



amnesty international newsletter

Urgent appeal for KIM Dae-jung

AI has appealed to the heads of government of the 43 nations on the United Nations Commission on Human Rights to intercede on behalf of the South Korean opposition leader, KIM Dae-jung, sentenced to death by a military court on 17 September (see September, October 1980 Newsletter).

The Supreme Court in Seoul is widely expected to rule on Kim Dae-jung's appeal early in December. South Korea's President CHUN Doo-hwan has discretionary power to commute the trial sentence.

In a letter to the heads of government, AI drew attention to the serious violations of internationally agreed human rights norms in Kim Dae-jung's case.

"Since the 1960s... [he] has been subjected to a series of human rights violations: imprisonment for the peaceful exercise of his right to freedom of expression, ill-treatment during detention, unfair trial, and now the imposition of the death penalty. As the most prominent leader of the opposition in South Korea, he has repeatedly been the victim of exile, imprisonment and house arrest. He has never been known to advocate political change by violence, but has conducted his political activity within the framework of the country's constitution."

Kim Dae-jung, who has twice been adopted as a prisoner of conscience by



AI, was arrested on 17 May 1980, together with others known to share his political views. All were held incommunicado until a few days before their trial started on 14 August; many subsequently complained of ill-treatment.

During the trial Kim Dae-jung stated that he had been kept in an underground room and questioned continuously for 60 days, for up to 15 hours a day. He is reported to have said, "Sometimes I was stripped of my clothes and brought to the very point of torture."

He was accused of founding an "anti-state organization" and remaining in contact with its members, and of "financing and instigating student disturbances in the Kwangju area".

There was no proper examination of the evidence produced in court to convict him of these offences, the letter said, nor had it been disclosed on which of the charges he was sentenced to death.

AI said Kim Dae-jung had been sentenced to death by hanging "for activity consisting solely of the exercise of his fundamental human rights, after a trial which failed to fulfil international standards of fairness. His execution would contravene the human rights standards agreed by most of the governments of the world."

Because of the publicity surrounding Kim Dae-jung's trial and because of his prominence, AI's letter said, "his case can be seen as a challenge to the international community. His execution would be a blow to respect for international human rights standards which must be understood to exclude the use of the death penalty as a punishment for peaceful political activity" □

The 12 others who face death

Twelve other prisoners are under sentence of death in South Korea, including CHUNG Nyon-dong, 37, whose testimony, obtained during interrogation, was used against Kim Dae-jung.

Chung Nyon-dong is alleged to have "confessed" that he received money and a directive from Kim Dae-jung to organize violent disturbances. He is reported to have tried to commit suicide during interrogation. He and four others were convicted on 25 October 1980, after a trial *in camera* on charges relating to violent disturbances in Kwangju in May 1980.

The others are: KIM Jong-bae, 25, a student; PARK No-jon, 28, a printer; PARK Nam-son, 26, a taxi driver, PAE Yong-ju, 34, a taxi driver. Their death sentences have still to be confirmed by the Appeal and Supreme Courts.

Earlier this year a former reporter, LEE Jae-mun, 45, and SHIN Hyang-shik, 46, were convicted of working for a socialist revolution in South Korea and sentenced to death on 2 May 1980; the sentences were upheld by the Appeal Court on 5 September and are pending before the Supreme Court.

On 10 September the Supreme

Court confirmed the death sentences on CHOI Chul-kyo, 49, an amusement hall manager, and KANG Jong-hon, 29, a medical student at Seoul National University, convicted on charges relating to espionage training (see November 1980 Newsletter). They can be executed at any time.

Three others convicted on similar charges are in the process of appealing to the Supreme Court against their death sentences—PAIK Ok-kwan, 32, General Secretary of the Osaka Korean Junior Chamber of Commerce; KANG Woo-kvu, 63, the owner of a restaurant in Japan; CHIN Du-hyon, 52 □

USA

Haitian exiles' status queried

The United States Government has been asked to make clear what treatment and status is to be given to Haitians who seek asylum in the USA and are expected to be sent to a military camp in Puerto Rico.

In response to reports that recently arrived Haitians were to be transferred to Fort Allen, Puerto Rico, *AI* wrote to the US Attorney General, Benjamin CIVILETTI, on 17 October 1980, asking for information. No reply was received. *AI* made its questions public on 6 November because of reports that the transfers were imminent.

AI has received persistent reports that a number of Haitians who were previously refused entry to the USA and sent back to Haiti were harassed and imprisoned on their return.

Reports have also been received that 11 Haitians were shot dead in late October 1980 as they tried to leave for the USA from Cap Haitien.

In its letter to the Attorney General, *AI* noted that the people who might

be sent to Fort Allen could have a legitimate claim to political asylum and, under international and US law, should not be treated as prisoners.

The letter of 17 October asked for information on the following points:

- What freedom will the people transferred to Fort Allen have? How will their status be determined? How long are they expected to remain in the camp?
- What access will they have to lawyers and community groups who can inform them of their rights and of relevant regulations and help with applications and defence if they find themselves under deportation or exclusion orders?
- Recalling that refugee claimants are not to be regarded as prisoners, what is the role of the military in holding and processing these people? To what extent will civilian staff be equipped to provide language or job training, or other help in integrating them in the USA? □

CSSR

Two years' for former student

A former student at Prague's Film Academy, Tomas PETRIVY, 25, was sentenced by the District Court in Usti nad Orlici on 4 September 1980 to two years' imprisonment for "causing bodily harm to a public agent" and for evading military service.

The former charge referred to an incident in September 1978, when he was held near the border with Poland after police had thwarted a meeting between Czech activists and members of the Polish Committee for Social Self Defence (KOR).

He was taken to a police station where he was the only witness to the ill-treatment by police of his associate, Professor Jaroslav SABATA.

Criminal proceedings began against him on 6 October 1978 on charges of grossly insulting and assaulting members of the police. The following month he was expelled from university and called up for military service.

His appeal against his sentence was rejected on 27 October 1980. As he had previously served 10 months in prison for evading military service, he still has to spend just over 12 months in prison.

In view of the circumstances of the

case and the fact that a number of other dissenters in Czechoslovakia have been imprisoned on unfounded criminal charges, *AI* believes that Tomas Petrivy has been imprisoned for the non-violent exercise of his human rights and has adopted him as a prisoner of conscience.

It has also adopted Drahomira SINOGLLOVA, who faces up to three years' imprisonment for reproducing a number of unofficial literary texts. Criminal proceedings were instituted against her in May 1980 and the investigation of her case has now been completed.

Following numerous appeals from within Czechoslovakia as well as from abroad, Otta BEDNAROVA, a prisoner of conscience adopted by *AI* serving a three-year sentence (see August 1979 *Newsletter*) was conditionally discharged on 26 September 1980 on health grounds.

On 24 October another prisoner of conscience adopted by *AI*, Rudolf BATTEK, who had been in pre-trial detention since 14 June 1980 and has serious asthma, was transferred to a prison hospital in Prague (see October 1980 *Newsletter*) □

Zaire President commutes death sentences

To mark his 50th birthday on 14 October 1980, President MOBUTU commuted the death sentences on all civilians in Zaire's prisons.

In one prison alone, Luzumu prison in Bas-Zaire region, the death sentences on 22 people were commuted to life imprisonment. Exactly how many of the more than 100 prisoners believed to be under sentence of death have benefited from the birthday measure is not known.

The President also reduced the sentences on certain convicted prisoners. No prisoners of conscience or political prisoners are known to have benefited.

In October and November *AI* appealed for the release of about 50 prisoners of conscience believed to be still in prison in Zaire □

Jordan Two executed in Amman

Two Jordanians, Muhammad Walid Muti' al-IJAZ and Muhammad Yusuf Hassan SHA'IBI, were executed in the central prison in Amman on 28 October 1980 after they had been found guilty of murder.

In a letter to King HUSSEIN on 4 November 1980, *AI* expressed grave concern at the executions.

AI further expressed concern at the growing number of death sentences reported in Jordan this year and appealed to the Jordanian authorities to commute all those remaining.

• On 1 September 1980 Halwa Khalil HAMMUDEH and Ahmad HASSAN were reported to have been sentenced to death *in absentia* for selling their property in East Jerusalem to Israelis.

In November 1980 five members of al-Fatah were reported to have received death sentences from a Jordanian military court. Their names were given as Musa Mahmud FADILLAT, Mahmud Abbas ABU-'UBAID, Salameh Mahmud SHATRAT, Lutfi Muhammad ALLOUSH and Salih Muhammad ALLOUSH □

Campaign for Prisoners of the Month



Each of the people whose story is told below is a prisoner of conscience. Each has been arrested because of his or her religious or political beliefs, colour, sex, ethnic origin or language. None has used or advocated violence. Their continuing detention is a violation of the United Nations Universal Declaration of Human Rights. International appeals can help to secure the release of these prisoners or to improve their detention conditions. In the interest of the prisoners, letters to the authorities should be worded carefully and courteously. You should stress that your concern for human rights is not in any way politically partisan. In no circumstances should communications be sent to the prisoner.

Ismail BESIKCI, Turkey

A sociologist, sentenced in Istanbul in December 1978 to three years' imprisonment for making Kurdish propaganda and offending the memory of Kemal Atatürk, founder of modern Turkey; imprisoned since September 1979; recent reports say he has been tortured.

Ismail BESIKCI was previously imprisoned in 1971, and in 1972 he was sentenced to 13 years' imprisonment for making Kurdish and communist propaganda; he was released in the general amnesty of 1974, after serving three years.

Since the establishment of the Turkish Republic in 1923, Kurds have been harassed and persecuted in attempts to force them to become assimilated. Use of the Kurdish language is banned by law and it is an offence to publish anything in Kurdish or to teach Kurdish in schools; Kurdish national costume is also banned.

Ismail Besikci is not a Kurd himself but, as he wrote from prison to the Minister of Justice in 1971, he believes that "...the existence of the Kurdish people in Turkey with a distinct cultural structure and language is an objective reality. . . .The policies of governments towards the Kurdish people cannot be reconciled with the concepts of human rights and supremacy of law. . . ."

His present term of imprisonment followed the publication of a book by him in which he criticizes official Kemalist ideology and restates his belief in the Kurds as a separate ethnic group. He is being prosecuted in connection with other writings dealing with Kurds and may, therefore, remain in prison when his present sentence ends.

According to recent reports he has been transferred from Istanbul's Toptasi prison to Adapazari prison.

Please write courteously worded appeals for the release of Ismail Besikci to: General Kenan EVREN, President, Ankara, Turkey.

REN Wanding, China

A 35-year-old technician who has been detained since April 1979; married with one child.

REN Wanding was a founder of the Chinese Human Rights Alliance (CHRA), one of a number of groups established in Peking at the end of 1978. For a brief while they were allowed to use wall-posters and unofficial publications to press for more democracy and human rights in Chinese society. In January 1979 the CHRA issued a 19-point manifesto listing demands such as freedom of movement and employment, free elections and the release of all prisoners of conscience. Two months later, in March, posters and publications considered by the authorities to be "opposed to socialism and to the leadership of the party" were banned and several activists arrested.

REN Wanding and other CHRA members were arrested on 4 April 1979 while they were pasting up a poster on the "democracy wall" in Peking. It criticized an article in the official paper, *The People's Daily*, justifying the ban on wall-posters and unofficial publications. Eyewitnesses say REN Wanding was taken away by plainclothes police officers. The next day his wife said she had not heard from him.

A few weeks after his arrest he was reported to have been charged with "counter-revolutionary" offences, but this has not been confirmed officially, nor have officials indicated when, if at all, he is to be tried.

Friends point out that REN Wanding, unlike some participants in the "democracy movement" which started in Peking in 1978, has never questioned the socialist system or the ultimate authority of the Chinese Communist Party.

Please write courteously worded letters appealing for his release to: His Excellency ZHAO Ziyang, Prime Minister, Peking, People's Republic of China.

MOUEN Gaspard, EBELLE-TOBO Martin, BILLE Emmanuel, MOUNE André, Cameroon

All four men have been detained without charge or trial in "administrative internment" camps for over four years.

In July 1976, during a period of strikes and tension in Cameroon, about 200 people, mainly students, teachers and office workers, were arrested after anti-government tracts had been discovered in Douala and the capital, Yaounde. None of them were formally charged; there is no evidence that they used or advocated violence. Those whose names were known to AI were adopted as prisoners of conscience.

All the detainees were held in "administrative internment" camps controlled by the Presidency through one of the security services. Over the past four years groups of them have been secretly released (see November 1980 *Newsletter*); the government has never officially acknowledged detaining people in the camps.

Four of the detainees are still being held. Two, MOUEN Gaspard and EBELLE-TOBO Martin, are held in harsh conditions in Tchollire camp: detainees exist on a poor diet and are ill-treated by the guards; they are allowed only brief and infrequent family visits and have no access to medical treatment or legal help. The other two detainees, BILLE Emmanuel and MOUNE André, are held in Yoko camp.

According to state of emergency legislation in force since 1960, people deemed "dangerous to public security" can be held indefinitely without trial.

Please write courteously worded letters, preferably in French, appealing for the immediate and unconditional release of all four men to: Son Excellence El-Hadj Ahmadou AHIDJO, Président de la République, Yaounde, République Unie du Cameroun.

AI's medical work began after the Paris Conference for the Abolition of Torture in 1973, when medical bodies were asked to join teams investigating torture in different parts of the world. The first medical groups were set up in the following year. Now, in 1980, there are medical groups in 26 countries and nearly 4,000 doctors are involved in AI activities that range from medical letter-writing actions for sick prisoners to studying the after-effects of torture on political prisoners. An important part of the work consists also of alerting doctors to ethical abuses perpetrated by fellow practitioners who participate in executions, in punitive amputations and in torture itself.

The medical struggle against torture

After six years' intensive study of torture and the systematic examination of more than 800 torture victims by doctors working for AI, most of them have concluded that the psychiatric and psychological after-effects of torture may be more damaging to the victim than the physical effects of the original attack. Many also believe that certain elements in the "concentration camp syndrome"—a complex of physical and mental after-effects of imprisonment in Second World War concentration camps—are also found in torture victims years after they have been tortured.

These views are borne out by extensive case studies, including the most comprehensive report on torture victims ever written—a 180-page document published by AI in October 1980 which details the findings of a team of Danish doctors who examined 14 Argentinian exiles up to four years after they had been tortured in Argentina (see November 1980 *Newsletter*).

This latest report shows that the 14 victims, including a priest, students, factory workers and a cleaner, are still suffering from nightmares, emotional withdrawal and other psychiatric disturbances.

Perhaps the most saddening case in the report is of the priest, now aged 54 and working in Italy, who was held in two Argentinian prisons. He spent some days in solitary confinement and was also tortured by being given severe beatings. In 1977 he was sent into exile.

The report states that he now suffers from a number of physical ailments, including heart trouble, headaches and dizziness. It sums up the priest's mental condition in these terms:

"He has lost his faith in the future. . . . He feels old and has at times been very depressed. He has also had suicidal thoughts, and has thought of shooting himself with a revolver. . . . He still sleeps badly and occasionally has nightmares, in which he dreams that military personnel are torturing him. . . . In unexpected situations, such as on seeing a military parade or hearing sirens, he reacts with anxiety and fear".

Another victim, a 32-year-old married woman who was tortured with electric shocks to the nipples, eyelids, eyeballs, nose and vagina, is said to suffer periodic attacks of fear and

anxiety. "She still sleeps poorly and has nightmares. . . . She feels insecure in large groups and is frightened when she hears people yelling or making a noise. . . ."

A third, a student now aged 23, was kidnapped and tortured three years ago—he was badly beaten, given electric shocks and subjected to a mock execution; now, says the report, "It is difficult for him to control himself. . . . the rustle of a bunch of keys can make him relive his prison experience all over again. When he meets police, especially armed, on the street he turns around and walks in the other direction."

The team that carried out the study were members of the Danish Medical Group, the first national AI medical group to be formed; it has 300 members and is divided into research, psychiatric and letter-writing groups coordinated by a 14-strong central travelling group trained and ready to go on investigative missions. Among the countries they have visited are South Korea, Greece, Northern Ireland and Spain.

The original purpose of AI's medical work was to help to verify whether a victim had in fact been tortured. In some cases doctors can be reasonably certain because of radiographic evidence or marks made by electrodes which they are sure could not have arisen in any other way. But often sophisticated methods of torture have been used which leave few clearly identifiable physical traces; in such cases doctors can say only that the signs and symptoms found by them, or described by the victim, are consistent with allegations of torture. According to Dr Jørgen KELSTRUP, leader of the Danish medical team, there is no specific test enabling doctors to say categorically that a particular person is a victim of torture.

"It's a bit like a jigsaw," he says. "Frequently you see that all the pieces fit together and give a uniform picture—and that corroborates the story we get from the torture victims."

Some doctors believe, however, that there is an identifiable "torture syndrome"—a well-defined group of symptoms experienced by people who have been tortured—corresponding to the medically recognized "concentration camp syndrome".

This was accepted by a medical working party at an AI Seminar in San José, Costa Rica, in January 1980 on Torture, Deaths and Disappearances of Political Prisoners in Latin America; according to the doctors, they "recognized that the torture syndrome had clinical validity as a reaction to the experience and acute trauma of torture".

AI's Medical Adviser, Dr Ole RASMUSSEN, takes the position that it is too soon to speak of a "torture syndrome" yet. According to him, doctors know too little of what occurs in the human mind and body after torture. However, his experience has confirmed that torture does cause significant changes in a victim's mental condition, a view he found strengthened by the findings of a study of the cases of 135 torture victims—Chileans, Greeks, Spaniards, Argentinians and people from Northern Ireland—carried out by the Danish Medical Group.

In a paper based on these findings to be published in the December 1980 issue of the Danish Medical Bulletin, Dr Rasmussen and a psychiatrist, Dr Inge LUNDE, say that 75 per cent of those examined still had mental symptoms "even though our examinations took place six or more months after the imprisonment and torture took place".

The symptoms included impaired memory and concentration, mental

changes, difficulties in sleeping, and sexual problems.

That the bodies of torture victims suffer intense pain may seem obvious, but it is often overlooked that torture victims are often physically sick people. Torture creates illness: a person who is hung up by the arms for hours on end will suffer from pain and perhaps permanent damage to the elbows and shoulders; someone who is beaten on the feet repeatedly over a long period will suffer afterwards from both pain and physical debility—for instance, difficulty in walking. Victims are also forced to suffer perverse forms of torture; bottles or truncheons are inserted into the vagina or rectum causing lesions and, for women victims, severe gynaecological problems; victims may literally be partially “roasted” over red-hot grills; the victim’s head may be held under water to the point of suffocation. . . . Victims of such tortures are in need of medical help not only for the harm done to their bodies at the time but also for the damaging after-effects.

In addition to investigating the effects of torture, *AI* doctors are concerned to help the victims through direct medical treatment. But treatment can depend on the results of research into particular methods of torture. For instance, doctors were formerly unable to explain why victims of *falanga*—in which the soles of the feet are beaten with a baton or other wooden or metal tool—suffered such severe after-effects: in cases studied by *AI* doctors, *falanga* victims suffered pain in the feet, legs and joints for up to seven years after they had been beaten.

A study of 35 former prisoners who had been tortured in Greece, where *falanga* used to be a common form of torture, provided Dr Rasmussen and other *AI* doctors working on the problem with an answer that was, in its way, a medical breakthrough: “closed compartment syndrome” in the foot. In lay language, they found that as a result of *falanga* the swollen muscles in the foot were constricted by the muscle walls; this decreased the supply of blood to muscle fibres, which, in certain cases, died, causing permanent damage.

“We have not yet found a satisfactory treatment for the ‘closed compartment syndrome’ in the foot,” says Dr Rasmussen. “But our research has given us an outline—it’s only a matter of time before we come up with the right answer.”

Dr Rasmussen has taken part in missions and visits to Greece, Spain,



While two uniformed officers look on, a doctor examines the victim of a firing-squad execution in Mauritania.

Thousands of Mauritians are reported to have gathered in the desert just outside the capital, Nouakchott, on 19 September 1980, when a prisoner convicted of murder was executed by firing-squad and three men convicted of theft had their right hands amputated.

The executed prisoner is said to have survived the first round fired by his eight-strong execution squad, but to have died after a second volley.

The other prisoners were led into a tent to have their right hands cut off by a doctor from Nouakchott hospital. After each amputation the severed hand was displayed to the crowd—the hands were later put on show, hanging from ropes.

The punishments followed the establishment this year of a special criminal court in Mauritania to try accused people in accordance with Sharia, or Islamic law.

One of the features of the execution and amputations of 19

September was the active participation of a doctor, who cut off the hands and reported to the firing-squad that their victim was still alive after the first volley.

AI considers that the death penalty and punitive amputations are examples of the “cruel, inhuman and degrading treatment” defined in international law and prohibited by United Nations resolutions and declarations.

It also considers that any doctor taking part in such forms of punishment is in breach of the Hippocratic Oath and also of the Declaration of Tokyo adopted by the 29th World Medical Assembly in 1975.

AI urges members of the medical profession to write courteously worded letters, preferably in French, expressing their concern about punitive amputations to: Monsieur Yedali Ould CHEIKH, Ministre de la Justice et des Affaires Islamiques, Nouakchott, République Islamique de Mauritanie □

Mexico, Costa Rica, Venezuela and Chile. In the past seven months his job as Medical Adviser has been to feed information to *AI*'s 4,000 doctors. He has to keep them abreast of the latest research related to *AI*'s work and coordinate their activities as a professional lobby against the use of torture—and especially against any involvement in torture, or the death penalty, by doctors themselves (see box).

What has surprised him in his work is that so many prisoners of conscience require medical treatment—not only because of torture, but because of bad prison conditions, inadequate diet, diseases and the lack of medical treatment.

“The position is that *AI* doctors can regard any prisoner of conscience anywhere in the world as a patient, or a potential patient,” he says □

USSR Helsinki monitors get 15 years'

A Russian Orthodox priest and three Ukrainian Helsinki monitors are among a group of dissenters in the Soviet Union reported to have been imprisoned in recent months.

The priest, Father Gleb YAKUNIN, 46, a religious rights campaigner, was sentenced on 28 August to a total of 10 years' imprisonment and internal exile for "anti-Soviet agitation and propaganda".

Other dissenters convicted of the same offence include: Tatyana VELIKANOVA, 48, a veteran human rights campaigner, sentenced on 29 August to a total of nine years' imprisonment and internal exile; Alexander OGORODNIKOV, 30, a Russian Orthodox activist, sentenced on 6 August to a total of 11 years' imprisonment and internal exile; Vyacheslav BAKHMIN, 33, a leading opponent of the political abuses of psychiatry, sentenced on 24 September to three years' imprisonment.

AI has been particularly disturbed by the 15-year sentences of imprisonment and internal exile passed in recent months on two Ukrainian Helsinki monitors and former prisoners of conscience, the poet Vasyly STUS, 42, and an engineer, Vitaly KALYNYCHENKO, 45, for "anti-Soviet agitation and propaganda".

Another Ukrainian Helsinki monitor, Olha HEYKO-MATUSEVYCH, 28, was sentenced on 28 August to three years' imprisonment for "anti-Soviet slander".

Two Lithuanian human and national rights campaigners were sentenced on 19 September to terms of imprisonment and internal exile: Antanas TERLECKAS, 52, (eight years), and Julius SASNAUSKAS, 20 (six and a half years).

AI has continued to receive reports of religious believers being imprisoned and has learned of the arrest and trial of a large number of dissenting Baptists.

There have also been continuing reports of dissenters being confined in mental hospitals for political rather than medical reasons. They include a 75-year-old Ukrainian Helsinki monitor, Oksana MESHKO; a Lithuanian Helsinki monitor, Algirdas STATKEVICHIUS, 57; a legal consultant, Viktor DAVYDOV, 24.

- More than 200 people peacefully exercising their human rights in the USSR are known by AI to have been arrested or tried and sentenced to terms of imprisonment and internal exile, or forcibly confined to mental hospitals in a 13-month period beginning in October 1979 □

Colombia Mission report serialized

The report of an AI mission which visited Colombia in January 1980—published on 22 September—has received wide coverage in the Colombian news media and has also been debated in the House of Representatives.

The recommendations of the mission were submitted to the Colombian Government in April.

The 258-page document is being serialized daily in a major newspaper, *El Bogotano*, and has been published by a local human rights group for national distribution.

From 15 to 17 August the mission's conclusions and recommendations were discussed and unanimously endorsed during a plenary session of the National Forum for Human Rights and General Amnesty held in Bogota. More than

2,250 delegates from over 70 organizations attended.

Meanwhile, President TURBAY of Colombia has been accused before the House of Representatives' Committee of Charges (*Comisión de Acusaciones*) of failing to bring to the attention of the proper authorities cases involving complaints of torture and human rights violations which were documented in the mission report.

The charges against the President were brought by a lawyer and journalist, Pedro Pablo CAMARGO. They are based on Article 12 of Colombia's Code of Penal Procedures which obliges public officials to "make known immediately to the competent authority every act which might constitute a criminal violation and whose investigation ought to be opened officially" □

Italy Anti-militarist appeals against sentence

An Italian conscientious objector, Sergio ANDREIS, is appealing against a suspended prison sentence imposed on him by a Rome military tribunal on 10 October 1980, following his campaign against conditions in the 13th century fortress of Gaeta, a military prison in Latina.

He was charged with revealing and attempting to reveal restricted military information—although the charges stated that he was not considered to have intended espionage. He was found not guilty of revealing the information but guilty of attempting to do so and sentenced to 10½ months' imprisonment, suspended for five years.

A member of the Italian Radical Party, Sergio Andreis, 28, voluntarily returned to Italy from Berlin when he was called up, and handed himself over to the authorities. A Naples military tribunal sentenced him to 13 months' imprisonment for refusing to do military service and he was sent to join other anti-militarist prisoners in Gaeta fortress, notorious for its squalid and insanitary conditions.

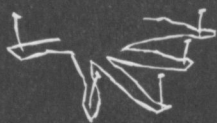
In May 1980, after he had begun a campaign against the conditions, he was charged under the Military Penal Code with offences carrying up to 20 years' imprisonment.

The charges centred on material from him which was intercepted by the prison censor, including a detailed account of conditions in Gaeta which briefly referred also to positions occupied there by military personnel. A copy of a letter with this information was later published in an anti-militarist paper in Brescia.

Although Sergio Andreis was granted a pardon in July 1980 for his refusal to do military service, he was obliged to remain in prison while the fresh charges were brought.

At the Rome hearing in October he told the military tribunal he had had no intention of publishing restricted information and did not know that it was in fact restricted.

AI believes that Sergio Andreis was prosecuted for exercising his right to freedom of expression and that he did not procure or release any information which could reasonably be classed as secret □



amnesty international

campaign for the abolition of torture

Call for end to Pakistan executions

A special appeal has gone out to President ZIA-ul-Haq, calling on him to release all prisoners of conscience held in Pakistan and to take immediate steps to halt executions, torture and floggings in the country.

In an open letter to President Zia, published on 3 November 1980, *AI* said it was deeply concerned about reports within the last year that prisoners had died in police custody after being tortured. It called on the President to establish judicial inquiries into five such cases cited in its letter and to institute full investigations into the record and conduct of police officials involved in cases where prisoners had died in custody.

The letter also urged the immediate abolition of floggings and amputations. Statistics compiled from the Pakistan press indicate that in the first seven months of 1980 summary military courts ordered the flogging of at least 76 people. The sentences ranged from three to 15 lashes each.

Although amputation of hands can

still be imposed in Pakistan as a punishment for certain crimes, none of the sentences of amputation imposed up to now by either military or Islamic law courts have been carried out.

Pakistan's rate of executions is among the highest in Asia—in February 1979 the then Law Minister, A.K. BROHI, said 800 executions were carried out a year. Those now under sentence of death include a number of civilians convicted by special military courts, against whose verdict there is no appeal.

All executions must be confirmed by President Zia in his capacity as Chief Martial Law Administrator. *AI's* letter urged him to use his powers of clemency to commute all death sentences, including those of prisoners awaiting execution whose petitions for clemency had been rejected.

Although most of the hundreds of prisoners of conscience held after President Zia banned all political parties last year have been released, political arrests have continued and the powers

of the military courts have been further extended. Trade unionists, students, leaders of political parties and lawyers are among those known to have been arrested in 1980.

Under martial law orders introduced this year, the government can hold dissenters without having to inform them of the grounds for their arrest or detention. The High Courts are now barred from hearing appeals by political prisoners detained or convicted by military courts.

AI called on President Zia to restore immediately the constitutional right of the high civilian courts to hear such cases. It also urged the total abolition of the practice of detaining political prisoners without trial and of trying civilians before military courts for engaging in peaceful political activities.

Please write courteously worded letters appealing for the release of all prisoners of conscience and for an end to executions, torture and floggings in Pakistan to: President Zia-ul-Haq, the Presidency, Rawalpindi, Pakistan.

Brazil 'Disappeared' couple - bodies found after seven years

The bodies of two Brazilian students who "disappeared" in 1973 are reported to have been dug up on a small farm in Goias State in July 1980.

The Brazilian Bar Association, *Ordem dos Advogados do Brasil (OAB)*, has set up a special committee to investigate the case and, according to one of the investigators, legal action is to be taken against the man who was Military Police Commissioner in Goias State in 1973.

The OAB's President, Eduardo Seabra FAGUNDES, says that evidence is also to be presented to Brazil's

Council for the Defence of Human Rights (*Conselho de Defesa dos Direitos da Pessoa Humana*).

According to the OAB's information, the two students, Maria Augusta THOMAZ and her husband Marcio Beck MACHADO, were killed on the farm, where they were living, on 17 May 1973, during a combined security forces operation.

The owner of the farm is reported to have buried the bodies, allegedly on the orders of the Military Police Commissioner.

The bodies were discovered after recent inquiries by a journalist. After the lawyers' investigating committee had asked to be allowed to examine the bodies a local judge ordered an official investigation into the case.

Some days later the OAB committee was told that the bodies were missing, having been removed from the farm in plastic bags by three men who had identified themselves as police agents.

- Marcio Machado was an economics

student at Mackenzie University, São Paulo, and his wife studied at the city's Catholic University □

RULING ON DOCTOR

The Regional Medical Council in São Paulo ruled in October 1980 that Dr Harry SHIBATA should be struck off the medical register. The council's unanimous decision followed a disciplinary hearing in which the doctor was accused of falsifying two medical certificates of people tortured in military custody in 1975 (see July 1980 *Newsletter*).

The council decided that Dr Shibata had falsified one of the certificates, in which he stated that a former member of the legislature, Marco TAVARES COELHO, had no marks of torture on his body after prolonged interrogation in 1975.

Dr Shibata has an automatic right of appeal to Brazil's Federal Medical Council against the state body's ruling □

'Secret service' attack rejected

In the only Soviet reaction so far to *AI*'s latest efforts to draw attention to prisoners of conscience in the USSR, the Soviet newspaper *Izvestia* has accused *AI* of being "maintained by imperialist secret services".

The Secretary General, Thomas HAMMARBERG, has rejected the charges, made in a 4,000-word article published on 25 and 26 August 1980, that *AI* staff had extensive links with Western intelligence agencies.

In a news release issued on 12 November, he said: "We are an open, democratically run movement. We are not funded or controlled by any government or secret service. *AI* is entirely supported by its members and donat-

ions from the public. Its accounts are open to public inspection."

AI has sent *Izvestia* a full reply but decided to issue a public denial of the "secret services" charges because they had been carried by the Soviet news agency *Tass* and reprinted in other countries, including Cuba and Ethiopia.

Thomas Hammarberg said *Izvestia* had published no evidence to support its claims. "Our independence and impartiality in campaigning for universal human rights have never been compromised," he said. "*AI* neither supports nor opposes any government or political system. Our members around the world include supporters of

differing political systems, who agree on the defence of all people in all countries against political imprisonment, torture and executions."

He said that some governments had accused *AI* of being run by the Soviet KGB after *AI* had published information about human rights violations in their countries.

"Instead of replying to the information or ending the abuses, they have tried to discredit us," he said.

In April 1980 *AI* published a 217-page report, *Prisoners of Conscience in the USSR; their Treatment and Conditions*, and *AI* members have sent many appeals on behalf of such prisoners to the Soviet authorities □

Uruguay Special office for queries about prisoners

Thousands of *AI* members have received replies to their appeals on behalf of Uruguayan prisoners of conscience from a special government office set up under Uruguay's Defence Ministry to deal with such material.

In March 1978 Uruguay Radio announced the establishment of the Central Office of Information on Persons, *Oficina Central de Información sobre Personas* (OCIP), because of the need to analyse and respond to "all kinds of foreign queries... related to the situation of persons linked to crimes against the security of the state".

It is believed that OCIP was set up partly as a result of continuous campaigning by *AI*, especially *AI*'s 1976 campaign on Uruguay.

All letters asking about prisoners are now processed by OCIP and replies are signed by its head, Colonel Dr Carlos A. MAYNARD.

By 15 November 1980 *AI*'s French section alone had received 897 replies from him about Ismael WEINBERGER Weisz, prisoner of the month in March 1980; 764 replies about Alfonso Avelino FERNANDEZ Cabrelli, prisoner of the month in February 1979; 484 replies about Aida PAGOLA de Castella, prisoner of the month in September 1980; 474 replies about prison conditions and the harassment

of inmates of Libertad Prison.

The replies on each prisoner are standardized and designed to deflect criticism. For instance, those concerning Ismael Weinberger state, in part: "On January 18 1976 he was arrested, tried and sentenced in the first instance to eight years' imprisonment, having been found guilty of the offences contained in Article 60(V) and 60(I) in relation to 60 (XII) of the Penal Code, with Dr Moisés SARGANAS acting in his defence and appealing against the sentence on his behalf. ...

I can inform you that Ismael Weinberger... is in good health, although suffering from some minor complaints which are not serious."

In fact the prisoner was not imprisoned on January 18 but on 25 February 1976. OCIP's letter leaves out the fact that he "disappeared" for 10 months after his arrest and was tortured and kept in solitary confinement before being charged. Nor was he convicted until three and a half years after his arrest.

Ismael Weinberger's only "offence" seems to have been his membership of the Communist Party and his work as a journalist writing about trade union affairs.

Colonel Maynard's reference to the prisoner's lawyer suggests that the prisoner was duly represented during all the proceedings against him. There is no mention of the constant difficulties placed in the way of lawyers who have tried to defend political cases in Uruguay. Such lawyers tend to be harassed by the authorities and some have been forced into exile. The result is that most "defence" counsel are

now military lawyers, appointed by the authorities to lend a facade of legality to judicial proceedings which are in fact controlled by the country's military rulers.

As for Ismael Weinberger's health, *AI*'s information is that he is deaf in one ear, following ill-treatment in prison; he is said to be weak and suffering from vitamin deficiencies because of his inadequate prison diet □

CUBAN PRISONER

Armando F. VALLADARES, of Cuba, prisoner of the month in June 1980, is reported to be in the hospital wing of Combinado del Este Prison, Havana. His conditions is said to be serious. He is virtually paralysed and suffers from asthma and heart trouble. He has been held since 1960, when he was 23 □

Prisoner Releases and Case

The International Secretariat learned in October of the release of 170 prisoners under adoption or investigation; it took up 71 new cases □

DEATH PENALTY

AI has learned of 80 people being sentenced to death in 13 countries in October 1980, and of 53 executions in six countries □

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