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# AMNESTY INTERNATIONAL NEWS SERVICE 257/94

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## INTERNAL

NEWS SERVICE ITEMS: EXTERNAL - **INDONESIA & EAST TIMOR, INDIA, SYRIA**

## INTERNATIONAL NEWS RELEASES

Egypt - 10 November - SEE NEWS SERVICE 254/94

Peru/Committee against Torture - 9 November - SEE NEWS SERVICE 243/94

Nigeria - 11 November - SEE NEWS SERVICE 252/94

Pakistan - 24/25/28 November - SEE NEWS SERVICE 254/94

Iraq - 29 November - SEE NEWS SERVICE 212/94

## TARGETED AND LIMITED NEWS RELEASES

**\*\*Syria - 16 November\*\***

The news item enclosed is being sent to Middle East and Arabic media.

**\*\*India - 27 November\*\*** - SEE NEWS SERVICE 256

Report to go with news item enclosed will be sent out in Weekly Mailing of 16 November (not 23 November as I said in NS 256). This item is intended for Indian media only (unless you wish to do something with it).

AI INDEX: ASA 21/WU 23/94  
12 NOVEMBER 1994

HUMAN RIGHTS VIOLATIONS CONTINUE THREE YEARS AFTER SANTA CRUZ MASSACRE

Three years after the Santa Cruz massacre in Dili, human rights violations have continued unabated in East Timor belying Indonesian government claims that the massacre was an aberration and that it has taken significant measures to improve the situation since 1991.

The violations form part of a broader pattern evident over many years in Indonesia and East Timor and Amnesty International is urging governments now gathering in Jakarta and Bogor for the Asia Pacific Economic Cooperation (APEC) summit, to raise long-standing human rights concerns in East Timor and Indonesia during the meetings.

Peaceful advocates of East Timor's independence continue to be at risk of torture and ill-treatment, arbitrary detention, unfair trial, and long-term imprisonment. Despite repeated government claims that access to the territory is unrestricted, East Timorese who speak with or pass information to foreign delegations are at risk; and the government continues to deny Amnesty International permission to visit.

While new violations continue, the government has failed to clarify the fate of most of the estimated 270 killed and 200 "disappeared" in the wake of the Santa Cruz massacre. With few exceptions, those responsible for past violations have not been brought to justice.

Hundreds of pro-independence activists have been detained for brief periods in the past year, and several have been formally charged for their peaceful political activities.

Jose Antonio Neves, a leading pro-independence activist and a student at a theological institute in Malang, East Java, was arrested on 19 May 1994. He is currently on trial for seeking East Timorese independence and for distributing information about human rights violations and political developments in East Timor abroad and is charged under Article 106 which carries a life sentence.

If convicted Jose Neves would be regarded as a prisoner of conscience and would join some 30 other East Timorese prisoners of conscience currently serving sentences up to life imprisonment.

The government has invited foreign journalists in Indonesia for APEC to travel to East Timor. However, East Timorese who speak with foreign journalists are vulnerable to official reprisals and sometimes become victims of human rights violations.

Eleven young men who staged a small peaceful demonstration in Dili during a visit by foreign journalists in April 1994 were subsequently arrested. Six have now been tried and sentenced to terms of between 20 months and two years. Amnesty International considers all of those sentenced to be prisoners of conscience. Upon sentencing three of the six, a spokesman for the Dili court told the press that they were found guilty of "expressing anti-Indonesia sentiments in front of the public on April 14".

Faced with increasing international and domestic criticism of its human rights record, the Indonesian Government has claimed that it abides by the rule of law. However, the trial of the six peaceful demonstrators mentioned above did not conform to international fair trial standards or even to Indonesian law.

None of the six were accompanied by legal counsel, either during interrogation or during their trial. Defence lawyers have also expressed concern that they were not accorded proper facilities to appeal their sentences. Access to legal counsel and the right to appeal are guaranteed under Indonesia's Code of Criminal Procedure.

And while the judicial system continues to be used to imprison the government's peaceful opponents, those responsible for past human rights violations in East Timor have yet to be brought to justice.

In October, a military court sentenced two Indonesian soldiers, Privates Bakhrul Alum and Nurcahyo, to prison terms of 28 and 20 months respectively, for desecrating a Catholic Church in Dili on 28 June this year. However, military personnel who beat and arbitrarily detained demonstrators protesting on 14 July against the incident in the church, have yet to be held to account.

The Indonesian Government claims to have conducted a full investigation into the 14 July incident, but details of such an investigation have not been forthcoming. However, Amnesty International has been able to clarify the fate of some of those reportedly arrested and ill-treated.

It has confirmed that dozens of protestors were beaten and twenty two people were detained during the demonstration. Of the 15 people arrested on 14 July, all but one were believed to have been released without charge by 16 July. One of the demonstrators, Jaime Martins, remained in detention until 14 October but it is not known whether he has been charged. The fate of Mateus Afonso, reportedly arrested and publicly beaten by security forces on 23 July after admitting that he was one of the organisers of the 14 July demonstration, remains unclear. ENDS/

AI INDEX: ASA 20/WU 15/94  
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INDIA: CALL FOR IMMEDIATE REFORM OF ANTI-TERRORIST LEGISLATION

The Indian Government should immediately review and reform the Terrorist and Disruptive Activities (Prevention) Act, (TADA), under which thousands of people have been arbitrarily detained, tortured or otherwise ill-treated, Amnesty International said in a report issued this month.

"The act falls far short of international human rights standards -- which India is bound to uphold -- depriving people of even the most basic human rights," the organization said.

"Wide powers to arrest and detain without trial under the vaguely-worded act have been grossly abused throughout India -- and this view is shared by the Minister of Home Affairs, other senior officials and numerous Indian nationals."

The many thousands of people detained under the Act have been held without basic legal safeguards: They may be detained without charge for up to 180 days, which can be extended to a year -- and are at serious risk of torture during this time.

Those who are charged face grossly unfair trials before special courts, which often take place in jail and they are liable to receive considerably higher penalties than if they had been convicted under ordinary criminal laws and can even be sentenced to death.

TADA, introduced in 1987, was initially intended to be used only in areas where armed political groups have resorted to what the government describes as terror tactics to intimidate the local population.

However, the anti-terrorist legislation is now used virtually all over India: 22 of India's 25 states and two of its Union Territories now use it and only a few could make a credible claim that they face a problem of organised political violence aimed at creating terror in society.

The Act defines "terrorist" and "disruptive activities" so vaguely that they encompass peaceful expression of political or other conscientiously held views and all too often peaceful activists or suspected common criminals are arrested as "terrorists".

When the Indian Government introduced TADA, it said that the legislation was temporary and that as "in all such special legislation in India, scrupulous care has been taken to protect the rights of the individual under the process of law." Furthermore, in August, India's Minister of State for Internal Security

said that the government was prepared to repeal the Act "if overzealous arrests and misuse of TADA continues by the states."

In Amnesty International's view, "scrupulous care" has not been taken and the Act urgently needs reform before more lives are ruined by its misuse.

Amnesty International is urging the Indian Government to order a prompt review of TADA to bring the Act in line with the rights guaranteed in the International Convention on Civil and Political Rights. Preferably independent committees should be established in the states where TADA is in force to review the Act's application and periodically scrutinize the need to continue to enforce the Act.

The human rights organization is also calling for the immediate release or fair trial of all prisoners who are held under TADA without evidence that they have committed violent acts. ENDS/

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For further information, please see Amnesty International Report: India: The Terrorist and Disruptive Activities (Prevention) Act: The lack of 'scrupulous care', AI Index: ASA 20/39/94.

AI INDEX: MDE 24/WU 05/94  
EMBARGOED FOR 16 NOVEMBER 1994

SYRIA: AMNESTY INTERNATIONAL CALLS FOR URGENT STEPS TO REDRESS HUMAN RIGHTS VIOLATIONS

Following Amnesty International's first ever substantive talks with Syrian authorities covering all its human rights concerns, the organization is calling on the government to put in place a comprehensive program for ending violations in the country.

Since 1991, the government has taken some positive steps to release thousands of political prisoners and let international observers into some political trials.

Yet there has been little progress made on the spectrum of gross human rights violations in past decades or the review of cases of prisoners who have been jailed in some cases for over two decades.

The specific actions that Amnesty International is asking President Hafez al-Assad to take include:

- speeding up the release of those unfairly imprisoned
- investigating allegations of torture
- accounting for those who have "disappeared" or died in custody
- introducing rigorous safeguards against human rights abuse

Amnesty International delegates who visited Syria from 20 to 25 October met with the Ministers of Interior, Justice and Health, as well as the Minister of State for Foreign Affairs, the President of the Supreme State Security Court (SSSC), and other senior judges.

During these meetings, Amnesty International raised the cases of more than a thousand people, representing a range of victims of human rights violations recorded by the organization over the last 25 years. They included political prisoners and prisoners of conscience who have been detained for years without charge or trial or are serving sentences imposed after unfair trials; prisoners detained beyond the expiry of their sentences; allegations of torture and deaths in custody; victims of "disappearance" and the use of the death penalty; and detained asylum seekers.

To bring to an end such a pattern of human rights violations, Amnesty International has urged the government to introduce rigorous safeguards and mechanisms of remedy and prevention. Specifically, the organization has called on the government to ensure that arrested persons are promptly brought before a judicial authority and given prompt and regular access to lawyers, family and doctors; that they are given fair and prompt trial or released; and that allegations of torture, "disappearance" and deaths in custody are thoroughly and impartially investigated as a matter of routine.

Officials gave an undertaking to look into the dossier submitted by Amnesty International and respond to the issues and cases raised by the organization.

## **Amnesty International key human rights concerns in Syria**

### **Long-term prisoners**

Long term prisoners include people held in connection with unauthorized political parties. Riad al-Turk, a 63-year-old lawyer, has been permitted one visit by his wife and daughter during his 14-year incommunicado detention. Accused of being connected to the Communist Party Political Bureau, he remains in detention without charge or trial. His wife is reported to be banned from travel outside Syria to seek medical treatment or visit her daughter who lives abroad.

Three former government and Ba'th Party officials, Fawzi Rida, Muhammad 'Id 'Ashawi and 'Abd al-Hamid Miqdad, have been in detention without charge or trial for nearly 25 years. They are all said to be in very poor health. Also reported to be in very poor health are Aktham Nu'aysa, a lawyer, and Faraj Ahmad Birqdar, a poet, who are respectively serving nine and 15 year sentences imposed by the SSSC during trials in which they were denied the right of appeal as this court's decisions are final.

Among others detained are scores of doctors arrested in the early 1980s and since held in almost total secrecy. Dr Muhammad Ahmad al-Sha'ar was arrested in 1982 in Damascus and his whereabouts have not been made known.

Hundreds of Palestinians and Lebanese arrested in Lebanon or in Syria are believed to be still held, mostly without charge or trial and without access to the outside world. A typical example of this category of human rights violations is that of Samih 'Abd al-Rahman Muneymana, a Lebanese businessman, who is believed to have been held in incommunicado detention for over 18 years without ever seeing his family. He was reportedly abducted from West Beirut in June 1976, apparently on suspicion of having links with the pro-Iraq wing of the Ba'th Party in Lebanon. His whereabouts remained unknown to his family until April 1992, when a former detainee apparently informed them that he was imprisoned in Damascus.

### **Prisoners held after serving their sentences**

Other prisoners are held beyond the expiry of their sentences, without further charges. Some have been held for up to 10 years after they should have been released, such as four military staff accused in 1971 of state security offenses. After serving 15-year sentences each, the men remain imprisoned as a *de facto* double punishment for the same offence.

### **Torture and deaths in custody**

During its meetings with the Syrian authorities, Amnesty International's delegation urged investigations into the cases of torture and death in custody, which have become common occurrences in Syrian jails and detention centres. Torture methods used to extract information and punish prisoners include beatings, hanging the victim from a tyre and beating him or her with cables or sticks, and the "German Chair", which bends backwards to asphyxiate the victim and, in some cases, fracture the spine.

The authorities told Amnesty International delegates that torture was a crime severely punished under the Syrian Constitution and the Penal Code and provided them with the names of some 40 officers whom they said were referred for trial in connection with the torture and ill-treatment of detainees.

However, no clarification was provided on cases of torture of political detainees and deaths in custody, allegedly as a result of torture, submitted by Amnesty International: Rif'at bin Ahmad Rajab, an electrician, died in prison in 1992, reportedly from a heart condition exacerbated by torture and lack of medical treatment. Munir Francis, a civil engineer, died in April 1990 as a result of internal bleeding alleged to have been caused by torture. His body, which was returned to his family, reportedly bore visible marks of beatings.

The circumstances of other deaths in custody remain unclear. Dani Mansurati, a 33-year-old Lebanese national, reportedly died in custody at the headquarters of the Air Force Intelligence in Damascus in April 1994. He was arrested in May 1992 and detained without charge or trial by the Air Force Intelligence. Salah Jadid died suddenly in August 1993 after almost 23 years of detention without charge or trial. None of these cases is known to have been investigated by the government.

### **"Disappearances"**

The fate and whereabouts of scores of "disappeared" prisoners arrested in previous years remain unknown. Amnesty International fears some may have been secretly executed or may have died as a result of torture or medical negligence. They include Mudar al-Jundi, a 34-year-old engineer, who was reportedly arrested or abducted in September 1987 by Member of al-Amn al-'Askari and his fate has since been unknown. Amnesty International fears that he may no longer be alive.

### **Death penalty**

In 1993, the Syrian Government approved a new law to extend the death penalty to first-time drug offenders. Amnesty International is greatly concerned about the new law, the apparent increase in the number of executions in 1993, and the lack of fair trial in capital cases.

### **Asylum seekers**

Scores of asylum seekers have been arrested and detained in Syria during the last two years and some forced to return to their countries, where they face serious human rights violations. They included people of various nationalities, particularly Somali, Egyptian and Libyan nationals.

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