



Report on the Philippines President says AI findings will be investigated

President Marcos has given a public undertaking that the findings of the *AI Report on a Mission to the Philippines*, published in September, will be investigated and responded to point by point.

The assurance was made on 26 September in San Francisco, California, towards the end of the Philippine President's 14-day visit to the USA.

The report was published on 22 September to coincide with the launch of a worldwide *AI* campaign against executions, torture and illegal detention in the Philippines (see October *Newsletter*).

The report received widespread notice internationally, particularly in the USA, where President Marcos was repeatedly asked about *AI*'s concerns in the Philippines during his visit.



Cuban poet Armando F. Valladares Pérez, prisoner of the month in June 1980, seen here with his wife, Martha, after their arrival in Paris on 22 October 1982. He had been released earlier in the month after serving more than 21 years of a 30-year prison sentence.

On 24 September 1982 *AI* issued a public statement in response to comments made by President Marcos on its report to the effect that the organization had never visited the Philippines and had never attempted to contact government officials.

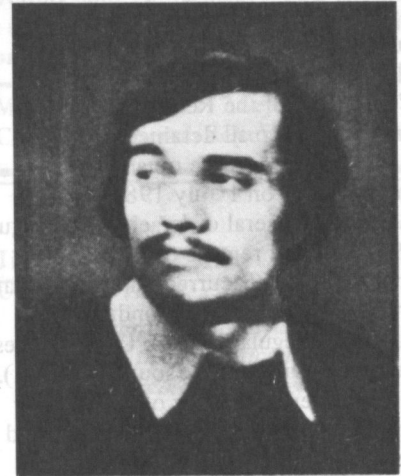
During President Marcos' visit to the USA, an editorial in the daily *San Francisco Chronicle* of 24 September stated: "The voluminous [*AI*] report is supported by affidavits and first-hand testimony of former prisoners and of relatives of persons taken into custody and never seen again. Names, places and dates are reported. More than a bland and general denial is required to refute such accusations."

In his speech in San Francisco on 26 September, President Marcos said: "We can answer, and will answer, the report word by word."

The Mayor of San Francisco later announced that she had received a personal assurance from President Marcos that he would respond to *AI*'s charges point by point.

In the Philippine press, the adverse comments on the *AI* report of President Marcos and the Minister of National Defense, Juan Ponce Enrile, were widely reported. A commentator in the daily newspaper *Bulletin Today* did note, however: "The local press in its guided reportage of the Marcos performance projected the President's dismissal and his countercharge that *AI* serves as a communist tool as having cleverly put an end to all that. But clearly the issue rages on. With or without *AI*, there is enough knowledge at home about political detention." It was also reported in the Philippine press that Juan Ponce Enrile had ordered a "review" of the *AI* report.

On 26 October *AI* wrote to President Marcos welcoming the announced investigation into the *AI* report and asking for further clarification of its terms of reference and methods□



Alexander Podrabinek, aged 29, a founding member of the Moscow Working Commission to Investigate the Use of Psychiatry, is reported to be seriously ill after being prematurely removed from hospital and returned to a corrective labour colony.

The author of *Punitive Medicine*, a detailed account of the political abuse of psychiatry in the USSR, he is serving a three-and-a-half-year prison sentence imposed in January 1981 for circulating "anti-Soviet slander". *AI* has adopted him as a prisoner of conscience.

In April this year a doctor diagnosed him as suffering from active tuberculosis and ordered that he be hospitalized immediately—but the camp authorities refused to do so until he had completed a term of punishment in the camp prison for "violating the camp regime". He was eventually sent to hospital in June. He was reportedly removed from the hospital against the advice of doctors in October.

He is serving his sentence in a colony in the Yakutsk Autonomous Republic, where the climate is particularly severe.

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Israel Fresh call for inquiry into ill-treatment allegations

AI has again called on the Israeli Government to set up a full inquiry into allegations that people detained by Israeli forces in Lebanon after 6 June 1982 were ill-treated, and to allow access by the International Committee of the Red Cross (ICRC) and families to all detainees.

In response to the organization's previous call on 1 July 1982, the Attorney General of Israel on 25 August 1982 rejected reports that such ill-treatment had occurred and stated that the ICRC was indeed "conducting visits on a regular basis to the detainees held in Ansar Camp" (south Lebanon).

However, in a letter of 22 October to the Attorney General, *AI* reiterated its concern that although detainees at Ansar Camp were now being visited by the ICRC, a number of Palestinians detained in Israel proper were still held incommunicado and had not been visited by the ICRC or by their families. *AI* noted also that detainees in Ansar Camp had not received visits from families or lawyers after up to four months in detention.

In his response of 25 August, the

Attorney General stated that "any specific allegation of maltreatment will be carefully looked into and, if necessary, the appropriate action taken". In its letter of 22 October, *AI* asked for details on the number of cases in which administrative or judicial sanctions had been imposed, the nature of the proceedings, the penalties imposed and any compensatory measures taken as regards the victims.

AI also called upon the Government of Israel to conduct an inquiry "to establish whether ill-treatment occurred, separately from the process of establishing individual responsibility through criminal and disciplinary proceedings, and that the methods and findings of such an inquiry should be made public in full."

The organization called on the government to give public and detailed account of all prisoners taken by the Israeli Defence Forces during the events in Lebanon, to allow the ICRC and families access to all prisoners, and to release promptly all remaining detainees or "grant them the right to confront and refute evidence against them" □

China Ex-editor gets 15 years

The former editor of an unofficial Peking magazine, who was active in the Chinese "democracy movement", is reported to have been sentenced recently to 15 years' imprisonment.

Xu Wenli, who edited *April 5 Forum*, was arrested in April 1981. *AI* has received no further information about the charges on which he was reportedly sentenced or about any trial proceedings.

There has been no news either of one of his associates, **Yang Jing**, who was arrested at the same time.

AI has adopted both men as prisoners of conscience, detained for the non-violent expression of their political opinions.

Xu Wenli, the son of a doctor, worked as an electrician in a Peking factory until his arrest. He and a group of friends brought out *April 5 Forum* until 1980 when they ceased publication, after stern warnings by the authorities to those who continued to publish

such magazines despite the official ban imposed on them in 1979.

Afterwards the group published a private newsletter and joined in appeals by similar groups calling for the release of imprisoned dissidents or for greater democracy and freedom.

Two other well-known activists in China's "democracy movement" who were also arrested in April 1981, were sentenced earlier this year to long prison terms for "counter-revolutionary activities"—**Wang Xizhe** to 14 years and **He Qiu** to 10 years (see August *Newsletter*) □

ZAIRE

The Zairian authorities announced on 15 November 1982 that **Kabakisa Matuka**, prisoner of the month in November 1982, and other conscripted students had been released and returned to Kinshasa to resume their studies. No further details were available about their status □

Taiwan Hope for 22 prisoners — after 30 years

The cases of 22 political prisoners who have been detained on charges of sedition for more than 30 years are being reviewed by the Government of the Republic of China (Taiwan) with a view to releasing them on humanitarian grounds.

A government announcement to this effect was made in Taiwan's parliament on 20 October by the Defence Minister, **Soong Chang-chih**.

The 22 prisoners had been specifically excluded from Taiwan's last amnesty, the 1975 Commutation Act, because they were convicted of being communists.

They were sentenced to life imprisonment on charges of planning to overthrow the government. *AI* adopted 16 of them as prisoners of conscience after years of investigation and inquiries to the authorities which produced no evidence that the political activities they had been engaged in involved the use or advocacy of violence. *AI* has little information on the other six prisoners.

In all cases about which information is available to *AI*, the prisoners were tried by summary military tribunals in closed courts without proper rights of defence. These prisoners are now aged between 55 and 65 and most of them are in poor health.

On 11 November 1982 *AI* wrote to the authorities welcoming the announced review of the cases and expressing the hope that it would soon lead to the unconditional release of all prisoners of conscience, and to the release on parole of the others in view of the number of years they had spent in prison.

The 16 people adopted by *AI* as prisoners of conscience are: **Wang Chin-huei**, **Wang Teh-sheng**, **Lin Shu-yang**, **Li Chin-mu**, **Li Kuo-min**, **Chen Shui-chuan**, **Wang Ju-shan**, **Wang Yong-fu**, **Wang Wei-ching**, **Li Chen-shan**, **Chen Lieh-chen**, **Liu Chen-sung**, **Hsieh Chiu-lin**, **Hsu Wen-tzan**, **Chu Huei-huang** and **Hung Shui-liu** □

DEATH PENALTY

AI has learned of 27 people being sentenced to death in six countries and of 45 executions in 10 countries during October 1982.

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.

MAZETTE Jackson, Central African Republic

Headmaster of Bangui's Technical School, he was arrested in January 1982 and is being held without trial at a military camp in Bangui.

Mazette Jackson, a member of the Political Bureau of an opposition political party, the *Mouvement de libération du peuple centrafricain* (MLPC), was arrested with 11 other people at a meeting on 3 January. They were accused of attending an illegal political meeting arranged by the MLPC.

The current military government suspended the activities of all political parties when it came to power in September 1981. The parties themselves were not banned, however, and membership of the MLPC is not therefore illegal. The authorities appear to have considered that attending a meeting broke the ban on political activities.

When the 12 detainees appeared before a judge in February, he ordered the release of seven of them on the grounds that they had no case to answer. The judge was subsequently arrested and detained for four months.

Mazette Jackson, who is married with three children, and the four other prisoners have remained in detention without again appearing in court and have not yet been charged with a specific offence. The others are: **Bavinam Jean**, a driver; **Djiro Jean Edgar**, an educationalist; **Dobanga Jean-Claude**, a librarian, and **Sikossi Antoine**, a civil servant.

Since February they have been held in prison cells at Kassai military camp, Bangui, where conditions are said to be poor. Since March Mazette Jackson has been held incommunicado in cramped conditions and allowed virtually no exercise.

AI believes he and the other four have been imprisoned for exercising their rights to freedom of expression and association.

Please send courteous letters, preferably in French, appealing for their release to: Son Excellence le

Général A. Kolingba/Président de la République/Présidence de la République/Bangui/Central African Republic.

KANG Jong-kon, Republic of Korea

A former law student, aged 31, he has been held in preventive custody without charge or trial since February 1981, after serving a five-year prison sentence imposed in 1976.

Kang Jong-kon, who was born in Japan of Korean parents, was studying law at Korea University, Seoul, when he was arrested in October 1975. Around this time more than 300 students, many of them Koreans normally resident in Japan, were detained and interrogated by members of the country's security services about student activities critical of the government.

Kang Jong-kon was one of 21 people who were later formally charged and tried as a result. In 1976 he was sentenced to five years' imprisonment under the Anti-Communist Law (ACL) and the National Security Law (NSL) after being convicted of passing information on student demonstrations in South Korea to an agent of the People's Democratic Republic of (North) Korea.

His sentence expired on 14 February 1981. Since then he has been held in preventive custody under the Public Security Law. This allows for renewable two-year terms of detention, on an order from the Minister of Justice, for prisoners previously convicted under the ACL and the NSL, where it is considered that they may commit an offence if released.

Kang Jong-kon's preventive custody is due to end in February 1983—but there is no guarantee that another term will not then be imposed on him.

AI believes that his detention has been prolonged because he refused to change his political views.

Please send courteous letters appealing for his release to: His Excellency Mr Bae Myung-in/Minister of Justice/

Ministry of Justice/77 Sejong-no/Chongno-gu/Seoul/Republic of Korea.

Jiri GRUNTORAD, Czechoslovakia

A 30-year-old mason and signatory of the unofficial human rights movement Charter 77, he is serving a four-year prison sentence for "subversion", imposed in July 1981.

Jiri Gruntorad was arrested and remanded in custody in December 1980 on charges of editing and distributing uncensored publications (including one on the trial of two unofficial rock music groups); of listening to foreign broadcasts and of cooperating with an unofficial human rights group, the Committee for the Defence of the Unjustly Persecuted (VONS).

In a closed trial more than six months later, on 10 July 1981, the Prague City Court found him guilty of "subversion" under Article 98 of the Czechoslovak Penal Code and sentenced him to four years' imprisonment in the second (stricter) prison category.

His prison sentence is to be followed by three years' "protective surveillance", during which he will have to report regularly to the police, who will check on all his activities. To AI's knowledge this is the first political trial in Czechoslovakia in which a court has imposed such surveillance.

In another closed session on 15 October 1981, the Supreme Court upheld the sentence on appeal.

Jiri Gruntorad is serving his sentence in Liberec prison, Northern Bohemia.

AI believes he has been imprisoned for the non-violent exercise of his rights to freedom of expression, conscience and association.

Please send courteous letters appealing for his release to: His Excellency JUDr. Gustav Husak/President of the CSSR/11 908 Praha-Hrad/Czechoslovakia.

The 12th Regular Session of the General Assembly of the Organization of American States (OAS) opened in Washington, DC, on 15 November. The role of the OAS in ensuring compliance with human rights agreements in force in the hemisphere has become vital and urgent and AI believes that it is the duty of the General Assembly to speak out strongly and insist on member governments observing fully the rights set out in these agreements.

Human rights abuse a 'normal' function of government for several OAS members

AI has called on the OAS to insist that its members stop flouting international standards which ban torture, government-ordered killing, "disappearance" of political prisoners and other human rights violations.

In an open letter to the Heads of Delegation attending the OAS General Assembly in Washington, AI praised the role of the organization in setting human rights standards—but said that in several member states the abuse of fundamental human rights appeared to have become a "normal" function of government, despite the efforts of the OAS and its specialized bodies to ensure respect for the laws of the Americas.

"The failure of governments to respect the standards of the Organization, its conventions and recommendations, is a challenge to the authority of the Organization of American States which the General Assembly cannot ignore," the letter said.

Requests for cooperation

Despite repeated OAS recommendations and requests for cooperation, it said, some governments had declared that questions of national security should override both their own laws and the standards set by international law.

In some countries the existence of violent opposition was used "to justify counter-action which itself has been far outside the law," AI said.

"Peaceful opposition has, in some countries, been branded the equivalent of 'terrorism' and has then been used as a pretext to introduce policies which have violated the right to life, the right to personal liberty, and the right to humane treatment. Illegal methods to combat political and ideological enemies have come to be regular practices."

AI's letter discusses human rights violations involving torture, "disappearance", extrajudicial execution and the death penalty.



Five members of the Barillas family were among 12 Salvadorian refugees and two Hondurans arrested by Honduran security forces on 22 April 1982. Seen above are José Mauricio Barillas, his wife, Nora, and one of their young children. The couple have "disappeared"; their children—aged five, 10 and 11—have been returned to El Salvador. AI has received numerous reports of Salvadorian refugees in Honduras becoming victims of arbitrary arrest, detention or even extrajudicial execution at the hands of the Honduran security forces.

TORTURE

Torture is still a pervasive feature of criminal justice and law enforcement and of political repression in much of the Americas and several countries which have been called on by the General Assembly to end its use have notably failed to do so.

• For example, in a 1978 report on Uruguay the Inter-American Commission on Human Rights (IACHR) concluded that the right to life and to the "security and integrity of the person" had been gravely violated in that country.

The report recommended that the Uruguayan Government "adopt measures necessary to prevent and curb any abuses committed against detainees,"

and order a thorough and impartial investigation to determine who was responsible for prisoners dying under torture in custody. The government was asked also to inform the IACHR of the results of such investigations.

The General Assembly resolved at its 8th Regular Session in 1978 to call on the Uruguayan Government to follow the report's recommendations. This call was repeated the following year.

However, AI has found that torture continues to be inflicted in Uruguay and during 1982 there were reports of prisoners dying under torture. Nor, to AI's knowledge, have the thorough and impartial investigations called for by the General Assembly been carried out.

• Since 1973 the IACHR has prepared a series of reports on torture and cruel and inhuman treatment in Chile and has recommended definite steps to be taken to end the use of torture there.

Despite the consistent support of the General Assembly, these recommendations have not been effectively carried out—and torture continued to be regularly reported in Chile during 1982, the pattern suggesting that it is used as a matter of policy throughout the security services.

"DISAPPEARANCES"

In recent years the number of prisoners reported to have "disappeared" after being detained has decreased in some of the countries in which previously there had been massive "disappearances". But the abuse has not stopped entirely in these countries and thousands of prisoners who "disappeared" in previous years have still not been accounted for.

The fate of many hundreds of prisoners who "disappeared" in Chile was considered in each of the IACHR's special reports on that country after 1973.

In 1979 the General Assembly urged the Chilean Government to hasten the adoption of measures to provide for the "clarification of the situation of

those detained persons who have disappeared". The government failed to do this and most of these "disappeared" prisoners are unaccounted for.

In its April 1980 *Report on the Situation of Human Rights in Argentina*, the IACHR stated that it believed that "the problem of the disappeared is one of the most serious human rights problems that Argentina faces".

The report concluded that what was of prime importance was finding out what had become of each of the "disappeared": "It is necessary to establish beyond any doubt whether these people are alive or dead; if they are alive, it is necessary to know where, when and under what circumstances they lost their lives and where their remains are buried" (see article on Argentine mass grave elsewhere in this *Newsletter*).

Argentine human rights organizations have documented the cases of at least 6,800 political prisoners who have "disappeared" there since 1976 and are still not accounted for. Nor have "disappearances" in Argentina entirely ended (see below).

Detention procedures

The IACHR's 1981 annual report to the General Assembly expressed concern that detention procedures in some countries were particularly conducive to "disappearances" and that "the structures which have permitted disappearances to occur still persist, as can be shown by detentions carried out by elements of the security forces with the acquiescence or consent of the government followed by a period in which the authorities, especially the police, deny detention, including... [in responses given] to the judges responsible for deciding writs of *habeas corpus*".

Recent cases cited by the IACHR involving such deficient structures included the seizure of Angel Antonio Romano in Argentina on 27 March 1981. He "disappeared" for eight days "during which time the military police and civilian authorities denied his detention". On 3 April "the Chief of Police of the Province of Buenos Aires, in the face of public denunciations, acknowledged the detention".

A second example cited was from Honduras where "disappearances" have been reported regularly since 1981. An increasing number of political prisoners "disappeared" in 1981 and 1982, although some were released after from three to 90 days in secret detention.

EXTRAJUDICIAL EXECUTIONS

Extrajudicial executions were reported in a number of countries in the Americas in 1981 and 1982.

In its October 1981 report on human rights in Guatemala, the commission concluded that "an alarming climate of violence" had prevailed in that country in recent years and that:

"In a large majority of cases, the deaths resulting from this violence were due to illegal executions and to disappearances engineered by the security forces or paramilitary civilian groups acting in close collaboration with the government authorities. . . .

"These illegal executions and disappearances not only violate the right to life, they have created an endemic climate of total alarm, and even terror, which has subverted the rule of law, and in practice, has inhibited the observance of most of the rights set forth in the American Convention on Human Rights."

The commission's main recommendations to the Guatemalan Government were:

"1) That it take the necessary measures to prevent the occurrence of serious violations of the right to life; that it end the participation of and tolerance by governmental authorities and paramilitary groups in the violence and terrorism, and that it investigate and rigorously punish those responsible for such acts.

"2) That it investigate and punish, with the full force of the law, those responsible for the illegal executions, disappearances, arbitrary detentions and torture."

Same pattern

Since that report a new government has taken office in Guatemala. *AI* has found, however, that under this government, too, captives of Guatemalan police, army and new army auxiliary forces known as *grupos de "Defensa Civil"*, civil defence groups, have regularly been the victim of extrajudicial executions.

In spite of the commission's recommendations officials and security officers of the former government have not, to *AI*'s knowledge, been investigated and prosecuted for their part in human rights abuses.

El Salvador, too, has been the subject of a series of IACHR recommendations on illegal and summary executions and "disappearances".

The Salvadorian Government has not heeded these recommendations and extrajudicial executions on a massive scale are still carried out by the army,

various police bodies and the army's civilian auxiliaries.

THE DEATH PENALTY

In recent years the trend towards abolition in the Americas has been reversed in several countries. Some states have sought to reintroduce or extend the use of the death penalty and in others that have retained it executions have continued and threaten to increase.

In Barbados, Martin Marsh was hanged on 28 September 1982—having been sentenced to death at the age of 17 in January 1981. His execution was in contravention of the American Convention on Human Rights which, in Article 4 [5], states that the death penalty shall not be imposed on those who, "at the time the crime was committed, were under 18 years of age. . . ."

In Jamaica, 13 people were hanged between August 1980 and October 1982—after a four-year halt on executions while parliament considered abolishing the death penalty (see November *Newsletter*). Now there are fears for more than 120 other inmates on death row in Jamaica (see November *Newsletter*).

As of 20 August 1982, there were 1,058 prisoners under sentence of death in the USA. Five prisoners have been executed since all executions in the country were halted for nearly a decade starting in 1967.

AI is concerned that the number of executions in the USA may increase dramatically once the appeals on behalf of many prisoners convicted since 1972 have been exhausted.

A senior US Department of Justice official, Benjamin H. Renshaw, wrote in the Department's Bureau of Justice Statistics Bulletin in July 1982 that in view of the steady increase of people on death row "the situation is ripe for the Nation to witness executions at a rate approaching the more than three per week that prevailed during the 1930s".

Some countries in the Americas are extending the application of the death penalty to cover new crimes, particularly those that are political or politically related.

This is in spite of provisions in the American Convention on Human Rights that the death penalty "shall not be extended to crimes to which it does not presently apply" (Article 4[2]) and that it is inapplicable for political and related common crimes (Article 4[4]). For example:

- In Guatemala, the government of

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Pakistan

New regulations extend use of death penalty

New martial law regulations extending the application of the death penalty and providing for it to be imposed retroactively in certain cases to July 1977 have come into force in Pakistan.

Martial Law Regulation No. 53, issued on 27 September, provides for a maximum penalty of death for a wide range of acts aimed at causing damage to public property which the government considers to be acts of sabotage.

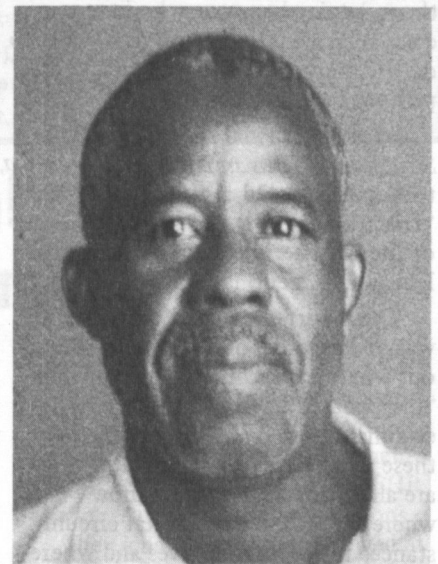
In a cable to President Zia Ul-Haq sent on 4 October, *AI* expressed concern at the new regulation and called on him to reconsider it. *AI* said it was particularly disturbed that it reversed normal court procedures by putting the burden of proof on the accused instead of the prosecution and that it was retroactive to July 1977, the month of the military coup which brought the present government to power.

A further martial law regulation—No. 54—was issued on 23 October and stated that the death penalty could be

imposed, also retroactively to July 1977, on people who harbour and abet "lawless elements".

AI is concerned that the offence of harbouring and abetting is too broadly defined in the regulation. It covers people who fail to pass on information considered relevant by the authorities and those providing any assistance, including shelter, food, drink or any implement, to any terrorist or officially proclaimed offender or anybody who has either committed or intends to commit or is likely to commit an offence liable to cause insecurity or fear among the public or affect public tranquility.

The government has blamed a wave of violence in Pakistan earlier this year on "foreign-trained terrorists". On 12 October the Interior Minister said that 650 "terrorists" had been arrested recently; 95 cases were pending before the military courts and 22 sentences of up to 50 years' imprisonment had been imposed □



Two Malians adopted by *AI* as prisoners of conscience, Dr Mamadou Gologo, former Minister of Information (above), and Idrissa Diakite, a school headmaster, were among 40 prisoners released on 22 September, after an amnesty announced by the head of state, General Moussa Traore, to commemorate the 22nd anniversary of Mali's independence. The two men were arrested and detained in April 1979 for distributing tracts critical of the government and were sentenced to four years' imprisonment in October that year. They were prisoners of the month in February 1982.

Argentina

Call for inquiry after mass grave is found

Following reports in October of the discovery of a mass grave in the Gran Bourg cemetery, 18 miles west of Buenos Aires, *AI* has cabled President Reynaldo Bignone of Argentina calling for a full investigation.

The cable, sent on 26 October, urged the President to instigate an inquiry to determine the identity of those buried in unmarked graves in the cemetery and to ascertain under what circumstances they were buried. *AI* further called on the authorities to make the results of such an investigation known to the relatives.

Argentine human rights groups issued a press statement on 22 October 1982 reporting the discovery of the unmarked graves in which up to 400 bodies may be buried. It is feared that the bodies may be those of people who "disappeared" after the military coup of 24 March 1976 □

Uganda

Govt. criticizes AI

AI has replied to criticisms by the Uganda Government of its recent activities in spotlighting human rights violations in Uganda.

On 1 September 1982 a number of *AI* sections appealed to the Ugandan Government to investigate and act immediately to end the abuses.

In a separate action, a memorandum had been sent confidentially to the Uganda Government in early August. In it, *AI* had summarized its concerns in the country and set out its recommendations, following an *AI* mission to Uganda in January 1982.

A cover letter with the memorandum made it clear that in view of the urgency and gravity of the human rights situation in Uganda, *AI* intended to publicize its concerns in September.

The Uganda Government's written reply to the memorandum was delivered to *AI* on 1 September by the country's High Commissioner in London. On the following day the Ugandan Foreign Ministry issued a communique accusing *AI* and other organizations of conducting a "well-orchestrated campaign" against the government and of issuing

"hostile publicity" on the eve of or during important international meetings.

The communique said also that *AI* had committed a "gross breach of diplomatic understanding and confidence". Copies of the communique were distributed by the Ugandan authorities to diplomatic and consular missions inside and outside Uganda.

During October *AI* replied in writing to the Uganda Government's original written response. It also sent a copy of its reply to the Foreign Ministry in answer to the ministry's communique.

AI's written response—which dealt with the procedural criticisms raised by the government as well as with the organization's substantive human rights concerns—is not yet being made public in order to give the Uganda Government time to respond.

Copies of *AI*'s original memorandum of 30 July 1982 and the Ugandan Foreign Ministry's communique are now available from *AI* sections or the International Secretariat in London, together with copies of *AI*'s cover letter to the Foreign Ministry □

German Democratic Republic Solidarity sympathizer held after bicycle ride

Roland Jahn, a resident of the town of Jena in the southwest of the German Democratic Republic (GDR), was arrested in September for expressing sympathy with the now-banned Polish trade union Solidarity.

On 31 August 1982—the second anniversary of the Gdansk agreement recognizing independent trade unions—he rode through Jena with a Polish flag attached to his bicycle on which were written the words “Solidarity with the Polish people”.

He was arrested on 1 September and is now in pre-trial detention in Gera. He is reported to have gone on hunger-strike in protest against the fact that he has been denied both visitors and access to a lawyer.

Roland Jahn's arrest may also be connected with a number of activities by himself and two friends, Michael Blumhagen and Manfred Hildebrandt, to draw attention to the case of their friend Matthias Domaschk, who died while in the custody of the state security service on 12 April 1981.

At the time his death was reported to be a suicide but a number of his friends expressed doubt that he could have committed suicide in pre-trial

detention, where elaborate precautions are taken to prevent it.

Michael Blumhagen, who is an amateur sculptor, dedicated one of his works to Matthias Domaschk and placed it beside his grave on 9 April 1982, shortly before the first anniversary of his death. A few days later the statue disappeared.

The authorities are reported to have given contradictory accounts of the episode, saying first that it had been “confiscated” but later claiming it had been stolen.

Removal photographed

Manfred Hildebrandt, whose hobby is photography, took a photograph showing four men, alleged to be from the state security service, removing the statue. This photograph was published in the Federal German Republic weekly *Der Spiegel* on 28 June 1982.

On 3 June Michael Blumhagen received a summons to do reserve service in the army. He refused to do so on grounds of conscience and has in consequence been sentenced to six months' imprisonment. Manfred Hildebrandt has also been arrested. *AI* has adopted all three as prisoners of conscience □

OAS General Assembly

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President Ríos Montt, through Decree Law 46-82, has increased the number of offences for which the death penalty may be imposed, established a summary procedure for having the suspects tried by special military courts and announced that anyone sentenced to death for such crimes would have no right of appeal or be eligible for presidential pardon. Four Guatemalans were reported to have been executed under the new decree law on 17 September (see November *Newsletter*). (Since *AI*'s letter was sent, it has learned that executions may be suspended until an appeals procedure is introduced.)

- In Chile, a draft law introducing the death penalty for crimes defined as “terrorism” was announced by the government in February 1982. According to the Ministry of the Interior, the purpose of the Anti-Terrorist Law (*Ley antiterrorista*) was to introduce the death penalty and provide special swift procedures to deal with terrorist

offences.

Chile's 1981 constitution specifies in Article 9 that terrorism “in any of its forms” is to be the subject of an impending law that will define it and prescribe penalties for it, and that those accused of terrorism will not be eligible for amnesty, pardon or provisional release.

- In Peru, Article 235 of the 1980 constitution states that “there is no death penalty, except for treason to the nation in the case of a foreign war”

However, in July 1982 President Francisco Belaúnde Terry sent a draft constitutional amendment to the legislature intended to expand the applicability of the death penalty to include aggravated homicide (*homicidio calificado*).

The amendment was stated to be in response to a dramatic increase in such crimes committed during a wave of violence including “terrorist acts that result in deaths” □

Malaysia Seven hanged in a week for drugs offences

Seven prisoners were hanged in Malaysia during one week in October 1982. All of them had been sentenced to death for drug trafficking offences.

Lim Boey Nooi, aged 51, was hanged on 8 October. She is reported to be the first woman ever hanged in Malaysia.

On 12 October three Singaporean citizens were hanged in Taiping Prison, near Ipoh—the first executions reported to have taken place outside the capital, Kuala Lumpur, since 1960. Two days later three more men were hanged in Taiping Prison.

Some 15 prisoners are now believed to have been executed for drug trafficking offences in Malaysia during 1982. Ruling on the use of the death penalty for drug trafficking offences, the Chief Justice of the Federal Court, Tan Sri Raja Azlan Shah, stated in June 1982: “Other than in the most exceptional circumstances, a sentence of death should be imposed following a conviction for trafficking. . .”

AI cabled the Prime Minister, Dr Mahathir Mohamed, on 15 October, expressing deep concern over the executions.

Others facing death

At least 20 prisoners are reported to be under sentence of death for drug offences at present. Another 50 prisoners whose cases are at various stages of appeal are under sentence of death for firearms offences.

Among the 50 are five people whose appeals procedure has now been exhausted. A stay of execution has been lodged on their behalf while their lawyers appeal to the Federal Court to overturn a ruling of the High Court that the imposition of a mandatory death sentence for prisoners tried under the Internal Security Act, 1960, according to Essential (Security Cases) Regulations, was constitutional □

STOP PRESS: Prison officials in Kuala Lumpur reported on 24 November that another three Malaysians, sentenced to death last year for drug trafficking, had been hanged following the failure of their appeals for clemency □

Prisoner Releases and Cases

The International Secretariat learned in October of the release of 68 prisoners under adoption or investigation; it took up 77 cases.

Poland: More than 5,000 arrested after martial law protests

More than 5,000 people were arrested after demonstrations against martial law in some 66 towns and cities in Poland on and after 31 August—and more than 4,000 of them have been fined, interned, imprisoned or detained for further investigation, according to information released by the Polish authorities.

The authorities have stated that 5,131 people were arrested during the disturbances. Of these, 1051 were released; 2,821 were fined; 520 former internees were interned again, and 263 people were given jail sentences.

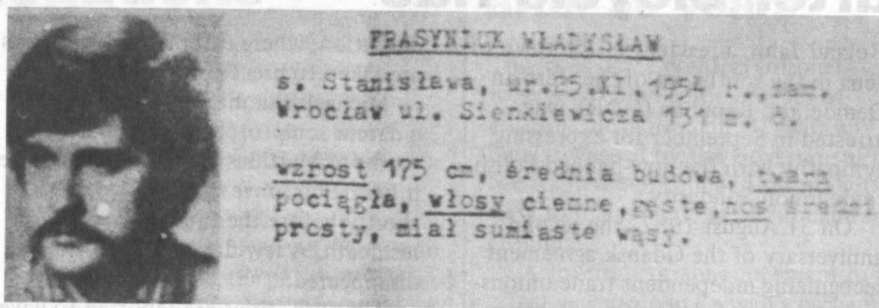
About 475 others appear to have remained in detention for investigation—236 of them on charges of having organized the demonstrations.

Five workers are officially acknowledged to have died in clashes with the police during this period.

- The independent trade union organization Solidarity, which had been suspended since the imposition of martial law on 13 December 1981, was formally banned when the Polish *Sejm* (Parliament) passed a trade union law on 8 October 1982.

The law dissolved all existing trade union organizations, including independent and official trade unions, and laid down the regulations for forming new trade unions.

The new law places restrictions on the right to found unions and on the right to strike. Penalties of up to five



Part of a "wanted" poster put up by the authorities in Wrocław. . . the man they were seeking, Wladyslaw Frasyniuk, aged 28, former Chairman of Solidarity's Regional Executive and one of the main leaders of Solidarity's underground, was sentenced on 24 November 1982 to six years' imprisonment on charges of continuing trade union activity after the imposition of martial law and organizing protest actions. AI has adopted him as a prisoners of conscience.

years' imprisonment are provided for violations of the law.

Official figures on martial law proceedings since 13 December 1981 were given by the Procurator General at a session of the *Sejm* on 26 October 1982.

He announced that summary proceedings had been used against 11,980 people in the 10-month period up to 22 October. Of these, he said, 2,368 were tried for offences of a political

nature defined in martial law decrees. The rest were tried for "serious criminal misdemeanours", including those "striking at citizens' interests". In a further 3,316 cases the procuracy had not used summary proceedings.

Official Polish figures indicate that in early October 1982 just over 1,000 people remained interned without charge, and that 308 of these were released on, or shortly after, 8 October. By mid-November, according to official Polish sources, the number of internees held in some 14 or 15 centres was once again about 1,000.

Three days after the new law was introduced, on 11 October, there were spontaneous protests in Gdansk and workers in the Lenin Shipyard went on strike. The strike was accompanied by clashes between demonstrators and riot police—148 people were officially reported to have been arrested.

On 12 October the authorities announced that the shipyard had been militarized: workers who disobeyed instructions or organized strikes would face court martial and penalties of up to five years' imprisonment. A total of 500 workers were reported to have been dismissed for taking part in strikes.

The next day work resumed in the shipyard but other demonstrations and more arrests took place in Wrocław, Poznan and Krakow, where a young worker, Bogdan Wlosik, was shot dead by riot police when workers from the Nova Huta steel mill marched to a church. This was the 17th officially acknowledged death in clashes between demonstrators and police since the imposition of martial law.

ILL-TREATMENT OF PRISONERS ALLEGED

AI has received a number of reports of the ill-treatment of people arrested, detained in pre-trial detention or following conviction and imprisonment. One account concerns the alleged beating of people detained in Gdansk prison on 23 July 1982.

The incident reportedly took place after rumours in the prison that inmates were about to hold a protest hunger-strike after General Jaruzelski, in his speech of 21 July, had failed to announce an expected amnesty.

At 5.30 am on 23 July guards reportedly entered the cells and led out the prisoners one by one. They were ordered to undress and were then beaten with truncheons; those who resisted were taken to a room, stretched out on a table and further beaten.

About 20 young prisoners were taken to shower rooms where they were forced to take a very hot shower for 40 minutes and then again beaten. Police dogs were reportedly set on certain prisoners.

Afterwards, prisoners were not taken to hospital but put in cells which were for the occasion turned into an infirmary.

Those beaten reportedly included at least 15 political prisoners—Solidarity members arrested for violations of martial law—as well as ordinary criminals.

An account of this incident, dated 2 August and based on the testimony of several prisoners, certified by a prominent Polish lawyer from Gdansk, was presented to Archbishop Glemp on 4 August.

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