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WEEKLY UPDATE SERVICE 41/91

Contained in this weekly update are external items on the commonwealth,
Morocco and Ireland.

1. NEWS INITIATIVES - INTERNAL

Djibouti - 6 November

A targeted news release for African and French-speaking media, based on a memorandum sent to the government to be sent to sections this week. This is the first major document on Djibouti. The summary is available in English; the rest of the document is only available in French.

Peru - 21 November

Peru - Human rights in a climate of terror AMR 46/56/91

Please see the detailed note sent to sections today about new materials.

Middle East Peace Conference - 30 October

A summary of concerns and questions and answers sheet were sent to sections last Friday.

14 November - Francophone summit

The Francophone sections are coordinating a project to coincide with the Francophone summit being held in Paris from 19 to 21 November. A special document has been prepared by the sections on our concerns in Francophone countries, focusing on the theme of freedom of expression and freedom of

conscience, thought and religion; a targeted news release is planned for a few days before the event; and an AI delegation will be present in Paris at the time of the summit. For further information, please contact the project coordinator, Daniel Bolomey, in the Swiss Section.

27 November - Refugee concerns in Europe

Leading up to the meeting of European leaders in the Netherlands in December, we will be releasing a report on our concerns about the treatment of asylum seekers in Europe in the context of European political and economic harmonization. This will be of particular interest to European media; we would be interested in hearing from any European section press officers who have issued news releases on this subject in the past so that we don't use the same news angle. Could you please also ensure that your section refugee coordinators are aware of this publication date.

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2. EUR 29/WU 01/91 EXTERNAL

30 October 1991

REPUBLIC OF IRELAND: AI CALLS AGAIN FOR INDEPENDENT INQUIRY INTO SALLINS
TRAIN ROBBERY CASES

Amnesty International has renewed its call for an independent inquiry into allegations of ill-treatment in custody made in connection with the Sallins mail train robbery in the Republic of Ireland.

In a letter to the Irish Government on 21 October 1991, the organization said that it remains concerned about the origins of injuries sustained by Osgur Breatnach, Nicky Kelly, Brian McNally and John Fitzpatrick while held in custody following the 1976 robbery.

Osgur Breatnach, Nicky Kelly, and Brian McNally were convicted in 1978 of involvement in the robbery, solely on the basis of confessions allegedly obtained by ill-treatment during incommunicado detention. The Court of Criminal Appeal in 1980 ruled that the confessions of Osgur Breatnach and Brian McNally had been involuntary and quashed their sentences. Nicky Kelly was released on "humanitarian grounds" in 1984. John Fitzpatrick had been charged initially with involvement in the Sallins robbery, but the charges against him were dismissed.

The recently broadcast RTE (Irish state broadcasting company) television documentary on Nicky Kelly's case, "Though the Heavens May Fall", underscored Amnesty International's continued doubts about the findings of the Special Criminal Court in 1978 regarding the allegations of ill-treatment. A linguistic analysis of Nicky Kelly's alleged confession, commissioned by RTE and carried out by Andrew Morton, a speech pattern expert based at Glasgow University, cast further doubt on the admissibility of this alleged statement as evidence of Nicky Kelly's involvement in the Sallins mail train robbery.

Evidence derived from this technique, which Andrew Morton has claimed has the same validity as a finger print, was recently accepted in the United Kingdom in a case before the Court of Appeal - resulting in the quashing of a 12-year conviction for armed robbery. Andrew Morton, who was not aware of Nicky Kelly's case before being approached by RTE, has said that he is "perfectly confident" that the words allegedly spoken could not have come from Nicky Kelly. He has claimed that the results establish that the alleged confession could not have been the work of one person, and that at least two people had been involved in its production.

Amnesty International understands that the Ministry of Justice is

currently considering the linguistic analysis presented in the RTE documentary. In the light of this evidence, Amnesty International has urged the government to set up an inquiry to address those questions about the injuries sustained by all four men which were not satisfactorily dealt with by the Special Criminal Court, and to make public its findings.

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3. MDE 29/WU 11/91 EXTERNAL

30 October 1991

MOROCCO: RELEASE OF TAZMAMERT DETAINEES

Eleven prisoners formerly held incommunicado for 18 years in the secret detention centre at Tazmamert have been released. The detention centre at Tazmamert was demolished in September 1991 and its inmates moved to an undisclosed location.

Only one of the detainees, M'barek Touil, who is married to an American woman, was released before King Hassan II's visit to the United States at the end of September 1991. The eleven so far released include Mohammed Zemmouri, Ahmed Elouafi and Abdelaziz Daoudi. Two others, Mohammed Raiss and Achour Ghani, have been transferred to Kenitra Central Prison. Mohammed Raiss was said to be very ill.

Former Tazmamert detainees so far freed have been released from different police stations and from Kenitra Central Prison. Most of them are reported to be in very poor physical condition.

When Morocco appeared before the United Nations Human Rights Committee on 22 October 1991 the Moroccan representatives stated that the question of Tazmamert was "in the process of being resolved" (en voie de règlement). However, no details were given about the whereabouts of the detainees.

No news has yet been received of the three Bourequat brothers who "disappeared" in 1973 and were reported to be among those held in Tazmamert.

On 7 August this year Amnesty International publicly urged King Hassan II to release the surviving military detainees in Tazmamert. Twenty nine of the 61 transferred from Kenitra Central Prison to Tazmamert on 7 August 1973 are believed to have died as a result of the particularly harsh conditions of detention. One other detainee, Hamid Bendourou, is reported to have died since he was moved from Tazmamert. AI continues to call for an impartial inquiry into alleged ill-treatment of the prisoners who were held at Tazmamert and the circumstances leading to the deaths of so many of them.

4. IOR 31/WU 02/91 EXTERNAL

30 October 1991

COMMONWEALTH: HEADS OF GOVERNMENT MEETING STRENGTHENS COMMITMENT TO HUMAN RIGHTS

Amnesty International has welcomed the Declaration of the meeting of the 50 Commonwealth heads of government in Harare which pledged the Commonwealth and its member countries to step up efforts to protect and promote the fundamental values of the Commonwealth including human rights.

The organization said that the Declaration makes a significant break with past policy by expressly pledging to take steps to protect as well as promote human rights, but unfortunately does not commit the Commonwealth or its member states to any concrete steps to protect such rights.

The Declaration refers to such fundamental human rights as "equal rights and opportunities for all citizens regardless of race, colour, creed or political belief" and to other fundamental values as "democracy, democratic processes and institutions which reflect national circumstances, the rule of law and the independence of the judiciary, just and honest government".

The Declaration also pledged to extend "the benefits of development within a framework of respect for human rights" and reaffirmed an earlier commitment to "the liberty of the individual under the law".

To implement these commitments, the heads of government stated they would improve Commonwealth co-operation in these areas, which would include strengthening the Commonwealth's ability to assist its members in entrenching "the practices of democracy, accountable administration and the rule of law". They also invited non-governmental organizations to help promote these objectives.

Amnesty International also welcomed the strong endorsement of human rights in the meeting's final communiqué, which reaffirmed the heads of governments' strong collective commitment to the principles of justice and human rights, including the rule of law, the independence of the judiciary, equality for women and accountable administrations.

The heads of government also endorsed the report and recommendations of the Commonwealth Governmental Working Group of Experts on Human Rights, which recommended that the objectives of human rights promotion in the Commonwealth should include reinforcing the independence of the judiciary and promoting adherence to and implementation of international human rights treaties. It also recommended that the Commonwealth should provide

education, training and assistance to promote human rights, that the Commonwealth Human Rights Unit should establish a wide range of human rights programs, and that the Commonwealth should develop ways to adequately fund these efforts.

In the communiqué, the heads of government called on the Commonwealth Secretariat "to give greater impetus to its current activities to promote human rights in all its aspects" and recognized the role that non-governmental organizations could play in this area. They also called on all member states which had not yet done so to become parties to the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, but, regrettably, made no mention of other important international treaties for the protection of human rights, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In August 1990 Amnesty International made recommendations for strengthening human rights in the Commonwealth which it submitted to all 50 heads of government. Amnesty International is pleased that the meeting adopted a number of these recommendations, but it is disappointed that the Commonwealth heads of government did not recommend increased funding for human rights promotion and protection. Instead it agreed to consider making appropriate contributions to the budget as a whole if, after a financial review, it is determined that additional resources are needed.

Amnesty International said that although the declaration and communiqué are not legally binding on members of the Commonwealth, they have strong moral force, representing solemn political commitments undertaken by 50 heads of government representing a wide range of political systems and cultures from all over the world. As such the extent to which each country implements these undertakings will be a measure of their commitment to human rights.

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DATE: 1 November 1991

ADDITION TO WEEKLY UPDATE SERVICE 41/91

Contained in this addition to the weekly update are external items on Egypt and Hong Kong and an internal item on Chile. Press officers are asked to draw the attention of their section refugee coordinators to the item on Hong Kong.

1. MDE 12/WU 02/91 EXTERNAL

1 November 1991

EGYPT: PEACE CONFERENCE PROTESTERS ARRESTED

Amnesty international has received the names of more than 60 people who are among a total of about 200 reportedly arrested in Egypt during the last few days in connection with their criticism of the Madrid peace talks.

Most are alleged members and sympathizers of the Muslim Brothers. Some were reportedly arrested in connection with the preparation of leaflets or posters, while others are being held in administrative detention without charge or trial.

Amnesty International believes they may be held for the non-violent expression of their conscientiously held beliefs, and that they may be at risk of torture.

2. AMR 22/WU 04/91 INTERNAL: FOR RESPONSE

1 November 1991

CHILE: POLITICAL PRISONERS ON HUNGER STRIKE

Six prisoners arrested during the 1980s and charged with politically-motivated offences went on hunger strike on 29 September, demanding the release of the 80 remaining political prisoners in Chile.

Two of the hunger strikers are said to be in a very weak condition and all of them are receiving medical attention; another political prisoner who joined the hunger strike later on has since been released.

Amnesty International has no evidence to confirm that any of the six hunger strikers are prisoners of conscience, but believes that their trials were subject to serious irregularities. The organization has evidence that the proceedings to which all the political prisoners arrested under the former military government of General Augusto Pinochet were subjected did not comply with international standards for a fair trial.

On 2 October, between 400 and 500 anti-riot prison guards raided the Cárcel Pública (Public Prison) in Santiago where most of the political prisoners are being held. Human rights organizations have alleged that while the guards were reportedly searching for two escape tunnels, they beat several of prisoners who then needed medical treatment. A special investigating judge has been appointed to look into the incident. Amnesty International is concerned about the reports of ill-treatment, welcomes the appointment of the investigating judge and calls for the results of his investigations to be made public.

Since the civilian government of Patricio Aylwin took office in Chile in March 1990, some 300 prisoners charged with politically-motivated offences under the previous military government have been released. Forty seven of them received a presidential pardon soon after the government came to power. Others were released following legislative reforms introduced in February 1991, intended to speed up the trials against the remaining political prisoners, the majority of whom had experienced long delays in their cases.

The reforms included the transfer of cases from military to civilian jurisdiction, and stricter time-limits for cases to be heard. Another reform gives political prisoners arrested before March 1990, most of whom were tortured following their arrest and forced to make confessions under duress, the right to make new statements before the courts. Other reforms were blocked in the Senate by the opposition who hold the majority though an agreement was finally reached allowing President Aylwin to grant a

pardon to certain convicted prisoners.

Despite the reforms introduced by the civilian government to expedite proceedings, in a number of cases trials are still subject to delays in the courts.

3. ASA 19/WU 02/91

1 November 1991

HONG KONG: AI'S CONCERNS ON REFUGEE SCREENING PROCEDURE

Amnesty International has urged the Hong Kong authorities to take immediate steps to correct the remaining shortcomings in the screening process for Vietnamese asylum-seekers to ensure that those people who will be forcibly returned to Viet Nam in future are not at risk of human rights violations.

The human rights organization welcomed the recent steps that have already been taken to improve the screening process, but said there are still several shortcomings that have been raised with both the Hong Kong and United Kingdom governments in recent years.

Amnesty International said it was concerned about three main aspects of the screening process that undermine its effectiveness in identifying people who would be at risk of human rights violations if returned to Viet Nam:

- Asylum-seekers do not always receive legal advice and assistance and, in particular, are not provided with individual legal advice and assistance at the crucial first stage of the screening process, in which they are interviewed by an immigration officer.

- Asylum-seekers are not given an opportunity to see the written record of that interview, which is used as the basis for the determination of the person's refugee status, or to ask for corrections to be made to the transcript, despite the fact that the Hong Kong authorities had apparently given assurances in the past, notably following the outcome of the judicial review in February 1991, that such a practice would be instituted.

- While Amnesty International welcomes the fact that, in a significant number of cases, the Refugee Status Review Board (RSRB) uses its discretion to interview asylum-seekers in person before making a decision, it remains concerned that asylum-seekers do not have the right to appear in person before the board. Amnesty International believes it is crucial that any asylum-seeker whose claim might be refused is given an opportunity to appear in person and be represented before the board, particularly as the decision often turns on the issue of credibility.

Amnesty International understands that asylum-seekers who arrive in Hong Kong after 29 October this year are to be subject to a quick screening procedure which will not differ in substance from current procedures, but will be significantly accelerated. It is reported that new arrivals who are "screened out" under this new process will be forced to return to Viet Nam.

A policy of returning people who have been "screened out" is acceptable only if all parties have confidence that the procedures are fair and satisfactory, so that all asylum-seekers in need of protection are identified.

Amnesty International is therefore urging the Hong Kong authorities to ensure that past mistakes will not recur under the quick procedure and that remaining deficiencies will be corrected, and seeks assurances that the quick procedures to be applied to those asylum-seekers arriving after 29 October 1991 will provide each asylum-seeker with a full and fair examination of their claim.

The organization said it would be extremely concerned if people who were "screened out" before the improvements in the procedures came into effect were to be forcibly returned to Viet Nam without each of them having a full review of their case.

Amnesty International opposes the forcible return of any person to a country where he or she risks being imprisoned as a prisoner of conscience or being subjected to torture, "disappearance", or execution. It therefore seeks to ensure that states establish fair and satisfactory asylum procedures so that people who face such risks are identified and provided with effective and durable protection.

Amnesty International is aware of the guarantees that have been given by the Vietnamese government about the treatment of people returning under the voluntary repatriation program, and which are set out in the December 1988 Memorandum of Understanding between the United Nations High Commissioner for Refugees (UNHCR) and the Government of Viet Nam. The organization also notes the steps that have been taken by UNHCR and the international community to monitor those Vietnamese asylum-seekers who have already returned to Viet Nam, from Hong Kong and from other first asylum countries in the region, and that these monitoring arrangements have not brought to light any reports that asylum-seekers who have voluntarily returned to Viet Nam have suffered serious human rights violations after their return.

However, despite these arrangements and despite the improvements in the human rights situation in Viet Nam that have taken place in the past several years, Amnesty International continues to have concerns about human rights violations there. Notably, since April 1990 there have been new reports about the Viet Nam government's suppression of dissent, and Amnesty International knows of at least 40 people arrested for political reasons in the past year, some of whom are prisoners of conscience. It is therefore essential that no asylum-seekers are returned to Viet Nam without a fair and satisfactory examination of their case and the risks they might face on return.