for. They included former government minister Kabassan Keita, an army commander at the time of his arrest in 1985, who had been imprisoned and sentenced to death when former President Ahmed Sékou Touré was in power. There were also reports that many civilians and members of the military may have "disappeared" in detention without any legal procedures having been initiated.

Amnesty International welcomed the October releases but expressed concern that many prisoners, almost all from the Malinké ethnic group, were still unaccounted for. Many Malinké appear to have been targeted for arrest because the leaders of the alleged coup in 1985 belonged to this ethnic group, to which former President Sékou Touré had also belonged. Amnesty International asked the government for information about them but received no reply. The organization also investigated the cases of students detained in January who appeared to be prisoners of conscience imprisoned

because of their non-violent political views, and investigated reports that civilians and members of the military had "disappeared".

## GUINEA BISSAU



**About 30 political prisoners, some of them possible prisoners of conscience, continued to serve sentences imposed after an unfair trial in July 1986. One long-term political prisoner was released early in the year. There were further reports of torture and one prisoner was alleged to have died as a result of severe beating.**

Rafael Barbosa, who had spent many of his 61 years in prison, was released early in the year. After his most recent arrest in June 1985 (see *Amnesty International Report 1986*) he had been banished under the terms of an administrative restriction order to an island in the Bijagos Archipelago where he remained until early 1988.

The government stated that Emilio Costa, who was reportedly arrested in December 1986 in connection with an alleged plot to overthrow the government led by former Vice-President Colonel Paulo Correia, had never been detained. However, there were further reports that he had been detained and later released.

Four people who had served over half the sentences imposed on them after an unfair trial in July 1986 were released to mark the 40th anniversary of the Universal Declaration of Human Rights. Thirty others convicted at the same trial continued to serve sentences of between six and 15 years' imprisonment. They had been convicted of collaborating in the plot led by Paulo Correia, who with five others

was sentenced to death with no right of appeal against conviction or sentence, and executed in 1986. Further information was received indicating that in a number of cases evidence produced at their trial was insufficient to prove the defendants' guilt. The court reportedly had admitted as evidence statements which had been extracted from defendants under duress. Several defendants stated at the trial that they had been tortured and one, Viriato Rodrigues Pã, who was subsequently sentenced to death and executed, showed the court a urine sample containing blood as evidence that he had been ill-treated. The court apparently failed to investigate these claims or to establish whether statements made by defendants in custody had been reliable. Those sentenced to terms of imprisonment were entitled to appeal to the Supreme Court of Justice but apparently none did. It appeared that some of them might be prisoners of conscience held because of their personal or professional association with leaders of the alleged plot against the government, rather than because they had taken part in a conspiracy and used or advocated violence. The conditions in which prisoners served their sentences on an island in the Bijagos Archipelago were reported to be harsh, but few details were available.

In early 1988 one of these prisoners, N'fono Tchuda Nalagna, a former presidential bodyguard, was reported to have died in custody the previous year at about the time his one-year sentence was due to expire. No official inquiry is known to have been carried out to establish the cause of his death.

Braima Mané, a member of the Presidential Guard, who had been arrested in September 1987 on charges of stealing a large sum in foreign currency, reportedly died on 7 January as a result of severe beatings inflicted in custody. No inquest was known to have been held to determine the cause of his death or that of another detainee, Mandu Fati, who died in custody in February 1987 (see *Amnesty International Report 1988*). Other reports of torture received in 1988 related to the years 1985, 1986 and 1987. They mostly concerned people arrested for political reasons and held in the Comando Operacional-2 (COP-2), Operational Command-2, a detention centre in Bissau. Torture was reported usually to have con-

sisted of repeated severe beatings with sticks, truncheons and electric cable, sometimes while the victim was tied to a table. Prisoners were alleged to have been kicked and burnt with cigarettes and sometimes suspended by the feet or tied in other painful positions. One typical testimony relating to incidents in 1987 concerned a prisoner suspected of being in contact with government opponents – he said he was subjected to beatings which continued for hours, for over a week, and on one occasion subjected to electric shocks. His torturers were two masked guards who often smelt of alcohol and were in charge of him whenever interrogating officers left the room.

In August 1987 Amnesty International had sent the government a memorandum detailing its concerns about long-term detention without trial, the unfair trial of Paulo Correia and others in July 1986, allegations of torture or ill-treatment, deaths in custody and the use of the death penalty. Amnesty International recommended that an independent commission of inquiry should be established and given full powers to investigate reports of torture and deaths in custody and to make its findings public. No such inquiry had been set up by the end of 1988 and the government had not responded to the memorandum.

Amnesty International took up the cases of 14 of those sentenced in July 1986; on the basis of information obtained since their trial the organization believed they might be prisoners of conscience.

## KENYA

**More than 20 prisoners of conscience and some 50 other alleged government opponents detained without trial or sentenced after unfair trials were imprisoned throughout the year. At least 20 suspected government opponents were arrested during the year; four were detained indefinitely without trial, 12 were sentenced to long prison terms. Most of these defendants had pleaded guilty to political offences after they had been held incommunicado, denied legal representation and reportedly tortured or ill-treated. Eleven long-term detainees held without trial, including five prisoners of con-**

**science, were released in February. Two of them were rearrested in September and served with indefinite detention orders. Some 170 people were under sentence of death, with over 25 new death sentences imposed, but it was not known if there were any executions.**



In August the Constitution was amended by Parliament to extend from 24 hours to 14 days the period during which police could hold suspects for investigation into the capital offences of treason, murder or robbery with violence. This extension increased the risk of suspected government opponents being tortured or ill-treated under interrogation.

Seven political detainees held without trial under the Public Security Regulations since 1986 and 1987 – all prisoners of conscience – were freed in February. They were Paul Amina, a journalist; Ngotho Kariuki, Kariuki Gathitu and Katama Mkangi, university lecturers; Raila Odinga, a civil servant; Israel Otieno Agina, a businessperson; and Patrick Onyango, a teacher. Four other detainees – former airforce officers held in secret since a coup attempt in 1982 – were released without trial.

Several people were arrested for political reasons in the second half of 1988. Some were accused of involvement with a clandestine socialist organization, *Mwakenya* (*Muungano wa Wazalendo wa Kukomboa Kenya*, Union of Patriots for the Liberation of Kenya). Most, however, allegedly belonged to one of two new opposition organizations, the Kenya Patriotic Front (KPF) and the Kenya Revolutionary Movement (KRM). The government accused these two organizations of send-

ing some of their members to Libya for guerrilla training. However, no incidents of political violence by the KPF or KRM were reported. The government displayed considerable hostility towards human rights activists. Church leaders who criticized human rights abuses were threatened with arrest and the editor of a church journal was sent to prison. Two members of United States organizations concerned with human rights, who were sent to Kenya to observe an inquest into a suspicious death in custody, were arrested and interrogated for several hours.

Four detentions were ordered in September under the Public Security Regulations. These regulations permit the minister of state responsible for internal security to authorize the indefinite detention without charge or trial of anyone regarded as a threat to state security. Such detentions are not subject to court challenge. Those detained included Raila Odinga, son of former Vice-President Oginga Odinga, a prominent government critic, and Israel Otieno Agina, manager of a business owned by Oginga Odinga. Both detainees had been freed in February 1988, after detention without trial for six and two years respectively. The other two new detainees were former airforce personnel previously imprisoned for involvement in a coup attempt in 1982. Initially the police did not acknowledge the four arrests or inform detainees' families where their relatives were held. Only when *habeas corpus* applications were made by the families of Raila Odinga and Israel Agina did the authorities state in the High Court that they had been detained under the Public Security Regulations. The reasons for the detentions were not disclosed.

Maina wa Kinyatti, a prisoner of conscience and former history lecturer, was released in October after serving a six-year prison sentence; he had been accused of possession of a seditious publication. Three students jailed for sedition in 1982 and 1983 were also released after serving their sentences, as were some 20 prisoners arrested in 1986 and 1987. Most of the 20 were arrested for alleged links with *Mwakenya*; some of them received remission of one-third of their sentence. At the end of 1988 almost 70 political prisoners, including prisoners of conscience, were serving prison sentences imposed after unfair trials.

Three prisoners of conscience detained in 1986 were still in prison at the end of 1988: Mirugi Kariuki and Wanyiri Kihoro, both lawyers, and Mukaru Ng'ang'a, a historian. Their continued detention appeared to be motivated by official displeasure about their action in suing the government for torture and illegal detention. In February Wanyiri Kihoro lost his case on the grounds that his injuries, said to be the result of torture, were not medically substantiated. A doctor was allowed to examine him only shortly before the hearing in January, some 18 months after he had been tortured. His appeal against dismissal of the case, and similar cases filed by Mirugi Kariuki and Mukaru Ng'ang'a, had not been heard by the end of 1988. All three were reportedly pressed to withdraw their cases in return for release from detention, but refused to do so.

Twelve people were tried for political offences and sentenced to prison. Most were charged with membership of *Mwakenya* or of possessing its publications, or with membership of the KPF or KRM. They included associates of Raila Odinga, whom prosecutors alleged to be the KRM leader, and relatives of Koigi wa Wamwere, a KPF leader in exile. A former member of parliament, Kimani wa Nyoike, began a 20-month prison sentence in October for failing to report an alleged KPF plot to overthrow the government. He was held incommunicado for a month before being brought to court, where he appeared without legal counsel and pleaded guilty. As in similar cases in previous years, it appeared that he and others convicted of political offences had been subjected to torture or duress in efforts to obtain guilty pleas. At least 10 other suspected government opponents arrested in late 1988, including six schoolteachers, had not been brought to trial or released by the end of the year.

Bedan Mbugua, the editor of *Beyond*, a publication of the National Christian Council of Kenya, which carried articles on human rights, was prosecuted for failing to submit annual sales returns to the Registrar of Books and Newspapers. The publication was banned in March. In August Bedan Mbugua was sentenced to nine months' imprisonment but released on bail pending an appeal. Three other people were jailed in late 1988 for two years on charges of possessing copies of *Beyond*.

Reports alleged the torture or ill-treatment of political prisoners by Special Branch police who held them incommunicado. Prisoners were allegedly denied food, beaten and threatened with death. Some prisoners released from detention in early 1988 described in detail how they had been tortured by being placed in flooded cells and denied food for days.

The treatment of political prisoners continued to be harsh. Although Mirugi Kariuki was suffering from torture injuries sustained in 1986, the authorities would not allow his doctor to supervise his treatment. Maina wa Kinyatti told journalists after his release that he had been repeatedly stripped naked, beaten with canes and clubs and kicked by police attempting to extract a confession of membership of *Mwakenya*. He was held in solitary confinement for a year and medical treatment was refused for two years. He had also been imprisoned with mentally ill patients, given poor quality food and had suffered both from stomach ulcers and severe deterioration of his eyesight.

Amnesty International investigated whether two political prisoners had died in 1988 as a result of ill-treatment or denial of adequate medical treatment. John Mungai Waruiru, a carpenter jailed in 1986 for distributing *Mwakenya* publications, reportedly died in prison on 5 May. No inquest was held. Titus Adongosi Oloo, a student union leader jailed in 1982 for supporting a coup attempt, died on 27 December from a stomach ulcer, according to the official report. Both prisoners had been serving 10-year sentences.

The inquest on Peter Njenga Karanja, a businessperson and rally-driver who died in custody in February 1987, ended in February 1988 after several days' hearing. Special Branch police had detained him for a suspected political offence. An observer from the American Association for the Advancement of Science and an observer from the New York-based Lawyers Committee for Human Rights were arrested in January while attending the hearing, held incommunicado for several hours and interrogated about their reasons for being in Kenya. The Chief Magistrate ruled at the inquest that "some offence" had been committed by the officers responsible for Peter Karanja's custody and directed that the ruling be sent to the Attorney General for further action. He

implied that he believed Peter Karanja had been tortured but police officers giving evidence refused to name his interrogators on the grounds of state security. No further action was known to have been undertaken against those responsible for Peter Karanja's death.

At the inquest in November into the death of Gregory Byaruhanga, a Ugandan schoolteacher who died in police custody in March 1987, the magistrate ruled that he had died of natural causes. Evidence from an autopsy, however, indicated that he had been assaulted in custody. No judgment had been given by the end of the year in the inquest into the death of Stephen Wanjema, a political suspect who died in police custody in 1986, allegedly after being tortured. In the inquest into the death of Stephen Mbaraka Karanja, the magistrate rejected evidence from a fellow prisoner that he had been tortured, deliberately shot dead and his body burnt. The police failed to produce the body and the magistrate closed the case. The victim was a businessperson, held on criminal charges, whom the police said they shot dead while he was attempting to escape from custody in April 1987.

In the case of Taaalu Kotela Kiombwe, a Zairian musician and robbery suspect who died in police custody in Mombasa in January, five police officers were charged with murder. Evidence was presented in court that the victim had been beaten and buried alive up to his neck in a grave. The trial had not been completed at the end of the year.

More than 25 death sentences were imposed by the courts for murder and robbery with violence, bringing to about 170 the number of prisoners believed to be held under sentence of death and awaiting the outcome of judicial appeals or petitions for presidential clemency. It was not known if there were any executions in 1988.

Throughout 1988 Amnesty International pressed for the release of prisoners of conscience and for fair trials, in accordance with international standards, for all political prisoners. Amnesty International also called for safeguards against torture and ill-treatment of prisoners and for impartial investigation of all allegations of torture. The Kenyan Government did not respond to the organization's appeals.

## LESOTHO



**A journalist who criticized the government was detained without trial for several weeks and then deported. An armed hijacker taken prisoner after an incident in September died in custody in suspicious circumstances. No progress was made in identifying those responsible for the killings of two former government ministers and their wives in 1986. There were new attacks on opponents of the South African Government resident in Lesotho.**

In February the ruling Military Council, headed by Major General Justin Lekhanya, declared a state of emergency in response to a rise in violent crime. Under emergency regulations, the police were empowered to arrest without a warrant people suspected of armed robbery or certain other criminal offences, and to detain them incommunicado for up to 14 days. The police were also granted immunity against prosecution for any acts committed in the course of their duties under emergency powers. In April the High Court declared the state of emergency invalid, but it was reimposed within days after the government took powers to issue a new decree. A number of reports suggested that, by the end of the year, the combination of extensive detention powers and the immunity provision had resulted in an increased incidence of police abuse and ill-treatment of criminal suspects in custody.

Johnny Maseko, editor of *The Mirror* newspaper, was deported in December after four weeks in detention without charge or trial. He was believed to be a prisoner of conscience. Initially arrested

in late October and charged with criminal defamation, apparently on account of newspaper articles criticizing the government, he was quickly released on bail. However, he was rearrested on 14 November and detained under the Internal Security (General) Act 1984. This permits detention without charge or trial for 42 days: the first 14 days on the authority of a police officer, the second 14 days by order of the Commissioner of Police, and the final 14 days on the order of a government minister.

In September, shortly before Pope John Paul II was due to arrive in Lesotho, a bus containing more than 70 people going to await his arrival was hijacked by four armed men whose motive was unclear. Three of the hijackers and two of the hostages were killed in a gunfight when South African commandos assisting local security forces stormed the bus. The fourth hijacker, later identified as Samuel Hlapo, was captured and handed over to the Lesotho authorities, who announced next day that he had died of wounds sustained during the gunfight. However, a South African Government spokesperson and witnesses to the arrest reported that Samuel Hlapo had been wounded only superficially at the time of his capture and handover to Lesotho security personnel. A post-mortem examination found that his throat had been slit and his skull smashed, prompting speculation that he had been deliberately killed in custody. It was not clear whether there had been any official investigation into the circumstances of this death by the end of the year.

No progress was made in identifying those responsible for the apparently politically motivated killings in 1986 of two former government ministers and their wives (see *Amnesty International Report 1987*), although there were two witnesses to the killings.

There was a further suspicious death in March. Mazizi Maqeqeza, a South African exile belonging to the African National Congress (ANC), which is banned in South Africa, was shot dead by an unknown gunman while in police custody in a Maseru hospital. He had been arrested following a shooting incident in late February, in which another ANC member was killed by Lesotho police. At the time of his death he was undergoing hospital treatment for wounds received during the

February shooting. A third ANC member, Mbulelo Ngono, also arrested in connection with the February incident, was later reported to have "disappeared" from Lesotho police custody and it was unclear what had happened to him.

Amnesty International was concerned about the detention of Johnny Maseko. It also believed that the deaths of Samuel Hlapo and Mazizi Mapekeza, and those of the former government ministers and their wives killed in 1986, should be thoroughly investigated, and that those responsible should be brought to justice.

## LIBERIA



**At least 16 prisoners of conscience were detained without trial. An opposition party leader and a former Supreme Court judge were among 10 people convicted of treason after an unfair trial. A former deputy head of state and others were killed in unexplained circumstances following an alleged invasion. Prisoners were reported to have been killed and others to have died in prisons where they were severely ill-treated. At least 10 people were sentenced to death but no executions were known to have been carried out.**

At least 16 people were imprisoned solely on account of their non-violent opposition to the government. Although Liberian law stipulates that a suspect must be charged or released within 48 hours of arrest, most were detained for several days and one for nearly a year without being tried or brought before a court. Others were held in apparently unlawful detention for weeks or months before they were charged.

Nathaniel Nimley Choloply was arrested on his return to Liberia from the United States in December 1987 and was detained, incommunicado and uncharged, until November 1988. He was apparently suspected of involvement with government opponents in exile. The authorities ignored a *habeas corpus* writ served by the Circuit Court in February directing that he should appear in court. He was held for five months at the Post Stockade, a military detention centre in the capital, Monrovia, and in June transferred to the remote prison camp at Belle Yellah, some 140 kilometres from Monrovia, where on arrival he was reportedly stripped and beaten. A further *habeas corpus* writ was ignored in September. He was released in November.

In April the *Sun Times* and *Footprints Today* newspapers were banned and six of their journalists detained without charge for about a week following the publication of articles the authorities considered critical of the government.

In September nine students were detained illegally for nearly two weeks. They were among 21 students arrested at a meeting with church leaders to discuss the unrest which followed a government ban on student political activities. The others were held briefly and released.

About 20 people were arrested in March and accused of involvement in a conspiracy to overthrow the government. Although some were eventually released uncharged, 10 were brought to trial in August after being held incommunicado for five months. They included Gabriel William Kpoleh, leader of the opposition Liberia Unification Party and a former prisoner of conscience; Ceapar Mabande, a university professor and former Supreme Court judge; and members of the armed forces. They were convicted of treason and sentenced to 10 years' imprisonment in October. At the end of the year their appeals to the Supreme Court had not been heard.

Shortly after his arrest in March, one of the suspects, Joe Robert Kaipaye, died from injuries sustained after falling from a window of the Executive Mansion, the official residence of President Samuel Doe, during interrogation by the President. According to an official statement, he committed suicide. No inquest was held into his death.

When the 10 alleged conspirators came to trial before the Criminal Court in August the military authorities continued to deny them access to legal counsel. This was in defiance of a court ruling and the defendants' lawyers withdrew from the trial in protest.

It appeared that those convicted were prisoners of conscience. The prosecution alleged that they had plotted to overthrow the government and to assassinate the President. However, defendants said during the trial that the authorities had used improper pressure to induce many of those arrested to give evidence for the prosecution and Gabriel Kpoleh claimed that he had been prosecuted to prevent him standing in forthcoming presidential elections. State witnesses were illegally held incommunicado until the trial. Defendants claimed that they had been held in very poor conditions at the Post Stockade; one said he had been denied food and water for several days while another said that he had refused money offered by the Minister of Justice if he would testify falsely. A witness called by the prosecution said he had been assaulted for refusing to give evidence. After the trial defence lawyers alleged that the principal prosecution witness and members of the jury had been bribed.

A former senior member of the military government, Major-General Nicholas Podier, and some five others were killed by the security forces in July in circumstances which had not been explained by the end of the year. According to official statements, they were killed in fighting when government forces clashed with an armed band of 11 men said to be invading Liberia. However, other sources reported that they were arrested after crossing the border from neighbouring Côte d'Ivoire and were taken to Scheiffelin military base near Monrovia where Major-General Podier, Captain Humphrey Moore, John Seekey and others were killed by the security forces. The others arrested in the same incident, believed to number five, were apparently subjected to beatings, both on the journey to Scheiffelin and after their detention at the Post Stockade. In September three of them, including two United States nationals, were charged with treason but in November, after apologizing to President Doe, they were released. About five others detained in connection

with the alleged invasion, including three members of the former military government apparently arrested in Monrovia, were released uncharged at the same time. No inquest or any other form of official investigation was carried out into the circumstances in which Major-General Podier and others were killed by the security forces.

In July, after a minor incident between nationals of neighbouring Sierra Leone and military personnel in which a Liberian soldier died, hundreds of Sierra Leoneans – both men and women – were detained and their homes and businesses looted by members of the armed forces. Over 100 were held for several days in underground cells at the Executive Mansion, where they were reportedly severely beaten and one of their number shot dead. They were then released uncharged.

Reports were received of deaths, ill-treatment and very harsh conditions at Belle Yellah prison camp during both 1987 and 1988. Four prisoners were alleged to have died between June and October 1987 of starvation. Thomas Jackson, held without charge since 1984, apparently on suspicion of having committed a criminal offence, was reportedly shot dead in July 1988 while attempting to escape. The camp was said to hold over 70 prisoners, most of them untried criminal suspects detained since 1984, two of whom were under 15 years old at the time of their arrest. Half the prisoners were said to be permanently chained by the neck in pairs and others had heavy logs chained to their ankles. They were reportedly forced to do hard labour in order to obtain meagre amounts of food and severely beaten if they complained of illness.

Further reports were received during the year of poor conditions at the Post Stockade, where civilian detainees were held illegally for several months. Food and water was allegedly withheld from some detainees for several days. They had to sleep on the ground without bedding and the floors of cells were said to be covered in excrement. No government action to investigate the cause of prisoners' deaths or to improve conditions at either Belle Yellah camp or the Post Stockade was reported.

In two trials in May and July 10 people were sentenced to death following their conviction on charges of ritual murder –

premeditated murder committed in the context of magical or religious beliefs. It was not known whether appeals to the Supreme Court had been heard by the end of the year or whether executions had been carried out.

Amnesty International appealed for the release of prisoners of conscience, investigated the cases of prisoners held on suspicion of threatening the security of the state and urged an improvement in prison conditions. The organization appealed to the President to commute all death sentences of which it was informed.

## MADAGASCAR



**Thirty-eight prisoners who had been held without trial for more than two and a half years were released in March after being tried and either acquitted or sentenced to short prison terms. Some were believed to have been held solely as suspected opponents of the government. Several hundred people were reported to have been extrajudicially executed by government security forces engaged in operations in rural areas against bandits and cattle-rustlers.**

The trial of 245 young people charged with criminal and political offences, including jeopardizing the security of the state, began on 29 February before a criminal court in Ambatolampy. All the defendants were suspected members of kung fu martial arts clubs who appeared on charges related to violent clashes in December 1984 between members of the clubs and the Tanora Tonga Saina (TTS), Youth Who Are Aware of Their Responsibilities, a group said to have links with

some members of the government. Earlier in 1984 the clubs had been declared illegal because they had become identified with opposition to the government. In August 1985 security forces attacked the principal kung fu club in the capital, Antananarivo. A number of people were killed in the attack and over 200 were arrested. Most were later provisionally released but 38 remained in detention, all but one in Arivonimamo Prison, until February 1988. Eight were provisionally released a few days before their trial began.

Most of the 245 defendants were acquitted, including 10 of those held in custody since August 1985. The 28 others held since 1985 were convicted of theft and destruction of public property and received sentences of two years' imprisonment, in some cases suspended. All were released because of the time they had already spent in pre-trial detention. Other more serious charges, including offences against the security of the state, were dismissed by the court as unproved. The outcome of the trial appeared to confirm that some of those concerned had been held for more than two-and-a-half years as suspected opponents of the government on account of their membership of kung fu clubs.

In April the army, the national police and the gendarmerie began a series of operations against *dahalo* – bandits and cattle-rustlers – in the provinces of Toliary, Fianarantsoa, Antananarivo and Mahajanga, in the south and centre of the country. Several hundred people, not only suspected cattle thieves but also farmers and villagers uninvolved in any such crimes, were rounded up by security forces and summarily executed, either in public or secretly in the countryside. Most of those killed came from remote villages and their identities were unknown. They appeared to be victims of a deliberate policy of extrajudicial execution; some were alleged to have been tortured and humiliated in public before being killed.

Questioned in the National Assembly about the conduct of these operations, the Minister of the Interior stated that three ministries – those of the interior, defence and justice – were jointly responsible for these operations. However, the Minister of Justice later denied responsibility for any illegal actions undertaken by the security forces. In an open letter opposition parties

called on President Didier Ratsiraka to investigate abuses by the security forces, to take steps to end the killings and to bring those responsible to justice. However, further summary executions were reported to have taken place in August and September. By the end of the year it seemed that no official investigation or measures to prevent such killings had been undertaken.

Amnesty International had repeatedly called for the fair trial or release of the 38 prisoners held since August 1985. When the organization sought to send an observer to the trial he was refused permission to enter the country by the Malagasy authorities. Reports suggested that the trial was fair.

Following reports of widespread killings by the security forces Amnesty International urged the government to set up an urgent inquiry and take action to prevent further extrajudicial executions.

## MALAWI



**Prisoners of conscience were among at least 30 political prisoners known to be held throughout the year, most of them without charge or trial. The total number of political prisoners was believed to be much larger. There were reports of serious overcrowding in prisons and police cells and of severe ill-treatment of convicted criminal prisoners.**

Jack Mapanje, Malawi's best known poet, was still held without charge or trial in Mikuyu Prison, near Zomba, at the end of 1988. He had been arrested in September 1987 on account of his non-violent expression of views critical of the government and possibly in an attempt to pre-

empt publication of a volume of his poetry which the authorities believed would be similarly critical. The authorities gave no reason for his detention nor did they explain its legal basis but it appeared that he was held under the Public Security Regulations of 1965, which allow indefinite administrative detention without trial of those regarded as a threat to national security. His relatives were not allowed to visit him and were not informed officially of his place of detention.

Two other prisoners of conscience serving life sentences – Orton and Vera Chirwa – also remained in prison throughout 1988. They were convicted of treason and sentenced to death in 1983 after an unfair trial before a "traditional court" – one in which there is no right to legal representation and in which the rules of evidence observed in higher courts do not apply. Their sentences were later commuted (see Amnesty International Report, 1983-1988). There was particular concern about their health following their transfer from Mikuyu Prison to Zomba Central Prison in 1987.

Four other uncharged political detainees appeared to be prisoners of conscience. L.E. Chaloledwa had been detained continuously in Mikuyu Prison since 1977, apparently because of his friendship with a cousin of Life-President Kamuzu Banda who fled from Malawi over 10 years ago and who was suspected of being an opponent of the government. Lister Muwamba, another detainee held at Mikuyu, was arrested in 1986 in Blantyre and held under the Preservation of Public Security Regulations as a suspected supporter of Orton Chirwa. John Malesa, a further supporter of Orton Chirwa, was also detained without trial throughout 1988 following his arrest in Machinga district in December 1987. Goodluck Mhango, a veterinary surgeon arrested in September 1987, was still held without charge or trial at the end of 1988. He was detained at Dzeleka Prison, near Dowa, apparently because his brother, a journalist living in exile, was considered an opponent of the government.

Other uncharged political detainees held throughout 1988 included Daniel Paul Chunga, detained since May 1982 as a suspected supporter of the opposition Socialist League of Malawi, LESOMA, and Ian Felix Mbare, a clothing company em-

ployee in Lilongwe who had been detained since he returned in January 1981 from a visit to Zambia, where he was alleged to have met members of LESOMA. Both he and Daniel Paul Chunga were held in Mikuyu Prison.

Aleke Banda, a former secretary general of the ruling Malawi Congress Party, was also reported to be still detained without trial in Mpyupyu Prison near Lake Chilwa. He had been arrested in February 1980, apparently after he made statements interpreted as criticizing President Banda. No official reasons for his detention have ever been given. It also appeared that two senior Reserve Bank officials, Dr Bandawe and Chakakala Chaziya, who were arrested in early 1987 and reportedly taken to Chichiri Prison in Blantyre, might also be detained for political reasons. There had been reports that they sought to resist improper interference in the affairs of the Reserve Bank by senior politicians.

There were reports of serious overcrowding and ill-treatment of prisoners in both prisons and some police stations. At Blantyre Police Station, for example, between 20 and 30 prisoners awaiting trial on criminal charges were said to be held in cells measuring no more than two metres square, making it impossible for them to lie down and sleep. Relatives of prisoners brought in food, as police reportedly only fed them once a week. Inmates were not provided with blankets or water to wash in. Prisoners awaiting trial were reported to be assaulted regularly by police officers with hosepipes, wooden batons or their fists – a form of ill-treatment known as “panel-beating”. Police officers were also reported to have threatened criminal suspects with death or further beatings if they refused to confess to crimes of which they were suspected.

There were reports during the year that some convicted criminals were ill-treated and subsequently died. These were prisoners who had been convicted on more than one occasion of crimes such as burglary or robbery with violence and whom the authorities called “hardcores”. According to reports by former detainees these prisoners were held at ordinary prisons but were transferred shortly before the end of their sentences to Nsanje Prison in the far south of the country, where they were said to have been stripped naked and chained to the floor of their cells for a month.

During this period they were apparently not given food and it is alleged some died of starvation or diseases. A section of Dzeleka Prison may have been converted for use in this “hardcore program”. Prison officers from around the country were reportedly required to spend a month every year there and at Nsanje Prison.

Amnesty International investigated reports of ill-treatment and deaths at Nsanje and Dzeleka prisons. It urged the Malawi Government to release all prisoners of conscience and to release or promptly and fairly bring to trial all other untried political prisoners. The government did not reply to these appeals.

## MALI



**At least 10 people were detained during the year for the non-violent expression of their political views. In September the head of state ordered the release of a number of political prisoners and the commutation of six death sentences. The remote prison at Taoudénit, where many prisoners have died in the last 20 years, was closed. Seven death sentences were passed but no executions were reported.**

In early March eight students from the Ecole normale supérieure (ENSUP), the higher teachers' training college, were arrested after a peaceful march to the Ministry of Education in the capital, Bamako. They were protesting at the suspension of a teacher and trade union leader, Issa Ndiaye, after teachers had gone on strike over four-month delays in the payment of salaries. Charles Danioko and Komakan Keita, heads of department at the ENSUP and trade union members, were also

arrested. By law, their cases should have been referred to the procuracy and the two formally remanded in custody or released within 48 hours of arrest. However, they were detained until the end of March, when they were released uncharged.

In September President Moussa Traoré granted clemency to 78 prisoners to mark the 28th anniversary of Mali's independence. The closure of the desert prison at Taoudénit in northern Mali, in which many political and criminal prisoners have died in the last 20 years, was announced as part of the act of clemency.

Among those who benefited from the presidential order were former senior government officials who were released before the end of their prison terms after being held at Taoudénit since the late 1970s. These included Lieutenant-Colonel Karim Dembélé, Major Alou Mahamane Traoré and Captain Yacouba Coulibaly – who had been among 27 people convicted in October 1978 of conspiring to overthrow the government – and Captain Nouhoum Diawara, who had received a death sentence, subsequently commuted to life imprisonment, following the trials in 1979 of government officials linked to the 1978 conspiracy and who were accused of corruption. The two leaders of the alleged plot died at Taoudénit in 1983; others sentenced in the 1978 trial died there in 1980 and 1987 apparently as a result of the harsh conditions and of inadequate medical care (see Amnesty International Report 1984 and 1988).

One death sentence was passed by the Special Court of State Security in July and a further six in December, three of them *in absentia*, all following convictions for embezzlement. This military court was established in 1976 with the power to impose the death penalty for offences against the security of the state and for embezzlement of state property above a certain value; in 1988 that amount was believed to be 10 million CFA francs (US \$36,000). The court is presided over by civilian judges and armed forces officers. It allows no right of appeal to the Court of Appeal but those convicted may appeal to the Supreme Court on questions of law.

In the September clemency order, six death sentences were commuted, four of them to hard labour for life. It was not known when and on what charges the four had been convicted. Two prisoners con-

victed by the Special Court of State Security, whose death sentences were believed subsequently to have been commuted to life imprisonment, were granted remission of the rest of their sentences: these were Alhadji Djiré, convicted of treason in March 1981 on charges of involvement in a coup attempt in December 1980; and Tiecoura Sidiki Traoré, convicted of embezzlement in November 1987. At each of their trials, two others had also been sentenced to death and it remained unclear whether their death sentences had also been commuted.

Amnesty International appealed for the release of prisoners of conscience and for deaths sentences to be commuted. The organization also expressed concern about the deaths which occurred at Taoudénit prison in previous years and called for a full and independent inquiry into reports that these were the result of ill-treatment and harsh prison conditions.

## MAURITANIA



At least 100 supporters of the Ba'ath party were detained in August and many of them were tortured. Twelve were later brought to trial. More than 20 black opponents of the government who had been convicted after unfair trials in 1986 and 1987 remained in prison. Four convicted political prisoners died as a result of harsh prison conditions and many others suffered serious illness. The release of six untried detainees who had spent four years in custody and included the former head of state, Mohamed Khouna Ould Haidalla, was announced in December.

**However, according to some reports they remained under restriction.**

The military government of President Maaouya Ould Sid'Ahmed Ould Taya, which took power in December 1984, maintained its ban on all political activities. In contrast to 1986 and 1987 when most political prisoners had been black Mauritians critical of the government's alleged domination by Arabs and Berbers, in 1988 the majority of political arrests and the only political trial reported involved suspected supporters of the Ba'ath Arab Socialist Party. The party advocate closer links with the Arab world, particularly Iraq. Although it was not specifically banned, membership was effectively illegal as a result of the government's restrictions on all political parties and activities.

More than 100 suspected members of the Ba'ath party were detained in August. Some were released uncharged but 12 were tried in September by a special court – the State Security Section of the Special Court of Justice – at J'reida army barracks, near the capital city of Nouakchott. Four of the detainees were tried in *absentia*. The defendants were held incommunicado for more than a month and were allowed access to defence counsel of their choice only a few days before the trial began and after pre-trial inquiries had been completed. The charges were based on two prosecution allegations: that the defendants had received money clandestinely from Iraqi government sources to finance their political activities, and that they had been recruiting members of the police and armed forces into the Ba'ath party. The prosecution claimed that by enrolling police and soldiers into the Ba'ath party, the defendants had undermined the security of the state.

At the end of the five-day trial, 13 defendants were convicted and three acquitted. The most severe sentences, of five years' imprisonment, were imposed on an army officer and on the four civilians tried in *absentia*. Two other officers received suspended sentences of five years each. The other six received sentences of between two and four years.

Several of those later convicted told the court that statements which they had made in custody and which were presented as prosecution evidence had been extracted under torture. Three gave details of this and showed the court scars caused by

torture. The presiding judge told them that the court would not admit their statements as evidence. However, there were no investigations into their allegations, nor, apparently, was any action taken against those allegedly responsible. The court's final verdict did not indicate the evidence on which it had reached its conclusions and so it was not clear whether it had been influenced by the statements in question.

A number of those detained in August had been imprisoned previously, in the early 1980s, on account of their membership of the Ba'ath party. They included Memed Ould Ahmed, convicted despite his claims that he was no longer a member of the party and a lack of evidence to prove that he was still active in it.

Four political prisoners at Oualata Prison in the southeast of the country died in August and September as a result of disease and malnutrition. They were members of the black Toucouleur ethnic group and were transferred to Oualata in December 1987 with about 30 other convicted prisoners. Oualata is a desert town where the climate is marked by extremes of hot and cold. Prisoners were forced to do hard labour and were kept in chains much of the time.

Two of the prisoners – the writer, Tène Youssouf Guèye, and former Minister of Health and Social Affairs, Djigo Tafsirou – were among a group of people tried and sentenced in September 1986 for their involvement in writing and distributing the *Manifeste du Nègro-Mauritanien opprimé*, the Manifesto of the Oppressed Black Mauritanian (see Amnesty International Report 1987). The other two prisoners – Warrant Officer Alassane Oumar Bâ and Lieutenant Abdoul Ghoudouss Bâ – were among a group of 35 soldiers convicted in December 1987 of conspiring to overthrow the government by force.

Conditions in Oualata were harsh and all prisoners suffered from ill-health as a result of the abnormally heavy rainfall in mid-1988. Medical attention was virtually unavailable and meals were poor. Tène Youssouf Guèye and Djigo Tafsirou were reported to have died as a result of vitamin deficiencies and diarrhoea. Government sources said that Lieutenant Abdoul Ghoudouss Bâ died from a heart attack. Other sources say that he had been severely beaten before his death.

After the deaths 31 civilian prisoners were transferred from Oualata to a prison in Aioun El Atrouss. It is also a desert town but is equipped with medical facilities. As at Oualata, prisoners were not permitted visits from relatives or lawyers and were effectively held incommunicado throughout the year. After the Oualata deaths received publicity, however, journalists and a representative of the Mauritanian Human Rights League were allowed to talk to some of the prisoners in the presence of Ministry of Interior officials.

Some prominent members of the black community – including the trade unionist Diouf Mamadou, Sow Mohamed El Habib, who was a researcher at the National Languages Institute, lecturer Issahka Korregha and Kassé Mamadou – were released in mid-1988. They had been arrested in December 1987 following the protests after the execution of three black military officers. They were reportedly severely tortured while in police custody.

During 1988 more information became available about trials held at Zouerate, Rosso, Kaedi and Selibaby in late 1986 and early 1987. The trials involved black Mauritians arrested after protests against the September 1986 convictions of the authors of the Manifesto of the Oppressed Black Mauritanian. More than 30 people were tried before local courts on charges of distributing tracts and attending meetings which had not been given the official authorization required by law. In most cases those convicted were sentenced to four or six months in jail and freed in 1987. Some, however, were given one-year sentences. They appeared to be prisoners of conscience imprisoned for peacefully exercising their basic human rights.

More details were also received about the torture of those arrested and tried in Nouakchott and Nouadhibou in connection with the distribution of the Manifesto. Under interrogation, some of the detainees – including Mamadou Bâ, Fara Bâ and Abdoul Aziz Kane – had been forced to spend a night in ditches filled with human excrement and to hold heavy bricks above their heads while remaining in an upright position until they collapsed. Another form of torture was the “jaguar” – a suspect is suspended upside down from a metal bar attached to the legs and wrists and the soles of the feet are then beaten, sometimes

for several hours. The feet of some detainees still had open wounds on the day of the trial, five months after the torture.

Torturers at Nouadhibou were said to be police officers from Nouakchott. Suspects were interrogated in an empty house. They were kept naked and subjected to intense light. The methods of torture included bringing a naked flame close to the genitals, electric shocks and pricking with needles.

In September an Amnesty International observer attended the trial of suspected Ba'athists before the Special Court of Justice. It was not clear whether those convicted were prisoners of conscience but the organization was concerned that many of them had been tortured and that the trial may have been unfair. It investigated the case of Memed Ould Ahmed, accused of being a Ba'athist, to establish whether he was a prisoner of conscience.

Amnesty International continued to investigate the cases of prisoners convicted in 1986 and 1987 to establish whether they were prisoners of conscience. It expressed concern about aspects of their trials which did not meet internationally recognized standards.

When news of the deaths at Oualata Prison became known in September, Amnesty International called on the government to take steps to ensure that adequate food and medical attention was available to prisoners held there. No response was received and further deaths were reported. In November Amnesty International publicized its concerns about the four deaths and its fears that three others might also have died. The Minister of Information responded that the three were still alive.

In October the Minister of the Interior visited prisoners held at Oualata.

## MAURITIUS

**One man was sentenced to death for drug-trafficking, bringing to five the number of prisoners under sentence of death. There were no executions. Three trade union officials were detained during an industrial dispute and later released conditionally.**

Steven Francis, an Indian national, was sentenced to death in October after being

70 found guilty of drug-trafficking. He gave notice that he wished to lodge an appeal but this had not been heard by the end of the year.



Four other prisoners were under sentence of death at the end of 1988 and were waiting for appeals to be heard by the Judicial Committee of the Privy Council in the United Kingdom, the highest court of appeal for Mauritius. Like Steven Francis, Mohammed Mukhtar Ali and Gulam Rasool had been sentenced under the Dangerous Drugs Act of 1986. Article 38 of this act prescribes a mandatory death sentence for trafficking in "dangerous drugs", including opium, heroin, cannabis and coca leaves. Unlike other serious offences in Mauritius, for which verdicts are determined by a jury of nine, people charged with trafficking under the Dangerous Drugs Act are tried by a judge sitting without a jury. The two other prisoners under sentence of death had been found guilty of murder.

In July police arrested three officials of the Mauritius Labour Congress – Rajpal-singh Allgoo, Mario Darga and Vijay Rama-naik – in the course of an industrial dispute at the Sinotex clothing factory. It appeared that the three might be prisoners of conscience, imprisoned for exercising the right to strike. They were released over a week later, after widespread international appeals on their behalf. A magistrate's court required them to pay a sum of money pending the completion of police investigations. No criminal case against them had been presented in court by the end of the year.

Amnesty International appealed to the government to commute the sentences of

those facing the death penalty and continued to urge it to amend the Dangerous Drugs Act to remove the death penalty. Amnesty International also appealed to the government to release the three imprisoned trade unionists if they were not to be charged with a recognizably criminal offence and brought promptly to trial.

## MOZAMBIQUE



Some 900 long-term political detainees were held without charge or trial throughout the year; about 450 others were released. Most detainees were suspected members or supporters of the *Resistência Nacional Moçambicana* (RNM or RENAMO), Mozambique National Resistance, an armed opposition group fighting against the government. Twenty-two political prisoners who had been convicted at unfair trials in previous years were released in December although about 30 others remained in prison. Only one political trial was reported. No death sentences were passed and the number of court-imposed floggings was greatly reduced.

Significant steps were taken by the government to increase protection for human rights. The National People's Assembly approved the ratification of The African Charter on Human and People's Rights in August. The Revolutionary Military Tribunal – a special court established in 1979 to try all cases concerning offences against the security of the state as well as some economic and military offences – was to be abolished in December when the Supreme People's Court was established. Legal provision for the establishment of this court

had been made in 1978 but the Revolutionary Military Tribunal was set up in 1979 as an interim measure to try security cases. Trials before the Revolutionary Military Tribunal were often summary and those under its jurisdiction had no right to apply for *habeas corpus* or to appeal against conviction or sentence. The last trial before the Revolutionary Military Tribunal was held in March when Ian Douglas Grey, an Australian missionary, was sentenced to 10 years, six months' imprisonment for collaborating with the RNM. Ian Douglas Grey was said to have collaborated with the RNM in Tete province while working for a Malawi-based fundamentalist Christian group, the Shekinah Ministries. The trial was held *in camera* but for the first time foreign observers, including an Australian diplomat and a lawyer appointed by the defendant's family to observe the trial, were admitted. In future those accused of security offences will be tried by provincial courts under ordinary criminal procedure and allowed a right of appeal to the Supreme People's Court.

There were important changes in the administration of justice affecting the armed forces. In July a new law concerning military offences adopted in 1987 came into effect. This contained penalties to deter members of the armed forces from illegally arresting or abusing civilians. It also specified that a number of offences, including treason and crimes against civilians in areas of conflict, were punishable by death; other crimes were punishable by flogging. A law creating permanent military courts with jurisdiction over military offences adopted in 1987, also came into force in July. This provided defendants sentenced by provincial military courts with a right of appeal to the Supreme People's Court. It also permitted the establishment, during a state of war or siege, of temporary courts martial before which prisoners would be tried under summary procedures and denied a right of appeal. However, it provided that all death sentences imposed by military courts must be reviewed by the Supreme People's Court and would only be carried out if confirmed by the court. During the year permanent military courts were set up in four provinces but no trials were held before them.

Fighting continued between government forces and the RNM. It was particularly intense in the centre and south of the

country. Millions of people had been displaced from their homes or had sought refuge in neighbouring countries causing social breakdown in many areas. The RNM was reported to have carried out many attacks on civilians which resulted in deaths; it was also reported to have taken civilian prisoners, some of whom were killed. In the past the RNM is said to have tortured prisoners. According to government sources nearly 3,000 RNM activists reportedly surrendered under the terms of an amnesty law announced in December 1987 guaranteeing that armed government opponents who surrendered before the end of 1988 would be allowed to return to civilian life.

According to official statements, about 1,400 detainees suspected of fighting for the RNM or of other security offences were held without charge or trial at the beginning of the year. Some 450 of these detainees were released uncharged. The authorities also stated that the releases were ordered for all those detained for half the period of imprisonment to which they might have been sentenced if convicted of offences they were suspected of having committed. By the end of the year some 950 long-term detainees were apparently still being held while their cases were processed. About 200 suspected members of the RNM were reported by government sources to have been detained by the armed forces during 1988 but they were not brought to trial. It was unclear how long they remained in military custody while their cases were investigated by the military authorities, who are obliged by law to hand them over as soon as possible to the security or criminal police.

Twenty-two convicted political prisoners serving sentences of two years to 30 years in prisons in the north of the country were released in December. About 30 others continued to serve sentences imposed between 1979 and 1986 after unfair trials by the Revolutionary Military Tribunal and reduced in the December 1987 Law of Pardon under which over 40 other prisoners convicted by the same court were released. Most had been convicted of committing crimes of violence on behalf of the RNM or of assisting it in other ways. Carlos Gamboa Lopes Valério, about 70 years old, had been sentenced by the Revolutionary Military Tribunal to 30 years' imprisonment in December 1979 on charges

of organizing a clandestine group in support of the RNM at the Central Hospital in Maputo, where he worked. In December 1987 his sentence was reduced to 22 years, six months' imprisonment. The trial had been unfair, since he and other defendants did not know they were to be tried until the day of their trial and were not given adequate legal assistance. They had no opportunity to appeal against conviction or sentence.

In contrast with previous years, few flogging sentences were known to have been imposed. Two flogging sentences were imposed in May and September by civilian courts in Maputo City. In January a village council in Cabo Delgado province sentenced a man to 25 lashes and 30 days' imprisonment for selling rotten meat but it was not clear whether the council had the authority to impose such a sentence. In the same month the Maputo City Court imposed a four-year prison sentence on the secretary of a grupo *dinamizador*, local government support committee, which had illegally ordered the flogging in June 1987 of an alleged adulterer who died as a result of the 19 lashes he received.

In October an Amnesty International delegation visited Mozambique and met President Joaquin Chissano, the Minister of Justice and other government officials. The delegates welcomed legislative changes and other steps to improve human rights. They urged the government to undertake a review of the cases of all long-term political detainees held without trial and all political prisoners serving sentences after unfair trials before the Revolutionary Military Tribunal. The delegates also urged the government to repeal legislation empowering the courts to impose floggings and to abolish the death penalty. In addition, the delegates sought information on the whereabouts of political opponents of the government who "disappeared" after they were detained in the mid-1970s (see Amnesty International Report 1987 and 1988). The authorities refused to provide such information but stated that relatives of the prisoners concerned who had sought information directly from the government had received full answers to their inquiries and that other relatives could do so.

## NAMIBIA



**Suspected opponents of South African rule in Namibia, including possible prisoners of conscience, were detained without charge or trial, sometimes for months at a time. Many of those detained were held incommunicado in solitary confinement for weeks or months and some were tortured. There was evidence of security personnel complicity in extrajudicial executions. In March the South African State President intervened to prevent the prosecution of six South African armed forces officers accused of the murder of a former political prisoner in 1986. At least six people were sentenced to death and there was at least one execution.**

There was continued armed opposition to the South African administration in Namibia by guerrillas belonging to the military wing of the South West Africa People's Organisation (SWAPO). They were involved in a number of clashes with South African forces, particularly in northern Namibia. SWAPO's external leadership was based in Angola but an internal wing, a number of whose members were detained during the year, continued to function as a legal political party in Namibia.

Long-running negotiations to terminate South Africa's occupation of Namibia under the terms of United Nations Resolution 435 of 1978 culminated in December in an international agreement according to which the UN was to monitor arrangements for Namibia's transition to independence from April 1989 onwards. The agreement provided for the release of political

prisoners and for all refugees from Namibia to be allowed to return with full guarantees for their protection. This was believed to include detainees held in Angola by SWAPO.

At least 100 people were known to have been detained for political reasons during 1988, including some who were probably prisoners of conscience. Some detainees were accused of assisting SWAPO guerrillas, while others were arrested on account of their non-violent opposition to South African rule. Few were charged or brought to trial. In February the authorities disclosed that 45 people had been detained during the previous two months in connection with security operations against SWAPO. By the end of the year, more than 60 people arrested for political reasons in 1987 or 1988 had been released. At least 38 others remained in custody, but the real number may have been considerably higher.

Those detained included prominent members of SWAPO's internal wing, students, trade unionists and a newspaper editor. A number of school students were detained in the north after they began a boycott of schools in March in protest against the siting of South African military bases near schools. In June Ignatius Shihwaameni, the Secretary General of the Namibia National Students' Organization (NANSO), and others were detained for up to three weeks after further protests in Katutura township, Windhoek. Trade unionists who took support action were similarly detained.

In response to the school boycott campaign, the South African-appointed Transitional Government of National Unity (TGNU) introduced the Protection of Fundamental Rights Act in July. This made incitement to participate in strikes or boycotts of educational establishments an offence punishable by up to 10 years' imprisonment. The new act took effect in early August and within weeks it was used to bring charges against Ignatius Shihwaameni and other students for participating in a boycott at Windhoek Academy. The detainees challenged the constitutional validity of the new act in an action before the Supreme Court, whose judgment was still awaited at the end of the year.

Others detained in 1988 included several people involved in monitoring or

reporting abuses by the security forces. They included Gwen Lister, editor of *The Namibian* newspaper, who was detained in Windhoek and held without charge for four days in June, apparently in connection with an article she had published suggesting that sweeping new powers were to be given to the police. In August two researchers collecting information about atrocities against civilians allegedly committed by the security forces in northern Namibia were detained for several days. These short-term detentions and other harassment of human rights activists monitoring abuses in northern Namibia added to the difficulty of obtaining information about the human rights situation.

Most political detainees were held under Proclamation AG. 9 of 1977 or Section 6 of South Africa's Terrorism Act of 1967. The former, an administrative decree issued by the South African Administrator-General in Namibia, confers wide powers of arbitrary arrest and detention without charge or trial on all security force personnel in areas designated as "security districts", and grants them immunity in advance for any acts committed in "good faith". "Security districts" encompass virtually the entire northern half of the country. Most AG. 9 detainees are held incommunicado for the first 30 days, but thereafter have right of access to legal counsel according to a Supreme Court ruling in 1986 (see *Amnesty International Report 1987*).

Apparently as a result of this ruling, increased use has since been made of Section 6 of the Terrorism Act, which permits indefinite detention without charge or trial and requires that detainees are held incommunicado and in solitary confinement. The Terrorism Act was retained by the South African authorities in Namibia when it was repealed in South Africa itself in 1982 and replaced by other security legislation.

Those detained under Section 6 during the year included Jason Angula, a leading member of SWAPO's internal wing. He was arrested in October 1987 and initially held under Proclamation AG. 9, but when his lawyer sought access to him after 30 days he was immediately transferred to detention under Section 6 of the Terrorism Act, and access was denied. The authorities suggested that he would face serious

charges but none was in fact brought against him. He was eventually released on 5 December, having spent more than a year in detention, the whole of which was passed in solitary confinement. He said after his release that he had been held in a small corrugated-iron cell at Osire, a former secret detention camp in Otjiwarongo district. He had been kept in his underwear and denied exercise outside his cell. He said he had not been tortured but had heard screams from other cells which he took to be the cries of torture victims.

Other released detainees alleged that they had been tortured or ill-treated in detention. Franz Hango, who was detained incommunicado and without charge from 14 April to 11 May by security police at Oshakati, was said on his release to be psychologically distressed as a result of having been tortured. He alleged that he had been tortured with electric shocks, had had a noose tied around his neck, and during interrogation had been made to wear a hood into which a liquid was sprayed through a tube intermittently, causing him to vomit. He had previously been detained without charge or trial between February 1985 and February 1986. After his release in May he initiated a court action for damages alleging unlawful arrest, detention and assault.

Security force personnel were charged in connection with a number of civilian deaths in previous years. However, in March South African State President P.W. Botha intervened to prevent the prosecution of six South African officers, including two colonels, who had been indicted in connection with the murder in 1986 of a former political prisoner, Immanuel Shifidi (see *Amnesty International Report 1988*). Using powers under South Africa's Defence Act, State President Botha ruled that they could not be prosecuted because they had been acting "in good faith". An action contesting this decision was brought in the Windhoek Supreme Court, which ruled in a separate judgment before the end of the year that a similar decision taken in a previous case was invalid. In that case, four security force personnel had been given immunity against prosecution on charges of beating a political detainee to death. The South African authorities appealed against the Windhoek Supreme Court ruling to the South African Appeal Court. Its judgment was still awaited at the end of 1988.

At least six people were sentenced to death for murder, which carries a mandatory death penalty unless there are extenuating circumstances. In one case in April the court concluded that there were such extenuating circumstances but, nevertheless, the defendant was sentenced to death. There was at least one execution following a conviction for murder.

Over 100 SWAPO members were reported to be held prisoner by SWAPO at their bases or other detention centres in Angola. Most were apparently accused by SWAPO of spying for South Africa and had been detained since between 1983 and 1986. No information was made available by SWAPO during the year concerning their whereabouts or conditions of imprisonment, but in October a spokesperson for the organization suggested that those detained would eventually be released. In some cases it seemed that detainees had been detained elsewhere before being transferred to Angola. For example, among the detainees were reportedly two people who had worked for SWAPO's radio station - Kakune Kandjavera and Ben Motinga, the second of whom was apparently detained in Lusaka in 1985. Similarly, Bience Gawanas, a London-based barrister and SWAPO member, was reportedly detained on her arrival in Zambia from London in August and subsequently transferred to custody in Angola. SWAPO did not issue any information about the reasons for her detention. Amnesty International inquired about Bience Gawanas and others, but received no reply from the relevant authorities in Angola or from SWAPO.

Amnesty International appealed to both the TGNU and the South African authorities administering Namibia on behalf of individual detainees. It called for the release of prisoners of conscience, for all other political detainees to be brought to trial promptly and fairly on recognizably criminal charges or released, and for all detainees to be safeguarded against torture. It also urged an end to the use of the death penalty.

## NIGER



In a trial which appeared not to conform to international standards, four people were sentenced to death *in absentia* and 16 others received prison terms. They had been convicted in connection with an unsuccessful coup attempt in 1983. Thirteen of the 16 had been acquitted on the same charges only two months before. The whereabouts of a number of political prisoners arrested in 1985 remained unclear.

During the year the head of state, President Ali Saïbou, appointed a commission to prepare a new constitution – the previous constitution had been suspended in April 1974. He also announced the formation of a new political party, the *Mouvement national de la société de développement* (MNSD), National Movement for the Development of Society, and proposed that Niger should become a one-party state. Membership of any other political party remained illegal but no new arrests of suspected government opponents were reported.

In April the Minister of Justice announced that the government was to create a National Human Rights Commission whose members would be appointed by the government, trade unions and official religious and women's associations. However, the commission had not been established by the end of the year.

In August 28 people charged with involvement in an unsuccessful coup attempt in October 1983 – 24 of whom had already been in custody for five years – were brought to trial. Four of the defendants had not been arrested and were tried

*in absentia*. These included the former security adviser to the head of state, Amadou Oumarou – known as “Bonkano” – and the head of the presidential guard, Lieutenant Amadou Idrissa. In bringing the 28 people to trial the government was fulfilling a public commitment made in late 1987, when other untried political detainees were released.

The trial, which took two days, was held *in camera* before the *Cour de sûreté de l'Etat*, State Security Court, in an army barracks near the capital city of Niamey. Two defendants were sentenced to life imprisonment, one received a nine-year prison term and the four defendants tried *in absentia* were sentenced to death. The remaining 21 were acquitted. However, the day after their release, they were re-detained. Shortly afterwards the government announced that the prosecution was appealing to the highest judicial body in the country, the *Cour d'Etat*, State Court, to annul the August verdict and sentences and to order a retrial. The exact legal procedure invoked by the authorities was unclear.

The August verdicts were eventually annulled on the grounds that certain legal procedures had not been respected. All 28 defendants were retried by the State Security Court in October, again *in camera*, but this time only eight were acquitted. The four tried *in absentia* were again sentenced to death. Fifteen prisoners received sentences of between five and 10 years, and one, Commandant Amadou Seydou, was sentenced to 20 years. No details of the charges on which the 20 defendants were convicted were disclosed but the authorities indicated that they concerned offences against the security of the state. It was also unclear whether the defendants had been allowed counsel of their own choice and whether the court's procedures met international standards. Members of the armed forces had served as judges. This, and the fact that the reasons and legal basis for the prosecution's August appeal against the acquittals had never been explained in public, suggested that the defendants' right to trial by an independent and impartial court had not been respected.

One prisoner of conscience, Moustapha Souleymane Lié, was released in February. He had been arrested in 1985 on account of his suspected involvement in drafting a manifesto for the opposition *Parti socialiste*

révolutionnaire, Revolutionary Socialist Party. Soon after his arrest, he was subjected to torture, including electric shocks, which resulted in serious damage to his hands. He was held without trial until his release.

The fate of five political prisoners arrested in 1985 remained unknown and by the end of the year the authorities had not responded to requests to account for them. The prisoners were among a group of 12 people sentenced to death in 1985 in connection with an attack on government buildings in Tchin Tabaraden. The sentences on seven of them were commuted to life imprisonment in 1987 and in July 1988 they were reduced to 30 years. However, the fate of the remaining five was unknown and it seemed they might have died in prison, possibly as a result of torture in 1985.

Amnesty International sought information from the government on several occasions about the five political prisoners who remain unaccounted for. The organization also requested information about the procedures followed in the trials in August and October. It had received no response by the end of the year.

## NIGERIA



More than 30 prisoners of conscience were detained without charge or trial. Five leading officials of former governments were released from restriction or detention without having been tried. Ill-treatment of criminal suspects was reported and a large number of prisoners died from harsh prison conditions which were so poor as to constitute cruel, inhuman or degrading treatment. Over 70 people were sentenced to death. More

than 85 prisoners were executed, most of whom had been denied any right of appeal.

At least 30 prisoners of conscience, including trade unionists and journalists, were detained by the security police for periods of up to several months. They were believed to have been held under the State Security (Detention of Persons) Decree, No. 2 of 1984. This empowers the Chief of General Staff, the Inspector-General of Police and the Minister of Internal Affairs to detain indefinitely and without charge any person considered a threat to the economy or security of the state. There is no legal recourse against such detention.

Eleven trade unionists were detained for several weeks or months without charge. Two members of the Civil Service Technical Workers Union – Zira Njidda and Anthony Ubale – and two members of the National Union of Nurses and Midwives – Alfa Imam and Yusuf Ladan – were held without charge for four months. They had been arrested in April in connection with demonstrations and strikes in protest against a petrol price increase. About 100 other trade unionists were also detained but were released after about two weeks.

Four leaders of the Academic Staff Union of Universities were arrested in July following a dispute over salaries and the banning of the union by the government. They were released without charge after a month. One of them, Dr Festus Iyayi, was held for one night in extremely cramped police cells in Benin City where he was reportedly stripped, beaten by other inmates and made to sleep on a wet floor. There was no bedding and overflowing basins in one of the cells provided the only form of lavatory for some 50 prisoners.

Three leading officials of a bank employees' union – Paul Obanya, Kehinde Bello and Ralph Obiechie – were arrested in July after members went on strike to protest the closure of the union's office by the police. They were detained incommunicado and without charge until their release in December.

At least 10 journalists were briefly detained for questioning following publication of articles critical of the authorities. Etim Etim, a reporter with the Guardian newspaper in Lagos, was arrested in August by the security police and detained incommunicado and without charge for three months on suspicion of obtaining

secret government documents.

In December 11 senior employees of the National Electric Power Authority (NEPA) were sentenced to life imprisonment after a trial held *in camera* before a special court. They were arrested in October following a strike which resulted in widespread power cuts, and were held under the State Security Decree, both before and after being charged with conspiracy and with inducing employees to tamper with and disrupt power supplies. They were tried before a special court established in 1984, the Miscellaneous Offences Tribunal, which functions separately from the ordinary court system. It comprises a High Court judge sitting as chairman, three armed forces officers and one police officer. Some defence lawyers withdrew from the proceedings when, apparently for security reasons, the court decided that the evidence of security police should be heard *in camera*. After the sentencing the 11 submitted an appeal to the Special Appeals Tribunal but this had not been heard by the end of the year. Amnesty International began investigating whether they were prisoners of conscience, imprisoned because of their participation in a strike rather than on account of criminal damage.

In January restrictions were lifted on Alhaji Shehu Shagari and Alexander Ekwueme, who had been confined to their home villages since their release from detention in July 1986. They were President and Vice-President of the civilian government which was overthrown in 1983.

In December three detainees were released - Major-General Muhammadu Buhari, head of the military government in power from 1983 to 1985, Major-General Tunde Idiagbon, former Chief of Staff, Supreme Headquarters and Lawal Mohammed Rafindadi, former head of the national security services. They had been held without trial since the coup of August 1985 brought the present government to power.

Conditions in police cells and prisons, including grossly deficient sanitation and overcrowding, reportedly resulted in a large number of prisoners dying from disease and medical neglect. In September the Lagos High Court refused on technical grounds to hear an appeal by prisoners at Kirikiri Maximum Security Prison for an

increase in their daily food allowance. The application said 66 prisoners had died there between January and July, mostly from hunger and disease, 27 in the month of July alone. Eighty-nine prisoners were reported to have died at Ikoyi Prison in Lagos between January and October.

At least 70 death sentences were imposed, over 60 of them after convictions by Robbery and Firearms Tribunals. Operating outside the ordinary legal system, these special courts are presided over by a High Court judge who may sit alone or with a senior military and a senior police officer. These courts do not meet international standards for a fair trial since they do not allow a right of appeal to a higher court, requiring only that convictions and sentences be confirmed or disallowed by the relevant State Military Governor. All of the 85 known executions were believed to have resulted from convictions by Robbery and Firearms Tribunals and were therefore carried out by firing-squad, most of them in public. Amnesty International believed that the full figures for death sentences and executions were probably higher than those of which it was aware.

There were widespread protests against the sentencing to death of 12 young men in June by a Lagos State Robbery and Firearms Tribunal. One of the youths was subsequently revealed to have been aged 14 at the time of the offence. He alleged that he had been beaten in police custody. The two principal defendants also claimed that they had been beaten and forced under duress to name and implicate others in the offence. They were deported to the neighbouring People's Republic of Benin (where they were believed to have nationality) before the death sentences were passed. One defendant died in prison before the end of the trial, apparently because of poor prison conditions and inadequate medical treatment.

Although Lagos State's criminal procedure law does not allow the death sentence to be passed on any person below the age of 17 at the time of the offence, in this case attempts in the High Court to stop the executions on these grounds failed. This was because the 1984 decree establishing Robbery and Firearms Tribunals specifically precludes the High Court from ruling on any decisions made by such tribunals. It was reported that the Department of Justice in Lagos State believed that the police

investigation and the trial were marked by procedural irregularities and that, if there had been a right of appeal, the convictions would have been overturned. No decision on the case had been announced by the end of the year but the Federal Minister of Justice stated in December that the executions would not be carried out.

The High Court – from which there is a right of appeal to the Appeal Court and then to the Supreme Court – imposed at least 11 death sentences. Executions are carried out by hanging inside prisons, but are not announced officially. It was not known, therefore, if any hangings took place during the year.

Amnesty International appealed for the release of individual prisoners of conscience and investigated the cases of possible prisoners of conscience. It also urged the government to ensure that detention conditions met international standards for the treatment of prisoners and called for the commutation of all known death sentences. In September an Amnesty International delegation visited Nigeria to compile information on use of the death penalty, among other human rights concerns.

## RWANDA



One prisoner of conscience serving a 10-year sentence and a number of detainees who were held without trial and who may have been prisoners of conscience remained in prison throughout the year. In another case, a teacher who belongs to the minority Tutsi community may have been imprisoned because of her ethnic origin and her application for a passport to leave the country. She was released before the

end of the year. A number of asylum-seekers from neighbouring Burundi were also detained for political reasons throughout 1988. Six asylum-seekers were forcibly returned to Burundi in January, despite fears that they would be tortured. One of them was said to have died later in a Burundi prison. Courts imposed several death sentences, and more than 200 prisoners were reportedly under sentence of death at Kigali Prison alone. However, no executions were known to have taken place.

Donat Murego, the one remaining prisoner of conscience among a group of people convicted by the State Security Court in 1981 (see *Amnesty International Report 1982*), continued to serve a 10-year sentence for distributing documents judged to be seditious. He was held in a high security unit in Ruhengeri Prison.

A number of political detainees held without charge or trial throughout the year may have been prisoners of conscience. Innocent Ndadaye, a student, had been held since October 1986, apparently for criticizing the government. Claude Bahitansi and Callixte Sinaruhamagaye were arrested in December 1987, reportedly because they had family connections with a government opponent living in exile. In late 1987 and early 1988 rumours circulated that this opponent, former government minister Alexis Kanyarengwe, the opposition leader who left the country in 1980 to avoid arrest, had returned secretly to Rwanda. The precise reason for his relatives' detention was unclear and no charges against them were announced.

A long-term political detainee was released without charge in January. Apollinaire Bikolimana was detained in June 1986, only two months after completing a prison sentence imposed in 1981 for distributing seditious documents. In late 1986 the authorities indicated that he was suspected of subversion but no further explanation of the reasons for his detention had been given by the time of his release.

Emerite Mukamasabo, a teacher at Mabuga Technical School, was arrested in April. The authorities charged her with subversion for allegedly favouring students of the Tutsi community, to which she belongs. According to unofficial reports, she was arrested after applying for a passport to join her fiancé in Europe. She was tried in May and sentenced to a year's

imprisonment. In August she was released, after serving a third of her sentence.

Eighteen asylum-seekers from neighbouring Burundi, all of whom were recognized as refugees by the United Nations High Commissioner for Refugees, were detained throughout the year, apparently for political reasons. They were among 24 Burundi nationals arrested in December 1987 in Rwanda, apparently because the authorities suspected them of conspiring against the Burundi Government. Six of them, who had recently gone to Rwanda from Burundi, were returned in January and promptly arrested by the Burundi authorities. One of the six was later said to have died in custody as a result of beatings. The 18 others were held in Rwanda throughout the year. The charges against them initially were not made public, but the authorities said later that charges had been dropped and the detainees were undesirable aliens awaiting resettlement to a third country.

Five prisoners sentenced to death in 1985 were still awaiting a review of their sentence by the Appeal Court at the end of 1988. They had been convicted of participating in the extrajudicial killing of political prisoners during the mid-1970s. Théoneste Lizinde, former head of the national security service, was among those sentenced to death. Other defendants convicted with them received prison sentences. All of the convicted prisoners were reportedly held in harsh conditions in the high security unit in Ruhengeri Prison and were denied visits.

Courts reportedly imposed death sentences on a number of people convicted of criminal offences without legal counsel at either their initial or appeal hearings. By mid-1988 some 200 prisoners were reportedly under sentence of death at Kigali Prison alone. All death sentences confirmed on appeal, however, had been commuted by the head of state only a year earlier.

During 1988 Amnesty International continued to urge the Rwandese authorities to release Donat Murego, a prisoner of conscience, and either promptly try or release other political detainees.

## SÃO TOMÉ AND PRÍNCIPE



**Forty-one people were arrested in March after entering São Tomé and Príncipe illegally in an apparent attempt to overthrow the government. At the end of the year they had not been tried.**

The arrests took place after 44 members of the *Frente da Resistência Nacional de São Tomé e Príncipe - Reformada* (FRNSTP-R), Reformed São Tomé and Príncipe National Resistance Front, disembarked from dinghies on beaches near the capital, São Tomé, on 8 March. They arrived carrying a few alarm pistols and propaganda leaflets, which suggested they expected to receive local support. Some were arrested almost immediately when the FRNSTP-R members approached the police headquarters; others were taken into custody during the next few days. Two FRNSTP-R members were killed while resisting arrest and the body of a third, who died in unexplained circumstances, was found later. About a week after their arrest some 20 of the detainees, including their leader, Manuel Afonso Rosario dos Santos, appeared on television to talk about their landing in São Tomé. The face of one of those who appeared - Orlando Vera Cruz, known as "Zorro" - was badly bruised and swollen. There were reports that he and others had been ill-treated and that following their arrest none of the detainees had had access to relatives or defence counsel. The authorities said later that Orlando Vera Cruz had been injured when resisting arrest but that none of the detainees had been ill-treated in custody.

The detainees were held incommunicado until June when, after a prison visit by the Bishop of São Tomé and Príncipe, relatives were allowed to see them. Their cases came under the jurisdiction of the Special Court for Counter-Revolutionary Acts set up in December 1975 to try political cases. Suspects under the jurisdiction of this court may be held for 30 days for interrogation before being released or charged. They must also be given access to legal counsel. During this period the FRNSTP-R detainees were held under the jurisdiction of the procuracy but their cases were investigated by a team from the *polícia judiciária*, criminal investigation police, while another member of the same force was appointed to ensure they were not coerced. At the end of the year the 41 detainees were still awaiting trial.

After receiving reports that detainees had been ill-treated in custody, Amnesty International expressed concern to the government and received an assurance from the Minister of Foreign Affairs that no ill-treatment had occurred. By August, however, when Amnesty International delegates visited São Tomé at the government's invitation, the detainees had still not had access to legal counsel. Later, they were reportedly given permission to appoint legal counsel. Amnesty International informed the government of its concern that there had been inadequate safeguards to ensure the detainees had not been ill-treated, particularly as they had been held incommunicado for nearly three months. In Amnesty International's view it was not appropriate to entrust the protection of detainees undergoing interrogation to a member of the same force questioning them.

Amnesty International welcomed several significant moves to improve protection of human rights. The National Assembly began procedures to ratify the International Covenant on Civil and Political Rights and set up a commission to examine the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment with a view to ratification. Laws to abolish the Special Court for Counter-Revolutionary Acts and the death penalty were also under consideration. In 1979 São Tomé introduced the death penalty for the offence of mercenarism – being a mercenary – but no death sentences have been imposed.

## SENEGAL



Several opposition leaders, who may have been prisoners of conscience, were among those imprisoned in connection with disturbances following presidential elections in February. However, they had all been freed by the end of the year. The government also released people who had been imprisoned in previous years on account of their activities in support of autonomy for the Casamance region, but there were new arrests on the same grounds. There were several reports of beatings and ill-treatment of prisoners by police and allegations that in one case this had resulted in death.

A state of emergency and a curfew were declared in the Dakar region on 29 February when disturbances broke out after the first results of presidential and National Assembly elections held the previous day were announced. These indicated that the incumbent President, Abdou Diouf, had been re-elected. Several opposition leaders were arrested. They included Amath Dansokho of the *Parti de l'indépendance et du travail*, Party for Independence and Labour, who was held only briefly, and Abdoulaye Wade, the leader of the *Parti démocratique sénégalais* (PDS), Senegalese Democratic Party. He and six other leading PDS members who were arrested, including Ousmane Ngom and Boubacar Sall, were charged with orchestrating violent protests and conspiring against the security of the state. They were brought to trial before the State Security Court in April. None was convicted on the main charges: three were acquitted and the others were convicted on lesser charges.

Abdoulaye Wade was given a one-year suspended sentence for organizing a non-violent public gathering, Boubacar Sall received a two-year sentence for instigating violent protests against a pre-election visit by President Diouf to Thiès, and two others received six-month sentences.

During the trial, defence lawyers argued that the *flagrant délit* procedure (a special procedure allowing for a more summary trial for cases in which defendants were allegedly caught in the act of committing a crime) should not have been invoked. They said that some of the accused had been arrested at home and had not actually been committing an offence either at the time of their arrest or immediately beforehand. The defence lawyers also complained about various other procedural irregularities. The defendants maintained that their arrests were the result of premeditated action on the part of the authorities. When the presiding judge ruled that a senior police officer called as a witness need not reveal who had ordered him to arrest the accused, the defence lawyers withdrew from the case in protest.

There were further arrests in March and April in connection with peaceful demonstrations in Dakar against the cost of living and in support of the release of opposition leaders. Some of those held were charged with participating in illegal demonstrations and briefly imprisoned. For example, Abdoulaye Bathily, Secretary General of the *Ligue Démocratique-Mouvement pour le parti du travail* (LD-MPT), Democratic League-Movement for the Labour Party, was arrested in April and convicted of participating in an illegal demonstration. He was given a one-month suspended sentence. The same month Mamadou N'Doye, a trade union leader, and four teachers and students were arrested for protesting against Abdoulaye Bathily's trial. They were tried in April and acquitted.

When the state of emergency was lifted in June, several people convicted of politically motivated offences during or after the election campaign remained imprisoned. However, they were released under an amnesty granted by the National Assembly, which applied to all those convicted of political offences committed between 1 January and 18 May. Boubacar Sall was among those released. In addition, all

prisoners serving sentences of less than 15 years who had been convicted by the State Security Court between 1 January 1982 and 31 July 1987 in connection with their involvement in a campaign for Casamance autonomy were also released under the amnesty. As a result, all but five prisoners serving sentences in relation to Casamance autonomy had been released by the end of 1988.

Other suspected supporters of Casamance autonomy who were arrested in 1986 and 1987 and who had not been brought to trial benefited from the amnesty. They included Laurent Diamacoune and Sanoune Bodian.

Eight people out of some 25 army, police and security service personnel arrested in February, accused of allegedly raising funds for the Casamance autonomy movement, were released pending trial in October. Mamadou Sané, known as N'Krumah, who was released in December 1987 after serving a five-year sentence in connection with the Casamance issue, was rearrested in February and was still in custody at the end of 1988. The reasons for his detention were not clear. Mamadou Sané and four other people were believed to have been arrested by authorities in Guinea Bissau – where they were reportedly seeking military assistance – and handed over to security personnel in Senegal. It is not clear what judicial procedures were followed.

Further arrests of government opponents occurred after the lifting of the state of emergency in Dakar, but most of those detained were held only briefly. They included 12 members of the LD-MPT, including its Deputy Secretary General, Mamba Guissé, and two members of the PDS who were arrested at Louga in late August. Five of them were charged with holding a prohibited meeting and inciting others to demonstrate. However, they were released pending their trial in November, at which all defendants were acquitted. In December two PDS members and four former police officers were arrested in connection with a car bombing in Dakar. They remained in police custody at the end of the year.

A number of people arrested during the state of emergency claimed they were beaten or assaulted while in custody. One detainee died after alleged police ill-treatment. Malang Gassama, an opposition

party supporter, was arrested on 20 March outside his house in Dakar a few weeks after the curfew had been imposed. He was allegedly beaten in police custody and died in hospital the next day, apparently as a result of injuries he had sustained. There was no judicial investigation into the circumstances or cause of his death. According to the Minister of Justice this was because his relatives had not lodged a complaint with the authorities.

Amnesty International expressed concern to the government about the imprisonment of Abdoulaye Wade and others who appeared to have been detained for the peaceful exercise of their rights to freedom of association and expression. The organization called for a full investigation into the circumstances of Malang Gassama's death in view of allegations that he had been ill-treated while in police custody.

The government replied that none of those detained during the state of emergency was a prisoner of conscience. The Minister of Justice disagreed with Amnesty International that the most prominent supporter of Casamance autonomy, Father Augustin Diamacoune Senghor, had been a prisoner of conscience while imprisoned between 1982 and 1987. He challenged the accuracy of Amnesty International reports that prisoners detained in Casamance in 1986 and 1987 had been tortured. However, the government was not known to have carried out any independent investigation into these reports.

## SIERRA LEONE

**Twelve people, including a former Vice-President, had their death sentences for treason confirmed on appeal. Their further appeal to the Supreme Court had not been heard by the end of the year. A judicial commission of inquiry into the prison system heard reports of cruel, inhuman or degrading treatment of prisoners over several years.**

In March and again in November the government renewed the state of "economic emergency" which had originally been imposed in November 1987 in an attempt to solve the country's severe economic problems. It empowers the authorities to order the preventive detention

without charge or trial of any person in the interests of public safety.

In September the Court of Appeal in the capital city of Freetown rejected the appeals of 12 of the 16 people sentenced to death in October 1987 (see *Amnesty International Report 1988*). They had been convicted of treason and murder in connection with their alleged involvement in a plot to overthrow the government in March 1987.



Among the 12 whose appeals were rejected were Francis Minah who, at the time of his arrest, was Vice-President, Minister of Justice and Attorney General, and Mohamed Kai Kai, former Assistant Superintendent of Police. All 12 lodged appeals with the Supreme Court which had not been heard by the end of the year. Two others sentenced to terms of imprisonment in connection with the conspiracy also appealed.

The four defendants whose appeals were upheld were acquitted and released from custody. One of them, Kazim Allie, a Lebanese national, was immediately expelled from the country.

No other death sentences and no executions were reported in 1988.

One person was known to have been arrested on account of the views he had expressed. Foday Fofana, a correspondent for the British Broadcasting Corporation (BBC), was arrested after reporting on tensions between the Saudi and Lebanese communities in Sierra Leone. He was released uncharged after 24 hours following protests from local journalists.

The Commission of Inquiry, which was appointed by the government in September 1987 to investigate the administration

of Sierra Leone's prisons, continued its work in 1988. It had not reported its findings by the end of the year. Headed by Mr Justice M.E. Tolle Thompson, the commission was set up after persistent reports over several years of cruel, inhuman or degrading treatment of criminal suspects and sentenced prisoners. Pademba Road Prison in Freetown was mentioned frequently in such reports (see Amnesty International Report 1987).

During 1988 the commission was told that large amounts of government supplies and funds had been stolen by suppliers and Prisons Department officials. It was also told that as many as 100 people arrested during the disturbances in Pujehun District in 1983 and 1984 (see Amnesty International Report 1984 and 1985) may have died in police cells and prisons from inadequate food and medical care. One witness told the commission that he had been in prison with several relatives and that six of them had died inside. Others said they had been forced to sleep on the ground without blankets and had been denied adequate food, medical care and washing facilities. Between 1983 and 1987 Amnesty International had repeatedly called on the government to investigate the high rate of prison deaths from malnutrition and disease.

Amnesty International appealed to President Joseph Momoh to commute the 12 death sentences confirmed by the Court of Appeal in September if they should be upheld by the Supreme Court.

## SOMALIA

Large numbers of unarmed civilians were extrajudicially executed in the north by government forces after opposition attacks in May. Hundreds of Issaq clan members living in the north, whom the government suspected of opposition activities or sympathies, were arrested and detained without trial. Many other suspected government opponents arrested before 1988, including prisoners of conscience, remained in prison throughout the year. One of them had been held for virtually all the government's 19 years in power. At least 30 death sentences were imposed but it was not known if there were any executions. Two former members of parliament

and six others were sentenced to death after an unfair trial before the National Security Court. Although these sentences were commuted, the two, and four other former members of parliament acquitted of capital offences, were placed under house arrest until their release in October. Torture of political prisoners was widespread and prison conditions were extremely harsh.



Early in the year the opposition Somali National Movement (SNM) launched several attacks against government forces from bases in Ethiopia. In April a peace treaty was signed by the Ethiopian and Somali Governments which led to an exchange of prisoners of war. Nearly 3,000 Ethiopian civilians were freed and returned to Ethiopia or allowed to go to a country of their choice. They had been abducted by Somali forces during the 1977-1978 war and detained secretly in the Hawaii camp near Barawe and in other Somali prisons, in extremely harsh conditions. The freed Ethiopians included about 800 women and some 400 children.

In May SNM forces captured the north-west town of Burao and parts of the northern capital of Hargeisa but both were regained by government forces in mid-1988. The fighting continued at the end of the year and there were heavy casualties. There were many reports of civilian extrajudicial executions by government troops and both sides were alleged to have summarily executed captured combatants. Estimates of deliberate killings of unarmed civilians by government planes and artillery varied from 15,000 to 50,000. Most of Hargeisa's half million population fled the city. Another million and a half people were displaced or sought asylum in Ethiopia.

Extrajudicial executions of suspected government opponents and SNM supporters were widespread in the north, particularly after the SNM offensive in May. Foreign aid workers who left Hargeisa a few days after the fighting began said that they had seen the bodies of many execution victims in the areas of the city controlled by government troops. Thousands of civilians fleeing Hargeisa were deliberately killed by government artillery bombardment. Hundreds of other civilians, including prisoners, were reportedly extrajudicially executed in the north over the following months, particularly in the Burao and Berbera areas.

In June at least eight people from the Issaq clan in the north, who had been deported from Saudi Arabia for illegal residence, were reportedly arrested on arrival in Berbera and extrajudicially executed. In El Afwein district, about 300 kilometres east of Hargeisa, more than 300 civilians were extrajudicially executed in October and December by government troops.

Political opponents were detained without trial throughout the year. Members of the Issaq clan – which the government apparently viewed as linked to the SNM – were especially vulnerable to this abuse. Thousands were detained after mass arrests in Mogadishu, Berbera and Hargeisa. Those arrested included civil servants, relief agency employees, Somali Airlines staff and army and police officers. Most of the arrests seemed to be arbitrary, and to lack evidence that the detainee supported the SNM or engaged in armed opposition. By the end of the year some had been released without charge but more than a thousand others remained in detention without charge or trial.

Hundreds of school students, teachers and others were also arrested and detained without charge or trial in Hargeisa after demonstrating against President Mohamed Siad Barre during his visit there in late March.

In Gebileh, a small town near the Ethiopian border, the army rounded up hundreds of elders, farmers and nomads in mid-March after SNM attacks in the area. Many were reportedly tortured for suspected links with the SNM. Twenty-two of them were summarily tried, condemned to death and immediately executed.

Five army and navy cadets who had applied for asylum in Egypt and were training there, were forcibly returned to

Somalia by the Egyptian authorities in August. All Issaq clan members, they were detained by the Somali authorities on arrival in Mogadishu. They remained in military custody at the end of the year.

In November wounded government soldiers took part in a peaceful protest against their inadequate medical treatment in Mogadishu. Military courts reportedly handed down long prison terms to several demonstrators, who may be prisoners of conscience.

After the SNM's capture of Burao and Mandera in May, they released hundreds of political prisoners and those under sentence of death held in these towns. They also released numerous political prisoners held in Hargeisa by the National Security Service and military police. The Central Prison of Hargeisa, however, remained under government control. Political prisoners still held there at the end of the year included Fahima Dahir Jama, sentenced to life imprisonment for political reasons, after an unfair trial in 1986.

Two presidential amnesties declared in November resulted in the release of 103 political detainees held without charge or trial, most of whom were Issaq clan members arrested in mid-1988. Other prisoners were released during the year without public announcement, allegedly after their families paid large sums of money to the security officers responsible for their detention.

Numerous political prisoners arrested in previous years continued to be detained without charge or trial throughout 1988. They included Yusuf Osman Samantar ("Berda'ad"), a lawyer and former member of parliament, who had been held since 1975 and for most of the six years previous to that. Another was Sheikh Mohamed Moallim Hassan, a religious teacher detained in 1986 for criticizing the government's restrictions on religious activities.

Twenty-two political prisoners detained since 1982 were brought to trial in February before the National Security Court in Mogadishu. They were not charged or given access to their lawyers until shortly before trial. Among them were six former members of parliament – including former Vice-President Ismail Ali Abokor and former Foreign Minister Omer Arteh Ghalib – Abdi Ismail Yunis, a former university dean, and Suleiman Nuh Ali, a leading architect. All 22 were

charged with forming a subversive organization, the SNM, and with armed opposition to the government. Observers from international organizations, including Amnesty International, foreign journalists and diplomats were denied entry to the trial.

A number of factors – including insubstantial evidence and allegations of torture while under interrogation – led Amnesty International to conclude that the trial was grossly unfair and that those convicted, who were all from the Issaq clan, were prisoners of conscience held for peacefully criticizing the government. Eight defendants, including Ismail Ali Abokor and Omer Arteh Ghalib, were convicted of treason and sentenced to death. These sentences were commuted by President Siad Barre following international appeals for clemency. Five others received long prison terms. Of the remaining nine defendants who were acquitted, the four other former members of parliament were placed under house arrest. These included Mohamed Aden Sheikh, former president of the Somali Academy of Sciences. There was no right of appeal.

The six former members of parliament were released on 21 October, the 19th anniversary of the present government. Ten others in the case remained in prison at the end of the year.

Many prisoners serving sentences imposed after unfair trials by the National Security Court in previous years were held throughout 1988. They included prisoners of conscience, such as the former director of Hargeisa hospital. Aden Yusuf Abokor was sentenced in 1982 to 20 years' imprisonment for organizing a community self-help organization which the government considered "subversive". Sheikh Nur Barud Gurhan and eight other teachers of Islam were serving indefinite prison sentences – after their death sentences imposed in 1987 were commuted – on account of their religious activities.

There were reports of systematic torture of political prisoners by the National Security Service and military police. Evidence indicated routine torture at the Benadir Region headquarters of the security service in Mogadishu, known as *Godka* ("the hole"). Prisoners arrested in 1988 in Hargeisa, Mogadishu and other places were reportedly subjected to torture such as the "Mig" – victims were beaten while

bent over at the waist and tied hand-to-foot – electric shocks and submersion in water until near suffocation.

Conditions for long-term detainees and convicted political prisoners were harsh, particularly in the maximum security prisons of Lanta Bur and Labatan Jirow. Prisoners there were held incommunicado and denied medical attention. Safia Hashi Madar, a relief agency official and former biochemistry lecturer, was sentenced after an unfair trial in 1986 to life imprisonment. She was reportedly suffering from injuries resulting from torture, an untreated kidney infection, and severe depression. Tsehai Negussie, an Ethiopian woman, reportedly died in Mogadishu Central Prison in February after more than 10 years of ill-treatment, including rape. She had been abducted from Ethiopia and imprisoned in Somalia since the 1977 war.

Throughout 1988 Amnesty International continued its appeals for the release of prisoners of conscience arrested because of their alleged beliefs or clan origin. The organization called for immediate measures to stop torture and prevent extrajudicial executions by the army. It criticized use of the death penalty as well as executions by opposition forces.

Amnesty International delegates seeking to observe the major treason trial in February were denied entry into the country. After eight death sentences were imposed at this trial, the organization urgently appealed for commutation. Amnesty International also called for the release of those imprisoned or placed under house arrest after the trial, all of whom it considered to be prisoners of conscience.

In May the organization submitted information about its concerns in Somalia to the United Nations procedure (under the Economic and Social Council Resolutions 728F/1503) for confidentially reviewing communications about human rights violations. The submission was also sent to the government, together with recommendations for measures to halt abuses but no response was received.

In September Amnesty International published a 52-page report entitled *Somalia: A Long-Term Human Rights Crisis*. The report detailed serious human rights abuses over many years and the crisis marked by mass extrajudicial executions in mid-1988. It contained evidence of torture provided by doctors who had ex-

amined former prisoners, and details about unfair political trials. The government issued a statement denying the abuses. However, the President invited Amnesty International to visit the country and at the end of the year a mission was planned for early 1989.

## SOUTH AFRICA



Thousands of people, including many prisoners of conscience, were detained without trial under state of emergency regulations or other security laws on account of their actual or suspected activities in opposition to *apartheid*. Many others were jailed for alleged political offences after trials which may have been unfair – defendants and uncharged detainees required to testify against them under threat of further imprisonment alleged that they had been tortured or ill-treated while held incommunicado in prolonged pre-trial detention. There were new deaths in custody of political detainees in suspicious circumstances. The death penalty continued to be used at a high rate: 117 people were hanged at Pretoria Central Prison and further executions were believed to have been carried out in Transkei and other nominally independent “homelands”. Death sentences imposed on the “Sharpeville Six” and others, including four white police officers convicted of murdering prisoners, were commuted by State President P.W. Botha.

There was continued armed opposition to the government, in particular by the military wing of the banned African National Congress (ANC), which was re-

portedly responsible for various bombings and other acts of sabotage, some of which caused civilian deaths. A number of alleged ANC guerrillas were arrested or brought to trial during the year. In contrast, those responsible for a series of sabotage attacks directed at organizations critical of the government were not identified or apprehended. Such attacks included a bomb explosion which destroyed the Johannesburg headquarters of the South African Council of Churches (SACC) and an arson attack which destroyed the offices of the Southern African Catholic Bishops' Conference (SACBC) in Pretoria. The SACC and SACBC have long been critical of the government.

In June the government renewed for a further year the nationwide state of emergency which has been continuously in force since 12 June 1986. In February it had invoked its emergency powers to restrict drastically the activities of 18 political, community and other organizations. These included two human rights groups – the Detainees' Parents' Support Committee and the Detainees' Support Committee – which had actively monitored and campaigned against the use of detention without trial, torture and other human rights violations. Subsequently, the activities of over a dozen other non-violent organizations, including the End Conscription Campaign (ECC), were similarly restricted.

Detention without trial continued to be used extensively. Most political detainees were held under the emergency regulations. These empower all police and other security forces personnel to arrest people arbitrarily and detain them without charge for up to 30 days if they believe it will contribute to the termination of the emergency or preserve public order. After 30 days a detainee may be held for an indefinite period at the discretion of the Minister of Law and Order. When issuing such an order the Minister is not required to take account of any representations made by the detainee nor to divulge his or her reasons for issuing the order.

Many prisoners of conscience were among those held under the emergency regulations throughout 1988. A number of people have been detained without charge or trial since the emergency was first imposed in mid-1986; there were more than 100 such people remaining in detention at the end of the year. They included Sehlolo

Dennis Neer, a leading black trade unionist from Port Elizabeth; Ivy Gcina, leader of a women's organization in the same city; and Thabo Makunyane, a former student and a previous prisoner of conscience. They and other emergency detainees had no effective means of challenging their detention or learning how long it might continue.

Although there were releases of long-term and short-term emergency detainees, increasingly detainees were served with restriction orders curtailing their freedom of movement, association and expression. Raymond Suttner, a white law lecturer held without charge since June 1986, was released on 5 September but placed under nightly house arrest. He was required to report to the police twice daily and prohibited from writing or saying anything for publication, from attending political gatherings and from having more than four visitors at any one time. He was forbidden to enter any educational institution and was therefore unable to return to his university teaching post. Stringent restrictions were similarly imposed on other released detainees, including newspaper editor Zwelakhe Sisulu. Released in December after almost a year in detention without charge or trial, he was placed under nightly house arrest and prohibited from writing for publication.

In September the plight of emergency detainees was brought into sharp focus when three prisoners of conscience escaped from detention while receiving treatment at a Johannesburg hospital. They successfully sought refuge in the US Consulate and appealed publicly for the state of emergency to be lifted and all detainees freed. Five weeks later the government agreed to withdraw their detention orders and the three were able to leave the consulate freely.

Those detained under the emergency included children and young people. At the end of May the Minister of Law and Order stated that no children under 16 were currently detained, although he acknowledged the continuing detention of a number of 16- and 17-year-olds. Dr Max Coleman, a leading South African human rights activist, challenged the Minister's assertion. He interviewed five detainees in Johannesburg's Diepkloof Prison, one of the prisons used to hold emergency detainees, who confirmed in sworn state-

ments that they were under 16 years of age.

Not all political detainees were held under state of emergency legislation. Some were held under security laws which have permanent effect, notably the Internal Security Act (ISA) of 1982 and similar laws in force in each of the four nominally independent "homelands". The most commonly used provision was Section 29 of the ISA, which permits security police to detain suspects indefinitely for interrogation without charge or trial, in solitary confinement and incommunicado throughout. In some cases detainees held under emergency regulations were transferred to Section 29 detention when lawyers sought access to them, or when court applications challenging the grounds for their detention were initiated. Former prisoner of conscience Noma India Mfeketo, for example, was first held under the emergency regulations after her arrest in Cape Town on 21 September. When court action was initiated to challenge the officially stated reasons for her detention she was placed under Section 29 on 12 October. She remained in incommunicado detention at the end of the year.

As in previous years, Section 29 of the ISA was directly associated with reports of torture and ill-treatment. In one case, Petrus Mokaba, a student activist, was alleged to have been chained to a chair and beaten, and subjected to sleep deprivation and other ill-treatment while detained under Section 29 in March. His sister sought a court order to protect him from further assault but this was denied. By the time of the court hearing - at which police officers denied torturing him - Petrus Mokaba's mother, who had seen him in detention shortly after his alleged torture, was unable to give evidence as she herself had been detained under the emergency regulations.

Police torture and ill-treatment of uncharged political detainees was also reported from the "homelands". In July and August students and others detained after widespread protests in the Venda "homeland" were reported to have been severely abused by local police, in particular by being beaten on the body and soles of their feet with sjamboks, a type of whip. In Transkei a former university student, Aga Khan Tiya, was reported to have been suffocated with a wet towel and stabbed in the throat while under interrogation by

security police. His condition came to light only when he was moved to hospital under police guard and admitted to an intensive care unit.

Graphic evidence of torture in the Ciskei "homeland" emerged during the trial of six security police officers in connection with the death in 1987 of Eric Mntonga, a former prisoner of conscience and prominent political activist (see *Amnesty International Report 1988*). Those accused were the head of Ciskei's security police, his deputy and four other officers. Eric Mntonga had been found dead in his car and an inquest held without the knowledge of his family or lawyer had attributed his death to murder by unknown persons. However, it later emerged that he had been detained by security police, beaten about the face and suffocated to death during interrogation at Mdantsane police station. He was then stabbed in the neck and chest and his body removed from the police station in an attempt to conceal police responsibility for the killing. The trial was continuing at the end of the year.

In another case, 10 police accused of beating to death Makompo Kutumela, a detained Black Consciousness activist, in 1986, were acquitted in March despite an inquest finding that they were responsible (see *Amnesty International Report 1988*). Their acquittal followed a prosecution decision not to submit evidence from two witnesses to the killing.

Further deaths in custody in suspicious circumstances were recorded in 1988. In March Andile Kobe's body was found on a beach shortly after he was arrested and seen to be beaten by police at George in Cape Province. The police said his injuries must have been the result of his jumping from a vehicle and escaping. Three police were subsequently charged with murder but had not been brought to trial by the end of the year. In December Amos Khoza, aged 18, fell to his death from the seventh floor of an apartment block shortly after being detained as an alleged ANC guerrilla and taken there by police. Police said he had committed suicide but this was thrown into doubt by eye-witness reports that he was handcuffed and his feet manacled at the time of his fall.

Security police powers to detain incommunicado suspected government opponents without disclosing their arrest

or place of detention have long been seen as a context in which "disappearances" can occur. In June Stanza Bopape, a leading community activist, "disappeared" while detained under Section 29 of the ISA. Police said he escaped three days after his arrest on 9 June while they were replacing a flat tyre on the car in which they had been taking him to Vereeniging. However, his lawyers alleged that several days after this, security police told them that he was still in detention and that they were not informed of his "escape" until early July. Stanza Bopape's family, who had likewise not been informed, also thought the police explanation unlikely as police had made no attempt to question relatives or others about the alleged escape.

There were dozens of political trials during the year, some of which resulted in the imprisonment of actual or possible prisoners of conscience. The so-called Delmas trial, which had started in January 1986, concluded in December. Eleven of the 19 defendants (three had been acquitted at an early stage of the trial) were convicted, four of them on treason charges arising from civil unrest in the Vaal Triangle area in late 1984. The four, all former prisoners of conscience, received prison sentences ranging from six to 12 years. A fifth defendant received a five-year term and the others were given suspended sentences. During the trial the judge summarily dismissed one of two assessors he had appointed to hear the case with him, claiming that the assessor was biased in favour of the accused. When accused of bias himself by the defendants the judge refused to withdraw from the trial.

Other political trials were marked by allegations of torture of defendants in pre-trial detention and by use of uncharged political detainees as state witnesses. Such witnesses who refuse to give evidence may be imprisoned for up to five years. In July, for example, Abdul Kader received a two-year sentence when he refused to testify against seven people standing trial before the Pretoria Supreme Court.

Three white critics of the government were imprisoned after refusing, for reasons of conscience, to undertake military service in the Defence Force on account of its role in maintaining *apartheid*. Ivan Toms, a doctor well known for his medical work among black squatters in the Western

Cape, was jailed for 21 months in March. David Bruce and Charles Bester received maximum sentences of six years when they were tried in July and December respectively for refusing to perform military service.

The death penalty continued to be used extensively. In all, 117 people were hanged at Pretoria Central Prison; further executions may have been carried out in some or all of the four nominally independent "homelands". In March State President P.W. Botha rejected a clemency petition submitted by the "Sharpeville Six" (see Amnesty International Report 1988). Defence lawyers obtained a stay of execution and subsequently urged the Appeal Court to order a new trial on the grounds that important new evidence was available. The Appeal Court rejected this on 23 November but all six death sentences were commuted the same day by State President Botha, who also commuted six other death sentences. Those granted clemency included four police officers, two of whom had been convicted of murdering a political detainee in May, and two convicted of murdering two alleged drug dealers in April.

At least six government critics were killed in the country in circumstances which remained unclear at the end of the year. For example, 18-year-old Godfrey Sicelo Dhlomo was shot dead in Soweto on 25 January, five days after appearing in a United States documentary film alleging that he had been tortured while in detention. There were opposition claims that he and others were killed by government agents, but those responsible for his death were not identified.

Amnesty International continued to press for the release of prisoners of conscience and for the prompt, fair trial or release of other political detainees. The organization made numerous appeals on behalf of detainees and those under restriction orders, urged impartial investigation of torture allegations and deaths in custody and campaigned for commutation of the death sentences imposed on the "Sharpeville Six" and other prisoners. Amnesty International provided information on its concerns in South Africa to the Ad Hoc Working Group of Experts on Human Rights in Southern Africa set up by the United Nations Commission on Human Rights, and other UN bodies.

## SUDAN



There were numerous reports of extrajudicial executions carried out by government forces and armed civilian militia groups, particularly in the south. A number of people were imprisoned for short periods for political reasons. Six prisoners of conscience were held for their religious activities. At least one person was sentenced to amputation of a hand and more than 30 others remained under sentence of judicial amputation, although none of these sentences was carried out. Many people were flogged after being convicted of alcohol-related or sexual offences. Several hundred prisoners were under sentence of death for murder but no executions were reported.

The state of emergency declared in July 1987 remained in force throughout the year. Effectively in force since the overthrow of President Gaafar Nimeiri's government in 1985, it was renewed for a further six months in January 1988 and again in August. The composition of the government – a coalition of the Umma Party and the Democratic Unionist Party (DUP), headed by Prime Minister Sadiq el-Mahdi – was enlarged in May to include the National Islamic Front and the South Sudan Unity parties. The Communist Party and the United Sudanese African Parties remained in opposition in the Constituent Assembly.

Fifteen people were arrested in December following an alleged coup attempt. They included a number of politicians and retired high-ranking military officers who had supported former President Nimeiri.

In August the government coalition

presented to the Constituent Assembly a proposal for a new Islamic law-inspired penal code to replace the 1983 penal code – the so-called September Laws (enacted in 1983) by the government of President Nimeiri. The draft penal code contained many provisions which would lead to serious violations of human rights. These included the retention of the judicial penalty of limb amputation, the use of flogging as a penalty for a wide range of offences, stoning and crucifixion as methods of execution, and provisions which could lead to the imprisonment of prisoners of conscience. The new code also expanded the scope of the death penalty to include apostasy, and retained the death penalty for a number of political and ordinary criminal offences. However, by the end of the year the Constituent Assembly had not approved the draft code and the "September Laws" remained in force with some provisions not implemented.

There was continued armed conflict in the south of the country, where government forces were fighting the Sudan People's Liberation Army (SPLA). Consequently, many rural areas were either abandoned by their inhabitants or came under the control of the SPLA. Relief agencies estimated that up to half of the six million people who lived in the area had been displaced as a result of the fighting. More than 300,000 southern Sudanese refugees fled to Ethiopia; others went to Khartoum or towns in central or northern Sudan. Several initiatives to secure a political agreement to end the fighting, including some by Sudanese religious and political leaders, met with failure. In November the SPLA and the DUP signed a peace pact but this was rejected by other government parties, most notably the National Islamic Front.

Tens of thousands of civilians died in the south as a consequence of upheavals during the year, most of them through starvation as they sought to flee from the fighting. Hundreds of civilians were believed killed by members of the government army and armed civilian militia groups. Members of the Dinka ethnic group, from which the SPLA drew most of its support, were particularly vulnerable to this abuse. There were reports that Dinka children had been abducted by militia groups.

A number of people were imprisoned for political reasons, in most cases for short periods only. In February six Roman Catholic teachers of religion were tried in Lagawa, southern Kordofan region, for offences involving their peaceful, religious activities. The six – Simon Makur Kuol, Emanuel James, Mussa Osman Ghafi, James Tia, Bolis Meki and Butros Luka – were accused of opening a church without permission and raising funds for religious purposes. They were convicted and each sentenced to two years' imprisonment and a fine. They were also given 25 lashes, but the precise charges and legal basis for this were not clear. The teachers were believed to have been convicted under laws which restrict Christian activities in areas regarded as Muslim. All six were released by the end of the year.

Administrative detention without trial had been abolished in 1986 and 1987 but suspected government opponents were detained without trial for days or weeks in military custody without being charged or brought to court. There appeared to be no legal basis for these detentions.

There were reports that some of those detained without charge or trial were tortured. For example, 14 people were reportedly arrested and tortured in January by military personnel in Shalla, Darfur region. Thirty members of the General Union of Southern and Northern Funj were reportedly detained and tortured by military intelligence officers in the Kurmuk and Gissan areas in Southern Blue Nile Province in February. They were arrested during counter-insurgency operations which included interrogating people suspected of collaborating with the SPLA. No steps were known to have been taken by the authorities to prevent the arbitrary detention or ill-treatment of prisoners by members of the armed forces.

At least one person was sentenced to amputation under the "September Laws". In March Martin Anuel Agulik was convicted of theft and sentenced to amputation of the right hand by a criminal court in Khartoum North. There were other reports of amputation sentences being imposed, but none was carried out. By the end of the year over 30 people were believed to be imprisoned under sentence of amputation, some of them awaiting the result of their judicial appeals. The carrying out of amputation sentences had been effectively

suspended by a parliamentary resolution in August 1986.

A number of flogging sentences of a minimum of 25 lashes were passed for alcohol-related or sexual offences but the exact number was not known to Amnesty International. The floggings were inflicted in court immediately after sentencing. Amnesty International considers the punishment cruel, inhuman and degrading treatment.

The courts continued to impose death sentences on those convicted of murder. Several hundred people were believed to be under sentence of death at the end of the year, but no executions were reported. Some of those condemned to death were released on payment of "blood money" (diya) to the victims' relatives, as prescribed by the "September Laws". Five Palestinians were sentenced to death in October for bomb and machine-gun attacks on a hotel and a club in Khartoum in May in which seven people were killed. They are believed to have appealed against their sentences to a higher court.

Amnesty International wrote to the government in July urging it to investigate reports of extrajudicial executions of unarmed civilians by the armed forces, as well as two 1987 massacres in Ad-Daien and Wau (see Amnesty International Report 1988). The organization also appealed for the abolition of cruel, inhuman or degrading punishments such as amputation, flogging, stoning and crucifixion, and called for the "September Laws" to be replaced by a code which would meet recognized international standards. Amnesty International urged the abolition of all laws under which people could be imprisoned or even executed for their beliefs or opinions. The organization received no response to its appeals from the government.

## SWAZILAND

**Eleven people were detained without charge or trial for political reasons under renewable 60-day administrative detention orders but all were released before the end of the year. Ten others were convicted of treason and related offences after an unfair trial but then had their sentences cancelled under a royal pardon.**

**At least two people were sentenced to death for murder but it was not known if there were any executions.**

Two journalists employed by the Times of Swaziland were imprisoned under 60-day detention orders in February after the newspaper reported that anti-government rebels in Mozambique were seeking refuge in Swaziland. Hanson Ngwenya and the newspaper's acting editor, Mashumi Twala, were both held without charge for 60 days and then released. They were believed to be prisoners of conscience.



Nine people, including several members of the royal family, were arrested in April and detained also under 60-day orders. The arrests appeared to be in connection with the 1983 deposition of Queen Regent Dzeliwe in favour of Queen Regent Ntombi, mother of King Mswati III. One was released within a few weeks but the others were held until 21 June, when they too were freed.

A major treason trial arising from the deposition of Queen Regent Dzeliwe, which had begun in November 1987, ended in March. Two of the accused were acquitted and released during the course of the trial but 10 others, including former Prime Minister Prince Bhekimpi Dlamini and Chief Mfanawenkosi Maseko, formerly a member of the disbanded Liqoqo (Supreme Council of State), were convicted and sentenced to prison terms ranging from three to 15 years. The trial took place before a special tribunal established by royal decree in November 1987 and was conducted in camera throughout. The defendants were not permitted legal representation and were denied any right of appeal.

Following the announcement of the court's findings in March, the convicted defendants began serving their sentences. However, in July King Mswati granted a royal pardon which resulted in nine of the 10 being released immediately. The exception, Prince Mfanisibili Dlamini, remained in prison serving an earlier sentence imposed for obstructing justice.

At least two people were sentenced to death for murder but it was not known if there were any executions.

Amnesty International was concerned about the detentions of journalists and others under 60-day detention orders and about the imprisonment of 10 people after an unfair political trial, although it welcomed their early release. Amnesty International was also concerned about use of the death penalty.

## TANZANIA



Three prisoners of conscience continued to be restricted to remote areas of the country. In semi-autonomous Zanzibar a journalist was imprisoned after reporting an incident in which police shot dead two demonstrators. Twenty-three people arrested after the same demonstration awaited trial at the end of the year. A prisoner of conscience received a two-year jail sentence in Zanzibar for tearing up a photograph of a senior politician.

James Mapalala and Mwinyijuma Othman Upindo remained restricted throughout the year to remote areas to which they had been banished in 1987. They had been detained without trial in October 1986 after they had circulated a petition calling for Tanzania to become a multi-party state.

Lawyers petitioned the High Court for their release but in mid-1987, before the case could be heard, their detention orders under the Preventive Detention Act were annulled and they were redetained under the 1921 Deportation Ordinance, which allows the President to banish anyone deemed "dangerous to peace and good order". There is no appeal against a warrant issued under this law – an apparent violation of Tanzania's Bill of Rights. James Mapalala and Mwinyijuma Upindo were then deported to Mafia Island in the Indian Ocean and Ukerewe Island in Lake Victoria respectively, where they remained throughout 1988. James Mapalala's health was reported to have deteriorated significantly as a result of his detention and banishment. In June 1988 the government sent a doctor to examine him, since the rudimentary medical facilities on Mafia were inadequate. However, when an Amnesty International delegate visited James Mapalala in October he had still not received treatment.

Joseph Kasella Bantu, a former senior government official and political detainee, was also restricted throughout 1988. He returned to Tanzania in March 1987 after several years in exile and after receiving official assurances of his safety, only to be placed under house arrest. In March the house arrest was lifted but he continued to be restricted to Njombe area in southwestern Tanzania.

In June Kwenda Kote Mukungu from Pemba, an island which is administratively part of Zanzibar, was sentenced to two years' imprisonment for tearing up a photograph of former President Julius Nyerere. Throughout the year there were expressions of separatist sentiment in Zanzibar, many of which were directed against former President Nyerere, who remained Chairman of the ruling party, Chama Cha Mapinduzi, Party of the Revolution, after his resignation from the presidency in 1985.

In May 1988 Ali Saleh, a correspondent for the British Broadcasting Corporation (BBC), was arrested after he had reported that the police had shot dead two Muslim demonstrators in Zanzibar. He was held for several weeks on a charge of riotous assembly, although he has been disabled since childhood and did not take part in the demonstration.

The protest had been called in response

to criticisms of certain Islamic practices by a senior official of the ruling party. Major discrepancies between official and eyewitness accounts of the killings led to concern that they may have been extrajudicial executions. A government-appointed commission of inquiry into the killings had reported by the end of the year but its findings had not been made public.

Twenty-three people arrested after the demonstration were on bail facing criminal charges at the end of the year. The court refused to let them be represented by the first lawyer they chose, himself a former prisoner of conscience, and it seemed likely that if convicted and imprisoned they would become prisoners of conscience for exercising their right to free religious and political expression.

Amnesty International learned that four people were sentenced to death after being convicted of murder. No executions were reported in 1988, as has been the case for several years.

Amnesty International appealed for the immediate and unconditional release of prisoners of conscience, for prompt and fair trials for those arrested as a result of the demonstration in Zanzibar in May and for an impartial inquiry which would report publicly on the killing of demonstrators by police.

## TOGO



**Two prisoners detained without charge or trial since 1982, apparently for political reasons, were freed in October. Nineteen prisoners convicted of violent political offences in December 1986 were reportedly still in incommunicado detention. Two**

**others convicted *in absentia* at the same trial were apparently abducted from Ghana and returned to Togo in 1987. They were held incommunicado until October 1988, when their cases were referred to the judicial authorities. The two had allegedly been tortured after their return to Togo. At least two other suspected government opponents were reportedly abducted from Nigeria and detained on arrival in Togo. A refugee was forcibly repatriated to Chad, where he was killed.**

In March Togo acceded to the Optional Protocol of the International Covenant on Civil and Political Rights.

The National Commission of Human Rights, established by the government in 1987, published its first report in October. The 13-member body was formed to investigate alleged human rights violations, miscarriages of justice and other abuses. The commission's report detailed its efforts to investigate human rights violations and to promote human rights.

Emmanuel Foli Attivi and Silvestre Kankarti were released in early October. They had been arrested in 1982 and detained, apparently for political reasons, without charge or trial. In September Amnesty International submitted the case of Emmanuel Foli Attivi to the National Commission of Human Rights.

Lawoé Folly Sossou and Kubah Otsigwey, who had been abducted from Ghana and forcibly returned to Togo in 1987 by Togolese security agents, were held incommunicado in police custody until October, when their cases were finally referred to the judicial authorities. Although Togolese law requires that all those arrested be brought before a judicial authority within 48 hours, both men were detained incommunicado and were allegedly tortured while in Togolese police custody. In December 1986 they had been convicted *in absentia* on charges of possessing arms and sentenced to eight years' imprisonment.

According to some reports, in February Togolese security personnel abducted John Pass, another suspected opponent of the government, from Ghana, and tortured him. The Togolese authorities stated that John Pass had never been in their custody and had been killed in Ghana by Ghanaian border guards.

In early October Aballo Célestin Zekpa and Richard Ahiabile were reportedly

abducted from Nigeria and forcibly returned to Togo, where they were detained on arrival. Aballo Célestin Zekpa had been sentenced to death in absentia in December 1986 for offences against state security. He was reportedly tortured in police custody in Lomé, the capital. Both men had escaped arrest in September 1986, following a coup attempt, but Richard Ahiable had not been tried in his absence. Nineteen others who were convicted by the State Security Court in December 1986 on charges related to the attempted coup were reportedly subjected to cruel, inhuman and degrading treatment. They were held incommunicado at Tokoin military camp in Lomé.

In September the Togolese authorities forcibly returned Bichara Chaïbo, a Chadian refugee. He had been recognized as a refugee by the United Nations High Commissioner for Refugees and appeared to be at risk of torture or extrajudicial execution in Chad. He had been arrested in Togo in August, apparently because an Interpol warrant alleged that he was wanted for murder in Chad. On his arrival in Chad he was reportedly detained at the President's headquarters and extrajudicially executed 10 days later.

Amnesty International sought information from the National Commission of Human Rights about the cases of Lawoé Folly Sossou and Kubah Otsigwey, which were subsequently referred to the judicial authorities, and about Emmanuel Foli Attivi, who was released in October. The organization also expressed concern about reports that 19 other prisoners convicted in December 1986 were held in total isolation. In response to Amnesty International's inquiry about the alleged abduction and torture of John Pass the commission stated that he had been killed in Ghana.

The commission provided Amnesty International with information concerning one reported case of torture but had not responded by the end of the year to inquiries from the organization about reports that Lawoé Folly Sossou and Kubah Otsigwey had been tortured.

Amnesty International raised with the authorities its concern about the forcible repatriation of Bichara Chaïbo to Chad, expressing fears that he risked torture or extrajudicial execution.

## UGANDA



**In early 1988 there were more than 4,000 political detainees. Many of these were released during the year, including a prisoner of conscience who headed a local human rights organization. Until October there were fewer reports of human rights abuses by the army than in recent years, but in the last three months there were frequent and credible reports of extrajudicial killings of civilians in northern Uganda. Torture by intelligence organizations appeared to increase.**

Throughout the year the government continued to face armed opposition in the north and east of the country. In April it concluded a peace agreement with the largest of the rebel groups, the Uganda People's Democratic Army (UPDA), which led to a significant improvement in security in the north. However, another rebel group, the Holy Spirit Mobile Force, continued to be active, as did a dissident faction of the UPDA. Rebels carried out frequent killings of civilians, particularly those involved in locally elected Resistance Committees. In February Holy Spirit rebels attacked Koch-Goma, near Gulu, killing more than 40 civilians, most of whom were chopped to death with pangas (large knives). Those killed included bedridden patients in the dispensary. In Teso, in northeastern Uganda, the government initiated peace talks with the Uganda People's Army (UPA) opposition group and succeeded in gaining the support of some local UPA commanders. Security in Teso remained precarious.

Large numbers of people from northern and eastern Uganda, detained since late

1986 in the course of counter-insurgency operations by the government's National Resistance Army (NRA), remained in prison. Although sometimes referred to by the government as "prisoners of war", it appeared that the majority were not members of armed opposition groups but villagers suspected of supporting rebels. These prisoners were held without charge – indeed, without any legal status – in civil prisons under the authority of the military. The government informed Amnesty International in February that there were 4,183 such prisoners, nicknamed "lodgers". Although many were released following the April peace accords, nearly 3,000 remained in detention at the end of the year.

At the beginning of the year there were approximately 200 children among the "lodgers", some of them less than 10 years old. Many had been held for a year or more, suggesting that the government was making little effort to review their cases speedily. Children at Luzira Upper Prison and Luzira Remand Prison slept separately from adult prisoners but otherwise mixed freely with them, including with convicted criminals at Upper Prison. At Murchison Bay Prison juvenile prisoners were not segregated at all, in breach of the requirements of the United Nations Standard Minimum Rules for the Treatment of Prisoners. In April 94 children were released but an unknown number remained in detention at the end of the year.

In March President Yoweri Museveni ordered the release of Lance Seera Muwanga, Secretary General of the Uganda Human Rights Activists, imprisoned since February 1987 for criticizing the conduct of the NRA. He was the only person detained solely under the provisions of the Public Order and Security Act which permits indefinite detention without charge, and he was released only when diagnosed as suffering from cancer. Also released in March was Charles Ogwal-Engola, who had been arrested in December 1986 after he had stood surety for his cousin, an alleged political opponent of the government charged with a criminal offence. Charles Ogwal-Engola had been severely tortured by soldiers and remained unlawfully detained without charge. The High Court granted several writs of habeas corpus in his favour but these were ignored by the NRA until March 1988 when he was finally presented in court and released.

A number of journalists faced criminal charges for publishing reports which displeased the authorities. Francis Odida, editor of the *Sunday Review*, was charged with treason in January after he had published an article alleged by the government to be sympathetic to the Holy Spirit rebels. It appeared that the main reason for his being charged with treason rather than the lesser offence of sedition was to prevent him being released on bail. However, in August he was granted bail on special grounds of age and ill-health, although surety was unusually high. The case had not been heard by the end of the year.

In April John Kakooza – already on police bond for sedition – and Joseph Kiggundu, editor and deputy editor respectively of *The Citizen*, were arrested on sedition charges and released on police bond. They had published an article criticizing delays in bringing to trial four men charged with the murder of former Energy Minister Andrew Kayiira in March 1987. Later in the year John Kakooza was informed that the state was not proceeding with charges against him, though those against Joseph Kiggundu remained.

Charles Kagenda-Atwooki, information secretary of the Uganda People's Congress (UPC), the party of former President Milton Obote, had been arrested by police in December 1987 and immediately handed over to military intelligence, which has no powers of arrest or detention. He was held unlawfully until March 1988 when he was charged with terrorism – for which courts may not grant bail – and possession of seditious publications. The terrorism charge was later dropped and he was released on bail. His trial began in November when it emerged that his alleged offence was to be found in possession of two publications by exiled opposition groups.

In March the trial concluded of seven people arrested in October 1986 and charged with treason (see *Amnesty International Report 1988*). Three of the accused were found guilty and sentenced to death; the other four were acquitted. One of those released, Major Fred Mpisso, was promptly redetained and he apparently remained in military barracks at the end of the year. The authorities were not known to have stated the legal basis for his imprisonment.

In August the High Court acquitted four members of the minority Uganda Freedom

Movement (UFM) on charges of murdering their leader, former Minister Andrew Kayiira. The four were promptly re-detained and apparently remained in detention without charge at the end of the year. The lack of a conviction revived fears that Andrew Kayiira may have been killed by members of the NRA.

Reports of the torture of prisoners in the custody of the NRA continued, the most persistent coming from the north and east. In early 1988 there were reports of systematic torture at Bishop Kitching College in Ngora, which had been commandeered by the NRA as a barracks. In January and February a number of people were alleged to have died as a result of being beaten there. They included Hannington Odeke, a carpenter, a teacher named Isenged, Julius Oluka and Mohammed Otim.

In October a senior official of the Internal Security Organization (ISO), Mwanawomuntu Katsigazi, and six of his subordinates were arrested after a prisoner in their custody in Kampala died, apparently as a result of torture. There were a number of other reports of torture by the ISO, including one case in which a prisoner is alleged to have received electric shocks to his genitals and had his testicles stapled. Military intelligence headquarters at Basiima House in Kampala also figured in reports of torture. Joseph Lusigazi is alleged to have been killed there in March by having a 15-centimetre nail driven into his head.

In January Johnson Adya and C.P. Obonyo were both reported to have died in Makindye military barracks, Kampala, as a result of torture. They are said to have been among a group of 30 prisoners arrested a few weeks earlier at Akalo, near Lira in northern Uganda.

There were intermittent reports of extrajudicial executions by the NRA throughout the year. In August, for example, soldiers are reported to have killed a group of civilians after guerrillas had attacked a local army detachment near Minakulu in Apac District. Those killed were alleged by the army to have collaborated with the guerrillas. From late October, when the NRA launched a major offensive against rebels in Gulu District, there were persistent accounts of army killings. In the course of the NRA operation tens of thousands of local people were displaced from their homes and sought refuge in camps near

Gulu town. Their huts, granaries and crops were burnt, ostensibly to prevent them from falling into rebel hands. A number of killings appear to have occurred when soldiers forced villagers to remain in their huts while they were burnt. In several cases reported to Amnesty International entire families are said to have been killed in this way. In December the NRA commander, Major-General Elly Tumwiine, responded to Amnesty International appeals by announcing an inquiry into allegations of army killings. This inquiry was to be composed both of soldiers and representatives of the local Gulu community.

At least 10 death sentences were imposed for offences that included murder, armed robbery and treason. In June Crispus Rwakasiisi, a former Minister of State under President Milton Obote, was sentenced to death along with a former official of the National Security Agency. The High Court had found them guilty of kidnapping with intent to murder seven men in 1981. The seven included some whose "disappearance" had been investigated by Amnesty International.

At least three soldiers were publicly executed after being found guilty of murder or armed robbery by NRA disciplinary tribunals. Soldiers accused before such tribunals had no automatic right to be defended by a lawyer or to appeal against sentence or conviction.

Amnesty International urged the government to release all political detainees unless they were to be charged and brought promptly to trial, and to give particular priority to detained children. The organization pressed for inquiries into reports of torture and extrajudicial executions and for clear public instructions to be given to soldiers and security officials forbidding such abuses. Amnesty International urged the government to commute the sentences of all those facing the death penalty as a first step towards eventual abolition of the penalty. In February Amnesty International representatives visited Uganda to gather information, visit prisoners in the Luzira prisons and meet government representatives.

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## ZAIRE



Many prisoners of conscience were detained during the year, most for short periods, for supporting the leader of an opposition political group. These and other political prisoners were held without charge or trial, mostly incommunicado, and many were beaten and ill-treated. Some prisoners of conscience were released. It was not known whether new death sentences were imposed but six prisoners under sentence of death were reportedly executed in August.

The government's Department for the Citizen's Rights and Liberties continued investigating human rights violations and abuse of power by government officials. In June it established 32 regional and sub-regional offices in addition to those already existing in Kinshasa. Most complaints examined by the department concerned land disputes, disagreements between employers and employees and non-implementation of court rulings.

Most people known to have been arrested for political reasons were suspected supporters of Tshisekedi wa Mulumba, Secretary General of the opposition Union pour la démocratie et le progrès social (UDPS), the Union for Democracy and Social Progress. There were also reports of the detention of Jehovah's Witnesses and the arrest and torture of suspected supporters of armed government opponents in North Kivu region, near the border with Uganda.

Four Jehovah's Witnesses arrested in Goma in November 1987 were released uncharged in April. They had been detained by the national security service

without being referred to the procuracy. Gaston Jonas Kouvididila, a journalist from the People's Republic of the Congo arrested in Kinshasa in December 1987 while collecting information for his doctoral thesis, was released uncharged in June. He had been accused of spying and held by the Agence nationale de documentation (AND), the National Documentation Agency, but had not been charged or brought to court. He was freed in an exchange with the People's Republic of the Congo for over 20 Zairians suspected of committing criminal offences in the Congo.

Although some leading members of the UDPS had signed an agreement with the government in 1987 to cease political activities outside the ruling party, one of them, Tshisekedi wa Mulumba, and his supporters, continued to criticize government policies and call for political reform. Many were arrested in Kinshasa in January during a public rally convened by Tshisekedi wa Mulumba, and there were further detentions in March and April after he had called for a boycott of national assembly elections in the Kinshasa area. The detainees were held for periods varying from a few days to several months, although the Code of Penal Procedure requires that all suspects normally be charged or have their cases referred to the procuracy within five days. Such detentions were usually carried out by the National Gendarmerie, the Civil Guard, the Service d'action et de renseignements militaires (SARM) – the Military Action and Intelligence Service – and the AND.

The only person to be charged was Tshisekedi wa Mulumba, who after his arrest on 17 January was charged with threatening national security, insulting the head of state and disturbing public order. The case was referred to the State Security Court for prosecution. The authorities suspended proceedings a few weeks later, however, alleging that he was mentally unstable and would have to undergo psychiatric examination. Later, a government spokesperson claimed that psychiatrists had found Tshisekedi wa Mulumba to be mentally disturbed but unofficial sources suggested that the psychiatrists concerned had been put under pressure by the authorities to make such a diagnosis.

Tshisekedi wa Mulumba was released untried in March but placed under house arrest in Kinshasa. He was rearrested in

April after he had called for a boycott of national assembly elections in the Kinshasa area in protest against the government's refusal to allow multi-party democracy and against recent political detentions. Other prominent UDPS members arrested with him included Birindwa ci Birhashirwa and Bijanu Mutunda, both of whom had been detained repeatedly in previous years. Several others, including Kanana Tshiongo, another founder-member of the UDPS, and Kyungu Mukange, had been arrested in Tshisekedi wa Mulumba's home in March. Kyungu Mukange was reportedly severely beaten by members of the security forces at the time of his arrest. Those detained were held in Kinshasa, incommunicado and without charge, in detention centres at B2 – the headquarters of the National Gendarmerie, at the headquarters of SARM and the AND, and in Makala Prison.

After a few days' detention in Kinshasa, Birindwa ci Birhashirwa was restricted to the town of Kampene in eastern Zaire. Tshisekedi wa Mulumba was banished to the northern towns of Isiro and Dungu, near the Sudanese border, and then in June to Monga, a remote town near the border with the Central African Republic. While in Monga Tshisekedi wa Mulumba reportedly went on hunger-strike to protest against his detention. He apparently met President Mobutu Sese Seko in Gbadolite, Equateur region, and was released in mid-September.

Most of Tshisekedi wa Mulumba's political supporters who had been detained or banished were reported to have been released by November. Birindwa ci Birhashirwa and Bijanu Mutunda were released in June and July. Sita Nsoni, banished to Bongandanga in Equateur region, was released with several others in October.

Former army chief of staff General Mukobo remained in internal exile after being held briefly in the *Deuxième cité de l'OUA* detention centre in Kinshasa in July 1987. He was reportedly initially detained on suspicion of planning a coup and later accused of obtaining weapons for his headquarters without Defence Department permission. These accusations were not tested in court and he was banished from Kinshasa without a formal banishment order.

Reports of torture were less numerous than in the past but political prisoners continued to be beaten, especially at the time of their arrest. In January Kamba Omer, a UDPS supporter, was badly beaten at the

time of his arrest at Tshatshi military camp. He was taken to hospital at Kokolo military camp and then to the University Clinic where he underwent an operation. At the end of the year he was reported still to be convalescing. In May at least 12 UDPS members detained at B2 were severely beaten by members of SARM. There were reports of torture and ill-treatment of prisoners detained by the military in North Kivu region in connection with armed opposition to the government. According to the testimony of one prisoner, he was detained by soldiers in 1986 and ill-treated while held incommunicado in Beni and Goma, near the border with Uganda. He was not allowed treatment for a leg wound and soldiers beat him with metal bars and stabbed him with bayonets. When his wounded leg became gangrenous it was amputated with a machete by the soldiers. He remained in detention without trial until 1988. There was no news during the year about other prisoners known to have been detained in the Beni area since late 1986 (see Amnesty International Report 1988).

Six prisoners under sentence of death were reportedly executed in Bukavu Prison in August; six others were reportedly held there pending execution. It was not known on what charges these prisoners had been convicted.

Amnesty International appealed for the release of prisoners of conscience and investigated the cases of many political detainees to establish if they were prisoners of conscience. The organization asked the Department for the Citizen's Rights and Liberties about numerous detainees and received responses to some of its queries. It was not clear whether the department intervened to end long-term detention without charge or trial of political prisoners or to ensure the release of prisoners of conscience; however, the department did communicate with branches of the security forces responsible for detaining political and other prisoners.

In May Amnesty International submitted information about its concerns in Zaire to the United Nations procedure (under Economic and Social Council Resolutions 728F/1503) for confidentially reviewing communications about human rights violations.

## ZAMBIA



At least 20 suspected critics and opponents of the government, some of them prisoners of conscience, were detained without trial. Some who had been detained in earlier years were released, but there were additional arrests in October in connection with an alleged conspiracy against the government. The arrests occurred shortly before elections in which President Kenneth Kaunda won another five-year term of office. There were reports of harsh conditions of imprisonment, which may have resulted in deaths of a number of prisoners, and of the torture of suspects in police custody. The death penalty continued to be imposed on people convicted of aggravated robbery and murder, but no executions were reported.

Among a number of prisoners released during the year was Faustino Lombe, a prisoner of conscience freed in May. He had been detained without charge since 1981 for plotting the escape of detainees awaiting trial for treason. Like many other political prisoners, he was held under the Preservation of Public Security Regulations, which allow the President to order indefinite administrative detention without trial "for the purpose of preserving public security".

Also released were 10 Angolan refugees, all long-term residents in Zambia, who had been held in Solwezi Prison since mid-1987. The authorities apparently suspected them of supporting armed opponents of the Angolan Government. There were indications that the government intended to expel the 10 Angolans but it was

not known whether it had done so by the end of 1988.

Three alleged members of an opposition political party, the People's Redemption Organization (PRO), illegal under the terms of Zambia's one-party Constitution, remained in custody throughout the year under presidential orders. Henry Kalenga, Joseph Chitalu and Peter Chiko Bwalya, who appeared to be prisoners of conscience, were arrested in early 1986. Stanislaus Kachenjela, a fourth detainee who had been held accused since May 1986 of belonging to the PRO, was released by order of the Ndola High Court in January. His release took place six months after the government had indicated to a review tribunal that it no longer wanted his detention. Chisala Mukunto, Fred Petelo Mulenga, and Mathew Kasonde Ngosa, detained in February 1987, were released without charge in December 1988. They were apparently suspected of giving refuge to Henry Kalenga during the brief period between his escape from custody and his rearrest. Others released in December were two former politicians – Alfred Musonda Chambeshi and John Chipawa Sakulanda – and a broadcasting executive, Mario Malyo. They had been arrested in 1987 on suspicion of planning to revive the United Progressive Party (UPP), which was banned when Zambia was declared a one-party state. They too had been held under presidential detention orders and appeared to have been prisoners of conscience.

In October six army officers and three civilians reportedly were arrested on suspicion of planning a coup to coincide with national elections later that month. In November the authorities announced that eight of them were to be detained indefinitely under the Preservation of Public Security Regulations. The ninth, a civilian, was reportedly released. Those remaining in detention include General Christon Tembo, formerly head of the national army and, at the time of his arrest, Zambia's ambassador to the Federal Republic of Germany.

The authorities are not obliged to reveal their reasons for detaining people under the Preservation of Public Security Regulations. The reasons cannot, in any case, be challenged in the courts. The regulations require that detainees be told of the formal grounds for detention and that their cases be reviewed by a special tribunal. The

tribunal can recommend release or continued detention, but it sits *in camera* and the President is not obliged to implement its confidential recommendations. Detainees' only legal recourse, therefore, is to challenge the technical legality of detention orders. They may claim, for example, that the authorities failed to inform them in writing within the legally prescribed 14-day period of the grounds for detention.

In many cases the courts delayed hearings of political prisoners' applications for writs of *habeas corpus*. Some delays lasted for over a year, even though applications dealing with an individual's liberty are supposed to be heard urgently. It was unclear whether delays were caused by the incapacity of the judiciary to process a large backlog of cases or by deliberate obstruction. However, it appeared that political prisoners' main legal safeguard against arbitrary detention was ineffective.

The courts continued to rule that some prisoners accused of serious criminal or political offences had been tortured by the police and, on occasions, denied medical treatment for injuries sustained under torture. A judge in the Livingstone High Court ruled in June that five people charged with murder had been severely tortured and denied food when they refused to confess to an alleged crime. The judge declined to accept as evidence the confessions they had made under torture but did not order further investigation into the torture allegations or prosecution of those allegedly responsible. In 1987 the same judge had ordered the prosecution of a police officer who had allegedly tortured Moffat Kashweka, a prisoner on trial for espionage, but no proceedings against the police officer were reported. In another case, in May, a Lusaka magistrate ordered prison officials to send two suspects to hospital after these officials had failed to carry out a similar court order issued previously. The suspects were on trial for aggravated robbery and claimed that they had sustained injuries under torture by the police.

Further allegations of torture were made in July by a foreign tourist who alleged that soldiers had kicked and punched him, burned him with cigarettes, pierced his toes with needles, and stabbed him on a finger. They reportedly had accused him of espionage after he took a photograph of the train in which the soldiers were travelling.

Harsh prison conditions may have resulted in a number of deaths. Lusaka Central Remand Prison, for example, was reportedly so overcrowded that 60 prisoners awaiting trial were put in a cell designed for four people. Some prisoners had been in these conditions for as long as four years while awaiting trial. Similar conditions were reported in other remand prisons. At Kamfinsa Remand Prison in Kitwe three prisoners awaiting trial died of an unspecified illness during one week in June, reportedly because of medical neglect and harsh prison conditions.

At least 13 people were sentenced to death for murder or aggravated robbery, crimes which carry a mandatory death sentence, but no executions were believed to have occurred during the year. At least three people appealed successfully against death sentences, but the Appeal Court confirmed the sentences of six others. A soldier previously sentenced to 15 years' imprisonment received a death sentence in July after the state successfully argued that he should have been charged with aggravated robbery.

Amnesty International investigated the cases of political detainees held without trial, three of whom appeared to be prisoners of conscience, and urged the government either to charge them and promptly bring them to trial or release them. Amnesty International investigated reports of harsh prison conditions which may have constituted deliberately cruel, inhuman or degrading treatment or punishment.

## ZIMBABWE

**Many political detainees, some of whom appeared to be prisoners of conscience, were released early in 1988. Some political prisoners facing criminal charges alleged that they had been tortured and three South African security agents convicted of murder were sentenced to death. Five prisoners were executed. A number of security personnel convicted of human rights offences were released under an amnesty.**

At the end of 1987 the two main political parties – the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the minority Zimbabwe African People's Union (ZAPU) – agreed to form a

single party. In January 1988 President Robert Mugabe formed a new cabinet, which included a number of senior ZAPU officials. In April, to mark the unity agreement, the President announced an amnesty for armed government opponents – known as “dissidents” – and for some prisoners convicted of offences related to armed opposition. More than 100 “dissidents” surrendered under the terms of the amnesty, with the result that security in the rural areas of Matabeleland, in south-western Zimbabwe, improved markedly.



In January two long-term uncharged detainees who appeared to be prisoners of conscience were released. Neil Harper and John Austin, both senior customs officials, were arrested in early 1986 as alleged South African spies; the real reason for their detention appears to have been that their professional activities had displeased a senior political figure. In 1986 the High Court dismissed initial charges against them under the Official Secrets Act but they were then issued with indefinite detention orders under the nationwide state of emergency which has been in force since 1965. They remained in detention despite a judicial ruling that the reasons given for their detention orders were inadequate. The government-appointed Review Tribunal, which considers all administrative detainees' cases, also recommended their release but was overruled by the government. Their eventual unconditional release appeared to be tacit acknowledgment that there had been no substance in the allegations against the two.

To coincide with the government's amnesty in April at least 12 long-term

political detainees were released. They included a possible prisoner of conscience – Makhatini Guduza, a senior ZAPU official who in February 1986 had been forcibly returned from Botswana, where he had been officially recognized as a refugee. Four other possible prisoners of conscience held in administrative detention until April – Albert Nkomo, Judia Ncube, Debby Nyathi and Thembanzi Masonda – were then charged with receiving war materials from South Africa. They were subsequently acquitted and released.

Later in the year at least seven people were served with detention orders under the state of emergency regulations after criminal charges against them had been dropped. A senior civil servant, Jack Lewis-Walker, and five other people alleged to have spied for South Africa, had charges against them withdrawn in August but were promptly redetained. Jack Lewis-Walker had been served with a detention order on his arrest in September 1987 but the Review Tribunal considering his case in early 1988 had recommended his release. The recommendation was overruled by the government.

After his redetention the Review Tribunal considered his case a second time and again recommended his release, only to be overruled once more. At least one of those detained with Jack Lewis-Walker, Ivor Harding, was alleged to have been tortured by officials of the Central Intelligence Organization (CIO). He was said to have had his head forced into a bath of water, causing partial suffocation.

Leslie Lesia, a South African trader, was arrested in April or May 1987 by the Mozambican authorities in Maputo. He was handed over to the Zimbabwean CIO, apparently without being extradited, and later charged in connection with a bomb explosion in Harare in May 1987 which killed a woman. He was reported to have been so severely beaten by CIO interrogators at Goromonzi detention centre near Harare that both his legs were broken. In October 1988 charges against him were dropped and he too was served with an indefinite detention order under state of emergency regulations. At the end of 1988 he was still being held.

There were no reports of torture by the police in 1988 but as in previous years political prisoners in CIO custody were in serious danger of ill-treatment. At her trial

in 1987, Odile Harington, a South African found guilty of spying, alleged that while in CIO custody she had been beaten on the soles of her feet, had her head forced into a bucket of water and had been sexually assaulted. In November 1988 the Supreme Court halved her 25-year sentence on appeal, citing her uncontested allegations of torture as a factor in its decision. However, there was no judicial or government inquiry into Odile Harington's treatment or into other persistent allegations of torture by the CIO.

Another prisoner who consistently alleged torture by the CIO, including beatings and partial suffocation, was Philip Conjwayo, who was charged with murder following a bombing in Bulawayo in 1987. He and his co-accused, Kevin Woods and Michael Smith, admitted to working for the South African security forces and were convicted and sentenced to death in November. Amnesty International was concerned not only about the allegations of torture and the death sentences but also about the reported short-term detention of the wives and children of Kevin Woods and Michael Smith, apparently intended to coerce the two men into making self-incriminating statements.

In June the High Court heard an application by relatives of nine ZAPU supporters who had "disappeared" after they were reportedly taken from their homes in Midlands province by members of the security forces in early 1985. The judge ordered the police to investigate the men's fate and report back to the court by 30 September; the police failed to do so. During the year the government failed to respond to requests for information about Fraser Sibanda, Edward Moyo and Shadreck Denga Moyo, who had "disappeared" in police custody in 1985 (see Amnesty International Report 1988).

In June President Mugabe declared an amnesty for 75 members of the CIO, army, police and ZANU-PF imprisoned for human rights offences. The authorities presented this as complementing the amnesty for "dissidents" and political detainees. Among those released was a CIO officer, Robert Masikini, who had been sentenced to death a week earlier for murdering a prisoner in his custody. He was one of at least four prisoners under sentence of death who were amnestied. Amnesty International welcomed the lifting of the

death sentence but was concerned about the implications of this widespread amnesty for human rights violators.

At least seven prisoners were sentenced to death in 1988; five prisoners were hanged in August. However, in October the Minister of Justice informed Amnesty International representatives in Harare that the government intended to review the use of the death penalty in order to reduce the scope of its application.

Amnesty International welcomed the release of political detainees in early 1988 but continued to call for all such detainees to be tried fairly and promptly on recognizably criminal charges, or released. Amnesty International also called for impartial investigation of reports of torture of prisoners by the CIO and into the 1985 "disappearance" cases and urged the government to abolish the death penalty.

# THE AMERICAS

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# THE AMERICAS

The Americas are a vast and diverse continent, home to a wide variety of cultures, languages, and landscapes. From the bustling cities of the East Coast to the remote villages of the West, the continent offers a unique experience for every traveler. The natural beauty of the Americas is unparalleled, with stunning coastlines, majestic mountains, and diverse ecosystems. The rich history and heritage of the continent are reflected in its architecture, art, and traditions. The Americas are a land of opportunity and innovation, where dreams are often realized. The continent's diverse population and vibrant culture make it a truly special place to visit and live.

The Americas are a continent of contrasts, where the modern and the traditional coexist. The continent's diverse geography and climate offer a wide range of experiences for every traveler. From the snow-capped peaks of the Rockies to the sun-drenched beaches of the Caribbean, the Americas have something for everyone. The continent's rich history and heritage are a source of pride and inspiration for its people. The Americas are a land of endless possibilities, where the future is bright and the possibilities are limitless. The continent's diverse population and vibrant culture make it a truly special place to visit and live.

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## ANTIGUA AND BARBUDA



The first execution for nine years was carried out by hanging on 5 May. The prisoner, Jimmy Williams, had been convicted of murder in July 1986.

Jimmy Williams' appeal to the Eastern Caribbean Court of Appeal was withdrawn by his lawyer for reasons not known to Amnesty International. He had submitted a petition to the Mercy Committee (a government-appointed body which advises on clemency in death penalty cases) at the same time as two other men who had been sentenced to death for murder and whose appeals had been dismissed by the Eastern Caribbean Court of Appeal. Their sentences were commuted to prison terms but Jimmy Williams' petition was rejected.

Amnesty International wrote to Prime Minister Vere C. Bird Sr expressing concern over the execution and at the fact that the death sentence imposed on Jimmy Williams had not been reviewed by a higher court, as required by the United Nations Economic and Social Council Resolution 1984/50, Safeguard 6.

## ARGENTINA

Investigations into human rights violations which occurred during the period of military government from 1976 to 1983 continued in 1988 but were severely limited by legislation absolving all but the highest-ranking armed forces and police personnel. Two political prisoners sentenced after unfair trials during that period remained in prison. Several incidents of police violence were reported, including beatings of detainees and shootings of criminal suspects in disputed circumstances.

Further steps were taken to investigate human rights violations committed during the so-called "dirty war" in the late 1970s and to prosecute those alleged to be responsible. These were severely limited by legislation introduced in 1986 and 1987. Law 23.492, known as the *Punto Final* or *Full Stop*, required new prosecutions to be initiated within 60 days of its promulgation on 26 December 1986; the Law of Due Obedience, enacted on 5 June 1987, conferred immunity on all but the most senior officers on the grounds that lower-ranking personnel were automatically presumed to have been acting under superior orders. Amnesty International considers that all human rights violations should be judicially investigated, even after a change of government. The organization was concerned that these laws limited opportunities to bring to justice those suspected of human rights violations and that their effect was to impede investigations into those violations.

The judicial authorities interpreted the new laws as exempting many high-ranking officers from liability if they had not been commanders-in-chief or commanders of military zones and sub-zones – jurisdictions in which they were responsible for security operations – or commanders of the security, police or penitentiary forces. In 1988 some sub-zone commanders were also exempted.



In February the Supreme Court upheld a 1986 ruling which absolved Alfredo Aztiz, a former member of the *Escuela Mecánica de la Armada* (ESMA), the Navy Mechanics School, of the kidnapping and wounding of a 17-year-old Swedish-Argentine girl in 1977, on the grounds that the statute of limitations had run. Since the ruling he had also been absolved of responsibility in the

case by the 1987 Law of Due Obedience.

In May former General Carlos Guillermo Suárez Mason, commander of the First Army Corps from 1976 to 1979, was extradited from the United States to Argentina on 39 murder charges and a forgery charge; additional kidnapping charges were dismissed by the US Federal Court for the purposes of extradition on the grounds that the statute of limitations had run. At a hearing before the Federal Appeals Court in Buenos Aires on 12 May the former general denied all responsibility for human rights violations committed by his subordinates during the "dirty war". He claimed he had simply transmitted orders from his superiors to those responsible for carrying them out and that the sub-zone commanders had had direct and total responsibility, which could not be delegated, for places of detention within their jurisdiction and for the fate of those detained.

At the end of the year the trial of General Suárez Mason was pending before the Federal Appeals Court in Buenos Aires, together with the cases of the former sub-zone commanders of the First Army Corps and the cases of Admirals Vañek and Torti, formerly of ESMA, and other former ESMA officers. In August it was announced that the Supreme Court had decided that all remaining trials of military personnel on charges of human rights abuse should be heard in the first instance by the relevant regional Appeals Courts rather than by the Supreme Court itself.

In early December about 400 soldiers seized the Campo de Mayo military complex in Buenos Aires and Magdalena Military Prison, where Colonel Aldo Rico, who had led two previous military uprisings, and several former junta members were being held. The rebels demanded an end to the trials of officers accused of past human rights abuses, an amnesty for those already convicted, and the restructuring of the army high command. Several of these demands had been met by the end of December. However, in a statement before a joint session of Congress, President Alfonsín expressly rejected the possibility of any amnesty or further curtailment of remaining human rights trials.

Further efforts were made to find out what had become of children who had "disappeared" with their parents or who had been born while their mothers were held in clandestine detention centres dur-

ing the period of military rule. Some of these children were given illegally to couples connected with the military, to be brought up as their own. Two such children were reported to have been identified in 1988, bringing to 49 the number identified. More than 150 others have not been accounted for. The National Genetic Data Bank, established by the government in 1987 to facilitate identification of missing children by means of genetic testing, was unable to contribute fully to this process owing to insufficient funding, with the result that in a number of cases the courts were unable to determine the parentage of children whose identity was in doubt. The process of identification was rendered more difficult in cases in which families ordered to undergo genetic tests to determine a child's identity had taken refuge in Paraguay.

Tomás Cormack and Fermín Angel Núñez, two prisoners who received unfair trials and were sentenced for politically motivated crimes of violence during the period of military rule, were still held in Villa Devoto Prison, Buenos Aires, at the end of 1988. Four others were conditionally released during the year: Jorge Fuentes in September and Francisco Carrizo, Martín Paz and Rubén Emperador in December. Fermín Angel Núñez, who had been released conditionally in 1987 with five others, was rearrested on 2 February and returned to prison after the Public Prosecutor appealed against the 1987 decision of the Tucumán Federal Criminal Court to order his release. His appeal to the Supreme Court against his reimprisonment was pending at the end of 1988.

Amnesty International wrote to the Governor of Entre Ríos province asking for information about an incident in which a man was reportedly held unacknowledged in police custody for several hours and badly beaten in August. The organization was also concerned about reports of harassment and intimidation of witnesses of alleged police violence. Between 1985 and 1987 over 400 fatal shootings by police were reported in the capital and in Greater Buenos Aires. Most were described as "shoot-outs" between police and criminal suspects, but in some cases the circumstances were disputed by the victims' families or witnesses of the incidents. Fewer incidents were reported in 1988 but Amnesty International was concerned that there

appeared to be little progress in investigation of disputed incidents and that some witnesses were reportedly still threatened and occasionally assaulted. The organization expressed concern to the authorities about the situation of Noemí Diz de Rivas, a witness to one such shooting, who had reportedly faced repeated threats and suffered at least three attacks since May 1987.

## BOLIVIA



**Students involved in anti-government protests and trade union leaders involved in industrial disputes were detained for short periods. Torture was reported in rural areas and one peasant died in police custody in suspicious circumstances. Several other people were killed when police shot at demonstrators who were said to have been unarmed.**

At least two students were killed and more than a dozen students and academics were detained for short periods during protests in the cities of La Paz, Potosi and Cochabamba. In March Marco Antonio Uria Oropeza was killed when police opened fire on a student sit-in at San Andres University, La Paz. There were allegations that he had been shot in the head by police; the authorities said he had been shot by one of the crowd.

Unrest over government economic measures continued and five oil workers' union leaders were briefly detained in March after oil workers in Santa Cruz launched an indefinite strike over pay. Three mineworkers' leaders were also detained briefly in September following a strike over working conditions.

In March Eleuterio Gutierrez Marcani, a

miner detained since 1985 on a charge of theft (see *Amnesty International Report 1988*), was sentenced to seven years' imprisonment. Amnesty International remained concerned that this criminal charge may have been brought against him because of his trade union activities and continued to investigate the possibility that he was a prisoner of conscience.

Peasants' protests against government action to restrict the growing of coca leaf escalated. Coca, used to produce the narcotic cocaine, has traditionally been cultivated in Bolivia for medicinal and dietary purposes. In June at least seven peasants were reportedly killed when police belonging to the *Unidad Movil de Patrulla Rural (UMOPAR)*, a specialized narcotics branch of the Bolivian police force, opened fire on thousands of demonstrators in Villa Tunari, a town in the Chapare area of Cochabamba department. The peasants were demonstrating against the use of herbicides to eradicate the coca crop in the area. The circumstances in which the killings occurred remained unclear: unofficial sources alleged that the UMOPAR agents had opened fire without warning. The Ministry of the Interior was reported to have initiated an investigation but no findings were known to have been made public by the end of the year.

There were reports that peasants taken to police barracks were tortured and of one death in custody in suspicious circumstances, that of Vicente Nina. He was one of three peasants arrested in August by soldiers from the Ayacucho Regiment based in Achacachi, Osamuyos province, (La Paz Department), reportedly on suspicion of stealing army weapons. The next day Vicente Nina's body was taken from military headquarters to the local hospital where a doctor was asked to issue a death certificate. He refused to do so on the grounds that Vicente Nina had died at least four hours before being brought to the hospital. The body was then said to have been buried clandestinely by the soldiers. However, at the request of the community it was exhumed and an autopsy was performed. At the end of the year its findings were not known to Amnesty International.

Amnesty International was concerned about the short-term detention of trade unionists and others and sought information from the government about the death in custody of Vicente Nina and the cir-

cumstances in which Marco Antonio Uria Oropeza was shot dead.

## BRAZIL



**The killing of peasant leaders and members of the indigenous population continued, apparently with the acquiescence of local authorities. There were continued reports of torture and ill-treatment of criminal suspects and prisoners, and of the killing of criminal suspects by uniformed and off-duty police in circumstances suggesting the killings were extrajudicial executions.**

A new Constitution was promulgated in October. This prohibited torture, set out specific rights for detainees and forbade the use of the death penalty in peacetime. The public prosecution service was given autonomy from the executive and the duty to oversee criminal police inquiries.

In September Amnesty International published a report, *Brazil: Authorized Violence in Rural Areas*, which documented a pattern of human rights violations in rural areas carried out with the acquiescence of the authorities. Amnesty International takes no position on competing claims over land ownership but the organization was concerned about the almost total impunity with which these abuses were committed and evidence that some local authorities not only tolerated them but were sometimes directly involved.

The report included some 50 cases of peasants, trade unionists and church workers who had been killed in the context of land disputes. Such killings were selective: the victims were community leaders

and others trying to establish peasants' claims to land and labour rights. Most of the killings appeared to have been carried out by gunmen hired by large landowners, speculators and rival claimants. In some cases there were indications of direct police involvement. The report gave details of how official inquiries into these killings were frequently jeopardized and obstructed. At the time of publication of the report, of more than 1,000 killings reported since 1980 Amnesty International knew of only three in which gunmen had been convicted; the organization did not know of any convictions of those who had hired gunmen to carry out the killings.

In the light of evidence of the failure of state authorities to conduct impartial investigations into political killings in rural areas Amnesty International called upon the federal authorities to open independent investigations into the cases documented and in future to use the federal police in parallel investigations. It recommended that special attention be given to evidence that law enforcement and local government officials, and private parties, had colluded in instigating or perpetrating these abuses or in obstructing subsequent criminal investigations.

The report was first presented to the Brazilian Government in April in the form of a memorandum, with a request for comment. In June Amnesty International sent a delegation to Brazil to discuss the issues and individual cases raised in the memorandum. Federal government representatives told the delegation that, although the government was aware of the scale of human rights violations and recognized failures in the administration of justice at state level, it did not accept responsibility for matters within state jurisdiction. At the end of the year Amnesty International was still awaiting the federal government's detailed response to individual cases raised in the memorandum.

During 1988 several peasants' and rural workers' leaders involved in land disputes were killed with the apparent acquiescence of local state authorities. On 5 February Francisco Domingos Ramos, President of the Rural Workers Trade Union of Pancas, Espirito Santo state, was shot dead by a gunman. Before his death Francisco Ramos had sought an investigation into death threats made against him by

a landowner in 1986; he was killed two weeks before a court was due to look into the threats. Three police officers were later indicted for his murder but charges against the landowner and an alleged gunman were dropped in October.

On 6 December João Batista, a land rights lawyer and Socialist Party representative in the Legislative Assembly in Para state, was shot dead in front of his family. On the day of the killing he had told the Assembly that two military police had made death threats against him. By the end of December the police had failed to obtain a full statement from his widow – the principal witness to his killing – despite her efforts to provide an account of the events.

Francisco Alves Mendes Filho, known as Chico Mendes, the President of the Rural Workers Trade Union of Xapuri, Acre state, was killed on 22 December. Chico Mendes was widely known for his role in organizing rubber tappers to defend the environment. There had been six previous attempts on his life and he had appealed repeatedly and unsuccessfully to local, state and federal authorities to arrest those he believed were trying to kill him. Although these individuals had been convicted of previous murders, police repeatedly failed to enforce arrest warrants against them, and allowed them to move about the region freely. After the killing of Chico Mendes they were charged with his murder.

For the first time several killings of this type resulted in successful prosecutions. In February two men were sentenced to 24 years' and 25 years' imprisonment for the killing of Father Ezechiele Ramin in July 1985 (see Amnesty International Report 1986). In April another man was sentenced to 18 years, six months' imprisonment for killing Father Josimo Morais Tavares in May 1986 (see Amnesty International Report 1987). In each case people were formally charged with commissioning the killings; in neither case were they brought to trial. In September five men received sentences ranging from two years' imprisonment to 27 years' imprisonment for killing three Xacriabá Indians in Itacarambi, Minas Gerais state, in February 1987.

An increasing number of Brazil's indigenous people suffered violent attacks from ranchers and others laying claim to their land, and over 30 killings of indigen-

ous people were reported. In some areas it seemed that the situation was tolerated by the authorities. In March 14 Indians, including five children under the age of 12, were killed and 23 others wounded when gunmen opened fire on a group of about 60 unarmed Ticuna Indians. The attack occurred while the Indians were waiting for a meeting with a lawyer from the Fundação Nacional do Índio (FUNAI), National Indian Foundation, and the military police, in the municipality of Benjamin Constant, Amazonas state. Most of the dead and wounded were shot as they tried to escape in canoes. The subsequent police investigation appeared to have been seriously deficient. In May the Federal Appeals Court ruled that gunmen accused of the killings should be tried in a local court, despite fears that the local authorities' hostile attitude to the Ticuna Indians would make an impartial hearing unlikely. The trial was still in progress at the end of the year.

In the Territory of Roraima the isolated Yanomani tribe continued to suffer violent attacks by armed prospectors. There was little progress in investigations into some 25 killings of Yanomani Indians reported during 1987 and 1988. In October Ovelário Tames, a 17-year-old Macuxi Indian youth, died in police custody in Normandia, Roraima, reportedly after being severely beaten by civilian police officers.

There were further reports both of torture and ill-treatment of criminal suspects as a means of obtaining confessions, and of deaths in custody. In September, after a habeas corpus writ had secured his release from custody, Silas Abel da Conceição alleged that he and Pedro de Almeida had been tortured after their arrest in Belo Horizonte, Minas Gerais state, as suspects in a robbery. He said that they had both been tortured by being beaten while suspended from an iron bar – the pau de arara (parrot's perch) – being given electric shocks and having water forced into their nostrils. Silas da Conceição alleged that Pedro de Almeida had died under torture and that his body had been removed from the police station in a plastic sack. He also alleged that he had been threatened with death by the police officers responsible unless he testified that Pedro de Almeida had escaped from custody. Silas da Conceição was last seen alive on 7 October being escorted through his neighbourhood

by two of the police officers whom he had accused of killing his friend. His body was found later with a bullet in the back of the neck. A police inquiry was opened but the officers under investigation were not suspended from duty pending its outcome. A further inquiry was opened when witnesses and relatives of the two youths alleged that they were being followed and threatened by these officers.

There were renewed reports that police officers in Rio de Janeiro were involved in the activities of so-called death squads. These were held responsible for hundreds of killings, mostly of criminal suspects under 18 years of age, in Baixada Fluminense on the outskirts of the city. Between July 1987 and February 1988 the state government's Special Commission of Inquiry into Extermination Groups examined 161 cases, resulting in charges against eight police officers.

In December Simone Amaral Cequeira, aged 17, and Disney Erwin Rodriguez, were detained in Nova Friburgo, Rio de Janeiro state, by three men in plain clothes who were later identified as members of the military police. This apparently occurred after Disney Rodriguez had accused local police officers of extortion in drugs-related cases. Two days after they had been abducted the bodies were found on a rubbish tip on the outskirts of the city, bearing marks of torture and mutilation. At the end of the year two military police officers were facing charges of murdering the two.

The authorities failed to institute rigorous investigations into incidents in which lethal force was used in disputed circumstances. It was not until six months after the incident on the Tocantins Bridge, Parastate, in December 1987 – in which up to 10 gold miners and their relatives were shot dead by military police (see *Amnesty International Report 1988*) – that the government's Human Rights Council initiated an investigation *in loco*. A federal police inquiry was opened but its results had not been made public by the end of the year. Inquiries into a similar incident in November, at Volta Redonda, Rio de Janeiro state – when three steel-workers were killed by members of the armed forces – had not been completed by the end of the year. The deaths occurred when soldiers were ordered to take control of the National Steelworks Company, then under occupation by striking metal-workers.

In November the relatives of 40 of some 125 people who had "disappeared", mostly during the mid-1970s under former military governments, submitted a petition to the Supreme Court. The petition was based on the new constitutional provision of *habeas data* which established the right of access to personal files, including those held by the security services. In considering the petition the Attorney General gave his opinion that such files should be opened to help relatives clarify the fate of the "disappeared". At the end of the year the Supreme Court had not issued a judgment.

In September Amnesty International launched a campaign to draw its concerns about human rights violations in rural areas to the attention of the authorities at local, state and federal levels. By the end of the year the Federal Government had not replied to the memorandum Amnesty International had submitted in April. During the course of the year the organization sought information from the federal authorities about investigations into killings of 14 Ticuna Indians and of a Pataxó-ha-ha-hãe Indian in March, and into the death in police custody of a 17-year-old Macuxi Indian in October. The organization continued to seek information from the government's Human Rights Council (National Council for the Defence of the Rights of the Person) about incidents involving police use of lethal force, such as the killings on the Tocantins Bridge in December 1987.

## CHILE

Hundreds of people viewed as critical of the government were harassed and intimidated by armed clandestine groups linked to the security forces. Many were the subject of death threats and some were abducted or assaulted. A number of politicians, journalists and human rights lawyers were prosecuted, resulting in the imprisonment or banishment of some prisoners of conscience. Certain political detainees were tortured and kept incommunicado for long periods. There were many reports of judicial irregularities in the trials of prisoners charged with politically motivated offences. Most cases of human rights abuse brought to court re-

**mained unresolved in spite of investigative efforts by some judges.**

A plebiscite was held on 5 October, which resulted in a majority vote against General Augusto Pinochet continuing as President for the next eight years. General Pinochet was to remain in office pending presidential elections in December 1989. The plebiscite was the first occasion on which Chileans had been allowed to vote on his holding office since the military came to power in 1973. It was a key event in the transition towards an elected government, the mechanism for which is set out in the Constitution introduced by the military government in 1981. Although the voting itself took place in a calm and orderly atmosphere, in the months preceding it many people were detained briefly during demonstrations for the "No" vote or were harassed by death threats, being kept under surveillance and, in a few cases, being abducted. Numerous demonstrators or bystanders were beaten or suffered other injuries when police tried to disperse them, and three were killed by shots fired by police or unidentified armed civilians. There were similar abuses during opposition victory celebrations following the plebiscite.



Shortly before the plebiscite the main armed opposition group, *Frente Patriótico Manuel Rodríguez* (FPMR), Manuel Rodríguez Patriotic Front, declared a temporary truce. Throughout the rest of the year it continued a violent campaign which included bombing public installations.

In the six weeks leading up to the plebiscite the government took a number of steps to improve respect for human rights. It completed the lifting of the ban which had prevented many exiles from returning to

Chile; it ratified both the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Inter-American Convention to Prevent and Punish Torture; and it lifted the state of emergency and the "state of danger to internal peace", which had given the administrative authorities wide-ranging powers of detention and banishment. It was the first time since September 1973 that there was no emergency legislation in force.

Despite these improvements there were continued human rights violations due to the authorities' misuse of other legislation and the illegal activities of the security forces and clandestine forces linked to them. These groups operated under such names as *Acción Chilena Anticomunista* (ACHA), Chilean Action Against Communism, and the *Frente Nacionalista de Combate* (FNC), Nationalist Combat Front, and maintained a campaign of harassment and intimidation against critics of the government and their families and friends. As in previous years death threats were the most common form of intimidation, but assault, abductions, ill-treatment and attacks on property were also reported. Carolina Fuentes Pereira, for example, said she was abducted by unidentified civilians on 17 August, interrogated about her trade union activities, then beaten, raped and abandoned in the street.

There were new reports of torture by the official security forces. Victims were mainly detainees suspected of belonging to armed opposition groups, such as the FPMR, awaiting transfer to prison. Under the "state of danger to internal peace", the Interior Ministry was empowered to order administrative detention in police custody for up to 20 days which was when torture was most likely to occur. These powers ceased when the state of danger was lifted in August. However, under anti-terrorist legislation the security forces could still hold detainees for up to 48 hours before placing them at the disposition of a judge, who could then order that they be kept in police custody for a further 10 days.

There were allegations that agents of the *Central Nacional de Informaciones* (CNI), state security police, had been involved in the torture of detainees held in the premises of *investigaciones* (criminal investigations police) and *carabineros* (uniformed police). In a few cases there were reports that the CNI

had held people in secret detention centres before handing them over to the duly authorized authorities, although this practice had been banned in 1987.

In October the Bishop of Copiapó, in Northern Chile, called for an end to torture after nine men in his diocese had been arrested by *investigaciones*, tortured with electric shocks, then released unconditionally. In deciding whether there should be a prosecution, the investigating judge ruled that the detainees' statements taken by the police could not be used as a basis for charges because they had been extracted under torture. To Amnesty International's knowledge, such a ruling is unprecedented in Chile.

In October six people were arrested in Los Queñes, a village in southern Chile, following an armed attack on a police station in which a police officer was killed. The detainees said that they were bitten by police dogs and subjected to electric shocks and mock executions during their three days in police custody; one said his head was pushed into a beehive. They were then transferred to prison where they were held *incomunicado* and charged with belonging to the FPMR and participating in the attack. The *incomunicado* detention order was prolonged until 35 days after their arrest, a practice which often compounds the effects of torture.

Although there were some criminal investigations into torture complaints few convictions resulted, despite efforts by some judges. In October a judge charged six members of *investigaciones* with the torture of political prisoner Vasily Carrillo, who had been arrested in November 1986 and charged with participating in an attack on General Pinochet. His torture included prolonged beatings and electric shocks. The *investigaciones* publicly criticized the judge's decision arguing that they were often hampered in their duty to protect the public from "delinquents" by the ease with which lawyers were able to present complaints of ill-treatment to the courts. The charges against the police officers were revoked by a higher court which ruled that there were insufficient grounds to proceed. Another judge, René García, who was investigating some 30 torture cases, was suspended in October for two weeks on half pay for stating to the Press that the CNI was responsible for torture. Three judges who expressed their

support for him were reprimanded by the Supreme Court.

Other human rights violations resulted from excessive use of certain non-emergency legislation, such as Article 284 of the Code of Military Justice which makes it an offence to "threaten, offend or defame" members of the armed forces. Legal proceedings were conducted against dozens of journalists, human rights lawyers and politicians for comments published mostly in the opposition press, and some of them were imprisoned for short periods before being released on bail. In December prisoner of conscience Juan Pablo Cárdenas, editor of *Análisis* magazine, completed his sentence of night-time imprisonment - 541 nights - for similar offences.

Clodomiro Almeyda, leader of one of the socialist parties, was released by a Supreme Court decision in October which reduced his sentence from 541 to 390 days. He had been convicted of being an "apologist for terrorism" for statements he had made in exile (see Amnesty International Report 1988). In September Manuel Bustos and Arturo Martínez, leaders of the *Comando Nacional de Trabajadores* (CNT), National Workers' Command, began serving a 541-day sentence of banishment to remote parts of the country. They had been found guilty of calling a national strike in October 1987. The sentence had been quashed but was later confirmed by the Supreme Court a few days before the two men were due to take part in a meeting of trade union delegates. The purpose of the meeting was the establishment of the first major trade union confederation since 1973.

There were continuing reports of judicial irregularities in the trials of several hundred prisoners charged with politically motivated crimes, most of whom were on trial by military courts. The majority were charged with membership of armed opposition groups or with arms offences under the Arms Control Law and Anti-terrorist Law.

Irregularities in the trials prompted a series of complaints to the higher courts. In July, for example, 16 defence lawyers petitioned the Supreme Court. They complained - unsuccessfully - of numerous malpractices, such as the inaccessibility of court officials, especially in urgent cases; long delays over judicial decisions; failure to hand over automatically formal notification of court decisions; threats

and abusive language used by court officials against some detainees and witnesses; and the handling of guns by court officials in front of the accused. The impartiality of the military courts was also called into question.

Many of the complaints of serious irregularities were levelled at the Special Military Prosecutor, Fernando Torres, who was investigating several FPMR armed attacks. About 100 detainees were involved in these trials. In December, in an unprecedented ruling, the Military Appeals Court accepted a complaint against him submitted by lawyers for the Vicariate of Solidarity, a church human rights organization. The appeals court concluded that he had exceeded his powers as prosecutor by using investigations into an armed robbery to seek details of the activities of the Vicariate (a Vicariate doctor had treated an injured man who, it later emerged, had participated in the robbery; see *Amnesty International Report 1988*). The ruling resulted in the sudden retirement of several senior members of the military justice structure. Fernando Torres was promoted to the post of Advocate-General, the highest position in the military judiciary. The Supreme Court reversed the earlier ruling of the Military Appeals Court and thus rejected the complaint against Fernando Torres.

Long delays in trials continued to be reported. This was in spite of an April ruling by the Supreme Court, in response to a petition submitted by defence lawyers in September 1987, which ordered the Military Appeals Court to speed up the trials of those charged under the Arms Control Law and Anti-terrorist Law. Among those who complained about delays and were still awaiting sentence in December were eight political prisoners held since the early 1980s for whom the prosecution had recommended death sentences in 1984.

Three prisoners sentenced to death for killing the Regional Governor of Santiago had their sentences commuted to life imprisonment in August, after the Military Appeals Court failed to reach a unanimous verdict on upholding the death sentences. In an attempt to get the sentence restored the prosecution complained, unsuccessfully, to the Supreme Court about the dissenting vote of the court's president, Enrique Paillás. Three other political prisoners for whom the

prosecution had recommended death received life sentences in January.

Past human rights violations received considerable public attention, particularly in the debate on how they would be dealt with by future governments. Significant steps were taken by a few courts investigating human rights abuses. Several police officers, for example, were charged with causing deaths during demonstrations. They included a carabinero charged with "unnecessary violence resulting in the death" of Nelson Carrasco Bascuñan, who had been arrested, severely beaten and thrown into a canal during a day of protest in 1984. In another case, a judge visited a German settlement in southern Chile, known as Colonia Dignidad, at the request of a West German court investigating allegations by Amnesty International that it was used as a torture centre shortly after the coup in 1973. The case received considerable publicity and led to new witnesses coming forward, who maintained that they too had been held there in the mid-1970s.

Hundreds of cases of past abuses, including executions and "disappearances" which had occurred in the years following the coup, remained unsolved. Most were either closed for lack of evidence or greatly delayed. Amnesty International launched a campaign calling on the government to release information about the several hundred "disappeared" prisoners arrested between 1973 and 1977, believing that if the authorities were genuinely determined to uncover the truth, the fate of these prisoners could be clarified. There was no news of the five political activists who "disappeared" in September 1987 (see *Amnesty International Report 1988*).

Throughout the year Amnesty International called on the authorities to halt the activities of clandestine forces linked to the security forces and called for full investigations into these and other human rights violations. It frequently urged the government to allow access to lawyers and relatives for detainees held incommunicado for long periods. Amnesty International welcomed the ratification of international instruments prohibiting torture but expressed the need for further measures to end such abuses. The organization also urged the government to review the trials of political prisoners.

## COLOMBIA



Widespread and systematic violations of human rights continued against a background of escalating civil conflict. Over 1,500 apparent extrajudicial executions were carried out and 250 people were reported to have "disappeared". There were scores of multiple killings by paramilitary "death squads" which resulted in the deaths of hundreds of civilians. Further evidence emerged that "death squads" responsible for the majority of killings acted as part of or in coordination with regular armed forces. There were renewed reports of torture and ill-treatment of prisoners, particularly detainees arrested under new anti-terrorist legislation and held illegally in military installations. Hundreds of people, many of whom were believed to be prisoners of conscience, were detained under special decree laws and tried by summary procedures which failed to conform to international standards of impartiality and fairness.

Armed forces counter-insurgency operations were intensified to combat the country's increasingly active guerrilla groups. Such groups were responsible for an increasing number of bomb attacks and ambushes of government forces, some of which resulted in civilian deaths. The government ceded civilian authority in several areas of the country, which were placed under the control of senior army commanders appointed by decree laws issued under the state of siege legislation in force since 1984. The principal victims of political violence continued to be the civilian population.

Several guerrilla groups were reported to have killed people they had kidnapped and civilians in rural areas whom they suspected of passing information to the military. Peasant and Indian leaders who refused to submit to guerrilla control were also killed. At least three of the scores of multiple killings reported during the year were attributed to an armed opposition group, the Fuerzas Armadas Revolucionarias de Colombia, Colombian Revolutionary Armed Forces.

Following the assassination in January of Dr Carlos Mauro Hoyos, the Procurator General, apparently because of his efforts to combat drug-trafficking, the government introduced new anti-terrorist legislation under state of siege provisions. Decree Law 180, the "Defence of Democracy" statute, increased penalties for crimes against members of the government and for certain offences committed "with terrorist intent". It also conferred new powers on the armed forces and judicial police to search property and to arrest suspects without a judicial order but in March these were declared unconstitutional by the Supreme Court of Justice. Nevertheless, in the following months there were many reports of arbitrary arrests being carried out by military and police personnel without judicial orders.

An alarming development during 1988 was a series of multiple killings of non-combatant civilians apparently suspected of having left-wing sympathies or of supporting anti-government guerrillas. Amnesty International received information on over 30 massacres carried out by paramilitary "death squads" in which some 350 people died. Many of these killings occurred in zones under stringent army control in the northern departments of Antioquia and Córdoba and the southern department of Caquetá. There were, however, no reported clashes between army patrols and "death squads", which passed unhindered through numerous army roadblocks in these areas. Although military authorities frequently attributed multiple killings to anti-government guerrillas, in several cases judicial investigations established that particular killings had been carried out or coordinated by army personnel and financed by land-owners or drug-traffickers.

The banana-growing region of Urabá in Antioquia Department was one of the areas

most affected. In March some 30 heavily armed men entered the Honduras plantation, and summoned 18 workers from a list; the men were lined up against a wall and shot dead. The gunmen proceeded to the nearby La Negra plantation where three more workers were killed. All 21 victims were affiliated to the left-wing plantation workers' trade union SINTAGRO. The killers, who wore plain clothes, moved freely through the region, unobstructed by a force of some 6,000 soldiers and police.

A civilian court judge was appointed to investigate the killings. She issued arrest warrants against three officers of the B-2 army intelligence division attached to the local Voltigeros Battalion and against two alleged leaders of the country's largest narcotics ring but left the country in September after her life was threatened. Warrants were also issued for the arrest of eight civilians alleged to be members of the "death squad", and for the arrest of the Mayor and police chief of Puerto Boyacá, Magdalena Medio Region, where the "death squad" – which had apparently been formed through an alliance of major drug-traffickers, landowners, and members of the armed forces – was said to be based. The Procurator General, Dr Horacio Serpa Uribe, stated that the killings had "the characteristics of political crimes carried out to punish party adherences, ideological solidarity or to terrify entire communities". However, despite the issuing of arrest warrants, by the end of the year no arrests had been made.

Other mass killings appeared to be the result of indiscriminate attacks on communities targeted for their perceived political allegiances. For example, on 11 November 12 heavily armed men drove in trucks into the town of Segovia, Antioquia Department, opened fire and threw grenades indiscriminately, killing 43 people including three children and wounding over 50 others. The regular garrisons of police and military stood by while the killers moved freely through the town for over an hour. Their entry appeared to have been facilitated by the removal of military checkpoints normally stationed on the road into the town. Local army spokesmen immediately attributed the killing to left-wing guerrilla groups, but after the army version was challenged by survivors the Minister of the Interior said a "right-wing

paramilitary group" was responsible. The killings occurred after a series of death threats were made against residents of Segovia in the name of Muerte a Revolucionarios del Nordeste (MRN), Death to Revolutionaries of the Northeast, and Los Realistas, The Realists, apparently because a majority voted for the left-wing Union Patriótica (UP), Patriotic Union alliance, in municipal elections in March. Preliminary judicial investigations established that not only had the armed forces failed to protect the townspeople from attack but that army and police personnel, including the battalion commander, had directly participated in preparations for the killing.

In addition to these multiple killings, there was a dramatic increase in the number of apparent extrajudicial executions, over 1,500 of which were reported to Amnesty International. The victims appeared to have been targeted because they were active in left-wing political parties, trade unions and community movements. Many victims had previously been threatened in the name of "death squads". In the case of Beatriz Monsalve, a sociologist and leader of the Frente Popular, Popular Front – a legal left-wing political organization – and her assistant Luzmila Collantes, the victims left their home in Bogotá for their office on the morning of 11 August; neither arrived. Their bullet-ridden bodies were found the following day 12 miles north of Bogotá. Beatriz Monsalve, who was six months' pregnant, had moved to Bogotá from Medellín, Antioquia Department, earlier in the year after receiving numerous death threats.

The bodies of other victims were discovered in mass dumping grounds in remote rural areas. The existence of hundreds of bodies dumped on a rubbish tip in Miro lindo, Tolima Department, was revealed publicly by the Regional Procurator of Ibagué in October. This occurred after victims who had been left for dead, survived, and alleged that members of the national police had been responsible for their abduction and attempted murder. However, investigating magistrates were unable to enforce arrest warrants against police personnel, who were routinely transferred from the district or were reported by their superiors to have "deserted". The Regional Procurator of Ibagué reported having received death threats from police under investigation.

There was also a significant increase in "disappearances". The bodies of some people initially reported to have "disappeared" reappeared days or weeks later, many showing signs of torture. According to local human rights groups, over 200 people who "disappeared" after detention in the first 10 months of 1988 remained unaccounted for. The Procurator General informed Amnesty International in November that the Public Ministry was investigating 917 outstanding cases of "disappearance". In some cases investigations by the Public Ministry had identified members of the armed forces responsible for "disappearances". However, none of the police and military personnel identified in the investigations conducted by the Procurator's office were convicted when the cases passed to the military court system, which continued to claim jurisdiction in the majority of such cases.

Tarcisio Medina Charry, from Neiva, Huila Department, was last seen on 19 February when he was arrested by members of F-2, Police Intelligence Division, together with other students. At the main police station in Neiva, Tarcisio Medina was separated from the other detainees, who were later released. Eight of them later testified that they saw Tarcisio Medina inside the police station. Police authorities, however, have persistently denied responsibility for his "disappearance".

In November the Procurator General and the Minister of Justice presented a draft bill to Congress designed to incorporate "disappearances" into the Colombian Penal Code. In a public statement the Ministry of Defence expressed its objection to the proposed legislation, which it considered would "undermine the power of the authorities . . . who have as their principal priority the re-establishment of public order". At the end of the year the bill had not been debated by Congress.

Several political prisoners charged under the new anti-terrorist statute alleged that they had been tortured while held illegally in military installations. Nelson de Jesús Alzate Sanchez was arrested in June by military personnel in the Dosquebrada municipality of Risaralda Department. He alleges that he was taken to the San Mateo battalion in Pereira where he and other prisoners were tortured before being transferred to prison and formally charged. Nelson Alzate claims that he was hung for long periods by his arms, which were tied behind

his back, and was beaten with sticks. As a result he suffered severe shoulder and arm injuries which were still evident when he was medically examined later. He was provisionally released on medical grounds in September.

In October three labour confederations called a national strike to press demands for wage increases and the right to life. The largest organization, *Central Unitaria de Trabajadores* (CUT), the United Federation of Workers, estimated that 150 of its members and leaders were killed in the first 10 months of the year. After negotiations with the government to avert the strike had failed, President Virgilio Barco introduced special decree laws under state of siege provisions which declared the strike illegal, suspended the legal status of unions that promoted illegal stoppages, and allowed detentions of 30 to 150 days for those who promoted or participated in illegal strikes. Over 800 people, many of whom appeared to be prisoners of conscience, were arrested and tried by administrative and police authorities in summary procedures under which the defendants' rights were not adequately protected. Most detainees were released within two weeks, although at the end of the year charges against some were still pending.

In April Amnesty International published a report entitled *Colombia, a Human Rights Emergency*, focusing on the dramatic increase in "disappearances" and extrajudicial executions since the early 1980s. The report concluded that there was convincing evidence that the Colombian armed forces had adopted a policy of repression designed to intimidate and eliminate opponents without recourse to law.

The Colombian authorities rejected the report's findings as "biased" and "exaggerated" and described a series of measures announced by the government to improve respect for human rights, including judicial reforms, education programs and the appointment of regional ombudsmen. Amnesty International expressed concern to the Colombian authorities on numerous occasions that despite these measures human rights violations continued to be reported on a massive scale.

In his response to Amnesty International's report the Procurator General revealed that in a 16-month period the Public Ministry had initiated over 5,000 investigations into alleged abuses com-

mitted by members of the armed forces and had applied disciplinary measures in scores of cases. However, Amnesty International received information on only one case in which such investigations had led to members of the armed forces being charged and convicted by a military court of a killing which was possibly politically motivated.

In April Amnesty International submitted information about its concerns in Colombia to the United Nations procedure (under Economic and Social Council Resolutions 728F/1503) for confidentially reviewing communications about human rights violations.

## CUBA



**At least two prisoners of conscience and about a dozen others who may have been prisoners of conscience were imprisoned throughout the year. However the majority of prisoners convicted of state security crimes, including nine known prisoners of conscience, were released. Several people, including three former political prisoners, were sent to prison on public order charges which may have been politically motivated. Some were alleged to have been assaulted at the time of their arrest. At least nine people were believed to be under sentence of death or facing charges carrying the death penalty but no executions were known to have been carried out.**

The revised version of the 1979 penal code, which had been adopted in 1987 as part of a process of "rectification", came into effect in April. It reduced maximum sentences for some offences and increased the number of offences for which punishments other than imprisonment might be imposed. However the articles under which prosecution most often resulted in

imprisonment of prisoners of conscience were not substantially amended. These included Article 103, covering "enemy propaganda", and Articles 216 and 217, relating to "illegal exit" from Cuba. The number of capital offences was reduced but the death penalty continued to be an option in 23 articles.

In April the President of the International Committee of the Red Cross (ICRC) visited Cuba; as a result for the first time the ICRC received permission to visit people detained for reasons of state security. In September, a delegation from the United Nations Commission on Human Rights visited the country at the invitation of the Cuban Government. In March the Secretary General and two other staff members of Amnesty International visited Cuba at the invitation of Vice-President Carlos Rafael Rodríguez, and many other visiting delegations were given access to prisons and prisoners throughout the year.

In accordance with an agreement made in June 1987 between the Cuban Government and the United States Catholic Conference, a process began in January whereby over 300 political prisoners were to be released and permitted to go to the United States. They included prisoners of conscience as well as some of the so-called *plantados históricos*, historical *plantados* – political prisoners held since the 1960s and 1970s who had refused to obey certain prison regulations – whose conditions of imprisonment had given cause for concern in the past. Other convicted political prisoners were released as a result of a review of cases carried out following the revision of the penal code, after completing their sentences, or after being granted parole.

In March the authorities told the Amnesty International visitors that they were still holding 455 prisoners (including eight regarded by Amnesty International as prisoners of conscience and 68 "*plantados históricos*") convicted of state security crimes, the only category of prisoners whom they acknowledged to be held for political reasons. However, in May President Fidel Castro told the Roman Catholic Archbishop of New York that all but 44 of these state security prisoners would be released. By the end of the year those still held reportedly numbered between 100 and 200, including about six "*plantados históricos*".

Ten prisoners of conscience were released during the year, including Pablo

Andrés Betancourt, Eduardo Crespo Govea, Dr Domingo Jorge Delgado Fernández, Ariel Hidalgo Guillén, Andrés Solares Teseiro and Julio Vento Roberes. Gustavo Arcos Bergnes – a prisoner whose case Amnesty International was investigating – was also released (see *Amnesty International Report 1988*).

In March the authorities told Amnesty International that 140 people were in prison after being convicted of trying to leave the country illegally. However, they provided no details and the identities of most of those held, who appeared likely to include prisoners of conscience, were not known.

Reports of Jehovah's Witnesses and Seventh Day Adventists being imprisoned for offences connected with the free exercise of their religious beliefs and of young men refusing to undertake compulsory military service for reasons of conscience were received but details were mostly impossible to obtain. It was also impossible to determine the numbers and identity of those held on charges that were not overtly political but may have had a political motivation, such as those applied to some prisoners held under the State of Dangerousness legislation (see *Amnesty International Report 1988*).

Two prisoners of conscience were still in prison at the end of the year. Amado Rodríguez Fernández was serving a sentence of 15 years, six months' imprisonment imposed in 1985 for rebellion, "enemy propaganda" and speculation. The charge of "enemy propaganda" was based on his possession of anti-government leaflets of a non-violent nature, which had not been distributed at the time of arrest, and there was reportedly no evidence at his trial to substantiate the charge of rebellion. He had previously served a long prison term after being sentenced in 1961 for "counter-revolutionary offences".

Fernando Villalón Moreira, the other prisoner of conscience held at the end of 1988, had been arrested in October 1986 in Santiago de Cuba and sentenced to a three-year prison term for *desacato* – contempt for authority (not a state security crime) – for shouting insults against President Fidel Castro during local Popular Power elections. He had previously been arrested in 1980 and sentenced on a charge of "enemy propaganda" to three years' imprisonment. An additional year was later added, apparently without trial, on a charge of *desacato*.

Several new arrests took place between September and November which appeared to be politically motivated and to have resulted in the imprisonment of possible prisoners of conscience. The first of these occurred while a delegation from the UN Commission on Human Rights was visiting the country at the invitation of the Cuban Government. Several people were arrested while they were queuing to meet the delegates and some were reportedly beaten by security officials at the time of their arrest. Four, of whom three were former political prisoners, were charged with public order offences and sentenced to three to six months' imprisonment.

Five members of the unofficial *Asociación Pro-Arte Libre* (APAL), Association for Free Art, an offshoot of the unofficial Cuban Committee for Human Rights, were jailed on public order charges, and a sixth was placed under house arrest, after they were arrested in October as they were placing a wreath at a monument to José Martí, a national hero, and reading out a declaration. The five received sentences of between seven months' and one year's imprisonment. Five other APAL members were arrested separately at about the same time and taken to State Security headquarters where, at the end of the year, they were reportedly still being held without charge or access to lawyers.

In November Tania Díaz Castro, President of the unofficial Cuban Human Rights Party, her son Guillermo Rivas, and his wife Aymé Lladó, were arrested outside Combinado del Este Prison, where they had gone to visit political prisoners, after being accused of getting into a fight with prison officials. They were reportedly arrested, tried and sentenced on the same day on charges of disorderly conduct and denied the opportunity to consult a defence lawyer. Tania Díaz and Guillermo Rivas were sentenced to one year's imprisonment, Aymé Lladó to three months.

In March representatives of Amnesty International visited Cuba for the first time in 11 years. They met Vice-President Carlos Rafael Rodríguez, the Minister of Justice, and other officials, and visited two prisons. They also interviewed over 40 political prisoners in private and met representatives of the Cuban Committee for Human Rights and the Cuban Commission of Human Rights and National Reconciliation.

The authorities told Amnesty Inter-

national that a review of all judicial procedures had been in progress since 1984 and that prison conditions were being improved in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners.

New information was obtained from prisoners about conditions at both Combinado del Este and Boniato Prisons, where beatings of prisoners had been reported. One prisoner serving 20 years for espionage said he had been held virtually incommunicado in Destacamento 47, the maximum security area of Combinado del Este Prison, from 1981 to 1985. He had been left naked in a small, dark and poorly ventilated cell and had received little or no medical attention. When the Amnesty International visitors toured Combinado del Este Prison, it appeared that improvements were being made to lighting and ventilation. However, it was reported that in May some of the "plantados históricos" were beaten by prison guards.

The Amnesty International visitors also had access to State Security headquarters at Villa Marista in Havana, where allegations of ill-treatment had been reported. The director denied that prisoners had been abused and stated that torture or ill-treatment of detainees would not be tolerated.

Problems relating to fair trial were also raised by the Amnesty International visitors, in particular the frequent denial to prisoners of access to defence lawyers before their trial and the limited role of the latter, who often confined themselves to pleading for clemency rather than presenting a proper defence. Government officials said that steps were being taken to resolve such deficiencies, notably in the context of a review of the Law of Penal Procedure, but no news of the progress of such a review had been received by the end of 1988.

Five prisoners were under sentence of death at the time of the Amnesty International visit and were awaiting a decision by the Council of State, which has the power to grant clemency. They included Arturo Suárez Ramos, who had been convicted on state security charges in connection with the attempted hi-jacking of an aircraft. Four others had been sentenced to death in the first instance and were awaiting the outcome of appeals to the People's Supreme Court. The sentence on Arturo Suárez Ramos was later commuted to 30

years' imprisonment by the Council of State but no news had been received of the other eight cases by the end of 1988. In November news was received of a death sentence passed on Evangelisto Almaguer Guillén for double murder and by the end of December it was believed to be pending a decision by the Council of State. No one was known to have been executed during 1988.

In March the Minister of Justice informed Amnesty International that 237 people had been sentenced to death between 1959 and 1987, of whom 206 had been executed. Since 1984, 11 people convicted of criminal offences had been executed but there had been no executions of people convicted under state security legislation.

The findings of the Amnesty International visit in March were included in a document – *Recent Developments affecting the Situation of Political Prisoners and the Use of the Death Penalty* – published in September. Following the visit, Amnesty International continued to urge the government to release the remaining prisoners of conscience, to ensure that all prisoners were protected against ill-treatment and to commute all death sentences. Amnesty International also sought information from the authorities concerning an incident in Combinado del Este Prison in May when a number of "plantados históricos" were reportedly injured by prison guards, as well as about people imprisoned on public order charges later in the year. Little substantial response to any of the matters raised after the March visit had been received by the end of the year.

## DOMINICAN REPUBLIC

Several people were reported to have been beaten in detention after being arrested during mass demonstrations. There were new reports that Haitians were indiscriminately rounded up by the army and forced to work on sugar-cane plantations. The authorities failed to clarify the fate of two people who "disappeared" in previous years.

Violent protests against the economic policies of the government of President

Joaquín Balaguer took place throughout the country in late February. At least six people were reported to have been killed and many injured. Hundreds of people, including leaders of trade unions and political organizations who had played a leading role in organizing the protests, were arrested over a three-week period. Several, including Victor Gerónimo, Isidro Torres, Vinicio Nin, Frank Valdés and Johnny Portorreal, were reportedly beaten in detention and held without charge for over two weeks before being released.

There were new reports that Haitians, many of whom live illegally in the Dominican Republic, were indiscriminately rounded up by the army and forced to work on sugar-cane plantations against their will and in harsh conditions, apparently with the acquiescence of the Dominican authorities. Some who refused to work were said to have been beaten by soldiers and plantation employers.



In December, Etienne Paul, a Haitian doctor who had been working for several years with the Centre Bon Samaritain, Good Samaritan Centre – an unofficial organization providing medical assistance to Haitians working on the plantations – was arbitrarily arrested by the State Security Police and held for two nights without charge before being deported to Haiti. No reason was given for his arrest and expulsion but it appeared to be connected with his humanitarian activities on behalf of Haitian migrant workers. Later in the month the Haitian authorities announced that the Government of the Dominican Republic had decided to rescind the expulsion order.

Amnesty International expressed concern to the government about reported ill-treatment of people detained in connection with the February protests and continued to urge the government to clarify

the fate of Pablo Liberato Rodríguez, who “disappeared” in 1974, and Luis Samuel Roche, a recognized Haitian refugee who “disappeared” in 1982. There was no response.

## ECUADOR



**Leaders of student, trade union, peasant and indigenous organizations were subject to short-term detention in the course of strike action, demonstrations and disputes over land rights. Some, particularly members of cooperatives, were detained or attacked by armed civilians apparently acting in concert with, or with the acquiescence of, the police.**

There were renewed reports of torture or ill-treatment of criminal suspects by police and military personnel and reports of at least two deaths under torture. Convicted prisoners continued to be subjected to beatings and other physical abuse by prison guards. After a change of government in August official inquiries were renewed into the fate of five people who “disappeared” in 1985 and 1986.

A new President, Dr Rodrigo Borja Cevallos of the Izquierda Democrática (ID), Democratic Left, was elected to serve a four-year term in May and the new government took office in August. The government of outgoing President Leon Febres Cordero was harshly criticized for its human rights record by domestic human rights organizations and the Ecuadorian legislature. The Minister of Interior, Luis Robles Posada, resigned in January after being censured by congress for tolerating torture, extrajudicial execution and “dis-

appearances". In March the Government of Ecuador ratified the United Nations Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Many people were detained for short periods in the context of demonstrations and strike action. Some were prisoners of conscience; these included José Chavez, President of the *Confederación Ecuatoriana de Organizaciones Sindicales Libres* (CEOSL), Confederation of Free Trade Union Organizations, who was detained briefly during a nationwide strike over economic policies.

There were frequent reports of arbitrary detention, ill-treatment, killing and threats of death or injury by armed civilians who appeared to act with the informal authority of the police. Seven leaders of *Comuna de Panyatug*, an indigenous community in Cotopaxi Province, were reportedly detained and beaten with iron rods on 6 April by armed civilians accompanied by three police officers. They were reportedly held overnight, their hands bound, in the private chapel of a landowner in dispute with the community over land rights and then transferred to police cells in Latacunga. All were released without charge five days later after a writ of *habeas corpus* had been brought. The same killers reportedly attacked Panyatug on 29 April, killing community member José Yanchaliquin and wounding several others. Criminal investigations into both incidents were reportedly initiated but appeared to have made little progress by the end of the year.

Forty-three paratroopers from Taura Air Force Base who had been convicted of abducting President Febres Cordero in January 1987 were pardoned and released in November and December. They had alleged that they had been tortured (see Amnesty International Report 1988).

Torture by members of *Servicio de Investigación Criminal* (SIC), the Criminal Investigation Service of the National Police, and by some military units continued to be reported. Criminal suspects, including children, appeared to be ill-treated or tortured routinely. José Manuel Chato, aged 14, was detained in Quito in February on suspicion of theft. He was reportedly tortured with electric shocks to his genitals during interrogation at the headquarters of the army's *Brigada Logis-*

*tica* No. 1, Logistics Brigade No. 1, producing lesions which were evident in a subsequent medical examination. No progress in the judicial investigation of complaints in the case has been reported.

Autopsy reports identified internal injuries and asphyxiation as the causes of death of several prisoners who were believed to have died following torture in SIC custody. Marco Almeida Calispa was detained by the SIC in Quito in May on suspicion of theft and confirmed dead two days later. The autopsy report attributed his death to asphyxiation while in custody and cited evidence of severe bruising and of the ingestion of pesticide. In the same month José Supermán Peralta Vacilio was detained on suspicion of theft by police in Shushufindi, Napo, and taken to Lago Agrio. An autopsy reportedly attributed his death four days later to "internal injuries and bleeding produced by a wound" which had been inflicted while he was in custody.

Prisoners held on criminal charges in the major prisons in Guayaquil (*Penitenciaría del Litoral*), Quito (*Penal García Moreno*) and Esmeraldas (*Cárcel Pública de Esmeraldas*) were reportedly subject to frequent beatings by guards and by prisoners granted special privileges. In February three inmates at the Guayaquil Prison testified to a congressional committee and to the Superior Court about the use of torture there and provided detailed accounts of execution-style killings of nine prisoners in 1986 and 1987. The nine had been among 20 prisoners the authorities said had been killed "trying to escape". The three prisoners who testified later received death threats.

At least one apparent extrajudicial execution was reported. Jorge Chalar De la Cruz was said to have been detained in June by SIC agents in Isla Piedad, Esmeraldas, after a personal dispute with a police officer. He was then tortured, mutilated by being burned, blinded and having his right ear severed, and killed. He was shot in the mouth and his body dumped in a cemetery. Inquiries into the killing which were due to have taken place were not known to have progressed.

Separate military and police courts have in practice exercised near-exclusive jurisdiction over trying military and police personnel in cases involving torture and death in custody. No convictions for these

abuses are known to have been imposed in recent years. The Minister of Defence announced in September 1987 that a military court would investigate the reported torture of Alberto Alarcón, aged eight, together with his family by troops of the army's *Batallón de Selva "Tungurahua"* in May that year (see *Amnesty International Report 1988*). No progress in the proceedings has been reported.

A multi-party congressional commission created in August investigated the December 1985 "disappearance" of teacher Consuelo Benavides Cevallos. It confirmed that she had been detained by the navy and had died in custody and facilitated the discovery and identification of her body. Investigations into the fate of four others continued.

Amnesty International continued to raise its concerns with Ecuadorian authorities and to submit information to the relevant bodies of the United Nations and the Organization of American States.

## EL SALVADOR



There was increased activity by so-called "death squads", which the government said were outside their control but which were widely alleged to be composed of police and military personnel operating both in uniform and in plain clothes. They were responsible for abductions, "disappearances" and politically motivated killings of suspected opponents of the government, including former political prisoners, trade unionists and human rights activists. The authorities took little action to investigate such violations. There were reports of torture and of one death in detention, apparently as a result of torture.

Throughout the year the government of President Napoleón Duarte – who was

seriously ill – continued to face armed opposition from the *Frente Farabundo Martí para la Liberación Nacional (FMLN)*, Farabundo Martí National Liberation Front. The FMLN was accused by local human rights groups and others of abducting and killing civilians whom they suspected of supporting or collaborating with the authorities.

It remained difficult to identify those responsible for many apparently politically motivated killings. However, in a number of cases there was persuasive evidence that abductions and killings were carried out by "death squads" composed of police or military personnel, and that their actions were condoned or encouraged by the authorities.

The authorities frequently failed to mount proper investigations of alleged violations and made few efforts to identify and bring to justice those responsible. Special government investigative bodies – such as the government human rights commission which had begun functioning in 1983 and the Special Investigative Commission established in 1985 under a United States Government-funded judicial reform program – made little progress into past abuses, which they were mandated to investigate. These included cases from the early 1980s as well as more recent ones such as the November 1986 "disappearance" of secondary school student Miguel Angel Rivas Hernández. The authorities' interpretation of the October 1987 amnesty for those implicated in politically motivated crimes precluded the possibility of those responsible being prosecuted. The amnesty had been granted under the terms of the Central American Peace Agreement (see *Amnesty International Report 1988*).

More than 400 political prisoners had been released in 1987 under the terms of the October amnesty, but it remained unclear why the government prevented 16 political prisoners from benefiting from the 1987 amnesty. Most had been charged with involvement in political killings or kidnappings but were simply reclassified as common law prisoners. Others arrested in the course of the year and charged with "terrorist offences" were also classified as common law prisoners. It was believed that at the end of the year 45 such people were in detention. Amnesty International was concerned that they were being held on the basis of confessions made to the

security forces during interrogation, and that proceedings against them had not been completed within the time limits specified by Salvadorian law. Throughout the year political detainees were repeatedly transferred to other prisons, often to remote parts of the country. This made it difficult for families to visit and for human rights groups to monitor their prison conditions.

There were several hundred "disappearance" cases reported. These included former political prisoner José Edilberto Espinoza Abrego, who "disappeared" after being seized in January by men in plain clothes, and trade unionist Eliseo Córdova Aguilar, detained in July by heavily armed, hooded men. Fellow trade unionists stated that a witness had seen Eliseo Córdova Aguilar in detention at Treasury Police headquarters shortly after his abduction. The Treasury Police, however, have denied holding him and he remains "disappeared".

There were allegations that security forces posed as anti-government guerrillas in order to implicate the guerrillas in apparent abuses. One such alleged case occurred in October, when soldiers from the Second Infantry Brigade posing as FMLN guerrillas visited the hamlet of San Antonio La Junta, Metapán, Santa Ana department, and abducted five people. Two of the peasants were members of the National Association of Agricultural Workers; none has been seen since. Villagers said they recognized some of the men as soldiers who had participated in a military operation in the area a few days before.

In January two day labourers – José Luis Cornejo Calles and Manuel de Jesús – and 14-year-old Javier Santamaría Medina were detained on their way home from a religious festival in San José Guayabal, Cuscatlán department. According to eye-witnesses, they were taken away in a truck by several men, some of whom wore green, army-style shirts. Their bodies were found on 1 February at a site that had been notorious for the dumping of corpses in the early 1980s – Devil's Doorway, southeast of the capital. They had been tortured, and were found blindfolded with their thumbs tied behind their backs, a method of restraint routinely employed by the security services.

Auxiliary Archbishop Rosa Chávez publicly attributed these killings to the First Artillery Brigade's counter-insurgency sec-

tion. He suggested that the bodies had been abandoned at the Devil's Doorway so that the killings would be attributed to the "death squads". Several days after the crime the National Guard and the then head of the Armed Forces General Staff, General Adolfo Blandón, promised to investigate it. In June the Ministry of Defence sent the court judge a list of the troops who had been patrolling but to Amnesty International's knowledge nothing else has been done on the case and no military personnel have been called upon to give evidence.

In February two representatives of the independent Human Rights Commission of El Salvador (CDHES) were detained by soldiers of the Atlacatl counter-insurgency brigade in the San Pablo Tacachico and Atiococho area, La Libertad department. They were attempting to investigate the killings of 10 people whose bullet-riddled and mutilated bodies had been found there in the second half of January. According to the CDHES, the fact that the representatives' detention was acknowledged by the authorities and they were released the following morning was due to the incident being filmed by journalists who had been alerted to their arrest. To Amnesty International's knowledge, there has been no official investigation into the killings.

Two other killings and an apparent "disappearance" were reported in February after the security forces captured Mario Cruz Rivera, Félix Antonio Rivera and Sebastián Gutiérrez on 25 February. According to relatives and local villagers, the day after their capture the men were forced to run barefoot through a burning field before two of them were stabbed to death by army personnel. The armed forces said that they had died in an armed clash. However, when the bodies of two of the men were exhumed in late May under the direction of a Danish forensic pathologist, they bore signs of having been mutilated before they were killed. The fate of the third man was unclear.

Several freed political prisoners "disappeared" or were shot. On 25 March former political prisoner Oscar Leonel Corado Martínez was shot dead as he travelled on a bus in San Salvador. The killers were two armed men in plain clothes whom witnesses believed to be from the security forces.

In May Judge Jorge Alberto Serrano Panameño was machine-gunned at point-blank range in front of his home by plain-clothes gunmen who arrived in a jeep. Two

days earlier he had refused the request for amnesty filed by a group of army officers and businesspeople. The group faced charges of involvement in the kidnapping of wealthy Salvadorians for ransom. It was alleged by Salvadorian human rights groups that high-ranking members of the military had been involved in the decision to kill him. To Amnesty International's knowledge, there have been no official findings as to who was responsible.

In August the Ministry of Defence claimed that Swiss theologian Jürg Weis was one of three "extremists" who had died during a shoot-out with National Police agents in the hamlet Las Flores, Cabañas department, after he had opened fire on a National Police patrol. However, the Swiss Foreign Ministry stated that there appeared to be no evidence that he had been armed at the time of his death. The results of two autopsies carried out in Switzerland, and the findings of a European mission of inquiry which visited the country in September, suggested that Jürg Weis may have been detained and ill-treated before he was killed. The examining pathologist in Switzerland found that he had been hit repeatedly with a blunt instrument while still alive. There is little information available about the two Salvadorians who died.

The Ministry of Defence attributed the September deaths of 10 peasants to the actions of the armed opposition. It appeared, however, that they had been executed extrajudicially by government security forces. According to local villagers the 10 killed had been among 40 people detained in the school-house in the small village of San Francisco, jurisdiction of San Sebastián, San Vicente department, by uniformed members of the Jiboa Battalion attached to the Fifth Infantry Brigade. The 10 bodies were found nearby next day with their hands bound and with bullet wounds to the back of the neck, head, chest and face. The army changed its version of events three times, saying first that the dead were eight guerrillas and two soldiers who had been killed in an armed confrontation. When it emerged that the 10 were peasants, the army said that they had been killed when guerrillas attacked an army convoy taking them away for interrogation. Following widespread local and international condemnation of the killings, an investigation was announced. The bodies were exhumed and an examination revealed that the cause of

death for nine of them was high calibre bullets in the head and neck, fired at a distance of 10-15 centimetres. The army then stated that after the guerrillas had attacked the convoy and killed the 10, they later returned to shoot them again at close range in order to tarnish the army's image. The then Armed Forces Chief of Staff, General Blandón, subsequently reported the arrest of a major and a lieutenant attached to the Fifth Infantry Brigade, but local human rights monitors reported that no such arrests were carried out. No detention orders were issued against those believed to have been involved in the killings. In December the judge in charge of the case resigned, complaining of threats, and the investigation reportedly came to a halt.

There were new developments relating to the death of Herbert Anaya Sanabria, a leading member of the CDHES who was the victim of an apparently politically motivated killing in 1987 (see Amnesty International Report 1988). Those responsible for his killing and that of Archbishop Oscar Arnulfo Romero in 1980 were the only cases excluded from the October 1987 amnesty for those implicated in politically motivated crimes. In January Jorge Alberto Miranda Arévalo, a student who had been arrested on an unrelated charge, confessed to involvement in the murder. In February, however, he retracted his confession alleging that it had been made while he was in virtual incommunicado detention for 12 days. He said that during this time he was under severe psychological and physical pressure and had been injected several times with a drug he was unable to identify. Nevertheless, at the end of 1988 he remained at Mariona men's prison near San Salvador. He was held in virtual isolation on charges of involvement in the killing. Reportedly, his family and lawyers could see him only in the presence of his guards. The authorities have ignored repeated requests from international human rights delegations to interview him.

Others arrested in the course of 1988 on political charges also said that they were ill-treated during interrogation. One, José Alas Gómez, appeared to have died in custody in January apparently as a result of torture. The Treasury Police announced that he had died of a heart attack after his arrest, but photographs of his body appeared to show severe injuries, including burns, laceration of the testicles, bruising to the head

and face and bleeding from the mouth and nose. Amnesty International knows of no inquiry into the circumstances of his death.

Throughout the year Amnesty International appealed to the Salvadorian authorities to investigate these and other abuses, and in October published a report, *El Salvador: "Death Squads" - A Government Strategy*. This contained detailed information about recent abductions, "disappearances" and killings by "death squads" apparently acting on behalf of, or with the acquiescence of the government. At the time of the report's publication Amnesty International repeated its call to the Salvadorian authorities to ensure speedy and impartial investigations of all alleged human rights violations, to bring to justice those found responsible for torture, killings and other abuses and to train all members of the armed forces and security services to abide by international human rights standards.

In March Amnesty International met the United Nations Special Representative for El Salvador and provided him with information on its concerns. In an oral statement before the February-March session of the UN Human Rights Commission, Amnesty International expressed its view that a move then under way to terminate the mandate of the Special Representative did "not appear to be justified". This was in view of reports by the Special Representative and by the UN's Working Group on Enforced or Involuntary "Disappearances" which indicated that the situation in the country was "if anything, deteriorating".

## GRENADA



On 8 March the Grenada Court of Appeal began hearing the appeals of 14 members of the former People's Revolutionary Government (PRG) who were sentenced to death in 1986 for the murders of Prime

Minister Maurice Bishop and others and the appeals of three prisoners who had received long prison sentences (see *Amnesty International Report 1988*). Hearings had not been concluded by the end of the year and, in view of the death of the judge hearing the appeals, further delays were anticipated.

During the year there were new reports of ill-treatment of some of the PRG prisoners. One of them, Leon Cornwall, was alleged to have been severely beaten by prison guards on 4 November when he protested at having been denied a bath and change of clothes for several weeks in October. He was taken to St George's Hospital where he was found to have severe cuts and bruises and a broken rib. Four other prisoners were allegedly beaten after they complained about Leon Cornwall's treatment. They received injuries which in the case of one prisoner, John Ventour, were particularly severe.

Amnesty International wrote to Prime Minister Herbert Blaize in December to express concern about these reports and to ask whether an investigation had been carried out.

## GUATEMALA

There was an escalation in human rights violations against suspected critics and opponents of the government. Hundreds of people were "disappeared" or extrajudicially executed and scores of others faced death threats from the security forces, sometimes acting in uniform, sometimes clandestinely in the guise of "death squads". Civil patrols formed under military orders and operating under them were also allegedly responsible for such abuses.

In May a group of armed forces officers led a coup attempt against the government of President Vinicio Cerezo Arévalo. There were a number of arrests but those involved were released under an amnesty in July. Several other coup attempts were reported during the year. There was also evidence of increasing action by the military against people it considered "subversive". Human rights abuses occurred despite the present government's ratification of a number of international human rights conventions. In May the government acceded to the Interna-

tional Covenant on Economic, Social and Cultural Rights.

It was difficult to assess the full extent of human rights violations, not least because of the manner in which many were carried out – often by armed men in plain clothes using vehicles with darkened windows and no licence plates. The gross human rights violations which occurred during military rule in the early 1980s had destroyed organizations that were trying to carry out human rights work and also made victims and witnesses reluctant to come forward and report violations for fear of the consequences.



Nevertheless, during the year information was received about numerous cases in which peasants living in areas affected by conflict between government forces and armed opposition groups were abducted and either “disappeared” or were found dead. In January in separate incidents in the Santiago Atitlán, Sololá area, brothers José Mecía Ramírez and Antonio Mecía Ramírez were reportedly forced off buses by armed men in plain clothes who witnesses believed were soldiers. The abductors singled out the brothers by name. They were found dead five days later with two other peasants from the area who had been seized by armed men in plain clothes at about the same time. Also in January, Mariano Xoch Tsorin, a vegetable merchant and community worker from Panajachel, Sololá, was found dead several days after he was taken from a bus by heavily armed, masked men who witnesses believed were soldiers. He had worked with the widows of men killed in military operations in the area; his own parents had been killed in 1982 in one such operation.

Many university staff and students have been the victims of arbitrary arrest, torture, “disappearance” and extrajudicial killing. In February Ana Elizabeth Paniagua Morales, a former economics student who

was working as Sports Director at the Autonomous University of San Carlos (USAC), was abducted by heavily-armed men in plain clothes who beat her and forced her into a white van with darkened windows. Her mutilated body was found two days later. In the following weeks the white van, which gained notoriety as “*la pánel de la muerte*” or “the death van”, was used in several other abductions.

In March a National Police squad led by Police Chief Julio Caballeros Seigné stopped the van as it was about to be used to abduct a businessperson. According to the Minister of the Interior the van was being used by six uniformed members of the Treasury Police. In June the National Police reportedly presented to the investigating judge 300 pages of documentation implicating the Treasury Police agents in at least eight “death van” killings but in July both the Interior Minister and the National Police Chief were replaced. On 20 July the judge handling the investigation into these killings was seized by eight heavily-armed men immediately after announcing that he had ordered the arrest of some 27 Treasury Police agents for kidnap and murder. Later he said he had been taken to a private house and interrogated for 52 hours before being released. A friend who had reportedly tried to warn him of the planned abduction was seized on 21 July and found dead shortly afterwards. Fellow judges stated that they believed the intelligence division of the army was responsible for these incidents, which one judge described as a “warning to the entire judiciary”. The “death van” case was assigned to another judge but in August it was announced that the Treasury Police agents accused had been “released for lack of evidence”.

People campaigning for investigations into human rights violations were themselves the victims of such abuses. Members of the newly formed Consejo de Comunidades Etnicas (“Runujel Junam”) (CERJ), Council of Indigenous Communities (“We are all Equal”), faced death threats issued in the name of so-called death squads, “disappeared” or were apparently extrajudicially executed. In September, two months after the group was formed, Valerio Chijal, one of its local organizers, was shot dead in his home. He was killed shortly after he had reported receiving threats from local civil patrol and military officials because of his membership of CERJ. In the same month

Pedro Cumes Pérez, also a local CERJ organizer, "disappeared" after being seized by uniformed soldiers. The group's founder, teacher Amílcar Méndez, has received a series of death threats.

Members of the Grupo de Apoyo Mutuo por el Aparecimiento con Vida de Nuestros Familiares (GAM), formed in 1984 to campaign for inquiries into the whereabouts of relatives who had "disappeared", also received death threats. In August GAM members Juan Ajanel and Sebastiana Ramos, who had been pressing for the exhumation of the bodies of three relatives summarily killed and buried clandestinely in the early 1980s by members of the local civil patrol, were reportedly threatened with death by local military officials in Pchoj village, El Quiché. The bodies were eventually exhumed in June but no efforts were made to bring to justice those responsible for the killings or for threatening the dead men's relatives. Similarly, death threats against Father Ventura Lux Herrera, a Roman Catholic priest, after he held a mass in May for the widows of people who had "disappeared" in the area, were not officially investigated. Father Lux Herrera felt obliged to go into hiding because of the threats.

Trade unionists attempting to revive Guatemala's trade union movement, which during the late 1970s and early 1980s was disrupted by "disappearances", extrajudicial executions and the enforced exile of some of its leaders, were also at risk. However, the authorities attributed the "disappearance" or killing of individual trade unionists to internal disputes within the unions or to the activities of "extremist groups out of government control". In October Carlos Martínez Godoy was shot dead in front of his two children aged seven and five, by men in plain clothes. He was Disputes Secretary of the union at the Banco Internacional, International Bank, and a member of the bank and insurance employees' trade union. Shortly before his murder he had said that his union was likely to support a strike by workers of the Army Bank. Guatemalan officials blamed the killing on a personal dispute, but the bank workers' union denied this and pointed out that the killing of Carlos Martínez came after death threats against trade unionists by state and army security bodies. Leaders of the bank workers' union told visiting Amnesty International representatives in July that its leadership had been subjected to

constant threats and harassment.

The apparent impunity with which those responsible for attacks on trade unionists were able to act, the information and armaments to which they had access, and the targeting of individuals active in organizations critical of government policies, suggested official responsibility or acquiescence.

Journalists who reported human rights violations also came under threat. In May Julio Godoy, a journalist on the new independent newspaper *La Epoca*, published an article alleging that the government had agreed to a series of demands from the military in order to remain in office after the May coup attempt and disclosed information linking the military to human rights violations. Shortly afterwards he was abducted, drugged, and, after 24 hours, released. *La Epoca* was forced to close down some two weeks after this kidnapping when its offices were fire-bombed by men who witnesses said wore military boots and had military-style haircuts.

Various official mechanisms established to investigate human rights violations since the present government came to power in 1986 continued to prove ineffective. Judge Olegario Labbé, who was appointed Esecutiveorial Judge in 1986 to investigate writs of habeas corpus lodged with the Supreme Court on behalf of "disappeared" people, disclosed that he had ceased to perform this function in May 1987 when he considered that his mandate had expired. The Human Rights Attorney provided for in Guatemala's 1985 Constitution, but only appointed in August 1987, and the Presidential Advisory Commission announced at the end of 1987, also failed to resolve adequately cases in which official involvement was alleged. The case of Luis Fernando de la Roca, a student who "disappeared" in 1985, was closed despite evidence that he had been abducted by people using vehicles with licence plates which had been traced to security units. The President of the Supreme Court, human rights agencies and leading members of the judiciary said the case could proceed no further because the military commander of the security units concerned had stated that the vehicles were stolen before the abduction and therefore could not have been used by his men. However, no such theft was reported to the police.

In another case six police officers were

reportedly sentenced to 30 years in prison in 1988 for abduction and murder. The case concerned two USAC agronomists, Danilo Sergio Alvarado Mejía and René Haroldo Leiva Cayax, who had been killed in October 1987. The arrest of the six had been announced in December 1987 by the Interior Minister, and their sentences were imposed in July. However, international delegations which sought to interview the police officers in prison were not permitted to do so.

In other cases police investigations into alleged abuses appeared to have been stalled by the intimidation of judicial personnel conducting the inquiries and the refusal of police and military units who were implicated to cooperate.

In addition, the amnesty granted to those involved in the May coup attempt, as well as previous amnesties declared by the military authorities shortly before President Cerezo took office and under the 1987 Central American Peace Agreement, had the effect of making the identification and prosecution of those responsible for past human rights violations unlikely.

Throughout the year Amnesty International drew the government's attention to reported human rights violations and repeatedly called for concerted action to ensure full protection of and respect for human rights. In July Amnesty International's delegation was able to visit Guatemala to conduct on-the-spot investigations and to bring the organization's concerns once again to the authorities' attention. Amnesty International expressed its concern that the series of amnesties announced in recent years may have led those responsible for human rights violations to believe they could act with impunity and had thus created a climate conducive to further violations.

In March Amnesty International provided information on human rights violations in Guatemala to the United Nations Human Rights Commission and urged that the situation in Guatemala should continue to receive the Commission's close attention.

## GUYANA



**Four men were executed in April. The inquest into the death of opposition leader Dr Walter Rodney in 1980 took place in February. There were allegations that ill-treatment of prisoners had led to two deaths.**

Two men were hanged on 19 April and two on 26 April; all had been convicted of murder. These were the first executions for almost two years and brought to nine the number of hangings carried out since 1985, when executions resumed after a 13-year break. New death sentences were imposed and at the end of the year some 25 prisoners were on death row.

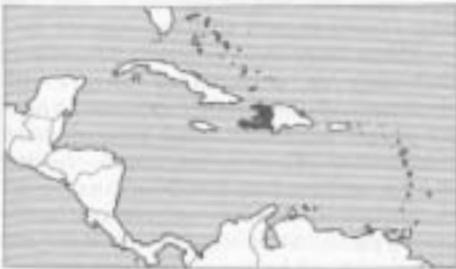
In February the inquest took place into the death of Dr Walter Rodney, an opposition political leader killed by a bomb in 1980. At the time of his death the authorities claimed that Dr Rodney had known he was carrying the bomb when it accidentally exploded. Donald Rodney, the dead man's brother, who had been with him at the time of the explosion, alleged that the device had been concealed in a walkie-talkie given to Dr Rodney by a member of the Guyana Defence Force. At the time of the inquest the latter was reported to be living in French Guiana; neither he nor Donald Rodney, who had obtained political asylum in the United Kingdom, attended the hearing. The coroner did not admit in evidence a statement by Donald Rodney or grant requests to adjourn proceedings to allow him time to attend the hearing. This led to the withdrawal of the lawyers representing Dr Rodney's family. The final verdict was "death by accident or misadventure".

There were a number of allegations about deaths in police custody. Rajkarran Mangra, a farmer, reportedly died in custody after being beaten by a police officer at his farm. Dornell Codrington died at Georgetown Hospital four days after he was shot by police in a street in Georgetown. According to press reports, an investigation into the death of Rajkarran Mangra was initiated but at the end of the year Amnesty International knew of no report on the case having been produced.

In January three women were allegedly raped by members of the Quick Reaction Squad, a branch of the police force, while they were in police custody at Eve Leary, the Criminal Investigations Department headquarters. In July the Guyana Human Rights Association (GHRA) issued a report—*Brief on Police Violence*—giving details of instances of police brutality including that involving the alleged rapes. As a result members of the executive of the GHRA have been issued with writs for libel by the Director of Public Prosecutions, and by two senior officers and 20 members of the Quick Reaction Squad.

Amnesty International communicated with President Hoyte in April to urge him to commute the death sentences.

## HAITI



Human rights violations continued throughout a year in which there were four changes of government. Widespread reports of torture, ill-treatment and deaths in detention were received from all parts of the country, particularly prior to a military coup in September. There were several reports of extrajudicial executions. Arrests without warrant were routine and detainees were often held incommunicado and unacknowledged for weeks or months without charge or trial.

**Armed civilians, commonly known as *tonton macoutes*, in many cases working with members of the security forces, were responsible for killings and attacks on known or alleged government opponents. There was little serious attempt to investigate human rights abuses that had occurred either in 1988 or in previous years.**

Elections rescheduled as a result of the violent disruption of voting on 29 November 1987 (see Amnesty International Report 1988) were held on 17 January and resulted in Leslie F. Manigat taking up office as President on 7 February. The new government took several steps to improve human rights: it established a senatorial human rights commission to receive and act on complaints, initiated official visits to inspect the National Penitentiary, and drafted legislation to separate the functions of the police and army in accordance with the Constitution. Several members of the security forces were arrested in connection with attacks on civilians. However, President Manigat was overthrown on 19 June in a military coup led by General Henri Namphy. General Namphy had headed the caretaker *Conseil national du gouvernement* (CNG), National Government Council, which had ruled Haiti after the departure of President Jean-Claude Duvalier in February 1986, until the formation of President Manigat's administration. The ousted President was flown out of the country. Some former ministers and other party members were detained for several days.

General Namphy immediately dissolved the National Assembly and announced that he would rule by decree, obviating the possibility of elections in the near future. He remained in power only until September but his period of office was marked by a significant increase in human rights violations, some of which were committed by former members of the *tonton macoutes*, a militia which had been responsible for widespread abuses under former Presidents François and Jean-Claude Duvalier. The most serious incident occurred on 11 September when dozens of armed civilians wearing red armbands, a common emblem of the *tonton macoutes*, attacked worshippers attending mass at St Jean Bosco Church, Port-au-Prince. They killed at least 12 people, wounded some 70 others and set the church on fire. Father Jean-Bertrand

Aristide, who was conducting the mass, had previously suffered several attempts on his life because of his criticism of successive governments (see *Amnesty International Report 1988*). After the attack those responsible appeared openly on television but no action was taken to apprehend them. They were believed to be connected with Frank Romain, a former police chief who had become Mayor of Port-au-Prince.

One week after the attack on St Jean Bosco Church, General Namphy was overthrown by members of the Presidential Guard, apparently partly in protest against the government's human rights record. He was replaced by General Prosper Avril, formerly the chief of presidential security under President Jean-Claude Duvalier. General Namphy was allowed to leave for the Dominican Republic.

President Avril also rejected the 1987 Constitution but said he would abide by its spirit and respect human rights. He appointed a predominantly civilian administration and retired a number of senior army officers, some of whom had often been cited as responsible for past human rights abuses and were associated with the *tonton macoutes*. He announced that the police and army would be restructured, that Fort Dimanche – where many prisoners had been tortured in the past – would be closed, and that the *Service des recherches criminelles*, Criminal Investigations Service, was being renamed the *Service d'investigation et de recherches anti-gang (SIRA)*, Anti-Gang Investigation and Research Service. However, detainees were reportedly still being held in unacknowledged detention at Fort Dimanche at the end of the year.

Fifteen members of the Presidential Guard, all of whom were said to have been involved in the September coup, were detained on 15 and 16 October and accused of planning a further coup. It appeared, however, that they were actually arrested for making demands which the new government considered too radical. They were held at the National Penitentiary and were permitted family visits in December but had no access to lawyers. Following an investigation by a special military commission, 12 were released without charge on 21 December. Sergeant Patrick Frantz Beauchard and two others were to be brought to trial but on 25

December President Avril announced that proceedings against them would be dropped in an "act of clemency" and they too were released; all 15 were dismissed from the army.

A national day of mourning was declared on 29 November, the first anniversary of the election day killings, and a new commission of inquiry to investigate the killings was announced. The commission was to comprise representatives of human rights groups, the Bar Association and the Association of Haitian Journalists, as well as members of the government and army. A previous inquiry had concluded that "it was possible to believe" that "*Duvalier-macoute*" forces were responsible for the killings, but it had failed to identify any of the individuals involved.

Despite some improvement, the human rights situation was uncertain at the end of the year. No effective attempt had been made to disarm known *tonton macoutes* or to prosecute human rights violators. On 10 October it was reported that legal proceedings in connection with the St Jean Bosco massacre would be brought against Frank Romain, who had taken refuge in the Embassy of the Dominican Republic at the time of the coup. However, on 31 December he was granted safe conduct to leave the country and others allegedly involved in the massacre were not arrested. Some had been lynched or burned to death by angry mobs shortly after the event.

There were new reports of deaths in detention as a result of torture, ill-treatment, malnutrition or disease. At least 22 people reportedly died in custody at *Recherches Criminelles*, and further deaths occurred at the Dessalines army barracks and at detention centres in the countryside. Most detentions were not acknowledged by the authorities, making it difficult to obtain information about conditions and the treatment of detainees, or to estimate their number at any one time.

In two cases the authorities took action against those allegedly responsible for torture but most deaths in detention did not result in any official action. Following the death of Lifette Fanfan, in La Gonâve Prison on 12 February, reportedly after severe beatings, several soldiers were disciplined and the dead man's widow was paid \$700 compensation. In September the

police announced that an army lieutenant was to be prosecuted for the death of Schubert Jean-Baptiste, who had been arrested in August and died during torture in the Dessalines barracks.

Torture and ill-treatment were widespread. Among the methods used were repeated beatings with fists and sticks and the technique known as *djak* – a baton is wedged under the thighs and over the arms of the victim who is then beaten repeatedly. One prisoner, René Pierre Louis, who had apparently been arrested in late 1987, was reported to be seriously ill in May when wounds caused by beatings inflicted on him at *Recherches Criminelles* became infected by worms. He was subsequently transferred to the National Penitentiary and was released in September.

Sergo Joseph, a possible prisoner of conscience, was arrested without warrant by soldiers at Les Cayes on 5 August, accused of writing anti-government slogans in connection with a visit to the town by General Namphy. He was beaten so severely that he required hospital treatment. Soldiers then sought to remove him by force from the hospital against medical advice, but he collapsed and was returned to the ward under guard until his release in September.

Many victims of attacks were labelled communists by their assailants. Victims included peasants, young people, priests and journalists. Many such attacks occurred in the capital, Port-au-Prince, the Artibonite, the Plateau Central and Jean-Rabel. In one incident on 14 August, four members of the *Mouvement des jeunes de Labadie* (MJL), Labadie Youth Movement, were shot dead and two others wounded by armed civilians and uniformed soldiers at Labadie, near Petite Rivière de l'Artibonite, as they were ending a peaceful meeting. Survivors of the attack said they recognized local security officials among the assailants, some of whom formed part of the team designated to investigate the incident. The latter accused the MJL of being a communist organization and ordered the destruction of a training centre the group had set up. No attempt was made to apprehend those responsible for the killings.

On 11 July the badly mutilated body of Lafontant Joseph was found in Port-au-Prince and it was feared he may have been extrajudicially executed. He was a lawyer,

former prisoner of conscience, co-founder of the Haitian Human Rights League and Executive Director of the Centre for the Promotion of Human Rights. He had received persistent death threats, including during the week prior to his death, and his name had been among the more than 100 on a so-called death list circulating at that time. The Ministry of Information announced an official investigation into his death but Amnesty International was not aware of any further developments by the end of the year.

In Port-au-Prince on 27 November, Michelet Dubréus and Jean Félix were reportedly shot dead in cold blood by armed men, including a soldier in uniform. A third man, Rock Mondésir, was detained and taken to a local police station. He was later moved to the SIRA headquarters and then to Fort Dimanche before being transferred to the National Penitentiary. He was reportedly accused of being involved in reprisal attacks against those responsible for the St Jean Bosco massacre but by the end of the year he had not been formally charged. He and the other two were said to be members of the *Federasyon Asosyasyon Site Soley* (FASS), Federation of Associations of Cité Soleil, which had publicly identified some of those said to be responsible for the St Jean Bosco massacre.

Throughout the year Amnesty International sought to obtain information about prisoners of conscience and other political detainees, and urged successive governments to take action to protect human rights. In September Amnesty International expressed concern to General Namphy's government about the St Jean Bosco killings and urged the immediate establishment of an independent and impartial inquiry in order to identify the perpetrators and bring them to justice.

Amnesty International continued to urge thorough and impartial investigations of past human rights abuses. A number of such inquiries had been established in 1986 and 1987 but only one had resulted in prosecution. Amnesty International made reference to past abuses, and to the continuing failure to resolve various "disappearance" cases which have occurred since 1981, in calling on General Avril to take steps to protect human rights after he came to power.

Amnesty International submitted in-

formation to the Inter-American Commission on Human Rights, the United Nations Working Group on Enforced or Involuntary Disappearances, the UN Special Rapporteurs on torture and summary or arbitrary executions and to the UN Expert on Haiti.

## HONDURAS



There were occasional reports of short-term political detention and of detainees being held in unacknowledged custody. Torture and ill-treatment were widespread. The fate of a student leader who "disappeared" in April was still unknown at the end of the year. In January a prominent human rights activist and a trade unionist were murdered after the former had received anonymous death threats. Other human rights workers and political activists were harassed and threatened by unidentified people believed to be plainclothes security agents or members of a right-wing paramilitary group alleged to be linked to the armed forces. There was evidence that some suspected criminals had been extrajudicially executed by the security forces.

On 8 April the government declared a 15-day state of emergency in the capital, Tegucigalpa, and in San Pedro Sula, following violent protests against the deportation of an alleged drug-trafficker to the United States – an act widely held to violate the Constitution. The United States consulate in Tegucigalpa and numerous vehicles were set ablaze and at least two demonstrators were shot and killed. Scores of arrests were reported in both cities during and after the protests. The state of emergency was lifted on 13 April, before its expiry.

Several political detainees were held for days or weeks in unacknowledged cus-

tody, obliging relatives to apply for habeas corpus writs to establish their whereabouts. Seven people detained by the National Directorate of Investigations (DNI) in mid-October in Choluteca, were held in unacknowledged detention for almost three weeks. Despite the presentation of five habeas corpus writs on their behalf, their whereabouts were unknown until 14 November when the Attorney General released a statement by a military justice official that the seven were in detention in the 11th Infantry Battalion base at Salamar, Valle Department, awaiting trial by a military court on charges of treason, espionage, desertion and other offences. The detainees' relatives denied that the seven had previously been recruited to the armed forces; two of the detainees were said to be Nicaraguan citizens.

Some detainees alleged that they were tortured while held incommunicado in unacknowledged detention. Germán Ernaldo Castellanos Ardón and his brother Jamín Esaú Castellanos Ardón, both peasants, who had been detained in December 1987 on suspicion of stealing a horse, alleged that they had been tortured while being held by the police in Las Trojes, El Paraíso. After his release in January, Germán Castellanos told journalists he had been held for 40 days while his captors had moved him around to avoid presenting him to officials appointed by a court to execute habeas corpus writs. Both men were released without charge after the horse they had allegedly stolen was found.

Fourteen young people detained in connection with the burning of the United States consulate also alleged that they had been held without warrants following the demonstration, kept blindfolded, kicked, and severely beaten with pistols, batons and fists. They also alleged that plastic hoods had been placed over their heads and that they had been held for 24 hours without food or water and forced to sign papers they were not allowed to read. The 14, who faced charges of sedition, terrorism, arson and treason, were released on bail at the end of May and in early June. In October, Daniel Sarmiento, a rancher and leader of the National Party, and José Rafael Sánchez Irias, a farmer, were beaten and tortured by soldiers belonging to the 16th Infantry Battalion in Olancho after they had been arbitrarily detained on suspicion of cooperating with an alleged

guerrilla group. The armed forces conducted an investigation into the incident which led to the replacement of the battalion's commanding officer. Amnesty International did not know of any prosecutions by civilian or military courts in respect of the ill-treatment of detainees.

The whereabouts of a student leader also reportedly detained in connection with the April protest remained unknown. Róger Samuel González Zelaya, a business studies student and a leader of the secondary students' union, was reportedly detained on 19 April in the centre of Tegucigalpa by two men and a woman in civilian clothes who were believed to be members of the DNI. His mother obtained six writs of *habeas corpus* in succession, naming the DNI, the FSP (National Police Force), and an army battalion, but all denied having arrested him or that he was in their custody. On 29 April the chief of public relations of the armed forces told the press that the police had arrested Róger González but when the FSP denied that they were holding him he said he had been mistaken. Later the FSP commander and the director of the DNI denied that Róger González was in detention, as did the commander-in-chief of the armed forces, who was reported to have told the press he had proof that Róger González was travelling in Canada, Mexico and Nicaragua. No evidence was produced to substantiate this assertion and at the end of the year his fate was still unknown.

In January Miguel Angel Pavón Salazar and Moises Landaverde were shot dead in San Pedro Sula by a killer in civilian clothes riding pillion on a motorcycle. Miguel Angel Pavón was President of the San Pedro Sula chapter of the Committee for the Defence of Human Rights in Honduras (CODEH) and a deputy congress member for the opposition Party of National Innovation and Unity (PINU); Moises Landaverde was a teacher and union official. Both men were reported to have been under surveillance before they were murdered and Miguel Angel Pavón had received death threats. It was feared the killings may have been carried out by members of an army "death squad". In the same month José Isaias Vilorio Barahona, a DNI sergeant who was alleged to have been a former member of a "death squad" attached to Battalion 3-16, a secret military intelligence unit, was shot dead by four

unidentified men in a Tegucigalpa bus station. His murder took place a day after the government had announced that it had agreed to his appearance as a witness in a case against the government being heard by the Inter-American Court of Human Rights. The case involved the "disappearance" in 1981 of a student, Manfredo Angel Velásquez, for which Battalion 3-16 had allegedly been responsible. Miguel Angel Pavón had given evidence in the same case only months before his murder. No one was arrested or charged in relation to either crime, nor had there been any apparent progress in police investigations by the end of the year. In November a US newspaper published allegations by Fausto Reyes Caballero, an ex-police sergeant who had left Honduras in August and had sought political asylum in the United States, that Miguel Angel Pavón and Moises Landaverde had been killed by a sniper team from Battalion 3-16's San Pedro Sula headquarters. He said the same two, riding a motorcycle, had been responsible for several other killings in San Pedro Sula in 1984 and 1985.

The circumstances of other, apparently non-political, killings suggested that the victims were suspected criminals who had died in police custody as a result of torture or extrajudicial execution. In November the body of Angel Israel Lozano, who had not been seen since his arrest by the DNI on 31 August in Comayagua, was identified after it had been discovered on the road between Tegucigalpa and San Pedro Sula. However, according to press reports, six other people reportedly detained by the DNI in Comayagua at the end of August were still unaccounted for at the end of the year. Three other bodies were found at the same site between Tegucigalpa and San Pedro Sula, but before they could be identified they were reportedly burned on the orders of a legal official. In October the Commander-in-Chief of the FSP stated that a commission had been set up to investigate reports of executions of criminal suspects by the police; no results were known to Amnesty International at the end of the year.

Several left-wing opposition leaders and human rights activists were targets of violent attacks and harassment. Some attacks were attributed to unidentified individuals acting in the name of the *Alianza de Acción Anticomunista*, Alliance for

Anticommunist Action (AAA) alleged to be an extreme right-wing paramilitary group which had re-emerged after several years of inactivity and was believed by Honduran human rights groups to be linked to the armed forces. In April defamatory posters bearing its logo and the photographs of 22 trade union, human rights and student leaders – whom it accused of sowing the seeds of “hate, terror and destruction in Honduras” – appeared in the streets of Tegucigalpa and San Pedro Sula. Successive incidents, including shooting-up of property, attempted break-ins, daubing of private homes with slogans, and the abduction and interrogation of a Roman Catholic nun, were carried out in the name of this group. CODEH and its President, Dr Ramón Custodio López, were particular targets of harassment, and on several occasions during the year CODEH staff members were confronted and threatened by unidentified individuals in plain clothes alleged by CODEH to be military undercover agents. At the end of the year no results were known to have emerged from official investigations into these incidents, despite reports in August that the activities of the AAA would be the subject of a parliamentary inquiry.

In July the Inter-American Court of Human Rights made public its first decision on a “disappearance” case, that of Angel Manfredo Velásquez Rodríguez, whose fate had been unknown since he was abducted by security force undercover agents in Tegucigalpa in September 1981. The court found that the Government of Honduras had violated his rights to personal freedom, humane treatment and the right to life, and was therefore obliged to pay fair compensation to his family. Witnesses for the Inter-American Commission on Human Rights, which brought the case against the government, included a former detainee who had been held in secret detention and tortured for 80 days in 1983, and Florencio Caballero, a former Honduran military intelligence officer attached to Battalion 3-16. In a closed hearing the court also interviewed senior military officers, including the former operational head of Battalion 3-16. The Court was expected to rule in 1989 on the cases of Yolanda Solís Corrales and Francisco Fairén Garbi – Costa Ricans who “disappeared” in December 1981 and Saúl Godínez Cruz, who “disappeared” in July 1982.

In February Amnesty International published a report *Honduras: Civilian Authority – Military Power* which described human rights violations during the 1980s and called for government action to protect human rights. In particular, Amnesty International urged the government to make existing legal controls over arrest procedures and pre-trial detention effective, to take measures to end torture, to reopen investigations into past “disappearances” and to investigate thoroughly incidents involving violence and threats against government opponents and human rights workers. It also called on the government to identify those responsible and to bring them to justice.

In January Amnesty International submitted an *amicus curiae* brief to the Inter-American Court of Human Rights in respect of the Velásquez Rodríguez, Godínez Cruz, Fairén Garbi and Solís Corrales cases. In May and June the organization submitted information about its concerns in Honduras to the United Nations procedure (under Economic and Social Council Resolutions 728F/1503) for confidentially reviewing communications about human rights violations. It provided information on the “disappearance” of Róger González Zelaya to the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on Torture and the Inter-American Commission on Human Rights.

## JAMAICA



**More than 190 prisoners were under sentence of death for murder. Two prisoners were hanged, bringing to 59 the number of hangings since these were resumed in 1980 after a four-year moratorium. A number of prisoners, both on death row and in the general prison population,**

**alleged they had been ill-treated by prison guards and members of the Jamaica Defence Force.**

Nathan Foster and Stanford Dinnal were executed in February. Their appeals to the Jamaica Court of Appeals against convictions for murders committed in 1980 and 1981 respectively had been dismissed in 1981 and 1982. Subsequently neither prisoner had legal representation and neither had been able to lodge appeals with the Judicial Committee of the Privy Council (JCPC) in London, which acts as a final court of appeal for Jamaica. Lawyers in London appealed unsuccessfully to the Governor General for stays of execution to allow them time to consider the merits of such an appeal. As the result of a struggle with warders Nathan Foster sustained a broken arm; at the time of the execution it was in plaster and strapped behind his back.

In February warrants were issued for the execution of Earl Pratt and Ivan Morgan, although their case was pending before the Human Rights Committee established under the International Covenant on Civil and Political Rights (ICCPR). They had submitted a complaint to the committee on the grounds, among other things, that their right under Article 14 of the ICCPR to have their case heard within a reasonable time had been infringed by the failure of the Jamaica Court of Appeal to issue a written judgment in their case for almost four years and that there had been other delays. They were granted last-minute stays of execution following an intervention by the Human Rights Committee and other organizations, and at the end of 1988 their complaint was under consideration by the Committee.

A stay of execution was also granted in the case of Trevor Ellis, convicted of murder and sentenced to death in 1980, who was due to be executed in March. His conviction rested on the evidence of a single witness who had picked him out at an identification Parade six weeks after the crime. In 1985 the JCPC had rejected a petition submitted on his behalf in which it was argued that the identification evidence was weak, but the stay was granted after lawyers pointed out that the JCPC had agreed in 1987 to review three other cases in which conviction was based on disputed identification evidence and thus had accepted that an important point of law was involved. During 1988 the JCPC agreed to hear the cases of three other

prisoners under sentence of death who had been convicted partly on the basis of disputed evidence. The six cases were to be consolidated and heard in 1989.

Stays of execution were also granted to Rudolph Walker, Ezekiel Pryce and Lenford Hamilton, who were due to be executed in November. None of them had appealed to the JCPC at the time the death warrants were issued and they had not therefore exhausted all legal avenues of appeal.

In September the Inter-American Commission on Human Rights (IACHR) issued a resolution on a complaint submitted in 1987 by Clifton Wright, who had been under sentence of death since 1983. He alleged that he had not received a fair trial before a competent and impartial tribunal and that the government had thereby violated his rights. In particular he argued that both the trial judge and his defence lawyer, who was instructed only on the first day of the trial, had overlooked important evidence given by a pathologist at his trial and that it had not been presented as possible grounds for appeal to the Jamaica Court of Appeal. The IACHR decided that his rights had been infringed and recommended that the government investigate the case and "afford Mr Wright a judicial remedy". In November, however, in a response circulated to the General Assembly of the Organization of American States, the government contested the commission's findings both on procedural grounds and on the substance of the complaint.

In response to an inquiry about alleged ill-treatment in 1986 of Victor Francis, a death row prisoner, the Ministry of Justice informed Amnesty International in March that the authorities did not condone ill-treatment of prisoners and made all possible efforts to prevent its occurrence (see *Amnesty International Report 1988*). In this case the authorities acknowledged that the prisoner had been struck with a baton by a prison warden, although the result was said to have been only a superficial injury.

Several prisoners, including some on death row, were reportedly injured by prison guards and Jamaica Defence Force personnel assisting them. One incident occurred when several prisoners were allegedly assaulted during a search of cells by prison guards and Defence Force personnel and then denied medical attention. Another incident reportedly occurred at the Gun Court Rehabilitation Centre, where four prisoners

were said to have been beaten in July by guards who accused them of attempting to escape, with the result that one prisoner died and three others required hospital treatment for broken limbs.

In February Amnesty International appealed to the government to commute death sentences passed on Nathan Foster and Stanford Dinnal. Amnesty International was concerned about the two executions in February. In March it urged the Governor General, Sir Florizel Glasspole, to grant clemency or at least a stay of execution to Trevor Ellis, since the judicial process had not served to remove what it believed were severe doubts about the fairness of his conviction.

In November Amnesty International wrote to the Minister of Justice to appeal for a stay of execution on behalf of Rudolph Walker, Ezekiel Pryce and Lenford Hamilton, expressing deep concern that warrants had been issued before the prisoners had exhausted all avenues of appeal and pointing out that lack of legal representation since appeal to the Jamaica Court of Appeals could have seriously undermined their ability to pursue further appeals. Amnesty International also said that since steps were being taken to lodge further appeals it believed it would be contrary to justice and international standards for the executions to take place. Amnesty International expressed concern that to proceed with execution in these circumstances could cause a miscarriage of justice which, in a capital case, would be tragically irremediable.

## MEXICO

**About 12 possible prisoners of conscience were released but several others remained in prison. Many opposition activists were detained for brief periods around the time of the July national elections and at least six were killed in circumstances that have not been clarified. Other killings were reported in rural areas, usually in the context of land disputes. There were reports of torture and ill-treatment of detainees.**

The ruling Institutional Revolutionary Party (PRI) was returned to office on 6 July with a substantially reduced majority in national elections. Carlos Salinas de Gortari replaced Miguel de la Madrid Hurtado

as President. He was credited with just over 50 per cent of the vote. His nearest rival – Cuauhtémoc Cárdenas, leader of the National Democratic Front (FDN), an alliance of several left-of-centre parties – was credited with 31 per cent.



Amnesty International had information on 14 possible prisoners of conscience held in 1988. One of them, a university professor, Javier Albavera Viveros, had been arrested in the state of Guerrero in October 1985. He was later sentenced to 32 years' imprisonment on charges of kidnapping, robbery and "wounding". In 1988 his sentence was reduced on appeal to 15 years. Amnesty International believed his detention may have resulted from his work on behalf of slumdweller in Acapulco which he undertook as a member of a left-wing political group, or from his activity on behalf of fellow group members held in detention.

Francisco Urbina Hernández, a peasant leader and member of a left-wing group may also have been a prisoner of conscience. Arrested in 1984, he had been convicted in 1986 of robbery with violence, criminal association and carrying prohibited firearms and had been sentenced to 10 years' imprisonment. Eight other men convicted on the same charges and serving similar sentences were granted early release in the last three months of the year. Early release may be granted after two-fifths of the sentence have been served.

Three others who may have been prisoners of conscience – Gerardo Barrios Hernández, Félix Maldonado Chame and Pedro Martínez – were released on bail in September. They were urban community leaders who had been detained in 1986 in the state of Chiapas and charged with

fraud. Amnesty International considered that in these 12 cases, criminal charges may have been without foundation and brought for reasons linked to the prisoners' legal political activities.

There were reports of torture and ill-treatment of prisoners. In February Gregorio Castañón López, a Mixe Indian, claimed in a trial in Salina Cruz that he had been tortured at the military police station at Malatenco after his arrest earlier in the month. He said that he had been forced to confess to drug offences because he had been subjected to ill-treatment including being beaten and having his head submerged in water until near suffocation. After the trial he was examined by a doctor and was found to have injuries and bruising on his neck, arms and legs, dating from the period he was in custody. The army was said to have initiated an investigation into the allegations but by the end of the year Amnesty International was not aware that it had reached any conclusions. Gregorio Castañón was sentenced to seven years' imprisonment on drugs charges.

In September the Press reported that two people, one of them a minor, had died in custody and a third had become seriously ill as a result of torture by federal judicial police in Guadalajara. The commanding officer of those involved was reported to have denied the use of torture but to have commented, "If we beat people it's because no way are we going to be gentle with them."

Throughout the year dozens of people in rural areas were killed, apparently as a result of their involvement in disputes over land ownership. In several cases there were reports that those responsible were gunmen hired by local landowners who operated with the protection of local authorities. In February, for example, Efrén Sanábriga Eufracio and Eduardo González Santiago were killed by gunmen in Putla de Guerrero, state of Oaxaca. They were members of an independent group of indigenous peasants, Popular Mixtec Unity, and had been involved in a long-running land dispute. Two other members of the same group, Nicolás López Pérez and Humberto Ramírez González, were shot dead in March. The killers were alleged to be gunmen hired by the landowner with whom the peasants were in dispute.

In April Israel Maldonado Hernández was killed by gunmen in La Trinitaria, state

of Chiapas, after he had begun legal action under agrarian reform legislation to extend land worked by his community. In June 18-year-old peasant farmer Santos Villegas Hernández was killed in Chapaltepec, Tlanguistengo, state of Hidalgo, by a group of heavily armed men. The same group had reportedly killed two peasants and an eight-year-old child when they opened fire on the community of Acatenco in Tlanguistengo in early February. Numerous killings have been reported in these regions in previous years, allegedly carried out by gunmen acting with the acquiescence of local or state authorities. In many such cases the state authorities repeatedly failed to detain or prosecute those responsible. At the end of the year Amnesty International was investigating these cases to assess whether local authorities colluded with powerful local individuals and gunmen to commit or cover up killings.

Other apparently politically motivated killings were reported in the context of the July elections. In early July a presidential candidate's aide – Francisco Xavier Ovando – and his assistant – Román Gil Heráldez – were shot dead in Mexico City. The two men were involved in setting up a computer system to monitor the vote. Francisco Xavier Ovando was a member of the group which had broken away from the PRI and later formed the FDN. He had reportedly been under police surveillance and had received death threats in the state of Michoacán, where he had lived until mid-1987.

In August four young men, all teenagers, were found dead in their car in Mexico City. Two of them – Ernesto del Arco Parra and José Luis García Juárez – although themselves too young to vote, had been active in the electoral campaign on behalf of the FDN. After the election they were also active in a popular protest movement which grew out of allegations of electoral fraud. Police and government authorities discounted any political motive for the killings and attributed them to a "traffic incident". Other reports indicated that they had been premeditated and carried out professionally. Witnesses said that the young men's car was intercepted by two vehicles and that Ernesto del Arco was pulled from the driver's seat by his hair and then shot. His friends, they said, were forced into one of the other vehicles. The four young men were found dead in their car some distance

away, each with at least three wounds from bullets fired at point-blank range. Amnesty International was seeking information about investigations into the killings at the end of the year.

New evidence emerged that many people who "disappeared" in custody during the 1970s and early 1980s had been executed extrajudicially by government security forces. In March Zacarías Osorio Cruz, a former member of the parachute brigade, alleged at an immigration hearing in Canada that between 1978 and 1983 he had taken part in military operations in the states of Guerrero, Sinaloa and Chiapas. He said that during these operations individuals were detained and either summarily executed or transported to Military Camp No. 1 in Mexico City. He also said that he had been part of an execution squad which regularly escorted hooded prisoners from the military base to a firing-range where they were shot. Although he did not know the identity of any of the victims, he said that they included many political detainees. The orders to carry out killings, he alleged, had been received from the highest levels of military command.

As far as Amnesty International is aware, the government made no public comment on Zacarias Osorio Cruz's allegations. However, a statement from Mexican diplomats in Canada suggested they were based on "fantasy". The allegations appeared to corroborate to some extent Amnesty International's information about prisoners who "disappeared" in the years in question after they were reportedly moved to Military Camp No. 1.

On two occasions Amnesty International wrote to the state authorities of Chiapas expressing concern at the killing and ill-treatment of peasants in the course of evictions by the police and soldiers. In October the organization expressed concern at the alleged ill-treatment of a prisoner held on drugs charges.

Amnesty International representatives visited Mexico in October to carry out research on torture, extrajudicial executions and the situation of individual prisoners.

## NICARAGUA



Many critics and opponents of the government, including some believed to be prisoners of conscience, were detained in connection with protest demonstrations and strike activity. Some received prison sentences from police magistrates appointed by the Ministry of the Interior under a procedure which did not provide for a judicial hearing or right of appeal; others were tried on criminal charges. Approximately 3,200 political prisoners remained in prison at the end of the year. They included some 1,700 convicted of crimes committed as members of the National Guard of the previous President, Anastasio Somoza Debayle, and approximately 1,500 prisoners convicted of belonging to, or assisting, armed opposition forces. The majority had been convicted by special courts which failed to meet international standards of fairness and impartiality; some were believed to be prisoners of conscience. There were new allegations of extrajudicial executions and "disappearances" by government forces in areas affected by the armed conflict. In many cases little progress appeared to have been made by the authorities in investigating reports of politically motivated killings and "disappearances" by government forces in previous years.

In March the government signed a 60-day ceasefire agreement with leaders of armed opposition forces known as the *contras*, which are based in Honduras and supported by the United States. The ceasefire was extended repeatedly and 100 political prisoners were released in March under the terms of the agreement. However, in June negotiations for a permanent settlement of the armed conflict collapsed and provisions for the phased release of

the remaining political prisoners were not implemented. Despite the ceasefire there were sporadic armed attacks by anti-government forces and new reports were received that they had carried out kidnappings and summary executions of civilians.

In January the unlimited powers of detention exercised in previous years by the *Dirección General de Seguridad del Estado* (DGSE), General Directorate of State Security, were ended when the state of emergency imposed in 1982 was lifted and a constitutional measure came into force allowing only 72 hours' detention before suspects were brought before a competent authority. *Habeas corpus*, which had been restricted under the state of emergency, was fully reinstated, and a new law governing its use came into effect in April. The government also dissolved the *Tribunales Populares Antisomocistas* (TPAs), Antisomocista Popular Tribunals – special lay courts operating independently of the judiciary, which since April 1983 had had exclusive jurisdiction in cases involving charges under the Public Security Law (Decree 1074). The composition of these courts, and their summary procedures, had seriously impeded rights to a fair and impartial trial. Jurisdiction over offences involving national security was transferred to the ordinary criminal courts, although trials under Decree 1074 were still subject to the same special procedures, which provided for rapid hearings, as those which had governed the TPAs. In February officials who had served as TPA judges were appointed to criminal courts where they continued to preside over political cases. However, unlike TPA verdicts, which were not subject to independent judicial review, sentences imposed by the criminal courts could be taken to courts of appeal and to the Supreme Court of Justice.

In July 38 opposition leaders and activists were detained and placed on trial in connection with an anti-government protest rally in Nandaime which was broken up by police using tear-gas and batons. Many of those detained were severely beaten at the time of their arrest. Opposition leaders held included Myriam Arguello Morales, Luis Alberto Carballo Madrigal and Alejandro Sandino Muñoz, leaders of the *Partido Conservador de Nicaragua* (PCN), Conservative Party of

Nicaragua, and Agustín Jarquín Anaya and Juan Marcos Herrera Hernández, leaders of the *Partido Social Cristiano* (PSC), Social Christian Party. Also arrested were Carlos Huembes Trejos and Róger Guevara Mena, President and Secretary of the *Coordinadora Democrática Nicaraguense*, Nicaraguan Democratic Coordinator, a coalition of conservative parties, trade unions and business groups which organized the demonstration. Together with more than 30 others they were summarily sentenced by a police magistrate to six months' imprisonment for disturbing the peace. The sentences were quashed following representations to the Ministry of the Interior, but the case was referred to the Granada Criminal Court. In August the judge gave a preliminary verdict of guilty and formally remanded the 38 in custody to await sentencing on charges of incitement, wounding and criminal damage. In November 25 of the prisoners were released, 16 of them unconditionally, after the appellate court ordered a stay of legal proceedings against them. Those released included Luis Alberto Carballo, Alejandro Sandino and Juan Marcos Herrera; the court confirmed the custody orders against Myriam Arguello, Agustín Jarquín, Carlos Huembes, Róger Guevara and the remaining nine prisoners. Myriam Arguello and Agustín Jarquín were then released from prison on the grounds of their ill-health and placed under house arrest. The remaining prisoners were released during the second week of December. Agustín Jarquín, Myriam Arguello, Róger Guevara and Carlos Huembes were subsequently given three-year suspended prison sentences, and the other nine prisoners 18-month suspended sentences. There appeared to be no evidence that the imprisoned leaders had participated in or instigated violence; they appeared to be prisoners of conscience sentenced as an arbitrary measure intended to prevent them engaging in non-violent protest activity.

Other government opponents were imprisoned without trial in connection with opposition protests and strike activity before the Nandaime incident. Under existing laws police magistrates were permitted to jail misdemeanour offenders for up to six months without a judicial hearing or an effective right of defence or appeal. Between January and June more than 20 people who demonstrated against the gov-

ernment were summarily sentenced under this procedure for offences such as disturbing the peace. In April more than 50 opposition activists were detained for several days for demonstrating in support of a hunger-strike by opposition trade union leaders which had been organized to back up strike demands of a construction workers' union.

In May four economists, three of whom were government employees and the fourth the director of an opposition research institute, were imprisoned under Decree 1074 charged with providing secret economic data to the United States Embassy. In June Mario Alegría Castillo, Director of the Private Sector Institute of Economic and Social Research (INIESEP), and Nora Aldana Centeno, an official of the government's National Food Program, were sentenced to 16 years' imprisonment for "revealing secrets prejudicial to the economic security of the country". The other two defendants, José Adrián Espinales Rodríguez and Pedro Pablo Su Olivas, each received three-year sentences. Nora Aldana had been held incommunicado for a week after her arrest. She was not brought before a court for a further week and not permitted to see a lawyer in private until 20 days after her detention. Mario Alegría was also denied access to his family or to a lawyer for more than one week. Both were convicted largely on the basis of a filmed "confession" videotaped by the DGSE while the prisoners were held incommunicado and broadcast on television by the Ministry of the Interior a few hours after their first court appearance.

Scores of peasants from areas affected by the armed conflict were detained and later charged under the Public Security Law with belonging to or assisting the *contras*. Many were held for several weeks by the DGSE before they were charged, and denied private access to a lawyer until after their first court appearance. There were continuing reports of detainees under interrogation being confined in dark and tiny cells, deprived of food or water for days and physically threatened in order to make them sign confessions.

About 1,700 former members of the National Guard and alleged collaborators with the Somoza government continued to serve prison sentences for crimes committed under that government. The majority had been convicted by special tribunals

whose summary procedures failed to ensure fair and impartial trials. As part of the March ceasefire agreement, the government agreed to submit all the National Guard cases for review by the Inter-American Commission on Human Rights (IACHR). By the end of the year the IACHR's recommendations had not been published or implemented.

There were reports that peasants suspected of assisting the *contras* had been killed by government troops engaged in counter-insurgency operations. Other peasants "disappeared" after they had been captured and were still missing at the end of the year. Most of these incidents occurred in Matagalpa and Jinotega provinces, in which the armed conflict had been particularly intense. In July Celso del Socorro Herrera Carballo was allegedly captured and killed by troops of the Simón Bolívar, Francisco Estrada and Rufo Marín Battalions near El Ventarrón, Jinotega. His body was found in the mountains; he appeared to have been beaten, his neck was broken and one arm mutilated. Celso Herrera's brother, Félix Pedro Herrera Carballo, was reportedly abducted on the same day. At the end of the year his fate was still unknown.

Amnesty International renewed its requests for further information from the Military Auditor on official investigations into alleged extrajudicial executions and "disappearances" by government forces in previous years. No replies were received. One "disappearance" case was that of Pastor Cruz Herrera, a peasant from San Marcos de Abajo, Jinotega, missing since May 1983. In June 1983 his relatives had been informed by an official that he was in detention at the DGSE detention centre of Las Tejas, Matagalpa. They were later informed that the DGSE had transferred him to Jinotega – a report the DGSE denied. An ex-detainee who had been held in Las Tejas reportedly stated that he shared a cell with Pastor Cruz but the government has denied that he had been detained. The case was referred to the government by the IACHR, which in its 1985-1986 report stated that it had not yet received a satisfactory response.

In July Amnesty International addressed a 20-page memorandum to President Daniel Ortega, based in part on the findings of its December 1987 visit to Nicaragua, which summarized its human rights concerns under the state of emergency. Amnesty International welcomed the lifting of the state of emergency and the

dissolution of the TPAs. It urged the government to ensure that constitutional restrictions on detention were respected, to release prisoners of conscience, to carry out a judicial review of sentences passed by the TPAs, and to release or retry those unfairly convicted. The organization also called for further steps to investigate reports of killings and "disappearances" by government security forces and to bring those responsible to justice. No reply was received.

In September Amnesty International wrote to the government expressing concern at the Nandaime arrests and urging the unconditional release of all those not implicated in violence. The organization also urged the government to ensure that all the prisoners were given a fair and impartial trial.

## PANAMA



**Critics and opponents of the government were detained without trial, most of them for short periods, and some were reportedly tortured or ill-treated.**

On 25 February President Eric Arturo Delvalle was dismissed from office by the Panamanian National Assembly, hours after he had unsuccessfully tried to remove General Manuel Noriega as head of the Defence Forces. President Delvalle went into hiding in Panama and Education Minister Manuel Solís Palma was appointed Acting President on 26 February.

In March there was an unsuccessful coup attempt by a group of armed forces personnel opposed to General Noriega. Supporters of the General accused the United States of orchestrating a campaign of demonstrations, attempted coups and economic sanctions to bring down his government. At least 20 soldiers were arrested for alleged involvement in the coup attempt. They were taken to El

Renacer Prison and to the island penal colony of La Coiba; at both they were reportedly ill-treated. They were still believed to be held without charge or trial at the end of the year and to be denied visits from relatives and lawyers.

Demonstrations followed the removal of President Delvalle in February and the coup attempt in March. Many people were injured and at least one youth was shot dead in March, apparently by plainclothes paramilitary forces supporting General Noriega. The government responded to the unrest on 18 March by imposing a state of emergency, which remained in force until 20 April. Under emergency legislation, the rights to freedom of expression, transit and public assembly were suspended.

Under Decree 26 also issued in March, activities deemed to interfere with public order were declared illegal. Radio stations and newspapers which attempted to report recent developments were closed down, and a number of local journalists were arrested.

Carlos Ernesto González de la Lastra, a businessperson and former editor of the opposition newspaper *La Prensa*, was among critics and opponents of the government detained under the March emergency legislation. He was arrested on 28 March in Panama City as he tried to obtain the release of a number of other opposition leaders. They had been detained earlier that day during a police raid at a hotel in which they had planned to hold a press conference. Several foreign journalists were also arrested. All of the detainees were released by the following day but Carlos González de la Lastra was held until 7 April, when the authorities gave him the options of detention without trial on La Coiba Island or exile. He left the country three days later. He had been in short-term detention in November 1987 and February 1988.

Others who faced short-term arrest in March included Enrique Mora, a political leader, and Geronimo Fischer, a school teacher who supported him. At the time of their arrest they were reportedly painting anti-military slogans. Both had reportedly suffered torture during detention in 1987. Enrique Mora was again arrested in September but was released before the end of the year.

In August 40 employees of the state power workers' union, including Secre-

tary General Isaac Rodríguez, were arrested and charged with offences against national security. Isaac Rodríguez was also charged with participation in the March coup attempt. Those held claimed that the real reason for their arrest was the power workers' participation in anti-government demonstrations. Although 39 of those arrested were released within days, Isaac Rodríguez was held until 24 August. After his release he sought the protection of the Papal Nuncio and then went into exile abroad. Further arrests of power workers took place in September. All were said to have been released by the end of the year.

About 30 members of opposition groups were also arrested in September. The authorities alleged during a news conference that the detainees had been involved in an armed conspiracy and that weapons had been found in their possession. Other sources denied this allegation, claiming the weapons had been planted at the time of the arrests. The detainees were denied visits from relatives for a month and denied access to lawyers. Most were reported released in December.

Those detained included Alberto Bolívar Conte Magdaleno, President of the National Journalists' Association. He was held in Modelo Prison and said to be in poor health owing to inadequate medical treatment. Carlos Paris Tack, a student arrested in September, was reportedly beaten in custody so badly that he required treatment in hospital, where he was chained to his bed. Both detainees were released in December. Alberto Conte was reportedly taken directly from prison to the airport and flown to exile in the United States. His lawyer denied official claims that he had left the country voluntarily. In the same month two other prominent opposition leaders were also deported.

After each wave of arrests Amnesty International appealed to the authorities to ensure that proper legal procedures were followed, that detainees' physical security was assured and that they were charged with a recognizably criminal offence, or released. In March Amnesty International published a report, *Panama: Assault on Human Rights*, and called for urgent government action to halt human rights violations. The report was based on a memorandum Amnesty International had submitted to the Panamanian authorities at the end of 1987. No government response to the

memorandum had been received by the end of 1988.

## PARAGUAY



**Increasing numbers of critics and opponents of the government were subject to short-term detention and some 400 arbitrary political arrests were recorded. Those held included trade unionists, students and peasants, some of whom were arrested in the context of land disputes. Many detainees were reportedly beaten at the time of their arrest or while in custody. The beatings were inflicted by security force personnel, sometimes assisted by civilian groups reportedly linked to the ruling Colorado Party. One long-term prisoner of conscience was released into exile. The Supreme Court confirmed a death sentence imposed in 1972 but later annulled it when a previous ruling commuting the sentence came to light.**

Captain Modesto Napoleón Ortigoza, a long-term prisoner of conscience, was permitted to leave Paraguay on 15 June to take up political asylum in Spain. He had been released in December 1987 after spending 25 years in prison but was confined to the town of San Estanislao in the interior of Paraguay (see Amnesty International Report 1988). In February he was transferred to Asunción, where he was placed under house arrest at his mother's home. He escaped on 23 March and obtained sanctuary at the residence of the Colombian Ambassador, who subsequently helped negotiate his departure for Spain.

More than 200 opposition party leaders and supporters were detained briefly at the end of January when a meeting they were

attending in the city of Coronel Oviedo was broken up by police and civilians apparently acting under police command. The purpose of their meeting had been to discuss abstention from the presidential elections scheduled for 14 February. Those held included students, journalists, trade unionists and political party leaders. The detainees were reportedly beaten by police and their civilian supporters, who were allegedly linked to the ruling Colorado Party. They were then taken to the local police station and released within a few hours or the next day.

In September a meeting held in a private house in the city of Caacupé, Department of Cordillera, was violently broken up by men in civilian clothes carrying firearms, accompanied by others in police uniform. Those attending the meeting, which included children, were held at gunpoint for about 20 minutes. Four leaders of the *Partido Liberal Radical Auténtico* (PLRA), Authentic Radical Liberal Party – Juan Carlos Saldívar, Carlos Caballero, Daniel Ponce Almada and Domingo Laino – were whipped, beaten with sticks and gun butts, and forcibly taken to the Department border.

In October the Head of Public Order (a police department) informed the President of the PLRA that all political activities of the party, including those of its youth wing the *Juventud del Partido Liberal Radical Auténtico* (JLRA), the Young Authentic Radical Liberal Party, were banned throughout the country.

Before the banning of the PLRA and the JLRA in October – neither of which was officially recognized – their leaders and members were frequently subject to short-term detention and other forms of harassment. In June, for example, Julio César Franco and three other PLRA leaders were arrested by police in the town of Fernando de la Mora on the outskirts of Asunción while attending a private political gathering. No reason was given for their arrests and they were released the following day. Similarly, in July, PLRA President Domingo Laino and two leading members of the JLRA, Ramón Ferreira and Waldino Montes de Oca, were arrested in the town of Itá after attending a religious service commemorating the 101st anniversary of the Liberal Party. They were detained incommunicado without official explanation for three days, then released uncharged.

There were further arrests of PLRA supporters after the party was banned.

Six people were charged under Laws 209 and 294 of the penal code on account of the peaceful expression of their political beliefs. Law 294, "Defence of Democracy", prohibits the activity of any political group which is perceived to support the notion of class struggle. Law 209, "Defence of Public Peace and Liberty of Persons" (see Amnesty International Report 1988), was enacted in 1970 to complement Law 294. It prohibits a wide range of activities, from selling pamphlets to holding political meetings, if the authorities deem them to be inspired by Marxism.

In January Gustavo Alfredo Zimmerliz Alcaraz, a student and member of the *Movimiento Popular Colorado* (MOPOCO), a dissident wing of the ruling Colorado Party, was arrested by police in Asunción. He was reportedly ill-treated in custody and charged under Laws 209 and 294 with possessing subversive material and distributing leaflets published by the *Movimiento Democrático Popular* (MDP), Popular Democratic Movement. The MDP is a political movement founded in mid-1987 which supports the work of community groups. He was released from custody in March but legal proceedings against him were still pending at the end of 1988.

Five former members of the MDP were also charged under Law 209. They were Aldo Vera, Roque Vera, Reinaldo Peralta, Luis Schiaccia and Cira Novarra, who were arrested on 21 September when police raided a meeting of social workers in a private house. They were accused of possessing subversive literature and belonging to a party with Marxist-Leninist orientation. They were released three weeks later but legal proceedings against them were still pending at the end of the year.

Members of peasant communities involved in land disputes were also subject to short-term arrest and harassment by the police and army. In July, for example, 17 members of the Sha-Shi Neighbourhood Committee of Rural Workers in San Pedro Department were arrested without explanation; it was three days before relatives found out where they were being held. Twelve of the detainees were released within a few days, but five leaders of the community were held for over six weeks and charged with "land occupation". Charges against the five were pending at the end of the year.

In May the Supreme Court confirmed a death sentence which had been imposed on Luciano Cardozo in 1972 by the Appeals Court in Encarnación, Itapua Department, following his conviction on charges of murder in the course of theft. The Supreme Court's decision raised the possibility that he would be the first person to be executed for more than 60 years. In August, however, the Supreme Court annulled its earlier ruling, after learning that in March 1981 it had already commuted the sentence to 30 years' imprisonment. The Supreme Court indicated that the relevant documentation on this final sentence had not been included in Luciano Cardozo's dossier "possibly due to an omission by the secretariat".

Amnesty International appealed to the authorities on a number of occasions on behalf of people subjected to short-term detention or held under Law 209. It called on the government to commute the death sentence passed on Luciano Cardozo following the Supreme Court's ruling in May. Amnesty International also urged the authorities to assist in the efforts to identify children whose parents were among the thousands who "disappeared" in custody in Argentina during the period of military rule. At least four such children were alleged to have been taken to Paraguay by couples who had had links with Argentine security forces. At the end of the year, the Argentine authorities were seeking the extradition from Paraguay of two Argentinian couples suspected of falsifying the children's birth certificates.

In April Amnesty International submitted information about its concerns in Paraguay to the United Nations procedure (under Economic and Social Council Resolutions 728F/1503) for confidentially reviewing communications about human rights violations.

## PERU

Over 300 people "disappeared" after arrest by army and navy counter-insurgency forces in zones under a state of emergency. Hundreds more were victims of extrajudicial execution. In July attacks of a new kind began against critics of the government and the armed forces. These were said by the authorities to have been carried out by an independent anti-

terrorist revenge group. People whose roles in public life may previously have protected them – including journalists, lawyers, academics and human rights activists – were threatened or killed. In the emergency zones evidence emerged that linked these attacks directly to armed forces "political-military commands" effectively responsible for local administration. Torture continued to be reported in both criminal and political cases. An estimated 630 political prisoners, including prisoners of conscience, were being held at the end of the year, all charged with terrorism, although few had been convicted. Others, including prisoners of conscience, were held for short periods.



Inflation of almost 2,000 per cent, proliferating violence and recurrent rumours of an imminent military coup contributed to a situation of extreme political tension. President Alan García Pérez resigned his position as head of the ruling *Alianza Popular Revolucionaria Americana* (APRA), American Popular Revolutionary Alliance, in December after calls from his own party that he step down from the presidency and bring forward elections scheduled for April 1990. The human rights situation deteriorated as a long-standing pattern of "disappearances" and extrajudicial executions extended beyond the mountain areas to which it had been confined. These practices, first reported in 1983 in seven provinces, extended to other regions as they too came under armed forces' control. By the end of the year 56 of Peru's 181 provinces were under state of emergency, with all but the provinces of Lima and Callao administered by armed forces political-military commands.

The Partido Comunista del Perú "Sendero Luminoso", Communist Party of Peru "Shining Path", continued to wage a nationwide campaign of attacks on government property, on the communications and electricity network, on state-run cooperative farms and on private businesses. It carried out scores of execution-style killings, some after torture and mutilation of those it had seized. The Senate Commission on National Pacification, citing Defence Ministry statistics, reported 289 police and military personnel killed in political violence in 1988, many of them after capture or while incapacitated by wounds. The number of "subversives" killed was put at 667, although some may have been non-combatant civilians. The Commission reported that 1,030 civilians were killed in 1988. The total toll of 1,986 dead was nearly three times that in 1987.

Most "disappearances" and killings continued to be reported from remote emergency zones, with 257 "disappearances" reported in Ayacucho department and 66 in Apurimac. The first "disappearances" in San Martín were reported after it was put under military control in November 1987: 54 people reportedly "disappeared" after arrest there in 1988. The fate of at least 322 prisoners detained throughout the country was still unknown at the end of the year. At least 2,350 prisoners reported to have "disappeared" since 1983 remained unaccounted for.

Extrajudicial executions in rural areas sometimes targeted individuals and groups, were sometimes random, and were sometimes apparently directed against entire communities. On a single patrol in September troops from the army's Ayahuanco base reportedly moved through four Huanta communities where they assembled villagers, checked names against their lists, tortured and executed six suspects and took away four others whose fate was still unknown at the end of the year. Two others - Mariana Morales Ruiz, aged 78, and Juliana Cusiche Noa - were reportedly killed only because they had demanded that the patrol return stolen livestock. In May reprisal killings reportedly followed a guerrilla ambush that killed four soldiers near the village of Cayara, Ayacucho. Next day troops raided Cayara and summarily executed at least 28 men, women and children.

Apparent extrajudicial executions,

threats and bombings, for which armed forces personnel were believed to be responsible, occurred in a new pattern in urban areas. Here the authorities attributed unprecedented attacks on journalists, lawyers, academics and others to a clandestine "death squad", which sometimes mimicked Shining Path methods. In September a dead dog was left at the home of journalist Luis Morales bearing a placard declaring that the journalist would be killed "like a dog" for "collaborating" with Shining Path. Placards threatening others said they would be "shot down or burned alive".

Threats and attacks on government critics and opponents active in public life were first attributed to an ostensibly independent group after a communique issued in Lima in July announced the creation of the Comando Rodrigo Franco (CRF), Rodrigo Franco Command. It said the CRF had been created to "revenge" murdered military and civilian officials and claimed responsibility for the killing that day of Dr Manuel Febres Flores, defence lawyer of the man alleged to be second-in-command of Shining Path. Mimeographed and telephoned death threats, slogans painted on walls and bombing attacks using the name CRF followed in much of the country, particularly those areas under tight military control.

Evidence emerged that actions attributed to the CRF may have been carried out by a range of security force units. In Ayacucho and San Martín departments there was evidence pointing to the direct responsibility of regional political-military commands. However, the killing of two apparent militants of the Movimiento Revolucionario "Tupac Amaru" (MRTA), "Tupac Amaru" Revolutionary Movement, in Lima in September, also using the name of CRF, occurred after they were last seen alive in the custody of agents identified as members of the Dirección Contra el Terrorismo (DIRCOTE), the Anti-Terrorist Division of the *Policía de Investigaciones del Perú* (PIP), Peruvian Investigative Police. In other cases in Lima and elsewhere APRA officials were alleged to be responsible for CRF threats and bombings.

Other apparent extrajudicial executions were attributed by the authorities to Shining Path guerrillas. In November Hugo Bustíos Saavedra, a radio journalist

and correspondent for the magazine *Caretas*, who had received death threats for his human rights reporting, was killed by masked gunmen near Huanta. However, statements from eye-witnesses suggested the attack had been carried out by members of the armed forces or by civil defence forces under their command.

Evidence of the use of torture as a tool of interrogation, as punishment, and as a possible cause of death was received from many parts of the country. Torture methods reportedly included beatings, sexual abuse, near-drowning, hanging by the arms and threats that prisoners would be killed or would "disappear". Former prisoners released after they had "disappeared" while in military custody alleged that torture during interrogation was common. In Ayacucho it was said that detainees' treatment improved once they had been transferred from secret military custody to that of the PIP but in Lima detainees were reportedly tortured at DIRCOTE headquarters.

Since March 1981 almost all political prisoners, including prisoners of conscience, have been accused of terrorism. The terms of the penal code as it concerns terrorism under Article 288 were modified by Law 24,953 of December 1988, which introduced more severe penalties and defined "inciting" or "defending" terrorist acts, and association with two or more people for terrorist purposes, as punishable offences. Prisoners of conscience included trade unionists, community leaders and activists in legal opposition parties held on false charges, although they were generally held for short periods. Human rights activists and clergy were also arrested and held for short periods in areas under military control. Among them were representatives of the Roman Catholic Episcopal Commission for Social Action and of national human rights organizations, who were detained briefly in Ayacucho in July.

Some prisoners of conscience were held for longer periods. They included Presbyterian pastor Agripino Quispe Hilario, who was detained in 1985 at his home in Huancavelica, reportedly forced to sign incriminating statements under torture, and sentenced to six years' imprisonment for terrorism. He appeared to have been detained solely because of his community leadership role in an area in

which Shining Path was active. Irregularities in his case and others included prolonged delays and the courts' acceptance of statements produced under torture as evidence.

Although prohibited by the Constitution, incommunicado detention before prisoners were brought before a magistrate remained the norm. The requirement that prisoners should appear before a magistrate within 15 days of arrest was also frequently disregarded. In the emergency zones a prisoner's isolation was absolute and could be prolonged indefinitely, as such detentions were not acknowledged. Although in law the right to *habeas corpus* remained in force even under a state of emergency, if only as a safeguard against abuse of the rights to life and personal security, in practice access to detention facilities was routinely denied to magistrates in emergency zones and few invoked the measure. The Supreme Court is obliged to support examining magistrates obstructed in the execution of *habeas corpus* but, as in previous years, it failed to do so.

Although the Supreme Court could grant jurisdiction over military personnel to the civil courts it had not done so since 1985. It made no rulings on jurisdictional disputes in 1988 and the civil courts did little to hold the armed forces accountable for human rights abuse. The military court system claimed exclusive jurisdiction over police and military personnel but persistently dismissed charges stemming from counter-insurgency operations. In June it ended court hearings on a massacre at Parco Alto, Ayacucho, which had taken place in October 1986, because the killings were "the result of a military operation . . . in compliance with internal norms . . . and consequently did not constitute the crime of homicide". A Senate inquiry had confirmed that the victims had been detained and executed and that their bodies had been burned. Nor was there significant progress in military court proceedings concerning deliberate killings by the security forces in June 1986 after they had quelled revolts by political prisoners at three prisons in the Lima area. In August a military prosecutor requested a 25-year sentence for a Republican Guard general for ordering the summary execution of all 124 prisoners in a wing of Lima's Lurigancho Prison, but no further progress in the trial was reported.

The Public Ministry, headed by the Attorney General, was in a position to play a major role in the defence of human rights through its public prosecutors, who were empowered to investigate complaints. In the emergency zones they were the only civilian authorities who regularly asked the military to account for people reported to have been detained and played a key role in the investigation of reported extrajudicial executions. In the latter part of 1988, however, the investigative role of the Public Ministry was significantly curtailed when the Attorney General closed its Ayacucho office, which had been set up to investigate "disappearances" in Ayacucho, Apurimac and San Martín. This office, headed by a Special Commissioner, had been investigating "disappearances" in the area since 1987, and since May 1988 had also been investigating the killing of 28 villagers at Cayara (see above). In carrying out the Cayara investigation, the prosecutors had faced persistent obstruction by the military: troops secretly removed corpses from common graves in order to prevent forensic examinations; eight of the witnesses who testified to what had occurred were killed or "disappeared"; and investigators were threatened by army officers and in the name of the CRF. In mid-November the investigators recommended that the Ayacucho zone commander be prosecuted for murder. The Attorney General then halted the inquiry, disbanded the investigative team and eliminated the post of regional Special Commissioner on "disappearances". The Special Commissioner was ordered to close the team's Ayacucho office within 24 hours and suspend inquiries into 850 "disappearances". The Cayara case was provisionally "archived" by the Public Ministry in November.

Amnesty International appealed for the release of prisoners of conscience and investigated cases of possible prisoners of conscience and of prisoners reported to have "disappeared" while in custody. The organization expressed concern about reports of torture and extrajudicial execution and submitted information to the Inter-American Commission on Human Rights and to the appropriate mechanisms of the United Nations. In April and June Amnesty International submitted information about its concerns in Peru to the United Nations Procedure (under Econ-

omic and Social Council Resolutions 728F/1503) for confidentially reviewing communications about human rights violations.

An Amnesty International delegation visited Peru from 7 November to 3 December and discussed human rights issues with the Prime Minister, the Minister of Justice and other officials. The visitors travelled in the Apurimac, Ayacucho and San Martín emergency zones but were unable to meet the zones' military commanders. They also met local officials and interviewed prisoners and former prisoners – including survivors of torture and "disappearance" – relatives of victims, and human rights workers.

## ST VINCENT AND THE GRENADINES



**Two prisoners were hanged on 21 November. The two men, Wilkie Jessup and his son Everold Buttler, had been convicted of the murder of a farmer during a land dispute in 1985. The most recent executions before these were in March 1987, the first to be carried out for nine years. Although Wilkie Jessup and Everold Buttler's appeal was dismissed by the Eastern Caribbean Court of Appeal, they do not appear to have appealed to the Judicial Committee of the Privy Council in England which acts as the final court of appeal for St Vincent and the Grenadines.**

Amnesty International wrote to the authorities expressing its regret at these executions and asking whether the prisoners had been given the opportunity to appeal to the Privy Council.

## SURINAME



**New reports were received about alleged extrajudicial execution of suspected government opponents at the end of 1987. Two people detained were possible prisoners of conscience but both were soon released.**

The country returned to civilian rule on 25 January when Ramsawak Shankar, who had been nominated by the National Assembly two weeks earlier, was sworn in as President. However, the Jungle Commando, a group which from 1986 engaged in armed opposition with the aim of overthrowing the military government, continued to make sporadic attacks during the year. There were attempts to start talks between the government and the group but final agreement had not been reached by the end of 1988. The State of Emergency declared in December 1986 remained in force in three eastern districts.

In January six members of the Bush Negro community were reported to have been killed and a seventh seriously injured in an incident on 31 December 1987 at Atjonni. The seven, all men, were reported to have been seized while they were returning to their homes in the interior with other villagers. Their captors, soldiers who suspected them of belonging to the Jungle Commando, took them into the jungle and a search party of villagers later found six of them dead. The corpses showed bayonet and gunshot wounds. The seventh villager was found badly wounded but still alive. He was hidden and sent to hospital in Paramaribo after an international organization secured permission from the authorities to move him. He later died.

In May it was reported that Winston Zerp, a nurse who had been held prisoner by the Jungle Commando since 1986 but had been released in late 1987 for health reasons and allowed to go to French Guiana, had been arrested at Paramaribo airport on his return in late March or early April. The authorities apparently suspected him of supporting the Jungle Commando because he had worked with an international medical organization treating the civilian population during his captivity. He was released after a few weeks; no charges were brought against him.

On 10 December Stanley Rensh, founder of Mooiwana 86 – a local human rights organization – was arrested by military police when he returned to Suriname from a visit to the United States. The authorities stated that he was suspected of having links with the Jungle Commando, although it appeared that he might have been detained on account of his human rights activities. He was taken to Fort Zeelandia – a compound in central Paramaribo which includes a prison used by the military police – where he was allowed to see a lawyer but not his family. He was released two weeks later.

On 5 November Gangaram Panday, a Surinamese, was arrested on his arrival from The Netherlands, where he had been living during the previous year. He was reportedly returned by the Dutch authorities, which had denied his application for asylum. He was taken to a cell at Paramaribo airport and was found dead on 7 November, having allegedly committed suicide.

Amnesty International wrote to President Shankar in May to inform him about its concerns under the previous military government, including the imprisonment of possible prisoners of conscience and the extrajudicial execution of suspected government opponents and unarmed civilians in areas most affected by the armed conflict. The organization welcomed the provisions in the Constitution adopted in 1987 which assert the rights to freedom of expression and security of person, and prohibit torture and cruel, inhuman or degrading treatment or punishment. Amnesty International noted that the Constitution asserts the right to life and urged the government to introduce legislation as soon as possible to abolish the death penalty for all crimes.

In July Amnesty International issued an update to its 1987 report, Suriname, *Violations of Human Rights*, which described alleged extrajudicial executions carried out on 31 December 1987, and sent a copy to the government for comment. At the end of the year no response had been received.

Amnesty International also sought information about the arrests of Winston Zerp and Stanley Rensch and urged the government to investigate the circumstances of Gangaram Panday's death in custody.

## TRINIDAD AND TOBAGO



At least 21 people were sentenced to death, all of whom had been convicted of murder. At the end of the year there were about 54 people under sentence of death. One prisoner was scheduled for execution in June but was granted a last-minute stay of execution. There have been no executions for nine years. Another prisoner, who had been under sentence of death for over 10 years, was released on humanitarian grounds. In April the Senate approved a motion calling for the urgent appointment of a commission of inquiry into the death penalty but this had not been established by the end of 1988.

The motion in favour of a commission of inquiry into the death penalty was introduced by Ramesh Deosaran, an independent senator. It was approved by the Senate on 12 April by a majority of 22 to three. The Minister of Justice is reported to have said subsequently that the government would want the commission to report on the status and effectiveness of the death penalty, as proposed by Senator Deosaran. However, despite the minister's positive response and a call in the original

motion both for the commission to be appointed as a matter of urgency and for it to report back as quickly as possible, the commission had not been appointed by the end of the year.

Boodram Bedassie, who had been under sentence of death for over 12 years, was granted a stay of execution on 8 June on grounds not known to Amnesty International. The prescribed execution procedure requires a condemned prisoner to be advised on a Thursday of execution to be carried out the following Tuesday. Boodram Bedassie, however, was told on Tuesday 7 June that he would be executed on 9 June. When two death sentences were annulled in 1987, departure from this procedure was among the court's criticisms of the case. Boodram Bedassie's lawyer filed a motion which argued that his constitutional rights had been violated by the issuing of the death warrant and his prolonged incarceration on death row. The motion was due to be heard in November by the High Court but the hearing was postponed until April 1989.

Lalchan Nanan, who had been under sentence of death since July 1977, was released from prison in October on humanitarian grounds in accordance with a recommendation made to the President by the Advisory Committee on the Power of Pardon. He had been under sentence of death since 1977 and during that time his health had deteriorated significantly. A further matter of concern was that his sentence had been imposed by a majority decision of the jury instead of a unanimous decision, as required by law (see Amnesty International Report 1987 and 1988). Amnesty International had appealed on several occasions for clemency to be granted to Lalchan Nanan.

Amnesty International appealed to President Noor Hassanali on behalf of Boodram Bedassie. The organization expressed regret at the decision to execute shortly after the Senate had decided to institute a commission of inquiry into capital punishment. It urged the President to commute the sentence or stay the execution pending the commission's report. Later, Amnesty International welcomed the stay of execution and the decision to establish the commission.

In September Amnesty International expressed concern to the government after learning that a prisoner who had been

sentenced in 1984 to 10 years' imprisonment for a criminal offence had also been sentenced to a flogging, which was still pending. Amnesty International asked the government to ensure that the punishment was not carried out and urged it to abolish flogging on the grounds that it constitutes cruel, inhuman or degrading treatment.

## UNITED STATES OF AMERICA



Eleven prisoners were executed in 1988. At the end of the year 2,182 prisoners – an unprecedented figure – were under sentence of death in 34 states. Federal legislation expanding the scope of the death penalty and providing it for certain drug-related murders was passed by Congress. There were calls for an inquiry into the case of a former member of the Black Panther Party serving a life sentence who was convicted of murder in 1972. Concerns were raised about the lengthy pre-trial detention of a Puerto Rican independence supporter. A federal court was critical of conditions under which two women convicted of politically motivated criminal offences were held in a maximum security prison unit. The court ruled that their placement in the unit because of their political beliefs was unconstitutional. The unit was closed and the prisoners transferred. There were complaints of ill-treatment of prisoners. Presidential and Congressional elections were held in November. Vice-President George Bush was elected to succeed Ronald Reagan as President. He was due to be inaugurated in January 1989.

Eleven prisoners were executed in 1988 bringing the number of executions since

1977 to 104. Three executions each were carried out in Louisiana and Texas, two in Florida and the others in Virginia, Utah and Georgia. It was estimated that around 300 death sentences were imposed.

Robert Streetman, convicted of murder in 1983, was executed by lethal injection in Texas on 7 January after the US Supreme Court denied a stay by a tied four-four vote. The court had indicated that a stay of execution might be granted if a new appeal was made but the Texas Attorney General refused a reprieve to allow lawyers time to do this. Robert Streetman was kept waiting before his execution for more than three hours. For part of this time he was strapped to a stretcher in the death chamber.

Two mentally ill prisoners, Wayne Felde and Leslie Lowenfield, were executed in Louisiana on 15 March and 13 April respectively. Wayne Felde, a former Viet Nam war veteran, had been diagnosed in 1979 as suffering from post-traumatic stress disorder. He was convicted in 1981 of the murder of a police officer. Leslie Lowenfield, convicted of murdering his estranged girlfriend and four members of her family, was diagnosed as a paranoid schizophrenic who was "currently unable to understand the death penalty". The Supreme Court denied his application for a stay by five votes to four but two of the dissenting justices strongly criticized the lower courts for contravening 1986 Supreme Court directions which prohibit states from executing insane prisoners.

Willie Jasper Darden, who was black, was executed in Florida on 15 March for the murder of a white furniture store owner in 1973. Studies have shown that black defendants convicted of killing white victims are substantially more likely to receive death sentences than those in black victim cases.

New witness evidence came to light in 1986 in the form of two sworn affidavits which cast doubt on his guilt but this was dismissed on technical grounds. The fairness of his trial had previously been criticized by several courts. Nevertheless, the courts had upheld his conviction. Willie Jasper Darden spent 14 years on death row and survived six death warrants before his execution.

The courts criticized the court-appointed lawyers representing two prisoners executed during 1988. Earl Clanton, executed in Virginia on 14 April, was

represented by a trial lawyer who had never handled a death penalty case before and spent only eight hours with his client, including the period of the trial itself. A federal court overturned Earl Clanton's death sentence in 1986 because of the lawyer's inadequacies but the death sentence was reimposed on appeal by a higher court. In the case of James Messer, executed in Georgia on 28 July, the trial lawyer who represented him was criticized for failing to call potential defence witnesses and not presenting important mitigating evidence. Instead, the lawyer had emphasized the horror of the crime and suggested to the jury that death was the most appropriate punishment. Despite the appellate courts' criticisms, the sentence was not overturned.

On 29 June the Supreme Court vacated the death sentence imposed on a juvenile offender, William Wayne Thompson, who was 15 when he participated in the murder of his brother-in-law. William Wayne Thompson was sentenced to death in Oklahoma, which sets no minimum age at which the death penalty may be imposed. Four members of the court concluded that "evolving standards of decency" made the execution of a 15-year-old offender "cruel and unusual" punishment, in violation of the constitution. A fifth justice concurred – but on more narrowly defined grounds – with the judgment vacating the death sentence. Amnesty International had submitted an *amicus curiae* (friend of the court) brief in May 1987 in which it presented evidence on international practice and standards prohibiting the execution of minors.

The Supreme Court agreed in June to review the constitutionality of the death penalty for offenders aged under 18 at the time of the crime and a decision was expected in mid-1989. At the end of 1988 there were 28 such offenders under sentence of death in 12 states.

In June (in *Franklin v. Lynaugh*) the Supreme Court dismissed an appeal which had challenged the constitutionality of a key provision in the Texas capital punishment statute – the provision that mandates juries to impose a death sentence if they find unanimously that the murder was deliberate and the defendant poses a continuing threat to society, regardless of the mitigating circumstances.

In another Texas case (*Penry v.*

*Lynaugh*), the constitutionality of the limitations placed on juries when considering mitigating evidence was again questioned. The case was pending at the end of the year. The court was also asked to rule on the separate issue of whether it would be cruel and unusual punishment to execute John Paul Penry, who has a mental age of seven.

In July Georgia became the first state to enact legislation prohibiting the death penalty for defendants convicted of murder who are found "guilty but mentally retarded". At least 10 per cent of prisoners under sentence of death are thought to be mentally retarded.

In November President Ronald Reagan signed into law new federal legislation which included provisions permitting the death penalty to be imposed for certain drug-related murders. In July Amnesty International wrote to both the Speaker and the Minority Leader of the House of Representatives about the provisions, which were then under debate. It noted that expansion of the scope of the death penalty conflicted with Article 4(2) of the American Convention on Human Rights, which states that the death penalty "shall not be extended to crimes to which it does not presently apply".

In May Amnesty International made public its concerns in the case of a former Black Panther Party (BPP) leader convicted of murder in 1972 and serving a life sentence in California. Elmer "Geronimo" Pratt may have been denied a fair trial on account of his political activities. Elmer Pratt alleged that he had been "framed" by the Federal Bureau of Investigation (FBI) as part of its Counter-Intelligence Program (COINTELPRO) against domestic political groups. New evidence which came to light after his trial indicated that he was personally targeted for "neutralization" by the FBI between 1968 and 1971 on account of his political activities. It also revealed that the chief prosecution witness was an FBI informant who, during the trial itself, had denied that he had any connection with the FBI. The FBI had planted informers in Elmer Pratt's defence team and received information relating to the defence strategy during the trial.

A court hearing in 1985, which was attended by an Amnesty International observer (see Amnesty International Report 1986), had dismissed Elmer Pratt's

motion for a new trial. It ruled that the chief prosecution witness had been an FBI "contact" rather than an informer. The court confirmed that the FBI had planted informers in the defence camp during the trial but found that Elmer Pratt had not suffered as a result of the surveillance. It ruled that the FBI's COINTELPRO operation against Pratt had been a "purely collateral matter" that had not jeopardized the outcome of his trial. In June the Ninth Circuit Court of Appeal turned down Elmer Pratt's appeal on technical grounds.

In May Amnesty International asked the Governor of California to order an inquiry into the case. The Governor replied that he was without "the authority, ability and resources" to do this and suggested it was a matter for the courts to decide.

Filiberto Ojeda Rios, a member of a Puerto Rican independence organization, was held in pre-trial detention in Connecticut for 32 months on charges of armed robbery. In May 1988 a federal court ordered his release on bail because "due process cannot tolerate any further pre-trial detention". However, Ojeda Rios was rearrested in August and charged with a new offence of assault at the time of his original arrest in August 1985. He was denied bail by the court and again placed in detention where he remained at the end of the year.

Amnesty International was concerned that Ojeda Rios' lengthy pre-trial detention may have undermined his right to be tried within a reasonable period or else released. The organization wrote to the US Attorney General and asked why bail had been refused on the new charges despite the fact that Ojeda Rios appeared to have complied scrupulously with the stringent conditions placed on him during his three-months' release on bail. It had not received a reply by the end of the year, but was informed that its letter had been forwarded to the magistrate responsible for signing the detention order.

Amnesty International also inquired about Ojeda Rios' conditions of imprisonment at the Metropolitan Correctional Center in New York following reports that he had been held in virtual incommunicado detention with only limited access to lawyers. There were also reports that he had been denied dietary and other health requirements. The Director of the Federal

Bureau of Prisons replied to Amnesty International that Ojeda Rios was receiving "appropriate care and treatment".

In July a Federal District Court ruled as unconstitutional the detention in a High Security Unit (HSU) of two women held at Lexington Federal Prison, Kentucky, because of their political beliefs. It ordered their transfer into the general prison population. The court also found that the general conditions in the HSU had at times "skirted elemental standards of human decency". The prisoners were removed from the HSU shortly afterwards and the unit was closed. The government has appealed against the ruling (see Amnesty International Report 1988).

Amnesty International sent an observer to attend the court hearing. The observer's report was then submitted to the Director of the Federal Bureau of Prisons shortly before the federal court ruled in July. The report noted that there was substantial evidence of HSU prisoners' physical and psychological deterioration during custody there. It described the prison regime as "deliberately and gratuitously oppressive". Amnesty International concluded that the conditions of confinement constituted cruel, inhuman or degrading treatment. It found that the prisoners' prolonged isolation, humiliating strip-searches and additional restrictions had had a detrimental effect on their physical and mental health.

Amnesty International made inquiries about reports that prisoners in several state prisons had been ill-treated. They included the Michael Unit of the Texas Department of Corrections where guards were alleged to have beaten prisoners who were handcuffed and kept in leg-irons on various occasions between April and December 1987. At least one prisoner was said to have required hospital treatment for his injuries. The warden of Michael Unit informed Amnesty International that no such incidents had occurred.

It was reported that prisoners in the Administrative Control Unit of the Southern Ohio Correctional Facility were shackled and chained to cell fixtures. Others were apparently sprayed with chemical mace and high-pressure water and left in empty, unheated cells for several days.

In a letter of inquiry to the prison authorities, Amnesty International cited the United Nations Standard Minimum

Rules for the Treatment of Prisoners. Article 33 states that "Instruments of restraint shall never be applied as punishment" and "Chains and irons shall not be used as restraints." The prison authorities denied that prisoners had been ill-treated but admitted that shackles, chains and mace were used for restraining purposes.

## URUGUAY



**Two naval officers were detained for signing a petition calling for a referendum on a law limiting prosecutions for past human rights violations. The Supreme Court ruled in May that the law, under which more than 40 cases of alleged human rights violations had been closed, was constitutional. An official investigation into the case of a man who "disappeared" in 1973 exonerated the armed forces of responsibility.**

Captain Bernardo Gastón Silbermann Victoria and Sub-lieutenant Sergio Retamoso, both serving naval officers, were detained by order of the Ministry of Defence because they had signed a petition seeking a referendum on the *Ley de Caducidad*, Expiry Law. This law, passed in December 1986, ended state powers to prosecute military and police personnel for human rights violations committed during the period of military government (see *Amnesty International Report 1988*). Bernardo Gastón Silbermann was held between August and October in the navy detention centre in Montevideo. In September Sergio Retamoso was placed in military detention for 42 days. Amnesty International considered the two officers to be prisoners of conscience, detained for

the peaceful expression of their views.

Under the Constitution, serving military personnel may not participate in political activity, "with the exception of voting". Supporters of the imprisoned officers argued that, as voters, they were entitled to sign a petition for a referendum. The Constitution allows a legislative referendum if called for by "25 per cent of all those registered and qualified to vote". In 1987 opponents of the law had collected 634,000 signatures and submitted them to the Electoral Court for verification.

Throughout the year there was controversy over the Electoral Court's procedures but in December, after more than 35,000 disputed signatures were confirmed, the court declared that the required number of signatures – 555,000 – had been validated. The referendum is due to take place in 1989.

An official investigation into a long-standing "disappearance" was concluded in January but failed to account adequately for the fate of the victim, Roberto Julio Gomensoro Josmán, a university professor. He had "disappeared" on 12 March 1973, about three months before military rule began. The government nevertheless ruled that the case fell within the scope of the Expiry Law and should be investigated by a military prosecutor. The prosecutor concluded that there was no clear evidence of Roberto Gomensoro's detention. However, the Ministry of Foreign Affairs and an armed forces communiqué stated in 1973 that the professor had been detained on 13 March 1973 and later escaped. Moreover, a joint statement by the Ministries of the Interior, of Defence and of Education on 24 November 1973, which was published in the national press at the time, named Roberto Gomensoro among a number of university staff and students who had been committed for trial on subversion charges. When investigating the case, the prosecutor had sought information from the armed forces, the Ministry of the Interior and the Ministry of Defence but all denied that they had any record of Roberto Gomensoro's arrest. The prosecutor's conclusion – that evidence did not support police and military personnel responsibility for Roberto Gomensoro's "disappearance" – appeared to be inconsistent with the government's Expiry Law ruling that the case involved violations by such personnel.

At the end of the year five other cases of

"disappearance" were under investigation by another military prosecutor. Ricardo Alfonso Blanco Valiente, Juan Manuel Brieba, Oscar Tassino Asteazu, Lorenzo Julio Escudero Mattos and Eduardo Bleier Horovitz "disappeared" after detention between 1975 and 1978. Eduardo Bleier, a dentist, had been arrested in Montevideo on 28 October 1975. For several months his family delivered clean clothes for him to the military authorities, although the family was not told where he was held. Several released prisoners later testified that he was severely tortured in an army barracks and may have died in custody.

Opponents of the Expiry Law continued to argue that it contravened the Constitution because there is no constitutional provision for ceasing to punish certain crimes except the mechanisms of amnesty or pardon. However, in May the Supreme Court of Justice ruled, by a three to two majority, that the law was constitutional. This ruling was based on the judges' finding that the legislators responsible for introducing the Expiry Law had intended to declare an "authentic amnesty". Similar rulings were delivered by the Supreme Court during the year on 40 cases of human rights violations committed under military rule. Victims, their relatives or investigating judges had initiated these cases.

In June Amnesty International published a paper expressing its concern that the Expiry Law had failed to ensure full, independent and impartial investigations into past human rights violations. The organization said that victims or their relatives had been denied the legal redress provided under international human rights law. It also stated that, by granting immunity from prosecution, the law might contribute to the recurrence of similar violations.

## VENEZUELA

**A number of prisoners charged with politically-motivated offences, among whom there may have been prisoners of conscience, were released by presidential order but 10 others were still held at the end of the year. There were new arrests of individuals suspected of subversion but all were released after the courts failed to**

**find evidence of armed or other illegal activity involving government opponents. Members of the security forces were sent for trial in at least two cases of killings reported in 1987 but other investigations into alleged arbitrary killings made little or no progress. There were new reports of killings by police in circumstances suggesting they were extrajudicial executions. At least three people were reported to have been killed while in police custody, two of them allegedly as a result of torture.**



Arbitrary detention and ill-treatment were again reported in connection with police operations against alleged subversives. In August, following an armed robbery of a bank in Los Teques, Miranda state, as many as 100 people were detained in police raids in various parts of the country. Official sources said that members of a left-wing group they called *Venceremos* had participated in the robbery and that 31 people would be tried by military tribunals for "military rebellion", the charge normally used to prosecute suspected guerrillas. Witnesses to some of the arrests alleged that police had raided homes violently, without search or arrest warrants, and sometimes wearing hoods. All those arrested, including students, workers, community activists and teachers, were later released uncharged.

The August detentions followed a pattern that has developed in recent years when, on several occasions, social unrest has been followed by the detention of community and political activists who have been accused of "military rebellion". Sometimes charges have been dismissed by the courts or withdrawn by presidential

order within weeks but in other cases those held have remained in prison for longer periods. Of 17 people sent for trial following anti-government protests in mid-1987 (see *Amnesty International Report 1988*) all were gradually released but eight had spent more than a year in prison before being freed by presidential order in December 1988. Many of these 17 cases involved the imprisonment of prisoners of conscience and violations of the right to a prompt and fair trial.

Seven of 15 prisoners arrested between 1978 and 1984 and accused of "military rebellion", who were still in prison at the beginning of 1988, were released between February and September. They included Carlos Báez, a prisoner of conscience who had been held for 10 years, and Eder de Dios Puerta Aponte, who had been in prison for five years and was not released until eight months after his acquittal in 1987. Amnesty International had repeatedly criticized the extremely protracted proceedings before military tribunals and had raised questions about irregularities in the handling of evidence. At the end of the year eight prisoners still faced charges of "rebellion" brought by military tribunals and two other long-term prisoners were still on trial for other offences before criminal courts.

The Law of Vagrants and Crooks continued to be used widely for security operations which involved thousands of short-term detentions and hundreds of cases of long-term administrative imprisonment of individuals said by police to be "dangerous to society", although there was no evidence of their involvement in criminal activities. Protesters in anti-government demonstrations were also threatened with this procedure, and Víctor González, a journalist tried under this law in 1986 (see *Amnesty International Report 1988*), continued to serve a three-year sentence of internal banishment.

There were more reports of police killings – especially in poor urban neighbourhoods and in police stations – in circumstances which suggested that they were extrajudicial executions. Progress was reported in the investigation of some cases from previous years but other judicial investigations were closed or appeared to have stalled, giving rise to allegations of judicial complacency. Three police officers were detained, released and then rearrested in

October in connection with the death in December 1987 of José Ramón Guacarán, a student shot with a police gun. Another four police officers were brought to trial on charges of homicide in connection with the death of Elías Avila Bogado (see *Amnesty International Report 1988*). However in March charges against two police officers accused of killing Freddy Dugarte Rondón in 1985 were dropped. Freddy Dugarte Rondón had been injured by police, taken away and then found dead, shot in the head. No progress was reported in the military tribunal investigation into the death in 1987, allegedly as a result of torture, of José Luis Palomares, a 16-year-old military cadet (see *Amnesty International Report 1988*).

Two deaths were alleged to have occurred as a result of torture or execution in police custody. In February Rawson Salazar Franco was reported to have died of a cerebral oedema hours after his release from police detention and in November William Oroño Betancourt died in the custody of the criminal investigations police in Ciudad Ojeda, Zulia. It was alleged that both men had been tortured. In January, in another case, José Luis Méndez Astudillo was reportedly shot dead while in police custody.

In October, 14 fishermen were shot dead near the border with Colombia by a joint force of soldiers and police officers. At first the military authorities said the victims were members of a 50-strong group of Colombian guerrillas and had been killed in an armed confrontation but this was contested by two survivors and by local people. An investigation was opened by a military court; this accepted the patrol's version of the events despite statements made by the two survivors, who were detained for "military rebellion". The military court's ruling was overturned when it became known that autopsy results contradicted the military's version of events. Nineteen members of the patrol responsible for the killings were then sent for trial on charges of intentional homicide, unnecessary use of firearms, and simulating criminal events. At the end of the year no verdict had been reached.

In July Amnesty International submitted a memorandum to the government detailing its concerns about arbitrary arrests, delays and irregularities in the trials of political prisoners, reports of torture and ill-treatment in police stations and prisons, and apparent extrajudicial

executions of civilians. It noted that Venezuela has adopted laws and created institutions for the protection of human rights, but that measures were needed to make them effective in practice. The memorandum was published in October with a reply from the Venezuelan Government, in which the Minister of Foreign Relations relayed the view that the tone of the document was "exaggerated and out of proportion". He said that "efforts are constantly being made to implement remedial measures when necessary, and to correct operational shortcomings such as may be present in any public administration".

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## AFGHANISTAN



Many hundreds of real or suspected opponents of the government were believed to be imprisoned, including possible prisoners of conscience. In September the government announced that they were holding 2,125 political prisoners, and that more than 7,600 others, most of whom had been held for political reasons, had been released since the beginning of 1988.

Amnesty International could not confirm these figures but received reports suggesting that many of those released were transferred directly to military service. Some political prisoners were sentenced after trials by Special Revolutionary Courts which did not conform to international standards. There were reports of torture and ill-treatment of prisoners, although on a lesser scale than in previous years. There were also reports of extrajudicial executions by Afghan security forces and Soviet troops.

On 14 April the Geneva accords to settle the Afghan conflict were signed by the governments of Afghanistan, Pakistan, the United States of America and the Union of Soviet Socialist Republics. The accords provided for the withdrawal of half the Soviet troops in Afghanistan by 15 August and the remainder by 15 February 1989. They also required the governments of Afghanistan and Pakistan to refrain from using force and engaging in subversive activities across each other's frontiers. The Afghan armed opposition groups, the Mujahideen, however, were not a party to the accords and refused to be bound by them. Consequently, despite the phased withdrawal of Soviet troops, the conflict continued unabated with arms supplied to the Mujahideen by the USA and Pakistan, and

to the Afghan Government by the USSR. Between January and July over 100,000 Afghans were reported to have fled the fighting and entered Pakistan, although the government said almost 40,000 returned to Afghanistan between January and August under the official policy of national reconciliation. At the end of the year, over five million Afghans remained in exile, mostly in Pakistan and Iran. They constituted the largest refugee group in the world.

Information about human rights violations continued to be difficult to obtain and corroborate as a result of the war and social dislocation. However, Professor Felix Ermacora, the United Nations Special Rapporteur on human rights in Afghanistan, was allowed to visit a number of detention centres and prisons, including Pul-e-Charkhi Prison in Kabul, during his two visits to Afghanistan in January and September. The visits formed the basis of a report submitted to the UN Human Rights Commission in March and of an interim report to the UN General Assembly in October.

The Mujahideen reportedly carried out a number of attacks which resulted in civilian deaths. They were also alleged to have killed several prisoners. For example, three wounded Soviet soldiers, captured during an attack on a military convoy near the village of Dila in Kandahar province, were reported to have been summarily killed.

Among the political prisoners released by the government were 23 members of the Afghan Mellat, the Afghan Social Democratic Party, who had been held since 1983 and who may have been prisoners of conscience. Seven other members, however, were believed to be still held at the end of 1988 and reportedly included Abdullah Aziz and Ghulam Azam, both of whom have been held since 1983. A blind woman prisoner held since 1982, whose health had been of concern, was reported in August 1988 to have been released.

The situation of some prisoners, such as Dr Mohammad Younis Akbari, a nuclear physicist under sentence of death since 1984, remained unclear. The government did not respond to repeated requests by Amnesty International for information about the place and conditions of his detention. The government also failed to respond to requests for clarification of the

situation of two Afghans, Syed Abdul Samad and Mohammad Nazar, who were convicted in January of spying and counter-revolutionary activities after entering the country illegally with Alain Guillo, a French journalist. They were sentenced to 16 years' imprisonment. Alain Guillo, who had been sentenced to 10 years, was pardoned by President Najibullah and released in May in response to an appeal by President Mitterand of France.

New information came to light about Shams Rahman, a 15-year-old schoolboy who had "disappeared" some months after his arrest in Kabul in June 1979. In November the Minister of Public Health informed Amnesty International that he had been executed in 1979 by the government of President Hafizullah Amin. However, there was no new information about the fate of other people who had reportedly "disappeared" in detention, such as Ziaul-Haq, a young army lieutenant who "disappeared" in early 1983 after being arrested in September 1981.

Special Revolutionary Courts continued to impose sentences, including the death penalty, after summary trials conducted without defence counsel. Witnesses were rarely produced and the accused were allowed only 15 to 30 minutes to defend themselves.

There were reports of torture and ill-treatment of prisoners at security police interrogation centres, Sarandoi paramilitary police headquarters, prisons and Soviet military posts. In one case, a former government employee said that after his arrest in October, as a suspected Mujahideen supporter, he was kept in a cage for 20 days at the Sarandoi headquarters in the Shar-e-Nau locality of Kabul. During the first three days, he was punched, kicked in the stomach, beaten with sticks and rifle-butts and threatened with death by Sarandoi personnel. He was later released but at the end of the year he was still suffering from injuries inflicted during his detention. Another prisoner, a member of the Mujahideen who was captured in combat in May, was reportedly taken to Soviet military headquarters at Soor Khala in Parwan province. He was denied food for three days and then tortured repeatedly for three weeks. He was kicked, punched and beaten with sticks and rifle-butts during interrogation by Soviet military personnel.

He was still suffering from psychological and physical injuries in October when he was at last able to obtain medical treatment.

There were reports of extrajudicial executions by Afghan Government forces and Soviet troops. One incident occurred at Kolalgu village in Paktia province where, according to survivors and eye-witnesses, Soviet and Afghan troops extrajudicially executed nine captured Mujahideen on 16 January. They forced 12 of them into the village mosque, placed explosives inside, then detonated them by means of a cable. Nine of the 12 prisoners were killed. The explosion also caused the deaths of seven children when an adjacent house collapsed on them.

In May Amnesty International published a report, *Afghanistan: Unlawful Killings and Torture*. It described the Kolalgu incident and other extrajudicial executions of civilians in 1987, including some who were attempting to seek refuge abroad, reportedly committed by Afghan and Soviet forces. The report also detailed cases of alleged torture of prisoners by Afghan and Soviet personnel in 1987.

In April Amnesty International appealed to President Najibullah and to the Soviet authorities to ensure that allegations of torture and extrajudicial executions would be fully and impartially investigated and that those found responsible be brought to justice.

## AUSTRALIA



**At least 14 Aboriginals died in custody in 1988, continuing a pattern of such deaths which have led some deceased prisoners' families to suggest that some deaths might have been the result of ill-treatment. The high incidence of such deaths had led to the appointment of a Royal Commission of Inquiry in 1987.**

By November the Royal Commission of Inquiry into Aboriginal Deaths in Custody, which began its hearings in November 1987 with the intention of investigating 64 such deaths since January 1980, had been obliged to increase its caseload to over 100 as more cases came to its attention. The number of commission members was also increased from one to five. In December concern about the continuing deaths caused the commission, in its interim report, to issue a set of recommendations "to alleviate the toll of custodial deaths". The recommendations included procedures at police lock-ups, recruitment and training of police and prison officers and medical care. In Western Australia, the state with the highest incidence of deaths in custody, six of the 32 recommendations made in January by a local interim inquiry were adopted. In September 1987 federal and state ministers responsible for police, corrective services and Aboriginal affairs had adopted a draft code of practices and procedures for the protection of Aboriginals in custody, including measures to minimize the detention of Aboriginals who constitute a grossly disproportionate number of those taken into custody on minor criminal charges. The draft code was endorsed at a meeting of police ministers and is being implemented on "an interim basis".

On 8 July Edward Cameron, an Aboriginal, was found hanged by a single bootlace in a police cell in the small town of Geraldton, Western Australia. He had been arrested three and a half hours earlier, allegedly for breaking into a store. On 23 October Graham Walley, an Aboriginal serving 15 months for driving without a licence and for breaking and entering, was found hanged by his belt at Greenough Prison 20 minutes after an argument with prison warders. He was due for release on Parole in early November. Police and Prison officials claimed that Edward Cameron and Graham Walley had committed suicide. In both cases, it appeared that certain provisions of the draft code of practices and procedures relating to Aboriginals in custody, notably that belts and shoelaces should be removed, had not been implemented. A coroner's inquest into Edward Cameron's death began in October but its outcome had not been declared by the end of the year.

Amnesty International wrote to the federal government and to the state author-

ities in Western Australia following the deaths in custody of Edward Cameron and Graham Walley. It urged full and impartial investigations of the circumstances of their deaths and for all possible measures to be introduced, such as those already suggested by official inquiries, to prevent further Aboriginal custodial deaths. In response, the federal and state authorities informed Amnesty International that they were also concerned about such deaths and that a Royal Commission had therefore been appointed. They stated that both deaths, like others of Aboriginals in custody, would be the subject of coroners' inquests and would also be investigated by the Royal Commission.

Amnesty International replied in October in a letter to Prime Minister Bob Hawke, regretting that despite the adoption of the draft code for the protection of Aboriginals in custody and the guidelines issued in April by the Royal Commission, there had been further deaths. The organization urged the Australian Government to see that the draft code was finalized and fully put into practice, and that the state governments adopted and implemented the Royal Commission's guidelines without delay in order to reduce the likelihood of further deaths as soon as possible.

## BANGLADESH



Thousands of prisoners, including hundreds of prisoners of conscience, were released, but more than 100 people were arrested and detained without trial accused of anti-state activity. There were renewed allegations of torture of criminal suspects in custody and of extrajudicial executions of non-combatant villagers in

**162 the Chittagong Hill Tracts by government security forces. The death penalty was extended to cover trafficking in women and various drug offences. At least 46 people were sentenced to death.**

There was a high level of political violence during the run-up to local elections in February and elections to the National Assembly in March. A number of demonstrators were killed when security forces opened fire on a crowd of Awami League (AL) supporters and others in Chittagong in January. Following the Chittagong incident, President Hossain Mohammad Ershad appointed a judicial committee of inquiry but its findings had not been published by the end of the year. The authorities, who asserted that the security forces had opened fire in self defence, stated that eight people had been killed, but the Bangladesh Medical Association put the total at 17 and the opposition at not less than 22. Some reports alleged that one man died as a result of a beating inflicted by police officers and that some bodies were cremated before relatives could collect them, although these allegations were denied by the authorities. At least 150 people were reported to have been killed in fighting between rival political groups in the local election period.

The National Assembly elections were held while the country remained under a state of emergency imposed in November 1987. They were contested by the ruling Jatiya Party (JP) and 76 small opposition parties, who together formed the Combined Opposition Group. However, the elections were boycotted by the main opposition groups – the AL and the seven parties allied to it, and the six-party alliance led by the Bangladesh Nationalist Party (BNP), which jointly called a three-day strike to begin 24 hours before election day. The JP obtained 251 of the 300 seats amid widespread allegations of vote-rigging and intimidation.

Shortly after the elections the government released a number of people who had been detained without trial as prisoners of conscience for several months under the Special Powers Act (SPA) of 1974. They included Shamsul Huq Chowdhury, President of the Supreme Court Bar Association, who had been arrested in November 1987 and was released on 7 March. On 15 March AL General Secretary Begum Sajeda Chowdhury and AL leader Abdul Manan

were released, together with BNP leaders Oli Ahmed and Akbar Hossain. AL members of parliament Rashed Mosharraf and A.K.M. Feroze were also released. The high court ordered the release of Nirmal Sen and Mainuddin Khan, leaders of the five-party alliance, after petitions for habeas corpus were filed on their behalf. Retired Brigadier Hanan Shah of the BNP was also released after a court ruling on a habeas corpus petition. Two leaders of a faction of the *Jatiya Samajtantrik Dal* (JSD), National Socialist Party, were also released in March. Hundreds more political prisoners who had been similarly detained without trial were released over the next two months.

After the inauguration of parliament in April, the state of emergency was lifted. A constitutional amendment making Islam the state religion was passed in June. No changes to legal procedures had resulted from this amendment by the end of the year.

In December over 100 people in the Hindu majority area in the southwest of the country were arrested under the SPA accused of having links with a Hindu separatist organization based in India. Among those arrested were opposition leaders and journalists.

The SPA permits local authorities to detain without formal charge or trial for up to 30 days anyone alleged to have committed a "prejudicial act" likely or intended "to endanger public safety or the maintenance of public order". If approved by the Ministry of Home Affairs, detention orders under the SPA may be renewed indefinitely. The SPA does not distinguish between activities which "threaten the life of the nation" and those which do not, nor between violent and non-violent actions. The broad formulation of the SPA allows derogations by the government from the rights to freedom of expression and assembly in circumstances which differ from those envisaged by international legal standards.

There were renewed reports of torture of criminal suspects in police custody, several of whom were alleged to have died as a result. Abu Sayed Moksedul Huq Rintu, a student from Barisal, had died in November 1987, reportedly as a result of beatings in pre-trial detention in Barisal Jail. A post-mortem found that he had died of head injuries, noting evidence of blows

on his neck, head and back. Although the government said in September that this case was under investigation no findings had been made known by the end of the year. In September, following a private prosecution, police officers were convicted of the murder of Shafiqul Islam, a 17-year-old school student who had died in police custody in October 1986 after he had been held for three days in a Dhaka police station (see *Amnesty International Report 1987*). The police officers were sentenced to 10 years' imprisonment and a fine in the first case known to Amnesty International in which police have been prosecuted in connection with the death of a prisoner in custody. The case was under appeal at the end of the year. A case was also brought against a police officer from Babuganj district, who was sentenced to two years' imprisonment and a fine for torturing a woman in custody.

In July a bill introducing the death penalty for growing, selling or possessing more than 25 grams of narcotics was passed followed by an amendment to the Cruelty to Women Act which introduced the death penalty for trafficking in women.

At least 46 people were sentenced to death during the year, a considerable increase over the previous year. Of these, 41 – of whom three were tried in absentia – were sentenced for murder. The other five were sentenced to death for smuggling drugs after being convicted by a special tribunal on charges brought under the SPA. The number of executions was not known but following appeals for mercy made on behalf of Mohiuddin (see *Amnesty International Report 1986*) and of Altaf Hussain – both of whom were sentenced to death following trials by Special Martial Law Courts which failed to meet international standards – President Ershad commuted both sentences to life imprisonment.

In the Chittagong Hill Tracts there were further attacks on law enforcement personnel and others by the armed tribal opposition *Shanti Bahini* (Peace Forces) which resulted in a number of deaths and other casualties. In August the security forces and non-tribal settlers assisting them were alleged by the *Jana Samhati Samiti* (JSS), People's Solidarity Association, the political wing of the *Shanti Bahini*, to have killed over 300 people in Baghai Chari sub-district in retaliatory raids. They were also alleged to have raped several women

and girls and to have burnt the houses of suspected supporters of the *Shanti Bahini*. The government informed Amnesty International that an official inquiry into the incident had found that strife between tribal and non-tribal communities in the area had been exacerbated by "inept handling of the situation" by the local administration following an attack on the Security Forces by the *Shanti Bahini*. It said that some insurgents had been killed in an exchange with the security forces, that "a few tribals" were injured during the "civil commotion" which followed, and that one tribal person later died in hospital as the result of an injury. The government said that compensation would be paid to tribal people affected by the strife. No mention was made of anyone being held criminally responsible for the death. Amnesty International was not able to gather independent information on this incident.

Following negotiations between the government and some tribal leaders new arrangements for the district administration of the Chittagong Hill Tracts were announced in November and were due to be implemented in 1989. The JSS opposed the agreement and a tribal leader who had been involved in negotiations with the government was killed in December, allegedly by the *Shanti Bahini*.

At the end of the year tens of thousands of tribal refugees from the Chittagong Hill Tracts remained in India, and negotiations between the governments of India and Bangladesh on procedures for their repatriation continued without result. The Bangladesh press reported that small numbers of tribal villagers had returned voluntarily during the year.

In January an Amnesty International delegation visited Bangladesh and discussed human rights violations in the Chittagong Hill Tracts with President Ershad and other members of the government as well as with the authorities directly responsible for security in the Chittagong Hill Tracts. In particular, Amnesty International sought information about official investigations into past reports of human rights violations by the security forces, including arbitrary arrests of people suspected of political offences, torture and extrajudicial executions. The organization stressed the need for all such inquiries to be both impartial and independent. During the visit, the authorities undertook to pro-

vide Amnesty International with further information about six specific incidents which had been reported; subsequently the government informed Amnesty International that three of the six incidents had not occurred and that the others were a result of communal conflict, not security force action. However, no details of the investigations into these incidents were provided. Some information was provided about the investigation into the alleged killings in the Chittagong Hill Tracts in August but the detailed findings of this inquiry were not published.

Amnesty International continued to express concern about deaths in custody allegedly following torture and asked the government to hold impartial judicial inquiries into all such cases, to make the findings public and to prosecute anyone found to have been responsible.

Amnesty International also expressed concern at the extension of the death penalty to new offences.

The organization urged the release of all prisoners detained for the non-violent expression of their political beliefs and continued to express concern at the broad formulation and application of the SPA.

## BRUNEI DARUSSALAM



Two leading members of the Brunei National Democratic Party (BNDP) were arrested and detained without trial in January and were still held at the end of the year. Both were prisoners of conscience. Five other prisoners of conscience held on account of their alleged connection with a rebellion against the

Sultan of Brunei in 1962 also remained in prison – four of them had been detained without charge or trial for over 25 years, one for 13 years. One long-term prisoner of conscience was released in February and another died in custody in June; he had been held without charge or trial since 1975. Some 37 other political detainees who had been held in unacknowledged detention for up to 20 months were also released. Two people were sentenced to death but there were no executions.

Since Brunei Darussalam became independent in January 1984 at least 69 political prisoners have been released, including four prisoners of conscience detained without charge or trial for more than 20 years. In January, the government cancelled the registration of the BNDP, so withdrawing its legal status. The party had been formed in May 1985 as the country's then sole legal political organization.

The state of emergency imposed at the time of the 1962 rebellion led by the *Partai Rakyat Brunei* (PRB), Brunei People's Party, and since continuously in force, was believed to have been renewed for a further two years in September. An amendment to the Criminal Procedure Code which took effect in January required all offences carrying the death penalty to be tried by two High Court Judges; before January such cases had been tried by one judge sitting with assessors. The penal code was also amended, with effect from September, to make whipping the mandatory punishment for 42 offences ranging from rape to "mischief to an animal".

Abdul Latif Hamid and Abdul Latif Chuchu, respectively President and Secretary-General of the BNDP, were arrested in Bandar Seri Begawan, the capital, in January. They were detained under the Internal Security Enactment (ISE), which permits the Minister of Home Affairs to authorize indefinite detention without charge or trial of anyone "acting in a manner prejudicial to the security of the state". Both men had described the aim of the party as to "peacefully try to achieve a system of parliamentary democracy under a constitutional monarchy", and had made several public statements in 1986 and 1987 urging general elections and the lifting of emergency regulations.

At the end of the year it was believed they were still detained at Gadong Police Headquarters.

Five other prisoners of conscience were detained without trial throughout 1988. They included Sheikh Nikman bin Sheikh Mahmud, who has been held since 1975 on account of his alleged role in the 1962 rebellion, and four others who were in their 26th year in detention without trial. These four – Sarponin bin Sarpo, Suhaili bin Badas, Tinggal bin Muhammad and Baha bin Mohammed – were all arrested in 1963 on account of their links with the PRB, but at no time have they been charged or brought to trial. It appeared that the authorities might release them if they signed statements admitting their participation in the 1962 rebellion but they apparently continued to refuse to do so.

Two other prisoners detained without charge or trial since 1962 and 1975 respectively were still held at the beginning of 1988. Abdul Hamid bin Munap was released in February after he had undergone a 10-day "rehabilitation programme" and had pledged his loyalty to the Sultan. Sheikh Mohammad bin Sheikh Mahmud died from a heart ailment in June while still in detention.

In July Amnesty International learned of the release of 37 detainees who had been held unacknowledged for up to 20 months. No other information about their identity or the legal basis for their detention became available during the year.

Two men were sentenced to death in August after they were convicted by the High Court of murder and robbery. This was believed to be only the second time the death sentence had been imposed in the past 20 years. No executions are known to have taken place since 1957.

Amnesty International adopted the cases of the BNDP leaders detained in January and continued to press for the release of the other prisoners of conscience. In November Amnesty International wrote to the government to express concern about the amendment to the penal code which introduced whipping as a mandatory punishment for certain offences.

In June Amnesty International submitted information about imprisonment and detention without trial of prisoners of conscience in Brunei Darussalam to the

United Nations procedure (under Economic and Social Council Resolutions 728F/1503) for confidentially reviewing communications about human rights violations. It also wrote to the government requesting its comments on the submission. No response to this or any other communications sent to the government was received during 1988.

## BURMA (MYANMA)



Thousands of people were killed and thousands more arrested during widespread protests against military rule. Many detainees were freed but several hundred, including possible prisoners of conscience, were still held at the end of the year. Some detainees were reportedly tortured or ill-treated. More than 50 prisoners were killed when security personnel opened fire on rioting inmates at Insein Prison. Five executions were reported and at least 62 prisoners remained under sentence of death. There were reports of torture and extrajudicial killing of civilians belonging to Burma's ethnic minorities during army counter-insurgency operations.

In March security forces violently broke up student demonstrations in Rangoon, and the rest of the year was marked by widespread civil unrest, violent clashes between security forces and demonstrators, and frequent changes of heads of government. General Ne Win, the long-standing chairman of the Burmese Socialist Programme Party (BSPP), resigned his post in July as the head of what was then the country's only legal political party. He

was replaced by Brigadier General Sein Lwin. However, he too resigned following renewed unrest and the imposition in August of a state of emergency and martial law – measures which permitted the authorities to “order the limitation as necessary of basic rights”. He was replaced as head of government by a civilian, Dr Maung Maung, who lifted the state of emergency and martial law but was himself deposed in September by the armed forces Chief-of-Staff, General Saw Maung. The new head of government banned all gatherings of more than four people, imposed a dusk-to-dawn curfew and abolished existing government and official bodies. He also introduced legislation to reform the courts and suspended some judicial functions until March 1989. The new government declared that it would “restore law, order, peace and tranquility” and began to establish multi-party democracy. Registration of political parties were permitted and the former single ruling party was dissolved.

There were thousands of arrests and deaths during demonstrations, allegedly a result of the actions of riot police and army personnel. In June protests in Rangoon resulted in a dusk-to-dawn curfew and an announcement by the government that anyone “gathering, making speeches, marching, instigating, encouraging, protesting, rioting and breaking the curfew” would face “serious action”. The unrest spread to other cities, including Mandalay, Taunggyi and Pegu. By August it had become nationwide, with protesters demanding an end to military rule and the establishment of parliamentary democracy.

In early August, after the authorities had responded to small street demonstrations by imposing a state of emergency and martial law, hundreds of thousands of people demonstrated repeatedly and peacefully in Rangoon and other cities. Some 8,000 troops were dispatched to suppress the demonstrations; they included soldiers normally assigned to counter-insurgency operations and from units responsible for unlawful killings and torture of members of ethnic minorities.

The security forces repeatedly intervened in demonstrations which were overwhelmingly peaceful. During the March demonstration in Rangoon, many people were reportedly beaten unconscious by

riot police and some of them allegedly drowned in Inya Lake. A further 41 died from suffocation in a police van – a fact acknowledged in June in a report by a government commission of inquiry into the events. After General Saw Maung seized power in September there was a new wave of demonstrations in protest against the reassertion of military control. Although leading opponents of the government had urged that the demonstrations be conducted peacefully, security forces again intervened violently.

Between March and July an estimated 200 protesters and prisoners were killed but the death toll increased dramatically following the demonstrations in August. Official reports stated that 12 people were killed and hundreds were wounded, but unofficial sources put the number of dead at up to 1,000. These sources alleged that most demonstrators were unarmed and had conducted themselves peacefully but that troops appeared to be under orders to shoot protesters. There were similar allegations after demonstrations in September when hundreds of peaceful protesters, including children, were reportedly shot. In Sagaing eye-witnesses said that troops had killed several dozen demonstrators. The authorities stated that 450 people had been killed between 18 September and mid-October, and the official radio station continued to report sporadic killings of “looters”, “undisciplined elements” and “people bent on violence”. Unofficial sources estimated that 1,000 people had been killed in the month after the coup and that the majority of victims had again been non-violent demonstrators.

In late September the government announced that it had suppressed “strike centres” in over 100 townships. In the process, it said, 180 demonstrators had been killed. The centres, which had been established throughout the country, had organized demonstrations and in some cases had functioned as a local administration.

The repeated waves of unrest resulted in thousands of arrests. In May, following the government-appointed commission of inquiry into the March protests, the authorities acknowledged the arrest of 625 Rangoon University students and announced that 484 of them had been released. In June a further 387 releases

were announced. On 29 July retired Brigadier General Aung Gyi and nine of his associates were arrested in Rangoon, apparently in connection with several open letters he had written during the preceding months to former BSPP Chairman, General Ne Win. The letters had severely criticized the government's economic and human rights records. In August, during the period of Dr Maung Maung's government, Amnesty International was informed of the release of these 10 prisoners. This was the first occasion on which the organization had received a response from the Burmese Government. The government also informed Amnesty International of the release of 2,750 prisoners arrested in connection with the August demonstrations.

At the end of September the government announced that 1,376 people had been arrested since the military resumed power earlier that month. Although it said that none of them were political prisoners, other sources claimed that the majority had been detained for their participation in the protest demonstrations. By December most detainees had been released after initial investigations had been conducted but a few remained in custody, including possible prisoners of conscience.

Between October and December the official radio station reported the arrest of at least 70 political activists, some of whom may have been prisoners of conscience. They included Za Gana, a dentistry student and humorist, who was arrested in October, apparently in connection with satirical performances given at mass rallies organized in August and September in favour of multi-party democracy. Like Za Gana, Nay Min — a lawyer accused of sending false information to the British Broadcasting Corporation (BBC) — was still in detention at the end of the year. Official reports also suggested that Aung Thet, Maung Maung Nyunt, Saw Phet Nyi and Ne Win were arrested while participating in a peaceful demonstration at Shwedagon Pagoda in Rangoon. They were also still in detention at the end of the year.

Ill-treatment in prisons and detention centres was said to be widespread. Some of those held after the March protests were allegedly beaten by prison staff. Victims included several dozen factory workers of Indian descent held in Tharawaddy.

Several female students confirmed after their release that they had been raped and at least four detainees reportedly died from suffocation after several dozen of them were crammed into a small cell at Insein Prison.

Human rights violations were also committed by counter-insurgency troops deployed in remote and mountainous areas where armed opposition groups were active. Army units executed and tortured civilians suspected of supporting the opposition. Most of the victims were members of Burma's ethnic minorities. In April some 60 soldiers from the 77th Light Infantry Division allegedly surrounded and opened fire on villagers attending an ordination ceremony in Shan State, killing eight of them. The soldiers apparently suspected the Shan villagers of supporting insurgents. Soldiers also seized villagers to work as porters or guides and sometimes executed or tortured those whose work they considered unacceptable. In March members of the 49th Regiment beat to death three Shan porters they had seized who had collapsed while carrying heavy loads.

Riots at Insein Prison resulted in the alleged deaths of at least 73 inmates in two incidents. In April, 16 detainees were allegedly killed by security forces during disturbances. In August, when the prison may have held as many as 10,000 inmates, several hundred were reportedly killed when prison staff and army personnel opened fire on them. Sources said that during the incident some victims were shot in custody and others were prevented from leaving burning prison buildings. A few days later the government said that 57 prisoners had been killed, 106 had been wounded and 513 had escaped. According to foreign news reports, official sources privately admitted that the government had grossly under-estimated the number of deaths resulting from gunshots and from fire that engulfed the prison during the riot. Shortly afterwards the government announced the release of 4,806 prisoners, most of them criminal offenders, from the prison. Other prison disturbances in the towns of Sittwe and Bassein reported in the official press resulted in the deaths of seven inmates and the release or escape of 1,700 others.

In September military operations and house-to-house searches for political

activists were followed by the flight of up to 7,000 dissidents who said they feared arrest and ill-treatment. The majority were students who fled to border areas controlled by opposition insurgents; some joined armed resistance groups. Government officials estimated that by late December 2,000 students had returned to their homes.

In February, in a letter addressed to the United Nations Special Rapporteur on summary or arbitrary executions, the government categorically rejected allegations of unlawful killings in frontier areas. It asserted that, "It is entirely inconceivable that summary or arbitrary executions have taken place in Burma." In May and August Amnesty International published two reports - *Burma: Extrajudicial execution and torture of members of ethnic minorities* and *Burma: Extrajudicial execution, torture and political imprisonment of members of the Shan and other ethnic minorities*. The reports described the long-term pattern of gross human rights violations against civilian members of ethnic minorities in Kachin, Karen, Kayah, Mon and Shan States. Based on over 150 interviews with victims of human rights violations and witnesses to abuses, the reports documented 106 cases of unlawful killings and 180 cases of torture or ill-treatment since 1984. In April Amnesty International submitted information about its concerns in Burma to the United Nations procedure (under Economic and Social Council Resolutions 728F/1503) for confidentially reviewing communications about human rights violations. In August the organization also raised its concerns in a statement delivered to the UN Working Group on Indigenous Populations.

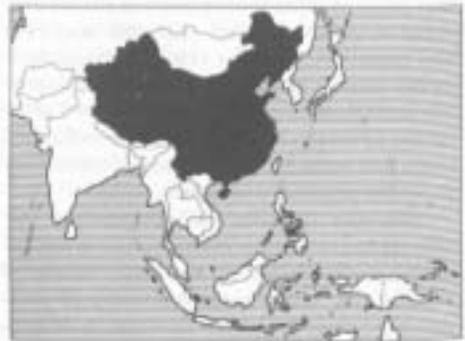
Between August and December Amnesty International sent a series of urgent appeals to the Burmese authorities. The organization expressed concern that security forces assigned to quell protests appeared to have instructions allowing use of lethal force even when such force was not permitted under international law. Amnesty International urged the government to implement substantive safeguards to protect detainees from execution by security forces and to prevent security forces deliberately shooting unarmed and peaceful demonstrators. It also urged the government to investigate all alleged killings of demonstrators by the security

forces and sought assurances that all detainees arrested on political grounds would be either promptly charged with recognizable offences and fairly tried, or released. The organization sent several appeals to the government on behalf of Za Gana and Nay Min.

In August Amnesty International raised its concern about the killing of demonstrators with the UN Human Rights Sub-Commission.

In November Health Minister Pe Thein responded to an appeal by Amnesty International on behalf of nine detained doctors, saying that they had all been released after initial questioning. He denied allegations that they had been arrested for providing medical care to people shot by troops.

## CHINA



Several hundred people, including prisoners of conscience, were detained after street protests in the Tibet Autonomous Region. Arrests of demonstrators or people involved in religious activities which had not been approved by the authorities were also reported in other areas. Some were released after being held without charge or trial for up to several months; others were charged and remained in custody. New information emerged about prisoners of conscience arrested in previous years. There were persistent reports of torture of detainees in Tibet. Official sources denied these but acknowledged the occurrence of torture in other areas. The death penalty continued to be used extensively and the authorities called for a "crackdown" on crime after recording an increase in major crimes.

On 4 October China ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it had signed in December 1986. A member of the Chinese delegation at the United Nations General Assembly stated in November that "China will implement in good faith its obligations undertaken in the Convention." She acknowledged that "As a vast country with a large population, China still has much to do with regard to the Prohibition of torture and other inhuman treatment or punishment."

There were renewed disturbances in Tibet which resulted in hundreds of arrests. On 5 March, at the end of a major religious festival, there were violent clashes between police and demonstrators calling for the release of a Tibetan lama and shouting slogans for Tibet's independence. One police officer and a large number of demonstrators were killed during the clashes. These included at least 11 Tibetan monks and a 13-year-old novice who were reportedly beaten to death by police inside Jokhang Temple in Lhasa, when police attacked with clubs anyone in the temple they thought was Tibetan. The bodies of the dead were later taken away in trucks by the police.

Many people were arrested in Lhasa during and after the 5 March demonstration, including Tibetan monks. In April official sources reported that about 200 people, including 60 monks, were currently detained. Other sources, however, suggested a figure of between 700 and 1,200, including over 100 monks. There were further demonstrations in the following months by small groups of nuns and monks. Although most were peaceful and involved shouting slogans calling for Tibet's independence, they almost always resulted in the participants' arrest.

In July the government announced the release of 52 Tibetans who had been detained without charge since 5 March; other releases followed. However, arrests of demonstrators or people suspected of involvement in pro-independence activities continued throughout the second half of 1988. At the end of the year over 100 people were believed to remain in detention, most of them without charge or access to relatives or lawyers.

Yulo Dawa Tsering, a lama arrested in December 1987, was among those who

remained in prison at the end of 1988. In early March he was charged with "spreading counter-revolutionary propaganda and agitation", for making "reactionary statements in favour of Tibet's independence" and having contact with foreigners. The news of his indictment was believed to have sparked off the 5 March demonstration. He had not been tried by the end of 1988.

On 10 December arrests in Lhasa followed a demonstration held there on the occasion of Human Rights Day. Police reportedly shot peaceful demonstrators without warning, killing at least two Tibetan monks. According to some sources, as many as 18 demonstrators and bystanders were killed. Nineteen demonstrators were reportedly arrested.

Unrest among Muslims was reported from the Xinjiang Autonomous Region in northwest China, where in June students demonstrated against ethnic discrimination and "big Han Chinese nationalism". There was also discontent at government plans to introduce new birth control policies. In August police reportedly arrested large numbers of Muslims of the Kazakh ethnic group in Yili, an area in northern Xinjiang along the Soviet border, apparently after discovering one or more clandestine organizations seeking independence for Xinjiang. Local Communist Party leaders subsequently named seven "foreign organizations" accused of instigating protests and of encouraging "splitist activities" in Xinjiang. There was no further information about the number arrested or what had become of them.

Public protests by groups of peasants, university students and workers were also reported in various areas. Arrests were carried out during such protests, usually after violent clashes with police, but little was known about the exact circumstances or number of these arrests.

Various church groups continued to be harassed and some of their members were arrested for carrying out religious activities without official approval.

In several provinces the local authorities were reported to have issued regulations restricting religious activities. Such regulations were published in May by the provincial government of Guangdong in southern China. They made clear that all religious activities should be carried out only under the control of the local govern-

ment. They also stated that anyone contravening the regulations could face arrest on criminal charges.

Reports of Christians arrested in northern and central China in late 1987 were received in early 1988. Some were said to have been in detention for several months. In April Xu Yongze, a Protestant evangelist from Henan province in central China, was arrested in Beijing where he had gone to try to meet the US evangelist, Billy Graham. A number of Xu Yongze's co-workers in Henan province were also reportedly detained around the same time. The charges against Xu Yongze were not made public, but he was believed to have been arrested for establishing numerous independent "house churches" (private homes used for religious gatherings) in opposition to official religious policies. After his arrest Xu Yongze was transferred to a prison in Zhenping, in southern Henan province. He was later reported to be suffering from tuberculosis and gastric trouble. No further news of him or his whereabouts was available at the end of the year.

New information came to light about prisoners of conscience arrested in previous years. Wang Milu, a Roman Catholic bishop from Gansu province in northern China, was reported to have been sentenced to 10 years' imprisonment in 1985 on "counter-revolutionary" charges. He was accused of secretly ordaining priests and criticizing the government's interference in religious affairs. Huang Xiang, a poet from Guizhou in southern China, who was in Beijing at the time of the student demonstrations there in late 1986, was reported to have been sentenced to three years' imprisonment. Although apparently charged with "disturbing public order", he was not known to have participated in any violent demonstrations.

Xu Wenli, a member of the democracy movement who has been serving a 15-year prison sentence since 1981 in Beijing Prison No. 1, was reported to have been confined for three years in a cell measuring five square metres, with a ceiling too low to allow him to stand up straight. He was said to be under constant surveillance by closed-circuit television and to have been denied visits from his wife and daughter since October 1985 when a testimony he had written in prison was published outside China (see *Amnesty International Report 1986*). He was apparently in poor

health and had lost his teeth. During interviews with foreign journalists in November, the prison governor confirmed that Xu Wenli had been kept in solitary confinement for several years and was not allowed to work with other prisoners. He said that Xu Wenli had "not confessed well".

Wei Jingsheng, another leading activist of the democracy movement serving a 15-year prison sentence (see *Amnesty International Report 1988*), was reported to have been moved from a remote labour camp in western China to Beijing Prison No. 1, although in November the prison governor denied that Wei Jingsheng was there. According to a press report, Wei Jingsheng was in solitary confinement and was allowed out of his cell only briefly twice a day. He remained in bad health.

There were persistent reports of torture and abuse of detainees by police in Tibet. Tenzin Sherab, a young truck driver from Lhasa, was believed to have been tortured to death in detention. Arrested after the 5 March demonstration, he was reportedly taken to one of the prisons in the vicinity of Lhasa. On 23 March his relatives were asked to come to one of the municipal morgues to collect his body. His face was said to have been badly battered, with one eye hanging out of its socket. A person who later assisted with the funeral found that most of his bones had been broken.

Tibetan detainees released during the second half of 1988 reported that the beating of prisoners after arrest had been routine. They said that detainees were usually beaten during interrogation, when put under pressure to make confessional statements or to denounce people alleged to have taken part in pro-independence demonstrations or activities. They also reported that assault with electric batons, normally used by police in crowd control, was a common method of abuse. Some ex-prisoners said that electric batons had been pushed into their mouths, causing severe swelling of the tongue, others that the batons had been pressed against their chests or the soles of their feet.

Other methods of torture and ill-treatment reportedly used on Tibetan detainees included being stripped naked during interrogation; being forced to stand on tiptoe for prolonged periods, or to lie down "in a gutter" while being stamped on and beaten; beatings with wooden truncheons or iron bars; assault by guards

wielding chairs or other objects; burning with cigarettes; assault by guard dogs; threats of death with pistols pointed at the head; and being suspended by the arms from the ceiling, including the "hanging aeroplane", which causes intense pain and can result in dislocation of the shoulders.

In August Mao Rubai, Vice-Chairman of the Tibet Autonomous Regional Government, was reported to have "denied allegations that prisoners had been tortured with electric cattle prods or by being suspended by ropes from the ceiling" (*Washington Post*, 26 August 1988). However, torture in other parts of the country was acknowledged by Chinese official sources and the sentencing of several police officers for acts of torture was reported in the official media. In July, for example, six police officers were brought to trial in Henan province and convicted of torturing a suspect to death with electric batons, shovel handles and metal bars. One received a life prison sentence and the others received terms of up to 15 years.

The death penalty continued to be used extensively. During 1988 Amnesty International recorded 177 death sentences and 126 executions. However, it believed the true totals to be much higher.

In February 20 people were executed in Beijing, Shanghai and Canton in the two weeks preceding Chinese New Year. The executions, which received wide media coverage in China, followed a call by the Supreme People's Court for a crackdown on crime in preparation for the New Year festival. In early February the Supreme Court had issued an "emergency circular" to the country's courts, asking them to punish "severely" serious criminal activities. The circular said that "typical cases" should be widely publicized so as "to warn criminals and educate the people".

Large public rallies were held to parade condemned prisoners before their execution. In February six people were executed after being paraded at a public rally in Guangzhou. In May a "public meeting" was held in Guiyang, in southern China, to announce the judgment on 33 prisoners, 12 of whom were sentenced to death.

The authorities called for a new crackdown on serious crimes after announcing in July that they had increased substantially since 1985. This was despite extensive use of the death penalty to punish such crimes.

In January Amnesty International sent a memorandum to the government expressing concern at the detention without charge of large numbers of people in Tibet following pro-independence demonstrations in Lhasa in September and October 1987 (see *Amnesty International Report 1988*). The memorandum called on the government to make public its information about all those detained in connection with the Lhasa protests. It also urged the government to set up a public inquiry into allegations of torture of detainees and police shooting of civilians during a riot on 1 October. Amnesty International made similar requests in communications to the government in May and December after further demonstrations and arrests in Lhasa, but received no reply.

Amnesty International also inquired about people arrested for political reasons in other areas of China and urged the release of all prisoners of conscience. It sought the commutation of all death sentences reported.

Amnesty International included China in several statements it made at the United Nations Commission on Human Rights (UNCHR) and the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities. In a statement to the UNCHR in February, Amnesty International cited information contradicting the government's denial that police had opened fire on demonstrators in Lhasa during a riot on 1 October 1987. The government later admitted that police had opened fire but denied they had deliberately aimed at demonstrators. In August Amnesty International drew to the Sub-Commission's attention the practice of administrative detention in China.

## FIJI

**Dozens of people, including some prisoners of conscience, were detained for short periods under the Internal Security Decree (ISD), which was in force between June and November. Many alleged that they were severely beaten and otherwise ill-treated while in military or police custody.**

In December 1987 Lieutenant Colonel Sitiveni Rabuka, who had taken power as a result of military coups in May and

September 1987, stepped down, allowing a return to civilian rule. The former Governor General, Ratu Sir Penaia Ganilau, became Fiji's first President. Ratu Sir Kamisese Mara, leader of the Alliance Party which had ruled Fiji since independence until its replacement in April 1987 by a multiracial coalition led by Dr Timoci Bavadra, accepted the post of Prime Minister. Lieutenant Colonel Rabuka, having assumed the rank of general and the position of Commander of the Armed Forces, became Minister of Home Affairs.



In September the government issued a draft constitution which it said was intended to pave the way for a return to parliamentary government and would give a dominant role to indigenous Fijians, although they are slightly outnumbered by ethnic Indians. The draft constitution was criticized by opposition politicians including Dr Bavadra, who said that it contained articles which were discriminatory with regard to race, place of origin, political opinion and religion.

The ISD was introduced on 16 June after Australian customs officials intercepted an arms shipment bound for Fiji which was apparently intended for opponents of the government. On the grounds that other arms shipments were believed to have arrived earlier in Lautoka, in northwest Fiji, the ISD was made retroactive to 1 March and remained in force until 17 November. Based on similar legislation in Malaysia and Singapore, it empowered the Minister of Home Affairs to order the detention without trial of anyone suspected of "acting in any manner prejudicial to the security of Fiji". Detention orders could be imposed for renewable periods of up to two years but were subject to review by an Advisory Board at six-monthly intervals, commencing three months after arrest. The government was not bound by the board's recommendations.

Dozens of people suspected of involvement in arms-smuggling were detained under the ISD in June and July in the capital, Suva, in Lautoka and elsewhere. Some were held briefly but others were detained for several weeks. Many of those held in the Lautoka Military and Police Compound were reportedly beaten although the government denied reports of ill-treatment.

Those arrested included several people who appeared to be prisoners of conscience. Som Prakash, a university lecturer, was detained for two weeks following his arrest in June, during which time he was reportedly beaten and denied access to his family and to a lawyer. The authorities said that he was held in connection with the arms shipment but other sources claimed that he was detained because he had written a critical review of an official 1987 biography of General Rabuka.

Two lawyers were arrested on the same day in June, apparently because they represented people accused of arms offences; they were released after several hours of interrogation. Together with 20 other people, one of the lawyers still faced charges of unlawful possession of arms and ammunition at the end of the year. All 21 were released on bail but faced a maximum sentence of seven years' imprisonment if convicted. Defence counsel planned to challenge the admissibility of defendants' confession statements as evidence, on the grounds that they had been extracted under duress.

The trial of a group of 19 anti-coup protesters charged with holding an illegal meeting on 14 May had not concluded by the end of the year. Several members of the group were reportedly harassed and prevented from leaving the country although their lawyer claimed that there was no legal jurisdiction preventing their free movement. The trial of eight traditional chiefs from the island of Rotuma, charged with plotting a breakaway from the Republic of Fiji, began in December.

Amnesty International wrote to the government in January to propose that representatives of the organization visit the country to discuss measures for the protection of human rights. The government responded in April accepting this proposal. However, before arrangements for the visit had been completed the government said it should be postponed until

early 1989 "due to the internal security situation". Amnesty International subsequently wrote to Prime Minister Mara to express regret at the postponement, particularly in view of its concern that some of those arrested following the discovery of the arms shipment had been detained for the non-violent expression of their beliefs. The organization called for allegations of ill-treatment of detainees to be investigated and criticized the lack of legal safeguards available to detainees held under the ISD. Amnesty International subsequently welcomed the lifting of the ISD in November.

## HONG KONG



**There were reports of the ill-treatment of detained Vietnamese asylum-seekers. Two Hong Kong children convicted on criminal charges were caned – a punishment which Amnesty International considers cruel, inhuman and degrading. Twenty-nine prisoners were reported to be under sentence of death, most of them believed to have been convicted of murder. There were no executions.**

The Draft Basic Law of the Hong Kong Special Administrative Region (HKSAR) was published in April as a basis for consultation with the people of Hong Kong. A second draft was scheduled for publication in 1989. The Basic Law will serve as a "mini-constitution" for Hong Kong when the People's Republic of China assumes sovereignty over the territory in July 1997. The draft was issued by a committee composed largely of representatives of the People's Republic of China, with a smaller number of Hong Kong representatives. The document covered aspects of the future political, social and economic

structure in Hong Kong, and included a chapter on the fundamental rights and duties of residents.

In March two boys aged 14 and 15 each received four strokes of the cane after they were convicted of robbery and assault. They were the first canings for such offences reported since 1985. Under Hong Kong law, caning may be inflicted for various offences. The punishment has most often been imposed on people convicted under Section 33 of the Public Order Ordinance for carrying an offensive weapon in a public place, though the use of corporal punishment under this provision was apparently under review at the end of 1988. However there were no reports of official moves to abolish it in other areas of the law.

In July about 100 Vietnamese asylum-seekers were punched, kicked and struck with truncheons by Correctional Services Department (CSD) personnel after a disturbance at the Hei Ling Chau detention centre. The asylum-seekers were later moved to another detention centre in which they were again reportedly ill-treated. In late August the Governor of Hong Kong appointed two justices of the peace to investigate the allegations of ill-treatment; their report concluded that "unnecessary force" had been used by CSD personnel, whom they did not identify. The Governor subsequently appointed civil servants to decide what disciplinary action should be taken against the CSD staff involved and ordered a review of CSD procedures.

The assaults followed changes in the government's policy towards Vietnamese refugees. In June a procedure was introduced to screen all newly arrived Vietnamese and allow only those classified by the authorities as "genuine refugees" to remain in Hong Kong. Amnesty International requested information about the screening procedure in a letter sent to the Hong Kong Governor in July. The organization asked for assurances that asylum-seekers would be given proper legal representation and the opportunity to appeal for review of decisions to deny asylum. In addition, Amnesty International requested assurance that the decision-making authorities would take into account the risk of human rights violations which those returning to Viet Nam might face. In September an agreement was

reached between the government and the Office of the United Nations High Commissioner for Refugees (UNHCR), under which the UNHCR would be allowed to monitor the screening process. By the end of the year no Vietnamese had been repatriated to Viet Nam.

According to press reports in July, 29 prisoners were under sentence of death in Stanley Prison. All had been convicted of murder, which carries a mandatory death sentence. However, no executions have been carried out since November 1966, following abolition of the death penalty the previous year in the United Kingdom and the Governor has commuted over 200 death sentences. Amnesty International learned of six death sentences passed for murder in 1988 and of three death sentences commuted to life imprisonment.

In July Amnesty International published a memorandum reviewing the Draft Basic Law of the HKSAR. The organization expressed concern that the draft law offered insufficient protection against torture and arbitrary arrest and did not adequately guarantee the right to life and other fundamental rights, including freedom of expression, freedom of association and religious freedom. Amnesty International also expressed concern that although the Governments of the United Kingdom and China had given assurances that after 1997 Hong Kong citizens would continue to be protected by the International Covenants on Human Rights neither government had spelled out how this should be done. These treaties now apply to Hong Kong because the United Kingdom has ratified them, but by the end of the year China had not done so.

Two Amnesty International delegates visited Hong Kong in July to discuss the organization's concerns with members of the Basic Law Drafting Committee and representatives of professional and community groups.

Amnesty International later requested meetings with representatives of China on the Drafting Committee but had received no reply by the end of the year.

## INDIA



**Several thousand critics and opponents of the government, including many prisoners of conscience, were held without charge or trial in preventive detention or under laws directed against "terrorist" activity. There were widespread reports of torture and allegations that some prisoners had died in custody as a result of torture. Dozens of people were sentenced to death and at least four executions were carried out, in one case despite widespread doubts about the guilt of the convicted man. There were reports of extrajudicial killings by police, especially in areas where opposition groups resorted to violent action.**

Political violence increased in Punjab which, since May 1987, has been under direct rule from the capital, New Delhi, the period of direct rule having been extended under the specially enacted 59th Amendment to the Constitution. More than 2,000 people were reportedly killed in 1988 by armed Sikh groups active in Punjab and neighbouring Haryana, among them leading politicians, officials and unarmed Hindu and Sikh civilians. Political violence decreased, however, in West Bengal, after the Gorkha National Liberation Front (GNLF) reached an accord in August which provided for a largely autonomous Darjeeling Gorkha Hill Council.

There was continued violent opposition in other areas, notably in Andhra Pradesh where several dozen people were reportedly killed by Naxalites – Maoist revolutionary groups – and in Bihar, Jammu and Kashmir.

In March Parliament passed the 59th Amendment to the Constitution: it provided for a state of emergency to be proclaimed in Punjab on the broadly defined

grounds of "internal disturbance" if "the integrity of India" was threatened. Under the amendment the right to life, as guaranteed in the Constitution, could be suspended and security forces empowered to shoot people at will. No emergency had been proclaimed by the end of the year and existing special laws continued to be used to detain political opponents.

Despite assurances in August by Home Minister Buta Singh to the Lok Sabha (lower house of Parliament) that the government would use the National Security Act (NSA) in Punjab "as sparingly as possible" and would ensure there would be no "political victimization", its provisions continued to be widely used to detain political opponents, journalists and trade unionists. In Punjab, the NSA permitted up to two years' detention without charge or trial and in the rest of India up to one year. Detention orders were reviewed by an Advisory Board whose decisions were binding on the detaining authority – such reviews starting after six months in the case of Punjab and after three months in the rest of India.

Those detained in Punjab under the NSA for "activities prejudicial to the security of the country", included several hundred supporters of the Unified Akali Dal (UAD), who were arrested in May after they had protested peacefully against the army entering the Golden Temple in Amritsar to dislodge armed Sikhs. Most were released within a few months but several Sikh leaders were still in detention at the end of the year. Kuldip Singh Arora, the Amritsar correspondent of the *United News of India* press agency, was detained in April accused of meeting Sikh militants inside the Golden Temple. He was released uncharged in June but other journalists were subsequently detained under the NSA, including Mohinder Singh of the daily *Akali Patrika*, who was arrested in July and remained in detention at the end of the year.

In November the Director-General of Police in Punjab said that 3,082 "suspected terrorists" had been arrested in the state during 1988. Of this total 2,257 were still being held without trial on 24 October, he said, and only one had been tried and convicted. In March and September the authorities released without explanation 40 and 138 respectively of the 365 Sikh detainees who had been held without

trial for over four years on charges of "waging war". The others remained in Jodhpur Jail, Rajasthan, and by the end of 1988 had still not been brought to trial. Many were believed to be prisoners of conscience arrested in June 1984 when security forces stormed the Golden Temple, although they had taken no part in the actions of armed Sikh militants who had earlier retreated to the Temple.

The NSA was also used in areas such as the state of Tripura where six leaders of the Left Front opposition party were detained for two weeks in October.

The Terrorist and Disruptive Activities (Prevention) Act (TADA), which permits up to a year's detention without charge on broadly defined grounds, was also widely used in different states to detain political activists. Under the Act it is extremely difficult to obtain bail: the detainee must satisfy a magistrate that he or she is innocent. The TADA also provides for trials *in camera*. Contrary to the Indian Evidence Act, in which statements to the police are excluded, apparently on grounds of unreliability, the TADA permits statements made to senior police officers to be used in evidence. Appeals can only be made within 30 days of the date of judgment, and only to the Supreme Court – a course of action few detainees can afford.

Those detained under the TADA included people involved in civil liberties work and other peaceful activities. In May two leading members of the All Naga Students Union were detained in Manipur state while trying to ensure that cases of alleged torture and extrajudicial killings of villagers by soldiers of the Assam Rifles in July and August 1987 (see *Amnesty International Report 1988*) were thoroughly investigated. In neighbouring Assam, many members of the All Bodo Students Union, which was campaigning for a separate tribal homeland through what it claimed were non-violent methods, were also detained without trial. A number were still in prison at the end of the year. There were also detentions in Gujarat, where the TADA had previously been widely used to detain non-violent activists, including trade union members. In February Chief Minister Amarsinh Chaudhury stated that 1,382 people who had been arrested under the act in earlier years had been released, some on court orders and others because the government

had dropped charges against them. Those detained in 1988 included members of the state's Muslim minority who were arrested 10 days before local by-elections on charges of involvement in communal riots which had taken place a year earlier. In Jammu and Kashmir the Public Safety Act and the Terrorist and Disruptive Activities (Prevention) Act were used to detain opponents of the state government. In March the Jammu and Kashmir High Court ordered the release of 35 members of the Muslim United Front, declaring their detention illegal.

Those arrested under the TADA often complained that they were refused access to lawyers for several days after arrest and that, despite a legal requirement that those arrested be brought before a magistrate within 24 hours of arrest, police refused to do so until several days or weeks had passed. Professor Jagmohan Singh, a lecturer in economics at Jai Hind College, Bombay, who said he was arrested on 12 October, was denied access to a lawyer for five days and only brought before a magistrate on 1 November. Like many others held without access to their families or to a lawyer, Professor Jagmohan Singh claims that he was ill-treated during the initial interrogation period in order to extract a "confession".

There were widespread reports of torture, despite Prime Minister Rajiv Gandhi's statement in a British Broadcasting Corporation interview in January that "we don't torture anybody". In a few cases the courts granted compensation to torture victims. Frequent allegations of torture were received from areas of armed conflict such as Punjab, parts of Andhra Pradesh and northeastern India, and from rural areas in which members of tribal communities and the scheduled castes appeared particularly prone to police brutality and torture, including rape. In May the Supreme Court ordered an investigation into the case of Balkar Singh, a Sikh. He was detained in November 1987 by Central Reserve Police Force (CRPF) personnel, who held him in unacknowledged detention at Mal Mandi CRPF headquarters in Amritsar for five days. They then brought him before a magistrate and claimed he had been arrested the previous day. Balkar Singh says he was stripped, hung from his wrists which were tied behind his back, then hung upside down

and given electric shocks. A Canadian doctor who visited him in jail but was not allowed to examine him stated that he appeared to "have been seriously physically mistreated". In October, before the Supreme Court could announce its findings on the torture allegations, Balkar Singh was released uncharged and without explanation.

Allegations that the police had beaten and raped villagers, particularly members of the scheduled castes and tribes in Bihar, Maharashtra, Madhya Pradesh, Haryana, Tamil Nadu, Orissa and Assam were common. Often police refused to register complaints and, in the case of rape, to allow medical examination of the victims. For example, six tribal women of Ghatiyari village, Bihar, reported that police refused to register complaints that they had been raped by police from Sundar Pahari Police Station in April and that they had not been medically examined. Elsewhere, witnesses to human rights violations were reportedly tortured, apparently as a means of intimidating them or to retaliate against them - as happened in Manipur state, where soldiers of the Assam Rifles allegedly tortured villagers who had testified or were due to testify against them.

In November the Minister of State for Home Affairs reportedly announced that four people had died in police custody since the start of the year and that two such deaths had occurred in 1987. However, press reports suggested that there were at least 57 such deaths in 1988 and 48 in 1987, many of them allegedly due to torture by police. Cases were reported from nearly all Indian states. Investigations into such deaths were not always carried out and were often only instituted after public pressure. Although in some cases police officials were suspended and/or transferred, it was extremely rare for those responsible to be arrested, tried and sentenced to imprisonment, as happened in one case involving police from the Purivhat Police Station in Cuttack, Orissa. However, in an important judgment in December, the Madras High Court ordered the Tamil Nadu Government to pay compensation to a woman whose husband had "disappeared" after arrest by Wallajabad police in February 1985. The Court ruled that police officials were the instruments of the state and had acted under its powers, and that the state was therefore fully re-

sponsible for their actions.

Staged killings – also known as “encounter” killings – of alleged or real political activists by the police continued to be reported from areas including Andhra Pradesh, Uttar Pradesh, Manipur, and tribal areas of Madhya Pradesh. Most reports of such killings, however, came from Punjab, where because of witnesses’ fear of reprisals violent actions by Sikh militants rarely resulted in prosecutions. Dozens of people were killed in Punjab in what were officially described as violent “encounters” with the police. In a number of cases those killed were reported to have been executed extrajudicially after their arrest, unacknowledged detention and interrogation. The police said some had been shot “while trying to escape”.

Staged or “encounter” killings also occurred in Andhra Pradesh, where the victims were mostly suspected supporters of Naxalite groups. Armed Naxalites were involved in clashes with the police but in a number of cases it appeared that individuals said by the authorities to have died in “encounters” had been arrested, tortured and killed in police custody, the police having cremated or dumped the often mutilated bodies.

Dozens of death sentences were imposed and there were at least four executions. At the end of the year those under sentence of death included Satwant Singh and Kehar Singh, two Sikhs convicted in connection with the assassination of Prime Minister Indira Gandhi in 1984. There were widespread doubts about the guilt of Kehar Singh, who was convicted on a charge of conspiracy to murder. In May it became a capital offence to cause death through the use of illegal arms or ammunition, and in December, for second convictions of drug-trafficking. In October the Supreme Court overruled a 1983 judgment which had held that a two-year delay in carrying out executions would automatically result in commutation. The Court ruled that “no fixed period of delay could be held to make the sentence of death inexecutable”.

Amnesty International worked for the release of several hundred prisoners of conscience, among them those held in Jodhpur Jail, Rajasthan. It published its Concerns about arbitrary arrests, curbs on legal safeguards, the torture of detainees, and extrajudicial killings in reports pub-

lished in August – *India: a review of human rights violations* – and in November – *India: reports of human rights violations in Bihar*. It appealed for clemency for several prisoners sentenced to death. Amnesty International’s requests to visit India to discuss human rights concerns continued to be refused, and the organization received no response to any of the questions raised in its report concerning abuses in India as a whole.

The organization also requested permission to visit Bihar to discuss recommendations submitted in the November report and to attend court proceedings in Manipur concerning alleged abuses by the Assam Rifles. However the government failed to grant Amnesty International such permission, even though the state government of Manipur had said that the organization could attend court proceedings.

The government’s only response to the August report – which included six detailed reports of torture, death in custody and “disappearance” by the Indian Peace Keeping Force (IPKF) of Tamils in northern Sri Lanka – was that it would investigate the charge that members of the IPKF had been responsible for rape and brutality, that it had found many charges to be baseless, and that it would publish the findings of its investigations “in due course”. No specific findings had been published by the end of the year.

Amnesty International informed the United Nations Special Rapporteur on Torture and the Special Rapporteur on Summary and Arbitrary Executions of its concerns regarding India, including alleged abuses by the IPKF in Sri Lanka. These reports were also submitted to the government but no reply was received. The Indian Government did inform the UN that 13 bodies had been identified among 32 people reported missing from Meerut in May 1987 whose cases had earlier been submitted to the United Nations Working Group on Enforced or Involuntary Disappearances (see Amnesty International Report 1988). The government failed, however, to specify whether they had been shot in secret by members of the Provincial Armed Constabulary, as eye-witnesses said was the case. In August Amnesty International made an oral statement to the UN Working Group on Indigenous Populations about torture, including rape, of members of tribal communities and sched-

uled castes, by police, and about the difficulties faced by victims in obtaining justice, despite the protection afforded to them by international safeguards and by the Indian Constitution.

## INDONESIA/ EAST TIMOR



At least 48 prisoners of conscience were among the hundreds of people officially stated to be held for subversion. Trials on subversion charges were reportedly unfair and several prisoners alleged that evidence produced at them had been extracted under duress. Political detainees and criminal suspects alike were reported to have been ill-treated or tortured; in some cases such treatment resulted in death. Many "disappearances" which had taken place in previous years in East Timor were not investigated by the government and torture continued to be reported there. Three prisoners were executed, two of them after being under sentence of death for over 19 years. There were three new death sentences.

At least 60 prisoners detained since the late 1960s were still being held for alleged involvement in or support for a 1965 coup attempt. (The present government has blamed the coup on the Indonesian Communist Party (PKI) and banned the party shortly afterwards.) They included Manan Effendi bin Tjokrohardjo, a former newspaper editor and PKI Vice-Chairman for the province of East Kalimantan, and Alexander Warouw, a former member of a PKI-led trade union federation there. Both were arrested in October 1965 and brought to trial in May 1967. Manan Effendi was

sentenced to death, commuted on appeal to life imprisonment; Alexander Warouw was sentenced to life imprisonment. The two do not appear to have played a part in the 1965 coup attempt or in any acts of violence. The real reason for their imprisonment was believed to be their role in legal left-wing political activities. They anticipated release in August 1988, but because of a presidential decree in 1987 altering the remissions procedure for prisoners under life sentence they could not be freed without the express permission of the President and remained in prison throughout the year.

Hundreds of former prisoners of conscience released in the late 1970s were made to reregister with officials and report to the authorities, in some cases more than once a week. Several were summoned for lengthy interrogation early in 1988 and restrictions on their freedom to work or travel were increased.

A number of student activists were detained for non-violent activities during the year. Bambang "Isti" Nugroho, coordinator of the Palagan study group at Gajah Mada University, Yogyakarta, was arrested on 20 June. He was accused of possessing banned Marxist-Leninist literature and of holding illegal discussion meetings. When his family visited him at a military barracks two days later they said his face was swollen, apparently from beatings. In September it was announced that Isti Nugroho would be brought to trial, together with Bambang Subono, a Yogyakarta student arrested in June for selling banned books written by novelist Pramoedya Ananta Toer.

Some Muslim activists were tried and imprisoned for criticism of government policies. Farid Majid, a schoolteacher on Madura island, was tried on subversion charges in August for remarks made when he was teaching classes on the state ideology *Pancasila*. He had apparently said that *Pancasila* was not sacred, that Islam should have prime place in the state ideology and that government officials were corrupt.

Over 40 Muslim activists accused of organizing usroh groups, which advocated closer ties among Muslims and stricter adherence to the teachings of Islam, had been brought to trial since 1986. At least 32 were still in prison at the end of 1988. Three usroh organizers in Klaten accused

of subversion were tried and found guilty in December: Muhammad Yusuf was sentenced to six years' imprisonment, Abdul Malik and Yohanes Faoson Happy to five years each. In January the Supreme Court had overturned the conviction of an usroh activist, ruling that involvement in usroh groups did not itself constitute subversion but this judgment did not seem to affect the other cases. Amnesty International believed most of the usroh activists were prisoners of conscience.

Thousands of prisoners were being held under the anti-subversion law, according to a statement by the Minister of Justice in July; serious doubts remained about the fairness of trials under this legislation. The usroh organizers, for example, were not given legal advice until their trials began and some of their court-appointed lawyers accepted the charges against the defendants even when the latter had protested their innocence in court. Most usroh prisoners seem to have been convicted on the basis of statements made during interrogation but later retracted in court for having been obtained under duress. In such cases, judges usually rejected the retractions and even threatened prisoners or witnesses with further penalties for altering their testimony.

Individuals arrested under the anti-subversion law were often reported to have been tortured or ill-treated. For example, several suspected supporters of the Republic of South Molucca's secessionist movement (RMS) were reported to have been tortured following their arrest in June. One such prisoner, Dominggus Pattiwalapia, was reported to have had his fingernails pulled out during interrogation; two others - Michel Wattimena and John Souissa - were reportedly beaten so severely they could not walk.

There were frequent press reports alleging ill-treatment of criminal suspects and convicted criminal prisoners, in some cases resulting in deaths in custody. A man in Semarang accused of stealing birds alleged in court in June that police officers had beaten him severely and broken one of his legs. In September a man held by police in Jakarta for a week on suspicion of theft died on his way to hospital. According to a news report, police officers were suspected of causing his death by torture. The police gave the family a sack of rice and 100,000 rupiah (about US\$60), apparently

as compensation. Although some police officers were brought to court and convicted in connection with deaths in custody, sentences in such cases were light.

Restrictions on travel to and from East Timor and official monitoring of post and telephone communications with the territory prevented a full assessment of the human rights situation there. The authorities failed to disclose the fate of several hundred East Timorese who had "disappeared" in earlier years. Between August 1987 and the end of 1988 about 150 convicted political prisoners in the town of Dili were released and according to official records only about a dozen others remained in prison there. An estimated 3,000 people, including many members of a Christian religious sect, were reported to have been arrested before and during a visit to East Timor by President Suharto in November; some were said to have been kicked and beaten during interrogation. Although nearly all were released after the President's visit at least eight remained in custody at the end of the year. The torture and ill-treatment of political detainees continued to be reported from military bases outside Dili - for example, from an intelligence unit at the Hotel Flamboyan in Baucau.

Three people were sentenced to death after being convicted of murder and drug-smuggling and three others were executed. Abdullah Umar, a Muslim activist convicted of murder and subversion in 1985 was executed in March and two former sergeants in the presidential guard Giyadi Wignosuharjo and Sukardjo, were executed by firing-squad in October. The latter had been under sentence of death for over 19 years, having been convicted of murder in connection with the attempted coup in 1965.

Amnesty International appealed throughout 1988 for the release of prisoners of conscience and for a review of the cases of other prisoners convicted in unfair trials. The organization also regularly appealed for the halting of executions and the commutation of death sentences.

In August Amnesty International submitted information about human rights violations in East Timor to the United Nations Special Committee on Decolonization. Although it noted improvements in the human rights situation Amnesty International called for thorough

investigations into past human rights violations and effective safeguards against future abuses. The organization was concerned by the mass arrests and by the reports of torture alleged to have taken place at the end of the year.

## JAPAN



Two prisoners were executed in June more than 10 years after their conviction and the courts imposed or upheld an increasing number of death sentences.

Yoshiku Matuda and Kenichi Watanabe were executed in the Osaka Detention Centre in June, although in accordance with government policy there was no official announcement. The two men had been convicted of murder in separate trials in 1975 and 1978.

Ten people were reported to have been sentenced to death by district courts, either for multiple murder or the murder of young people. The Supreme Court confirmed seven death sentences and two prisoners had their applications for retrial rejected. At the end of 1988, some 92 prisoners convicted of murder were reported to be under sentence of death, at least 32 of whom had exhausted all appeals. Their final resort was to apply for clemency. To Amnesty International's knowledge, since 1975 the government has not commuted any death sentence.

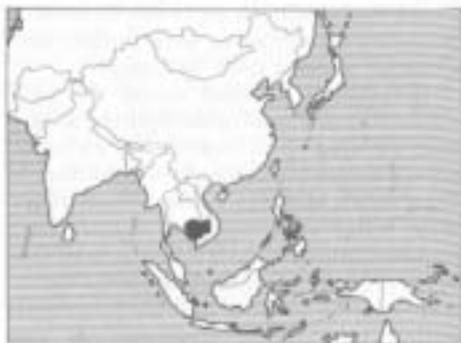
In August the retrial of Masao Akahori in the Shizuoka District Court came to an end but by the end of 1988 no verdict had been announced. He had been sentenced to death in 1958 for the kidnapping and murder of a schoolgirl but claimed he had confessed under police duress.

Amnesty International continued to

press for the commutation of all death sentences and to urge the authorities to abolish the death penalty. It made public its concern about the possibility of a miscarriage of justice in the case of Masao Akahori.

## KAMPUCHEA (CAMBODIA)

Some 430 people were detained for political reasons in 1988 and during the year it became clear that others had been detained in 1987. It was also alleged that several people had been tortured after their arrest in 1987. It remained difficult to monitor human rights due to the diplomatic isolation of the People's Republic of Kampuchea (PRK) and the government's unwillingness to accept international scrutiny of its human rights record. The little information about human rights matters that emerged from the country mostly did so after considerable delay.



Fighting continued throughout the year between the PRK Government headed by Hun Sen and supported by Vietnamese troops based in Kampuchea, and local guerrilla forces, including the Partie of Democratic Kampuchea (PDK - known as the "Khmer Rouge") and Prince Norodom Sihanouk's National United Front for an Independent, Neutral, Pacific and Cooperative Cambodia (FUNCINPEC). These and a third opposition force constituted the Coalition Government of Democratic Kampuchea (CGDK), which continued to receive United Nations recognition.

There were several rounds of peace

negotiations. After Prince Sihanouk, Hun Sen and CGDK Prime Minister Son Sann had held peace talks in November, Prince Sihanouk and Son Sann proposed that a joint communique should include a pledge to respect human rights. However, Hun Sen refused to endorse the communique unless it also mentioned past human rights violations by the former Government of Democratic Kampuchea, and the communique was issued without the proposed pledge.

There were reports that the PDK tortured and killed a number of prisoners. For example, on 24 April PDK security forces are alleged to have summarily shot Neuan Meuan, a soldier who had gone absent without leave to the PDK-administered "Site 8" camp in Thailand. In September Amnesty International wrote to PDK President Khieu Samphan urging an investigation of the killing.

During the year Amnesty International received transcripts of official PRK radio broadcasts reporting that 619 people had been arrested on political grounds in Siem Reap-Utdar Meanchey, Posat and Prey Veng provinces in 1987 and 1988. Most were accused of being "agents" of the CGDK or of assisting it but others were described merely as "political enemies". For example, a broadcast on 27 October said that during the first nine months of 1988 police officers in Angkor Chum district of Siem Reap-Utdar Meanchey arrested 266 "hidden enemy elements", of whom 263 were allegedly involved in underground CGDK political activities. The official news media did not say what happened to those arrested, and there have been no reports of political trials since October 1986. In May the Council of State granted an amnesty to "reformed prisoners" but the official announcement did not indicate whether it included political prisoners.

Information was received during the year about five people who had been arrested after accusations of involvement with the CGDK in Siem Reap-Utdar Meanchey and Kracheh provinces in 1987 and 1988. They were reportedly held without charge or trial in provincial prisons. Four of them were alleged to have been beaten or tortured with electric shocks during interrogation about their suspected activities in support of Prince Sihanouk's forces. Three were farmers from the majority Khmer ethnic group, the other a rubber

plantation worker from the Muslim Cham ethnic minority.

In another case, a 56-year-old farmer, Le Chan, was reportedly arrested on political grounds. He was said to be suffering from chronic tuberculosis and to be at risk of death if subjected to harsh conditions in detention.

Amnesty International expressed concern to the PRK Government about Le Chan's case and repeatedly urged it to provide details about the fate of people reportedly arrested on political grounds, and to ensure that they were not held for long periods without charge or trial and were not ill-treated in custody. Amnesty International sought more information from the government about the amnesty for "reformed prisoners" announced in May and frequently repeated its longstanding request to visit Kampuchea to discuss its human rights concerns. None of the organization's requests received a response.

In September Amnesty International wrote to the PRK authorities and to opposition leaders, including those involved in the peace negotiations, suggesting ways in which effective human rights protection mechanisms could be included in a political settlement of the Kampuchean conflict. The organization suggested that a peace agreement should commit Kampuchea to abide by international human rights treaties and to permit international human rights investigators access to the country.

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## KOREA

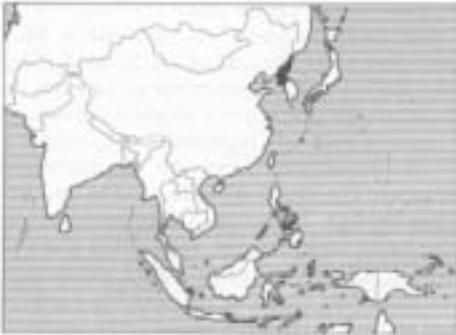
(DEMOCRATIC PEOPLE'S REPUBLIC OF)

**Some 40 university staff and students were reportedly detained and two Japanese nationals who may be prisoners of conscience remained in prison. As in previous years, authorities and media in the Democratic People's Republic of Korea (DPRK) rarely provided information about arrests, political trials, imprisonment or the death penalty and assessment of human rights was extremely difficult. Some sources reported that thousands of political prisoners remained in prison camps.**

Former prisoners now living abroad reported that suspected dissenters are subject to long terms of imprisonment in corrective labour camps either without

trial or after trials which bar a defence plea of innocence. According to these sources, a wide range of minor social misdemeanours are regarded as political offences punishable by internal exile to a remote area or by imprisonment. One unpublished, apparently authoritative report, based on information from visitors to the DPRK, claimed that at least eight major labour camps held over 100,000 prisoners, most of whom had been imprisoned for political reasons. One camp is reportedly near Sariwon, another near Yodok.

Isamu Beniko and Yoshio Kuriura, both Japanese seafarers, remained in prison throughout 1988. They were arrested in

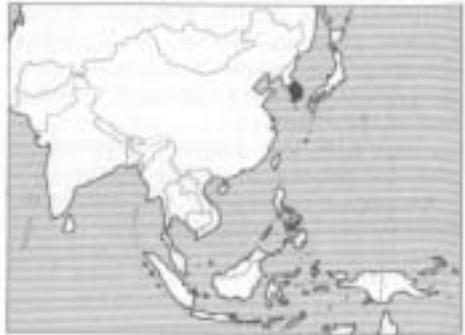


November 1983 on arrival in the DPRK. During a previous voyage from the DPRK to Japan, a DPRK army sergeant had stowed away in their ship and subsequently sought asylum in Japan. The DPRK Government demanded the sergeant's return but he was permitted to remain in Japan. The two Japanese seafarers were held without trial until December 1987, when the Nampo City Court tried them on espionage and abduction charges and sentenced them to "reformation through labour" for 15 years. Amnesty International investigated the cases of the two men, who may be prisoners of conscience, and continued to seek precise information about their trial, detention conditions and treatment. The organization received no response to its inquiries from the authorities. However, in 1988 the wives of both men received letters and photographs from them for the first time since their imprisonment began.

In June and July 40 academic staff and students at the Kim Chaek University of Technology and the University of Pyongyang were reportedly arrested in the capital, Pyongyang, following the appear-

ance of wall posters criticizing the government's economic policies. Amnesty International expressed concern about the reported arrests and asked for the immediate and unconditional release of the professors and students if they were detained for their peaceful criticism of economic policies. There was no response from the authorities and it was not known at the end of the year whether they were still in detention.

## KOREA (REPUBLIC OF)



**Several prisoners of conscience detained since the late 1960s and early 1970s were released but at least seven others remained in detention. Arrests on political grounds continued. There were few reports of torture of political prisoners but several police officers were convicted of assaulting criminal suspects. Five prisoners had their death sentences commuted. No executions or new death sentences were reported.**

Following his election in December 1987, President Roh Tae-woo was inaugurated on 25 February. In his inaugural address he declared his commitment to human rights: "The day when freedoms and human rights could be slighted in the name of economic growth and national security has ended. The day when repressive force and torture in secret chambers were tolerated is over."

After the parliamentary elections in April, in which the three opposition parties won the majority of seats, the National Assembly started to investigate reports of corruption and other abuses by the previous administration. It held hearings into the Kwangju incident of May 1980 when

civilians were killed during protests against the imposition of martial law and troops stormed the city to end a four-day siege by anti-government protesters. The National Assembly also heard former political prisoners describe how they were tortured and began investigating the circumstances of the deaths of nine political prisoners between 1980 and 1988 and the deaths of inmates in the "purification camps" in the early 1980s.

In July the three opposition parties passed a resolution calling for the release of all political prisoners. Proposals to repeal or amend laws used to detain prisoners of conscience — such as the National Security Law, the Law on Assemblies and Demonstrations and the Public Security Law — had not reached debate by the end of the year.

Although some demonstrations organized by dissidents proceeded peacefully, hundreds of students were arrested for taking part in demonstrations that involved violence. Most were released without charge and of those who were tried the majority were released on suspended sentences. A number of workers were also arrested for organizing strikes and were usually briefly detained.

Prisoners of conscience were among more than 600 political prisoners released under a series of amnesties in February, May, June, August, October and December. They included Shin Young-bok, a lecturer imprisoned since 1968; Lee Chul and Kim Chul-hyon, two students imprisoned for alleged espionage since 1975; Lee Tae-bok, a publisher and labour activist who had been held since 1981; and Kim Keun-tae, the leader of a dissident group, imprisoned since September 1985. Among others freed were Soh Joon-shik and Kang Jong-kon, who had been held in preventive detention without charge or trial for 10 and seven years respectively for refusing to make statements of conversion to "anti-communism" after serving prison sentences. Fifteen prisoners held since 1979 in connection with their alleged membership of the South Korea National Liberation Front were also released during the year.

There were new arrests of people expressing views sympathetic to North Korea or advocating contact between people in North and South Korea. Most of these detainees, however, were released un-

charged or received short prison sentences. Yang Hong-gwan, a philosophy student, was held under the National Security Law in February, apparently for listening to North Korean broadcasts and writing articles based on what he had heard. However, he was believed to have been released shortly afterwards.

In April Song Un-hak, a labour activist who had previously been detained twice for his peaceful political activities, was arrested. He was sentenced in October to two years' imprisonment under the National Security Law after being convicted of planning to set up a dissident organization, the People's Front Against Fascists and Imperialists. Song Un-hak complained of having been beaten and denied sleep for several days after his arrest.

In June, July and August, over 6,000 students were reportedly arrested for taking part in marches supporting free communication between students from North and South Korea and early reunification of the peninsula. Most were released without charge.

Lee Pu-yong, a leading dissident released under the February amnesty, was rearrested in June and charged with participating in anti-government demonstrations. It appeared, however, that the real reason for his arrest was his involvement in efforts to reorganize dissident groups which had supported different opposition candidates in the December 1987 presidential elections. Lee Pu-yong was released on bail but had not been tried by the end of the year.

Chu In-sok, a playwright, was arrested in early August after the performance of his play *Tongil Bab* (*The Reunification*), on the topic of Korean reunification. It was not known if he was still detained at the end of the year. At the end of August Shin Chul-ho, a pastor in Pupyung, and four church members were held for up to one month for showing slides of North Korea taken by visitors from the United States. Chang Ui-kyun, a publisher, was adopted by Amnesty International as a prisoner of conscience. Arrested in July 1987, he had been convicted in December 1987 of contacting North Koreans in Japan. However, Amnesty International believed the true reason for his arrest to be his peaceful and legitimate political views and activities.

A number of prisoners of conscience

who had been arrested in 1987 were tried and released. Among them were Choi Hyok-bae, a human rights and labour activist, and Lee San-ha, a poet. They were released in June and October respectively. Both had been arrested in November 1987, Lee San-ha for the publication of *Halla Mountain*, a poem which challenged the official description of the 1948 Cheju rebellion.

In July Amnesty International received detailed information about the detention of 50 people held under the Public Security Law. Most had spent between six and 13 years in preventive custody without charge or trial after first serving sentences for security related offences. Two of the prisoners had been held for over 34 years; the others had been rearrested some years after completion of their sentences. It is believed that many of these people were first arrested during or after the Korean War on suspicion of being North Korean agents or for having worked for the North Korean army during the war. By the end of the year about 13 of them had been either released or had died in custody; the others remained in detention.

Several criminal suspects were reported to have been tortured by having their heads held under water—a method of torture which had killed a political detainee in 1987 (see *Amnesty International Report 1988*). In a number of cases the police officers responsible were prosecuted and imprisoned. Following the death of 16-year-old Myong No-yol in February, three police officers were arrested. They had tortured Myong No-yol and another teenager for four days to extract confessions of the rape and murder of a high-school student. They were tried by a district court and sentenced to between one and six years' imprisonment. After allegations of torture at Socho police station in Seoul the authorities removed the police officer in charge and arrested three other police. They were later jailed for one and two years.

In an unusual case which received wide publicity in South Korea and abroad, a police officer was found guilty in July of ill-treating a political detainee two years earlier. Puchon police officer Moon Kwidong was sentenced by Incheon District Court to five years' imprisonment for sexually abusing a woman detainee, Kwon In-suk, in June 1986. Kwon In-suk's appeal

against the authorities' initial decision not to prosecute was accepted by the Supreme Court in February 1988 and the court appointed her defence counsel to act as special prosecutor.

According to official sources there were no executions in the first six months of the year and none was reported for the remainder of the year. Five prisoners had their death sentences commuted to life imprisonment, two of them under the February amnesty—Choi Man-shik convicted of murder, and Kim Byong-ju convicted of espionage for North Korea. Yang Dong-hwa and Kim Song-man, two students arrested in 1985 and convicted of espionage, had their sentences commuted in the December amnesty. About 25 prisoners, mostly convicted of murder and espionage, were believed to be under final death sentences.

Amnesty International welcomed the release of prisoners of conscience under the six presidential amnesties. Throughout the year it called for the release of all prisoners it had been able to identify as prisoners of conscience, seven of whom were still detained at the end of the year serving long prison terms. Amnesty International sought information on the charges against a number of students arrested for participation in demonstrations or for distributing or writing publications the government regarded as favourable to North Korea. In November and December, the organization expressed its concern about the arrest of several publishers briefly detained for publishing books on North Korea.

Amnesty International started to investigate the cases of several prisoners arrested on charges of espionage in the 1970s and 1980s. These prisoners appeared not to have been given a fair trial and may in fact be detained for the peaceful expression of their political views. The organization also took up the cases of prisoners held in preventive detention under the Public Security Law and urged that they be either charged and tried or released.

In July Amnesty International representatives went to South Korea to meet individuals and organizations working for the improvement of human rights and the release of political prisoners. Meetings were also held with officials of the Ministries of Justice and Foreign Affairs and

with the human rights committees of each political party. In November the government replied to Amnesty International's inquiries about official investigations into a number of allegations of torture.

## LAOS



More than 180 political prisoners, including prisoners of conscience, who had been held without charge or trial, were released. However, hundreds of others reportedly remained in detention without charge or trial, mostly in "re-education" labour camps or on individual "re-education" work assignments in remote provinces. Most were former civil servants and military personnel arrested following the change of government in 1975, some apparently on account of their non-violent opposition to the new system of administration. Others had been arrested since 1975, in some cases because of their political opinions or ethnic origin. Arrests of alleged "reactionaries" were reported on several occasions by the official news media but no details were given. The death penalty was available, but no death sentences or judicial executions were reported. However, in November the official news media reported that a local security official in Champassak province had recently been given the title "heroic youth" for "beheading a reactionary enemy element" who had apparently been neither charged nor tried.

Local elections were held for the first time since the formation of the Lao People's Democratic Republic in 1975. The government said these would be followed by the election of a national assembly and the promulgation of a constitution

and new legal codes to replace those abrogated in 1975. Meanwhile, there remained no clear legal basis for political prisoners to challenge the grounds for their detention. This reportedly resulted in some local authorities taking advantage of lack of human rights safeguards to hold political prisoners indefinitely and requiring them to perform unpaid manual or skilled labour. Government restrictions on access to the country made it difficult to obtain human rights information.

Between September and November some 160 people were reportedly released from Phan province. They included Khamphouy Souksavath, a former police officer and one of several prisoners in poor health after years of hard labour and poor medical treatment in detention. Others released included former air force officer Phouy Upravan and former provincial police chief Boualoy Kingkittisak. Local officials in Attapeu province confirmed the release of some 25 prisoners from "re-education" work assignments there, although their information also suggested that two other prisoners, South and Thongkham, had died in detention. Most of the 25 were former low-ranking military officers or non-commissioned officers. Like prisoners released from Sop Pan, they were officially said to have become "people" (*pasason*)—they had satisfactorily completed their "re-education" and their rights as ordinary citizens could be restored.

In an interview broadcast in November, Kaysone Phomvihane, Chairman of the Council of Ministers, said that since 1975 the government had "given freedom to a large proportion of those whom it had been necessary to send for re-education". He added that "There are only some people who still need to stay on. It is hoped that they will have a conscience so as to return to their families soon." Thirty-seven people were known to be held in Houa Phan; they included Khamphan Pradith, a Christian poet and former deputy provincial governor, who had been a prisoner of conscience since 1975.

The names of some 185 people apparently still held in Attapeu were known, and included the probable prisoner of conscience Tang Kim Chia, arrested in 1979 in connection with his status as a leading member of the Chinese community in the capital Vientiane.

Two Roman Catholic priests detained since 1980 in Champassak Prison were reportedly released in August. They were Bishop Thomas Khamphan, the Vicar Apostolic of the Diocese of Pakxe, and Father Bounliep. There was confirmation of the release in earlier years from other detention centres of Father Tito Banchan and Father Ling, also Roman Catholic priests apparently held for their non-violent religious beliefs or activities.

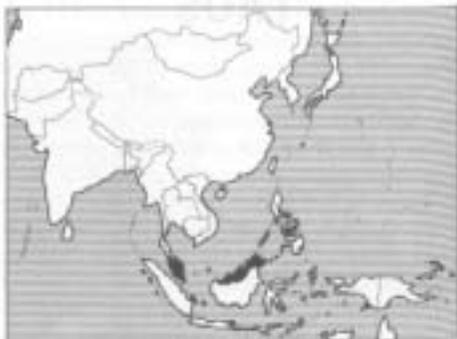
Information was received from the prison authorities about four possible prisoners of conscience previously reported to have been held without charge or trial for several years in Nong Pat Prison in Vientiane province (see *Amnesty International Report 1988*). It indicated that three of them, Bounkhouang, Me E and Keo Pakxane, had been transferred to another prison, and the fourth, Bouaphan Pakdan, may have died in detention. The prison authorities provided no information about what had happened to three other prisoners: Thit Meun, Bounlert, and Vanh-na.

In correspondence with Lao officials, including a letter to Chairman Kaysone Phomvihane in November, Amnesty International welcomed the reported releases and urged that remaining political prisoners either be charged with recognizably criminal offences and fairly tried, or released. Referring to the government's plans to hold national assembly elections and promulgate a constitution and legal codes, the organization also urged the incorporation of human rights safeguards into domestic law.

## MALAYSIA

Some 40 prisoners of conscience who had been among more than 100 critics and opponents of the government detained in the last three months of 1987 remained in detention without charge or trial at the beginning of 1988. Twenty-four were released but the others remained in detention throughout the year. They and eight other released long-term political detainees, who had been held without charge or trial since the 1970s, had severe restrictions imposed on their freedom of movement and association. At least four other long-term political prisoners remained in prison. There were reports of

torture and ill-treatment of prisoners and of at least three deaths in custody in suspicious circumstances. At least 16 people were executed, mostly for drugs offences, and at least 59 death sentences were imposed – a sharp increase over the previous year's figures.



In May the government took the unprecedented step of suspending Tun Salleh Abbas, the Lord President of the Malaysia Supreme Court, for alleged "misbehaviour" and "having displayed prejudice and bias against the government". He had written to the constitutional monarch, the Yang di-Pertuan Agong, expressing the concern of a number of judges about government interference in the work of the judiciary. He was found guilty of the allegations at a tribunal headed by the Chief Justice, before which he did not appear, and was dismissed in August. Five other Supreme Court judges, two of whom were later dismissed from office, were also suspended in July for "gross misbehaviour" after they had ruled in favour of a petition intended to prevent the inquiry by the Chief Justice proceeding. In July the Internal Security Act (ISA) and two other laws allowing preventive detention were amended: as a result the right of detainees to seek an effective remedy against unlawful detention was reduced.

In January those still detained from among the 106 critics and opponents of the government arrested in late 1987, in what the authorities had termed "Operation Lallang" (see *Amnesty International Report 1988*), were all served with two-year detention orders under the ISA. This act empowers the Minister of Home Affairs to authorize the detention without trial of anyone suspected of acting "in a

manner prejudicial to national security" for renewable periods of up to two years. Those held included Lim Kit Siang, a member of parliament and Secretary General of the opposition Democratic Action Party (DAP), and six other DAP members of parliament including human rights lawyer Karpal Singh and Secretary General of the Malaysian Trades Union Congress (MTUC) Dr Vethamuthu David. Arokia Dass and Mohamed Nasir bin Hashim of the opposition party *Partai Sosialis Rakyat Malaysia*, several members of another opposition party, *Parti Islam Se Malaysia*, and two Malay Christian converts, Joshua Jamaluddin and Hilmy Mohamed Nor, were also among those detained.

Despite the imposition of two-year detention orders 24 of the detainees had been released by the end of the year. Several brought actions in the courts to contest their detentions. This led to the release in March of Karpal Singh, but he was rearrested almost immediately under a new ISA detention order and was still held at the end of 1988. Joshua Jamaluddin, however, was not redetained in October after he was set free by court order.

In June Dr David and six other detainees were released by order of the Minister of Home Affairs, and there were further releases in September, October and December. However, under the ISA, those released were subject to severe restrictions on their freedom of movement and association, such as confinement to their home between 10pm and 6am, or not speaking publicly at political or trade union meetings.

Those still detained without trial at the end of 1988 included Lim Kit Siang and his son Lim Guan Eng, also a DAP member of parliament. In October they and other detainees went on hunger-strike for a week to protest about their continued detention.

Further information was received about torture and ill-treatment in Special Branch custody of those detained in late 1987 during "Operation Lallang". The ill-treatment included sleep deprivation for long periods, prolonged interrogation in deliberately over-cooled rooms and, in some cases, mock sexual assaults and beatings. Detainees were kept in incommunicado detention during the initial period of interrogation and were denied

access to defence counsel for the first 60 days, thereafter being allowed only very limited access to families and counsel. Procedures used for detention without trial entitle the Minister of Home Affairs, solely at his own discretion, to order the detention of individuals, including prisoners of conscience. The review of such cases by the courts and by the Advisory Board was inadequate because both persistently refused to examine the substantive reasons for detention under the ISA.

Several long-term political detainees were released during the year. They included Loo Ming Leong, a prisoner of conscience who had been held without charge or trial under the ISA since 1972, and at least seven other political prisoners, most of whom had been detained without trial since the mid-1970s. At least four others, however, who have been held for a similar period remained in detention at the Kamunting Detention Centre in northern Perak State. Those released were restricted in their freedom of movement and association.

Allegations of torture and ill-treatment in police custody were made by four prisoners of conscience in habeas corpus actions brought before the High Courts and by several defendants in other cases who testified in court that they had been tortured into making "confessions". In one such case in which the magistrate ordered a medical examination, the injuries and marks on the prisoner's body were found to have been caused by severe beatings while in police custody. In September the Inspector-General of Police issued a public warning to the police force that he would take "stern action" if it was found that physical force had been used on suspects during interrogation. In November the Ministry of Home Affairs acknowledged in parliament that it had received 145 complaints of police accused of what it called "rough treatment on detainees", and that nine cases of alleged torture by police officers were being investigated as of October.

At least three deaths in police custody in suspicious circumstances were reported during the year. In September a coroner ruled that the 1984 death in custody of Ng Chong Peng, a criminal suspect, was the result of a criminal act and not suicide as alleged by the police.

However, no charges relating to his death were reported to have been brought against the police officer allegedly responsible.

The government's policy of enforcing the mandatory death penalty, mainly for drugs and firearms offences, continued throughout the year. At least 16 people were executed, 12 after being convicted of drugs offences and four of murder. In May a total of 168 convicted drug offenders were reported to be on death row. They included 39 foreigners, many of them awaiting the outcome of appeals.

At least 59 people received mandatory death sentences. Fifty-five of these were imposed for drug offences (compared to 31 reported in 1987), three for possession of firearms and one for murder. At least 12 people had their death sentences confirmed by the Supreme Court, three of whom, all convicted of drugs offences, were executed within 10 days. According to statistics released by the police about 220 people were arrested under the Dangerous Drugs Act during 1988 and were charged under Section 39(B) which prescribes a mandatory death penalty. Other reports indicated that during the first 10 months of the year, 182 alleged drugs offenders were detained under the Act in the capital, Kuala Lumpur.

Amnesty International appealed for the release of prisoners of conscience, for other detainees held under the ISA to be brought to trial or freed and for clemency for prisoners under sentence of death. In October Amnesty International representatives visited Malaysia to discuss the organization's concerns with senior government officials. These were set out in a draft report, *Malaysia: "Operation Lalang": Detention without trial under the ISA*, which was sent to the government in September. The report criticized the detention without trial of prisoners of conscience and the use of the ISA, and recorded allegations of torture and ill-treatment of prisoners. It also said new safeguards were needed against arbitrary detention and ill-treatment. The report was published in December, when Amnesty International again called on the government to release all prisoners of conscience, investigate torture allegations, introduce new safeguards against arbitrary arrest and abuse of prisoners and commute all death sentences.

In August Amnesty International referred to the widespread practice of administrative detention of political prisoners in Malaysia in its oral intervention on this subject before the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities.

## MALDIVES



**In an attempted coup in November, at least 20 people were killed and 80 injured. It was alleged that Abdullah Luthufi and Sagar Ahmed Nasir, both Maldivian businesspeople, had led the coup, supported by dozens of mercenary gunmen believed to belong to a Sri Lankan Tamil group, the People's Liberation Organization of Tamil Eelam. The Indian Government sent troops to the Maldives at the request of President Maumoon Abdul Gayoom, quelling the coup. The conspirators reportedly took 28 hostages when they attempted to escape from the Maldives in hijacked ships. Eight of the hostages were reportedly killed and four went missing.**

Following the coup attempt the two leaders and some of their supporters were captured and reportedly beaten by a member of the local security forces and by people in a crowd through which they were led in Male, the capital.

Amnesty International wrote to the government, expressing regret at the loss of life resulting from the coup attempt and urging that prisoners arrested in connection with the incident be protected from ill-treatment. The organization also urged that the prisoners be granted access to lawyers and tried in accordance with international standards. The government

replied that the suspects would be tried according to the country's Shari'a laws "which do not permit ill-treatment of suspects and prisoners irrespective of the nature of the offences they may have committed".

## NEPAL



**Members of political parties or groups, teachers, students, editors and journalists were detained under laws permitting imprisonment for up to three years without charge or trial. Most were detained for short periods but others, including several prisoners of conscience, were held for longer periods. There were reports that political prisoners were beaten in police custody and in prison.**

The country's non-party panchayat (assembly) system, headed by the king, prohibits all political organizations including the main opposition group, the Nepali Congress Party, and the factions of the Nepali Communist Party. During 1988 the head of state, King Birendra, did not pursue the discussions he had initiated in 1987 with some opposition leaders about reforms to the panchayat system and their demands for its abolition continued.

Although the government allowed some political leaders limited freedom to express their views in private meetings, it penalized others. During the year the government continued to arrest and detain editors, journalists, politicians and teachers. Bhesh Raj Paudel, editor of *Jaya Nepal* weekly, was detained in September, shortly after publishing an editorial suggesting that people in Nepal should learn from recent civil unrest in Burma. At the end of the year he was still in prison.

Krishna Prasad Shivakoti, editor of *Jwala* weekly, was held for six weeks without charge or trial under the Public Security Act (PSA) and released in October. Other PSA detainees were released after a few days or weeks in custody but many were held for long periods. Tirtha Ram Dangol, a member of the Nepali Congress Party and Vice-Chairman of Kathmandu town panchayat, was detained without trial under the PSA for eight months. He had been suspended from office and arrested after he and other Nepali Congress Party members boycotted an official meeting in December 1987 to protest against continuation of the partyless panchayat system.

The PSA permits up to three years' detention without charge or trial on broadly based grounds such as "disturbing the peace and tranquillity of the country". The Ministry of Home Affairs can impose an 18-month detention period, renewable for a further 18 months. Zonal Commissioners can do the same for a maximum nine-month period which can be extended to 18 and which can also be renewed for a second 18-month period on confirmation from the Ministry. However, Amnesty International knows of cases in which prisoners have been detained for more than three years under the PSA. Bhola Bohra, a student, was arrested under the PSA in January 1984 and was still held at the end of 1988. In cases in which the Supreme Court has ordered the release of political detainees, such prisoners have sometimes been rearrested immediately. One of the victims of this procedure was Krishna Bahadur Thapa, who was released and redetained in August.

Teachers belonging to or supporting the Nepal National Teachers Association (NNTA) – an unofficial organization which opposes the government's policy of having separate organizations for primary and secondary teachers – were also detained. In April several of them were arrested in Taplejung district, apparently under section 2 of the Organizations and Associations (Control) Act, which prohibits people establishing or joining a group or party "motivating political party objectives" – an offence punishable with up to three years' imprisonment. Most of those arrested in April were released within days or weeks of arrest, but one NNTA member, Sushil Chandra Amatya from Lalitpur, who was suffering from a kidney

illness and who had been arrested in June 1987 before the start of an NNTA conference, was detained without trial under the PSA until his release in December. Sita Ram Maskey, a teacher and trade unionist was also detained under the PSA. He had been arrested in May 1987 for demonstrating against the sale of milk powder feared to be contaminated by radiation. He was held without charge or trial until the end of October.

Dozens of students belonging to the Independent Student Union and the All Nepal National Independent Student Union were also detained, it is believed under the PSA, for distributing leaflets, preparing conferences, and for organizing or participating in the unofficial distribution of relief among victims of the 21 August earthquake – the government had stated that only authorized persons should distribute relief. Some of these students were released after short periods but others were still held at the end of the year. Several members of the Nepali Congress Party and of the Human Rights Protection Forum – an unofficial organization of human rights activists – were also among those arrested for participating in the unofficial distribution of relief.

In contravention of internationally recognized standards, the Nepalese legal code forbids propagation of "Christianity, Islam or any other faith so as to disrupt the traditional religion of the Hindu community in Nepal or to convert any adherent of the Hindu religion to these faiths". In August arrests included several people charged with propagating Christianity who were released after conviction and payment of a fine.

In October the press reported that peasants had been detained for opposing the clearing of public forests.

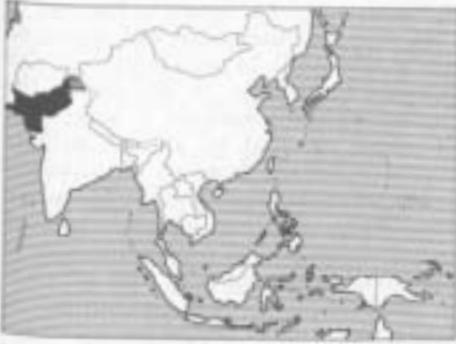
As in previous years there were reports that political prisoners were held in overcrowded conditions. In October Narayan Khadha, one of 12 people arrested early in the year for listening to tapes of songs about the Gorkhaland elections and detained under the Treason Act, complained that he had been held for three weeks in handcuffs and fetters for opposing conditions in Nakkhu Prison. Prisoners in Ilam Prison, which apparently holds twice the number of inmates officially permitted, began a hunger-strike in December in protest against overcrowding and lack of

medical, sanitation and visiting facilities. Such protests occurred in several other prisons, including those in Pokhara and Birganj.

Several students and other political prisoners complained that they were kicked, beaten with clubs or tortured by other methods in prison or while in police custody, and several complained that they were not allowed visits, even from members of their family and lawyers. There was no new information about the whereabouts of six people who "disappeared" after they were arrested in June 1985 following bomb explosions in Kathmandu which killed several people.

Amnesty International continued to press for the release of all prisoners of conscience, investigated the cases of over 30 other political prisoners and called for a review of the PSA. In March the government's International Law and Treaty Division wrote to Amnesty International to say that officials were bound to inform detainees held under the PSA of the grounds of detention and that detainees or their representatives could approach the Supreme Court or Zonal Courts to set aside any unlawful detention orders. Amnesty International replied saying it was concerned that the detention orders served were unspecific and were worded in such broad terms that effective recourse to the courts was difficult. The PSA does not provide for independent review of the legality of detentions and specifies that orders issued under it cannot be questioned in a court of law. Courts have thus tended to limit their role to consideration of whether the detention order was imposed according to procedure, regardless of whether the facts of the case justify detention. Amnesty International asked that in all cases a judicial authority should promptly examine the lawfulness of detention in its broadest sense. By the end of the year, the organization had received no further response from the government to these and other concerns raised in its 1987 report *Nepal, A Pattern Of Human Rights Violations* (see Amnesty International Report 1988).

## PAKISTAN



For most of the year political prisoners convicted by special military courts during an earlier period of martial law remained in prison without judicial redress. At least eight executions were carried out, four of them in public. However, after a change of government in December the majority of political prisoners were released and over 2,000 death sentences were commuted. At least 19 prisoners were reported to have died in custody as a result of torture. Special Courts for Speedy Trials continued to impose death sentences. Dozens of members of the Ahmadiyya community were arrested and prosecuted on religious grounds, as in previous years, and before the change of government hundreds of other people were detained without charge or trial following political meetings and demonstrations and, in Sind Province, after intercommunal disturbances.

In May President Zia ul-Haq dismissed Prime Minister Mohammad Khan Junejo and his cabinet and dissolved the national and provincial assemblies. He appointed a caretaker cabinet, and in July announced that general elections would be held in November, although it appeared that candidates would not be permitted to represent political parties. In June the President decreed the Enforcement of Shari'a Ordinance 1988, which attempted to make Shari'a (Islamic law) the supreme law of Pakistan by empowering the high courts to admit petitions concerning any law claimed to be "repugnant to the injunctions of Islam". The Shari'a Ordinance was designed to enable the courts to review those areas of legislation which could not be reviewed by the Federal Shari'a Court.

However by the end of the year the Ordinance still had to be approved by the National Assembly and the Senate.

President Zia and other senior military officers were killed in an air crash in August and the Chairman of the Senate, Ghulam Ishaq Khan, became Acting President. In October, in response to an application brought by Benazir Bhutto, leader of the Pakistan People's Party (PPP), the Supreme Court ruled that the elections should be party-based. They took place as scheduled, the PPP won the largest number of seats and Benazir Bhutto was sworn in as Prime Minister on 2 December.

Prime Minister Bhutto immediately asked the Acting President to commute all death sentences and announced an eight-point amnesty program which led to the release of hundreds of political prisoners who had been convicted by special military courts during the period of martial law from 1977 to 1985. Many of those released said that they had been tortured in jail.

Among those released was prisoner of conscience Ganshyam Parkash, a medical student and President of the Democratic Students Federation (DSF) in Sind Province. He had been detained in 1982 and convicted in 1985 by a special military court of "creating hatred amongst the armed forces, and between people of different provinces and classes".

Before the change of government more than 100 people were arrested for violating Section 144 of the Code of Criminal Procedure, which gives the provincial government the power to ban public gatherings and demonstrations and to impose a curfew "in urgent cases of nuisance or apprehended danger". Among those charged with violating such bans were opposition party members who organized meetings and processions in September and October, and over 40 people who demanded the release of political prisoners in September.

Before the change of government dozens of people were arrested under the Maintenance of Public Order Ordinance (MPO), which empowers the authorities to order the preventive detention without trial for up to three months of anyone considered to be "acting in any manner prejudicial to public safety or the maintenance of public order". Under Article 10 of the Constitution, a review board must decide whether detention should last more

than three months. Several people were arrested under Section 16 of the MPO, which provides for imprisonment for up to three years of anyone whose "speech, statement, rumour or report" is considered to "cause alarm to the public" or to contribute to any activity considered by the government as "prejudicial to public safety and maintenance of public order". Those charged under this section included local opposition party leaders and others alleged to have made speeches and chanted slogans against the government of President Zia. In January the Government of Sind published a list of 72 prisoners arrested in previous years who had been released. Some of them had been detained without trial under the MPO for several months.

Members of the Ahmadiyya community – a religious group whose members consider themselves Muslims but whose Islamic status is disputed by the government – continued to be arrested. Under amendments made to the penal code in 1984, Ahmadis may be imprisoned for up to three years for calling themselves Muslims or for engaging in Muslim religious practices, including wearing badges displaying verses from the Quran. According to a newspaper report in September, 3,113 Ahmadis have been charged under this amendment. In December an Ahmadi travelling by bus to Faisalabad was reportedly confronted by two young men who demanded that he hand over his ring, which had Quranic verses inscribed on it. He refused and they demanded that the police register a case against him. He was reportedly charged with preaching his faith on the bus and sent to Chiniot Prison to await trial.

Over 100 political prisoners convicted by special military courts following unfair trials remained without judicial redress. As the result of a constitutional amendment their sentences could not be challenged before a higher tribunal. In February the government announced that according to a new procedure the executive authorities could review the cases of prisoners sentenced by special military courts. By the end of October, however, only two political prisoners were known to have been released. In October a former Major-General, Tajammal Hussain Malik, was freed. He had been sentenced in 1980 to 14 years' imprisonment after being con-

victed of conspiracy against President Zia's government. A former Governor of the Punjab, Ghulam Mustafa Khar, who was arrested on his return to Pakistan in 1986 after a military court had sentenced him in *absentia* to 14 years in jail, was also released in October. In September, the Acting President reduced a number of sentences imposed by special military courts, including those on 25 prisoners convicted on criminal charges who had the remaining part of their sentences reduced in full or part, and 13 people convicted in *absentia*, whose sentences were quashed.

Amendments made to the Constitution before the lifting of martial law prevented civilian courts reviewing the decisions of military courts. However, the Supreme Court of Pakistan ruled in October that the provincial high courts could review cases of political prisoners sentenced by military courts on certain grounds, and several petitions were filed.

At least 60 people, most of whom had been arrested on criminal charges, were reported to have been tortured in detention. The President of Jeay Sind Student Federation (JSSF), Bashir Qureshi, and four other JSSF members – Faiz Jakhrani, Mumtaz Tunio, Anis Peerzada and Muneer Shah – were reportedly tortured in Karachi Central Jail. They had been arrested on suspicion of conspiracy to kill the Mayor of Hyderabad, a member of the Mohajir community who was attacked in July. They were kept in police custody for four weeks after which they were allegedly unable to stand and could not speak because their faces had been badly beaten. A medical student, Niaz Ali Bhatti, another JSSF member arrested in the same case, was reportedly hung upside down, beaten on the feet with a *sacho-putar* (a belt with sharp nails), made to stand for several days with a noose round his neck and given electric shocks. His father and younger brother were reportedly assaulted in front of him in an attempt to extract a "confession".

There were also reports of women detainees being raped and beaten by police. In July, three women held at Nawan Kot Police Station in Lahore were reportedly made to strip, were beaten on the genitals and two of them were raped. This occurred over two days, while a false case was registered against them under the *Hudood* Ordinance for the sexual offence of *Zina*

(adultery), which carries a maximum punishment of death by stoning. Following the presentation of a writ petition to the Lahore High Court, an official inquiry confirmed that they had been raped and tortured and found that the charges against them were false. Although the Lahore High Court ordered a criminal case to be registered against the police involved, none was known to have been arrested by the end of the year.

At least 19 prisoners died in police or judicial custody, reportedly as a result of torture. Jaffar Ilyas Tatur Maghsi, arrested in June on suspicion of being a *dacoit* (bandit), died in July in Nara Jail, allegedly after being struck on the head. A post-mortem examination concluded that his death was caused by a coma, "due to extensive violence to the skull on the left temporal side caused by hard and blunt substance" (sic), but jail officials claimed that he had committed suicide by hitting his head against the wall. Several other people also allegedly died in Nara Jail after beatings.

The courts continued to sentence people to flogging on charges of rape and drug-trafficking, although the total number sentenced is not known. Five people were flogged in Sahiwal in March. In April, Jan Mohammad, a mentally handicapped prisoner who had not been sentenced to flogging, was reportedly tied to a log in Haripur Jail and on the orders of the jail superintendent received 15 lashes in front of other prisoners, some of whom began a hunger-strike in protest.

Several cases of deliberate killing by the security forces were reported from Sind Province. In January four people were killed by the security forces in Ghangro Mori village during what they claimed was an "encounter" with armed *dacoits*. However, two of the victims, Ghulam Nabi and Niaz Machhi, had reportedly witnessed the torture in police custody of fellow-villager Ameer Ali, which had allegedly caused his death. They had been named as witnesses in a complaint against the police filed by Ameer Ali's cousin, who was himself injured in the January incident. Although the Sind Government ordered a judicial inquiry into allegations that these were deliberate killings, no news of its findings was received during the year.

At least 111 people were sentenced to death. Seventy-eight of the death sen-

tences were passed by Special Courts for Speedy Trials and one by the Federal Shari'a Court.

Following the promulgation in 1987 of the Special Courts for Speedy Trials Ordinance (see *Amnesty International Report 1988*), such courts continued to impose sentences of imprisonment and death. Although originally set up for a year's trial period to deal with cases of "heinous crimes and anti-state activities", in August their jurisdiction was expanded to cover crimes including abduction, kidnapping and food adulteration. In October 1988 the trial period was extended for a further year by presidential ordinance. These courts' procedures departed from the customary safeguards contained in the Code of Criminal Procedure: the police were to submit their report to the court within 14 days of the date of arrest and the court could adjourn for only two days, with the result that there might be difficulties calling defence witnesses.

In August a couple sentenced in 1987 under Islamic law, *Hudood Ordinance*, to be stoned to death after conviction of adultery were acquitted following a review of their case. The grounds for their acquittal were that there was neither a confession from the accused nor an eye-witness to the alleged offence.

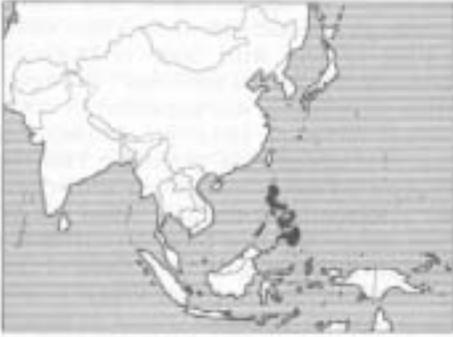
There was information on eight executions, four of which took place in public in January and February. In April and July Amnesty International expressed serious concern about public executions and the number of people under sentence of death, and urged the government to commute all death sentences and to abolish the death penalty.

In September Acting President Ghulam Ishaq Khan commuted the death sentences imposed on six people convicted by military courts of banditry and murder to life imprisonment. Amnesty International welcomed the remissions and commutations which had taken place, but continued to press for a full judicial review of all cases of political prisoners sentenced in unfair trials by military courts. In December the organization welcomed the news that many of these prisoners were to be released by the new government and that all pending death sentences were being commuted.

Amnesty International expressed concern to the Sind authorities about the

alleged killing by police of four civilians in Ghangro Mori and urged that the findings of a judicial inquiry be made public.

## PHILIPPINES



**Dozens of real or suspected critics and opponents of the government reportedly "disappeared" in custody or were seized and executed by members of military or paramilitary forces without being brought to trial. Victims included suspected rebels, left-wing activists and church, trade union and human rights activists. There were reports of torture of detainees and some prisoners claimed they had been imprisoned on criminal charges for political reasons. A proposal to reinstate the death penalty was introduced in Congress.**

Armed conflict between government forces and the New People's Army (NPA), the armed wing of the Communist Party of the Philippines (CPP), continued throughout the year. The government's counter-insurgency strategy involved use of both regular armed forces and armed citizen volunteer groups, commonly known as "vigilantes". However, in July President Corazon Aquino announced that, in response to criticism of "vigilantes" human rights record, the groups would be disbanded. Instead, she said, Citizens' Armed Force Geographical Units (CAFGUs), together with unarmed local civilian self-defence groups, known as Bantay Bayan, would be established throughout the country. In addition, the authorities said they would improve the screening of recruits and the training and supervision of civilian armed groups; it was not clear by the year's end whether this had been effective.

The NPA was responsible for killing soldiers, police and civilians. The Alex Boncayao Brigade (ABB), a Manila-based NPA unit, publicly acknowledged responsibility for the assassination of several police officers during the year, including the killing of an officer accused by left-wing groups of involvement in the abduction and "disappearance" in March of Angelito Joaquin, a youth activist. The NPA also claimed responsibility for the murder in January of an ex-mayor of Tubungan, Iloilo, whom they had taken prisoner. The organization said that he had confessed before an NPA "people's court" to ordering the killing of suspected rebels some years previously.

Among those reportedly killed by government or government-backed forces during the year were several human rights activists. Andres Rio, a journalist and district chairperson of the Human Rights Advocates of Leyte, was shot dead together with his companion, Manuel Dotollo, by soldiers from the 43rd Infantry Battalion (IB) in the village of Himacugo, Hindang district, on 30 January. The soldiers later claimed the two had been shot in an armed encounter, but local residents said they had been arrested, burned with cigarettes and stabbed before being shot dead by the soldiers. An investigation by the government-appointed Commission on Human Rights concluded that the two men had not been killed in an armed encounter but to Amnesty International's knowledge no action had been taken against the soldiers involved by the end of the year.

In Negros Occidental province several members of the families of two activists in the Basic Christian Communities (BCC) were reportedly killed by soldiers who suspected them of supporting the NPA. The BCC – community organizations of Christians established particularly in remote areas which priests are unable to visit regularly – were apparently suspected of sympathizing with the NPA because of their work in encouraging cooperative enterprises and political organizations. In February the wife of Pedro Obero, the BCC head in the village of Na-ilan, Caba-an district, and three relatives, all young children, were killed by armed men believed to be soldiers from the 7th IB, in an attack on their home. In April Reynaldo de los Santos, an active member of the BCC's justice and peace committee in Hima-

maylan, and of other human rights organizations, was shot dead with his wife and three children aged six to 14 at their home in Aton-Aton, Mambagatan district. The attack occurred after local soldiers apparently accused Reynaldo de los Santos and his family of supporting the NPA. Following the deaths the Negros military command announced that there had been an armed encounter between the NPA and army Scout Rangers in which three rebels and one child had been killed. However, the sole survivor of the de los Santos family, together with other witnesses, stated that the family had been alone in their home when soldiers attacked them with automatic rifles and grenades. An inquiry was initiated by the Criminal Investigative Service of the Philippines Constabulary (PC), but its results were not known by the end of the year.

Three human rights lawyers were killed within a three-week period in mid-year. Ramos Cura, an attorney representing an imprisoned CPP leader and other suspected NPA members, was shot dead in June outside his house in Angeles City, Pampanga, by unidentified men whom local residents believed to be members of paramilitary "vigilante" groups armed and supervised in counter-insurgency operations by the local military. Attorney Alfonso Surigao, regional coordinator for the Free Legal Assistance Group (FLAG) – a network of human rights lawyers – and principal defence counsel for a group of farmers facing charges of rebellion, was shot dead at his house in Cebu City also in June. In early July a man confessed to the killing, saying he had been ordered to kill Attorney Surigao by a PC intelligence chief in Cebu. The intelligence chief was later arrested and charged with murder. Attorney Emmanuel Mendoza, who had received death threats because he had defended slum-dwellers and youth activists in Manila, was shot dead in a Manila street in July. The government's National Bureau of Investigation later announced that principal suspects in the killing were two police officers. Several other human rights lawyers received death threats during the year.

A number of activists in the national left-wing youth movement *Kabataan para sa Demokrasya at Nasyonalismo* (KADENA), Youth for Democracy and Nationalism, were arrested, killed or "disappeared" during the year. Police in Man-

ila claimed KADENA was a front organization for the ABB and its "sparrow units" (assassination squads). Two half-brothers – Angelito Joaquin, aged 16, and Roberto Pascual Sr, active in KADENA and related youth and community organizations, "disappeared" during the year. Angelito Joaquin was last seen on 23 March when witnesses saw him being arrested by police. Roberto Pascual was abducted by seven unidentified men armed with automatic rifles at his home in Navotas, Manila, on 7 April. Police officers denied that the two had been arrested and both were still missing at the end of the year.

Dozens of farmers "disappeared" after apparently having been taken into custody for questioning by soldiers on armed operations against the NPA. Eleven farmers active in the militant Small Farmers' Association of Negros "disappeared" from Bungsaran village, Ilihan district, in March. Villagers reported that they were arrested by members of the 332nd PC company who told relatives that the 11 would be sent home after questioning, but the company later denied having made any arrests. A government team investigating the "disappearances" in July was told by a local official that he saw the 11 farmers being taken away by men in military uniform but the investigators failed to visit the village to collect statements by relatives or other witnesses. At the end of the year the 11 farmers were still missing.

When she came to power in 1986 President Aquino took a number of steps to halt torture. However, the practice was reported with increasing frequency during the year. Several prisoners accused of leading roles in the NPA and/or CPP claimed they had been ill-treated or tortured in detention, especially while undergoing questioning at major military intelligence commands in the Metro Manila area. Elpidio Latorilla, Valeriano Alvarando and Anastacio Cortez, three men suspected by the authorities of being leading figures in the Mindanao CPP, were arrested in Quezon City between 5 and 9 July. According to their later statements, they were held incommunicado in an intelligence unit at the Philippine Army headquarters at Fort Bonifacio until 20 July. They alleged that during this time they were nearly suffocated with water and plastic bags, repeatedly and severely beaten and kicked, forced to lie on ice, had metal

objects inserted into the anus, were burned with cigarettes, and subjected to mock executions. The outcome of any official investigations into these allegations was not known.

Detainees were also reportedly tortured or ill-treated in police stations. Eden Piano, arrested in June with his father, who was accused of repairing weapons for the NPA, had a nervous breakdown as a result of his experiences in police custody in Ballesteros, Cagayan district. He told his family that he had been severely beaten, nearly suffocated with water and forced to dig his own grave. An independent medical examination reported scars and contusions on his body and diagnosed a reactive psychosis requiring continued psychiatric care. In July the official Commission on Human Rights recommended that the Ballesteros police station commander be prosecuted but by the end of the year it was not known if any charges had been filed in court.

Others imprisoned under criminal charges accused of involvement in or support for the NPA, alleged that the charges against them were politically motivated and that they were being held for non-violent activities in legal left-wing associations. Thirteen activist farmers from Nueva Ecija province said they were arrested in Baguio City in June during a meeting to review their activities and to plan a campaign against government land reform proposals. Several said they were tortured in custody in order to extract confessions and an official medical examination revealed evidence of injuries on 10 of the prisoners. The farmers were brought to court, charged with illegal possession of firearms and, in some cases, with subversion.

Official investigations into allegations of human rights abuses continued to be hampered by the unwillingness of military officials to cooperate, by the fact that soldiers and police may only be tried by military courts and by witnesses' fear of recriminations should they testify. The official Commission on Human Rights conducted investigations into several cases of human rights violations but by November, although there had been more than 1,000 reported incidents, the Commission announced that only 79 cases had been filed with military or civilian courts.

By the end of the year no military or

police officer had been convicted of a serious human rights-related offence committed under President Aquino's government. However some troops or police faced charges relating to allegations of human rights violations. Soldiers accused of the February 1987 killing of 17 villagers in Lupao village, Nueva Ecija district (see *Amnesty International Report 1988*), whose court-martial opened in February, were still being tried at the end of the year. A decree issued under former President Ferdinand Marcos – Presidential Decree (PD) 1850, preventing soldiers or police from being tried in civilian courts – remained in force, although bills to amend or repeal it were introduced in Congress. In September 1988 President Aquino waived PD 1850 in the case of the PC major charged with the murder of Attorney Alfonso Surigao.

A bill to reinstate the death penalty, abolished under the 1987 Constitution, was introduced in Congress. House Bill 295 – to reinstate the death penalty for 15 "heinous crimes", including murder and the sale and importation of prohibited drugs – was passed by the House of Representatives. The proposal was due for discussion in the Senate, but at the end of the year it had not reached this stage.

Amnesty International made repeated appeals for independent and impartial investigations into reports of "disappearances" or political killings by government or government-backed forces. In March Amnesty International published a report – *Philippines: Unlawful Killings by Military and Paramilitary Forces* – which gave details of over 70 killings during 1987 and called for thorough, independent investigations and effective measures to prevent further killings.

Amnesty International representatives visited the Philippines for talks with government and military officials in June and July. During the second visit, the Secretary General of Amnesty International met President Aquino, who assured him that human rights violations would not be tolerated by her government, which, she said, was committed to bringing those responsible for such violations to justice.

In September and November Amnesty International sent the authorities documents outlining reports of incommunicado detention, ill-treatment and torture it had received during the year. The organ-

ization appealed for independent, thorough investigations into all such allegations and asked for official comments. Having received no substantive response, in December Amnesty International issued a public document drawing attention to the apparent re-emergence of torture, calling on the authorities to enforce legal safeguards against the practice and to investigate the allegations.

## SINGAPORE



Two prisoners of conscience, one of whom had been held continuously since 1966, were detained without charge or trial throughout the year under the Internal Security Act (ISA). Nine former untried detainees who had been released in 1987 but were still under restriction orders were redetained without charge or trial after they alleged publicly that they had been ill-treated while in the custody of the Internal Security Department (ISD) in 1987. Two lawyers engaged to represent them were also detained, although both lawyers and three of the nine had been released from detention by the end of the year. However, with one exception, on release their freedom of movement and of association were restricted and they were still regarded as prisoners of conscience. At least seven people were sentenced to death and there were four executions.

The two prisoners of conscience detained without trial throughout 1988 were Chia Thye Poh, a former opposition member of parliament, and Vincent Cheng Kim Chuan, who was secretary of the Catholic Church's Justice and Peace Commission in Singapore at the time of his arrest in

1987. Both men were held under two-year detention orders issued by the Minister of Home Affairs under the ISA. The act empowers the Minister to authorize detention without charge or trial for renewable periods of up to two years of anyone deemed a threat to national security.

Chia Thye Poh had been held continuously under a succession of detention orders since October 1966, when he was arrested and accused of being a member of the banned Communist Party of Malaya (CPM), an accusation he has consistently denied. He remained in detention throughout 1988 for what was believed to be his continued refusal to sign an admission of guilt.

Vincent Cheng was arrested in May 1987, one of 22 people held in connection with an alleged "Marxist conspiracy to subvert the existing social and political order", and served with a two-year detention order. The other 21 had been released from detention by the end of 1987, although all but one were still restricted (see Amnesty International Report 1988).

In April eight of the former detainees were rearrested the day after they issued a press statement in which they denied that they had been involved in any conspiracy and alleged that they had been ill-treated in detention in 1987. Patrick Seong, a lawyer representing some of those detained, was also arrested and in May a ninth former detainee was rearrested. Following the April arrests the government announced that a commission of inquiry would be appointed to investigate the detainees' allegations of ill-treatment although the government publicly denied that any of them had been tortured or assaulted. However, in April, by which time those arrested had again been subject to incommunicado detention and lengthy interrogation, the authorities announced that they had obtained "statutory declarations" from the detainees in which they were said to have retracted the contents of their press statement and that there was "no longer a need" to proceed with a commission of inquiry.

Seven of those rearrested, and their detained lawyer Patrick Seong, sought to contest detention by applying to the High Court for writs of habeas corpus. Their cases were heard in May but were dismissed, with the detainees ordered to pay

all costs. While the action was still in progress Francis Seow, a former Solicitor-General representing two of the detainees, was himself arrested and detained under the ISA, accused by the government of having colluded with a senior Western diplomat to encourage opposition to the government. He was released from detention in July but his freedom of movement and of association were severely restricted.

Although the detainees' habeas corpus applications were unsuccessful, Patrick Seong and two others were released within hours of the court decision by order of the Minister of Home Affairs. The other four detainees, lawyers Teo Soh Lung and Kevin Desmond De Souza, dramatist Wong Souk Yee and lecturer of English Chng Suan Tze, lodged appeals against the High Court ruling to the Court of Appeal, which ruled in early December that the four should be released. Despite this ruling, delivered by Chief Justice Wee Chong Jin, the four were released briefly from custody but immediately served with new detention orders under the ISA. They were still held at the Whitley Road Detention Centre at the end of the year. Two other rearrested detainees, Chew Kheng Chuan and Kenneth Tsang Chi Seng, who had not sought habeas corpus, also remained in detention.

Seven people were sentenced to death by the High Court after being convicted of drug-trafficking, which carries a mandatory death penalty, bringing the number of people under sentence of death for such offences to at least 14. No prisoners sentenced for drugs offences were known to have been executed in 1988 but two women and a man, together convicted of murder, were hanged in November after the Judicial Committee of the Privy Council in the United Kingdom upheld their sentences. One other man was executed in December after being convicted of murder. At least three people sentenced to death for murder were awaiting the outcome of appeals at the end of the year.

Throughout the year Amnesty International continued to press for the unconditional release of Chia Thye Poh, Vincent Cheng and other prisoners of conscience detained without trial under the ISA and for the lifting of restrictions imposed on Francis Seow and the two other detainees who had been released in 1988. In May an

Amnesty International observer attended the habeas corpus hearings brought on behalf of eight of the detainees. In August the organization published details of alleged physical and psychological torture and ill-treatment to which ISA detainees had been subjected in 1987. Amnesty International also drew these allegations to the government's attention and urged that the authorities should investigate alleged abuses by five Internal Security Department officers named in testimonies from the detainees with a view to prosecution. However, there was no response and no such investigation was known to have taken place by the end of 1988.

## SRI LANKA



Thousands of people were detained without charge or trial, and dozens "disappeared" following arrest by the Sri Lankan security forces and by the Indian Peace Keeping Force (IPKF) deployed in the northeast. The fate of hundreds who had "disappeared" in previous years remained inadequately investigated. There were many allegations of torture. Emergency Regulations were amended to permit the disposal of bodies by the police. There were widespread reports of extrajudicial executions by Sri Lankan security forces, who were among those granted immunity from prosecution retroactively for offences committed "in good faith".

As a follow-up to the peace accord signed between India and Sri Lanka in July 1987, provincial council elections were held, although they were boycotted by the Liberation Tigers of Tamil Eelam (LTTE).

the Sri Lanka Freedom Party (SLFP) and the Janatha Vimukti Peramuna (JVP), People's Liberation Front. The LTTE and JVP engaged in violent action in opposition to the elections. The LTTE was generally considered responsible for many killings, including those of some 160 Sinhalese and Muslim civilians in Eastern Province in April and those of 45 other Sinhalese at Medawachchiya on 7 November. The JVP and the associated Deshapremi Janatha Viyaparaya (DJV), People's Patriotic Front, were generally considered responsible for over 800 killings during the year. The victims included security forces Personnel, members of the ruling United National Party (UNP), and members of opposition parties which contested the elections. The ban imposed on the JVP in 1983 was lifted in May but the JVP leadership continued to operate clandestinely.

In December Prime Minister Rana-singhe Premadasa was elected to succeed J.R. Jayawardene as President after an election campaign marked by widespread violence. In the run-up to the election, the JVP was reported to have attacked political rallies. It was also reported to have issued death threats to reinforce its calls for anti-government strikes and demonstrations and to prevent people from voting. The security forces were instructed to use "maximum force" to ensure that people could vote.

Emergency Regulations permitted the disposal of bodies without post-mortem or inquest on the direction of the Inspector-General of Police or his deputy, provided this had been approved by the Ministry of Defence. In November this regulation was amended to give these powers to police officers of the rank of Assistant Superintendent of Police or above, or those whom they authorized. At the same time, the security forces were ordered to shoot demonstrators and curfew-violators on sight. Reports indicated that these powers were immediately put to use and there were several incidents in which demonstrators were shot dead by the security forces. From late November eye-witnesses reported seeing many bodies being burned, allegedly by the security forces.

In November 1988 the Prevention of Death Threat Regulations were published under the Public Security Ordinance. These extended the application of the death penalty to cover various new of-

fences, such as threatening death or bodily harm to others in order to force them to join or resign from political parties. The regulations provide that possession of any document containing anything which might reasonably be construed as such a threat will be considered *prima facie* proof of an attempt to commit the offence. They also provide that incriminating statements made by a suspect "to whomsoever and in whatsoever circumstances" will be admissible as evidence in court, unless the accused can prove that they should not be admitted. The power of higher courts to supervise the conduct of such trials is removed (but not the right of appeal). The government announced it would introduce expeditious trials before a judge of the High Court to deal with these cases, but no such court had been constituted by the end of the year.

In December the Indemnity (Amendment) Act was passed, providing indemnity from prosecution for government and security force members, government servants and others involved in enforcing law and order, provided that their actions were done "in good faith". The act applies to the period from 1 August 1977 to 16 December 1988, almost the entire term of the last government.

Tamil prisoners continued to be released under the amnesty initiated in July 1987 as part of the Indo-Sri Lanka accord. However, by the end of the year approximately 250 Tamil political prisoners arrested before the accord remained in detention, despite accord provisions for all such prisoners to be released. The majority had been convicted of offences under the Prevention of Terrorism Act (PTA) or Emergency Regulations, or were awaiting trial, and about 50 had not been charged with any offence. Many of those released complained of torture and some said they had witnessed others tortured to death. The cases against two groups of Sinhalese and Tamil suspects charged under the PTA with conspiracy to overthrow the government (see Amnesty International Report 1988) were discontinued and those in custody released.

Thousands of people in the south, including Buddhist monks and students, were held under provisions in the Emergency Regulations which authorize detention without charge or trial. In September the government released

Shantha Bandara, a senior member of the JVP, who had been in detention for four months. In December 450 people, who had been among the many hundreds arrested in southern areas since early November, were released from Boosa army camp. At the end of the year, however, over 2,000 people from the south remained detained under Emergency Regulations.

In the north and east, hundreds of people were detained by the IPKF and screened for links with the LTTE. LTTE suspects continued to be arrested by the IPKF, and alleged members of certain other militant Tamil groups were also detained. It was not clear under what legal provision these prisoners were held. There were no reports of charges being brought against them, nor of any trials. Following the "disappearance" of Parameswaram Kenga after his reported arrest by IPKF personnel in April, his sister filed a *habeas corpus* petition on his behalf. The Officer in Charge at the IPKF camp at Vavuniya was summoned to appear before the court on several occasions but he failed to do so, and the Indian authorities did not supply the court with any information about the case. Contempt of court proceedings were brought against the officer but the case had not been resolved by the end of the year.

Many prisoners were kept incommunicado for long periods and there were scores of reports of torture inflicted by both the Sri Lanka security forces and the IPKF. Several deaths in custody as a result of torture were reported in both the northeast and the south. The death in police custody on 2 September of a lawyer, Wijedasa Liyanarachchi, provoked widespread public protest. A public inquest was held, which resulted in the prosecution of three police officers for murder. Other deaths in custody during 1988 are not known to have resulted in any public inquiries or criminal prosecution. However, four police officers were charged with the murder of a fisherman in 1985 who had been kicked and beaten to death in their custody.

There were numerous extrajudicial executions by security forces. There were also allegations of such killings by "death-squads" linked to the security forces. It was often difficult to attribute responsibility for individual deaths, but in some cases witnesses saw the victims being taken into security force custody before their bodies were found. Official investigations into

such killings were generally perfunctory and inadequate, if held at all. For example, when the burned and mutilated bodies of two schoolboys, Wasantha Weerasinghe and Prasantha Wanigasinghe, were found near Tangalle on 24 March witnesses claimed that they were last seen being arrested by men in Special Task Force (STF) uniform driving an unmarked jeep. In the face of protests about the killings they were investigated by the Tangalle police, who concluded that the boys had been killed by "subversives". This led to further protest and in April the Minister of Defence announced that a Select Committee of Parliament would be appointed to conduct an inquiry. However, by the end of the year there had been no news of its findings.

Security force personnel were accused of complicity in other politically motivated killings. On 23 October the partly-burned bodies of three young men, who are believed to have been JVP members, were found dumped in Wellaway District. They had been shot in the head and bore injuries caused by blunt weapons. People claimed to have witnessed the abduction of these men by a candidate for the UNP who had unsuccessfully contested the provincial council election earlier in the year; he was arrested on 27 October. Several others were arrested soon after, including members of the Ratnapura police force. Further members of the security forces were reportedly wanted in connection with the deaths. At the judicial inquiry, it was alleged that weapons belonging to security force personnel were used in these killings. Investigations were continuing at the end of the year.

In November widespread protests against the government spread into prisons and at least two inmates died after security forces opened fire to quell disturbances at Welikade jail. Inquests were held into these deaths, but the findings are not known to Amnesty International.

Compared to 1986 and the first half of 1987 there were fewer reports of large-scale reprisal killings by the security forces in the northeast. There was no indication that the inquiry announced by government in 1987 into reprisal killings by the STF at Kokkaddicholai on 28 January 1987 had been held (see Amnesty International Report 1988). There were allegations that members of the Eelam People's Revolutionary Liberation Front (EPRLF)

and a group of Tamil militants called "Tristar" aided the IPKF in identifying LTTE suspects, and that the IPKF was complicit in Tristar and EPRLF killings of LTTE suspects.

Several allegations of rape by members of the IPKF were made. In January four Indian soldiers were discharged and sentenced by an Indian court-martial to one year's imprisonment for rape, and there were further such allegations later in the year. The Indian Government announced in June that "the charges of rape and brutality made against the IPKF are fabricated and unfair" and said that "most of these charges have been found to be baseless". There were also allegations of rape by Sri Lankan security forces in the south, and in August, four police constables were charged with raping a 27-year-old woman near Rajagiriyia.

Over five hundred *habeas corpus* cases were lodged during the year, the majority of which concerned arrests of people by Sri Lankan security forces.

By the end of 1988, 35 people were known to have "disappeared" in the south since the signing of the Indo-Sri Lanka accord, but the real figure is believed to be much higher. In the northeast, eight other "disappearances" following arrests by the Sri Lanka security forces and 35 following arrests by the IPKF were reported. In addition, there was uncertainty about the fate of all but six of the 685 people known to have "disappeared" in Sri Lanka security force custody between 1983 and July 1987. There was evidence that many of the "disappeared" had been tortured, that some had died as a result, and that others had been shot dead after arrest and their bodies disposed of in secret. Six are now known to have been released from custody between 1985 and 1987.

Relatives of JVP suspects wanted by the security forces, or already detained, were among those arrested and tortured, apparently solely because of their family relationship. In one case, a 16-year-old girl whose two brothers were already in detention, alleged that she had been taken from her home on 9 March by plainclothes police officers and interrogated at Gampaha police station. She was beaten in front of one of her brothers, and was forced to watch while he was suspended from a rod and beaten. The girl filed a fundamental rights petition after her re-

lease, alleging torture. The outcome of this case is not known.

Throughout the year Amnesty International urged the authorities to establish impartial investigations into "disappearances", reports of torture and deaths in custody, and extrajudicial executions, and to adopt adequate safeguards to prevent further such abuses. It also criticized new legislation granting the security forces and others immunity from prosecution and allowing the police to dispose of bodies.

Amnesty International opposed the extension of the scope of the death penalty. It also investigated the cases of many detainees who appeared to be possible prisoners of conscience and called for all such detainees to be brought to trial promptly and fairly on recognizable criminal charges or else to be released. Amnesty International also expressed concern to the Indian Government about abuses committed by the IPKF in northeast Sri Lanka. No replies were received.

In February Amnesty International criticized the Sri Lankan Government's inadequate response to the United Nations Working Group on Disappearances in an oral statement to the United Nations Commission on Human Rights.

Amnesty International sought to send a delegation to Sri Lanka to discuss its concerns with the government. In February President Jayawardene stated publicly in a British Broadcasting Corporation interview that Amnesty International could have "free access" to Sri Lanka. However, despite this public assurance the government continued to refuse to allow the organization's representatives to visit.

Amnesty International continued to oppose the forcible return of Tamil asylum-seekers to Sri Lanka on the grounds that they would be at risk of imprisonment as prisoners of conscience, torture or execution. In 1987 Amnesty International took up the case of a repatriated Tamil who had been arrested on arrival in Sri Lanka by the Criminal Investigation Department (CID). By the end of 1988 no charges had been brought against him and he had not been released, despite *habeas corpus* proceedings instituted by his father. There were reports of involuntarily returned Tamil asylum-seekers being intimidated by the CID on arrival at Katunaike airport, and being deprived of their identity cards.

## TAIWAN



**Three prisoners of conscience were released in an amnesty in April but at least five others remained in prison at the end of the year. There were allegations of ill-treatment of detainees in police custody. Twenty-two people were executed and at least 26 death sentences were imposed.**

On 20 January the Law on Assembly and Demonstration During the Period of Communist Rebellion was promulgated. This relaxed the ban on all demonstrations which had been in force for 38 years. The new law permitted demonstrations to take place provided police authorization had been obtained and that they did not oppose the constitution or advocate communism or Taiwan's independence from mainland China. Violations of the new law are to be punished by up to two years' imprisonment. Throughout the year a number of people were arrested for holding demonstrations without police authorization.

Following President Chiang Ching-kuo's death in January, he was succeeded as head of state and chairperson of the ruling Nationalist Party (Kuomintang) by Vice-President Lee Teng-hui. An amnesty that took effect on 22 April was granted to commemorate his death. It resulted in the release or reduction in sentence of more than 22,000 prisoners, including 28 who had been convicted of sedition, 16 of whom were released in April. The 16 included at least three prisoners of conscience – Pai Ya-tsan, held since 1975, Chang Hua-min, held since 1979, and Wang Ching-hsiung, who had been arrested in 1981. The amnesty also provided for a reduction of the sentences of prisoners arrested for offences committed

before 30 January whose trials had not yet been completed.

Shih Ming-teh, a prisoner of conscience, had his life sentence reduced to 15 years' imprisonment under the April amnesty. He had been arrested in 1980 in connection with his leading role in organizing a demonstration on 10 December 1979. Suffering from poor health, he went on hunger-strike the day the amnesty came into effect, when the authorities refused to release him on medical grounds. He was forcibly fed and eventually ended his hunger-strike on 1 November. At the end of the year he remained imprisoned at the Tri-Services Military Hospital in Taipei.

Two prisoners of conscience, Tsai Yu-chuan and Hsu Tsao-teh, were sentenced to 11 and 10 years' imprisonment in January. They were convicted of sedition for including in the charter of the Formosan Political Prisoners' Association a sentence in support of Taiwan's independence. (Expression of this view is banned by the government, which regards Taiwan as a province of China to be reunified with the mainland under the political doctrine of Sun Yat-sen.) The trial was completed in a single session lasting about 12 hours but the two were later retried by order of the Supreme Court. The second trial resulted in their sentences being reduced. These were further reduced under the terms of the amnesty – Tsai Yu-chuan's to seven years four months and Hsu Tsao-teh's to four years eight months.

Cheung Ki-lok, a resident of Hong Kong, was also jailed for sedition. He was arrested in January and accused of planning to overthrow the government – an offence which carries a mandatory death sentence – and with belonging to the Chinese Communist Youth League (of the People's Republic of China) in his student days. In October he was acquitted of the first charge but convicted of the second. He received a five-year sentence which was automatically reduced to three years four months under the April amnesty. In December the Supreme Court ordered a retrial but the grounds for its ruling were not made public. Cheung Ki-lok was believed to be a prisoner of conscience.

There were several allegations of torture or ill-treatment of suspects in police custody, particularly after a violent demonstration by farmers in May. Several people who died in police custody were alleged by

their relatives to have been assaulted by police. In two cases police officers were charged with assault on the prisoners, although it is not known to Amnesty International if any were given prison terms.

At least 26 people were sentenced to death for crimes that included murder and kidnapping. In June the judicial authorities instructed courts to impose death sentences for kidnapping, even if the abductors had not injured their victims. Twenty-two executions were officially reported.

Amnesty International continued to urge the release of those prisoners of conscience who were not freed in the April amnesty and investigated the cases of six other possible prisoners of conscience. It also appealed for commutation of all death sentences.

In May and June an Amnesty International observer attended two hearings of the retrial of Tsai Yu-chuan and Hsu Tsao-teh.

In February Amnesty International sent a memorandum to President Lee Teng-hui detailing its concerns in Taiwan. It called for the release of prisoners of conscience and for the government to initiate a judicial review of the cases of civilians convicted of political offences by military courts during the period of martial law (1949-87), on the grounds that the trials had been unfair. It also urged the government to change current laws which permit the imprisonment of prisoners of conscience and which impose restrictions on released political prisoners, to improve safeguards against the torture and ill-treatment of detainees and to abolish the death penalty.

The authorities responded to Amnesty International in August. They denied that those convicted of sedition included prisoners of conscience or that it was necessary to amend the laws on sedition. They said that political prisoners would be released once they met parole requirements. They considered that the procedures for individual applications for retrial were adequate and rejected Amnesty International's recommendations for a government-initiated review of the political trials under martial law. The authorities indicated, however, that amendments to the employment restrictions imposed on former prisoners were under consideration. They stressed that torture and ill-treatment of prisoners was forbidden, that any official who committed such abuses would be

punished and that tape-recording and video-taping of interrogations had been introduced. They reiterated their view that the death penalty was a necessary deterrent for the maintaining of social order.

## THAILAND



**Three prisoners of conscience and three possible prisoners of conscience were released. However, three others were convicted of "lese majesty" and sentenced to prison terms. It appeared that they too might be prisoners of conscience. Eight political prisoners held without charge or trial since arrest in April 1987 were released. Six others arrested in 1986 or 1987 were brought to trial before military courts from which there is no right of appeal for "communistic activities" and insurrection. The trial continued, also by military court, of six other political prisoners who had been detained since July 1984. More than 20 others convicted by such courts in previous years – including 17 Muslims from south Thailand imprisoned for violent separatist activities – remained in prison without the right of appeal. At least five such prisoners were released as a result of royal pardons. At least seven people were sentenced to death, but it was not known if there were any executions.**

On 16 September parliament passed a bill sponsored by Prime Minister Chaat-chai Chunhawan's government amnestying armed forces officers and senators who had allegedly led an abortive military coup in September 1985. Several groups of people, including members of parliament, lawyers, religious leaders and students called for a wider amnesty which would cover all political prisoners. Members of

parliament submitted three amnesty bills to the House of Representatives, and at the end of September the government said it would study the bills to decide whether to support them.

Several people were arrested and brought to trial on charges of "lese majesty". Wimon Choertchuuchon and Siifaa Sawaangyen, both students, and kindergarten owner Wasuthii Sukkasang were arrested on 28 January and brought to trial in March for allegedly producing leaflets critical of the royal family. They were reportedly entrapped into doing so by a government agent. Apparently, they had been targeted for arrest after Wimon Choertchuuchon criticized government policies at non-violent student rallies, which may have been the reason for their detention. They were freed on 30 December when the court dropped charges against them.

Three other people were arrested on "lese majesty" charges. Montri Aksornin, Sanit Chanduangsi and Chana Luangvisit were reportedly alleged to have distributed leaflets critical of the royal family. Arrested in July and tried in November, Montri Aksornin and Sanit Chanduangsi were sentenced to four and a half years' imprisonment and Chana Luangvisit to three and a half years. The trial was held in camera and so details of charges and verdict were not available. It appeared, however, that the reasons for their detention might have been their non-violent political views.

Other prisoners previously imprisoned on "lese majesty" charges were given royal pardons and released. Sanan Wongsuthii, a labour activist imprisoned since 1986 for "lese majesty" on account of public statements he had made criticizing a member of the royal family, was released in February. Wiira Musikaphong, a long-standing member of parliament, was freed in July. He had spent a month in prison after the Supreme Court rejected his appeal. He had been imprisoned because of election speeches he had made saying that a prince would live an easier life than a commoner, such as himself.

Former rubber tapper Phromneet Baanthip, a prisoner of conscience convicted of "lese majesty" because he expressed a preference for a republican system of government and predicted the collapse of the monarchy, benefited from the general

royal pardons. He was released in October.

Six prisoners charged with "communist activities" and insurrection – the latter carrying an optional death penalty – were brought to trial before military courts, from which there is no right of appeal. Suwat Mungchoertchuutham, detained in September 1986 while leading peaceful demonstrations against alleged local government corruption, was charged in May. He was accused of organizing protests for the outlawed Communist Party of Thailand (CPT), which has fought a guerrilla war against the government since the 1960s. Nop Prasertsom and four other prisoners detained in April 1987 were also charged in May. Two of them were accused of being CPT leaders, the others of being CPT members who had spread propaganda and possessed banned left-wing books. The trial was still in progress at the end of 1988, and proceeded slowly reportedly because of the non-appearance of government officials called as prosecution witnesses.

The trial continued, on similar charges, of Phirun Chatwanitkun and five other prisoners. They had been detained since April 1984 and their trial was repeatedly postponed because government officials failed to testify on schedule.

There were reports of the ill-treatment of two Laotian asylum-seekers. In October Lee Sue and Yang Pao were allegedly severely beaten, burned with cigarettes and threatened with death by the commander of Ban Vinai refugee camp, reportedly because he suspected them of arson.

At least seven death sentences were imposed. Three police officers and two local government officials were sentenced to death for murder. Two people convicted of heroin-trafficking – a Thai man and an Australian woman – were also sentenced to death. All seven were believed to have appealed. There were no reports of executions in the news media.

In November Amnesty International wrote to Prime Minister Chaatchai urging the government to release any of the six who were prisoners of conscience, then held for "lese majesty". It also urged the adoption of measures to ensure that all political prisoners fully enjoy the right to a prompt and fair trial, including the right of appeal. The organization urged commutation of all death sentences finalized by the courts.

## VIET NAM



Nearly 5,800 political prisoners were said to have been released from administrative detention in "re-education" camps in two major amnesties announced during 1988. They included more than 1,000 military officers and civilian personnel of the former Republic of Viet Nam who had been detained without charge or trial since 1975. According to the government, only about 130 political prisoners held since 1975 remained in "re-education" camps by the end of the year. However, several hundred others arrested in later years were believed still to be in detention, including at least 25 prisoners of conscience, some of whom were brought to trial in 1988 after years in detention without charge or trial. The government media reported several incidents of ill-treatment and killings of detainees in custody by police and public security forces during 1988. According to press reports at least five people were sentenced to death but no executions were publicly announced during the year.

The doi moi, "renovation", program sanctioned at the sixth congress of the Communist Party of Viet Nam (CPV) in 1986, continued to be implemented. Aimed at reform of the political and economic structure of the party and the state, it has also brought about gradual improvements in civil and political rights. A Criminal Procedure Code, the first of its kind in Viet Nam, was adopted by the National Assembly in June and was scheduled to come into effect in January 1989.

Information on the system of compulsory "re-education" remained scarce, although the two amnesties announced by the Council of State on the occasion of the

Vietnamese New Year in February and National Day in September were widely publicized. Figures issued by the authorities suggested that together the amnesties resulted in the release of 11,500 prisoners of whom nearly 5,800 had been held in administrative detention without charge or trial in "re-education" camps. The remainder were thought to have been held for alleged criminal offences. Among those released from "re-education" were over 1,000 people held since 1975 on account of positions they had held in the armed forces or the civilian administration of the former Republic of Viet Nam. More than 160 of them were released from the Nam Ha "re-education" camp in Ha Nam Ninh province and a total of 700 were reportedly released from camps in Xuan Loc in Dong Nai province and in Ham Tan in Thuan Hai province. Those released reportedly included a former minister, 11 former army generals, several former senators and parliamentarians, 82 former military and intelligence officers, and at least 35 chaplains who had served in the armed forces of the Republic of Viet Nam.

Announcing the February releases, Phan Quang, a Deputy Minister of Information, stated that those freed had "shown repentance and made progress during the course of their re-education". He said that "only 159 persons of the former Saigon regime" continued to be detained since 1975. In June, the Interior Minister, Mai Chi Tho, stated that of a total of 500,000 people detained in "re-education" camps following the end of hostilities in 1975, including more than 100,000 officers, only about 190 of the "most dangerous" members of the former administration were still in detention. Earlier in the year CPV Secretary General Nguyen Van Linh had announced that all remaining prisoners held in "re-education" camps would be released, without referring to numbers of prisoners affected.

During 1988 Amnesty International learned of the release of 15 prisoners of conscience, most of whom had been in "re-education" camps for more than 12 years. They included lawyers Nguyen Huu Giao, Vu Ngoc Truy and Dao Van; journalists Le Van Tien and Pham Van Tam; two Roman Catholic priests, Do Bich Ngo and Le Trung Thin; Thich Nu Tri Hai, a Buddhist nun; Nguyen Dan Que, a medical doctor; and Truong Vi Tri and Tran Trung

Dung, who had been elected representatives in the former National Assembly and Senate respectively. Dozens of other untried political detainees whose cases Amnesty International had been investigating for many years were known to have been released during 1988.

However, at least 25 other prisoners of conscience were still imprisoned at the end of the year. Most were held in administrative detention without charge or trial. They included writers, journalists, businesspeople, teachers, Buddhists, and Catholic and Protestant clergy, all of whom had been detained since the late 1970s on account of their alleged political sympathies or for dissenting from government efforts to control activities in the economic, cultural and religious spheres. One such prisoner, novelist Duong Hung Cuong, who had been held in administrative detention since May 1984, was reported to have died in custody in January 1988.

At least two other prisoners of conscience, Thich Quang Do and Thich Huyen Quang, both prominent Buddhist monks, continued to live under house arrest in their native villages. In June Bishop Nguyen Van Thuan, a long-term detainee, was reported to have been allowed to receive letters for the first time in 13 years. He was said to have been released from house arrest in November.

In June another prisoner of conscience, Monsigneur Nguyen Kim Dien, the Archbishop of Hue, died after an unspecified illness. He had also been under house arrest and had had severe restrictions placed on his religious activities.

Press reports indicated an increase in the number of prisoners of conscience tried under provisions of the penal code introduced in January 1986. Several prisoners of conscience brought to trial after they had served long periods in untried detention were charged with involvement in "counter-revolutionary activities". In April writers Doan Quoc Sy and Hoang Hai Thuy were tried by the People's Court in Ho Chi Minh City after spending four years in untried detention. They were convicted of spreading "propaganda against the socialist system" and sentenced to nine and eight years' imprisonment respectively. Both appealed against the verdict and were reported to have had their sentences reduced in November by one and two

years respectively.

In May Ho Hieu Ha and two other Protestant pastors were reported to have lost appeals against prison sentences which had been imposed by the People's Court in 1987 after they had been found guilty of "preaching against the revolution". They were believed to be held at the Chi Hoa Prison in Ho Chi Minh City.

Thich Tue Sy and Thich Tri Sieu, prisoners of conscience and monks who are among Viet Nam's foremost Buddhist scholars, were tried by the People's Court in September together with 19 others. They were alleged to have engaged in subversive activities and to have established a "counter-revolutionary organization". The two monks were sentenced to death, the others to prison terms ranging from four years to life imprisonment. It was later reported that the Supreme People's Court had commuted the death sentences to long prison terms.

In August and September the Ho Chi Minh City People's Court sentenced a total of 47 people to prison terms ranging from two years to life imprisonment on charges of "attempting to overthrow the revolutionary government". All were reported to have been convicted of writing and distributing "counter-revolutionary documents designed to discredit the system" and "almost all" to have pleaded guilty. Although the Constitution provides for defendants to plead their cases and to seek legal assistance, these defendants were not accorded the right to independent legal counsel of their own choosing. Amnesty International believed these trials fell short of internationally accepted standards.

Reports in the government media about deaths in custody and ill-treatment of suspects in detention gained greater prominence during the year. One referred to the practice of "arbitrary arrests, coached testimony, testimony obtained by trickery, forced testimony, and even beatings of the accused to obtain confessions that conform to the opinion of cadres". On at least two occasions members of the security forces were tried and found guilty of killing suspects in custody. In April a police officer was sentenced to 15 years' imprisonment by the Supreme People's Court for having beaten to death a 13-year-old student he had arrested on suspicion of stealing grain and then attempting to conceal

the murder. In September three police officers were imprisoned for between four and 10 years after they had been found guilty of torturing to death a man suspected of stealing a radio-cassette player. The three policemen reportedly attempted to fake the prisoner's suicide by hanging the body from the bars of a cell window. A post mortem examination revealed that he had been beaten to death.

At least five death sentences were pronounced during the year. In May a Ha Noi court reportedly sentenced to death two men who had been arrested for the armed theft of a motorcycle and who had later escaped from the central prison in Ha Noi. In September the Ho Chi Minh City People's Court sentenced to death Tran Van Luong and two Buddhist monks – Thich Tue Sy and Thich Tri Sieu – in separate proceedings for “counter-revolutionary activities”. The two monks reportedly had their sentences commuted to imprisonment before the end of the year but the outcome of the appeals process for the other three prisoners was not known.

Throughout 1988 Amnesty International called on the government to release all prisoners of conscience and to review the cases of all political prisoners held in administrative detention in “re-education” camps. The organization also appealed to the government to commute all reported death sentences.

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# EUROPE

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# EUROPE

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## ALBANIA



**Prisoners of conscience were held in prison or corrective labour camps under legislation which severely restricted certain human rights; it was impossible to estimate their numbers. Legal safeguards for people facing trial on political charges were inadequate and prison conditions harsh. The death penalty was available for a large number of offences, including all but one of the political offences defined under the criminal code but it was not known whether any death sentences were imposed or executions carried out during the year.**

Information about political prisoners and about the death penalty was limited as a result of strict official censorship and restrictions on freedom of movement.

It appeared that most prisoners of conscience were imprisoned for having attempted to exercise their rights to freedom of expression and freedom of movement. People who criticized economic or political conditions in Albania or who publicly expressed or propagated their religious convictions were liable to imprisonment under Article 55 of the criminal code, which penalizes "Fascist, anti-democratic, religious, war-mongering or anti-socialist propaganda" with three years' to 10 years' imprisonment. When the offence has had "especially serious consequences" the penalty is imprisonment for not less than 10 years, or death. Amnesty International learned of people who were serving sentences between 1980 and 1985 under this article, some of whom were apparently still imprisoned. Many

others, it appeared, were serving sentences after conviction under paragraph 11 of Article 47, dealing with "flight from the state", for having attempted to leave the country without permission. This is an offence punishable by a minimum of 10 years' imprisonment, or death. Permission to travel abroad is severely restricted by the state.

Information was received that a number of political prisoners who were serving sentences in the 1970s and early 1980s had been released, either at the end of their sentences, or as a result of pardons granted in 1982 and 1986. Others remained in prison, including those excluded from these pardons because they had two or more convictions for political offences.

Since 1967 when Albania was officially declared "the first atheist state in the world" all organized or public forms of religious worship have been illegal. In that year religious buildings were closed, all religious communities deprived of legal status and their officials banned from fulfilling religious duties.

In succeeding years there were reports of clergy being imprisoned or interned, usually on collective farms. During 1988 official hostility to religious belief and practice persisted. In August an article in an official youth newspaper, *Zeri i Rinise*, (*Voice of Youth*), repeated calls for the continued "struggle against old reactionary ideologies, backward customs and vestiges of religion and petit bourgeois psychology".

In July the death occurred of Father Pjeter Meshkalla, a Jesuit priest who was apparently still in detention after 25 years in prisons and corrective labour camps for his opposition to state anti-religious policies. However, it was reported that Nikoll Troshani, a titular bishop, had been released from prison and was living with relatives in Lezha. Two priests, Fathers Mikel Koliqi and Simon Jubani, were reported also to have been released. There was no further information during 1988 about Father Ndoc Luli (see *Amnesty International Report 1985*), reported in earlier years to have been imprisoned for celebrating religious services.

The authorities continued to intern people whose relatives had left the country without permission, though those held had not committed any offence. Internment may be administratively imposed for

unspecified periods, without recourse to courts, on "members of the family of fugitives" and on others regarded as a danger to the country's social system.

Legal safeguards for political prisoners during investigation and trial proceedings were extremely limited. Under the code of criminal procedure they had no statutory right to visits from relatives during the investigation phase or access to a legal adviser either during the investigation or at their trial unless the court "deemed it necessary". Lawyers lost their legal status and the institution of advocacy was abolished in 1967.

Former political prisoners reported that conditions for political prisoners remained harsh, with poor food, inadequate hygiene and medical care. Some prisoners of conscience were held at Burrel Prison where prisoners regarded as particularly dangerous – including former government officials – are detained. Political prisoners were also held in corrective labour camps, among them Qafe e Barit in Puke district. Koco Vlladimir Prifti, who was imprisoned from 1972 to December 1984 for attempting to leave the country illegally, told Amnesty International in 1988 that political prisoners at Qafe e Barit, where he spent the last part of his sentence, were forced to work long hours mining pyrites in conditions that were primitive and often dangerous. Those who refused to work or who failed to achieve the required high production norms were sent to punishment cells, where they slept on wooden planks without a mattress, received severely reduced rations and were denied exercise as well as visits and food from home.

Throughout 1988 Amnesty International appealed to the authorities to release all prisoners of conscience but did not receive a response.

## AUSTRIA

**One prisoner of conscience was held for refusing to perform military service. Reports of ill-treatment in police custody continued.**

In April Peter Burtscher, a psychology student from Salzburg, was imprisoned after applying unsuccessfully to perform alternative civilian service instead of military service. He had been active in the

peace movement and said that his conscience did not allow him to perform military service. In May his case was reopened by the Higher Alternative Service Commission on the basis that his acceptance of punishment for his beliefs justified a re-examination of whether he would suffer a "severe moral dilemma" as a result of using weapons. He was released in May and the following month he was recognized officially as a conscientious objector.



Reports of ill-treatment included the case of Wilhelm Sommer. He was arrested in September, according to the police after having ignored a red signal to stop while driving a motorcycle. Wilhelm Sommer claimed that he was made to stand against a police car and that for 10 minutes, while his hands were handcuffed behind his back, two police punched the upper part of his body, his face and head, kicked him and pulled his hair. A clinic which examined him and found injuries consistent with his allegations, submitted its findings to the Graz procuracy, which at the end of the year was still investigating the case.

In June the first court hearing took place to examine charges of attempted coercion and bodily harm brought against a police officer, alleged by Christian Schindler to have assaulted him. According to Christian Schindler, the police officer attempted to extract a confession of breaking and entering by punching and kicking him, pulling his hair and pushing his head into a basin of water. The incident was said to have taken place in November 1987. A hospital was reported to have confirmed that injuries had been caused to Christian

Schindler through blows. By the end of the year no court decision had been reached, reportedly due to the absence of a key witness.

In many cases of ill-treatment brought to the attention of Amnesty International in recent years it has been alleged that the ill-treatment took place during the first 48 hours, often with a view to extracting confessions or other information. People arrested for offences contained in the penal code may be held for up to 48 hours by the police before being handed over to the custody of a court. During this time they do not have the unrestricted right to inform their family or friends or to see a lawyer. People detained for the less serious offences regulated by the Administrative Offences Code enjoy the right, introduced into the code in July, to contact a family member, legal adviser or other person whom they trust "without unnecessary delay".

Amnesty International appealed for the release of Peter Burtscher. It asked to be informed of the outcome of any investigations into allegations of ill-treatment.

## BULGARIA



Large numbers of ethnic Turks remained imprisoned or were restricted under banishment orders in connection with their resistance to the enforced assimilation of the ethnic Turkish minority begun in 1984. There were at least 16, probably many more, prisoners of conscience. Among them were ethnic Turks and other Bulgarians detained for the non-violent exercise of their right to freedom of

expression or religion. One person was placed under house arrest after participating in the activities of an unofficial human rights group and at least one prisoner of conscience was allegedly ill-treated while in detention. At least three people were sentenced to death and at least five sentenced in previous years were executed.

The Bulgarian authorities continued to impose strict censorship on information concerning the existence and forcible assimilation of the Turkish ethnic minority. Amnesty International remained concerned about over 250 ethnic Turks reportedly arrested between December 1984 and March 1985 when, according to the authorities, the entire minority – estimated to number at least 900,000, or 10 per cent of the population – “spontaneously” and “voluntarily” renounced their Islamic names for Bulgarian ones (see Amnesty International Report 1988). Because of the difficulty in obtaining reliable information it was not clear how many of those held were prisoners of conscience but it appeared that at least some convicted of offences such as “terrorism” or “hooliganism” might have been imprisoned because of their non-violent activities in opposition to the assimilation campaign. Former prisoners spoke of hundreds of prisoners of conscience detained in prisons throughout the country during 1988.

In January Amnesty International publicly appealed for the release of Ibrahim Ismailov Arifov (see Amnesty International Report 1988). In response, the Bulgarian authorities claimed that he was not a prisoner of conscience and that he had been convicted of forming a group with terrorist aims and sentenced under Articles 107, 108, 109 and 54 of the Bulgarian Criminal Code. In fact, these articles do not make overt reference to terrorism, which is covered by Article 106 but do provide the basis for the charges of printing and distributing leaflets on which Ibrahim Ismailov Arifov was convicted and on the basis of which he was adopted as a prisoner of conscience by Amnesty International.

Asen Filipov Stoyanov, an ethnic Turk from Oborishte near Varna, began a hunger-strike in June in protest at the authorities' refusal to allow him and his wife to emigrate to Turkey. The Bulgarian Constitution does not guarantee freedom

of movement and only rarely are citizens who seek to emigrate permitted to do so. Asen Filipov Stoyanov was arrested in July after news of his hunger-strike became known outside Bulgaria and he was imprisoned in Varna regional prison, where he continued his protest and was forcibly fed. He was reported still to be in prison at the end of the year but it was not known whether any charges had been brought against him. Asen Filipov Stoyanov had been imprisoned on two previous occasions and had been on several hunger-strikes in protest against infringements of human rights in Bulgaria.

During the year there were also reports that prisoners of conscience had been jailed for reasons unrelated to the enforced assimilation of the ethnic Turkish minority. Such prisoners included Yanko Yankov, a jurist who formerly taught law at Sofia University, who was serving a five-year sentence for non-violently exercising his right to freedom of expression. He had been sentenced first early in 1984 to two years' hard labour as a furnace attendant in a chemical plant near Varna after he had visited several foreign embassies in Sofia, reportedly to discuss human rights in Bulgaria and his own wish to emigrate. He was again tried in December 1984, together with his cousin, Tseko Tsekov. Both were reportedly charged with attempting to contact the United States Embassy, being members of an anti-state group, and slandering the Bulgarian leadership. They were sentenced to five years' and three years' imprisonment respectively. Yanko Yankov continued to be held at Pazardzhik Prison, where he went on hunger-strike for 15 days in October to protest against his treatment.

Tseko Tsekov, who had been released in January 1986, was instrumental in setting up the unofficial Independent Association for the Defence of Human Rights in Bulgaria in January 1988. In October the president of this association, Ilija Stojanov Minev, a former prisoner of conscience (see *Amnesty International Report 1985*), was placed under house arrest and strict surveillance, apparently as a result of his human rights activities. He was reportedly forbidden to leave his home or to receive visitors and two police cars were permanently on guard outside his house. Another member of the association, Eduard Genov, was forced to leave

Bulgaria in October. Tseko Tsekov left the country in December after being told that he must disband the association, leave Bulgaria or go to prison.

In April the official Bulgarian news agency reported that three men had been sentenced to death after being found guilty of staging a series of terrorist acts in which eight people were killed. It was not known if the sentence was carried out but at least five others were executed during the year, all for crimes involving murder.

Throughout 1988 Amnesty International urged the authorities to release prisoners of conscience and to provide further information on a large number of prisoners – most of whom were ethnic Turks who may have been prisoners of conscience. In July Amnesty International submitted to the Bulgarian authorities a memorandum detailing 53 cases in which the organization had concerns or possible concerns. From 19 to 24 September an Amnesty International delegation attending the Inter-Parliamentary Conference in Sofia had meetings with officials from the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of the Interior at which the organization's concerns were raised. The delegation also met the representatives of the Committee on Human Rights of the People's Republic of Bulgaria, which had been created in June 1988.

## CZECHOSLOVAKIA



At least 17 people were known to be prisoners of conscience and many others whose identities were not known were believed to be in prison for their non-violent political and religious activities or

for peacefully attempting to leave the country without official permission. Some of these prisoners were released under an amnesty in October. Many people were subjected to short-term detention without charge and other forms of harassment for the non-violent exercise of their right to free expression. Several prisoners of conscience were reportedly ill-treated. At least one person was sentenced to death.

Throughout 1988 the authorities continued to charge people in connection with the peaceful exercise of human rights. As in previous years, several people who might have become prisoners of conscience received suspended sentences and others remained at liberty because their trials were postponed. Under an amnesty announced by President Gustav Husak on 27 October to mark the 70th anniversary of the Czechoslovak Republic, several prisoners of conscience were released and charges against others who seemed likely to become prisoners of conscience were dropped.

House searches and harassment of political and religious activists continued, and many were detained without charge for up to 48 hours to prevent their participation in peaceful, unofficial meetings and demonstrations. Despite an increase in the number of unofficial groups concerned with civil and political rights, it remained difficult to obtain detailed information on cases of individuals imprisoned for exercising their human rights.

On 7 July 1988 Czechoslovakia ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Among the prisoners of conscience was Daniel Mraz, a woodcutter from Prague. He was arrested near the Czechoslovak border with Austria in June and charged with "leaving the republic without permission" (Article 109 of the penal code). His wife and two children had emigrated to Austria in 1986 but his applications to join them had been unsuccessful. In September he was sentenced to eight months' imprisonment but he was released under the amnesty declared in October.

Czechoslovak law offers no civilian alternative to military service. In August Vladan Koci, a young Christian, was sentenced to 18 months' imprisonment for

"evading call-up for military service" (Article 269). In his defence he stated that he was unable to take the military oath or perform military service on religious and moral grounds. He was amnestied and released in October.

Among prisoners of conscience who did not benefit from the amnesty were three members of the Independent Peace Association, an unofficial group formed in April to promote demilitarization and the rights of conscientious objectors. Tomas Dvorak and Lubomir Vydra were arrested a week before the amnesty and accused of distributing leaflets calling people to participate in a peaceful, unofficial demonstration to mark the republic's 70th anniversary. They were initially charged with "preparing for public instigation of others to commit a crime" (Articles 7 and 164 of the penal code). Later the charge was changed to the more serious one of "preparing for incitement" (Articles 7 and 100). Thus they did not benefit from the amnesty declared the following day.

Hana Marvanova, a lawyer, was arrested in October and also charged with "incitement". Material she wrote as an editor of the Independent Peace Association's bulletin allegedly "evoked feelings of distrust towards the role of the Czechoslovak Communist Party and undermined the role of the armed forces". Lubomir Vydra was released from custody in December but the charge against him was not dropped and he may still face trial. Hana Marvanova and Tomas Dvorak were still in pre-trial detention in Prague at the end of the year. They and Lubomir Vydra face up to three years' imprisonment if convicted.

Frantisek Lizna, a Roman Catholic priest imprisoned between 1981 and 1983 and barred by the government from exercising his clerical duties (see Amnesty International Report 1983), was arrested in October after he had left a leaflet at a bus station calling for the release of political prisoners. He was charged with "undermining public order" (Section 6 of the Law on Misdemeanour) and was sentenced in November to two months' imprisonment.

Before the October amnesty two prisoners of conscience were known to have been released, contrary to usual practice, before the end of their sentences. Ervin Motl, a firefighter, was sentenced to three years' imprisonment in 1986 for "subversion" (Article 98). The sentence on Walter Kania

was suspended in May for one year on health grounds. He had first been imprisoned in 1977 and since has been given two sentences for attempting to send abroad letters alleging lack of medical attention (see *Amnesty International Report 1987*).

Several prisoners of conscience were reported to be in poor health as a result of inadequate medical attention and harsh prison conditions. When visited in prison by two American doctors in May, Jiri Wolf (see *Amnesty International Reports 1979, 1981, 1984, 1987*) complained of depression and nervous disorders and said his requests for a neurological examination had been repeatedly denied. In the previous six months he had been given four periods of punishment lasting 10 to 15 days after complaining about ill-health and refusing to work. Punishment involved transfer to another cell and reduced bread rations.

Pavel Wonka (see *Amnesty International Report 1988*) was released in poor health at the end of his three-year sentence in February but rearrested in April for failing to comply with the terms of his protective surveillance. At his trial later that month he was reportedly unable to walk as a result of injuries sustained during his first imprisonment and he died in prison on 26 April of pulmonary emboli (blood clots in the lungs).

In January Amnesty International wrote to Milos Jakes, who had recently been elected Secretary General of the Czechoslovak Communist Party, informing him of its concerns in the republic. Throughout the year the organization appealed for the release of all prisoners of conscience and sought information on prisoners thought likely to be prisoners of conscience. In August, Amnesty International sent an observer to Ivan Polansky's appeal against a four-year sentence for "subversion" (Article 98) but its representative was barred from the courtroom.

In January Vladimir Ludek was sentenced to death by the Hradec Kralove Regional Court after being convicted of murdering his wife and four children. Amnesty International appealed for his sentence to be commuted.

## FINLAND



**At least nine objectors to military service served sentences as prisoners of conscience and several others received prison sentences they were expected to begin in 1989.**

According to the revised law on unarmored and civilian service, which has been in force since 1987, conscripts who object to military service on ethical or religious grounds may undertake alternative civilian service for 16 months. However, this alternative is punitive, as it is twice as long as the period of military service. Several individuals given the option to perform alternative service in 1988 refused to perform it for this reason and were prosecuted. Markku Tattari, the head of a peace organization, was imprisoned in August when the Helsinki Court of Appeal confirmed a sentence imposed by Helsinki Municipal Court in 1987 because of his refusal to perform alternative service. One of Markku Tattari's reasons for refusing was his belief that the length of the alternative service was punitive.

At least eight other conscripts have refused to perform alternative service because of its length. Jarmo Kaarlela, Harri Mäkelä, Raimo Rautiainen, Jukka Seppälä, Jari Veijola and Pekka Ylönen began serving 11-month prison sentences in 1988. Jari Veijola was released from prison in December when he opted for civilian service; Ilkka Silo was released in October after serving nine months. Ahti Nio, who started a nine-month sentence in 1987 (see *Amnesty International Report 1988*), was released in September.

Amnesty International considered that because of its punitive length civilian service did not provide an acceptable alternative to military service and sought the release of conscientious objectors it considered prisoners of conscience.

## FRANCE



Conscientious objectors to the national service laws, including many Jehovah's Witnesses, continued to be imprisoned throughout 1988. Several trials were held in the Courts of Assize, established in 1986 to try people accused of seriously disturbing public order through intimidation or terror. Some defendants tried in these courts had spent several years in preventive detention and had alleged torture and ill-treatment in police custody. In the overseas territory of New Caledonia there were allegations of torture and ill-treatment and reports of extrajudicial executions by French security forces in operations against separatist groups. In a major initiative on New Caledonia, Prime Minister Rocard negotiated the "Matignon agreement" which included granting an amnesty to most detainees accused of crimes relating to the resolution of the territory's status.

In presidential elections held in May, President François Mitterrand, the Parti Socialiste (Socialist Party) candidate, was re-elected. A cabinet under Michel Rocard of the Socialist Party took office in June. In July it introduced an amnesty law which covered a wide range of offences including several against the national service laws. However, these were subject to

certain conditions.

In a major initiative on New Caledonia, Prime Minister Rocard negotiated the "Matignon agreement" with the separatist and loyalist parties in the territory. This was endorsed in a national referendum in November. The agreement established a program for New Caledonia's self-determination by 1998. Until then, the territory is to remain part of France. An important feature of the "Matignon agreement" was the provision to amnesty those detained for offences relating to the establishment of the Constitution of New Caledonia and the land rights of the territory, committed before 20 August. The amnesty did not apply to people who "by their direct and personal action, have been the principal authors of the crime of premeditated murder". Those accused of premeditated murder were released provisionally while judicial proceedings in their cases continued.

From May the number of Spanish Basques expelled under the administrative procedure of "absolute urgency" decreased significantly. The procedure had been used since 1986 to expel nearly 200 Basques, including asylum-seekers, many of whom claimed that they were at risk of torture or ill-treatment in Spain (see Amnesty International Report 1988). Eighteen requests by the Spanish authorities for extradition were under judicial consideration and three of these resulted in people being returned. In October the French Office for the Protection of Refugees and Stateless Persons declared that refugee status would not be granted to Spaniards in future because Spain was a democratic state where personal and public freedom of expression was guaranteed.

Numerous conscientious objectors to the national service laws were prosecuted and sentences of up to 15 months' imprisonment were imposed. Not all objectors began serving their sentences in 1988, some because they were awaiting the outcome of appeals lodged with higher courts, others because rulings on the validity of their call-up orders were pending.

Alternative civilian service is twice the length of ordinary military service. Amnesty International considers that it is therefore not an acceptable alternative and that those imprisoned for refusing to undertake it are prisoners of conscience.

Several conscientious objectors who

were imprisoned had not been offered the alternative of civilian service as their applications had been rejected on the grounds that they had been made after their call-up orders were issued. Nicolas Dubourg had been arrested and charged with "insubordination" in December 1987 following his refusal to perform military service. In September, after spending seven months imprisoned in military barracks with extensive periods in solitary confinement, he was sentenced to six months' suspended imprisonment. In a similar case, Olivier Mathon began serving a second prison sentence for "insubordination" in November 1987. He had been released from prison in July 1987 after serving nine months of a one-year sentence for the same offence. Soon after his release his call-up order was renewed. When he again refused to put on military uniform and perform military service, he was sentenced to a further eight months' imprisonment. Amnesty International considered Nicolas Dubourg and Olivier Mathon prisoners of conscience on the grounds that individuals should be able to seek conscientious objector status at any time, both up to and after the issuing of call-up orders.

Several hearings were held in the specially constituted Courts of Assize established in 1986 to try offences which caused a serious breach of the peace through intimidation or the use of terror. The courts consist of a presiding judge and six other judges who act as assessors. The judicial investigation is normally carried out in Paris regardless of where the alleged offences were committed.

Two Corsican nationalists, Félice Tomasi and Charles Pieri, were tried in the Court of Assizes in Bordeaux in October. They had been arrested in March 1983 and charged with the murder and attempted murder of two Foreign Legionnaires during a raid on a military camp in Corsica. At their trial both acknowledged their sympathy with the aims of the *Front de libération nationale de la Corse* (FLNC), Corsican National Liberation Front, an independence movement, but denied the charges. Félice Tomasi also denied having participated in the raid, but Charles Pieri admitted it.

The judicial inquiry was opened under an examining judge in Corsica. However, for fair trial and procedural reasons the

trial was moved to Bordeaux. The law introduced in September 1986 allowed the case to be heard by the specially constituted Court of Assizes; a further amendment to the law was made in December 1986 which enabled the hearing to take place in Bordeaux, rather than Paris.

Amnesty International was concerned at the serious procedural delays in bringing these cases to judgment and at the five and a half years Félice Tomasi had spent in preventive detention awaiting the hearing. This appeared to breach guarantees in the European Convention on Human Rights that all defendants should be brought to trial within a reasonable time. Furthermore, after their arrest, both detainees had made judicial declarations alleging ill-treatment while in police custody in Corsica.

Both defendants were acquitted of the murder charges but Charles Pieri was sentenced to one year's imprisonment for illegal possession of a weapon. Amnesty International observers attending the trial considered that the defendants' allegations of ill-treatment while in police custody had been established beyond doubt. The allegations had been the subject of a separate investigation during the judicial examination of the charges, but the examining judge in Bordeaux decided that there was no case to answer. The appeal against the decision, which had begun in 1987, was continuing at the end of the year.

A number of prisoners from armed groups such as Action Directe, FLNC, a Basque separatist group called *Iparretarak*, and some Spanish Basques awaiting extradition hearings alleged that their "cellular isolation" – being kept separate from other prisoners with restricted access to visitors – constituted cruel, inhuman or degrading treatment.

Four leaders of Action Directe imprisoned since February 1987 began a three-month hunger-strike in December 1987 in support of their demands for "all political prisoners . . . to be held together under a statute for political prisoners" and the "immediate closure of high security isolation blocks". Amnesty International takes no position regarding special status for political prisoners but it was concerned by reports that various Action Directe prisoners had spent prolonged periods in isolation. There were also reports that access to their lawyers, visitors, corres-

pendence, reading material and radio and television had been severely restricted. Amnesty International believes prolonged isolation can have a detrimental effect on the physical and mental health of prisoners and may in certain circumstances amount to cruel, inhuman or degrading treatment.

In February Amnesty International sought clarification from the Minister of Justice regarding the conditions of imprisonment of Action Directe prisoners. It also sought assurances that the safeguards of the Code of Penal Procedure for prisoners placed in isolation were being observed. The Ministry replied in March with specific assurances that the safeguards of the code were being met and that the prisoners' treatment was in accord with Council of Europe recommendations on the treatment of dangerous prisoners and the jurisprudence of the European Commission of Human Rights. The authorities rejected altogether the allegations of severe restrictions regarding access. The hunger-strike ended on 25 March.

The months preceding the "Matignon agreement" saw the worst period of violence in the recent history of New Caledonia. In April 23 gendarmes and a Deputy Prosecutor were kidnapped in Ouvéa by Kanak separatists. Four gendarmes were murdered during the kidnapping. The hostages were released on 5 May after an armed assault by French forces on the cave where the hostages were held. Nineteen Kanaks and two gendarmes were killed in the action. Reports stated that at least three of the Kanaks who died may have been extrajudicially executed after their surrender. A later report suggested that a fourth person may also have been extrajudicially executed. On 30 May the Minister of Defence announced that an internal military investigation had established that "acts contrary to military duty have unfortunately been committed". One squadron commander of the gendarmerie was suspended.

Allegations of torture and ill-treatment by French security forces were made by the Kanaks arrested in connection with the Ouvéa incident. In November all the Kanaks held in connection with this incident were released under the terms of the agreement.

Amnesty International appealed for the

release of prisoners of conscience imprisoned as conscientious objectors and wrote to the government in May requesting full autopsies and a judicial inquiry into the deaths of the three Kanak separatists in Ouvéa. In June the organization welcomed the decision to hold a judicial inquiry into three of the cases but urged, in the light of further reports, that the circumstances of all the deaths should be investigated.

On 10 August Amnesty International made a statement to the United Nations Special Committee on Decolonization regarding its concerns in New Caledonia.

In October Amnesty International observers attended the hearing in the Court of Assizes in Bordeaux of the two Corsicans charged with murder and attempted murder.

No progress was made in the judicial investigations opened in previous years into killings of important Kanak political activists (see Amnesty International Report 1988).

## GERMAN DEMOCRATIC REPUBLIC



At least 100 known or possible prisoners of conscience were sentenced to prison terms and many more may have been jailed under laws greatly restricting rights to freedom of expression, association, assembly and movement. Increased use was made of short-term detention to harass peace, environment, church and human rights activists and would-be emigrants.

Collection of information about individual prisoners of conscience was hampered by the secrecy which surrounded political imprisonment. Trials of prisoners of conscience were rarely reported in the media, political trials were routinely held in camera and little of court judgments was made public. In addition, legislation in the German Democratic Republic (GDR) defines the terms "information" and "recipients" so broadly and vaguely that anyone who communicated information to foreigners deemed to be "to the disadvantage of the interests of the GDR" risked imprisonment.

One victim of such laws was electrician Jürgen Kunert. Before his arrest in April he had reportedly taken part in demonstrations to publicize his application to emigrate. He had planned to set up an environmentalist group in his home town, Meerane, and had corresponded with a human rights organization in the Federal Republic of Germany (FRG). When he was arrested his apartment was searched and "hostile" material was found, including, reportedly, a letter addressed to Amnesty International. He was sentenced to two years, six months' imprisonment under laws including Article 99 of the penal code, which covers "treasonable passing on of information", and Article 100, on "treasonable activity as an agent".

These and other laws continued to be used to imprison people who expressed views disapproved of by the authorities. Detlef Kowalkowski and Bernd Schimanski attempted to draw attention to their repeated requests to emigrate by hanging a sheet from the window of Bernd Schimanski's flat bearing the words "We demand freedom and justice for everyone". Both were sentenced to 14 months' imprisonment in April under Article 214 for "hindering state or social activity". In letters sent abroad and to the GDR authorities Mirko Wünsche is reported to have made critical remarks about life in the GDR, mentioning the lack of opportunities for travel abroad and shortages of goods. On 7 June in Dresden he was sentenced to one year's imprisonment under Article 220 for "public vilification". He was released in November, with other political prisoners, to the FRG. Many more prisoners of conscience were victims of Article 214, as any attempt to persuade the authorities to reconsider a rejected emigration application

was liable to prompt prosecution on the grounds that such action obstructed the work of the authorities.

Because permission to emigrate is very difficult to obtain many would-be emigrants have attempted to leave the country without official permission. If arrested they have usually been charged under Article 213 with "illegal crossing of the border". Heiko Grund and Carola Hoffmann were sentenced under this article to two years' imprisonment on 31 March. They had been arrested in Hungary attempting to cross the border into Austria.

Since the 1987 amnesty (see Amnesty International Report 1988) the authorities have regularly detained people for short periods, either because they have attempted to exercise the rights to freedom of expression, assembly or association, or in order to prevent them exercising such rights. Between 17 and 25 January over 100 people were reportedly placed under house arrest or detained, apparently on suspicion of attempting to use an official demonstration in Berlin, on 17 January, to draw attention to matters other than those planned by the organizers. Most were released within days of their arrest. Vera Wollenberger, a founder of an unofficial church-affiliated group, and Bert Schlegel, Andreas Kalk and Till Böttcher, associated with a church ecology library, were tried under Article 217 for "riotous assembly" and given six-month prison sentences. These four and all others detained during or following the demonstration had been released by 8 February. Article 25 of the penal code, reportedly cited by the Procurator General in connection with the releases, allows penal measures to be dispensed with if the accused demonstrate "responsible behaviour".

In early March about 200 people wishing to emigrate were reportedly arrested, apparently in order to dissuade others from making emigration applications, although most were said to have been released within a week. The official news agency denied that the arrests had taken place.

Short-term arrests were reportedly made in Berlin on 29 September, when about 50 people were arrested and held for up to 12 hours after demonstrating peacefully against an International Monetary Fund/World Bank conference being held in West Berlin. On 10 October 80 people

who demonstrated against official censorship of church publications were also detained for a few hours, even though their protest had been peaceful.

On 21 November 11 members of a group called "Church Services for Justice and Peace" were arrested, reportedly as a result of organizing a church service to mark Human Rights Day on 10 December and making critical remarks about the GDR in letters sent to friends in the FRG. Eight were released after several hours but three were held and in December a fourth was detained. All four were charged with "public vilification" and "making illegal contacts". At the end of the year their trial had not taken place.

During the year Amnesty International worked for the release of 55 prisoners of conscience and pressed the authorities for more information about a further 48 possible prisoners of conscience. The organization also expressed concern to the authorities about the short-term arrests made in January and called on the authorities to release the detained members of the "Church Services for Justice and Peace" group.

## GERMANY, FEDERAL REPUBLIC OF



**In West Berlin demonstrators were subjected to preventive detention. In some cases this may have been on account of their non-violent expression of opinion. There were further allegations of ill-treatment of detainees in the Republic.**

In West Berlin protests in late September against a meeting of the International

Monetary Fund (IMF) and World Bank resulted in the preventive detention of at least 552 people – some reports suggested over 850 were detained. Demonstrators were held for up to 32 hours under the provisions of the General Law on Security and Order (ASOG). Testimonies indicated that on occasions demonstrators and bystanders were detained whether or not they had been violent.

Legal safeguards contained in ASOG – including the rights to be informed of the reasons for detention, to have a prompt judicial decision on continued detention and to make an immediate appeal against detention – were allegedly breached. The demonstrations were accompanied by violence. However, Amnesty International was concerned that ASOG may have been implemented in an indiscriminate way that led to the detention of people for exercising their right to freedom of expression through peaceful demonstration. There were also allegations of ill-treatment of demonstrators and onlookers when arrested or in custody.

In Munich Alena Karvaiova, a Czechoslovak citizen, was detained by police in connection with petty crime in October 1987 when she was seven months pregnant. According to a criminal complaint lodged by her in January 1988 she was hit and kicked in the stomach by a police officer and two prison staff. Medical reports supported her claims. Amnesty International was informed that the Munich Public Procurator suspended investigation into her complaint after she returned to Czechoslovakia in April.

The practice continued of placing some prisoners arrested on terrorist-related charges under a special detention order which forbids contact with other inmates. Erik Prauss, for example, was arrested in December 1987 and detained for investigation under Article 129a of the penal code ("Formation of Terrorist Organizations"). His detention order stated that "In consideration of the subject of the proceedings the accused is to be strictly separated from other prisoners and from the outside world." In mid-August Erik Prauss was transferred from Bochum to Stammheim prison. Although in Stammheim he was permitted to exercise with other prisoners, as long as he was strip-searched both before and after, Amnesty International did not know how often or for how long.

Other prisoners held under Article 129a also complained of isolation, although the authorities' view was that the isolation was self-imposed and was part of a strategy to achieve a special status so that they could continue to act as far as possible as a terrorist organization even while in prison. Such prisoners have often turned down offers of association with other inmates for a variety of reasons, such as the imposition of conditions they regarded as unacceptable (including repeated strip-searching), the frequent questioning by the authorities of prisoners who talked to terrorist convicts or suspects and the limiting of contact to specially selected prisoners unlikely to be compatible with them. Adelheid Schulz, imprisoned in Cologne, claimed not to have been allowed out in the open for two years because she refused to take communal exercise with someone whom she described as a neo-Nazi. Amnesty International was concerned that long-term isolation could cause serious damage to health and amount to cruel, inhuman or degrading treatment.

In September the Bochum Public Procurator replied to inquiries by Amnesty International about Reinhard Täuber who had hanged himself in Bochum Prison in October 1987. He had reportedly been tied up in a "pacification cell" after being returned to the prison on 7 October from psychiatric treatment. The procurator stated that the prison authorities had been anxious to return Reinhard Täuber to a psychiatric institution as soon as possible. They said that tying him up had been justified by his extremely aggressive and dangerous behaviour. In reply Amnesty International asked why he had been returned to the prison rather than immediately transferred to a psychiatric institution, and reiterated its concern that his treatment might have been cruel, inhuman or degrading.

In August the organization wrote to the Bavarian Interior Ministry urging a full and impartial investigation into the allegations made by Alena Karvaiova. No reply had been received by the end of 1988.

Amnesty International sought details of Erik Prauss' conditions of imprisonment from the authorities, who stated in May that he was in good health. However, no information about his alleged isolation had been received from the authorities by the end of the year.

In December Amnesty International wrote to the West Berlin Interior Minister raising its concerns over arrests and ill-treatment during the IMF/World Bank protests.

Amnesty International and the Federal Minister of Justice exchanged correspondence relating to the international standards underpinning the right to refuse to perform military service. They debated to what extent political motives can be accepted as grounds for refusing to do military service. The FRG authorities maintained that there was no internationally guaranteed right to conscientious objection and took a narrow view of the grounds for recognition of conscientious objector status. Amnesty International's view is that people liable to conscription should have the right to object to military service for all conscientiously held beliefs, including political beliefs.

## GREECE



**More than 300 prisoners of conscience, all of them conscientious objectors to military service, were in prison. Most had been sentenced to four years' imprisonment. All but two had objected on religious grounds and were Jehovah's Witnesses. A number of criminal suspects and some conscientious objectors alleged they were ill-treated.**

In October Greece ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Michalis Maragakis, the first person who objected to military service on purely

pacifist grounds, was released in December after serving 20 months of his 26-month sentence (see *Amnesty International Report 1988*). Another pacifist conscientious objector, Thanasis Makris, was arrested in April and sentenced to five years' imprisonment. His sentence was reduced in October to one and a half years' imprisonment. Before his trial Thanasis Makris began a hunger-strike in protest against his imprisonment. The hunger-strike, in which Michalis Maragakis joined, continued until the announcement in July of a new draft law introducing alternative civilian service.

The draft law, proposing that conscientious objectors perform either unarmed or community service, had not been debated in the Greek Parliament by the end of the year. The proposed duration of both types of alternative service was double that of ordinary armed service.

Some conscientious objectors received sentences longer than the usual four years' imprisonment. In October two Jehovah's Witnesses were sentenced to 12 years' imprisonment and one to 13 years. By the end of the year these sentences had not been referred to the appeal court. On appeal such sentences are usually reduced to four years, although the 10-year prison sentence passed on Georgios Argyrios Tsikilis, another Jehovah's Witness, was reduced on appeal in November to five years, two months.

Some conscientious objectors alleged that they had been ill-treated in Avlona Military Prison. Amnesty International wrote to Prime Minister Andreas Papandreou in February to urge an investigation into these allegations but received no response.

In August several criminal suspects alleged that they were tortured or ill-treated. Yannis Bouranis, a burglary suspect, alleged that during five hours of interrogation at Thessaloniki Central Police Station he was punched, struck with a truncheon and given electric shocks on his genitals. A medical report certified multiple wounds.

Andreas Filiatidis alleged that he was beaten by police while in custody in Moshato Police Station in August. Two fellow detainees also complained of ill-treatment.

In December Amnesty International wrote to the Minister of Justice raising

these and other allegations of ill-treatment.

Throughout the year Amnesty International appealed for the release of prisoners of conscience held for their conscientious objection to military service. The organization also sent observers to the trial of Michalis Maragakis in February and the trial of Thanasis Makris in May.

## HUNGARY



**More than 150 people were imprisoned for refusing to perform military service on conscientious grounds but the identities of only 10 of them were known. One prisoner of conscience was jailed for criticizing the government but was released before the end of the year. At least one death sentence was imposed but it was not known if there were any executions.**

Important political changes, which began in May with the nomination of Károly Grósz as General Secretary of the Hungarian Socialist Workers Party, brought a relaxation of censorship laws and the formation of independent pressure groups. In September Hungary ratified the Optional Protocol to the International Covenant on Civil and Political Rights. A draft law amending legislation on military service and allowing alternative civilian service was under discussion and was to be submitted to parliament in 1989.

Military service is compulsory in Hungary and the existing law did not provide for alternative civilian service. Article 336 of the criminal code provided up to five years' imprisonment – five years to 15 years in wartime – for refusing to perform

military service. Since 1977 members of some small Christian sects, including Nazarenes and Jehovah's Witnesses, have been allowed to do unarmed military service. However, the authorities refused to extend this to Roman Catholics on the grounds that their church does not expressly forbid the use of arms. According to a statement in April by the government's press spokesperson, Rezső Bányász, there were 158 people in prison for refusing to perform military service. Of these, 146 were Jehovah's Witnesses, six were Roman Catholics, one was a Nazarene and one a Seventh Day Adventist; the remaining four were non-religious conscientious objectors. The spokesperson also said that 49 soldiers were under investigation for refusing to perform military duties but gave no details. However, in May, Gábor Finta, a labourer, was convicted under Article 336 for refusing to obey call-up to three-day reserve service and sentenced to six months' imprisonment, suspended for two years. He had performed military service before but refused to do reserve service on religious grounds. In November, László Almási, a Roman Catholic and member of a "basis community" which advocates strict adherence to the teachings of the Bible, stood trial for refusing to perform military service. He was given a one-year, eight-month sentence but remained free at the end of the year, pending appeal.

In April Gyula Kristály, a retired steel-worker from Ózd, was sentenced to three years' imprisonment for "incitement" under Article 148 of the Hungarian Criminal Code. He was alleged to have written, printed and distributed about 200 leaflets in which he criticized the government's economic policy for having caused high unemployment in the area around Ózd. The leaflets also contained poems which reflected his frustration with the political and economic situation. During the 1980s underground publications have become commonplace in Hungary. Although homes have been raided and people have had to pay heavy fines, this was the first case in recent years known to Amnesty International in which a prison sentence was imposed for producing and distributing such material. Short prison sentences have been imposed for non-payment of fines – see Amnesty International Report 1988. After an appeal hearing in August, Gyula Kristály's sentence

was reduced to two years, suspended for four years.

One person convicted of murder was sentenced to death in April but it was not known whether he was executed.

In September Amnesty International was able to express its concerns in Hungary directly to government ministers for the first time when the Secretary General visited Budapest. Throughout the year Amnesty International continued to call for the release of all people imprisoned for refusing on conscientious grounds to perform military service. The organization sent representatives to Hungary on three occasions to observe the trials of Gábor Finta, László Almási and Gyula Kristály. It also wrote to the authorities urging them to ensure that the length of proposed alternative service would be comparable to that of the military service and stressed that longer alternative service could be deemed punitive.

## ITALY



**Excessive delays were reported in judicial proceedings in political cases and in the investigation and judgment of allegations of ill-treatment of people in police custody. There was a substantial increase in the number of these allegations and many reported in previous years were still the subject of judicial proceedings. Large numbers of people who objected to performing national service on conscientious grounds were imprisoned.**

According to unofficial estimates, over 60 per cent of the prison population were awaiting final judgments during the year. Law 330 introduced in August was seen as

a response to this problem. It reduced the number of offences requiring arrest and preventive detention and sought to reduce the number of people in custody by increasing the availability of alternatives to imprisonment such as house arrest and police registration.

A new Code of Penal Procedure was published in October and was due to come into force in October 1989. The inquisitorial system of criminal justice will be replaced by a system containing many features of an accusatorial system. It is aimed at simplifying and speeding up excessively lengthy judicial procedures and strengthening the rights of the defence. Among its provisions are the abolition of the role of the investigating judge, the introduction of abbreviated forms of trial, and the right of cross-examination during court hearings. Prosecutions based entirely on the uncorroborated testimony of *dissociati* and *pentiti* – alleged former accomplices offered remission of sentence in exchange for cooperating with the judicial authorities – will no longer be possible.

Since 1977 Amnesty International has repeatedly criticized the excessive length of legal procedures and expressed concern that many defendants in political cases might not have received fair and prompt trials. The severe problems in the current legal system were evident in a number of political trials which took place during the year.

In October the Supreme Court ruled in the Rome section of the "7 April" case, over nine years after the first defendants were arrested (see Amnesty International Report 1980 to 1988). It confirmed the appeal court sentences of June 1987 which had acquitted many of the leading defendants originally sentenced for belonging to subversive associations and to "armed bands". They had been charged in connection with the activities of *Autonomia Operaia* (Workers' Autonomy) – a grouping of left-wing organizations. Amnesty International had sent observers to first instance and appeal hearings and considered that the first instance trial breached European and international norms because defendants had not received a fair trial within a reasonable time.

The appeal hearing of 112 defendants in the Padua section of the "7 April" trial opened before Venice Assize Court in

January. The judicial proceedings had begun in 1979 (see Amnesty International Report 1980 to 1987). In March the court reduced many of the sentences passed by the first instance court in 1986. This had concluded that *Autonomia Operaia* was not an "armed band" and had acquitted those charged solely in connection with their alleged membership of the group. A Supreme Court hearing was still pending at the end of the year.

Another trial related to the Padua section of the "7 April" case opened before Padua Assize Court in October. Claudio Cerica, Marcello Faganelli, Mario Saltarin and Stefano Micheletti were accused of belonging to a subversive association and forming an armed band, the *Fronte Comunista Combattente* (FCC), the Fighting Communist Front. They were also charged with possession of arms but were not accused of being the material authors of specific violent acts. It was alleged that the FCC was one of the groups under the umbrella of the *Autonomia* movement and had carried out violent attacks between 1977 and 1980. In November Claudio Cerica and Marcello Faganelli were convicted of subversive association; Claudio Cerica was sentenced to three years, four months' imprisonment, two years of which were suspended; Marcello Faganelli was sentenced to one year's suspended imprisonment. Both were immediately placed in provisional liberty. The other two defendants were acquitted. An Amnesty International observer who attended the trial commented on the vague and generic nature of the charges and was concerned about the extent to which the court relied upon uncorroborated evidence of *pentiti* – in this case former Red Brigade members.

Several hundred people were believed to be serving sentences of up to 16 months' imprisonment as a result of their refusal, on religious or political grounds, to conform to the national service laws. The majority were Jehovah's Witnesses. As the period of alternative civilian service is eight months longer than ordinary military service, Amnesty International considered that it did not provide an acceptable alternative to military service and that those imprisoned for refusing to undertake it were prisoners of conscience.

In March Amnesty International wrote to the Defence Committees of both houses of parliament following reports that a

number of draft bills amending the law on conscientious objection were under consideration. Amnesty International stated that the length of alternative service should not be punitive and expressed concern that under the current law there was no provision for conscripts to apply for conscientious objector status after they had joined the armed forces and that the grounds on which such status was granted were unduly restrictive. The letters also drew attention to the international legal standards on which Amnesty International's position is based. A new draft law was being drawn up at the end of the year.

All allegations of ill-treatment in police custody reported during 1988 concerned criminal suspects. However, Francesco Badano, arrested by the Padua Flying Squad in connection with a robbery, was also suspected of belonging to a right-wing terrorist group. A police officer was fatally shot in the course of Francesco Badano's arrest on the morning of 16 May. Francesco Badano's lawyer stated that when he saw his client in the police station later in the day his eyes and face were heavily bruised and swollen and his feet were so swollen he was unable to walk. Francesco Badano alleged that he had been beaten and given several injections. A forensic doctor called in to examine him ordered the prisoner to hospital. The next day the family was informed that Francesco Badano had committed suicide by hanging in the hospital's high security wing. His father filed an official complaint on 18 May and the Public Prosecutor immediately opened a judicial inquiry. The police stated that the injuries on the detainee's body were attributable to a violent struggle at the time of arrest. In early November the findings of forensic specialists representing both the prosecutor and the family confirmed the existence of injuries to the soles of the detainee's feet which were "not consistent" with injuries inflicted in the course of a violent arrest. There were also said to be injuries on his body "consistent" with such an arrest. Amnesty International wrote to the authorities asking to be informed of the outcome of the inquiry and of any judicial proceedings arising from it.

In July 15-year-old Antonio Leone was shot in the head while being questioned at a carabinieri barracks outside Naples in connection with a number of thefts. He lost

an eye. The carabinieri stated publicly that the gun had not been aimed at Antonio Leone and had fired accidentally. His 14-year-old co-detainee alleged that both were threatened with a gun held towards the back of Antonio Leone's neck just before it fired. The medical examination contradicted the carabinieri account of the incident. Amnesty International wrote to obtain confirmation that a full judicial investigation was being carried out to establish the exact circumstances in which the shooting occurred. In October the Minister of the Interior informed Amnesty International that the case was being examined by the judicial authorities.

Allegations of ill-treatment often concerned North African immigrants. It was reported that a dossier sent to the Milan Public Prosecutor in April by the medical staff of San Vittore Prison described an alarming increase in the number of prisoners requiring medical treatment on arrival for injuries consistent with physical ill-treatment. The dossier apparently listed the cases of approximately 47 prisoners, the majority North African immigrants, who had been transferred to the prison after spending short periods in the custody of law enforcement agencies. Amnesty International wrote to obtain information on the progress of an inquiry reportedly opened by the Prosecutor's office. No reply had been received by the end of the year.

It was reported that an amnesty had been granted to four police officers sentenced to suspended prison terms in 1983 for abusing their authority during the interrogation of a Red Brigades member by beating him, tying him to a table and forcing him to drink large quantities of water (see Amnesty International Report 1983 and 1986). In 1984 an appeal court convicted them on a lesser charge of coercion and in 1987 the Supreme Court found them guilty of "attempted coercion", upholding the mitigating circumstances allowed by the lower courts of "having acted for reasons of high social and moral value". The lesser charge qualified them for an amnesty.

In June Amnesty International received a communication from the Inter-Ministerial Committee on Human Rights within the Ministry of Foreign Affairs. It referred to issues raised in the Amnesty International Report 1987, including subsequent developments in two judicial in-

quiries concerning alleged torture and ill-treatment in police custody. According to this information, one of the approximately 30 people whose cases was included in an investigation opened by the Naples Procurator General in 1986 was awaiting trial on a charge of calumny against the police; a second such case was under investigation. However, there was no news about the other cases of alleged ill-treatment. Amnesty International was also informed that no date had been set for the trial of a number of law enforcement agents who had been committed for trial in October 1986 in connection with Salvatore Marino's death in custody in Palermo during August 1985.

The Inter-Ministerial Committee on Human Rights also addressed Amnesty International's criticism of legal procedures by supplying information about the functioning of the judicial system and explanations on how it had been applied in specific political trials described in recent issues of the *Amnesty International Report*.

In December Italy ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment and the Sixth Protocol to the European Convention on Human Rights concerning the abolition of the death penalty.

## POLAND



**Many critics and opponents of the government were subjected to arrest, short-term detention or other forms of harassment for their non-violent exercise of the right to freedom of expression. Some were re-**

**portedly ill-treated; some were tried and sent to prison. One hundred imprisoned conscientious objectors, including at least 14 prisoners of conscience, were released after the introduction of an alternative to military service.**

In July the Polish Parliament, the Sejm, approved changes to the military draft law to allow three years' alternative service for conscientious objectors – two years' for students – in non-military institutions. Fourteen prisoners of conscience whose cases had been taken up by Amnesty International – all members of the unofficial peace movement *Wolność i Pokój* (WiP), Freedom and Peace, were released from prison after agreeing to perform the new form of service. The official Polish Press Agency announced that 86 other imprisoned religious conscientious objectors – probably Jehovah's Witnesses – had also been freed. In June the authorities issued the text of a new oath of allegiance which omitted reference to the Soviet army. In the past a number of prisoners of conscience had been imprisoned for refusing to swear the oath because of its reference to "fraternal alliance" with the Soviet army.

Amnesty International investigated complaints about the application of the new alternative service law. In at least one case a conscript was not given the opportunity to apply for alternative service. Jan Tomasiewicz, from Warsaw, was arrested in December and charged with evasion of military service. In 1986 he had returned his draft card on grounds of conscientious objection to military service and a warrant had been issued for his arrest. In June 1988 he was detained by the police and in the course of interrogation was told that the proceedings against him were no longer valid. Until his arrest in December Jan Tomasiewicz was not aware he still faced charges of evading military service. He had not been given the option of doing alternative service.

In June the "accelerated procedure" for certain offences was included in the Code of Penal Procedure. The procedure, which had been established under legislation passed by the Sejm in May 1985 and which was valid for a three-year period (see *Amnesty International Report 1986*), provides for the investigation of certain offences by the police, without involvement of the Public Prosecutor's Office, and requires that investigation be complete with-

in 48 hours of a suspect's arrest; a trial then takes place immediately before a single judge with the police acting in place of the public prosecutor. By not allowing defence lawyers enough time to prepare cases the procedure often severely restricts defence rights.

The procedure is most frequently applied to prosecutions by misdemeanour courts, before which, since 1986, people arrested for participating in "activities designed to foster public disquiet", unauthorized publishing activities and membership of banned organizations have been tried (see Amnesty International Report 1988). "Accelerated procedure" has been applied to many cases of people prosecuted for non-violent exercise of their right to freedom of expression.

There were reports of dozens of arrests during strikes throughout Poland in April and May and again in August. The authorities declared the strikes illegal and a number of people throughout the country, including activists in the banned trade union Solidarity, were arrested and detained. Most were released after periods of detention under a provision which allows the police to hold people for up to 48 hours without charge – a mechanism often used to prevent people from taking part in demonstrations. Others, however, were sentenced to up to three months' imprisonment. For example, Solidarity spokesperson, Janusz Onyszkiewicz, a mathematics lecturer from Warsaw, was arrested at his home on 5 May. Two days later he was sentenced to six weeks' imprisonment by a Warsaw misdemeanour court. He was apparently accused of having told foreign journalists about two incidents on 1 May when police entered a Gdansk church in order to attack demonstrators and dispersed a Warsaw demonstration with truncheons. He was convicted of spreading false information, released on 16 May without official explanation, and on 19 May his sentence was changed on appeal from imprisonment to public labour – a punishment normally imposed for offences such as absenteeism.

During the May strikes four members of the *illegal Polska Partia Socjalistyczna* (PPS), Polish Socialist Party, were detained and charged with assaulting an industrial guard at the Dolmel electronics factory in Wroclaw. The four – Józef Piniór, Czesław Borowczyk, Jolanta Skiba and Aleksandra

Sarata – had attempted to organize a strike at the factory. They denied the charges, stating that the guard had been injured when he tried to evict them forcibly from factory premises. They were found guilty, heavily fined and given suspended prison sentences of up to a year.

There were reports of ill-treatment of detainees, often prisoners of conscience, held in short-term detention on account of their non-violent exercise of the right to freedom of expression. Władysław Fus was detained in Wroclaw in March during a demonstration demanding the release of Kornel Morawiecki, leader of the banned opposition group Fighting Solidarity who was then in prison. Władysław Fus was reportedly taken to a police station, beaten, bound and gagged, thrown against a wall so he lost consciousness, revived and put in a straitjacket with a noose around his neck and again beaten. He was eventually taken to hospital, apparently because of injuries sustained in detention.

At least one person was sentenced to death for murder but it was not known whether the sentence was carried out.

Throughout the year Amnesty International appealed for the release of prisoners of conscience and investigated cases of possible prisoners of conscience. The organization twice sent representatives to observe the trial in Wroclaw of the four PPS members charged with assaulting a factory guard. Amnesty International also urged the Polish authorities to investigate allegations that detainees had been ill-treated.

## ROMANIA

At least 18 people were known to be prisoners of conscience but up to several hundred others, whose identities were not known, were believed to be in prison either for non-violent exercise of their right to freedom of expression or for attempting to leave the country illegally. At least 16 prisoners of conscience were released after an amnesty announced in January. At least one person was reportedly ill-treated while under house arrest after she had publicly criticized Romania's human rights record.

Political trials were not reported in the official press and government censorship severely restricted information about indi-

vidual prisoners. As a result Amnesty International learned of only a fraction of the cases in which people were imprisoned for their conscientiously held beliefs.



An amnesty decree was issued on 27 January following a less sweeping decree approved in October 1987 (see Amnesty International Report 1988). It was the 17th such amnesty of President Nicolae Ceausescu's 23 years as Romanian leader. The decree contained three main provisions: all offenders serving prison sentences of up to 10 years were to be amnestied; prison sentences longer than 10 years were to be halved; and death sentences were to be commuted to 20 years' imprisonment. It was not clear, however, whether the amnesty also applied to individuals sentenced to corrective labour instead of prison. A person sentenced to corrective labour is obliged to work for reduced wages and faces severe restrictions on his or her freedom of movement. Amnesty International considers that such restrictions constitute a form of physical restriction analogous to imprisonment.

Among the prisoners of conscience released under the January amnesty were Ion Draghici and Heinrich Wolf (see Amnesty International Report 1988). Ion Draghici had served five years of a 10-year sentence for "propaganda against the socialist state". Heinrich Wolf had served nine months of a 10-month sentence for attempting to leave Romania illegally.

Most of the prisoners of conscience known to Amnesty International were imprisoned for attempting to leave the country without official permission. Some Romanians are permitted to leave the

country legally each year but the right to emigrate is severely restricted. Those who apply to emigrate risk harassment, loss of employment or demotion and, in some cases, imprisonment. Those who attempt, or show an "intention", to make unauthorized border crossings face prosecution under Article 245 of the criminal code and a prison sentence of between six months and three years.

Among those imprisoned in 1988 for attempting to leave the country illegally were Marin Istoc and his cousin Mihai Bogonas, both from Resita. They and their families had applied to the authorities for permission to emigrate in order to join relatives in Canada but were repeatedly refused. According to reports, they were eventually told that they would be arrested if they continued to apply for permission. The two men and their families attempted to cross the border into Yugoslavia without permission on 18 April and were arrested. The women and children were allowed to go free but Marin Istoc and Mihai Bogonas were sentenced in May to 10 months' imprisonment and to pay a monthly fine for the duration of the sentence.

At least one person was in prison throughout the year after conviction of contravening Article 166 of the criminal code, which prohibits "propaganda against the socialist state" and carries a sentence of from five to 15 years' imprisonment. Dumitru Iuga, an electrician from Bucharest, was sentenced to 12 years' imprisonment in 1983 for organizing a group of students and young workers who were dissatisfied with the policies and leadership of President Ceausescu. They reportedly planned to publicize their dissatisfaction but were arrested before they could do so.

Amnesty International continued to seek information about at least 67 people sentenced to corrective labour after a large-scale demonstration in Brasov in November 1987 (see Amnesty International Report 1988). Werner Sommerauer, an ethnic German, was sentenced to three years' corrective labour in the town of Tulcea in the Danube delta. Sixty-six others arrested at the same time, whose identities are not known, were convicted on unknown charges apparently relating to the demonstration, sentenced to between six months' and three years' corrective labour and sent

to various places throughout the country. Werner Sommerauer did not benefit from the January amnesty, possibly because he was sentenced to corrective labour and therefore not officially considered a prisoner.

In August Doina Cornea, a former university lecturer, was placed under house arrest at her home in Cluj after writing an open letter to the Romanian authorities. The letter called for the full application in Romania of the United Nations Universal Declaration of Human Rights and criticized a government campaign to destroy thousands of Romanian villages and resettle the inhabitants in "agro-industrial" complexes. Doina Cornea had been detained briefly in late 1987 after giving interviews to foreign journalists about the demonstrations in Brasov.

In November, while still under house arrest, Doina Cornea was reportedly taken from her home and beaten by members of the securitate, state security police. She was then returned to her home and again placed under house arrest. Two foreign journalists who tried to visit her home after this incident were refused entry by the police and later expelled from Romania.

Amnesty International welcomed the release of prisoners of conscience and the commutation of all death sentences under the January amnesty. Throughout the year it pressed for the release of all prisoners of conscience.

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## SPAIN

**Allegations of torture and ill-treatment were made by detainees held under anti-terrorist legislation. Numerous judicial inquiries which had been opened into such claims in previous years remained unresolved. A small number of conscientious objectors to military service were imprisoned.**

Nineteen people were killed by the armed Basque group *Euskadi Ta Askatasuna* (ETA) reflecting a decline in activity by armed groups compared with the previous year, when 50 people were killed. In October newspaper reports quoted police statements that for the year to August the number of serious incidents involving explosives or incendiaries had also been lower.

Anti-terrorist legislation introduced in 1984 was repealed and in May new Organic Laws were introduced incorporating major powers of the previous legislation and some other reforms into the penal code and the Criminal Justice Law. As envisaged in the 1987 draft, the maximum period of incommunicado detention was reduced from 10 days to five, but detainees held incommunicado under this legislation were still denied the right to designate lawyers of their own choice to attend and represent them at preliminary police and judicial declarations. The National Court in Madrid retained the right to investigate and try all cases of alleged terrorism.

A law establishing alternative service for conscientious objectors to military service was introduced in January. The length of alternative service was fixed at 18 months, compared to 12 months' military service, to consist of work in the public interest run by charities and public administrations. Approximately 1,000 objectors were expected to start alternative service in early 1989. However, under the new arrangements those who apply for conscientious objector status after incorporation into the army will continue to be denied the possibility of performing alternative service.



In July José Manuel Fierro Conchouso was arrested and charged with desertion from military service, even though he had already submitted an application for conscientious objector status to the competent authorities. He had begun military service in January but after two months decided it could no longer be reconciled with his ethical and pacifist beliefs. He had been unaware of the possibility of applying for

conscientious objector status at the time of his registration for military service and therefore left his barracks to seek information about alternative civilian service and in April applied for conscientious objector status. He stayed away from his barracks pending a decision on his application. In September Amnesty International adopted José Manuel Fierro as a prisoner of conscience on the grounds that individuals should be able to seek conscientious objector status at any time, both up to and after incorporation into the armed forces. José Manuel Fierro was released in December after the military prosecutor withdrew the charge of desertion but was ordered to complete his military service. He had not complied with the order by the end of the year.

According to unofficial estimates there was a reduction in the number of people detained incommunicado under the provisions of the anti-terrorist law compared to 1987.

This reported decrease was accompanied by a significant change in the content of the allegations of torture and ill-treatment made by such detainees. In previous years complaints were usually of ill-treatment containing a major element of physical abuse. Increasingly complaints reported in 1988 alleged prolonged, systematic use of disorientation techniques such as hooding and deprivation of food, drink and sleep, accompanied by persistent interrogation during incommunicado detention. Judicial inquiries into such allegations have frequently been very protracted and often abandoned for lack of sufficient evidence even in cases in which there has been strong medical evidence.

Little or no progress appeared to have been made in a number of judicial inquiries into allegations of torture or ill-treatment made in previous years, such as those made by José Luis Lekue and brothers Emilio and Julio Ginés (see Amnesty International Report 1988).

In August Amnesty International wrote to the authorities concerning reports it had received of allegations of torture and ill-treatment made in October 1987 by José Askasibar Aperribai, a Basque who was expelled from France and charged with terrorist activities. He was acquitted in June. He alleged that he had been hooded, beaten and threatened, given electric shocks to his shoulders and testicles, and had his head

forced into a bath filled with water. A forensic doctor who examined him during detention noted injuries to his wrists and signs of bruising. The authorities replied to Amnesty International giving details of his acquittal but made no comment on his allegations of torture, nor did they give information requested by Amnesty International regarding a judicial inquiry.

In December an Amnesty International observer attended the trial of Jean-Philippe Casabonne and two others in the National Court at Madrid. All three were convicted – two for violent political offences and Jean-Philippe Casabonne for “collaborating with a terrorist organization”. A French student, he had denied knowledge of the true identities of his two co-accused and of their involvement in violent political activities. The defence entered an appeal against the sentence and the conduct of the hearing.

Amnesty International appealed for the release of José Manuel Fierro as a prisoner of conscience and expressed concern about reports that, as a result of his refusal on conscientious grounds to wear military prison uniform, he had been held in solitary confinement and denied family visits, correspondence and reading material.

## SWEDEN



**Nine Kurdish refugees remained under town arrest as a result of an administrative order imposed on them by the government in 1984.**

In accordance with anti-terrorist provisions in the Aliens Act the government had decided that the nine – Aptullah Altun, Necmi Augün, Ismet Celepli, Halis Ikinci-

soy, Karip Kent, Huseyin Köseoglu, Erdogan Sarikaya, Mehmet Tas and Ahmet Ulusoy – should be deported on the grounds that they were suspected of being terrorists. At the same time it declared that the expulsion order would be deferred as the nine Kurds might face political persecution if returned to Turkey, their country of origin. Instead the government imposed restrictions on their freedom of movement. The refugees had to report three times a week to the police and could not leave or change their town of residence without police permission. Breach of any of these regulations could result in imprisonment for up to a year.

Amnesty International was concerned that the authorities had not indicated when these restrictions might be lifted and that it seemed the legality of the restrictions could not be challenged before a court.

Amnesty International wrote to the Swedish Government in 1985 and in 1987. On both occasions the government replied that it would review the cases if there was reason to do so. However, in 1987 the government also stated that it would not take any action on the basis of Amnesty International's letter. In September 1988 the government announced that a parliamentary committee would be appointed to review anti-terrorist provisions in the Aliens Act.

In December the organization wrote again to the government requesting it to reconsider the cases of the nine Kurds and asking further detailed questions about procedures under which restrictions had been imposed upon the Kurds and about review procedures.

In March Amnesty International wrote to the government about the expulsion of two Palestinians and the imminent expulsion of two others on the grounds that they were suspected of being terrorists. The organization feared that they could face torture by the Syrian authorities in Lebanon or Syria. (For further details please see entry on Syria.)

In June Sweden ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

## SWITZERLAND



**A total of 548 people were sentenced to imprisonment or suspended imprisonment for refusing to perform military service. Of these, 281 based their refusal on religious, ethical or political grounds, according to statistics published by the Federal Military Department. However, there were claims that the total number of people who had refused on conscientious grounds was far higher than that reflected in the department's restricted categories. Many conscientious objectors served their sentences during 1988 and were considered prisoners of conscience. These included people sentenced in 1988 and earlier years, many of whom had expressed their willingness to perform an alternative civilian service.**

Regular periods of military service are compulsory for all men aged between 20 and 50 and there is no provision for alternative civilian service, which could be introduced only if Article 18 of the Constitution was amended by referendum. There is limited access to unarmed military service for conscripts able to prove that the use of arms would result in "a severe conflict of conscience" on religious or ethical grounds.

In January the committee of the National Council – the lower house of parliament – examining a draft bill to modify the Military Penal Code and the Federal Law on Military Organization, voted in favour of its general provisions (see Amnesty International Report 1988). The committee carried out detailed examination of the bill in May and October. Under the draft

bill, refusal to perform military service would remain a criminal offence. Punishment for those recognized by military tribunals as having objections based on religious or ethical grounds would be a period of compulsory work ranging from one and a half times the length of military service to two years. If completed, no sentence would appear on the individual's criminal record, thereby "decriminalizing" the sentence. Those objecting on other, unrecognized, grounds would continue to receive prison sentences and a criminal record.

Article 81 of the Military Penal Code allows military tribunals to sentence people refusing to perform military service to up to three years' imprisonment but in practice sentences rarely exceed one year. Where a military tribunal recognizes a conscript's "severe conflict of conscience" on religious or ethical grounds, a sentence of up to six months' imprisonment may be imposed. Such sentences are normally served in the form of *arrêts répressifs* – allowing prescribed work outside prison during the day – or in the form of "semi-detention" – allowing objectors to continue their normal or approved employment outside prison during the day. Sentences of less than six months' imprisonment imposed on "unrecognized" objectors are also frequently served in the form of "semi-detention".

Pierre Lambert, a pacifist, entered prison in December to serve a five-month sentence passed by a military tribunal in February. The tribunal recognized that his refusal to perform military service was prompted by sincere, ethical beliefs but concluded that if he was suffering a conflict of conscience it had not reached sufficient intensity to qualify as "severe". He did not therefore qualify for the more lenient sentence of *arrêts répressifs*. In August a military tribunal hearing the case of Markus Sommer, a student, concluded that although his refusal was prompted by ethical as well as political beliefs, his political beliefs were dominant. He did not therefore satisfy the first condition necessary for the granting of *arrêts répressifs* and commenced a seven-month prison sentence in December.

Amnesty International continued to appeal for the release of conscientious objectors imprisoned as prisoners of conscience and pressed for the introduction of

the right to refuse to perform military service on conscientious grounds and for the provision of a genuine alternative civilian service outside the military system. Amnesty International was concerned that the draft "decriminalization" bill would not introduce such a service and that under its provisions people who refuse military service for reasons of conscience would continue to be punished.

In October Switzerland ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

## TURKEY



Thousands of people were imprisoned for political reasons, including hundreds of prisoners of conscience. The use of torture continued to be widespread and systematic, in some cases resulting in death. Civilian and military courts passed at least 18 death sentences. In November 228 death sentences were awaiting ratification by parliament, all legal remedies having been exhausted. Iranian asylum-seekers were returned to Iran without their claims for asylum having been assessed by the competent authorities. Recognized refugees awaiting resettlement in third countries were also forcibly returned to Iran, where some were reported to have been executed despite the Turkish Government's stated commitment to the principle of *non-refoulement*.

In November the government lifted emergency legislation in Istanbul. At the end of the year a state of emergency was in force in eight provinces in southeastern Turkey where the security forces had been

engaged in counter-insurgency operations against Kurdish secessionist guerrillas. The guerrillas were reported to have carried out attacks on the civilian population and to have taken prisoners, some of whom they tortured and killed.

In February Turkey signed and ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and in August it ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Some prisoners of conscience were released but many others remained in prison and arrests and trials of prisoners of conscience continued throughout the year. Among several hundred prisoners of conscience were members of political organizations, trade unions and illegal Kurdish groups, journalists and religious activists.

A number of people were prosecuted during the year for membership of illegal political parties which did not espouse violence. They were tried on charges brought under Article 141 of the Turkish Penal Code prohibiting "membership of an organization trying to establish the domination of one social class over the others". Five alleged members of the Turkish Socialist Workers' Party (TSIP) who had been detained since July 1987 were released in March. In April Izmir State Security Court acquitted them, together with two other defendants who had also been released earlier (see Amnesty International Report 1988). Alleged members of the Turkish Communist Party (TKP) were also prosecuted under Article 141. The trial of 13 alleged TKP members who had been detained in August and September 1987 ended in November at Izmir State Security Court. At that time six defendants were still in prison. Ali Ugur received a sentence of six years, eight months' imprisonment and remained in Buca Prison; the other five were each sentenced to four years', two months' imprisonment but were released pending appeal. Another defendant who had been released earlier received the same sentence. Six defendants were acquitted (see Amnesty International Report 1988).

The trial of Haydar Kutlu, the TKP's Secretary General, and Dr Nihat Sargin, Secretary General of the Turkish Workers' Party (TIP), both imprisoned since November 1987, started in June in Ankara State

Security Court and was still continuing at the end of the year.

Some TIP and TKP members who had been convicted by Istanbul and Ankara Military Courts but had been released pending appeal were reimprisoned after the Military Appeal Court confirmed their sentences. In June three of 45 TIP defendants in Istanbul facing reimprisonment were taken to high-security prisons for political prisoners in order to serve the remaining 22 to 24 months of their sentences. In Ankara eight out of 75 TKP defendants facing reimprisonment were taken to various prisons to serve between seven and 24 months. Amnesty International adopted all these prisoners as prisoners of conscience.

Aziz Çelik, educational director of *Kristal-Is*, the glass-workers' union, and Hüseyin Bas, a former official of *Maden-Is*, the banned mine-workers' union, were detained in the first week of May in Istanbul and charged with membership of the TKP. When their trial began in September in Istanbul State Security Court they were released from custody although their trial continued.

In November the Minister of the Interior announced that during the first nine months of the year 2,120 people had been detained in southeastern Turkey, where most of the population is of Kurdish origin. Of these, 593 had been charged and formally arrested. Most of the Kurdish activists known to Amnesty International were charged with violent offences but they included prisoners of conscience imprisoned on account of their non-violent political or cultural activities.

Mehmet (Sehmuz) Cibran had been detained in October 1986 on return from exile. In July 1987 Diyarbakir Military Court convicted him of membership of the Kurdistan Workers' Party (KIP) and sentenced him to 14 years' imprisonment under Article 171 of the penal code for membership of a "secret association formed in order to commit crimes". Three separate trials have reportedly since started in which he has faced charges such as making separatist propaganda in his oral and written defence and shouting in court. During one of the hearings in August he was expelled from the courtroom when he tried to defend himself in Kurdish.

Trials of religious activists charged under Article 163 with "attempting to

change the secular nature of the state" continued. In May Hasan Damar, who had been in prison since October 1986, was sentenced by Ankara State Security Court to four years, two months' imprisonment under Article 163(4) for anti-secular propaganda. In September the same court sentenced him to another four years, two months' imprisonment under Article 163(2) for membership in the Federal Republic of Germany of an anti-secular organization, *Milli Görüş*, National View, which is legal there. He remained in Ankara Closed Prison as a prisoner of conscience (see *Amnesty International Report 1988*).

Writers, publishers and journalists were prosecuted or remained in prison under provisions of the penal code including Article 142, "making communist propaganda"; Article 159, "insulting the State authorities"; and Article 312, "incitement to commit a crime". In June five people were detained in Ankara and charged under Articles 142, 311 and 312 in connection with articles they had written for the political journal *Toplumsal Kurtuluş*, Social Liberation. After 10 days in incommunicado detention one was released. Of the remaining four, Dr Yalçın Küçük and Hüsnü Öndül – a defence lawyer in many political trials – were freed in August and the other two defendants in September. The trial of the five continued at Ankara State Security Court.

Political prisoners were sentenced to imprisonment or death after trials which did not meet internationally recognized minimum standards of fairness. Although martial law was lifted in 1987 trials before military courts have continued. In April the Ministry of Justice disclosed that 5,309 defendants – 1,392 of whom were in prison – were being tried by such courts; some had been in pre-trial detention for more than seven years. A total of 61,220 people had been sentenced by military courts between December 1978 and April 1988. Since May 1984 political prisoners have been tried in state security courts established in eight Turkish cities. Both military and state security courts have failed to investigate allegations of torture and in some cases have permitted statements extracted under torture to be used as evidence. Most defendants have not been granted facilities for an adequate defence.

There were many new allegations of

torture of political and criminal detainees and prisoners. In June Mustafa Dilmen, President of the Mersin branch of *Kristal-Is*, the glass-workers' union, was arrested and taken to Ankara. He alleged that he was tortured by being stripped and hosed with ice-cold water, suspended by his hands and given electric shocks. Even children were among the reported victims. In June Özgür Cem Tas, aged 13, was taken to Diyarbakir Police Headquarters and interrogated for two hours about the whereabouts of his cousins, who were suspected of supporting Kurdish guerrillas. He alleged that he was blindfolded and handcuffed, and then beaten on the soles of the feet. Later he was suspended from hooks and electric shocks were applied to his penis.

In most cases torture was said to have occurred while victims were held incommunicado in police stations but allegations of torture and ill-treatment also came from high-security prisons for political prisoners known as E- and L-type prisons. Some 60 political prisoners in Gaziantep L-type Prison and around 70 in Bursa E-type Prison were reported to have been injured in September following arbitrary beatings by prison guards and members of the security forces.

In some cases people were reported to have died in custody as a result of torture. Mustafa Gülmez was detained in June by Istanbul Political Police while doing his military service, suspected of being a TKP member. After two days he was taken to Edirne, where he was found dead in his cell. The official explanation was suicide by hanging with a bedsheet, an article not usually provided in detention centres. Relatives and lawyers claimed the death had been caused by torture and made an official complaint. Sadik Çelebi, who died in November, had been detained on 16 November and taken to Mardin Gendarmerie Station. When, after 10 days, his corpse was handed over to his family, they were told he had died in an armed encounter with guerrillas. His family claimed that the body had been bruised and that a hospital official had told them the corpse had been brought to the hospital one day before the clash with the guerrillas.

At least 18 people were sentenced to death by military and civilian courts. Other death sentences, among over 700 imposed during the previous nine years,

were confirmed by appeal courts with the result that, by November, the number of people under sentence of death who had exhausted judicial appeals had reached 228.

Throughout the year Amnesty International continued to call for the release of prisoners of conscience, for fair and prompt trials for all political prisoners, and for an end to torture and the death penalty. In November Amnesty International published a report, *Turkey Briefing: Human Rights Denied*, detailing its concerns, launched an international campaign for an end to human rights violations in Turkey, and pressed the Turkish Government to take effective measures to protect human rights.

The campaign followed a long period during which Amnesty International had sought to raise its concerns with the Turkish authorities and to obtain effective action by the government to end torture, deaths in detention, the imprisonment of prisoners of conscience and other human rights abuses. In June an Amnesty International mission visited Turkey and met the Minister of Justice, the Minister of the Interior and other government officials. Before the mission Amnesty International submitted a list of 229 names of prisoners who had reportedly died in custody between September 1980 and April 1988. The organization asked to be informed of the cause of death in each case, as it appeared that some of the deaths might have been the result of torture. At the end of the year replies on 56 cases had been received, acknowledging torture in 13 cases.

The Turkish authorities also responded to a number of specific torture allegations raised by Amnesty International. In some cases they stated that investigations were still in progress, in others that there were no grounds for prosecution of police officers allegedly responsible for torture because medical reports had shown that torture had not been inflicted. In most cases no response was received. The number of responses increased after the publication of the *Turkey Briefing* and the launch of the campaign calling on the Turkish Government to stop human rights abuses.

In June Amnesty International observers attended the trial of Dr Nihat Sargin and Haydar Kutlu, and in December

attended the trial before Ankara Criminal Court of 11 leading members of the Human Rights Association in Turkey who had been charged after their campaign in 1987 for a general amnesty and the abolition of the death penalty – the prosecutor had viewed this campaign as political activity proscribed by the Law on Association. All the defendants were acquitted.

Amnesty International appealed in a number of individual refugee cases and sought clarification from the government of a report published in the Turkish press that at least 40 of a group of 58 Iranians forcibly returned to Iranian border guards by Turkish police in July had been executed in Iran. No response was received. The organization was also concerned by the forcible return (*refoulement*) of refugees recognized by the United Nations High Commissioner for Refugees (UNHCR), some of whom had apparently been accepted for resettlement in countries other than Turkey. In July and December it issued reports which described shortcomings in procedures for Iranian asylum-seekers and the serious lack of protection from *refoulement*. In November Amnesty International also made an oral statement about these concerns to the Committee on Migration, Refugees and Demography of the Council of Europe. It called for improvements in the situation of refugees and asylum-seekers in Turkey faced with *refoulement* and urged the international community to assist in the resettlement of Iranian refugees in countries in which their protection from *refoulement* would be assured.

In April Amnesty International submitted information about its concerns in Turkey to the United Nations procedure (under Economic and Social Council Resolutions 728F/1503) for confidentially reviewing communications about human rights violations and also referred to torture in Turkey in one of its oral statements to the 44th session of the UN Commission on Human Rights.

## UNION OF SOVIET SOCIALIST REPUBLICS



The Soviet authorities continued their 1986 policy of granting early releases and by the end of 1988 more than half of the 300 prisoners of conscience imprisoned in January had been freed. New principles of criminal law were published, which would restrict the scope of the death penalty and give precedence to international standards over domestic law. Respect for human rights appeared to gain ground but against this background of fundamental reform fresh violations were also committed. There were new political arrests. At the end of the year around 140 prisoners of conscience were thought to be imprisoned, in internal exile, or confined in psychiatric hospitals against their will. At least 15 people were sentenced to death and seven were executed.

Mikhail Gorbachov was elected Chairman of the Presidium of the USSR Supreme Soviet in October. At the United Nations General Assembly in December he recommended that the jurisdiction of the International Court of Justice should be binding on all states and announced that the USSR intended "to expand its participation in UN human rights monitoring agreements". The USSR had never before recognized the competence of UN bodies to investigate complaints brought against it by other states, or individual Soviet citizens.

On the same occasion, President Gorbachov also said that "in places of confinement there are no people convicted for their political or religious beliefs". It was hard to assess the meaning of this claim. Soviet authorities have never acknowledged that they imprison people for their beliefs. In 1988, however, they began to issue figures – often contradictory

– for people convicted under specific laws restricting religious or political activity. They did not answer requests for clarification, making it difficult to compose an accurate picture of political arrests and releases over the year. Of the approximately 140 prisoners of conscience thought to be still held at the end of 1988, most were would-be emigrants who had tried to leave the USSR without permission, or young men who had objected to military service on conscientious grounds.

Some 106 prisoners of conscience were granted early release in 1988, bringing to at least 374 the total freed since February 1987, when the authorities announced they were reviewing prisoner cases. In an unusual case, Valery Belokopytov was released after his conviction for "anti-Soviet agitation and propaganda" was quashed by a higher court. He had been sentenced in 1985 to seven years' imprisonment for trying to cross the border into Finland with notes for a book. To Amnesty International's knowledge, this was the first time that a conviction for "anti-Soviet agitation and propaganda" had ever been quashed.

Three Baptists were freed for good conduct under a system of remission introduced experimentally in 52 labour camps. Another 14 prisoners of conscience were discharged from psychiatric hospitals, including Hanna Mykhalenko, a Ukrainian librarian who had spent eight years in a maximum security institution. The majority of prisoners, however, were freed by pardon, enabling the authorities to release prisoners but avoid acknowledging that they should not have been imprisoned in the first place. Those pardoned included leading human rights campaigners who had been held in a special regime camp in Perm – the harshest camp regime – and at least 33 religious believers, whose release coincided with official celebrations of the Millennium of Russian Christianity.

The year was marked by political and legislative changes, which led at times to considerable social turmoil. In July the Presidium of the USSR Supreme Soviet adopted decrees which created new armed security units to combat "public disorders", and further regulated the holding of public meetings. The measures were introduced without public discussion. Official commentators, as well as human rights advocates, widely criticized the way

they were used to ban some peaceful meetings, forcibly disperse others, and detain their organizers.

In December *Izvestiya* published new draft principles of criminal law, which would replace legislation in force since 1958 and lay the basis for new criminal codes in each of the republics of the USSR. The draft laws reduced the number of capital crimes from 18 to six – treason, espionage, sabotage, terrorist acts, rape of minors, and aggravated homicide – and exempted men over 60 and all women from the death penalty.

The draft principles provided that future criminal laws should comply with all international agreements the USSR had signed, including the human rights treaties. In 1988 the authorities apparently suspended the use of four laws that had traditionally been used to curb human rights. There were no prosecutions reported for “engaging in anti-social religious activity”; “violating the laws separating church and state”; or “anti-Soviet agitation and propaganda”. Of four people arrested for “circulating anti-Soviet slander”, one was acquitted and three were released without trial. However, one of them, Paruir Airikyan, an Armenian former prisoner of conscience, was stripped of his citizenship and forced to leave the USSR.

At least 41 people were prosecuted after their conscience led them into conflict with the authorities. The largest single group was people arrested in December in connection with an unofficial “Karabakh Committee”, including 14 members who had publicly criticized the official relief effort in Armenia after the earthquake. The exact charges against them were not known. Ten young men who refused on conscientious grounds to do military service, or refresher training, were also prosecuted and imprisoned for up to three years. During the year information emerged about conscientious objectors serving sentences imposed before 1988, so it was likely that the true number imprisoned was higher than the 24 known to Amnesty International.

Current laws did not provide a civilian alternative to military service and individuals who objected to conscription more than once faced repeated imprisonment. The case of Dmitry and Aleksey Togushev illustrated the harshness of the existing procedure. True Orthodox believers from Voronezh, their religion forbade them to

bear weapons or swear an oath of allegiance to a secular state. They were arrested in 1985 and sentenced to two years’ imprisonment for “evading regular call-up to active military service”, then given three more years on the same charge a few months after their release in 1987. In 1988 Dmitry Togushev lost an eye in an industrial accident at his labour camp in Semiluki.

Although in 1987 the Soviet press had criticized psychiatric malpractice, abuses on political grounds appeared to continue. At least nine people were suspected to have been forcibly confined in psychiatric hospitals solely for their non-violent political activity and six of them were believed to be still confined at the end of 1988. They included Anatoly Ilchenko, a Ukrainian mathematics teacher who was put in Nikolayev psychiatric hospital in December after he joined an unofficial human rights group and protested against official policy on nuclear power in the republic. He had previously been confined for three years after criticizing what he saw as Russian cultural dominance in the Ukraine.

In March a new law on “Conditions and Procedures for Providing Psychiatric Care” was adopted which, for the first time, gave people like Anatoly Ilchenko – those forcibly and indefinitely confined without charge – the right to contest their confinement with legal aid. The new law also dismantled the network of special psychiatric hospitals formerly run by the Ministry of Internal Affairs and integrated them under the Ministry of Health. Although these innovations were welcome, Soviet legal scholars criticized several aspects of the new law, which gave courts no role in the confinement procedure except as a very last resort and did not provide people already confined with any means for regular, independent review. The law also included among the grounds for compulsory psychiatric examination “breaking the rules of socialist society”, even when the people involved had not otherwise committed any crime. Amnesty International feared that political or religious non-conformists would still be vulnerable to wrongful confinement.

In practice it was not clear how effectively the reforms were implemented during the year. At least one person, Aleksandr Ponomarenko, was reportedly refused his right to a counter-diagnosis when he was confined in a Moscow psychiatric hospital in July.

Other prisoners of conscience who were freed from former special psychiatric hospitals said there had been no change in their conditions, nor even in the staff running the hospital after the law was introduced. Soviet officials still denied that psychiatry had been used to punish dissent but in an interview with the weekly newspaper *Novoye Vremya* (*New Times*) in October, the Chief Psychiatrist of the USSR Ministry of Health, Aleksandr Churkin, acknowledged that two former prisoners of conscience had been "misdiagnosed". They were Hanna Mykhaylenko, released in May, and Nizametdin Akhmetov, who was released in 1986 (see *Amnesty International Report 1987*).

At the end of 1988 most known prisoners of conscience were serving their sentences in corrective labour colonies of ordinary or strict regime. Under a July decree of the Presidium of the USSR Supreme Soviet, prisoners in punishment cells were to be provided with hot food every day, rather than every other day. In September *Izvestiya* published a series of articles which censured the Soviet corrective labour system and echoed many criticisms that had been made by Amnesty International. It said prisoners were made to work long hours in primitive conditions with little regard for their health or skills. It was common for prison staff not to inform prisoners of their rights and duties and they could subject them to arbitrary treatment and even acts of sadism with impunity. In December the new draft principles of criminal law recommended the wider use of non-custodial sentences to "reform, re-educate and deter offenders".

There was no stay on executions while proposals to restrict the death penalty were being discussed. At least 15 death sentences were imposed and seven executions were carried out, mostly for murder. This brought to at least 66 the number of people sentenced to death since the authorities said in February 1987 that they were re-examining the death penalty, and to 14 the number of people executed. In December a bookkeeper from Turkmenia, Redzhep Durdyev, was sentenced to death for embezzlement, even though abolition of the death penalty for economic crimes had already been proposed. It was not clear if he appealed against his sentence.

These figures were probably only a small percentage of the true number of death

sentences passed and carried out. In November, for instance, the weekly newspaper *Argumenty i Fakty* (*Arguments and Facts*) revealed that more than 18,000 people had been convicted of premeditated murder between 1986 and 1987. It did not say how many of them had been sentenced to death but it seemed likely that the number exceeded the 20 death sentences known to Amnesty International during the corresponding period. Statistics on the use of the death penalty remained an official secret in 1988.

After Mikhail Gorbachov became Soviet President, Amnesty International wrote welcoming his public commitment to UN human rights standards and encouraging the USSR to ratify the Optional Protocol to the International Covenant on Civil and Political Rights. Throughout the year the organization continued to appeal for the unconditional release of all prisoners of conscience and for the commutation of each death sentence of which it learned. It also referred to the USSR in an oral statement concerning violations against those working in defence of human rights, made to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities in August.

In May representatives of Amnesty International met in Paris members of an official Soviet human rights group – the Public Commission for International Cooperation in Humanitarian Affairs and Human Rights. The aim was to discuss, among other issues, ways to encourage the ratification and observance of international human rights instruments worldwide to mark the 40th anniversary of the Universal Declaration of Human Rights. In July Amnesty International wrote to Aleksandr Sukharev, the new Procurator General, supporting an appeal by the Public Commission to abolish the death penalty and to release people imprisoned for their religious activities. In a letter to the Legislative Proposals Commission of the Supreme Soviet in December, Amnesty International urged that a civilian alternative to military service be introduced in law, with a fair procedure for applying it. In December the USSR Academy of Sciences invited an Amnesty International delegation to visit Moscow for substantive discussions in 1989.

## UNITED KINGDOM



Three unarmed members of the Irish Republican Army (IRA) were shot dead by British soldiers in Gibraltar. An inquest found that they had been lawfully killed. A police inquiry found evidence that police officers in Northern Ireland had conspired to pervert the course of justice in connection with the killing of six unarmed people in 1982. The government said that the police officers would not be prosecuted because of "national security" considerations. A coroner's inquest in Northern Ireland, begun six years after the deaths of three IRA members, was adjourned while its procedures were reviewed in higher courts. Some suspects detained under anti-terrorist legislation in Northern Ireland alleged that they had been ill-treated by the police. The results of a police inquiry into the treatment of those arrested in connection with disturbances in 1985 at a London housing estate had still not been made public. The Court of Appeal rejected a request for leave to appeal by three of these people convicted of murdering a police officer. The Court of Appeal upheld the convictions of six people sentenced in 1975 to life imprisonment for the bombing of two pubs in Birmingham.

In June the United Kingdom Government ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In December it ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In March three unarmed members of the

IRA – Mairead Farrell, Daniel McCann and Sean Savage – were shot dead in Gibraltar, a colony of the United Kingdom, by plain-clothes members of the Special Air Service (SAS) regiment of the British army. Immediately after the incident eye-witnesses stated that the three had been killed without first being challenged and that no attempt had been made to capture them. The government said that the three had planned a bomb attack on soldiers in Gibraltar and were thought to have been armed. The IRA stated that before the killings they had been in possession of explosives; these were later found in Spain. The coroner's inquest into the deaths took place in Gibraltar in September. The jury decided by a verdict of nine to two that the three had been lawfully killed.

In January the government announced that the findings of the police inquiry into six killings by the security forces in Northern Ireland in 1982 would not be made public. The inquiry was originally led by Deputy Chief Constable John Stalker and was completed by Chief Constable Colin Sampson after John Stalker had been removed from duty (see Amnesty International Reports 1987 and 1988). The government stated that although the inquiry had revealed evidence that police officers had conspired to pervert the course of justice or had attempted to do so, the Director of Public Prosecutions for Northern Ireland had decided not to prosecute those allegedly responsible because of "national security" and "public interest" considerations.

Three of the six killed in 1982 – Eugene Toman, Sean Burns and Gervaise McKerr, all members of the IRA – were unarmed when they were shot by an undercover anti-terrorist police unit. The coroner's inquest into their deaths, which began in November, was adjourned after three days. The coroner stated that the police officers allegedly responsible for the killings would not testify. However, as Coroner's Rules allow such officers to be absent, he accepted their written statements as evidence. This decision was contested by lawyers for the families of the deceased who said that the police officers should be present for cross-examination, and one lawyer applied for judicial review by the courts. The High Court then ruled that the coroner's decision to allow the officers' written statements as evidence was lawful.

In December the Court of Appeal overruled the High Court and decided that the police officers should testify at the inquest and should be cross-examined.

Allegations continued to be made by some people arrested under anti-terrorist legislation in Northern Ireland that they had been ill-treated by the Royal Ulster Constabulary (RUC) while in police custody. In January Arthur Forbes and Brian Gillen were arrested. Both claimed that during the interrogation which followed they were ill-treated, as a result of which each sustained a perforated eardrum. They were released without charge and soon afterwards were examined on behalf of Amnesty International by a Dutch police surgeon. He concluded that the injuries were compatible with the alleged ill-treatment. He also stated that he did not believe injuries to the eardrums had been self-inflicted.

Arthur Forbes and Brian Gillen had been arrested under Section 12 of the Prevention of Terrorism Act, which allows the police to detain suspects for up to seven days before they are charged or released. In December the European Court of Human Rights ruled that the detention of four people held under Section 12 for periods varying from four days, six hours to six days violated the European Convention on Human Rights, as none of the four had been brought promptly before a judge following arrest. The government gave notice of intention to derogate temporarily from those articles of the European Convention and of the International Covenant on Civil and Political Rights which regulate detention.

In February Amnesty International published a report about the fairness of trials that followed the murder of a police officer during a riot on Broadwater Farm housing estate in London in 1985. The disturbances occurred after a black woman died of a heart attack following a police raid on her home. Many of the hundreds arrested, including juveniles, were denied access to lawyers and to their families during lengthy periods of police interrogation. Some were allegedly tricked by the police into signing documents which waived their rights. Amnesty International was concerned about allegations that suspects were threatened and coerced into making admissions.

In many of the trials of those charged

with serious offences during the Broadwater Farm events prosecution evidence was based on admissions which had later been contested by defendants. Amnesty International was dubious about the safety of convictions based on statements made in the absence of a lawyer and called on the government to review these cases (see *Amnesty International Report 1988*). The organization also called for measures making it mandatory that police tell suspects of their right to have access to lawyers and to have someone outside the place of detention informed of their arrest.

On several occasions Amnesty International wrote to the Home Secretary to express its concern about allegations made by those who had been arrested and interrogated after the Broadwater Farm events. The organization also said it was concerned that only five complaints against the police about the treatment of Broadwater Farm suspects were being investigated and that there had been a long delay in these investigations. Amnesty International said it considered the government responsible for ensuring that this serious pattern of allegations was investigated and the results made public without delay. By the end of the year results of the police investigation into these complaints, which was being supervised by the Police Complaints Authority, had still not been made public.

In December three judges of the Court of Appeal rejected an application by three people convicted of the murder of the police officer at Broadwater Farm for leave to appeal against their convictions.

In January the Court of Appeal upheld the convictions of six people sentenced in 1975 to life imprisonment for pub bombings in Birmingham which killed 21 people and injured 162 (see *Amnesty International Reports 1987 and 1988*). There was new evidence concerning ill-treatment of the accused prior to their confessions but the Court did not consider it cast sufficient doubt on the original convictions as to render the jury's verdict "unsafe or unsatisfactory". In April three House of Lords judges rejected the prisoners' petition for a full hearing of their case by the House of Lords, the highest appeal court in the United Kingdom.

New evidence was presented during 1987 and 1988 in the cases of four people who had been convicted of pub bombings

242 in Guildford and Woolwich in 1975. At the end of the year the Home Secretary had not made a final decision on whether to refer their cases to the Court of Appeal.

In March Amnesty International wrote to Prime Minister Margaret Thatcher requesting clarification about the circumstances in which the three IRA members had been shot dead in Gibraltar. The letter outlined some of the eye-witness accounts which had been published in newspapers at that time and which appeared to contradict the official version. In April the government replied that the facts concerning the killings would be considered at an inquest. The government also stated that it found the terms of the letter "offensive" and "prejudiced".

Amnesty International sent observers to the Gibraltar inquest to collect information about the incident, to assess whether the aim of the army and police operation had been to kill the three rather than to arrest them, and to assess the effectiveness of a coroner's inquest in bringing to light all the relevant facts. The government introduced Public Interest Immunity certificates which blocked the presentation of evidence about the planning of the operation. As a result insufficient evidence was presented to allow an assessment of whether there was a government policy to kill members of armed opposition groups rather than to arrest them. Amnesty International believed that the inquest demonstrated the inadequacy of this mechanism for revealing all the significant facts in controversial incidents.

Amnesty International wrote to the government in February concerning the investigation into the 1982 killings in Northern Ireland. The organization stated that a refusal to publish the findings of the Stalker/Sampson investigation and the decision not to prosecute police officers who had allegedly committed offences would contribute to allegations of official involvement in deliberate planned killings. In his reply the Secretary of State for Northern Ireland stated that he was "satisfied that steps have been taken to ensure that the events that resulted in the Stalker/Sampson investigation will not occur again". In June Amnesty International published a report on killings by the security forces in Northern Ireland since 1982. The organization continued to call for an independent judicial inquiry into the

effectiveness of investigative procedures and the laws regulating the use of lethal force. The organization said that an independent judicial inquiry was a vital first step towards preventing future unlawful killings and towards instituting procedures to ensure that all disputed killings were fully and promptly investigated and the facts publicly clarified.

Amnesty International sent observers to the inquest which started in November into the deaths of three suspects in Northern Ireland in 1982 and to the judicial review which followed. The organization had previously expressed concern that particular restrictions on coroners' inquests which were applicable only in Northern Ireland made such an inquest an inadequate mechanism to bring out the full facts in cases of disputed killings.

Amnesty International sent an observer to the appeal hearing concerning the convictions of six people for pub bombings in Birmingham. Even though, according to the court, the prisoners' convictions were based on their confessions, the testimony of every fresh witness supporting their allegations of ill-treatment was dismissed as "dishonest", "mistaken" or "irrelevant". The Court did not deal specifically with the cumulative effect of the testimony supporting the allegations. Amnesty International considered that the judgment of the Court of Appeal rested on an assessment that the six prisoners failed to prove that they had been ill-treated. Under the law of England it is for the prosecution to prove that confessions alleged to have been obtained by ill-treatment were not so obtained.

Amnesty International considered that the most grave doubt remained regarding official denials that these prisoners had been ill-treated while in police custody, and therefore about the safety of convictions based on confessions. In March Amnesty International wrote to the government stating that the allegations of ill-treatment should be subject to further review. In April the government replied that these matters were for the courts to determine, without government interference or comment.

## YUGOSLAVIA



**At least 200 prisoners of conscience were held, of whom over 40 were convicted during 1988 of non-violent political crimes under the federal and republican criminal codes. Many more were summarily jailed for up to 60 days for minor political offences. Political prisoners were often denied a fair trial and there were allegations that political detainees had been ill-treated during pre-trial proceedings. Conditions in some prisons where political prisoners were held were harsh. At least five people were sentenced to death and two others executed. All had been convicted on murder charges.**

Economic conditions and relations between ethnic groups further deteriorated during 1988. There were mass demonstrations by Serbs protesting that the authorities failed to safeguard Serbs and Montenegrins in the autonomous province of Kosovo from persecution by ethnic Albanians, the majority population in the Province. Protesters demanded constitutional reforms to give the republic of Serbia greater control over the province. In November ethnic Albanians in Kosovo demonstrated in opposition to such change.

Official sources stated that in 1987, 302 people were charged with political crimes, of whom 128 were ethnic Albanians, and that in the first nine months of 1988 police reported 184 people for such crimes. According to official statistics, between January 1981 and September 1988, 1,750 ethnic Albanians were convicted in regular courts of political crimes. In addition, an estimated 7,000 were summarily jailed for minor political offences. The military stated

that in the same period 241 illegal groups composed of 1,600 ethnic Albanians had been discovered in the army; these would have come under the jurisdiction of military courts. The press reported the trial and conviction of at least 80 people on political charges, of whom almost 60 were ethnic Albanians. Most were accused of activities in support of the demand that Kosovo province be granted the status of a republic and cease to be part of the republic of Serbia, or that a republic should be created within Yugoslavia composed of Kosovo and other regions with large ethnic Albanian communities, with a view to its eventual unification with neighbouring Albania.

In September at least 42 ethnic Albanians were arrested in Kosovo on suspicion that they were members of illegal nationalist organizations and had painted slogans and distributed pamphlets. They had not been brought to trial by the end of the year. There were demonstrations by ethnic Albanians in the town of Kumanovo in the republic of Macedonia in August in protest against the closure of high-school classes in which Albanian was the language of instruction. The Macedonian authorities stated that 128 people were summarily jailed for up to 60 days for taking part in these demonstrations, in the course of which nine police officers were injured. By the end of the year Macedonian courts had imprisoned a further 12 ethnic Albanians for between four and 11 years for their part in these demonstrations and similar protests in the town of Gostivar in October.

Prisoners of conscience convicted in 1988 included the ethnic Albanians Ibush Llapashtica and his six co-defendants, who in March were sentenced to between six months' and six years' imprisonment by the district court of Pristina. They were found guilty of having founded a "hostile" group in 1981, when they were minors. The group had allegedly discussed nationalist demonstrations that had taken place in Kosovo earlier that year, written and distributed pamphlets with "reactionary contents" and made plans to call for further demonstrations. In December Ajradin Kaza, Nazif Sinani, Imerli Bekteshi and Zylqyfl Dalipi and four unnamed minors received prison sentences of between four and 11 years after a court in Skopje convicted them of having founded an organization which promoted Albanian nationalist views. They were said to have organized demonstrations - de-

scribed in the press as "peaceful" – in the town of Gostivar in October. With the exception of Zylqyfli Dalipi, who was charged with having proposed the formation of armed groups in case there might be conflict with the police, they were not accused of having used or advocated violence.

As in past years, people continued to be imprisoned for the non-violent exercise of their right to freedom of expression, generally under Article 133 of the federal criminal code, which deals with "hostile propaganda". In June Xhemal Qerimi and Rizvan Xhaferi, both ethnic Albanians, were sentenced to three years' and two years' imprisonment respectively by a court in Skopje. They had allegedly "glorified" the state anniversary of Albania during a family celebration of this occasion. In October the Supreme Military Court imposed a one-year prison sentence on Kosta Jolic, who had been convicted of telling two Serb soldiers that there was no democracy in Yugoslavia and that Serbs were discriminated against, for which he blamed former Yugoslav leaders.

Kosta Jolic, Xhemal Qerimi and Rizvan Xhaferi were among 27 people convicted under Paragraph 1 of Article 133 who were pardoned by the Yugoslav state presidency at the end of December. This pardon did not include people convicted under other paragraphs of Article 133, among them Ramadan Tahiri, an ethnic Albanian sentenced under Paragraph 3 to three years' imprisonment in January for bringing "hostile" pamphlets into Yugoslavia. Among those summarily jailed for exercising their right to freedom of expression was Idriz Sutaj, who in May was imprisoned for 60 days after police found a rug embroidered with an eagle – the Albanian national symbol – in his home.

At least eight prisoners of conscience were serving sentences of between two years and three-and-a-half years for refusing, on religious grounds, to perform military service. Most were Jehovah's Witnesses; several had already served a sentence for the same offence. Among those sentenced in 1988 were Branimir Trbojevic and Djuro Zegarac, both from Croatia.

Many political prisoners did not receive fair trials. Four Slovenians tried by Ljubljana military court in June on charges of leaking military secrets were denied civilian lawyers of their choice and proceedings were closed to the public. It was not uncommon for courts to refuse to examine witness

or other evidence presented by the defence. This was reportedly the case at the closed trial in January of Naser Krasniqi and eight co-defendants, all ethnic Albanians. The Skopje military court convicted them on charges of "association for the purpose of counter-revolutionary activity" and "planning murder motivated by hostility to the Yugoslav state".

Both at this trial and that of Ibush Llapshatica and co-defendants, as well as at other trials, there were allegations that state or military security officers had put pressure on defendants or witnesses to make false statements, by use of threats or physical force. Karoly Vicei, an ethnic Hungarian was in February sentenced to two and a half years' imprisonment for "inciting racial hatred" by a court in Subotica. According to the court record, a witness at his trial stated: "They [the state security police] compelled me to give a statement against Vicei . . . I think that the statement . . . is more their statement than mine." In December the newspaper *Vjesnik* noted the comment of a Croatian judge working in Kosovo that courts in the province trying political cases tended to disregard the principle of the presumption of the innocence of the accused. Amnesty International believes this practice was not confined to Kosovo province.

There were also allegations that defendants had been physically ill-treated during investigation proceedings. At her trial by the district court of Prizren, which in February sentenced her to two years' imprisonment on charges of bringing "hostile propaganda" materials into the country, Lema Bytyqi, an ethnic Albanian, alleged that during investigation she had been hit by police. Zef Preni, a co-defendant of Naser Krasniqi, alleged at his trial that before being questioned by military security officers he was given an injection, as a result of which he was not fully aware of what he was saying. In neither of these cases did the court investigate the allegations; indeed, in Zef Preni's case the court dismissed his allegations as a "tale for small children".

Ethnic Albanians in the province of Kosovo suspected of political offences were frequently denied access to their lawyers during investigation proceedings which were carried out by state security officials and it seemed that the resulting lack of legal safeguards facilitated human

rights abuses against defendants. In particular, several allegations were received during 1988 from ethnic Albanians who stated that following arrest on political charges they had been detained in Pec, Kosovo, where they were beaten, punched and tortured with an electric baton.

There was little evidence of improvement in prison conditions. During the year Goli Otok Prison was closed but accounts by former prisoners indicated that conditions remained poor in prisons such as Zenica and Lepoglava, where some prisoners of conscience were detained.

At least five people were sentenced to death for murder. Two others were executed; in each case they had been convicted of the rape and murder of a young girl. In April, Djordje Adamovic, who had been sentenced to death for the murder of four people in 1985, died in Belgrade Prison hospital after going on hunger-strike to protest his innocence.

During 1988 Amnesty International worked for the release or fair trial of more than 200 people, the majority of them prisoners of conscience, and raised with the authorities allegations of ill-treatment of prisoners. It also pressed for the commutation of death sentences. Amnesty International observers attended the trials of Karoly Vicei and Lema Bytyqi in February. The organization received no response from the government to its appeals and inquiries.

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## ALGERIA



**Hundreds of people were killed and thousands arrested in the wake of widespread unrest in Algerian towns and cities in early October. Some of those detained may have been prisoners of conscience. Many were subjected to torture or ill-treatment by police and security forces. Over 180 political prisoners, some of them possible prisoners of conscience, remained in prison following unfair trials in 1987. There was at least one death sentence but no executions were known to have been carried out.**

In the wake of the October unrest, President Chadli Benjedid proposed a number of constitutional changes which were accepted in a national referendum in November. Their main effect was to make the Prime Minister and the government answerable to the elected *Assemblée populaire nationale*, the National Assembly.

Widespread civil unrest broke out in October in protests against social problems including falling living standards. Rioting began in the Bab El-Oued district of Algiers and quickly spread to the city centre and the districts of Belcourt and El-Harrach. Government buildings and other state-owned property were attacked but privately owned shops and residential buildings were left largely unharmed. Rioting spread to other urban centres and there were violent clashes between police and demonstrators. Martial law was imposed on 6 October and army units were deployed in support of the police. Between 6 and 12 October, when martial law was lifted, mass arrests took place and hundreds of demonstrators were killed.

According to the government, 176 people were killed, most between 6 and 12 October, but unofficial sources suggested that the number of deaths may have reached 500. Women and young children were among the victims, many of whom died from gunshot wounds. In some cases

there was evidence that explosive bullets had been used by the security forces.

Some suspected opponents of the government, including suspected members of the illegal *Parti de l'avant-garde socialiste* (PAGS), Party of the Socialist Vanguard, were arrested in the week before the riots. However, most arrests occurred during the rioting when thousands of people were detained. Many were demonstrators but many others were arrested at home or at work and may not have been involved in the disturbances. Police informants, in some instances hooded to conceal their identity, were said to have been widely used to identify suspects. Arrests continued after the rioting.

By 16 October many of those detained were reported to have appeared in groups of 30-40 at trials in Algiers and five other urban centres using summary procedures. These were marked by serious inadequacies and may not have been fair. In many cases defendants did not have legal representation or were able to consult with lawyers only in court. Evidence apparently often included statements extracted under duress. Sentences of up to 10 years' imprisonment were imposed although the Courts of First Instance which tried these cases were only entitled to hear charges carrying a maximum five-year sentence.

On 20 October orders were issued for the release of all prisoners under the age of 18 and on 2 November President Chadli ordered the provisional release of all those arrested in connection with the October events, including those tried and convicted.

Although it appeared by the end of the year that all those detained had indeed been released, there were reports that several people who had last been seen by their families during the period of the riots were still unaccounted for.

Two alleged members of the *Mouvement pour la Démocratie en Algérie* (MDA), the Movement for Democracy in Algeria, one of them Daghnoush Abdelrahman, were believed to have remained in prison throughout 1988. They had been sentenced in June 1987 by the State Security Court of Médéa to terms of imprisonment of up to five years on charges including possessing subversive leaflets and violating currency regulations (see Amnesty International Report 1988). Both had benefited from a presidential act of clemency

of July 1987 which reduced their sentences by six months and one year respectively.

A group of 188 Islamic activists, convicted in 1987 by the same court on charges including plotting to overthrow the government, sabotage, murder and armed robbery were held throughout the year at Berrouaghia, Chleff and Lambèse prisons. Four of them had been sentenced to death (see Amnesty International Report 1988).

In both the case of the MDA members and that of the Islamic activists, convictions followed trials which fell short of international standards. Many defendants had been held incommunicado in police or military custody beyond the maximum eight-day period permitted by Algerian law. Most alleged that they had been tortured by police and military security agents and that their contested confessions had been used as evidence against them. The courts failed to investigate torture allegations adequately and there was no right of appeal.

Many people arrested in connection with the October riots were tortured. President Chadli Benjedid acknowledged this publicly on 27 November in a speech to the Congress of the ruling *Front de libération nationale* (FLN), National Liberation Front. He also stated that those responsible would be punished, although it was unclear at the end of the year whether any security personnel had been disciplined or prosecuted in connection with the use of torture.

It appeared that at first torture had been used to extract confessions from known political activists but later it was apparently used as a form of punishment or intimidation. Accounts of torture indicated that it was carried out in the Greater Algiers region at the military security headquarters at Bouzaréah, at the parachutists' barracks at Sidi Ferruch and at Lapérouse, and at the police Camp du Khammis where as many as 2,000 people are reported to have been held. Local police stations and unidentified villas and garages were also reported to have been used by the security forces to detain and torture suspects. In other towns, such as Mostaganem, torture reportedly occurred at the main police station.

Methods used – in many cases on children – included burning with cigarette lighters, electric shocks and sexual abuse.

Some victims, including children, are reported to have died under torture.

New information became available about an inquest into the death of Nabil Oumerzoug, a criminal suspect who died in custody in 1987 (see Amnesty International Report 1988). In July 1987 the inquest found that he had hanged himself. However, inquest documents made available to Amnesty International by the Minister of the Interior did not explain how the deceased apparently sustained severe head injuries and a ruptured spleen before his death.

At least one person was sentenced to death but it was not known if there were any executions. In February a Criminal Court sentenced Fatima Mefred to death for a murder said to have been committed for the purpose of witchcraft. Her appeal was still under consideration at the end of the year.

Amnesty International sent a memorandum to the Minister of Justice in July detailing the organization's concerns about a number of irregularities which occurred before and during the two trials before the State Security Court in Médéa in June and July 1987. Amnesty International urged the authorities to establish an impartial inquiry into what had occurred and to initiate a full judicial review of the verdict and of the sentence passed on those convicted. Amnesty International also appealed for the commutation of all death sentences.

In October Amnesty International expressed its concern to the government at the widespread allegations of torture of people arrested in connection with the disturbances and at the high incidence of civilian deaths at the hands of security personnel, some apparently caused by the excessive use of force.

In November an Amnesty International delegation visited Algeria to investigate alleged human rights violations. It met the Minister of Justice, representatives of local human rights organizations and others, and received eye-witness and other accounts and testimonies relating to recent arrests, torture and killings. Subsequently, Amnesty International made known its findings in a communication to President Chadli. It welcomed his condemnation of torture and requested information on what steps were being taken to identify those responsible and bring them to justice.

Amnesty International urged that impartial commissions of inquiry should be established into the killings and the use of torture and recommended measures to prevent torture and ill-treatment.

## BAHRAIN



**Tens of people, including prisoners of conscience, were detained without trial on account of their religious or political activities. Many were members of the majority Shi'a Muslim community. At least 10 possible prisoners of conscience were given prison sentences after unfair trials and well over 100 other political prisoners, including possible prisoners of conscience, remained in prison serving sentences imposed in earlier years after trials which also failed to comply with international standards. There were new reports of torture and ill-treatment of political detainees.**

The authorities continued to use the 1974 Decree Law on State Security Measures to detain suspected critics or opponents, in some cases for no more than several days, in others, for months. The son and son-in-law of a prominent Sharia Court judge, Sheikh Abdul Amir al-Jamri, arrested in September and August respectively, were believed still to be in detention at the end of the year. Members of the Shi'a Muslim community in particular were liable to detention if suspected of supporting the Islamic Republic of Iran. Some were detained briefly before religious occasions of special significance to Shi'a Muslims, such as the annual 'Ashoura processions commemorating the martyrdom of Imam Hussein, at which political slogans have been shouted in the past. Others were detained after 'Ashoura or other religious gatherings at which anti-government and anti-American political statements were made. Bahraini students returning from study abroad and pilgrims returning from Mecca were also among

those detained without trial under the Decree Law. This law permits detention without trial for renewable periods of up to three years at the discretion of the Minister of the Interior; there is no judicial review of the legality of detention until after three months have elapsed from the date of arrest. Further appeals may be made only at six-monthly intervals. In the past some detainees have been held for seven or eight years under the Decree Law.

At least two political trials took place before the Civil Supreme Court of Appeal, which tries all those charged with offences concerning internal or external security. Procedures in such cases fail to comply with international standards for fair trial. They allow the court to base its verdict solely on confessions made to the police or to an investigating judge, or on prosecution documents referring to such confessions, without requiring the court to produce witnesses for cross-examination or to produce corroborating evidence. Unless the court is seen systematically to consider whether confessions have been made voluntarily the importance given to the confession as evidence could encourage interrogators to resort to coercion in order to extract self-incriminating statements. There is no right of appeal against conviction and sentence. Proceedings are usually conducted *in camera* or with access restricted to one family member for each of the accused. The court's judgments, which explain the reasons for conviction, are seldom made public, and copies are not made available to defence lawyers, who are obliged to consult the court's copy.

Among those tried before this court in 1988 were a number of possible prisoners of conscience, including Tawfiq al-Mahrous and eight others, all of whom were convicted of belonging to the banned Islamic Front for the Liberation of Bahrain, and given four- and five-year prison sentences. A religious scholar, Al-Sayyid Abdullah al-Muharraqi, was also reported to have been sentenced to two years' imprisonment, apparently on charges of incitement. He was believed to have been released after serving approximately half his sentence.

No information was available on the outcome of the trial of three men - Nabil Baqer Ibrahim Baqer, Ahmed Hussein Mirza Abdulkhalik and Khalid Abdurrasoul Muhammad Amiri - who had been

arrested in November 1987 and accused of planning to sabotage oil installations (see *Amnesty International Report 1988*).

Political prisoners serving sentences imposed after unfair trials in previous years included 14 alleged supporters of the banned Bahrain National Liberation Front, who in October 1987 received prison terms of up to five years, and 18 alleged supporters of the Islamic Enlightenment Society, who were jailed in 1984. Many others sentenced for their part in an alleged coup attempt in 1981 also remained in prison. A number of political prisoners were released, most at the end of sentences. Among those set free were Sheikh Nasir Al Haddad, held since 1981 (see *Amnesty International Report 1988*).

New allegations of physical and psychological torture and ill-treatment of detainees, apparently to obtain confessions, were received in 1988. Torture is prohibited under Bahrain's Constitution, but in a number of cases detainees were reportedly made to stand upright for many hours, were deprived of sleep for long periods, beaten or suspended, and threatened while detained incommunicado and in lengthy solitary confinement.

Amnesty International sought information from the government about a number of detainees, urging that they be granted prompt and frequent access to a lawyer of their own choosing, and afforded all necessary safeguards against torture or ill-treatment. Amnesty International also sought information on trials that had taken place before the Civil Supreme Court of Appeal and requested copies of judgments.

Amnesty International proposed to the government that the organization should send a delegation to Bahrain for further discussions with the authorities about human rights; Amnesty International delegates had visited the country in April 1987. The government did not respond and by the end of the year had not commented on a document describing Amnesty International's concerns in Bahrain which the organization submitted in November. In December Amnesty International published a short report, *Amnesty International's Concerns in the State of Bahrain*, which made a number of recommendations about safeguards needed to prevent human rights violations.

## EGYPT



**Thousands of political and religious activists, including prisoners of conscience, were arrested and detained under state of emergency legislation. Some of them were allegedly subjected to torture or ill-treatment during incommunicado detention. Political trials took place before (Emergency) State Security Courts with no right of appeal. Forty-four police and security officers were acquitted of inflicting torture on political detainees. At least 18 death sentences were passed following convictions of murder, drug-trafficking, or abduction and rape. Several asylum-seekers and other foreign nationals were forcibly returned to their countries of origin despite fears that they could be liable to imprisonment as prisoners of conscience, or could face torture or execution.**

Thousands of people were arrested during the year and administratively detained under state of emergency legislation for periods varying from several days to several months. The state of emergency had been in force without interruption since October 1981 and was extended by presidential decree at the end of March until the end of May 1991. Some of those detained under the emergency law were subsequently charged with specific criminal offences but most were released without charge or trial.

The year began with protests and demonstrations in support of the Palestinian uprising in the Israeli Occupied Territories, leading to mass arrests in Cairo and arrests of students throughout the country.

The number of arrests rose sharply in the second half of the year. In August and December there were violent clashes between the police, and members of Islamic groups and residents of the Ain Shams district of Cairo, a poor and overcrowded area considered a stronghold of the groups. The conflict began with a raid on the Adam

mosque by police apparently searching for leading members of the groups. The ensuing clashes, during which police used live ammunition, reportedly resulted in five deaths and many wounded. The violence in December followed night raids on the homes of Islamic activists in the same area. Two police stations and a number of police vehicles were set on fire, and a plainclothes police officer died as a result of stab wounds. Hundreds of arrests were made; some of those arrested had taken no part in the violence.

The majority of those detained on political grounds during the year were members of, or sympathizers with, Islamic groups but others included over 100 textile workers arrested in the northern city of Mahalla Al Kubra in September. They had protested against government plans to cease payment of an annual subsidy to workers in the public sector, and against price rises. More than half the workers were released within hours but 46 remained in detention for several weeks and eight were still imprisoned under emergency provisions at the end of the year.

In April the trial resumed of 33 people accused of participating in assassination attempts in 1987 on two former interior ministers and a magazine editor (see Amnesty International Report 1988). The prosecution sought death sentences for 15 of them. In a separate trial, still in progress at the end of the year, 20 others were charged in connection with the banned Egypt Revolution Organization (see Amnesty International Report 1988). The prosecution sought death sentences for 11 of the accused, including Khalid Abdul Nasser, son of the former President, who was being tried in *absentia*. Strict security measures were enforced in both trials, which took place before (Emergency) Supreme State Security Courts whose verdicts are not subject to appeal but under state of emergency legislation must be approved by the President of the Republic.

In August 15 people, including a businessman and two lawyers, were acquitted of all charges relating to acts of sabotage and collaboration with Libya, and membership of an armed Nasserist organization. The prosecution had called for the death penalty for 15 of the 16 accused in the case. Only one, Gamal Munib, was convicted. He was sentenced

to five years' imprisonment for obtaining explosives without authorization. Some of the accused said they had been subjected to physical and psychological torture while held incommunicado during pre-trial detention and produced forensic medical reports in court which appeared to corroborate their allegations.

In June the authorities announced the discovery of a Shi'a Muslim cell which was allegedly planning acts of sabotage on Egyptian territory. Eighteen Egyptians and 11 people of other, mainly Arab, nationalities were accused of involvement in the group. Some of the accused had reportedly been subjected to physical and psychological torture or ill-treatment during months of detention. All were eventually released for lack of evidence but a number of foreign nationals were forcibly expatriated.

Forty-eight followers of the Baha'i faith, who had been sentenced to three years' imprisonment in May 1987 (see Amnesty International Report 1988), appealed successfully against their convictions and sentences in February. The Court of Appeal overturned the first court's judgment on the grounds that none had been found guilty of the specific acts punishable under Decree Law 263 of 1960, which ordered the dissolution of Baha'i assemblies. All had been at liberty pending the appeal.

Dr Abdul Rahman Muhammad Abdul Ghaffar, believed to have been held without trial since October 1986 for having converted from Islam to Christianity, was released in August.

There was also evidence during the year of the detention of relatives of a number of suspected political or religious activists who had evaded arrest. These included wives and young children, as well as male relatives, apparently held to persuade the activists to surrender to the police.

Forty-four security and police officers were acquitted in July of all charges relating to the torture of political detainees held in connection with the banned Jihad organization between 1981 and 1983. Detainees alleged that they had been subjected to torture including burning with cigarettes, suspension by the wrists or ankles and beating with a whip or thick stick. They presented corroborating forensic medical evidence to the court. All the

accused were at liberty for the duration of the trial. Although it acknowledged that torture had occurred, the Cairo Criminal Court decided that there was insufficient evidence to identify the perpetrators, since detainees had been blindfolded throughout their torture. It also rejected victims' claims for compensation. Some sessions of the trial were attended by an Amnesty International observer.

At least 18 death sentences were passed during the year, five of them in absentia. Nine were imposed for murder, five on people convicted of drug-trafficking, and four for abduction and rape. No information was available on executions during 1988.

Three Iraqis and a Bahraini were forcibly repatriated in August despite fears that they would be at risk of imprisonment as prisoners of conscience, of torture or execution in their countries of origin. Arrested in connection with the alleged formation of a Shi'a Muslim cell planning acts of sabotage, they were repatriated by order of the Minister of the Interior after charges against them were dropped. One of the four was arrested and detained for several weeks following his forcible return to Bahrain but the fate of the three others after their enforced return to Iraq remained unknown.

Five Somali asylum-seekers were also forcibly repatriated in August. All were believed to have been detained on their arrival in Somalia and one was reported to have died in custody as a result of torture in September or October.

After each wave of arrests Amnesty International appealed to the authorities, requesting information about the legal situation of those detained, seeking assurances that they were being granted prompt access to a lawyer of their own choosing as well as to members of their families, and calling for the immediate and unconditional release of prisoners of conscience. On each occasion there were fears that there were insufficient safeguards to prevent those detained being tortured or ill-treated, particularly during prolonged incommunicado detention.

In the cases of forced repatriation of asylum-seekers Amnesty International appealed to the Egyptian Government to respect its international human rights commitments and to ensure that these and other foreign nationals not be compelled to

return to their countries, where they could become prisoners of conscience and face torture or execution.

There were two Amnesty International missions to Egypt to discuss human rights with the government. The first took place in December 1987 and January 1988, and the second in March. Meetings were held with, among others, the Ministers of Interior and Justice, the Minister of State for Foreign Affairs and the Prosecutor General. Discussions focussed on Amnesty International's concerns in the country in the light of Egypt's ratification of international human rights treaties. In June Amnesty International sent a 40-page memorandum to the government for consideration and comment. It examined arrest and detention procedures in security cases under emergency legislation and the lack of safeguards against arbitrary arrest and torture. Amnesty International asked to send a further mission to Egypt to discuss the implementation of its recommendations with the government but this had not taken place by the end of the year.

## IRAN



Over 1,200 political prisoners were executed, some of whom were said to have received only prison sentences. Thousands of others remained in prison, among them an unknown number of prisoners of conscience. Torture of political prisoners remained widespread and suspected political opponents of the government were sentenced to imprisonment or execution after unfair trials. Flogging was frequently used as punishment for a variety of offences, sometimes in addition to other punishments. Some convicted of repeated theft suffered amputation. There were at least 142 executions for criminal offences such as murder, rape and drug-trafficking. Many executions were carried out in public and announced in the official press.

Little progress appeared to have been made in redressing long-standing structural weaknesses in the administration of justice and the protection of prisoners from torture, ill-treatment and summary execution. The absence of adequate safeguards facilitated the stifling of peaceful political opposition through indefinite detention without charge or trial of the government's political opponents, among them prisoners of conscience.

Widespread secret executions were alleged throughout the year. In February death sentences were reported to have been imposed on 67 political prisoners held in Gohardasht Prison in Karaj and in Evin Prison in Tehran. Official statements confirmed some executions of government opponents: for example, in May the executions of Anoushirvan Lotfi, Hojat Mohammed Pour and Hojatollah Ma'boudi in Evin Prison were announced in the official press. The three had reportedly been convicted of armed opposition to the government but no information was made available about the procedures followed at their trials, or whether they had benefited from safeguards such as representation by a lawyer and the right to appeal against the death sentence.

In August Iran and Iraq agreed to a ceasefire after a war which had lasted over eight years. In the months which followed there was a massive wave of executions of Political prisoners. One of the events which appears to have triggered the killing of many real or alleged opponents of the government was an armed incursion from Iraq into western Iran by the National Liberation Army (NLA), a force formed by the People's Mojahedine Organization of Iran (PMOI), the Baghdad-based opposition group. At least 15 alleged PMOI sympathizers or collaborators were hanged in public in towns in western Iran soon after the incursion; their bodies were left hanging for several hours and photographs of the executions appeared in the official press. Executions then spread to the prisons, where some political prisoners had been engaged in protests which coincided with the incursion. Victims included members and supporters of the PMOI and political prisoners from other opposition groups. Between the end of July and the end of December at least 1,200 political prisoners were executed. The true figure was probably considerably higher.

Following the NLA incursion the policy of granting amnesties to political prisoners came under severe attack in the Iranian press. Newspapers alleged that former political prisoners who had been among the 3,000 "reformed" or "repentant" prisoners to benefit from amnesties to mark the ninth anniversary of the Islamic Revolution in February had participated in the incursion.

Reports of executions came from all parts of the country and included many victims who could have played no part in the July incursion. A large number of those executed had been imprisoned for several years or had been detained without trial. Some had been sentenced to short prison terms in 1980 and 1981 for offences such as distributing leaflets and newspapers, or taking part in political demonstrations, and had remained in detention after the completion of their sentences. Among them was an unknown number of prisoners of conscience. Others who had been released were reportedly rearrested and executed. In most cases it was not known whether there were further judicial proceedings before the execution took place.

Evaluation of the extent of the executions was made more difficult because of a ban on family visits to political prisoners which began in August, but information from a broad spectrum of opposition groups and from relatives of execution victims, statements from the authorities, and eye-witness reports confirmed that hundreds of political executions took place.

In one case a medical doctor held in Evin Prison since 1983, apparently because of his political activities as a member of the Tudeh Party, was executed secretly in the prison some time between May – the last time he received a visit from his family – and November, when the family were informed of his execution. He had been tried in 1984 but he had never been informed of the length of his sentence.

There were many reports of desperate relatives touring prisons, government offices and cemeteries searching for news of their family members. One woman described how, while looking for her husband's body, among recently-made unmarked graves in Jadeh Khavaran Cemetery in Tehran, she had dug up the corpse

of an execution victim with her bare hands.

In August the Turkish press reported an incident in which 40 out of a group of 58 Iranian asylum-seekers handed over by the Turkish authorities to the Iranian authorities were executed in Orumieh on the Iranian side of the border. In November it was reported that about 12 mullahs associated with Ayatollah Hussein Ali Montazeri, then the designated successor to Ayatollah Ruhollah Khomeini, had been executed, apparently as a result of factional conflicts within the Iranian leadership.

There were also conflicting statements from the authorities about the executions. In August Ayatollah Moussavi Ardebili, Chief Justice and President of the Supreme Judicial Council, apparently called for the summary execution of government opponents. In October there were reports that Ayatollah Montazeri had criticized the executions. Other officials denied that large numbers of executions were taking place and referred to reports of mass executions as Western or opposition propaganda.

In May at least nine prominent supporters of the Association for the Defence of Freedom and Sovereignty of the Iranian Nation, an organization closely associated with Dr Mehdi Bazargan, who leads the Freedom Movement, the only legal opposition movement in Iran, were detained following the circulation of an open letter from Dr Bazargan calling for an end to the Iran-Iraq war. Hossain Shah-Hossaini, Abdel-Karim Hakimi and Ali Ardalan, Head of the Executive Committee of the Association, were released in October, but six others remained in detention without charge or trial at the end of the year, months after a ceasefire had been declared.

An unknown number of relatives of political suspects were imprisoned to bring pressure on these suspects, who in some cases had left the country, to give themselves up. Relatives of young men who had evaded military service were also detained and effectively held hostage by the authorities in a similar way.

Many other prisoners of conscience remained in prison, and political detention continued to be used solely on grounds of suspicion, without charge, trial or supervision by a judicial authority. Some prisoners were held in indefinite incommunicado detention.

In February Davoud Karimi, a senior official in the Islamic Revolutionary Komiteh, announced that there were 9,000 members of opposition groups and about 40,000 drug addicts and drug-traffickers imprisoned in Iran. In May *Keyhan* newspaper reported the arrest of 200 members of the People's Feda'i Organization (Majority) and the Tudeh Party; further detentions of members of these and other left-wing groups were alleged. In July large-scale arrests of PMOI sympathizers were reported to have followed the NLA incursion. Reports of the detention of supporters of Kurdish opposition groups such as Komala were confirmed in the official press. Many of those detained had allegedly been involved in planning acts of terrorism or sabotage.

Political prisoners were tried and sentenced, sometimes to death, by courts which failed to comply with international standards for a fair trial. Defendants were not permitted legal representation nor allowed to call witnesses in their defence. Convictions were often based on confessions which, in some cases, were reportedly extracted under torture during indefinite periods of incommunicado pre-trial detention.

Allegations of torture of uncharged political detainees were received from all over Iran. In February hunger-strikes led by women political prisoners were reported to have taken place in protest against, among other things, persistent torture and ill-treatment. A woman political prisoner held in Evin Prison since 1984 was reported to have been beaten and denied essential medical treatment, which she had previously been receiving, because of her participation in these protests.

Methods of torture alleged to have been used included repeated whipping with cables, particularly on the soles of the feet, and suspension by the wrists with one arm passed over the shoulder so that the wrists met behind the back. Both men and women detainees were reportedly subjected to sexual abuse and mock execution. One former prisoner described how he was detained by Revolutionary Guards and taken to Ettelaat Prison in Zahedan. There he was tied to a bed, lashed with cables and subjected to mock execution. In the same prison he claims to have seen Revolutionary Guards beating a young girl in front of her parents to force them to make confes-

sions, and to have seen a woman beaten in front of her husband to force a confession from him.

Judicial punishments which constituted cruel, inhuman or degrading punishment were extremely widespread. Large numbers of people were flogged as punishment for a wide range of offences. At least 22 people convicted of repeated theft suffered amputation, usually of the four fingers of the right hand. In April an 18-year-old youth was sentenced to amputation of four fingers from his right hand, 40 lashes, three years' imprisonment and two years' internal exile, reportedly after being convicted on charges of 25 counts of theft and of offending against social and moral codes.

Scores of people were executed after being convicted of murder or drug-trafficking. In July Morteza Eshraqi, the Tehran Revolutionary Prosecutor announced that a mandatory death sentence would be imposed on anyone found in possession of more than 30 grams of heroin, or more than five kilograms of opium. Convicted drug-traffickers and murderers were often hanged in public, in some cases after being flogged. Four people were stoned to death after conviction of "moral offences". Those under 18 were not exempt from execution: in February a death sentence was passed on a 16-year-old youth found guilty of murder, and in April a 17-year-old convicted of raping a six-year-old boy was hanged in public.

In November Iranian diplomats in Turkey were discovered with a kidnapped Iranian refugee bound and gagged in the boot of their car. They were apparently attempting to abduct him and return him to Iran.

In March the United Nations Commission on Human Rights adopted a resolution which "expressed again its deep concern about the numerous and detailed allegations of grave human rights violations" in Iran. The UN Special Representative on the situation of human rights in the Islamic Republic of Iran submitted his interim report to the UN General Assembly in October. His report concluded: "it appears that the persistence of alleged violations of human rights in the Islamic Republic of Iran, in particular the recent reports of a renewed wave of executions in the period from July to September 1988, suffices to justify international concern".

In February Amnesty International submitted a written statement on human rights in Iran to the UN Commission on Human Rights; in May it published *Iran: Persistent Violations of Human Rights*. Amnesty International repeatedly urged the Iranian authorities to stop executions and expressed concern on behalf of many individuals believed to be at risk of execution. It repeatedly sought information from the authorities about charges against individuals sentenced to death or executed and inquired about trial procedures followed in cases involving the application of the death penalty. These specific inquiries were not answered. In December it published details of hundreds of political executions which had taken place in preceding months and repeated its call for an end to such executions.

Amnesty International urged an end to cruel punishments such as amputation and flogging and pressed for an end to torture, for the release of all prisoners of conscience, and for all other political prisoners to be tried fairly and within a reasonable time. Amnesty International also proposed, on several occasions, that a delegation should visit Iran to discuss human rights concerns with the government but did not receive a response from the authorities.

## IRAQ



**Large numbers of Kurds and other government opponents were extrajudicially killed by Iraqi Government forces. Among the victims were whole families, including children. Thousands of political prisoners, among them prisoners of conscience, continued to be arbitrarily arrested and detained. Many were held for long periods without trial or following summary trials. Torture of political prisoners remained widespread, as did the "disappearance" of large numbers of people, many of whom, it was feared, had**

been killed. Hundreds of people were reportedly executed; in most cases it was difficult to ascertain whether they had been tried and sentenced to death or extrajudicially executed.

In July the Iran-Iraq war came to an end. In the months before the ceasefire Iraqi Government forces had carried out a series of attacks on Kurdish civilians, including in areas in which the Kurdish armed opposition was active. In the weeks following the ceasefire there were similar sustained attacks on Kurdish civilians, thousands of whom fled Iraq to neighbouring countries.

In January an amnesty was declared for army deserters and for those who failed to report for military service, and in April there was a further amnesty for detainees convicted of certain economic and political offences and, under certain circumstances, of robbery and desertion from the army. Three amnesties were declared in September for detainees convicted of certain criminal and political offences, for all Iraqi Kurds sought for crimes committed before 6 September 1988, and for Egyptian nationals convicted of criminal offences excluding drug-trafficking and premeditated murder. In November a general amnesty was declared for those wanted for or convicted of political offences. It was not known how many people benefited from these amnesties.

Over 6,000 people, the majority unarmed civilians, were reported to have been deliberately killed by government forces and information was received about the deliberate killing of hundreds of others in 1987. Many were victims of extrajudicial execution; the great majority were Kurdish civilians, including whole families, killed as a result of large-scale military attacks on civilian targets. Amnesty International believed these killings were part of a systematic and deliberate policy on the part of the Iraqi Government to eliminate large numbers of Kurdish civilians, both as punishment for their imputed political sympathies and in retaliation for the activities of Kurdish opposition forces, which have included armed attacks on Iraqi Government targets.

Some 400 Kurdish civilians, among them women and children, were reported to have been executed on 2 April at Tanjaro Military Garrison, Sulaimaniya province. The victims were said to have been

wounded as a result of chemical weapon attacks on villages in the Qaradagh region in March, and to have been apprehended as they made their way to the city of Sulaimaniya to seek medical treatment. Information was also received that in April 1987 some 360 people from the village of Shaikh Wasanan, Arbil province, had been detained, reportedly after seeking medical treatment in hospitals in the city of Arbil for wounds inflicted as a result of chemical weapon attacks in the Balisan Valley in mid-April 1987. The majority were civilians said to have "disappeared" after being moved to an unknown destination outside the city. There were allegations, which Amnesty International was unable to confirm, that they had been executed.

On 16 and 17 March an estimated 5,000 people were deliberately killed and thousands wounded as a result of chemical weapon attacks by Iraqi forces on the town of Halabja, Sulaimaniya province, reportedly after Kurdish opposition forces had entered the town. Most of the victims were civilians, many of them women and children. The government denied responsibility for the incident and stated that Iranian forces had carried out the killings. In August hundreds of unarmed Kurdish civilians were deliberately killed and thousands wounded when Iraqi Government forces attacked Kurdish villages in the north. Thousands of Iraqi troops were reported to have launched attacks using tanks, helicopter gunships, artillery and chemical weapons on hundreds of villages in the provinces of Duhok, Mosul and Arbil. The offensive came in the wake of the Iranian Government's acceptance of a ceasefire in its conflict with Iraq. On 28 August Iraqi Government forces reportedly entered several villages near the town of Duhok and arrested over 1,000 people, some of whom were suffering from wounds sustained in chemical weapon attacks. Those detained were allegedly summarily executed and then buried in mass graves nearby.

In late August and early September tens of thousands of villagers fled the affected areas to seek refuge in Turkey and Iran. On 1 September the Turkish Government announced that it would grant temporary refuge on humanitarian grounds to some 57,000 Kurdish civilians. The Iraqi Government denied that chemical weapons had been used against Kurdish civilians

and refused a United Nations team permission to travel to Iraq to investigate reports that such weapons had been deployed.

In January the Shi'a opposition leader Sayyid Mahdi al-Hakim was assassinated by a gunman in the lobby of the Khartoum Hilton Hotel, Sudan. The Sudanese authorities began an investigation into the killing amid allegations that Sayyid Mahdi al-Hakim was killed by an agent working for the Iraqi Government. According to a Sudan News Agency (SUNA) dispatch of 22 July, the investigation revealed that the escape car used by the gunman belonged to the Iraqi Embassy in Khartoum, and that eye-witness descriptions of the suspect implicated a diplomat at the embassy. The SUNA dispatch went on: "In view of this suspicion, the Public Prosecutor addressed a letter to the Iraqi Minister of Justice on 13th January 1988 requesting him to lift the immunity on the diplomat concerned so he could be interrogated." In February this request was refused and Iraq later recalled its Ambassador to Sudan in protest at the allegations.

As in previous years hundreds of executions were reported but it was not possible to ascertain the precise number. Those executed were said to have included members of banned political parties, other suspected government opponents, and army deserters. Many were reported to have been executed without charge or trial, among them five members of the Kurdistan Socialist Party-Iraq (KSP-I) executed in Arbil between November 1987 and January 1988. The bodies of four of them were returned to their families bearing marks of torture. The body of the fifth was allegedly buried secretly in a cemetery in Arbil. In December some 80 people were reported to have been executed in the Koi Sanjaq region of Arbil province. The majority of the victims were said to be army deserters arrested in mid-1988. It was not known whether they were brought to trial before execution.

Thousands of political prisoners, including possible prisoners of conscience, continued to be detained without charge or trial, or after summary trials. They included actual or suspected members of prohibited political parties such as *al-Da'wa al-Islamiyya*, Islamic Call; the Iraqi Communist Party (ICP); the Kurdistan Democratic Party (KDP); the Patriotic Union of Kurdistan (PUK); the Kurdistan

Socialist Party-Iraq (KSP-I); and the Kurdistan Popular Democratic Party (KPPD). Others included army deserters and draft resisters. Relatives of such people were arrested as hostages in lieu of suspects being sought by the authorities. The children of political opponents were also arbitrarily arrested and detained as hostages in order to compel their parents or relatives to "confess" to alleged political offences.

Mirza and Mardan Rasho, two brothers arrested in July 1985 in al-Shaikhan when they were aged six and 13 respectively, were believed still to be in detention at the end of the year. They were reportedly arrested because of their father's suspected membership of the Pesh Merga forces (armed Kurdish units). In mid-December some 200 military personnel and Ba'ath Party officials were reportedly arrested, most in Baghdad and Mosul, on suspicion of plotting a coup. They included two brigadier generals - 'Abd al-Ghani Shahin and Taleb 'Ali al-Sa'dun. At the end of the year their fate was unknown.

Routine torture and ill-treatment of prisoners continued to be widely reported. The victims included political prisoners tortured in order to force them to sign "confessions" or to renounce their political affiliations. Some political prisoners were reported to have been tortured shortly before being executed. The victims included detainees below the age of 18, who were said to have been beaten, whipped, sexually abused, given electric shocks and deprived of food. According to the testimony of a former prisoner released from Abu Ghraib Prison in 1988, female prisoners have also been hung upside-down by the feet during menstruation. Objects have been inserted into the vaginas of young women, breaking the hymen. Another detainee released from Abu Ghraib in September testified that he was tortured during 14 months spent in detention. Arrested on suspicion of working with the KSP-I Pesh Merga, he was allegedly beaten, given electric shocks and made to face a mock execution.

The fate of some 178 people who "disappeared" while they were in detention between 1980 and 1985 was still unknown at the end of the year (see Amnesty International Report 1988). Among them were 17 children aged between 12 and 17. Most belonged to Shi'a families from regions such as Baghdad, Karbala' and Najaf who

were declared by the authorities to be of Iranian descent. The fate of some 8,000 Kurds, among them 315 children, who "disappeared" following their arrest in August 1983, was still unknown. All were male members of the Barzani clan, arrested in Arbil and sent to unknown destinations. It was believed that the arrests had been carried out in retaliation for the KDP's military activities: the detainees included close relatives of Mas'ud Barzani, leader of the KDP. It was feared that many had been executed.

Amnesty International repeatedly appealed to the government for an end to the deliberate killing of unarmed Kurdish civilians. It also expressed concern about the imposition of the death penalty and about allegations that some of those executed had been tortured before their death. In January Amnesty International urged the government to investigate reports of the security forces' use of thallium poison against political opponents (see Amnesty International Report 1988). There was no response from the government on the poisonings but in press reports Iraq's Ambassador to the United Kingdom described the allegations as "false" and "bizarre". In August, the government replied to appeals by Amnesty International regarding the reported execution and deliberate killing of some 360 people - including 17 children - in November and December 1987 (see Amnesty International Report 1988). The government confirmed the execution of 12 people among the 116 victims whose names were submitted by Amnesty International. One of the 12 was 16-year-old Ribwar Muhammad Karim 'Aziz, a Kurd from Sulaimaniya who had been arrested when he was 13. He had been sentenced to death by a special court and executed in Abu Ghraib Prison in December 1987.

In an oral statement delivered to the United Nations Commission on Human Rights in March, Amnesty International drew attention to reports of the execution and deliberate killing by Iraqi forces of some 360 people in November and December 1987. In another oral statement delivered in August to the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, Amnesty International explained its concern about the deliberate and systematic killing of unarmed Kurdish civilians by

government forces. An Iraqi Government representative responded: "with respect to the town of Halabja, my delegation makes clear that this town was the site of military operations, and that it was occupied during these operations by Iranian troops which used various weapons, including chemical weapons, against its Iraqi civilian inhabitants".

In September Amnesty International appealed to the UN Security Council to act immediately to stop the massacre of Kurdish civilians by Iraqi forces. The appeal was issued following the reported killing of hundreds of unarmed civilians in Kurdish villages at the end of August. In October Amnesty International called on the Turkish Government to allow international protection for thousands of Iraqi Kurdish refugees in Turkey who had fled the August offensive. The call followed an Amnesty International fact-finding visit to refugee camps in southeastern Turkey in early October and reports that some refugees had been threatened with forced repatriation to Iraq. Some 1,900 Kurds were reported to have returned from Turkey to Iraq after the Iraqi Government's announcement of an amnesty for Kurds on 6 September. At the end of the year their fate was unknown.

In May Amnesty International submitted information about its concerns in Iraq to the United Nations procedure (under Economic and Social Council Resolutions 728F/1503) for confidentially reviewing communications about human rights violations. A copy of the communication was also sent to the Iraqi authorities with an invitation to comment. At the end of the year no response had been received from the Iraqi Government.

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## ISRAEL AND THE OCCUPIED TERRITORIES

**More than 25,000 Palestinians were arrested in connection with the *intifada* (uprising) which began in the Occupied Territories of the West Bank and Gaza in December 1987. More than 5,000 of those arrested were held in administrative detention without charge or trial; some were prisoners of conscience. Hundreds of**

other Palestinians were summarily tried and imprisoned. At least 40 Israelis were imprisoned as conscientious objectors for refusing military service in the Occupied Territories and others, possible prisoners of conscience, were brought to trial on political charges. Thousands of Palestinians were victims of beatings while in the hands of Israeli forces; at least nine were reported to have died as a result. There were also many incidents in which Palestinians were shot in circumstances suggesting that Israeli forces had deliberately used excessive force. In a number of cases Palestinians were reported to have died as a result of deliberate misuse of tear-gas. Several political detainees died in custody in suspicious circumstances. One death sentence was imposed but there were no executions.



Throughout the year Palestinians protested against the Israeli occupation of the West Bank and Gaza through demonstrations in which stones and other missiles were often thrown, and through strikes and tax boycotts. They also set up popular committees to coordinate activities and to create alternative structures to the Israeli Civil Administration. The Israeli authorities responded with measures such as widespread arrests and the use of force, which was often excessive and indiscriminate and resulted in the death or injury of thousands, including many children. The populations of entire towns and villages were often restricted by prolonged curfews, apparently as punishment. Monitoring human rights violations became increasingly difficult as journalists and human rights workers were detained, newspapers and press services were closed, and access to villages and towns was often restricted.

More than 25,000 Palestinians, including children, were arrested in connection with the *intifada*. In the first few months of the *intifada* hundreds of teenagers and young people were summarily tried, often

without legal representation, and sentenced to several months' imprisonment for disturbing public order. Many others were detained for several days and then released without charge.

More than 5,000 Palestinians were administratively detained without charge or trial on the grounds that they posed a threat to state or public security. They included many prisoners of conscience and possible prisoners of conscience. In March military orders for the Occupied Territories extended the power to issue administrative detention orders and suspended existing automatic and periodic judicial review of such orders. In June, after further changes, detainees could challenge their detention by appealing to a single Military Court judge and thereafter by petitioning the High Court of Justice. Appeals were held after delays of weeks or months, and were often the first opportunity - sometimes the only opportunity - detainees had to learn about the reasons for their detention. In almost every case detainees and their lawyers received information about reasons for detention insufficient to enable them to exercise effectively the right to challenge a detention order.

The vast majority of administrative detainees, including prisoners of conscience, were held in Ketziot, a new detention centre in a remote area of the Negev desert. Conditions at Ketziot were harsh: accommodation was in crowded tents which provided little protection from desert temperatures; medical services were inadequate; there were no family visits; and access to lawyers was restricted. Detainees were reported to have been beaten on the way to the detention centre and during detention, and subjected to arbitrary punishment. A high level of tension in the camp often erupted into clashes between detainees and the Israeli military. In the context of one such clash in August two detainees were shot dead.

Those detained under administrative orders included Ghazi Shashtari, a field-worker for the West Bank human rights organization *al-Haq*, who was arrested in December 1987. A former political detainee, he was held under successive six-month detention orders until December, when he was released. Raji Sourani, a lawyer in Gaza, was also administratively detained. He was held from March to

September and was allegedly ill-treated while in custody. Ghazi Shashtari and Raji Sourani were among the prisoners of conscience held in administrative detention.

At least 40 Israelis were imprisoned as prisoners of conscience for periods of between 14 and 35 days for refusing to carry out military service in the Occupied Territories. Many others were said to have refused service in the Occupied Territories but to have been offered alternative postings by their commanding officers.

In July four Israelis were fined and sentenced to 18 months' imprisonment, of which 12 were suspended, for meeting officials of the Palestine Liberation Organization (PLO) at a conference in Romania in 1986. They were convicted by a Magistrates' Court under Article 4(h) of the Prevention of Terrorism Ordinance, which makes it an offence to have contact with an official of an organization declared to be "terrorist" by the Israeli authorities. The court decided that the six months of their sentences would take the form of community service. On appeal their sentence was upheld by a district court. A further appeal to the Supreme Court was scheduled for 1989.

Four Israeli editors of the newspaper *Derech Hanitzoz/Tariq al-Sharara* were arrested between April and May and brought to trial on charges which included membership of and providing a service for an illegal organization. They appeared to be prisoners of conscience. Their trial was still continuing at the end of the year.

In March Mordechai Vanunu, a former technician at Israel's nuclear research centre, was sentenced to 18 years' imprisonment after conviction on charges which included treason, for having disclosed confidential information about Israel's nuclear capability to a British newspaper in 1986. His trial was held *in camera*. He continued to be held in solitary confinement with severely restricted access to visitors - circumstances which may have amounted to cruel, inhuman or degrading treatment. His appeal to the Supreme Court was scheduled for 1989.

In January, in what appeared to be endorsement of indiscriminate beatings, the Minister of Defence announced that the Israeli Defence Force (IDF) would prevent violent demonstrations with "force, power and blows". At about the same time

commanding officers were reported to have given orders to break hands and feet. Later the Minister of Defence said there were orders to avoid beatings as punishment or after arrest. The Attorney General wrote to him in February saying that he had received enough complaints about excessive use of force to convince him that the irregularities were not exceptional cases. He said that beating demonstrators in order to punish or humiliate them was illegal, and that it was illegal for soldiers to obey orders to do so. Also in February the Chief of Staff sent a letter to all IDF commanders in the Occupied Territories containing guidelines on the use of force. He said that these were not new but because there had been "aberrations" by soldiers it was necessary to "emphasize and clarify existing orders". He stated that force was not to be used as punishment or after people had been apprehended.

Despite these statements beatings of Palestinians while in the hands of Israeli forces continued on a large scale throughout the year. In many instances this was clearly intended to punish or intimidate. Victims were kicked and hit with fists, clubs and rifle-butts. They included children and elderly people, as well as wounded Palestinians forcibly removed from hospitals. Many suffered multiple fractures and other severe injuries and at least nine were reported to have died as a result. According to eye-witnesses, Khader Tarazi died in February after he was severely beaten by four soldiers in a house in which he had been apprehended. A doctor who examined the body said that Khader Tarazi had a fractured spine, right frontal skull fracture, fractures of each arm and right hand, and multiple lacerations of the back, stomach, face and limbs. Internal injuries could not be assessed.

Between December 1987 and the end of 1988 about 300 Palestinians were shot dead by Israeli forces. Thousands of others were shot and injured, many critically. Many of those who died were killed during violent disturbances but others were killed even though they appeared not to have been involved in any violent activities at the time they were shot. The IDF initially made extensive use of lethal high-velocity bullets which were supposed to be fired only in life-threatening situations after warning procedures had been followed. In August special types of plastic bullet were

introduced with the stated aim of injuring more people but reducing fatalities. It was claimed that they were not lethal and therefore were usable in non-life-threatening situations within specific limits. However, several deaths were attributed to their use.

Palestinians in the Occupied Territories also died apparently as a result of deliberate misuse of tear-gas by Israeli forces, who were reported to have used it in excessive concentrations or to have thrown canisters into houses, clinics, schools and mosques despite manufacturer's instructions not to use the gas in confined spaces as it was potentially lethal. Between December 1987 and the end of the year over 40 people reportedly died following tear-gas inhalation. Among them were particularly vulnerable people such as babies and the elderly. In May Khaled al-Najjar, aged 55, was reported to have died after exposure to tear-gas from two canisters which landed in his house.

According to the authorities, investigations were to be carried out following every fatal shooting incident involving Israeli forces and could lead to disciplinary measures or courts-martial. Investigations of beatings were to be carried out apparently only upon complaint. By the end of the year official figures indicated that since the beginning of the *intifada* investigations into human rights abuses by the IDF had resulted in legal action against 45 officers and soldiers. With less than half of the cases completed 15 people had been found guilty. By the end of the year two soldiers were known to have been convicted of manslaughter for having shot dead two Palestinians; one soldier received a suspended sentence of one year's imprisonment and the other a sentence of 18 months' imprisonment. Seven soldiers were brought to trial in two separate cases of alleged beatings resulting in deaths; their trials were continuing at the end of the year. A few others were found guilty in cases of punitive beatings, the heaviest sentence reportedly being two and a half months' imprisonment. In cases of apparently deliberate misuse of tear-gas no action was known to have been taken.

A number of Palestinians held in detention centres were reportedly ill-treated and at least five died in suspicious circumstances. The official cause of their deaths was apparently suicide. In October

Ibrahim al-Matur died in the Dhahiriya detention centre, allegedly by hanging himself. He was reported to have been ill-treated in the days before his death, including by exposing him to tear-gas from a canister thrown into his cell.

In April John Demjanjuk was convicted of war crimes and sentenced to death. He was identified by the court as "Ivan the Terrible", a guard accused of having tortured prisoners and operated gas chambers at the Treblinka camp during the Second World War. His appeal to the Supreme Court was due to be heard in 1989.

Amnesty International was gravely concerned about a wide range of human rights violations by Israeli forces since the beginning of the *intifada*, and repeatedly called for adequate measures to be taken to stop abuses. In view of the scale and severity of such abuses, the organization also called for a comprehensive, independent judicial inquiry to look into, among other things, the guidelines on use of firearms and use of force in general; the apparent government encouragement of punitive or deterrent beatings and the legality of orders given to soldiers; all deaths at the hands of Israeli forces; and the methods of investigating alleged abuses by Israeli forces.

During the year Amnesty International published reports detailing its concerns about the use of firearms, beatings and the apparently deliberate misuse of tear-gas against Palestinians. In February an Amnesty International delegation discussed the organization's concerns with Israeli officials in the country. During the visit Amnesty International discussed a memorandum - submitted to the authorities in 1987 - concerning the legislation under which people could be imprisoned in violation of their right to freedom of expression.

In February Amnesty International delivered an oral statement to the United Nations Commission on Human Rights outlining its concerns since the outbreak of the *intifada*. In August it drew attention to its concerns about administrative detention in the Occupied Territories in an oral statement to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, and throughout the year submitted relevant information to other UN bodies.

Amnesty International continued to be

concerned about the detention without trial and treatment of detainees held by the South Lebanon Army (SLA) in the Khiam Detention Centre in Lebanon, in view of the IDF presence in South Lebanon and its close relationship with the SLA.

## JORDAN



At least 65 suspected opponents of the government, who may have included prisoners of conscience, were arrested during the year. Some were detained without charge or trial, others were put under town arrest or were tried by the Martial Law Court in trials which were unfair, and some were released. Over 100 other political prisoners, who may have included prisoners of conscience, remained in prolonged detention without trial or were serving prison sentences imposed by the Martial Law Court. There were new reports of torture of political prisoners. The death penalty was extended to apply to rape and drug-related offences; at least six people were sentenced to death during the year and seven executions were reported.

Emergency legislation introduced in 1939 through implementation of the 1935 Defence Law, and strengthened in 1967 by the declaration of martial law, remained in force throughout the year. It empowered the authorities to order the detention without charge or trial, or restriction under town arrest, of people considered a threat to security, and provided for their prosecution before the Martial Law Court. This court was not bound by the code of criminal procedure or the law on evidence applicable in other Jordanian courts.

Many of the 65 people arrested during the year on political grounds were university students - some of them were believed to have helped organize peaceful activities in support of the Palestinian uprising in the Israeli Occupied Territories, others were teachers and trade union-

ists. They may have included prisoners of conscience.

'Adnan al-Asmar, Hilmi al-Dirbashi and Bassam al-'Azza, residents of the Baqa'a refugee camp, were reportedly arrested in June and restricted to Ma'an under one-year town arrest orders, apparently in connection with a demonstration in support of the Palestinian uprising. They may have been prisoners of conscience. 'Adnan al-Asmar had previously lost his sight apparently because of torture suffered while detained from early 1978 to mid-1980.

About 40 people arrested for political reasons in previous years, who may have included prisoners of conscience, were still being detained without charge or trial, mostly on suspicion of belonging to illegal organizations such as the Popular Front for the Liberation of Palestine (PFLP), al-Fatah, and the Islamic Liberation Party (ILP). They included Ahmad Fares al-Khatib, held since August 1983; Adib 'Afnan, arrested in January 1987; Munir 'Atiq and Saleh Sha'watah, arrested in February 1987, and Muhammad Yasin Zallum, arrested in October 1987. All were held in the General Intelligence Department (GID) Headquarters in Amman. In addition, 21 suspected PFLP members arrested on 31 December 1987, and another, Ahmad Dahbur, arrested on 15 January 1988, were still held without charge or trial in al-Swaqa Prison at the end of 1988. A further suspected PFLP member, Munir al-Sharayhah, also arrested in December 1987, was released in October.

There were further trials before the Martial Law Court of people charged with membership of illegal organizations. Many of those accused may have been prisoners of conscience. Early in the year nine alleged ILP members were sentenced to three years' imprisonment. Later Fu'ad al-'Utt and Usama al-Zayn received sentences of four years' imprisonment. Usama al-Zayn had served an 18-month prison sentence on a similar charge in 1985-1986. As in previous years, defendants who appeared before the Martial Law Court were not tried in accordance with international standards of fair trial; the court was not bound by procedures applicable in other Jordanian courts and those convicted had no right of appeal to a higher tribunal.

At least five prisoners of conscience

were released during the year at the end of sentences imposed for membership of illegal organizations. They were Mazen al-As'ad, who had served a three-year sentence, and four alleged members of the Palestinian Communist Workers' Party, who had served 10-year sentences. Four alleged members of the PFLP were also released after completing prison sentences ranging from three to five years. 'Azmi al-Khawajah, a prominent PFLP member who had been detained without charge or trial since January 1987, was also released in June.

There were new reports of torture and ill-treatment of political prisoners. At least 65 untried detainees were held at GID Headquarters in Amman and at least six untried military conscripts were held for several weeks at Military Intelligence Headquarters. Detainees were said to have been subjected to *falaqa* (beating on the soles of the feet); *farruj* (suspension from a pole or pipe placed under both knees with the wrists bound to the ankles, accompanied by beating); *tomrin* (forced standing on the toes while leaning against a wall supported only by the index fingers); *shabih* (a form of sleep deprivation consisting of handcuffing the victim to the gate of the cell for days, with short breaks for food and use of the lavatory); and long solitary confinement. In at least one case a detained military conscript was reported to have been tortured with electric shocks at Military Intelligence Headquarters.

Victims of torture and ill-treatment included suspected PFLP members arrested in December 1987 and January 1988. They were taken in small groups from al-Juwaydah Prison in the suburbs of Amman to GID Headquarters and most, possibly all, appear to have been tortured during interrogation, particularly with *falaqa*. One detainee who was interrogated by the GID in Irbid about the whereabouts of his brother, a suspected Palestinian guerrilla believed to be in hiding in Jordan, was reported to have been severely injured as a result of having undergone *farruj* and been dropped on his back.

Seven political prisoners were reportedly beaten by prison staff in October after they protested against conditions in al-Swaqa Prison south of Amman, to which they had been moved from other prisons. One of them is said to have sustained serious eye injury and another to

have been punished by the infliction of 28 lashes.

Following his release in June 'Azmi al-Khawajah gave Amnesty International a detailed description of his ill-treatment in GID Headquarters the previous year, including how he was tortured with *falaqa*, kept in solitary confinement for seven months and held incommunicado for almost the entire period. In 1987 the government had strongly denied that 'Azmi al-Khawajah was being tortured.

In January rape of girls aged under 15 was made a capital offence and in March a new law on drugs was adopted which significantly extended availability of the death penalty for drug-related offences. Six people were sentenced to death by the Martial Law Court for crimes such as premeditated murder in the course of armed robbery; five of them were executed in January and July, the sixth had his sentence commuted by King Hussein bin Talal. None of those sentenced to death by the Martial Law Court were able to appeal against conviction and sentence, contrary to the requirements of international safeguards on the death penalty. Two others were reported to have been executed in April, one a soldier said to have been tried by a military court without right of appeal.

Amnesty International expressed concern to the government about the detention without charge or trial of political prisoners, including possible prisoners of conscience, and called repeatedly for them to be tried promptly and fairly on recognizably criminal charges or to be released. Amnesty International remained concerned that trials of political prisoners before the Martial Law Court failed to meet internationally recognized standards of fair trial and continued to raise with the authorities the need to prevent torture of detainees, notably by the GID. Amnesty International also appealed for clemency for prisoners under sentence of death. In October Amnesty International representatives visited Jordan to investigate alleged human rights violations.

The government responded to Amnesty International's appeals and inquiries on a number of occasions. In January it stated that suspected PFLP members arrested in December 1987 and January 1988 posed "a potential threat to the security of the state" and would be "interrogated and then either tried or released". However, by the

end of the year no charges had been brought against them, and 22 were still detained without charge or trial.

In December 1987 Amnesty International had submitted a memorandum to the government detailing reports of torture and ill-treatment of detainees at GID Headquarters. The government responded in January, stating categorically that torture did not occur in Jordan and accusing Amnesty International of believing "the rumours, allegations and accusations of a small group of people who have made a profession out of lying and attempting to deceive anyone they can". The government's response contained no substantive rebuttal of the points made in the memorandum.

In November Amnesty International brought to the government's attention several cases in which it was alleged that detainees had been tortured during 1988. The allegations were consistent with reports and testimonies received in previous years and raised with the government. Amnesty International again called on the government for urgent and effective measures to stop such practice but received no response.

## KUWAIT



**Two people were convicted of political offences and imprisoned after trials before the State Security Court which fell short of international standards. At least one of them may have been a prisoner of conscience. Seven others who were sentenced by the State Security Court in previous years, and who may have included prisoners of conscience, remained in prison throughout 1988. At least four prisoners were sentenced to death and four others executed.**

Ten people were tried by the State Security Court, one of them *in absentia*, in four separate cases. Isma'il Sayyid Hasan Sayyid Akbar, a Kuwaiti national, was

sentenced to three years' imprisonment in February after having been convicted of offences relating to the distribution of leaflets. The leaflets allegedly called for the violent overthrow of the government and defamed the Amir – who is head of state – and the state. The other nine were tried on charges relating to bomb attacks and other acts of violence carried out in recent years: one was sentenced to 10 years' imprisonment; four were given non-custodial punishments; and four were acquitted, including the person tried *in absentia*.

Defendants who appeared before the State Security Court were legally represented but had no right of appeal against their conviction and sentence to a higher tribunal, contrary to international standards for fair trial.

At least two of these trials, including that of Isma'il Sayyid Hasan Sayyid Akbar, were conducted *in camera*, except for the introduction of the case and reading of the verdict. Such secrecy prevented an independent assessment of the proceedings. In the case of Isma'il Sayyid Hasan Sayyid Akbar, Amnesty International was unable to discover whether the leaflets he was found guilty of distributing advocated violence or what evidence linked the leaflets to the defendant. Consequently, it was not clear whether he was a prisoner of conscience.

Dr Khaldun al-Naqib, Dean of the School of Arts at Kuwait University, was arrested in March and reportedly held for the non-violent expression of his political beliefs in the custody of the State Security Intelligence Agency. He was apparently interrogated about the publication of a book he had written about socio-political issues in the Gulf. He was permitted legal counsel and was reportedly released uncharged after six days.

Seven political prisoners tried between 1985 and 1987 continued to serve prison sentences ranging from three to 10 years. The seven had been convicted by the State Security Court on charges relating to the distribution of leaflets inciting violence after trials held mainly *in camera* and may have included prisoners of conscience. They had no right of appeal.

Of nine political prisoners under sentence of death in Kuwait Central Prison some were allegedly held in prolonged solitary confinement and denied access to

the open air for a prolonged period. The nine had been convicted by the State Security Court between 1984 and 1987 for offences relating to bombings and to an attempt on the Amir's life.

At least four people were sentenced to death for premeditated murder by the Criminal Court but their cases may have been still under judicial review at the end of the year. Three death sentences passed by the Criminal Court were commuted by the High Court of Appeal or by the Court of Cassation. In September, two men and two women were executed. 'Awd Fayhan 'Awd, 'Abbas 'Aziz Wanan Shamkhi, Alice Nurban Barisi and Farida Taher Shaikh had been convicted of premeditated murder and other crimes.

Amnesty International sought and obtained information from the Kuwaiti authorities on several prisoner cases, although it was not able to examine the content of leaflets produced as evidence of advocacy of violence against defendants tried by the State Security Court, who may have included prisoners of conscience.

Amnesty International received from the authorities a copy of a forensic medical report on the death in custody of Abed Hussain Hajji Enayatullah, a Pakistani national found dead in March in the toilets of a police station in Shu'ayba two days after his arrest. The circumstances of his death as described in the report were consistent with the findings of the official investigation, which concluded that the detainee had hanged himself with his bootlaces. Amnesty International sought further clarification about aspects of this case and assurances that procedures took into account the risks of self-inflicted injury by detainees in police custody.

In correspondence with Amnesty International, the government defended the use of the death penalty, stating that it complied with relevant international safeguards. However, at least one such safeguard – the right to appeal to a higher tribunal against conviction and sentence – was not available to defendants before the State Security Court, the jurisdiction of which included death penalty cases. Amnesty International appealed for the commutation of all death sentences.

## LEBANON



**Government forces and armed militias carried out hundreds of arbitrary arrests of suspected political opponents, some of whom may have been prisoners of conscience. Many prisoners were detained incommunicado for long periods – some had been held for several years – without reference to any judicial procedure. Some of these forces also reportedly tortured and executed detainees, either following decisions of summary tribunals or after no judicial process of any kind.**

Lack of central government control and inter-factional fighting between governmental and non-governmental forces posed considerable problems for the accurate assessment of information on human rights. However it was clear that all sides were responsible for some abuses.

Lebanon's governmental structure disintegrated further during the year. Depu- ties of the Lebanese Parliament twice failed to elect a president and at the end of the year the country had two rival prime ministers and two army commanders. Syrian Government forces extended their control of northern Lebanon, the Beka' Valley and West Beirut to include the southern suburbs of Beirut and the coastal road towards Sidon. Israeli Government forces deployed military and intelligence units in an area it called the "security zone" along the Lebanon/Israel border.

Amal, a mainly Shi'a organization, regained control over territory in southern Lebanon between Israel's "security zone" and Sidon following clashes with the pro- Iranian Hizbollah organization. The Lebanese Forces (LF), a mainly Christian militia, consolidated its hold over East Beirut and the coastal area to the north as far as Barbara, with the aid of five mainly Christian brigades of the Lebanese Army. The predominantly Druze Progressive Socialist Party (PSP) controlled the Shouf mountains to the south of Beirut. The

South Lebanon Army (SLA), a mainly Christian militia, controlled an area 80km by 20km along the southern Lebanese border, in conjunction with Israeli Defence Force (IDF) units. Each of these non-governmental entities possessed certain governmental attributes, such as control over territories and populations; as such they had the means and responsibilities to respect human rights. Other smaller non-governmental groups, such as the Popular Nasserite Organisation, various Palestinian factions, Hizbollah and Islamic Jihad, were responsible for human rights abuses such as kidnapping, torture of detainees and summary execution, but their territorial control was not as extensive or effective as the principal militias'.

Amal, the LF, the PSP and the SLA all arrested prisoners arbitrarily, particularly during hostilities or periods of inter-factional tension when prisoners, both combatants and civilians, were taken as hostages who could later be used in prisoner exchanges. Others were arrested at checkpoints, during house-to-house searches, or by mobile patrols.

Amal arrested dozens of Palestinians during fighting in February and May around refugee camps in the southern suburbs of Beirut and near Tyre and Sidon. Amal also arrested hundreds of Hizbollah members or sympathizers during hostilities in southern Lebanon in April and in the southern suburbs of Beirut in May, August, October and November, often after house-to-house searches. Such arbitrary arrests were often carried out in retaliation for actions taken against Amal supporters by Palestinian groups or by Hizbollah. Others detained by Amal included members of rival political parties or militias, such as the Lebanese Communist Party, or the Arab Socialist Ba'th Party, and people suspected of being agents of Israel or the SLA. Detainees were held for periods ranging from a few days to much longer periods: some people detained by Amal have been held for several years – some among seven LF members released in May had been detained for five years. Those detained by Amal were held in south Beirut and in Tyre, Nabatiya and Zefta in southern Lebanon. Several hundred detainees were released by Amal during the year, sometimes in exchange for members of the Amal militia held by other groups.

In April, July and August the LF

arrested several people suspected of being followers of Elie Hobeika, the organization's former leader. They included George Yunis and Kamil Abu Malhab, who were apparently suspected of violent activities in support of Hobeika. Some prisoners were released after they agreed to enlist in the Lebanese Army. In August the LF arbitrarily detained several East Beirut deputies for a few hours to prevent them attending a session of Parliament called to elect a president. The LF also detained members of rival militias and people suspected of gun-running for other militias, and participated in several releases and prisoner exchanges. Detainees were held without judicial process, often for months at a time in detention centres at Majlis Harbi in Qarantina, at Jbail and at Adonis barracks near Jounieh. Some detainees were said to have been held for several years. It was not possible to estimate the number of those held.

The PSP detained members of other groups to hold them as hostages. Its prisoners included members of Amal and the Lebanese Army, and some of the PSP's own members, who were apparently held for disciplinary reasons. There were believed to be few long-term prisoners at the militias' main detention centre at Beit Eddine.

The SLA carried out arrests, sometimes in conjunction with Israeli Government forces. Most of those held were Lebanese Shi'a suspected of involvement in attacks against the SLA and against Israeli troops inside Israel's self-declared "security zone". Among those reportedly detained were eight schoolgirls. Between 250 and 300 detainees were reported to be held in the SLA's main detention centre at Khiam. Figures for those held in the SLA's other detention centres, such as Bint Jbeil, were not known. Most detainees were held without charge or trial for periods ranging from a few months to two or three years.

There were frequent allegations of torture from detainees held by government forces and militias. It was not possible, however, to verify such allegations and to collect detailed testimonies from former detainees. In May five members of Hizbollah who had been detained by Amal alleged they had been tortured in detention and that their arms and legs had been broken. In August another detainee held by Amal was said to have been tortured in a

detention centre near Jabel Amel hospital in Al Bass camp near Tyre, thrown from a window and partially paralysed as a result. First-hand testimonies describing torture which had taken place in previous years were also received from former detainees of Amal. A Palestinian held for two months in early 1987 in an Amal detention centre in Toura, south Lebanon, said that during interrogation he was beaten with sticks on his feet (*falaqa*), beaten while tied to a car tyre (*dullab*), hit repeatedly on the ears, and suspended from the ceiling over a rod with weights on his hips and wrists (*balanco*). He alleged that most of some 70 other Palestinians held with him were similarly tortured.

Reports were received of the torture in previous years by the LF of two suspected supporters of Elie Hobeika. One was arrested in mid-1986 and held for five months in Jbail. The other was detained from 19 January to 12 February 1986 in Qarantina, where he was interrogated and beaten about the head with gunbutts. He was arrested a second time after a house-to-house search in September 1986 and taken to Adonis barracks near Jounieh, where he was detained for 15 days. During interrogation about his brother, who was suspected of having joined Elie Hobeika's forces in Zahle, he was beaten with fists and gunbutts all over his body, including his head and eyes.

There were also reports of torture by the SLA. Detainees released from the SLA detention centre in Khiam alleged that they had been ill-treated and tortured with methods including electric shocks. Some said they had been placed in solitary confinement for up to a week in cells measuring three feet square and three feet, six inches high and kept in total darkness. Detainees alleged that Israeli personnel were often present during interrogation.

Both Amal and the LF were reported to have executed prisoners. In January Amal executed Haatem Kan'aan in Haret Hreik, Beirut, after accusing him of murder. In August an Amal militiaman was sentenced to death by an Amal field court for the murder of a Hizbollah member. It was not known whether the sentence was carried out. Amal was reported to have summarily executed a Palestinian from Qassmieh camp in September, and a Hizbollah *'alim* (learned person) Sheikh 'Ali Karim, at an Amal checkpoint at Bir

Salasel in August. The LF executed Ghasan Lahoud and Samir Zaynoun for high treason by firing-squad at Dbaye in January. The two had been sentenced by a court martial at which they were apparently denied defence lawyers.

Amnesty International wrote to the leaders of Amal and the LF to express regret at the executions and to ask them to intervene to prevent further such abuses. At the end of the year the organization received a communication from the LF stating the militia's intention to remain in regular contact with Amnesty International and offering to hold talks in Beirut.

## LIBYA



**About 400 political prisoners, including prisoners of conscience, were released in March, but as many as 90 were believed still to be held and some others remained unaccounted for at the end of the year. Changes in legislation on arrest and detention, trial procedures and the treatment of prisoners were discussed or enacted. In June the abolition of the death penalty was proclaimed as an aim of the Jamahiri society and Libyan leader Colonel Mu'ammur Gaddafi intervened to commute all death sentences. The policy of "physical liquidation" of political opponents was officially said to have ended. No executions in Libya or killings abroad were reported.**

Colonel Gaddafi took responsibility for the release of political prisoners in March and proposed improvements to legislation on human rights, including abolition of the death penalty. In speeches and interviews he acknowledged that abuses had been committed in the past, particularly by the Revolutionary Committees set up in 1978. He specifically referred to the imprisonment and sentencing to death of innocent people and to deaths of prisoners under interrogation. He asserted, however, that

such abuses had been an inevitable consequence of efforts to transform Libyan society.

In June an emergency session of the General People's Congress (GPC), Libya's supreme political body, adopted a constitutional document entitled *The Great Green Document of Human Rights in the Era of the Masses*. It proclaimed the right to fair trial, outlawed degrading punishments and ill-treatment of prisoners, and restricted the scope of the death penalty, setting total abolition as an aim of the Jamahiri society.

In a speech to the same GPC session Colonel Gaddafi announced that Libya would ratify two major international human rights instruments – the Optional Protocol to the International Covenant on Civil and Political Rights and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In November Libya informed the United Nations General Assembly that ratification of these two instruments was being studied and that the periodic reports which Libya had to submit to international bodies monitoring human rights implementation but which were overdue were being prepared by a special committee.

In March a number of political prisoners – officially said to total 400 – were released from Abu Salim Prison in Tripoli. Among them were many prisoners of conscience arrested between 1973 and 1980 who had been convicted of belonging to banned political organizations. They had been tried, sometimes more than once, before courts such as the People's Court, set up in 1969, and revolutionary courts. In all these bodies proceedings had often fallen short of basic standards for fair trial. Some prisoners had been under sentence of death or were serving life sentences, others were reported to have been held despite acquittal or after the end of their sentences.

Prisoners of conscience who were released included Farid Ashraf and two others convicted of membership of the Ba'th Party. Farid Ashraf had been sentenced to death in 1983 by the Permanent Revolutionary Court, together with Mustafa al-Nawari, who is believed to have been executed, and Muhammad Hilal, whose fate was still unknown at the end of 1988. Other prisoners of conscience released

included alleged members of a Marxist organization arrested in 1973, students arrested in 1976 and writers and journalists arrested in 1978.

Musa Ahmad and other military officers accused of attempting to overthrow the government in 1969 and 1970 were among those released in March, as were the brothers of exiled political opponents of the authorities who had been arrested in 1982 and 1984. Several Berbers who had been in prison since 1980, apparently because they were believed to be associated with the ethnic club *al-Baruni*, were also among those freed. Others freed included political detainees who had been held without trial, and sentenced political prisoners who had remained in prison after the end of their sentences. Among those released there may have been prisoners of conscience who had not been identified by Amnesty International.

Announcing the release of political prisoners in March Colonel Gaddafi stated that "fewer than 100 persons" who had been involved in "treason and connections with foreign quarters" would remain in custody. At the end of the year it was believed that there were as many as 90 political prisoners, including at least five prisoners of conscience who had been arrested in 1973 and convicted of belonging to the Islamic Liberation Party (ILP). One alleged ILP member, Hasan al-Kurdi, was reported to have been executed before 1988 and the fate of another, 'Abd al-Qader al-Ya'qubi, was still not known at the end of the year.

Political prisoners still detained at the end of the year included possible prisoners of conscience such as Rashid al-'Urfiyah, a law graduate, and 'Umran al-Turbi, a dentist, held without trial since 1982 and 1984 respectively. Several people arrested following an armed clash near Bab al-'Aziziyah Barracks in May 1984 and others arrested in subsequent years on suspicion of involvement in armed opposition also remained in prison. Some were held without trial, others had been sentenced to death after unfair trials by revolutionary courts.

Regular visits by relatives to political prisoners who had been held in incommunicado detention since 1984 were allowed to resume in March. Colonel Gaddafi stated that families should be informed of the arrest and subsequent situ-

ation of their relatives, including those who had been executed. However, full details concerning prisoners released and those in detention were not made public and the fate of a number of people who were not released was still not known.

All special courts and special prosecutors were abolished by May, except for the Permanent Revolutionary Court. However, this court was officially said to function only as a disciplinary body for members of the Revolutionary Committees; in the past, this and other revolutionary courts had convicted political prisoners after unfair trials which had sometimes resulted in death sentences and executions.

A new People's Court with its own special prosecutor was established in May with the aim of "strengthening freedom" and looking into cases of human rights abuse. However, it was also entitled to try political cases under laws such as Law No. 71 of 1972, under which all political parties and organizations are banned and which has been used in the past against prisoners of conscience. Cases before this court were due to be tried in two stages by different sections of the court – a section of first instance and one of appeal – with the possibility of final review by the Supreme Court. The People's Court was bound by the code of criminal procedure.

Following calls by Colonel Gaddafi for abolition of the death penalty, this became the declared aim of the Jamahiri society in the document adopted by the GPC in June. In an apparent reference to televised hangings in 1984 Colonel Gaddafi said that the sight of those executions had "disgusted" him and led him to change his views on the death penalty. In June he stated publicly that he deeply regretted that the death penalty had not been abolished by the GPC and he undertook to work for its abolition. He also intervened in June to commute all outstanding death sentences and indicated that the policy of "physical liquidation" of political opponents had ended.

Amnesty International welcomed the release in March of a number of prisoners of conscience and other prisoners whose cases had been of concern to the organization. It continued to press for the release of remaining prisoners of conscience and for prompt and fair trials for all other political prisoners, if they were not to be released. Amnesty International also wel-

comed the positive human rights initiatives announced in March.

In June, an Amnesty International delegation visited Libya and had discussions with a range of political, judicial and security officials. The delegates observed the GPC emergency session in al-Bayda and were invited to address the congress, to which they appealed for abolition of the death penalty. During the visit Amnesty International also appealed for the commutation of all death sentences and obtained assurances from the Libyan authorities that they had ended the policy of "physical liquidation" of political opponents. Amnesty International also called for review of all cases of remaining political prisoners, for information about the fate of several people said to have been arrested in previous years and whose whereabouts were not known, for the adoption of safeguards against torture, and for the ratification of international human rights standards.

Following the GPC session in June, Amnesty International told the authorities of its regret that the death penalty had not been abolished. The organization welcomed the fact that abolition had been set as an aim; it also welcomed Colonel Gaddafi's commitment to continue working for abolition and the commutation of all existing death sentences. Amnesty International reiterated its appeals for an urgent review of all cases of remaining political prisoners and, in light of Libya's document on human rights, called for a review of existing death penalty and other legislation – such a review to be aimed at application of international human rights standards.

## MOROCCO AND WESTERN SAHARA

Several hundred people arrested in previous years for alleged political offences, including prisoners of conscience, remained in prison throughout 1988. There were new arrests of political suspects, some of whom were held in *garde à vue* (incommunicado) detention beyond the limit prescribed by Moroccan law. The fate of about 100 former military personnel imprisoned since the early 1970s was

still unknown. There were reports of torture and ill-treatment of prisoners, including hunger-strikers protesting against conditions in detention, and of two deaths in detention. Two death sentences were imposed although no executions took place.



Those held throughout 1988 included 39 prisoners of conscience who in 1977 had been tried and sent to prison for periods up to life imprisonment. They had been convicted on charges of, among other things, plotting against the internal security of the state and membership of clandestine Marxist-Leninist groups. They included Allal El Azhar, a teacher of classical Arabic, and Driss Rekab Bouissef, an electrical engineer. In addition, 26 possible prisoners of conscience remained in prison. Most were students sentenced in 1984 to up to 15 years' imprisonment for conspiring to overthrow the government and on charges of belonging to *Qa'idiyin*, Grassroots, an unauthorized students' group whose members came together for the purpose of participating in elections to the *Union nationale des étudiants marocains* (UNEM), Moroccan National Students Union. They had been held incommunicado by police in *garde à vue* detention for up to several months during which, they alleged, confessions which were later used as evidence against them in court were extracted under duress. Pre-trial investigations in most of their cases had been carried out without the presence of their lawyers, who had been denied adequate time to prepare a defence and denied ready access to case dossiers. Moreover, defendants' complaints about procedural irregularities and that confessions had been extracted under duress were reportedly not investigated by the court. Four of the prisoners were released in 1988 after completing their sentences.

Other possible prisoners of conscience included 41 individuals accused of belonging to a clandestine organization, *Ila*

*al Amam*, Forward. Most also belonged either to UNEM or to the *Syndicat national des enseignants* (SNE), National Union of Teachers. They included Hassan Belkehal, a technician active in UNEM while he was a student and later a member of the *Syndicat des travailleurs phosphatiers* (STP), Union of Phosphate Workers, and Mohamed Qnouch, a postgraduate student.

Fifteen of the 41 had been sentenced by the Court of First Instance in Casablanca in 1986 to between three years' and four years' imprisonment on charges related to public order offences during riots in 1984, membership of an illegal organization and distribution of leaflets hostile to the government. The other 26 had been convicted by the Criminal Chamber of the Court of Appeal in Casablanca in 1986 on charges of conspiring against the government and had been sentenced to between three years' and 20 years' imprisonment. In both cases the pre-trial and trial proceedings appeared to fall short of internationally recognized standards for a fair trial. In particular, the defendants had been held in prolonged incommunicado detention in police custody and had allegedly been tortured and convicted on the basis of confessions said to have been extracted under torture or threat of torture. Eight were released in 1988 after completing their sentences.

Between February and early April nine people, most of them students, were arrested and reportedly held in incommunicado detention apparently on account of their alleged participation in peaceful student or trade union activities. Their families were not informed of their whereabouts or given reasons for their arrest. Six of them were released in June. The three others were reported to have been brought before an examining magistrate but at the end of the year their legal status was still unclear and some reports suggested that they were still being held incommunicado.

The Moroccan authorities continued to refuse to disclose any information about some 100 military personnel believed to have been held in secret detention, incommunicado and in grossly unsatisfactory conditions since their imprisonment in connection with attempts on the life of King Hassan II in 1971 and 1972. Some were reported to have died as a result of

harsh prison conditions, others were said still to be in custody despite the fact that their sentences had expired.

The Moroccan authorities provided no new information about 80 Saharans who allegedly "disappeared" after they were taken into custody by Moroccan security forces in 1976. In January officials of the Ministry of Justice told Amnesty International that they had investigated a number of these cases but found that the individuals concerned did not appear on their prisoner and detainee lists. They denied that they were in detention, adding that the scanty details available about the 80 made investigation difficult.

During the year several hundred people were reported still to be detained in El Ayoun Prison following their arrest in November 1987 at the time of a visit to the Western Sahara by members of a United Nations technical survey mission. The arrests were said to have taken place to prevent those arrested expressing their views to the visiting delegation. At the end of the year there was still no information about their legal status or whereabouts.

There were new reports of torture and ill-treatment of political prisoners. In January two possible prisoners of conscience, Dahbi Machrouhi and Najib Hamdani, were reported to have been beaten with a rod, dragged downstairs by the legs and kicked in the face, head, neck and body after a dispute about the provision of food to prisoners. They were then reportedly stripped and put into a *cachot* – a small, dark, punishment cell used for solitary confinement – where they were held naked for three days together with five others before being taken out and subjected to *falaka* – beatings on the soles of the feet – and returned to the *cachot* for a further seven days with minimal food and no medical care. They went on hunger-strike in protest at their treatment and were later moved to hospital in a serious condition. They and the other five prisoners who had been subjected to ill-treatment ended their hunger-strike between 5 and 7 April and were transferred to Ghbila Prison.

Ahmed Chaib and Ahmed Chahid, both of whom had been sentenced to death in 1984, when they were among 71 alleged members of an unauthorized Islamic movement convicted of state security offences, were also reportedly tortured. This

began in January 1988 after they were transferred from Kenitra Central Prison to Laalou Civil Prison in Rabat following an attempted escape during which one guard was killed and two were injured. In Laalou Civil Prison the two were reportedly tortured and ill-treated for more than three months. They were said to have been beaten with iron bars, sticks and leather belts, humiliated and degraded, subjected to *falaka*, and kept chained for long periods in *cachots* in such a way as to restrict movement and prevent them standing upright. Both were later sentenced to death for premeditated murder of the guard killed during their escape attempt.

Amnesty International sought further information about the deaths in detention of Sabouni El Mehdi and Adrioush bou Chaib. Both deaths occurred in August shortly after the two were imprisoned. Sabouni El Mehdi is believed to have been taken into custody after going to the Casablanca *commisariat* (police station) where his son was reported to have been held for a criminal offence. According to information received by Amnesty International, he was ill-treated while in custody and, although he complained of stomach pains and pains in his leg, he received no medical attention. His precise age was not known but he was described as "elderly". He is reported to have died approximately 14 hours after his transfer to Ghbila Prison. Adrioush bou Chaib is reported to have suffered from cardiac problems and to have had only one lung. He was reportedly arrested in early August after a tobacco company brought charges against him for illegally selling cigarettes. He died the same month in Ghbila Prison.

In January an Amnesty International delegation visited Morocco to discuss human rights with the government, in particular Amnesty International's concerns relating to the use of *garde à vue* detention, allegations of torture and ill-treatment of prisoners and investigation of deaths in detention. Delegates met the Ministers of Justice and of the Interior and other officials. In July the organization submitted a memorandum to the government detailing its concerns and recommending specific measures to improve human rights.

Amnesty International also urged the authorities to establish an impartial inquiry into the alleged torture and ill-

treatment of Dahbi Machrouhi and Najib Hamdani, and other torture allegations, but without response. In June the organization inquired about nine people reportedly detained incommunicado between February and April and the several hundred others said to be held in El Ayoun Prison. The Moroccan authorities did not respond.

In October Amnesty International called for the commutation of the death sentences imposed on Ahmed Chaib and Ahmed Chahid.

## SAUDI ARABIA



**Arrests of suspected government opponents, mostly from the Eastern Province, and of pilgrims participating in the Hajj (the annual pilgrimage of Muslims to Mecca) were reported. It appeared that some might be prisoners of conscience. Reports also emerged of the torture or ill-treatment of detainees in previous years. At least one sentence of amputation and 26 death sentences were carried out.**

In August the Council of Senior Ulema – religious scholars entrusted with interpreting Islamic law – issued *fatwa* (religious edict) No.148, extending the death penalty to those convicted of acts of sabotage or “corruption on earth” that “undermine security and endanger lives and public or private property”. Such acts were deemed to include the “destruction of homes, mosques, schools, hospitals, factories, bridges, ammunition dumps and water storage tanks, resources of the Treasury such as oil pipelines, and the hijacking and blowing-up of aeroplanes”. Previously those convicted of such offences had faced execution only where loss of life had been involved.

In September four Saudis – Muhammed al-Qarus, ‘Ali al-Khatim, Azhr al-Hajjaz and Khalid al-‘Ulaq – were executed in Dammam in what may have been retroactive implementation of *fatwa* No. 148. They were convicted of smuggling explos-

ives into the country and blowing up fuel tanks at oil installations in Jubail. The last three were detained in August, several months after the arrest of Muhammed al-Qarus, and were also convicted of murdering a security officer while attempting to evade arrest.

As in previous years, suspected political opponents of the government were reportedly arrested and held in untried detention. Most were said to be Shi’a Muslims and were arrested in the eastern towns of Saihat, Safwa, al-‘Awamiyya, al-Rabi’iyya, al-Qatif, Taroot and Senabes. Among them were religious scholars, teachers, students, merchants, engineers, doctors and oil workers. Many arrests took place following explosions in April at oil installations in Jubail. Those arrested included Shaikh Ja’far al-Mubarak, an old religious scholar, and his brother ‘Abdullah ‘Ali al-Mubarak, a headmaster from Safwa, who were arrested on 21 April and held at Dammam Central Prison. Shaikh Ja’far had been among hundreds of political prisoners released in 1987 following a general amnesty. At the end of 1988 he was reportedly held at Dammam Prison Hospital. Also detained in April was Shaikh ‘Abd al-Karim al-Habil, from al-Rabi’iyya. In August he was transferred to the intensive care unit at King Feisal Hospital in Dammam where he underwent surgery on his liver. In November Shaikh Hasan Makki al-Khuwaildi, a prominent Shi’a religious scholar from Safwa, was arrested in al-Hasa. At the end of the year his whereabouts remained unknown. Shaikh al-Khuwaildi had reportedly spent lengthy periods in detention without trial in 1981 and in 1983.

Arrests were also reported in connection with the Hajj. Many of those arrested were foreign nationals reportedly detained on account of their religious or political beliefs. Although some were detained while participating in the Hajj, others were arrested at airports on their way in or out of the country. They included Syed Fazil Hussain Moosavi, a Pakistani religious leader from Karachi who was arrested at Jeddah Airport with 26 associates and held for over a month. Adnan Aslan, a Turkish publisher resident in the Federal Republic of Germany, was among a group detained in Mecca in July in connection with demonstrations several days before. He was released after 35 days in detention and

deported. In these and other cases, detainees were denied access to legal counsel, families or diplomatic representatives and were unable to challenge their detention in the courts.

New information was received about the torture and ill-treatment of detainees in previous years. Among the practices described were *falaqa* (beating on the soles of the feet) with the ankles secured by rope to a raised pole; blows all over the body; partial submersion in water; sleep deprivation; and extended solitary confinement. Detainees were also sometimes shackled by their ankles as a form of punishment.

Testimonies received from several untried detainees who had been held at various times during the past five years in the General Intelligence Department (GID) prison in Dammam, suggested torture was commonly practised at this prison. Following arrest, detainees were reportedly held in small solitary confinement cells in almost total isolation. They were interrogated and allegedly subjected to *falaqa*, beatings, threats, and systematic sleep deprivation including forced standing for two to three hours alternated with sitting, over a period of days or even weeks. After interrogation they were transferred to communal cells, holding 15 to 25 prisoners where they were allowed family visits. In some cases, they were later transferred to another prison and held for months or years before release.

One former detainee held at the GID in Dammam described his ordeal during three months of solitary confinement in 1985. Each day he was taken to an interrogation room where he was questioned and slapped, punched or kicked. When the interrogator felt he was not getting answers he wanted the detainee was forced to lie on the floor of an adjoining room in which guards took turns to administer *falaqa*. Usually he was unable to walk back to the interrogation room; often he lost consciousness. Another former detainee, who was arrested in 1983 and spent 36 days in solitary confinement, stated that in addition to *falaqa* he was beaten all over his body and legs while his hands were tied behind his back. He was also prevented from sleeping for periods of up to 48 hours by being forced to stand and having his hands stretched above his head and tied to a metal pole.

Cruel, inhuman or degrading punishments in the form of amputation of limbs may be judicially imposed in Saudi Arabia for repeated theft where there are no mitigating circumstances. In October Ahmad bin Hassan had his right hand amputated at Hafr al-Batin following convictions for thefts from several commercial stores.

At least 26 people were executed, including nationals of Chad, Pakistan, the Philippines, Sudan and the Yemen Arab Republic, the majority following convictions for murder. All executions were public, occurring in most cases after relatives of the murder victims had demanded *Qisas* (retribution). Under Islamic law the relatives of a murder victim may demand *Qisas* in the form of the death penalty, or waive such a claim freely or by settlement.

Amnesty International appealed on several occasions to the Saudi authorities, reiterating the organization's unconditional opposition to capital punishment and urging commutation of all death sentences. Following the promulgation of *fatwa* No. 148 Amnesty International urged King Fahd bin 'Abd al-Aziz to consider replacing the death penalty in the edict with other punishments. The organization holds amputations to be a form of cruel, inhuman or degrading punishment and urged that all such sentences be repealed.

In January Prince Saud al-Feisal, the Foreign Minister, wrote to Amnesty International stating, "we have no objections to holding discussions with some officials of your esteemed organization about the origins of human rights in Islam and the principles of the *Shari'a* and its implementation in the Kingdom of Saudi Arabia".

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## SYRIA

**Thousands of actual or suspected opponents of the government, including many prisoners of conscience, continued to be detained in the context of a state of emergency in force since 1963. The majority were held without charge or trial; in some cases they had been imprisoned for 18 years. Others remained in detention after the completion of their sentences. Reports of routine and widespread use of torture, including the torture of minors,**

continued to be received. Two deaths in custody were reported. Six people were executed.



Many government opponents arrested in previous years continued to be detained without trial throughout 1988. They included over 250 prisoners of conscience and 180 others who may have been prisoners of conscience. Among those held were actual or suspected members of prohibited political parties, members of several Palestinian groups, and individuals arrested in Lebanon and taken back to Syria for detention. They included members of *Hizb al-'Amal al-Shuyu'i* (PCA), Party for Communist Action; *al-Hizb al-Shuyu'i al-Maktab al-Siyassi* (CPPB), Communist Party Political Bureau; *al-Ikhwan al-Muslimun*, Muslim Brotherhood; *al-Tanzim al-Sha'bi al-Nasiri* (PNO) Popular Nasserist Organization; *Fatah*; and the Democratic Front for the Liberation of Palestine (DFLP).

Between August 1987 and March 1988 over 600 people were arrested, the majority on suspicion of membership of or support for the PCA. Some 450 of these prisoners were still held without charge or trial at the end of the year; a number of them were reported to have been tortured. These detainees included women, some of whom were arrested as hostages in lieu of relatives being sought by the authorities. Lina 'Ashur al-'Askari, a student from al-Hassakeh, arrested in December 1987 and detained at Military Intelligence Headquarters in Aleppo, was held in lieu of her sister. Her three brothers, Usama, Numair and Mazin 'Ashur al-'Askari, had been detained without charge or trial for over five years. All three are PCA members and were students at Aleppo University at the time of their arrest. Five CPPB members arrested in May were also still detained without charge or trial at the end of the year, among them Butros 'Abd al-Masih, a teacher arrested by *Idarat Amn al-Dawla*, State Security. Another CPPB member

arrested in February died in custody.

Torture and ill-treatment of prisoners continued to be widely reported and appeared to be routine. Information was received in February about the death in custody, reportedly as a result of torture, of Muhammad al-'Arraj, a PCA member. He was arrested by Military Security in October 1987 and held at *Fara' Falastin*, Palestine Branch, in Damascus, where he reportedly died in late December 1987 or early January 1988. His body was allegedly not returned to his family. In April another detainee, 'Abd al-Razzaq Abazid – a member of the CPPB – died in Damascus in the custody of Military Intelligence. His death was allegedly also the result of torture.

Seven PCA members were said to be in a critical condition after they had been allegedly tortured in early 1988. All had been arrested by Military Security between September and December 1987. One of the seven, Nizar Maradni, was said to have suffered a fractured pelvis; another, Na'man Dib, was said to be suffering from paralysis of the hands.

In August a CPPB member was reported to be in a critical condition as a result of torture. Badr al-Din Shanan, a trade unionist from Aleppo, had been held without charge or trial since May 1983. In mid-July he was said to have been transferred to hospital in a coma, suffering from myocardial infarct (damaged heart muscle) as a result of torture during interrogation. The health of another detainee, Riad al-Turk, reportedly deteriorated as a result of repeated torture over a number of years. First Secretary of the CPPB, he had been held incommunicado without charge or trial since his arrest in 1980. In January it was learned that he had gone into a coma at the end of 1987 and had been taken for intensive care treatment to al-Mezze Military Prison Hospital. In May information was received that in view of his deteriorating health the authorities had set up a special committee to examine his case. However, in November Riad al-Turk was reported to be held in solitary confinement in Damascus by Military Intelligence.

Several members of the Jewish community were reportedly tortured in detention. Nine were arrested between September and December 1987 and one other in July 1988. All were reportedly held without charge or trial and Amnesty Inter-

national could not ascertain the reasons for their arrest. Among them were three secondary school students: Kassem Ghounegh, aged 15; Musa Khalife, aged 15; and Faraj Dirzieh, aged 16. The three were arrested in September 1987 near the border with Lebanon and held in an interrogation centre in Damascus. They were allegedly beaten and whipped and, in one case, given electric shocks. Information received in July indicated that Musa Khalife had suffered paralysis of the limbs as a result of his treatment. At the end of the year, six of the 10 detainees in this group remained in detention. The three school students were among those released.

Four Palestinians were deported to Syria from Sweden during the year on suspicion of involvement in "terrorist" activities and of posing a threat to Sweden's national security. The four were reportedly suspected of involvement in *Fatah*. They had submitted applications for asylum in Sweden in 1985. Three were deported in March and April; at the end of the year their fate and whereabouts were still unknown. The fourth in this group, Sami Hilmi al-Sharif, was deported to Syria in October. In December information was received that he had been detained on arrival in Syria and was being held at a detention centre in Damascus. There were fears that he may have been tortured. Sami Hilmi al-Sharif was released at the end of the year and expelled to Lebanon.

Six death sentences were reported in 1988. Three men were hanged in January after being convicted of spying for Israel. In August three men convicted of crimes including murder, armed robbery and the rape of a minor were publicly hanged in Aleppo.

Throughout 1988 Amnesty International continued to express concern to the government about reports of arbitrary arrests, detention without trial of political suspects including prisoners of conscience, reports of torture and ill-treatment of detainees, and the imposition of the death penalty. There was no response from the government. In an oral statement delivered in February, Amnesty International drew the attention of the United Nations Commission on Human Rights to reports of the widespread and routine use of torture by the security forces and of deaths in custody of political detainees. A Syrian Government representa-

tive responded by expressing "regret" at the "exaggerated statement" and "the biased position taken by the Amnesty International representative".

In April Amnesty International submitted information about its concerns in Syria and Syrian-controlled areas of Lebanon to the United Nations procedure (under Economic and Social Council Resolutions 728F/1503) for confidentially reviewing communications about human rights violations. The communication included information on the arbitrary arrest and detention without trial of political prisoners, including prisoners of conscience; the torture and ill-treatment of detainees; deaths in custody resulting from torture; and extrajudicial executions. A copy of the communication was sent to the Syrian authorities, with an invitation to comment. By the end of the year no response had been received.

In March, Amnesty International expressed concern to Sweden's Minister of Immigration about the deportation of a Palestinian to Syria, where the deportee risked arbitrary arrest and torture. Amnesty International sought clarification regarding the expulsion procedures followed in the case. No response was received. At the end of the year, Amnesty International expressed concern about the expulsion to Syria of Sami Hilmi al-Sharif, after learning that he had been detained upon arrival in Damascus.

## TUNISIA

**Over 200 political prisoners, including prisoners of conscience, were released during the year. About 70 alleged supporters of an Islamic movement, some of whom were believed to be prisoners of conscience, remained in prison, some detained without trial. A number of others previously tried and sentenced *in absentia* by the State Security Court, and who had returned from exile or emerged from hiding, were retried and sentenced to imprisonment but immediately released. Two people were sentenced to death although no executions took place.**

In September Tunisia ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Since the change of government in November 1987 more than 8,000 criminal and political prisoners have benefited from presidential amnesties. These included over 200 political prisoners released during 1988 following amnesties declared in May, July and November by President Zine El-Abidine Ben Ali. Among those released were Rachid Ghannouchi and 42 other alleged supporters of the *Mouvement de la tendance islamique* (MTI), Islamic Tendency Movement, who had received sentences ranging from two years' imprisonment to life imprisonment in September 1987 after an unfair trial before the State Security Court. They had been convicted on charges of committing crimes intended to change "the nature" of the state, incitement to violence, and for other offences (see *Amnesty International Report 1988*).



The amnesty declared in early November, the first anniversary of the change of government, saw the release of all but six of the prisoners sentenced in September 1987. The six, including Mohamed Chemmam, a teacher, and Ali El Zraoui, a civil servant, were still in prison at the end of the year.

In September Abdel Fattah Mourou, Secretary General of the MTI, and 11 others who had been tried in *absentia* at the September 1987 trial and given heavy sentences, were retried by the Criminal Chamber of the Appeal Court. They were convicted of membership of an unauthorized association and sentenced to five years' imprisonment but the sentences were not enforced and they were allowed to go free. They were among those who benefited from the amnesty declared in November.

Khemais Chamari, Secretary General of the *Ligue tunisienne des droits de l'homme* (LTDH), Tunisian League for Human Rights, was tried in January by the Court of First Instance in Tunis on charges of disseminating false information likely

to disturb public order and with offending "the person" of the former prime minister but was acquitted. Evidence brought against Khemais Chamari included tape recordings of telephone conversations, interviews given to foreign journalists and his contacts with international human rights organizations. He had been arrested in April 1987 during the administration of former President Habib Bourguiba but had been released a month later on grounds of ill health. His trial had been postponed repeatedly.

A group of about 150 alleged MTI supporters, including military, police and security personnel arrested in late 1987 (see *Amnesty International Report 1988*), remained in detention at 9 Avril Prison in Tunis until November, when 70 were released by order of President Ben Ali. It was acknowledged that the 70 had "neither advocated nor planned violence". Those remaining were apparently suspected of committing offences against national security but none of them had been brought to trial by the end of 1988. They included Professor Moncef Ben Salem, chairman of the mathematics department at the *Ecole nationale d'ingénieurs* in Sfax.

The Tunisian authorities did not disclose full details of the investigation into the death during incommunicado detention in December 1987 of Mohamed El Mansouri (see *Amnesty International Report 1988*). In February, following foreign press reports suggesting that he had died after torture, and after calls for an official investigation into his death the Tunisian Ambassador to France issued a statement in which he said a medical examination had found no evidence of torture and attributed the death to heart failure.

At least two people were sentenced to death – one for murder and arson, the other for rape – but there were no executions. In January President Ben Ali commuted to life imprisonment the death sentence imposed in October 1987 on Mohamed Ben Ibrahim Ben Amara, an Algerian national who had been convicted of premeditated murder.

Amnesty International welcomed the release of a number of prisoners and other measures taken to improve human rights but continued to press for the fair trial or release of untried political detainees and political prisoners serving sentences after unfair trials. Amnesty International also

continued to urge impartial investigation of all torture allegations. In March an Amnesty International delegation visited Tunisia to discuss human rights with the government and had meetings with President Ben Ali, Prime Minister Hédi Baccouche, the Ministers of Justice and Interior, and other officials.

## UNITED ARAB EMIRATES



**A number of people were detained without trial, including a 14-year-old boy. Several criminal suspects were reported to have been tortured, including being caned. Two executions were carried out.**

A 14-year-old Somali national, Mahmud Sulaiman 'Abdi, who had been arrested by plainclothes police in December 1987, was still detained without trial in al-Wathba Central Prison in Abu Dhabi at the end of 1988. He was reported to have been severely caned while in detention and to have fainted and required medical attention as a result. No reasons were given for his detention but it appeared to be politically motivated.

Two Iraqi nationals were detained, apparently for reasons related to the authorities' investigations into the activities of Iraqi political groups. 'Ala' 'Abd al-Rasul Judi, a driver who had worked in Abu Dhabi since 1977, was arrested in May after being summoned by officials for questioning relating to his residence permit. He was detained incommunicado without charge or trial for six weeks at the Ministry of Interior's Department of Immigration and Passports. He was said to be in poor health and in need of medical treatment and there were fears that he may have been tortured following his arrest. He was released in June and deported from the United Arab Emirates (UAE). Another Iraqi national, Isma'il al-Nouri, who also worked as a driver in Abu Dhabi, was arrested in

late October or early November and was still held incommunicado at the end of the year. His whereabouts were not known.

New information was received during 1988 about alleged torture of criminal prisoners in previous years. Jamed Ahmed Khan, a Pakistani national sentenced to 10 years' imprisonment in 1986 on charges of drug-smuggling, was reportedly tortured for several days following his arrest. According to the testimony of a detainee released in October, Jamed Ahmed Khan was initially held at a police station near the British Embassy in Abu Dhabi. The former detainee said that Jamed Ahmed Khan "was subjected to days of torture, lashing with canes and brutal kicks to his body by six police at the same time as he was tied down on top of blocks of ice, and had electrodes attached to his genitals". In May Jamed Ahmed Khan reportedly went on hunger-strike after being denied family visits and communication with anyone outside Abu Dhabi's Central Prison.

Edward Zacharia, a Lebanese national, was also reported to have been tortured between 1984 and 1987 while serving a nine-year sentence. He was allegedly caned severely and hung by his arms for several hours.

Other detainees held in al-Wathba Central Prison were reported to have been caned. According to the testimony of a former detainee, they included a Somali national who received 200 strokes of the cane on 3 August after being convicted of raping a minor; another Somali national who received 40 strokes of the cane on 6 August after being convicted of alcohol consumption; and a UAE national who received approximately 200 strokes of the cane on 6 August after being convicted of having premarital sexual intercourse.

Two executions were carried out, both by firing-squad in May. Saif Sa'id Maher al-Mahri was publicly executed near the Central Prison of al-'Ain in the emirate of Abu Dhabi; the place of execution of Zarat Khan Ahmad Khan, a Pakistani national, was not known. Both had been convicted of murder.

Amnesty International expressed concern to the UAE authorities about reports of detention without trial and possible torture or ill-treatment of detainees, of threats of forcible repatriation of Iranian nationals, and of executions. No responses were received from the authorities.

## YEMEN

(ARAB REPUBLIC)



**Thirteen people were reportedly detained during the year, apparently on political grounds, and a group of alleged saboteurs arrested in 1987 remained in detention without trial. Prisoners continued to be ill-treated by being shackled. There were also reports of five apparently politically-motivated killings, including three in December 1987, all of which were said to have been carried out by the security forces. At least 24 ordinary criminal prisoners were executed.**

Thirteen people were reportedly detained, apparently on political grounds. Twelve were arrested in the province of al-Bayda in February and April and one, a student, was apparently held for several weeks and then released. At the end of the year the authorities told Amnesty International that the 12 were in detention but said this was for "social" crimes and not for political reasons. They denied knowledge of the student's case.

A group of people whose arrest was officially announced in June 1987 remained in detention without trial throughout the year. At the time of their arrest the national media described them as saboteurs who were planning to disrupt security, and the authorities stated that they would be tried following interrogation. In December, however, the authorities stated that their case was still being investigated and that disclosure of further information would "affect the legal procedures".

In September the Ministry of Foreign Affairs informed Amnesty International that four suspected members of the opposition National Democratic Front (NDF) who were reported to have been arrested in June 1987 as they entered the country from the People's Democratic Republic of Yemen (see Amnesty International Report 1988) were not in custody. In December the

ministry informed Amnesty International that a Yemen Arab Republic diplomat said to have been arrested in late June or early July 1987 in Sana'a (see Amnesty International Report 1988) had been investigated on grounds of national security but had not been detained.

The fate of Colonel Sultan Amin al-Qirshi, a prominent official reportedly arrested in February 1978, remained unknown. He had apparently smuggled a letter to his family from his place of detention in October 1978 but no information about him has been available since. The authorities informed Amnesty International that following several inquiries from his family in 1978 they had investigated his case and concluded that he had been "detained at that time" but that they had "failed to find any explanation to his [subsequent] disappearance". They pointed out that in 1978 the country had been in a state of "turmoil".

Prisoners continued to be kept in iron shackles, usually attached to their ankles. Some may have been injured by chafing or while the shackles were hammered into place or prized apart. The use of chains as restraints or punishment is prohibited by the United Nations Standard Minimum Rules for the Treatment of Prisoners.

At least 24 people were executed during the year, in each case following conviction for murder. The executions took place in accordance with *Qisas* (retribution), an Islamic punishment whereby the family of a murder victim may demand the death of the murderer or may waive such a claim freely or by financial settlement.

Information was received early in the year about three apparently politically motivated killings which took place in December 1987. The victims, who were named as 'Abdu Saleh Ghanem, 'Ali bin 'Ali Saleh al-Ghurbani and Ahmad bin Ahmad al-Shawdhabi, were all believed to have had links with the NDF. They were killed when their car was attacked by armed men in the capital, Sana'a. Two other occupants of the car were reported to have been wounded - it was not clear what became of them.

Two further apparently politically motivated killings took place in March when 'Ali Hasan al-Mu'Allem was killed with his nephew while driving in the proximity of a military camp near Ta'iz. Al-Mu'Allem apparently intended to stand as a candidate in the legislative elections in July and was

believed to be an opponent of the government.

Reports indicated that the killing of these five people had been carried out by government security forces. The authorities denied these reports and stated to Amnesty International that the killings were "social" crimes, in at least one case caused by tribal conflicts, and were being dealt with accordingly.

Amnesty International appealed for political prisoners to be tried or released and raised other matters with the authorities, including the fate of Colonel al-Qirshi and the cases of apparently political killing. It received regular responses.

Regarding the use of the death penalty, the authorities stated in September that "the claim for Capital Punishment is the exclusive right of the victim's relatives and no one can intervene". However, according to the code of criminal procedure death sentences may not be carried out unless ratified by the head of state, and Amnesty International continued to appeal for the commutation of all death sentences.

## YEMEN

(PEOPLE'S DEMOCRATIC REPUBLIC OF)



**Over 40 people were reportedly arrested on account of their suspected opposition to the government. Several of them were released before the end of the year. At least two possible political detainees held since 1987 remained in detention without trial and one held without trial since 1985 was released. Eleven possible prisoners of conscience arrested in 1985 were amnestied and released. Three detainees were said to have died in custody and at least two death sentences were ratified by the Presidium of the Supreme People's Council.**

Over 40 people were reportedly arrested on political grounds during the year, possibly on suspicion of supporting former head of state 'Ali Naser Muham-

mad. Most of them were said to have been arrested in al-Mukalla at the end of January. They reportedly included Hasan Saleh Ba'um, former candidate (non-voting) member of the Yemeni Socialist Party (YSP) Central Committee, as well as government employees and workers in the private sector. Several were believed to have been released in the following months.

Two people arrested in 1987, apparently for political reasons, remained in detention without trial throughout the year. 'Abd al-Karim Shamsan, a former candidate member of the YSP Central Committee, had been held since August 1987 in al-Fatah Military Camp in Aden. He was apparently detained in connection with the fighting in January 1986 between rival factions of the YSP, in which over 4,000 people were officially estimated to have been killed (see *Amnesty International Report 1987*). Despite assurances given by the authorities to Amnesty International in October 1987 that he would be granted prompt access to members of his family and to a lawyer, he was reported to have remained in incommunicado detention during most of 1988. Sa'id Aghabbari, a senior bank manager who had been arrested in mid-1987, also remained in detention without trial. The authorities stated in October 1987 that he was to be tried for financial crimes, but others claimed he was being detained for his opposition to the government. At the end of the year the authorities stated that 'Abd al-Karim Shamsan and Sa'id Aghabbari had been allowed access to their families and that both were to be brought to trial but did not specify the charges.

Mustafa 'Abd al-Rahim al-Saqqaf, a telecommunications engineer, was released in December. He had been held, possibly on political grounds, since June 1985 in al-Fatah Military Camp, apparently without charge or trial.

Eleven members of the pro-Iraq Ba'ath Party, who may have been prisoners of conscience, were amnestied and released in April on orders of the Presidium of the Supreme People's Council. They had been convicted of treason by the Supreme Court of the Republic in November 1985 and were serving sentences of five to 15 years' imprisonment.

Three detainees believed to have been arrested for political reasons in al-Mukalla in January were said to have died in cus-

tody in a detention centre in al-Mukalla or in al-Fatah Military Camp, possibly as a result of ill-treatment. Sa'id ba Mu'awwad ba Qarwan and Ahmad Barghash bin Dagar ba Qarwan were said to have died in May; 'Ali Sa'id al-'Amudi was said to have died at the end of June or in early July. The authorities apparently informed the families that the three had died of heart disease but did not return their bodies.

At least two death sentences, imposed for aggravated murder, were ratified by the Presidium of the Supreme People's Council, one in February and the other in April. It was not known whether the two prisoners were executed, although in the past prisoners have been executed shortly after ratification of their sentences.

Amnesty International repeatedly expressed concern to the government about the detention without trial of suspected government opponents and about the three reported deaths in custody. The authorities provided some information on cases of detention without trial and denied knowledge of others. They failed to confirm the three reported deaths in custody or to explain the circumstances in which they had occurred.

Amnesty International welcomed the release of the 11 members of the pro-Iraq Ba'th Party, who may have been prisoners of conscience, and continued to seek information regarding the fate of a number of prisoners arrested between 1967 and 1975 and of several people who were believed to have died or "disappeared" during and following the fighting in 1986.

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# APPENDICES



# APPENDICES

## APPENDIX I

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## MISSIONS ACCOMPLISHED BETWEEN 1 JANUARY 1988 AND 31 DECEMBER 1988

MONTH	COUNTRY	PURPOSE	DELEGATE(S)
January	Morocco	Discuss Amnesty International's concerns with government authorities	Whitney Ellsworth (USA) Menno Kamminga (Netherlands) Staff member of International Secretariat
January	Israel & Occupied Territories		Paul Hunt (UK)
January	Bangladesh	Discuss Amnesty International's concerns with government authorities	Secretary General of Amnesty International Jan Dam Backer (Netherlands) Staff member of International Secretariat
January/February	Equatorial Guinea	Discuss Amnesty International's concerns with government authorities	Hans Rau (FRG) Staff member of International Secretariat
February	Greece	Trial observation	Alain Ottan (France)
February	Uganda	Research/Discuss Amnesty International's concerns with government authorities	Two staff members of International Secretariat
February	Yugoslavia	Trial observation	David Lachat (Switzerland)
February	USA	Research	Staff member of International Secretariat
February	United Kingdom	Research	Nanko Doornbos (Netherlands) Staff member of International Secretariat
February	Israel & Occupied Territories	Discuss Amnesty International's concerns with government authorities	Gilbert Marcus (South Africa) Three staff members of International Secretariat
February	Yugoslavia	Trial observation	Trifon Iordanoglou (Greece) Staff member of International Secretariat
February/March	Jamaica	Research	Staff member of International Secretariat
March	Egypt	Research/Discuss Amnesty International's concerns with government authorities	Two staff members of International Secretariat
March/April	Tunisia	Discuss Amnesty International's concerns with government authorities	Franca Sciuto (IEC) Deputy Secretary General of Amnesty International Staff member of International Secretariat
March/April	Cuba	Discuss Amnesty International's concerns with government authorities	Secretary General of Amnesty International Two staff members of International Secretariat
April	Egypt	Trial observation	Mohammed Abdulqader Al Jassem (Kuwait)
April	Zambia	Research	Staff member of International Secretariat
May	Haiti	Research	Michael Levy (USA)
May	Hungary	Trial observation	Herbert Pochieser (Austria)

## APPENDIX I

May	Greece	Trial observation	Staff member of International Secretariat
May	Singapore	Research/Observe court hearings	Staff member of International Secretariat
May	Malaysia	Research	Staff member of International Secretariat
May	Taiwan, Republic of China	Trial observation	Johannes Chan Man Mun (Hong Kong Dependent Territories)
May/June	Thailand	Research	Two staff members of International Secretariat
June	USA	Observe court hearing	Rod Morgan (UK)
June	Turkey	Trial observation	Stephen Grosz (UK) Staff member of International Secretariat
June	Turkey	Discuss Amnesty International's concerns with government authorities	Whitney Ellsworth (USA) Staff member of International Secretariat
June	Philippines	Discuss Amnesty International's concerns with government authorities	Bill Shipsey (IEC) Staff member of International Secretariat
June	Libya	Discuss Amnesty International's concerns with government authorities	Ezzat Fattah (Canada) Two staff members of International Secretariat
June	South Africa	Two trial observations	Geoffrey Robertson (Australia)
June	Taiwan, Republic of China	Trial observation	Johannes Chan Man Mun (Hong Kong Dependent Territories)
June	Hungary	Trial observation	Gertrude Hennefeld (Austria)
June/July	Brazil	Discuss Amnesty International's concerns with government authorities	Three staff members of International Secretariat
June/July	South Korea	Research	Two staff members of International Secretariat
July	Guatemala	Research/Discuss Amnesty International's concerns with government authorities	Three staff members of International Secretariat
July	Philippines	Discuss Amnesty International's concerns with government authorities	Secretary General of Amnesty International Staff member of International Secretariat
July	Hong Kong	Discuss Amnesty International's concerns with government authorities	Deputy Secretary General of Amnesty International David Weissbrodt (USA)
July	Poland	Trial observation	Wilhelm Fryszak (Austria)
August	São Tomé e Príncipe	Discuss Amnesty International's concerns with government authorities	Peter Klein (FRG) Staff member of International Secretariat
August	Poland	Trial observation	Wolfgang Miller (Austria)
August	Hungary	Trial observation	Gertrude Hennefeld (Austria)
August/September	Czechoslovakia	Trial observation	Alex Milne (UK)
September/October	Gibraltar	Observe inquest	Stephen Owen (Canada) Two staff members of International Secretariat
September	Mauritania	Trial observation	Bacre Waly Ndiaye (IEC)

September	Hungary	Discuss Amnesty International's concerns with government authorities	Secretary General of Amnesty International
September/ October	Nigeria	Research	Almami Cyllah (Sierra Leone) Staff member of International Secretariat
September/ October	Pakistan	Research	Staff member of International Secretariat
October	Mozambique	Discuss Amnesty International's concerns with government authorities	Secretary General of Amnesty International Plauto Rocha (Brazil) Staff member of International Secretariat
October	Malaysia	Discuss Amnesty International's concerns with government authorities	David Weissbrodt (USA) Staff member of International Secretariat
October	Jordan	Research	Two staff members of International Secretariat
October	Tanzania	Research	Staff member of International Secretariat
October	Israel & Occupied Territories	Research	Staff member of International Secretariat
October	France	Trial observation	David Lachat (Switzerland) Staff member of International Secretariat
October/ November	Mexico	Research	Two staff members of International Secretariat
October/ November	Italy	Trial observation	John Vervaele (Belgium)
November	United Kingdom	Observe inquest/court hearing Research	Menno Kamminga (Netherlands) Staff member of International Secretariat
November	Hungary	Trial observation	Wolfgang Miller (Austria)
November/ December	Algeria	Research/Discuss Amnesty International's concerns with government authorities	Bacre Waly Ndiaye (IEC) Antonio Marchesi (Italy) Two staff members of International Secretariat
November/ December	Peru	Research/Discuss Amnesty International's concerns with government authorities	Wolfgang Heinz (FRG) Staff member of International Secretariat
November/ December	Spain	Trial observation	Staff member of International Secretariat
December	Chile	Research	Two staff members of International Secretariat
December	Turkey	Trial observation	Menno Kamminga (Netherlands)
December	Haiti	Research	Michael Levy (USA) Staff member of International Secretariat
December	Brazil	Research	Staff member of International Secretariat

# STATUTE OF AMNESTY INTERNATIONAL

## Articles 1 and 2

As amended by the 18th International Council,  
meeting in Águas de Lindóia, Brazil, 30 November–6 December 1987

### Object

1. CONSIDERING that every person has the right freely to hold and to express his or her convictions and the obligation to extend a like freedom to others, the object of AMNESTY INTERNATIONAL shall be to secure throughout the world the observance of the provisions of the Universal Declaration of Human Rights, by:
  - a. irrespective of political considerations working towards the release of and providing assistance to persons who in violation of the aforesaid provisions are imprisoned, detained or otherwise physically restricted by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour or language, provided that they have not used or advocated violence (hereinafter referred to as "prisoners of conscience");
  - b. opposing by all appropriate means the detention of any prisoners of conscience or any political prisoners without trial within a reasonable time or any trial procedures relating to such prisoners that do not conform to internationally recognized norms;
  - c. opposing by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons whether or not they have used or advocated violence.

### Methods

2. In order to achieve the aforesaid object, AMNESTY INTERNATIONAL shall:
  - a. at all times maintain an overall balance between its activities in relation to countries adhering to the different world political ideologies and groupings;
  - b. promote as appears appropriate the adoption of constitutions, conventions, treaties and other measures which guarantee the rights contained in the provisions referred to in Article 1 hereof;
  - c. support and publicize the activities of and cooperate with international organizations and agencies which work for the implementation of the aforesaid provisions;
  - d. take all necessary steps to establish an effective organization of sections, affiliated groups and individual members;
  - e. secure the adoption by groups of members or supporters of individual prisoners of conscience or entrust to such groups other tasks in support of the object set out in Article 1;
  - f. provide financial and other relief to prisoners of conscience and their dependants and to persons who have lately been prisoners of conscience or who might reasonably be expected to be prisoners of conscience or to become prisoners of conscience if convicted or if they were to return to their own countries, to the dependants of such persons and to victims of torture in need of medical care as a direct result thereof;
  - g. work for the improvement of conditions for prisoners of conscience and political prisoners;
  - h. provide legal aid, where necessary and possible, to prisoners of conscience and to persons who might reasonably be expected to be

- prisoners of conscience or to become prisoners of conscience if convicted or if they were to return to their own countries, and, where desirable, send observers to attend the trials of such persons;
- i. publicize the cases of prisoners of conscience or persons who have otherwise been subjected to disabilities in violation of the aforesaid provisions;
  - j. investigate and publicize the disappearance of persons where there is reason to believe that they may be victims of violations of the rights set out in Article 1 hereof;
  - k. oppose the sending of persons from one country to another where they can reasonably be expected to become prisoners of conscience or to face torture or the death penalty;
  - l. send investigators, where appropriate, to investigate allegations that the rights of individuals under the aforesaid provisions have been violated or threatened;
  - m. make representations to international organizations and to governments whenever it appears that an individual is a prisoner of conscience or has otherwise been subjected to disabilities in violation of the aforesaid provisions;
  - n. promote and support the granting of general amnesties of which the beneficiaries will include prisoners of conscience;
  - o. adopt any other appropriate methods for the securing of its object.

**The full text of the Statute of Amnesty International is available free upon request from: Amnesty International, International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom.**

## AMNESTY INTERNATIONAL NEWS RELEASES 1988

### 5 January

Amnesty International appeals on behalf of **child victims** of political torture

### 5 January

Arbitrary arrests and summary trials of **Palestinians in Israeli Occupied Territories** violate international standards, says Amnesty International

### 13 January

Amnesty International calls on **Iraqi** Government to investigate reports of security forces' use of thallium poisoning against political opponents

### 8 February

Amnesty International says trial of condemned **Somalis** "gross miscarriage of justice"

### 19 February

Amnesty International questions fairness of British trials resulting from **Broadwater Farm** riot of 1985

### 23 February

Amnesty International **mission in Jerusalem** calls for judicial inquiry into abuses

### 24 February

Amnesty International calls for investigation of reported **Honduran** death squad killings

### 25 February

Amnesty International says banning of **South African** human rights groups would help to hide abuses

**25 February**

Amnesty International says hundreds reported executed in **Iraq** aged from 14 to 73

**1 March**

New **Soviet** psychiatric law an encouraging move, says Amnesty International

**3 March**

Amnesty International calls for release of hundreds of government opponents in **Bangladesh**

**4 March**

Amnesty International says **Jamaican** scheduled to be executed may be innocent

**4 March**

Amnesty International adopts **South African** conscientious objector as prisoner of conscience

**9 March**

Amnesty International calls for end to unlawful killings by government and government-backed forces in **Philippines**

**14 March**

Amnesty International appeals to **South African** authorities to spare lives of "Sharpeville Six"

**17 March**

Alarming deterioration in **Panama's** human rights situation, says Amnesty International

**17 March**

"Sharpeville Six": Amnesty International welcomes stay of execution

**29 March**

Amnesty International says **Israeli** authorities must protect human rights in "sealed off" Occupied Territories

**31 March**

**United Kingdom:** Amnesty International writes to Prime Minister Margaret Thatcher about killings of IRA members in Gibraltar

**5 April**

Amnesty International urges **Libyan** Congresses to back Colonel Gaddafi's call for abolition of the death penalty

**20 April**

**Colombia** in grip of human rights emergency, says Amnesty International

**4 May**

**Soviet** and **Afghan** government forces in apparent policy of killing refugees, says Amnesty International

**5 May**

Amnesty International sending observer to ISA detainees' court hearing in **Singapore**

**6 May**

Amnesty International appeals to **Libyan** Basic People's Congresses to abolish death penalty

**11 May**

Evidence of unlawful killing and torture of ethnic minorities in **Burma**, says Amnesty International

**13 May**

Amnesty International meets **Soviet** human rights body in Paris

**18 May**

Amnesty International calls on the **Chilean** Government to release information on the "disappeared"

**15 June**

Amnesty International cites worldwide human rights violations in **40th anniversary year of Universal Declaration of Human Rights**

**20 June**

Amnesty International welcomes latest moves to improve human rights in **Libya**

**21 June**

Amnesty International urges **Sri Lankan** Government to prevent torture, political killing and "disappearances"

**23 June**

**Israel and Occupied Territories:** Amnesty International calls for urgent investigation into security forces' "deliberate misuse" of tear-gas

**28 June**

Amnesty International calls for comprehensive inquiry into use of lethal force by **Northern Ireland** security forces

**29 June**

**United Kingdom (Northern Ireland):** Amnesty International says clarification of disputed killings still needed

**30 June**

Amnesty International condemns torture in **Somalia**

**19 July**

**Philippines:** Amnesty International welcomes Aquino assurances on slain human rights activists

**20 July**

**Egyptian** Government must act urgently to end torture, says Amnesty International

**21 July**

**Hong Kong's "mini-constitution"** seriously flawed on human rights, says Amnesty International

**28 July**

**Sudan:** Human Rights Developments since 1985

**10 August**

**Indian** Government must act to stop unlawful killings and torture by police and security forces, Amnesty International says

**17 August**

**Benin:** Political imprisonment and torture

**18 August**

**Peru:** Violations of human rights in the emergency zones

**23 August**

Amnesty International cites further evidence of torture and ill-treatment of ISA detainees in **Singapore**

**25 August**

Secret groups linked to security forces step up political repression in **Chile**, says Amnesty International

**6 September**

Steps taken to improve **Cuban** human rights situation, says Amnesty International

**8 September**

**Brazilian** Government must act to end killing of peasants by hired gunmen, says Amnesty International

**8 September**

Amnesty International calls on **UN Security Council** to halt massacre of **Kurds** by **Iraqi** forces

**21 September**

Amnesty International says **Somalia** in long-term human rights crisis

**5 October**

Amnesty International **annual report** gives "ugly picture" of worldwide human rights violations

**13 October**

**Algeria:** Amnesty International calls for inquiry into killing of civilians by security forces

**26 October**

**El Salvador's** human rights hit by renewed wave of "death squad" killings, says Amnesty International

**27 October**

Amnesty International and United Nations Centre for Human Rights organize Public Event at United Nations Headquarters calling for governments to ratify human rights treaties

**28 October**

Amnesty International expresses fears for safety of **Kurdish refugees** being sent back from **Turkey**

**2 November**

Brutal abuse of rights in **Turkey**, says new Amnesty International report

**8 December**

Amnesty International presents United Nations with worldwide appeal for urgent action on human rights

**13 December**

Biggest wave of political executions in **Iran** since early 1980s, says Amnesty International

**15 December**

Amnesty International calls for urgent action against "re-emerging" torture in **Philippines**

**20 December**

Amnesty International calls on **Malaysian** Government to release prisoners of conscience and investigate testimonies of torture

**20 December**

Amnesty International welcomes **Northern Ireland** court of appeal ruling on coroner's rules

## AMNESTY INTERNATIONAL AROUND THE WORLD

There are now more than 3,985 local Amnesty International groups in over 60 countries around the world. In 43 countries these groups are coordinated by sections, whose addresses are given below. In addition, there are individual members,

supporters and recipients of Amnesty International information (such as the monthly *Amnesty International Newsletter*) in more than 150 countries and territories.

### SECTION ADDRESSES

#### **Australia:**

Amnesty International,  
Australian Section,  
Private Bag 23, Broadway,  
New South Wales 2007

#### **Austria:**

Amnesty International, Austrian Section,  
Wiedner Gürtel 12/7, A-1040 Wien

#### **Barbados:**

Amnesty International, Barbados Section,  
PO Box 872, Bridgetown

#### **Belgium:**

Amnesty International, Belgian Section  
(*Flemish branch*), Kerkstraat 156,  
2008 Antwerpen

Amnesty International, Belgian Section  
(*francophone branch*), 9 rue Berckmans,  
1060 Bruxelles

#### **Bermuda:**

PO Box HM 2136,  
Hamilton 5

#### **Brazil:**

Anistia Internacional,  
Rua Harmonia 899,  
05435 - São Paulo - SP

#### **Canada:**

Amnesty International, Canadian Section  
(*English-speaking branch*),  
130 Slater Street, Suite 900,  
Ottawa, Ontario, K1P 6E2

Amnistie Internationale,  
Section canadienne (*francophone*),  
3516 ave du Parc, Montreal,  
Quebec, H2X 2H7

#### **Chile:**

Señores, Casilla 4062, Santiago

#### **Côte d'Ivoire:**

Amnesty International,  
Section Côte d'Ivoire,  
04 BP 895, Abidjan 04

#### **Denmark:**

Amnesty International, Danish Section,  
Frederiksborggade 1, 1360 Copenhagen K

#### **Ecuador:**

Señores, Casilla 240,  
Sucursal 15, Quito

#### **Faroe Islands:**

Amnesty International,  
Faroe Islands Section,  
PO Box 1075, FR-110 Torshavn

#### **Finland:**

Amnesty International, Finnish Section,  
Ruoholahdenkatu 24,  
SF-00180 Helsinki

#### **France:**

Amnesty International, French Section,  
4 rue de la Pierre Levée,  
75553 Paris Cedex 11

#### **Federal Republic of Germany:**

Amnesty International,  
Section of the FRG,  
Heerstrasse 178, 5300 Bonn 1

#### **Ghana:**

Amnesty International,  
Ghanaian Section,  
PO Box 1173, Koforidua

#### **Greece:**

Amnesty International, Greek Section,  
20 Mavromihali Street, Athens 106-80

#### **Guyana:**

Amnesty International, Guyana Section,  
Palm Court Building, 35 Main Street,  
Georgetown

#### **Hong Kong:**

Amnesty International,  
Hong Kong Section,  
216 Beverley Commercial Centre,  
87-105 Chatham Road, Kowloon

**Iceland:**

Amnesty International,  
Icelandic Section,  
PO Box 618, 121 Reykjavík

**India:**

Amnesty International, Indian Section,  
c/o Dateline Delhi, 21 North End Complex,  
Panchkuin Road,  
New Delhi 110001

**Ireland:**

Amnesty International, Irish Section,  
8 Shaw Street, Dublin 2

**Israel:**

Amnesty International, Israel Section,  
PO Box 23003, Tel Aviv, 61230

**Italy:**

Amnesty International, Italian Section,  
viale Mazzini 146, 00195 Rome

**Japan:**

Amnesty International, Japanese Section,  
Daisan-Sanbu Building 3F,  
2-3-22 Nishi-Waseda, Shinjuku-ku,  
Tokyo 160

**Luxembourg:**

Amnesty International,  
Luxembourg Section,  
Boîte Postale 1914, 1019 Luxembourg

**Mexico:**

Sección Mexicana de Amnistía  
Internacional,  
Ap. Postal No. 20-217, San Angel,  
CP 01000 Mexico DF

**Netherlands:**

Amnesty International, Dutch Section,  
Keizersgracht 620, 1017 ER Amsterdam

**New Zealand:**

Amnesty International,  
New Zealand Section,  
PO Box 6647, Wellington 1

**Nigeria:**

Amnesty International, Nigerian Section,  
PMB 59 Agodi, Ibadan, Oyo State

**Norway:**

Amnesty International,  
Norwegian Section,  
Maridalsveien 87, 0461 Oslo 4

**Peru:**

Señores, Casilla 581, Lima 18

**Portugal:**

Seccção Portuguesa AI,  
Apartado 1642, 1016 Lisboa Codex

**Puerto Rico:**

Calle Cabo Alverio 562,  
Ext. Roosevelt Hato Rey, San Juan 00918

**Senegal:**

Amnesty International,  
Section Sénégalaise,  
126 rue Joseph Gomis (ex rue de Bayeux),  
B.P. 3813, Dakar

**Spain:**

Amnesty International,  
Sección Española,  
Paseo de Recoletos 18,  
Piso 6, 28001 Madrid

**Sweden:**

Amnesty International, Swedish Section,  
Gyllenstiernsgatan 18,  
S-115 26 Stockholm

**Switzerland:**

Amnesty International, Swiss Section,  
PO Box 1051, CH-3001 Bern

**Tanzania:**

Amnesty International,  
Tanzanian Section,  
National Secretariat,  
PO Box 4904, Dar es Salaam

**Tunisia:**

AI Section Tunisienne,  
B.P. 256, 1002 Belvédère

**United Kingdom:**

Amnesty International,  
British Section,  
99-119 Rosebery Avenue,  
London EC1R 4RE

**United States of America:**

Amnesty International of the USA  
(AIUSA), 322 8th Ave,  
New York, NY 10001

**Venezuela:**

Señores Amnistía Internacional,  
Apartado 5110, Carmelitas,  
Caracas 1010

**COUNTRIES WITH LOCAL  
AMNESTY INTERNATIONAL GROUPS,  
BUT NO SECTION**

Aruba	Republic of Korea	Philippines
Argentina	Kuwait	Sierra Leone
Bangladesh	Mauritania	Sri Lanka
Colombia	Mauritius/Rodrigues	Sudan
Costa Rica	Morocco	Thailand
Curacao	Nepal	Trinidad and Tobago
Dominican Republic	Netherlands Antilles	Uruguay
Egypt	Papua New Guinea	Zambia

## APPENDIX V

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**INTERNATIONAL EXECUTIVE COMMITTEE**

Stephen R. Abrams / United States of America  
 Peter R. Baehr / Netherlands  
 Peter Duffy / United Kingdom  
 Sofia Macher / Peru  
 Bacre Waly Ndiaye / Senegal  
 Ian Parker / International Secretariat  
 Franca Sciuto / Italy  
 Bill Shipsey / Ireland  
 Patrice Worms / Brazil

## SELECTED INTERNATIONAL HUMAN RIGHTS TREATIES

States which have ratified or acceded to a convention are party to the treaty and are bound to observe its provisions. States which have signed but not yet ratified have expressed their intention to become a party at some future date; meanwhile they are obliged to refrain from acts which would defeat the object and purpose of the treaty.

(AS OF 31 DECEMBER 1988)

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
Afghanistan	x		x	x (28)
Albania				
Algeria	s		s	s
Angola				
Antigua and Barbuda				
Argentina	x	x	x	x (22)
Australia	x		x	s
Austria	x	x	x	x (22)
Bahamas				
Bahrain				
Bangladesh				
Barbados	x	x	x	
Belgium	x		x	s
Belize				x
Benin				
Bhutan				
Bolivia	x	x	x	s
Botswana				
Brazil				s
Brunei				
Bulgaria	x		x	x (28)
Burkina Faso				
Burma				
Burundi				
Byelorussian SSR	x		x	x (28)
Cameroon	x	x	x	x
Canada	x	x	x	x
Cape Verde				
Central African Republic	x	x	x	
Chad				
Chile	x		x	x (28)
China				x (28)
Colombia	x	x	x	x
Comoros				

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	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
Congo	x	x	x	
Costa Rica	x	x	x	s
Côte d'Ivoire				
Cuba				s
Cyprus	x	s	x	s
Czechoslovakia	x		x	x (28)
Denmark	x	x	x	x (22)
Djibouti				
Dominica				
Dominican Republic	x	x	x	s
Ecuador	x	x	x	x (22)
Egypt	x		x	x
El Salvador	x	s	x	
Equatorial Guinea	x	x	x	
Ethiopia				
Fiji				
Finland	x	x	x	s
France	x	x	x	x (22)
Gabon	x		x	s
Gambia	x	x	x	s
German Democratic Republic	x		x	x (28)
Germany, Federal Republic of	x		x	s
Ghana				
Greece			x	x (22)
Grenada				
Guatemala			x	
Guinea	x	s	x	s
Guinea-Bissau				
Guyana	x		x	x
Haiti				
Holy See				
Honduras	s	s	x	
Hungary	x	x	x	x (28)
Iceland	x	x	x	s
India	x		x	
Indonesia				s
Iran	x		x	

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
Iraq	x		x	
Ireland	s		s	
Israel	s		s	s
Italy	x	x	x	s
Jamaica	x	x	x	
Japan	x		x	
Jordan	x		x	
Kampuchea	s		s	
Kenya	x		x	
Kiribati				
Korea (DPR)	x		x	
Korea (Republic)				
Kuwait				
Lao People's Democratic Republic				
Lebanon	x		x	
Lesotho				
Liberia	s		s	
Libyan Arab Jamahiriya	x		x	
Liechtenstein				s
Luxembourg	x	x	x	x (22)
Madagascar	x	x	x	
Malawi				
Malaysia				
Maldives				
Mali	x		x	
Malta			s	
Mauritania				
Mauritius	x	x	x	
Mexico	x		x	x
Monaco				
Mongolia	x		x	
Morocco	x		x	s (28)
Mozambique				
Nauru				
Nepal				
Netherlands	x	x	x	x (22)
New Zealand	x		x	s
Nicaragua	x	x	x	s

## APPENDIX VI

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
Niger	x	x	x	
Nigeria				s
Norway	x	x	x	x (22)
Oman				
Pakistan				
Panama	x	x	x	x
Papua New Guinea				
Paraguay				
Peru	x	x	x	x
Philippines	x	s	x	x
Poland	x		x	s (28)
Portugal	x	x	x	s
Qatar				
Romania	x		x	
Rwanda	x		x	
St Lucia				
St Christopher and Nevis				
St Vincent and the Grenadines	x	x	x	
Samoa				
San Marino	x	x	x	
São Tomé and Príncipe				
Saudi Arabia				
Senegal	x	x	x	x
Seychelles				
Sierra Leone				s
Singapore				
Solomon Islands			x	
Somalia				
South Africa				
Spain	x	x	x	x (22)
Sri Lanka	x		x	
Sudan	x		x	s
Suriname	x	x	x	
Swaziland				
Sweden	x	x	x	x (22)
Switzerland				x (22)
Syria	x		x	

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
Tanzania	x		x	
Thailand				
Togo	x	x	x	x (22)
Tonga				
Trinidad and Tobago	x	x	x	
Tunisia	x		x	x (22)
Turkey				x (22)
Tuvalu				
Uganda			x	x
Ukrainian SSR	x		x	x (28)
Union of Soviet Socialist Republics	x		x	x (28)
United Arab Emirates				
United Kingdom	x		x	x
United States of America	s		s	s
Uruguay	x	x	x	x (22)
Vanuatu				
Venezuela	x	x	x	s
Viet Nam	x		x	
Yemen (Arab Republic)				
Yemen (People's Democratic Republic)	x		x	
Yugoslavia	x		x	
Zaire	x	x	x	
Zambia	x	x	x	
Zimbabwe				

s – denotes that country has signed but not yet ratified

x – denotes that country is a party, either through ratification or accession

(22) denotes Declaration under Article 22 recognizing the competence of the Committee against Torture to consider individual complaints of violations of the convention

(28) denotes that country has made a reservation under Article 28 that it does not recognize the competence of the Committee against Torture to examine reliable information which appears to indicate that torture is being systematically practised, and to undertake a confidential inquiry if warranted

The countries listed in this chart are those included in the official United Nations publication entitled *Human Rights International Instruments: Signatures, Ratifications, Accessions etc.*

## SELECTED REGIONAL HUMAN RIGHTS TREATIES

(AS OF 31 DECEMBER 1988)

### ORGANIZATION OF AFRICAN UNITY (OAU) AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS (1981)

Algeria	x	Gambia	x	Rwanda	x
Angola		Ghana		Saharawi Arab	
Benin	x	Guinea	x	Democratic Republic	x
Botswana	x	Guinea Bissau	x	São Tomé y Príncipe	x
Burkina Faso	x	Côte d'Ivoire		Senegal	x
Burundi		Kenya		Seychelles	
Cameroon	s	Lesotho	s	Sierra Leone	x
Cape Verde	x	Liberia	x	Somalia	x
Central African Republic	x	Libya	x	Sudan	x
Chad	x	Madagascar		Swaziland	
Comoros	x	Malawi		Tanzania	x
Congo	x	Mali	x	Togo	x
Djibouti		Mauritania	x	Tunisia	x
Egypt	x	Mauritius		Uganda	x
Equatorial Guinea	x	Mozambique		Zaire	x
Ethiopia		Niger	x	Zambia	x
Gabon	x	Nigeria	x	Zimbabwe	x

s - denotes country has signed but not yet ratified

x - denotes that a country is a party, either through ratification or accession

This chart lists countries which were members of the OAU at the end of 1988.

### ORGANIZATION OF AMERICAN STATES (OAS) AMERICAN CONVENTION ON HUMAN RIGHTS (1969)

Antigua and Barbuda		Ecuador	x(62)	St Christopher	
Argentina	x(62)	El Salvador	x	and Nevis	
Bahamas		Grenada	x	St Lucia	
Barbados	x	Guatemala	x(62)	St Vincent and	
Bolivia	x	Haiti	x	The Grenadines	
Brazil		Honduras	x(62)	Suriname	x(62)
Chile	s	Jamaica	x	Trinidad and	
Colombia	x(62)	Mexico	x	Tobago	
Costa Rica	x(62)	Nicaragua	x	United States of	
Cuba		Panama	x	America	s
Dominica		Paraguay	s	Uruguay	x(62)
Dominican Republic	x	Peru	x(62)	Venezuela	x(62)

s - denotes country has signed but not yet ratified

x - denotes that a country is a party, either through ratification or accession

(62) denotes Declaration under Article 62 recognizing as binding the jurisdiction of the Inter-American Court of Human Rights (on all matters relating to the interpretation or application of the American Convention)

This chart lists countries which were members of the OAS at the end of 1988.

## COUNCIL OF EUROPE

	European Convention on Human Rights (1950)	Article 25	Article 46	Protocol No. 6*	European Convention for Prevention of Torture**
Austria	x	x	x	x	x
Belgium	x	x	x	s	s
Cyprus	x		x		s
Denmark	x	x	x	x	s
France	x	x	x	x	x
Federal Republic of Germany	x	x	x	s	s
Greece	x	x	x	s	s
Iceland	x	x	x	x	s
Ireland	x	x	x		x
Italy	x	x	x	x	x
Liechtenstein	x	x	x		s
Luxembourg	x	x	x	x	x
Malta	x	x	x		x
Netherlands	x	x	x	x	x
Norway	x	x	x	x	s
Portugal	x	x	x	x	s
San Marino	s				
Spain	x	x	x	x	s
Sweden	x	x	x	x	x
Switzerland	x	x	x	x	x
Turkey	x	x			x
United Kingdom	x	x	x		x

s – denotes country has signed but not yet ratified

x – denotes that a country is a party, either through ratification or accession

Article 25: denotes Declaration under Article 25 of the European Convention, recognizing the competence of the European Commission of Human Rights to consider individual complaints of violations of the Convention

Article 46: denotes Declaration under Article 46 of the European Convention, recognizing as compulsory the jurisdiction of the European Court of Human Rights in all matters concerning interpretation and application of the European Convention

\* Protocol 6 to the European Convention on Human Rights (1983): concerning abolition of the death penalty

\*\* European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)

This chart lists countries which were members of the Council of Europe at the end of 1988.

## OVERDUE REPORTS

### BY STATES PARTIES TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Governments which have ratified or acceded to the International Covenant on Civil and Political Rights (ICCPR) are referred to as "States Parties" to that treaty. Article 40 of the ICCPR requires States Parties to submit reports to the United Nations "on the measures they have adopted which give effect to the rights recognized [in the ICCPR] and on the progress made in the enjoyment of those rights". The reports are supposed to "indicate the factors and difficulties, if any, affecting the implementation of the present Covenant".

The initial report is due within one year after the ICCPR enters into force for the particular state; subsequent reports are due every five years. They are reviewed by the Human Rights Committee, the body of 18 experts which

monitors implementation of the ICCPR.

The Human Rights Committee has repeatedly expressed concern about the non-compliance of states with their reporting obligations.

The Committee noted that there may be various reasons for reports being overdue, including a shortage of resources, the assignment of insufficient priority, and in some cases the reluctance of states to expose themselves to scrutiny.

The UN General Assembly has urged States Parties to the ICCPR which have not yet done so "to submit their reports as speedily as possible".

As of 31 December 1988, the following states were at least one year late in submitting their initial or second periodic report.

#### INITIAL REPORTS

State Party	Date due	Number of reminders sent
Saint Vincent and the Grenadines	8 February 1983	10
Viet Nam	23 December 1983	9
Gabon	20 April 1984	9
Niger	6 June 1987	3
Sudan	17 June 1987	3
Argentina	7 November 1987	3

#### SECOND PERIODIC REPORTS

State Party	Date due	Number of reminders sent
Libyan Arab Jamahiriya	4 February 1983	11
Iran (Islamic Republic of)	21 March 1983	11
Madagascar	3 August 1983	10
Bulgaria	28 April 1984	10
Cyprus	18 August 1984	10
Syrian Arab Republic	18 August 1984	10
Gambia	21 June 1985	8
India	9 July 1985	8
Costa Rica	2 August 1985	7
Suriname	2 August 1985	7
Venezuela	1 November 1985	7
Kenya	11 April 1986	6
Mali	11 April 1986	6

United Republic of Tanzania	11 April 1986	6
Jamaica	1 August 1986	4
Sri Lanka	10 September 1986	4
Morocco	31 October 1986	4
Jordan	22 January 1987	4
Guyana	10 April 1987	4
Iceland	30 October 1987	3
Democratic People's Republic of Korea	13 December 1987	2

## APPENDIX IX

## BODY OF PRINCIPLES

### FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT

The Body of Principles is the first systematic compilation of international standards aimed at inhibiting arbitrary arrest and detention. It also contains some standards aimed at inhibiting ill-treatment in detention. The purpose of

the text is to provide safeguards which were seen as necessary in order to protect people from torture. The Principles were adopted without a vote by the UN General Assembly on 9 December 1988 in Resolution 43/173.

#### The General Assembly,

RECALLING its resolution 35/177 of 15 December 1980, in which it referred the task of elaborating the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment to the Sixth Committee and decided to establish an open-ended working group for that purpose,

TAKING NOTE of the report of the Working Group,<sup>1</sup> which met during the forty-third session of the General Assembly and completed the elaboration of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,

CONSIDERING that the Working Group decided to submit the text of the draft Body of Principles to the Sixth Committee for its consideration and adoption,<sup>2</sup>

CONVINCED that the adoption of the draft Body of Principles would make an important contribution to the protection of human rights,

CONSIDERING the need of ensuring the wide dissemination of the text of the Body of Principles,

1. APPROVES the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the text of which is annexed to the present resolution;
2. EXPRESSES ITS APPRECIATION to the Working Group on the Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment for its important contribution to the elaboration of the Body of Principles;
3. REQUESTS the Secretary-General to inform the Members of the United Nations or members of specialized agencies of the adoption of the Body of Principles;
4. URGES that all efforts be made so that the Body of Principles becomes generally known and respected.

1. A/C.6/43/L9. 2. *Ibid.*, para. 4.

## Annex

### Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

#### Scope of the Body of Principles

These Principles apply for the protection of all persons under any form of detention or imprisonment.

#### Use of Terms

For the purposes of the Body of Principles:

- a. "Arrest" means the act of apprehending a person for the alleged commission of an offence or by the action of an authority;
- b. "Detained person" means any person deprived of personal liberty except as a result of conviction for an offence;
- c. "Imprisoned person" means any person deprived of personal liberty as a result of conviction for an offence;
- d. "Detention" means the condition of detained persons as defined above;
- e. "Imprisonment" means the condition of imprisoned persons as defined above;
- f. The words "a judicial or other authority" mean a judicial or other authority under the law whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence.

#### Principle 1

All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.

#### Principle 2

Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose.

#### Principle 3

There shall be no restriction upon or derogation from any of the human rights of persons under any form of detention or imprisonment recognized or existing in any State pursuant to law, conventions, regulations or custom on the pretext that this Body of Principles does not recognize such rights or that it recognizes them to a lesser extent.

#### Principle 4

Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority.

#### Principle 5

1. These Principles shall be applied to all persons within the territory of any given State, without distinction of any kind, such as race, colour, sex, language, religion or religious belief, political or other opinion, national ethnic or social origin, property, birth or other status.
2. Measures applied under the law and designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers, children and juveniles, aged, sick or handicapped persons shall not be deemed to be discriminatory. The need for, and the application of, such measures shall always be subject to review by a judicial or other authority.

**Principle 6**

No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.\* No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

**Principle 7**

1. States should prohibit by law any act contrary to the rights and duties contained in these Principles, make any such act subject to appropriate sanctions and conduct impartial investigations upon complaints.
2. Officials who have reason to believe that a violation of this Body of Principles has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial powers.
3. Any other person who has ground to believe that a violation of the Body of Principles has occurred or is about to occur shall have the right to report the matter to the superiors of the officials involved as well as to other appropriate authorities or organs vested with reviewing or remedial powers.

**Principle 8**

Persons in detention shall be subject to treatment appropriate to their unconvicted status. Accordingly, they shall, whenever possible, be kept separate from imprisoned persons.

**Principle 9**

The authorities which arrest a person, keep him under detention or investigate the case shall exercise only the powers granted to them under the law and the exercise of these powers shall be subject to recourse to a judicial or other authority.

\* The term "cruel, inhuman or degrading treatment or punishment" should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental, including the holding of a detained or imprisoned person in conditions which deprive him, temporarily or permanently, of the use of any of his natural senses, such as sight or hearing, or of his awareness of place and the passing of time.

**Principle 10**

Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him.

**Principle 11**

1. A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law.
2. A detained person and his counsel, if any, shall receive prompt and full communication of any order of detention, together with the reasons therefore.
3. A judicial or other authority shall be empowered to review as appropriate the continuance of detention.

**Principle 12**

1. There shall be duly recorded:
  - (a) The reasons for the arrest;
  - (b) The time of the arrest and the taking of the arrested person to a place of custody as well as that of his first appearance before a judicial or other authority;
  - (c) The identity of the law enforcement officials concerned;
  - (d) Precise information concerning the place of custody.
2. Such records shall be communicated to the detained person, or his counsel, if any, in the form prescribed by law.

**Principle 13**

Any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively, with information on and an explanation of his rights and how to avail himself of such rights.

**Principle 14**

A person who does not adequately understand or speak the language used by the authorities responsible for his arrest, detention or imprisonment is entitled to receive promptly in a language which he understands the information referred to in principle 10, principle 11, paragraph 2, principle 12, paragraph 1, and principle

13 and to have the assistance, free of charge, if necessary, of an interpreter in connection with legal proceedings subsequent to his arrest.

#### **Principle 15**

Notwithstanding the exceptions contained in principle 16, paragraph 4, and principle 18, paragraph 3, communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.

#### **Principle 16**

1. Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody.

2. If a detained or imprisoned person is a foreigner, he shall also be promptly informed of his right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which he is a national or which is otherwise entitled to receive such communication in accordance with international law or with the representative of the competent international organization, if he is a refugee or is otherwise under the protection of an intergovernmental organization.

3. If a detained or imprisoned person is a juvenile or is incapable of understanding his entitlement, the competent authority shall on its own initiative undertake the notification referred to in this principle. Special attention shall be given to notifying parents or guardians.

4. Any notification referred to in this principle shall be made or permitted to be made without delay. The competent authority may however delay a notification for a reasonable period where exceptional needs of the investigation so require.

#### **Principle 17**

1. A detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it.

2. If a detained person does not have a legal counsel of his own choice, he shall be entitled to have a legal counsel assigned to him by a judicial or other authority in all cases where the interests of justice so require and without payment by him if he does not have sufficient means to pay.

#### **Principle 18**

1. A detained or imprisoned person shall be entitled to communicate and consult with his legal counsel.

2. A detained or imprisoned person shall be allowed adequate time and facilities for consultations with his legal counsel.

3. The right of a detained or imprisoned person to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority in order to maintain security and good order.

4. Interviews between a detained or imprisoned person and his legal counsel may be within sight, but not within the hearing, of a law enforcement official.

5. Communications between a detained or imprisoned person and his legal counsel mentioned in this principle shall be inadmissible as evidence against the detained or imprisoned person unless they are connected with a continuing or contemplated crime.

#### **Principle 19**

A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.

**Principle 20**

If a detained or imprisoned person so requests, he shall if possible be kept in a place of detention or imprisonment reasonably near his usual place of residence.

**Principle 21**

1. It shall be prohibited to take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person.

2. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgement.

**Principle 22**

No detained or imprisoned person shall, even with his consent, be subjected to any medical or scientific experimentation which may be detrimental to his health.

**Principle 23**

1. The duration of any interrogation of a detained or imprisoned person and of the intervals between interrogations as well as the identity of the officials who conducted the interrogations and other persons present shall be recorded and certified in such form as may be prescribed by law.

2. A detained or imprisoned person, or his counsel when provided by law, shall have access to the information described above.

**Principle 24**

A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.

**Principle 25**

A detained or imprisoned person or his counsel shall, subject only to reasonable conditions to ensure security and good order in the place of detention or imprisonment, have the right to request or petition a judicial or other authority for a second medical examination or opinion.

**Principle 26**

The fact that a detained or imprisoned person underwent a medical examination, the name of the physician and the results of such an examination shall be duly recorded. Access to such records shall be ensured. Modalities therefore shall be in accordance with relevant rules of domestic law.

**Principle 27**

Non-compliance with these Principles in obtaining evidence shall be taken into account in determining the admissibility of such evidence against a detained or imprisoned person.

**Principle 28**

A detained or imprisoned person shall have the right to obtain within the limits of available resources, if from public sources, reasonable quantities of educational, cultural and informational material, subject to reasonable conditions to ensure security and good order in the place of detention or imprisonment.

**Principle 29**

1. In order to supervise the strict observance of relevant laws and regulations, places of detention shall be visited regularly by qualified and experienced persons appointed by, and responsible to, a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment.

2. A detained or imprisoned person shall have the right to communicate freely and in full confidentiality with the persons who visit the places of detention or imprisonment in accordance with paragraph 1, subject to reasonable conditions to ensure security and good order in such places.

**Principle 30**

1. The types of conduct of the detained or imprisoned person that constitute disciplinary offences during detention or imprisonment, the description and duration of disciplinary punishment that may be inflicted and the authorities competent to impose such punishment shall be specified by law or lawful regulations and duly published.

2. A detained or imprisoned person shall

have the right to be heard before disciplinary action is taken. He shall have the right to bring such action to higher authorities for review.

#### **Principle 31**

The appropriate authorities shall endeavour to ensure, according to domestic law, assistance when needed to dependent and, in particular, minor members of the families of detained or imprisoned persons and shall devote a particular measure of care to the appropriate custody of children left without supervision.

#### **Principle 32**

1. A detained person or his counsel shall be entitled at any time to take proceedings according to domestic law before a judicial or other authority to challenge the lawfulness of his detention in order to obtain his release without delay, if it is unlawful.
2. The proceedings referred to in paragraph 1 shall be simple and expeditious and at no cost for detained persons without adequate means. The detaining authority shall produce without unreasonable delay the detained person before the reviewing authority.

#### **Principle 33**

1. A detained or imprisoned person or his counsel shall have the right to make a request or complaint regarding his treatment, in particular in case of torture or other cruel, inhuman or degrading treatment, to the authorities responsible for the administration of the place of detention and to higher authorities and, when necessary, to appropriate authorities vested with reviewing or remedial powers.
2. In those cases where neither the detained or imprisoned person nor his counsel has the possibility to exercise his rights under paragraph 1, a member of the family of the detained or imprisoned person or any other person who has knowledge of the case may exercise such rights.
3. Confidentiality concerning the request or complaint shall be maintained if so requested by the complainant.
4. Every request or complaint shall be

promptly dealt with and replied to without undue delay. If the request or complaint is rejected or, in case of inordinate delay, the complainant shall be entitled to bring it before a judicial or other authority. Neither the detained or imprisoned person nor any complainant under paragraph 1 shall suffer prejudice for making a request or complaint.

#### **Principle 34**

Whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either on its own motion or at the instance of a member of the family of such a person or any person who has knowledge of the case. When circumstances so warrant, such an inquiry shall be held on the same procedural basis whenever the death or disappearance occurs shortly after the termination of the detention or imprisonment. The findings of such inquiry or a report thereon shall be made available upon request, unless doing so would jeopardize an ongoing criminal investigation.

#### **Principle 35**

1. Damage incurred because of acts or omissions by a public official contrary to the rights contained in these Principles shall be compensated according to the applicable rules on liability provided by domestic law.
2. Information required to be recorded under these Principles shall be available in accordance with procedures provided by domestic law for use in claiming compensation under this Principle.

#### **Principle 36**

1. A detained person suspected of or charged with a criminal offence shall be presumed innocent and shall be treated as such until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. The arrest or detention of such a person pending investigation and trial shall be carried out only for the purposes of the administration of justice on grounds and under conditions and procedures specified by law. The imposition of restrictions upon such a person which are

not strictly required for the purpose of the detention or to prevent hindrance to the process of investigation or the administration of justice, or for the maintenance of security and good order in the place of detention shall be forbidden.

**Principle 37**

A person detained on a criminal charge shall be brought before a judicial or other authority provided by law promptly after his arrest. Such authority shall decide without delay upon the lawfulness and necessity of detention. No person may be kept under detention pending investigation or trial except upon the written order of such an authority. A detained person shall, when brought before such an authority, have the right to make a statement on the treatment received by him while in custody.

**Principle 38**

A person detained on a criminal charge shall be entitled to trial within a reasonable time or to release pending trial.

**Principle 39**

Except in special cases provided for by law, a person detained on a criminal charge shall be entitled, unless a judicial or other authority decides otherwise in the interest of the administration of justice, to release pending trial subject to the conditions that may be imposed in accordance with the law. Such authority shall keep the necessity of detention under review.

**General Clause**

Nothing in the present Body of Principles shall be construed as restricting or derogating from any right defined in the International Covenant on Civil and Political Rights.

## SELECTED STATISTICS

### AMNESTY INTERNATIONAL MEMBERSHIP

At the beginning of 1989 there were 3,985 local Amnesty International groups in 62 countries. There were more than 700,000 members and subscribers in over 150 countries.

### PRISONER CASES AND RELEASES

In 1988 a total of 4,640 individuals were adopted as prisoners of conscience or under investigation as possible prisoners of conscience. During 1988, action began on 1,390 new prisoner cases. During 1988 1,566 prisoners were released.

### URGENT ACTION APPEALS

During 1988 Amnesty International initiated over 400 Urgent Action appeals on behalf of more than 1,900 people in 74 countries. Of these appeals, 74 were prompted by reports of torture and 14 were made on behalf of prisoners in a critical state of health and urgently in need of medical treatment. Seventy-eight appeals were issued in cases of arbitrary arrest, prolonged incommunicado detention, detention without charge or trial or unfair trial. Eighty-four appeals related to extrajudicial killings or "disappearances" and 72 were made on behalf of prisoners sentenced to death. Others were issued in cases of deaths in detention, risk of re-

foulement, amputation, death threats, hunger-strike, ill-treatment and political executions.

### REGIONAL ACTION NETWORKS

Amnesty International's Regional Action Networks deal with human rights abuses in almost all of the world's countries. During 1988 participants in these 19 networks remained ready to take action when abuses occurred in Africa, the Americas, Asia and the Pacific, Europe and the Middle East and North Africa. In 1988 the Regional Action Networks worked on the cases of thousands of victims of human rights abuse.

### AMNESTY INTERNATIONAL FUNDING

The budget adopted by Amnesty International for 1988 was £9,048,800. This sum represents approximately one third of the estimated income likely to be raised during the year by the movement's national sections. Amnesty International's national sections and local volunteer groups are responsible for funding the movement. There is no central fund-raising program and no money is sought or accepted from governments. The donations that sustain Amnesty International's work come from its members and the public.

# AMNESTY INTERNATIONAL REPORT 1989

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Government agents in countries throughout the world killed tens of thousands of their citizens in 1988. Each one of these deaths was unlawful.

The killing grounds were many and varied. Some victims were killed in full public view – in the streets, outside their homes or in mosques and churches. Others were put to death in secret cells and remote camps.

Most victims were thought to be opponents of the government of the day. Others were targeted because of their religion, ethnic origin, language or political beliefs.

They were assassinated by snipers, blown up by explosive devices, strangled, hacked to death, tortured and poisoned.

This report, covering 133 countries, highlights the toll of extrajudicial executions in its annual review of human rights violations worldwide. It also details the plight of prisoners of conscience, political prisoners denied fair trials, the victims of torture and "disappearance" and those who have been judicially executed.

The most comprehensive of the organization's reports, *Amnesty International Report 1989* presents a stark challenge to the world's conscience and points the way to action in defence of the victims of human rights violations.

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