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WEEKLY UPDATE SERVICE 01/92

Contained in this weekly update are external items on Morocco, Indonesia/East Timor, and Israel and two on the USA.

1. NEWS INITIATIVES - INTERNAL

Women's Action - 5 February 1992

An international news release and questions and answers on rape and sexual assault in custody to follow a Focus article in the International Newsletter.

Philippines - 26 February 1992

An international news release and questions and answers to go with a document on extrajudicial executions. The campaign launch is tentatively planned for Manila.

India - 27 March 1991

An international news release for the campaign against rape, torture and deaths in custody. A major international launch is planned for London.

2. MDE 29/WU 01/92 EXTERNAL
9 January 1992

MOROCCO: PRISONERS OF CONSCIENCE RELEASED AFTER "DISAPPEARING" 18 YEARS AGO

Three brothers who were arrested in 1973 and "disappeared" were released from detention on 30 December 1991. Midhat René, Bayazid Jacques, and Ali Auguste Bourequat were arrested at their home in Rabat on 8 July 1973, supposedly for an identity check, and were held incommunicado for over 18 years without ever being charged or tried. Amnesty International considers them to have been prisoners of conscience. They are reported to be in poor physical condition.

The brothers are French nationals born and brought up in Morocco. Their father had worked with King Mohamed V, father of the current monarch King Hassan II, and had set up the counter-espionage services, but the three brothers are said not to have been involved in politics. In 1975 the brothers reportedly escaped from their place of detention but were immediately rearrested. Following their escape their mother and sister were detained for 16 months without charge or trial and were able to see them in an unknown location. Although it has been difficult to obtain information of the brothers' whereabouts during their detention, it is known that for part of the time they were held in the secret detention centre at Tazmamert which was reportedly demolished in September 1991.

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3. ASA 21/WU 01/92 EXTERNAL
9 January 1992

INTERNAL

This item was sent to selected media on 26 December 1991.

EXTERNAL

INDONESIA/EAST TIMOR: VIOLATIONS CONTINUE AND DOUBTS REMAIN OVER OFFICIAL
INQUIRY

Scores of alleged political activists in East Timor, including many young people and Catholic priests, continue to be subjected to serious human rights violations including imprisonment, death threats and beatings. Amnesty International said the reports of continuing violations highlight the urgent need for an international investigation into the Santa Cruz massacre and its aftermath. The organization was responding to a press statement made on December 26 1991 by the government's National Investigation Commission, set up to look into the 12 November massacre.

Amnesty International said that the National Investigation Commission's figure of at least 50 killed in the Santa Cruz massacre was more consistent with the available evidence than military claims that 19 had been killed. Despite the more plausible figure, it said serious doubts remain about the credibility of the investigation. The Commission's claim that the killing resulted from a "spontaneous reaction by soldiers...to protect themselves" is inconsistent with numerous eyewitness reports that the procession was peaceful and that troops were acting in an organized and disciplined manner. Particularly disturbing was the statement that the soldiers had been "provoked" by mourners who had waved "anti-Indonesian" banners.

Amnesty International said: "A proper assessment of the report cannot be undertaken until full details are made public. However, on the basis of the initial findings reported to the media, we continue to have serious doubts about the commission's investigation. For this reason, and in the light of continuing reports of serious human rights violations in East Timor, we are reiterating our call for a thorough international investigation under United Nations auspices."

Despite severe restrictions on communications with East Timor, recent reports from Dili indicate that military surveillance and intimidation has intensified since the Santa Cruz massacre. The security forces appear to have used the 12 November incident and the national investigation as an opportunity for intimidating and imprisoning suspected opponents of Indonesian rule in East Timor. Government authorities have acknowledged holding 32 political detainees in connection with the incident, at least 8 of whom will be tried for subversion, a crime which carries a maximum penalty of death. Sources in the territory have said that scores of young people have been threatened with death and have expressed fear that some may face extrajudicial execution.

A wide range of people are now believed to be at risk of arrest and other violations. They include participants in the 12 November procession, members of the clergy, people who have spoken with foreign tourists or journalists, and alleged political activists. Some are known to have been beaten and threatened while under interrogation.

One priest, Father Hilario Madeira, aged 39, and his travelling companion were reportedly detained for two days by Indonesian security forces in Bali, during a journey from Java to East Timor in early November. According to reports, soldiers pointed automatic weapons at the two and repeatedly threatened them with death while interrogating them about their alleged political activities. Since his return, Father Hilario has been subjected to further interrogation and intimidation. Another priest, Father Domingos Soares, was stopped and interrogated by military authorities as he returned to his parish from Dili a few days after the 12 November massacre. A third, Father Alberto Ricardo, the Vicar General of the Diocese of Dili, has been repeatedly interrogated by Indonesian security forces for the past three weeks. Colleagues have expressed urgent concern for his mental and physical well-being.

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4. MDE 15/WU 01/92 EXTERNAL
9 January 1992

ISRAEL AND THE OCCUPIED TERRITORIES: AMNESTY INTERNATIONAL CONCERNED ABOUT DEPORTATION ORDERS AGAINST PALESTINIANS

Amnesty International is urging the Israeli Government not to deport 12 Palestinians from the Occupied Territories if their deportation has been ordered solely because of their non-violent political beliefs or activities, in line with the organization's work against grave violations of the right to freedom of expression.

In a letter to Minister of Defence Moshe Arens on 7 January 1992, Amnesty International expressed concern that some or all of the 12 may be detained and facing deportation solely because of their non-violent political beliefs or activities. The organization asked to be informed in detail of the accusations against each of them and the existing supporting evidence. It said such evidence should be made available during the judicial review of the detention orders currently taking place.

Deportation orders against seven residents of the Gaza Strip and five of the West Bank were announced on 2 January 1992. They were issued under the Defence (Emergency) Regulations originally introduced by the British Mandate authorities in 1945. Four of the Palestinians were arrested on 2 January 1992, seven between March and December 1991, and one in June 1990. At least six were being held under administrative detention orders.

One of those already detained is Sami Abu Samhadanah, who spent over 40 months in administrative detention between September 1985 and April 1990. He was most recently rearrested in June 1990 and issued with a one-year administrative detention order, renewed on expiry for another year. He was accused of being an activist of al-Fatah within the Unified National Leadership of the intifada, but he was not formally charged or tried. In an affidavit in June 1990 he reportedly expressed support for a peaceful solution of the conflict between Israelis and Palestinians and stated that he had held meetings with Israeli authorities before his latest arrest to discuss matters including ways of reducing tension in the Gaza Strip.

Another of the 12 is Ihab al-'Ashqar, a member of the Follow-up Committee set up by Palestinians to supervise the work of the Political Action Committees. These were formed to support the Palestinian delegates negotiating with the Israeli Government since October 1991 and to liaise between them and the Palestinian public in the West Bank and Gaza Strip. On 2 January Israeli authorities in Gaza are said to have told three other members of the Follow-up Committee that their activities were illegal. He was arrested later that night. In the letter to Minister of Defence Arens, Amnesty International also asked whether the activities of the Political Action Committees and the Follow-up Committee have now been declared illegal.

According to media reports, the 12 Palestinians are accused of being members of factions of the Palestine Liberation Organization (PLO) or Hamas (an Islamic Palestinian group opposed to Israel and separate from the PLO)

and of having been involved in activities against Israel. These included, apparently, incitement and attacks against soldiers and other Palestinians. Amnesty International is not aware of any specific act of use or advocacy of violence attributed to them.

Amnesty International opposes the detention and forcible exile of individuals when such measures are imposed solely on account of their political or other conscientiously held beliefs expressed without using or advocating violence. The organization decided to take this stand at its most recent biennial International Council Meeting in September 1991.

Since the beginning of the Israeli military occupation of the West Bank and Gaza Strip in 1967, over 1,200 Palestinian residents of these territories are reported to have been deported on security grounds. According to figures published by the International Committee of the Red Cross, 70 have been deported since the beginning of the intifada in December 1987. The last deportations took place in May 1991, when four men from the Gaza Strip were deported to Lebanon.

Individual or mass deportations of civilians outside an occupied territory are considered to be a grave breach of the 1949 Fourth Geneva Convention (Relative to the Protection of Civilian Persons in Time of War). Article 49 of the Convention prohibits such deportations regardless of their motive.

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5. AMR 51/WU 01/92 EXTERNAL
9 January 1992

USA: APPEAL LODGED AGAINST CONVICTION OF FORMER BPP LEADER

Lawyers working for Elmer Geronimo Pratt, a former leader of the Black Panther Party (BPP) in Los Angeles, have lodged an appeal against his conviction for murder in 1972.

New evidence came to light last year, which strengthened previous suggestions of Federal Bureau of Investigation (FBI) and state police misconduct in the case. The new evidence also reinforced Amnesty International's concern that Geronimo Pratt may have been denied a fair trial on account of his political beliefs or activities. Geronimo Pratt is serving a life sentence in California.

Geronimo Pratt was convicted in August 1972 of the murder of a woman in Santa Monica, California, in December 1968. Geronimo Pratt has always denied involvement in the crime and maintained that he was at a BPP meeting 400 miles away in Oakland, California, on the day of the murder.

In 1975, US Senate hearings revealed that the BPP was a primary target of COINTELPRO, an FBI covert counter-intelligence program aimed at disrupting and neutralizing US political groups believed to threaten state security. Information obtained by the defence from FBI files after 1979 revealed that Geronimo Pratt was personally targeted for "neutralization" under COINTELPRO at the time of his arrest.

Information from FBI files also indicated that the chief prosecution witness, Julius Butler (who testified that Pratt had confessed to committing the murder), was an FBI informant, something which Butler had denied at Pratt's trial; that information about a second possible suspect had been withheld and that the FBI had suppressed its own surveillance evidence which might have exonerated Pratt. It was also revealed that the FBI had planted informers in Geronimo Pratt's defence team and received information relating to the defence strategy during the trial. None of this information had been made available to the defence at the time of Pratt's trial.

A court hearing in 1985 dismissed Geronimo Pratt's motion for a new trial on the ground that there was insufficient evidence to support his claim that he had been "framed" for the murder.

On 3 June 1991 Geronimo Pratt's lawyers filed a petition for a writ to set aside (annul) his conviction. The petition was based on newly discovered evidence, including further strong evidence that Julius Butler had been an FBI and state police informant, as well as witness testimony to support Pratt's contention that he was at a BPP meeting in Oakland when the murder took place, (including statements from two independent investigators who claim to have seen records of an FBI wiretap showing that Geronimo Pratt was in Oakland at the time of the murder). The new evidence also includes a statement from a witness alleging that he told the Los Angeles Police Department he had overheard two other men confess to the crime and that this was suppressed, and evidence that the jury foreman at Pratt's

trial had committed serious misconduct by talking privately to one of the jury members about the case during their ten days of deliberations.

On 27 June 1991, the Superior Court of San Francisco issued an order requiring the State of California to respond to the petition. However, the state successfully applied for the case to be transferred to a court in Los Angeles, where the petition was summarily dismissed in August 1991. Pratt's lawyers have appealed against this decision, arguing that the Los Angeles judge had no authority to ignore an order issued by another state judge. They also contend that the judge could not have had time to read the evidence in the case, as he issued his three-line order dismissing the petition only the day after receiving the lengthy documents.

Amnesty International has investigated this case for a number of years and believes there are grave doubts about the fairness of Geronimo Pratt's conviction. Amnesty International first described his case and the evidence of FBI misconduct in a report published in October 1981: although Amnesty International reached no conclusions on guilt or innocence in this report, it called for a full inquiry into Geronimo Pratt's case to determine whether he had been denied a fair trial. In May 1988 Amnesty International asked the Governor of California to conduct an inquiry into the case. The Governor replied stating that it was a matter for the courts to decide.

Amnesty International is deeply concerned by the doubts about the evidence in this case which remain unresolved almost 20 years after Geronimo Pratt's conviction. Amnesty International is disturbed that the court in Los Angeles dismissed the new evidence summarily and believes that the courts should give serious consideration to the new evidence and that the interests of justice would best be served by granting Geronimo Pratt a new trial or release.

6. AMR 51/WU 02/91 EXTERNAL
9 January 1992

INTERNAL

Please draw this item to the attention of your refugee co-ordinator, if you have one. A news release containing much of this information was sent by AI USA to the international media, and another news initiative concerning either human rights violations in Haiti or AI's continuing concerns with regard to Haitian asylum-seekers might be sent out later this month.

EXTERNAL

UNITED STATES: GOVERNMENT REFUSES AI PERMISSION TO INTERVIEW HAITIAN
ASYLUM-SEEKERS

Amnesty International is urging the United States government to reconsider its refusal to allow AI delegates to assess the "screening" procedures being applied to Haitian asylum-seekers at a US naval base in Cuba.

Amnesty International requested permission in December to visit the base at Guantánamo, Cuba but the request was refused. AI deeply regrets this and has asked the US government to reconsider.

Over 6,500 Haitian asylum seekers are currently accommodated at Guantánamo. Following a violent coup in Haiti on the night of 29-30 September 1991 hundreds of people were wounded and killed and hundreds more imprisoned or ill-treated, and thousands of Haitians have left the country by boat to get to the US. Over 8,000 have been intercepted by US Coast Guard Ships before reaching US territorial waters and taken to Guantánamo.

At Guantánamo the asylum-seekers are interviewed to assess whether they are likely to have a claim for asylum. At the end of December a US government spokesperson reportedly announced that 1,658 Haitians (about 20 per cent of those intercepted) would be granted visas to proceed to the US to submit asylum claims, on the grounds that they have a "plausible claim" to asylum. The others are liable to be returned to Haiti. Amnesty International is concerned that the US government may return asylum-seekers to Haiti who have not received a full and fair examination of their reasons for fearing to return there, and that therefore there is a grave risk that those returned could include many people who would be at risk of serious human rights violations in Haiti.

Article 33 of the 1951 United Nations Convention relating to the Status of Refugees, which is binding on the US, prohibits refoulement -- the forcible return of any person to a country where they risk serious human rights violations. In order to ensure that such people are properly identified and not forcibly returned, it is essential that all who seek protection have access to a full and fair procedure for examining their asylum claims, and that governments do not obstruct access to such a procedure.

Amnesty International is concerned that US authorities have been obstructing access to asylum procedures in the US by intercepting Haitian asylum-seekers at sea. The organization is also concerned that screening procedures at Guantánamo lack essential safeguards which must be provided

for asylum-seekers and which are required by international standards. These safeguards include the right to appropriate legal advice and, if the application for asylum is rejected, the right to have an effective review of the case before being expelled.

Amnesty International believes that unless procedures being followed at Guantánamo contain all the essential safeguards necessary to identify effectively and reliably all asylum-seekers who may be at risk if returned to Haiti, there is a danger that people in need of protection will not be allowed to submit an asylum claim in the US but will be returned against their will to Haiti and may face serious human rights violations.

The interception of Haitian asylum-seekers at sea is carried out under a 10-year-old agreement between the governments of the US and Haiti, which permits the US authorities to intercept Haitians travelling to the US and return them to Haiti. On 18 November 1991, in the face of large numbers of people leaving Haiti following the coup, the US Government announced that Haitians intercepted at sea would not be allowed to proceed to the US to submit an asylum claim unless they were found to meet certain criteria indicating that they may qualify for asylum in the US; the others, apart from those who had been granted temporary refuge elsewhere, would be returned to Haiti.

On 18 and 19 November, the US authorities returned over 500 asylum-seekers to Haiti. Since 19 November a series of court rulings has prevented the US Government from forcibly returning any Haitian asylum-seekers who have been intercepted at sea. The government has appealed against these rulings, and its latest appeal is due to be heard later in January 1992.

US officials are instructed in implementing the 1981 agreement to be watchful for any indication that a person on board an interdicted boat may qualify as a refugee. However, in the 10 years from the start of the agreement until September 1991, of over 20,000 Haitians intercepted at sea, only around 30 were allowed to proceed to the US to submit asylum claims. During much of that time there were widespread and persistent human rights violations in Haiti: until 1986 Haiti was ruled by the dictatorship of Jean-Claude Duvalier, which was notorious for a wide range of human rights violations, and for most of the period thereafter by military governments that continued to maintain the climate of fear among the population, through extrajudicial executions, torture and arbitrary arrests.

Following the coup of 29 to 30 September 1991 widespread and severe human rights violations have taken place in Haiti. Amnesty International remains concerned at the continuing occurrence of such human rights violations, including arbitrary arrest, severe ill-treatment and extrajudicial execution. Despite this, the US Government, which had initially strongly condemned the human rights violations that occurred in the aftermath of the coup, has expressed the view that many of the asylum-seekers are economic migrants who have left the country because of the deterioration of economic conditions. Amnesty International is concerned that, contrary to these statements made by the US Government, many of those who have left Haiti following the coup could be perceived as government opponents and, as such, become targets for abuses perpetrated by the security forces and armed civilians acting with them.