

**AMNESTY**  
**INTERNATIONAL**

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report 1986

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**AMNESTY  
INTERNATIONAL  
REPORT  
1986**

**This report covers the period  
January to December 1985**

AMNESTY INTERNATIONAL is a worldwide movement which is independent of any government, political grouping, ideology, economic interest or religious creed. It plays a specific role within the overall spectrum of human rights work. The activities of the organization focus strictly on prisoners:

- It seeks the *release* of men and women detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, provided they have not used or advocated violence. These are termed "*prisoners of conscience*".
- It advocates *fair and early trials for all political prisoners* and works on behalf of such persons detained without charge or without trial.
- It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

AMNESTY INTERNATIONAL acts on the basis of the United Nations Universal Declaration of Human Rights and other international instruments. Through practical work for prisoners within its mandate, Amnesty International participates in the wider promotion and protection of human rights in the civil, political, economic, social and cultural spheres.

AMNESTY INTERNATIONAL has more than 500,000 members, subscribers and supporters in over 150 countries and territories, with over 3,600 local groups in 60 countries in Africa, the Americas, Asia, Europe and the Middle East. Each group works on behalf of at least two prisoners of conscience in countries other than its own. These countries are balanced geographically and politically to ensure impartiality. Information about prisoners and human rights violations emanates from Amnesty International's Research Department in London. No section, group or member is expected to provide information on their own country, and no section, group or member has any responsibility for action taken or statements issued by the international organization concerning their own country.

AMNESTY INTERNATIONAL has formal relations with the United Nations (ECOSOC), Unesco, the Council of Europe, the Organization of American States and the Organization of African Unity.

AMNESTY INTERNATIONAL is financed by subscriptions and donations from its worldwide membership. To safeguard the independence of the organization, all contributions are strictly controlled by guidelines laid down by the International Council and income and expenditure are made public in an annual financial report.

# **AMNESTY INTERNATIONAL REPORT 1986**



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INTERNATIONAL  
REPORT

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Regional maps have been included in this report to indicate the location of countries and territories cited in the text and for that purpose only. It is not possible on the small scale used to show precise political boundaries, nor should the maps be taken as indicating any view on the status of disputed territory. Amnesty International takes no position on territorial questions. Disputed boundaries and cease-fire lines are shown, where possible, by broken lines. Areas whose disputed status is a matter of unresolved concern before the relevant bodies of the United Nations have been indicated by striping.

# Amnesty International Report 1986

## ERRATA

### *The Americas*

Page 135 (Chile), line 31, should read: 22 February

Page 149 (Ecuador), line 12, should read: Pichincha province

Page 178 (Mexico), line 35, should read: San Juan Copala

Page 181 (Nicaragua), line 15, should read: 31 July

Page 181 (Nicaragua), line 34, should read: July

Page 183 (Nicaragua), lines 16/17, should read: the name *Unidad Nicaragüense Opositora* (UNO), United Nicaraguan Opposition, continued to

### *Asia*

Page 226 (Indonesia and East Timor), line 36, should read: Irfan Suryahardy, who was brought to trial in October after having been

### *The Middle East and North Africa*

Page 336 (Israel and the Occupied Territories), line 35, should read: who had reportedly been administratively detained

Page 356 (Saudi Arabia), line 6, should read: monitor with concern over

### *Appendices*

Page 375 Appendix V: In order to make the text of the new Inter-American Convention to Prevent and Punish Torture available as soon as possible, the text reprinted as Appendix V to this Report was that adopted by the OAS General Assembly in December 1985, before it had been stylistically revised for official publication. However, since this text was sent to the printers, the Convention has now been produced, with a number of editorial changes, as No.67 of the OAS *Treaty Series*. The official text is available from the OAS Secretariat, Washington, DC.

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# *Introduction*

The pressure on governments to respect human rights is mounting. Human rights groups are growing in strength and influence worldwide. International human rights law is being strengthened.

A remarkable panorama of worldwide activity has been generated by the rapid growth of the human rights movement. Today the world has over a thousand independent domestic human rights groups and other national, regional and international organizations campaigning for human rights or promoting human rights as part of their programs. Trade unions and other national organizations have made human rights a key issue. Individual journalists, lawyers, politicians, trade unionists and human rights activists have all played their role in bringing human rights into the headlines. This has intensified the pressure on officialdom and shifted the balance in favour of the protection of human rights. One consequence has been the acceleration of activity at the intergovernmental level, resulting in new human rights treaties and mechanisms.

The protection available under international law has increased significantly. When Amnesty International was launched in 1961, apart from the Geneva Conventions that apply in time of war, there was not a single universal treaty obliging states to give fair trials to their citizens or prohibit torture or protect the very right to life. Now more than 80 nations have ratified the International Covenant on Civil and Political Rights. This is legally binding and subject to an international monitoring body. It affirms, among other things, freedom of conscience, expression and association and the right of peaceful assembly.

Twenty-five years ago there was no international convention against torture. Now more than 40 governments have signed a United Nations torture convention which goes far beyond simply expressing revulsion at the practice. It spells out detailed provisions for the prosecution of alleged torturers, investigation of torture complaints and compensation for the victims.

Amnesty International attaches great importance to the development of legal norms such as these by the UN. They are not lifeless documents, as is sometimes claimed, nor are they the pointless products of international bureaucracies. Every piece of human rights legislation has been the subject of intense political debate. Many of the advances have been secured after worldwide campaigns involving tens of thousands of people petitioning and appealing to governments for action to outlaw abuses by the state. The adoption of each international treaty deserves the energy devoted to it, because each becomes an indelible commitment by governments themselves to protect the rights of their citizens and, in many cases, to be subject to international inspection and discussion of their human rights records.

So far approximately 70 countries have reported to and been questioned by the Human Rights Committee established under the International Covenant on Civil and Political Rights. The Working Group on Disappearances set up by the UN Commission on Human Rights in 1980 has taken action and reported on more than 10,000 cases in 38 countries. Similar action at UN level is now getting under way to combat torture.

The process is slow, but it is central to an international strategy for the protection of human rights. Governments have been forced to negotiate with each other to establish common binding standards. It is now up to the governments, and the bodies they have established, to monitor and enforce the standards they have set for themselves. The pressure of public opinion is essential to ensure that they do.

The work of Amnesty International frequently exposes a gulf between these international commitments and reality. This report covers 128 countries from all areas of the world and from all points of the political spectrum. Because there is no entry on a particular country it cannot be assumed that no violations of human rights have taken place there. Among the countries where the information available to Amnesty International was insufficient to allow an entry in this report were Barbados, Belize, Canada, Mali, Oman, Qatar and the Yemen Arab Republic.

This report will undoubtedly irritate some governments. In earlier years, some officials have said that although the facts might be correct, their own country faced unique problems and ought not to be judged by the same standards as the rest of the world.

Other governments have said that their political adversaries — opposition groups or hostile neighbours — should be criticized more; they wanted more “balance”. There have also been governments who obviously felt that Amnesty International’s reporting — irrespective of content — was improper, arguing that all discussion about their human rights performance was interference in their internal affairs

and a violation of national sovereignty. The purpose of this report is not to judge or compare governments. The report is an account of Amnesty International's activities during the year: trying to free prisoners of conscience, seeking fair and prompt trials for political prisoners and opposing torture and execution. The focus is strictly on human rights, regardless of whether countries are rich or poor, at peace or in conflict.

Some governments claim that the protection of civil and political rights in their country would be a luxury; economic and social needs must be given priority, as if the need for such reforms gave the government authority to torture and kill its citizens. There need be no contradiction between the development of economic and social rights and the protection of civil and political rights. All human rights are part of the same whole; they are indivisible.

Another pretext given for violating human rights is the need to protect national security. Although states have the right to defend themselves within the limits of international human rights law, the concept of "national security" has been misused in many countries. Security measures, said to be introduced to protect the rights of citizens, have been applied in a manner that grossly violates these very rights.

Those who want to deny Amnesty International the right to take action in defence of human rights have not understood that human rights are in fact an *international* responsibility, and recognized as such in international law. Every government is publicly accountable in this area to the world community. International treaties and monitoring bodies have been created through the UN, Unesco and the International Labour Organisation with the authority to deal with complaints about human rights violations in individual member countries. Regional bodies have been set up too. Intergovernmental organizations, other governments and non-governmental groups have the right to put questions to governments, to send representatives to observe trials and visit prisoners. Citizens have the right to correspond freely with such bodies, when they believe their human rights have been violated.

This is the basis of Amnesty International's fact-finding, reporting and campaigning. It is significant that often the same governments which have not come to terms with these activities have also delayed ratifying international human rights treaties and have tried to ignore complaints raised within the UN. Some of these governments have systematically sabotaged the international procedures for the protection of freedoms and rights.

Government reactions to Amnesty International vary. Some attempt to dismiss the organization on the grounds already cited. A

few try to give the impression of ignoring the organization's existence. They may refuse to reply to letters or to meet representatives. One has an annual ritual: it returns by mail the copy of the *Amnesty International Report* it has received from the organization — but after making a photocopy. Other governments respond with denunciations: "Amnesty Lies International" and "a tool of propaganda". Some governments, still seeking to keep the organization at arm's length, respond in a bureaucratic and formalistic manner, refusing to address the content of Amnesty International's appeals; one or two have even organized special offices to deal with letters from Amnesty International. But a growing number of governments do respond to information about violations in their own countries by taking steps to improve matters and have made human rights an important element in their foreign policies.

The fact that governments differ in their responses has spurred Amnesty International once more to review how it relates to all governments. A key aspect is independence. Amnesty International is a non-governmental organization and avoids any political, financial or other relationship which might create — or be seen to create — even the slightest dependence. It must maintain this independence even from those governments who nowadays praise the organization and express support for its goals in their own national or foreign policy. Amnesty International must be seen to be independent; to that end the organization has adopted strict internal rules on, for instance, the sources from which it can accept money. It accepts no money from governments for its program budget.

Although Amnesty International works within a politically sensitive area — human rights violations are rightly seen as burning political matters — it does not take any position on differing political ideologies or economic systems. It is not for or against any government, nor does it support or oppose political parties or opposition groups.

This political independence does not mean that Amnesty International does not seek dialogue with governments. Not only are they the ones who have the power to respect or violate human rights, they are party to each dispute about individuals' human rights. As a matter of policy, Amnesty International seeks each government's version of the human rights situation in its country. Such information is then examined and evaluated in the same way as all other information. When possible, the organization also makes public the replies it has received from governments on its reports.

Amnesty International is firm in substance and polite in style. It does not seek polemical confrontations with governments, but is prepared to discuss its concerns with the authorities in all countries. It

bases its approaches on the facts of specific cases and reference to agreed international standards. Its operations are open and it sends no clandestine missions; at the same time it must respect the confidentiality of all those who submit information to it — often at great personal risk.

No bargains are made in the course of meetings with government representatives. Amnesty International has nothing to "give" in return for the release of prisoners of conscience or any other positive step. Those governments who have tried to persuade or induce the organization not to publish its findings have not succeeded; Amnesty International sees itself as accountable publicly and cannot agree to any secret deals. This does not mean that every element in a dialogue is publicized; discussions with governments often take place without publicity. But sooner or later Amnesty International makes a public report of such contacts. If any mistake has been made in a report, Amnesty International is always ready to issue a correction.

Governments are obliged not only to respect human rights standards at home, they also have a duty to monitor the human rights performance of other governments. Enforcement of international treaties is a concern for all contracting parties. Amnesty International therefore encourages governments to intercede with other governments on behalf of victims. To that end the organization is ready to make the facts available to governments willing to intercede but it does not use governments as its "agents". For example, it does not give one government unpublished information about the situation in another country and it recognizes that governments themselves are responsible for any initiatives they may decide to take in pursuing human rights questions with other nations.

To protect the organization's impartiality, and its emphasis on the international protection of human rights, Amnesty International sections do not approach their own governments on human rights violations in their own countries. Exceptions to this rule may be allowed in such areas as promotion of legislation and the protection of refugees; for instance, a section may approach its own government to urge it to introduce a law for the abolition of the death penalty, or to ratify international human rights documents, or to oppose the return of a refugee to a country where he or she faces unjust political imprisonment, torture or execution.

Amnesty International opposes the transfer from one government to another of military and security equipment and expertise used in human rights violations of concern to Amnesty International. Amnesty International sections campaign for legislation in their home countries against such transfers.

Any policy on relations with governments raises questions about

how opposition groups are dealt with. Amnesty International does not favour or oppose any such group. It has taken a position of principle: it condemns the torture and killing of prisoners by anyone including opposition groups. However, it is governments who are responsible for dealing with such abuses. In doing so, governments must respect the human rights standards set down in international law. Some opposition groups have obtained such control over territory and population that, in effect, they exercise governmental functions. Amnesty International may approach such groups in its work for the protection of human rights, but this does not constitute "recognition". In its reporting the organization makes no comparisons between the various practices of opposition groups, governments, or groups exercising governmental functions.

This non-political approach to highly political matters is deliberate. It is based on experience. What matters to Amnesty International is that prisoners get the practical help they need. A factual and independent line is more effective in securing this goal than sensationalism and politicization. There is another dimension as well: the style with which one works for human rights is part of the message of respect for human rights. Governments should be approached correctly, not only because that is more effective, but also because they have the right to be heard. If human rights are to be treated seriously, then accusations must be based on facts. Similarly, those believed to be responsible for abuses must be given the opportunity to present their case before final conclusions are drawn. If the authorities choose not to take that opportunity, if they decline to answer questions or decide to spread disinformation instead, their response will be noted.

The struggle for human rights must extend beyond individual victims and the present patterns of abuse. Each government must be urged to develop a comprehensive program for the promotion of human rights. The country's laws and legal procedures must protect fundamental freedoms. Police, law enforcement officers and military personnel with a law enforcement role must be properly trained so that, for example, detainees are not ill-treated during interrogation. There should be independent and regular inspections of places of detention. Complaints of torture or other abuses should be thoroughly investigated by impartial bodies. Citizens themselves must be made aware of their rights and know how to complain when these are infringed. These goals imply a program of human rights education that begins in school and extends to all members of the community.

Some governments need assistance in shaping and implementing such a program. It is important that the UN and other intergovernmental bodies respond positively to such requests and that richer

countries be prepared to help in funding such efforts. It is sometimes possible, particularly after changes of government, to take major steps in this direction. But the resources and commitment must be there. To date, far too little help has been given to governments ready to strengthen human rights in their countries.

Amnesty International has attempted to take its share of this responsibility. It has formulated a 12-point program for the prevention of torture, urged governments to ratify the international human rights covenants and the Convention against Torture, called on the UN to develop its program of dissemination of human rights information and sent missions to Guinea, Argentina, Sudan and other countries where there have been recent changes of government for discussions about human rights promotion.

Amnesty International's central role, however, remains that of the watchdog. It collects and analyses information about alleged violations and then goes into action to help the victims. That is what this report is about.



## *Amnesty International — a worldwide campaign*

Thousands of people are in prison because of their beliefs. Many are held without charge or trial. Torture and the death penalty are widespread. In many countries, men, women and children have "disappeared" after being taken into official custody. Still others have been put to death without any pretence of legality: selected and killed by governments and their agents.

These abuses — taking place in countries of widely differing ideologies — demand an international response. The protection of human rights is a universal responsibility, transcending the boundaries of nations and ideologies. This is the fundamental belief upon which the work of Amnesty International, an independent worldwide voluntary movement, is based.

Amnesty International has an active worldwide membership with more than 500,000 individual members and subscribers in over 150 countries and territories. The movement is open to anyone who supports its goals.

The work is impartial. Amnesty International is concerned solely with the protection of human rights involved in each case, regardless of either the ideology of the government or the beliefs of the victims.

The Amnesty International movement is run democratically. It is funded by donations from its members and supporters around the world. The movement's highest governing body is an International Council of elected delegates from its sections in the various countries. The Statute of Amnesty International — which defines the organization's work and structure — can be altered only by a two-thirds majority at the International Council. The first article of the Statute sets out the objectives of Amnesty International: the release of all prisoners of conscience, fair and prompt trials for all political prisoners, and an end to torture and executions.

There are now over 3,600 local Amnesty International groups in 60 countries. Once research carried out at the International Secretariat (the organization's headquarters) determines that a prisoner is a

prisoner of conscience, she or he is "adopted" by one or more groups of members. They then send the authorities of the country concerned letters and telegrams asking for the prisoner's immediate release. They also organize as much public support as possible. If there is insufficient evidence to show whether a prisoner is a prisoner of conscience, the case may be given to a group to investigate, and the group will ask the authorities for more information.

When information received at the International Secretariat shows that urgent action is needed — for example when torture is feared or a prisoner is about to be executed — there are special networks ready to act promptly by sending telexes and telegrams. In 1985 this type of urgent response was launched on 368 separate occasions.

Some violations of human rights of concern to Amnesty International are better dealt with by other techniques. Often, when urgency is not the most important factor, a situation will demand letters which are more complex or ask more questions than is possible in telexes or telegrams. These letters are sent, and other appropriate membership activity is organized, by groups which have joined one of several special networks concentrating on human rights violations in various regions of the world. In 1985 approximately one third of Amnesty International groups participated in such regional networks.

Campaigning is another way of drawing attention to patterns of human rights violations and putting pressure on governments to stop these abuses. A campaign focuses attention on one country or a theme for a number of months and many local groups participate in each campaign by seeking publicity and approaching the public, other organizations and their own governments urging them to bring pressure to bear on the governments responsible for the human rights violations. As well as the renewed Campaign for the Abolition of Torture, which was launched in April 1984 and continued intensively through 1985, country campaigns were organized in 1985 on East Timor, Haiti, Pakistan, Peru and Yugoslavia.

An established annual event is Prisoners of Conscience Week which had Young People in Prison as its theme in 1985. Amnesty International knows of hundreds of cases where young people under the age of 18, even children, have "disappeared", or been detained without trial, tortured or sentenced to death. Amnesty International also uses the occasion of other annual events, the most notable being International Labour Day (1 May) and Human Rights Day (10 December) to highlight its concerns.

Amnesty International's members come from widely varying backgrounds, but they are all united in their support of the movement's aims. Groups may not work for prisoners held in their own country. This is one of several safeguards to ensure Amnesty

International's independence and impartiality.

Sections, which now exist in 44 countries, coordinate group activities, organize publicity and mobilize the public to fight human rights violations. Section delegates form the International Council — the governing body of the movement — and the Council in turn elects a nine-member International Executive Committee to carry out its decisions and supervise the International Secretariat.

Based in London, the International Secretariat collects and acts on information about Amnesty International's concerns, keeping members, groups and sections, and the international news media informed about cases and campaigns. The Research Department collects and analyses information from a wide variety of sources. These include hundreds of newspapers and journals, government bulletins, transcripts of radio broadcasts and reports from lawyers and humanitarian organizations. Information also comes in from prisoners and their families, refugee centres, religious bodies, journalists and other people with first-hand experience.

News releases, publicity material and reports are produced and the *Amnesty International Newsletter* provides news, including the details of three prisoners of conscience, in each monthly issue. Missions are also organized to send Amnesty International representatives to various countries where they may have talks with government officials, collect information about human rights violations or legal procedures, or observe political trials. Reports on their findings are later made to Amnesty International's International Executive Committee.

Amnesty International is unconditionally opposed to the death penalty and works for its total abolition. It regularly monitors death sentences and executions around the world and appeals for clemency whenever it learns of a case in which imminent execution is feared.

During 1985, 1,125 prisoners are known to have been executed in 44 countries, and 1,489 sentenced to death in 61 countries. These figures include only cases known to Amnesty International: the true figures are certainly higher. By the end of 1985, 28 countries had abolished the death penalty for all offences, and 18 for all but exceptional offences, such as war crimes. A number of other countries have not abolished the death penalty but do not carry out executions in practice. On 15 May the death penalty was abolished entirely in Australia under the Crimes (Death Penalty Abolition) Amendment Act of 1985, when the New South Wales Parliament abolished it for piracy, treason and arson at military and naval establishments — the only remaining capital offences.

## *Refugees*

While Amnesty International's statute relates to prisoners, the organization opposes the forcible return of any person to a country where he or she might reasonably expect to be imprisoned as a prisoner of conscience, tortured or killed. Information on the risks faced by refugees is submitted by Amnesty International to refugee organizations and to governments considering applications for political asylum. It also informs the United Nations High Commissioner for Refugees about refugees who face human rights violations. In addition, Amnesty International sometimes calls on governments to admit prisoners of conscience whose only alternative to continued imprisonment is exile.

## *Relief*

During 1985 the International Secretariat of Amnesty International distributed £431,880 in relief payments to help prisoners of conscience and their families and to assist the rehabilitation of torture victims. Sections and Amnesty International groups probably sent as much help again to many thousands of prisoners and their families. The relief program is not a substitute for the primary objective of securing freedom for prisoners of conscience and an end to the use of torture, but aims to alleviate suffering. When relief payments are distributed by bodies outside Amnesty International or through individual intermediaries, the organization takes care to stipulate the precise prisoner-related purpose for which the payments are intended, and whenever possible obtain receipts from the beneficiaries. The relief program of the International Secretariat is supervised by a sub-committee of the International Executive Committee which also advises sections on relief activities. Amnesty International's relief accounts, like its general accounts, are audited annually and are available from the International Secretariat.

## *Work with international organizations*

Amnesty International and other non-governmental organizations have been calling on the United Nations (UN) to investigate and report on complaints of torture for many years. The UN's program of standard-setting culminated in the adoption in 1984 of the Convention against Torture (see *Amnesty International Report 1985*) but no fact-finding mechanism was created until March 1985 when the UN Commission on Human Rights decided to appoint a Special Rapporteur "to examine questions relevant to torture", and to "respond effectively to credible and reliable information". In practice, this means that the Special Rapporteur has not only a fact-finding function but also the power to intercede urgently in cases where people risk being tortured. Amnesty International submitted to the Special Rapporteur information on torture or fear of torture in the following 33 countries in 1985: Afghanistan, Bangladesh, Burkina Faso, Canada, Chile, Comoros, Congo, Ecuador, Egypt, El Salvador, Haiti, Honduras, Indonesia (including East Timor), Iran, Iraq, Kuwait, Libya, Mozambique, Namibia, Pakistan, Paraguay, Peru, Philippines, Poland, South Africa, Spain, Sri Lanka, Syria, Turkey, Uganda, USSR, UK (Northern Ireland) and Zaire.

During 1985 Amnesty International also continued to submit information under other UN mechanisms, as well as to other international organizations.

For example, Amnesty International submitted information on "disappearances" in 19 countries to the UN Working Group on Enforced or Involuntary Disappearances: Central African Republic, Chad, Chile, Colombia, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Indonesia (and East Timor), Morocco, Namibia, Nepal, Paraguay, Peru, Philippines, Seychelles, Sri Lanka and Uganda.

Amnesty International also submitted information to the UN Special Rapporteur on summary or arbitrary executions. During 1985 it brought to the attention of the Special Rapporteur information on reported extrajudicial killings and deaths in detention in 17 countries:

Chile, Colombia, El Salvador, Guatemala, Haiti, Indonesia (and East Timor), Iran, Iraq, Libya, Panama, Paraguay, Peru, Philippines, Seychelles, South Africa, Sri Lanka and Uganda. The organization also sent him information on death sentences or executions imposed contrary to minimum internationally recognized standards for a fair trial (for example, without right of appeal) in 16 countries: Afghanistan, Angola, Bangladesh, Ghana, Guinea, Indonesia, Liberia, Libya, Nigeria, Pakistan, Somalia, Sudan, USA, USSR, Viet Nam and Yemen (People's Democratic Republic). In some cases, it called on the Special Rapporteur to intercede urgently to prevent threatened executions.

Using the procedure under Economic and Social Council (ECOSOC) Resolution 728F, Amnesty International submitted information on the human rights situation in the following 12 countries: Albania, Brunei, Haiti, Indonesia (East Timor), Pakistan, Paraguay, Philippines, Sri Lanka, Turkey, Uganda, Yemen (People's Democratic Republic) and Zaire. Resolution 728F authorizes the UN to receive communications about human rights and to bring them to the attention of the government concerned. Under ECOSOC Resolution 1503 the UN determines in confidential proceedings whether there is evidence of a "consistent pattern of gross violations of human rights" in a country.

At the UN Commission on Human Rights Amnesty International, in addition to advocating the creation of a fact-finding mechanism on torture, made statements on conscientious objection to military service; "disappearances"; arbitrary and summary executions; human rights in Chile; and the development of public information activities in the field of human rights. It submitted written statements on human rights in El Salvador, Indonesia (East Timor) and Iran.

At the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, Amnesty International made statements on human rights in South Africa; ratification of international human rights instruments; administrative detention; violations of the human rights of members of ethnic minorities in Bulgaria; and the importance of effective protection for those who defend human rights. In addition, Amnesty International made a statement about its concerns in South Africa to the Ad Hoc Working Group of Experts on southern Africa, and delivered a statement on the occasion of the annual UN Day of Solidarity with South African Political Prisoners. It also made a statement about its concerns in Indonesia (East Timor) to the UN Special Committee on Decolonization.

The Seventh UN Congress on the Prevention of Crime and the Treatment of Offenders was held in Milan, Italy, in August. Amnesty International made detailed recommendations on the prevention of

torture, "disappearances" and extrajudicial executions and organized an "ancillary meeting" on executions, "legal" or otherwise.

Amnesty International continued to urge governments to accede to international human rights treaties. In 1985 San Marino acceded to the International Covenant on Civil and Political Rights, San Marino and Spain acceded to the Optional Protocol to that Covenant, recognizing the right of individual petition to the Human Rights Committee, and Greece and San Marino acceded to the International Covenant on Economic, Social and Cultural Rights.

Amnesty International followed the work of the Human Rights Committee, the body established by the International Covenant on Civil and Political Rights to monitor implementation of the Covenant's provisions. Its tasks include: examining reports by states that are parties to the Covenant about their compliance with it; considering complaints from individuals under the Optional Protocol; and issuing "general comments" on provisions of the Covenant.

During 1985, 41 countries signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which was opened for signature on 4 February 1985. None had ratified it by the end of the year.

Amnesty International continued to submit information to Unesco's Committee on Conventions and Recommendations, much of it on cases submitted in previous years from Afghanistan, El Salvador, Haiti, Laos, Nigeria and Viet Nam. In March Amnesty International attended a Unesco-convened Conference on Adult Education and stressed the need for human rights education. Before the 23rd Unesco General Conference, Amnesty International sections approached their governments to seek support for a number of measures, including more financial support, to strengthen Unesco's work on human rights education. Amnesty International sections also urged support for the Unesco procedure for dealing with complaints of human rights violations which was under review, and the conference endorsed it. Amnesty International continued to participate in a joint non-governmental organization/Unesco working group on human rights education.

In April 1985 Amnesty International was admitted to the Special List of Non-Governmental Organizations of the International Labour Organisation (ILO) which is the ILO's equivalent of consultative status for non-governmental organizations which are not workers' or employers' bodies. During the year Amnesty International continued to give information on violations of the right to freedom of association to organizations working within the ILO. It attended the annual International Labour Conference in Geneva as an observer.

Amnesty International submitted information on human rights

violations in nine countries to the Inter-American Commission on Human Rights of the Organization of American States (OAS): Chile, Colombia, El Salvador, Guatemala, Haiti, Paraguay, Peru, Suriname and the United States of America. Colombia and Uruguay, both already parties to the American Convention on Human Rights, accepted in 1985 the compulsory jurisdiction of the Inter-American Court of Human Rights established under the Convention. As in previous years, Amnesty International was invited as a "special guest" to the General Assembly of the OAS. Before the 15th session Amnesty International wrote to foreign ministers of OAS member states stressing that it was important for the Assembly to find ways of influencing those governments responsible for torture, "disappearances" and extrajudicial executions. The letter also commented on the draft regional convention against torture, which the Assembly formally adopted as the Convention to Prevent and Punish Torture (for text, see Appendix V).

The African Charter on Human and Peoples' Rights, adopted unanimously by the Organization of African Unity (OAU) in 1981, will come into force when a majority of the 50 OAU member states have ratified it. In November Amnesty International decided to begin working for further ratification of the Charter. No ratifications were deposited during 1985, leaving at 15 the total number of ratifications deposited at the end of the year.

On 1 March 1985 Protocol No.6 to the European Convention on Human Rights abolishing the death penalty for peacetime offences came into force. It had been ratified by Austria, Denmark, Luxembourg, Spain and Sweden. The protocol is the world's first binding international instrument prohibiting the death penalty in time of peace. Amnesty International continued to work for further ratifications among the 21 member states of the Council of Europe. In November Greece accepted the right of individual petition under the European Convention. During 1985 Amnesty International participated in Council of Europe meetings on human rights education, on medical ethics and human rights and on the European Convention on Human Rights. As an observer on the Council of Europe's Steering Committee for Human Rights, Amnesty International continued to monitor the drafting of a European convention against torture and a recommendation on conscientious objection to military service.

During 1985 Amnesty International established closer working contacts with institutions of the European Community through a new presence in Brussels. It submitted information to the European Commission, to the Sub-Committee on Human Rights of the European Parliament, to interparliamentary delegations of the

European Parliament before meetings with delegations from other countries and to delegates at the Seventh European Community/Latin American Interparliamentary Conference (Brasilia, June 1985). In November 1985 Amnesty International submitted a written statement on violations of human rights in Iran to a special public hearing organized by the Political Affairs Committee of the European Parliament. In a wide-ranging resolution on "human rights in the world" adopted on 22 October 1985 the European Parliament associated itself with Amnesty International's Campaign Against Torture and its 12-Point Program for the Prevention of Torture. The resolution urged the 10 European Community member governments not to return refugees to countries where they might be subjected to torture or ill-treatment; to refuse to grant export licences for equipment which could be used for such purposes; not to provide "safe havens" for torturers and to seek to bring to justice those responsible for torture in third countries.

The Inter-Parliamentary Union, a non-governmental organization composed of members of parliament from 104 nations, maintains a special committee which investigates reported violations of the human rights of parliamentarians and seeks redress. During 1985 Amnesty International sent the special committee information on present or former members of parliament from 12 countries: Bangladesh, Equatorial Guinea, Gabon, Nigeria, Singapore, Somalia, Swaziland, Turkey, Uganda, Viet Nam, Zaire and Zimbabwe.



# Africa



## Angola

Amnesty International was concerned about the detention without trial of many alleged government opponents, including alleged supporters of armed opposition groups, some of whom had been held for several years. At least 100 people were tried by military tribunals and the organization was concerned about the apparent unfairness of their trials and about the 20 or more death sentences imposed. At least 14 people were executed in 1985, and the death penalty remained a major Amnesty International concern.

Amnesty International also received reports of abuses committed by the *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola, which continued fighting the government throughout 1985. It was particularly active in the centre and south of the country where it apparently controlled some territory. During 1985 UNITA released about 30 foreign workers whom it had taken captive but Amnesty International had no information about other prisoners held by UNITA. There were also unconfirmed reports of summary executions by UNITA.

Amnesty International was unable to estimate how many political detainees were held by the government but they numbered at least several hundred. The main holding centres were in the capital, Luanda, and at Bentiaba detention camp in Namibe province, but some political detainees were also held in other prisons in certain provincial capitals. Sometimes prisoners' families did not know their whereabouts after prisoners were moved from one prison to another. Suspected government opponents were arrested in 1985 but Amnesty

International was unable to ascertain most of their identities or to distinguish which of them, if any, were prisoners of conscience. Many detainees arrested in previous years also continued to be held without charge or trial. They included some who had already been held for over 10 years. For example, Lizamoa Mongambenge, who had been serving with a unit of the Zairian armed forces operating in Angola when he was captured near Luanda in September 1975, had been detained without charge since then. In October 1985 Amnesty International drew attention to his case in a letter to President José Eduardo dos Santos, appealing for an end to his indefinite detention without trial, but, by the end of the year, had received no response.

According to Angolan law, suspects may be held without charge for a maximum of seven months. In practice, however, it appeared that many political detainees were held without trial for longer periods under administrative detention orders. Many of these untried detainees were arrested on suspicion of supporting UNITA; relatively few were brought to trial. There were few safeguards against the arrest and detention of political suspects by the security services on little or no evidence.

Amnesty International was also concerned about the detention without trial since 1979 of Kiassonga Manuel Peterson, former head of the security services of the *Frente Nacional da Libertação de Angola* (FNLA), National Front for the Liberation of Angola. He was arrested shortly after he returned voluntarily to Angola from Zaire to take advantage of a policy of clemency announced in 1978. Other former FNLA members and some from UNITA are reported to have returned to Angola or surrendered to the authorities without subsequently being imprisoned. Amnesty International's inquiries to the Angolan authorities about the legal status of Kiassonga Manuel Peterson received no reply by the end of 1985. However, the authorities did inform Amnesty International of the release in September of one long-term detainee, Lukas Tshisumba. He had been arrested in 1979, when he was about 16 years old, on account of his alleged links with UNITA. Amnesty International also learned of the release during 1985 of other political prisoners who had been detained without charge for longer than the maximum period of seven months. Among them were four of the eight Zairian refugees arrested in March 1983 in Luena, the capital of Moxico province (see *Amnesty International Report 1985*).

Although many people were detained without trial for political reasons, some were brought to trial in 1985. Most appeared before military tribunals but some were tried by the People's Revolutionary Tribunal, a civilian court. Amnesty International received information about some 50 people who were tried by military courts for

offences allegedly committed on behalf of UNITA. Of these, 17 were reportedly sentenced to death, mostly for espionage, treason or complicity in armed rebellion. Most trials of this nature were reported in the local press but it is possible that the true number of those prosecuted, sentenced to death and executed was greater than that known to Amnesty International.

Amnesty International believed that the trials before military tribunals may have failed to meet internationally recognized standards of fairness, independence and impartiality. For instance, the independence of military courts appeared to be limited since the judges, who are officers in the army which is engaged in fighting UNITA, could be dismissed by the Minister of Defence and defence lawyers were allegedly not given adequate opportunity to present a full defence for their clients. Some defendants who were sentenced to death by military courts in 1985 had been paraded in public after their arrests in 1983 and 1984 when they made self-incriminating statements. Amnesty International was concerned that statements made by prisoners in the presence of journalists or other members of the public may have been made under duress. It is not known whether those sentenced to death by military courts were able to lodge appeals with the military appeals court, the Armed Forces Military Tribunal. In view of the absence of information about appeals hearings, Amnesty International was concerned that the right of appeal guaranteed by Angolan law may not have been respected. Whenever a death sentence was announced Amnesty International appealed to the authorities to ensure that the defendant was given a full opportunity to appeal and also urged the commutation of the sentence. In March the organization submitted its concerns about the death penalty to the authorities and requested information clarifying the appeals procedure but there was no response by the end of 1985.

On 12 April five people who had been sentenced to death and two others who had received sentences of imprisonment were paraded before a crowd of people at the Electro Sports Stadium in the city of Huambo. They had been convicted three days previously of various acts of terrorism and two of them were accused of participating in a bomb attack in Huambo city in April 1984 in which between 30 and 100 people were reported to have been killed. The crowd called for the death of all seven convicted prisoners. None of the seven were known to have been executed by the end of 1985.

In April and August 1985 a total of 14 people who had been sentenced to death in three separate trials between August and December 1984 were reported to have been executed. Seven of them had been paraded before a crowd of hundreds of people at a factory in Lubango, Huila province, before they were led to the firing-squad.

On 16 September the People's Revolutionary Tribunal sentenced three people to death. Amílcar Fernandes Freire, a 65-year-old Portuguese businessman, Francisco Alberto Albarrau, a despatch clerk, and Agatão Dangala Kamati, a soldier in the Angolan army, were found guilty of passing economic, political and military information to the South African secret services. The Appeals Court confirmed these death sentences on 11 October. However, they were not known to have been executed by the end of the year.

In early 1985 Angolan government sources reported that UNITA had executed a number of its own supporters in southern Angola. They apparently included members of minority ethnic groups within UNITA some of whom were non-combatants. The same sources alleged also that a number of UNITA officers were executed after they had been suspected of dissidence. Amnesty International was unable to obtain independent confirmation of these reports.

During the year some 30 foreign workers who had been captured by UNITA in 1984 and 1985 were released. However, Amnesty International was concerned that one other foreigner, a national of São Tomé and Príncipe captured in 1979, was still being held at a UNITA camp where he was working as a doctor. According to UNITA sources he remained there voluntarily, but his family believed that he was being held against his will.



## Benin

Amnesty International worked for the release of several prisoners of conscience and investigated the cases of more than 50 other people detained without trial for political reasons. Amnesty International was concerned also by reports that some of those detained were tortured or ill-treated.

Three former long-term political detainees who had been freed in an amnesty in August 1984 but shortly afterwards rearrested were held throughout the year. Dr Afolabi Biaou and Didier d'Almeida had both been arrested in November 1984 after an informal group of former detainees wrote to the authorities asking to be allowed to return to their jobs and studies and protesting over the rearrest of two other former detainees — Hébert Offiki, who was detained in September 1984, and Emmanuel Alamou, detained in October 1984.

Dr Biaou, Didier d'Almeida and Emmanuel Alamou continued to be held without charge or trial throughout 1985 without any official explanation for their arrest. They had earlier been among some 35 long-term prisoners of conscience adopted by Amnesty International, most of whom had been held without trial from 1979 to 1984 in connection with student protests against government policies. All three were again adopted as prisoners of conscience.

Following his rearrest in September 1984, Hébert Offiki was released uncharged in mid-March 1985. However, he was again rearrested on 9 May when the government accused the political detainees released in 1984 of orchestrating renewed student protest and unrest. He too was still detained without charge or trial at the end of 1985 and had been adopted as a prisoner of conscience. According to Amnesty International's information, he had not been present on the university campus at the time of the unrest there.

Renewed student protest broke out in March and continued for several months apparently because of dissatisfaction with the body established to represent students' views, the *Bureau exécutif de la coopérative universitaire*, Executive Bureau of the University Cooperative, which was said by students to be government controlled. Following a demonstration by students, the university authorities in Cotonou acceded to demands for a new, elected student organization. A congress to elect student representatives was held at which calls were made for greater freedom of expression, for a fund to assist political detainees and for the university authorities to oppose police and security force incursions onto the university campus. President Mathieu Kérékou then ordered the dissolution of the new student organization and placed the university under the control of the Ministry of the Interior and the security forces, provoking a strike by the students which spread to schools. There were clashes between student demonstrators and the security forces which resulted in at least one death, that of Parfait Atchaka, a school student.

On 7 May, the government publicly accused the former student leaders released from detention in August 1984 of manipulating the students to provoke unrest. Subsequently, orders were issued for the arrest of five members of the new student organization, but they avoided arrest. The government closed the university and all schools and President Kérékou was widely reported to have told the security forces to shoot demonstrators on sight.

Schools and the university reopened on 10 June on government instructions. Eighteen students, including the five whose arrest had been ordered, were barred from the university, however, because of their alleged subversive activities. One of the 18, Epiphane Yéломé, was detained, as was another student, Mampo Kassa, although no

charges were brought against them. They were still held without trial at the end of 1985. In all about 100 people were arrested in 1985 in connection with the student unrest and still detained at the end of the year. Some were held initially at Camp Guezo, a military camp in Cotonou, where they were kept in cramped conditions and reportedly subjected to torture and other forms of ill-treatment. Detainees were said to be subjected to the *rodéo* — that is, beaten with sticks while being made to run with heavy loads — and forced to crawl or walk barefoot over sharp stones and afterwards denied medical treatment for the injuries sustained. Léonard Kédoté, for example, a student arrested on 18 July, was said to have been taken to Camp Guezo and subjected to the *rodéo*. He sustained cuts and other injuries as a result but was reportedly denied medical treatment both at Camp Guezo and at Camp Alejo where he was later moved. He was still held without charge or trial at the end of 1985. Amnesty International took up his case for investigation as a possible prisoner of conscience.

Basilien Biaou, another student, was widely rumoured in July to have died in custody as a result of torture. Subsequently, it emerged that he was still alive but information received by Amnesty International suggested that he had become seriously ill as a result of torture. He was believed to be held at the "*Maison blanche*" (White House), a section of the *commissariat central de Cotonou*, the capital's main police station. He too was still detained without trial at the end of 1985 and his case had been taken up for investigation as a possible prisoner of conscience.

Further politically motivated arrests occurred in late October and November when a number of people were detained apparently because they were suspected of links with the banned *Parti Communiste du Dahomey*, Communist Party of Dahomey (as Benin was formerly named). Those arrested included two members of the university's teaching staff, Chabi Sika Karumou and Jérôme Houessou, both of whose cases were taken up for investigation by Amnesty International. Jérôme Houessou's case had previously been taken up by the organization when he was detained without trial from March 1981 until August 1984. Following his rearrest, Jérôme Houessou was believed to be held at Parakou military barracks, where conditions have previously been reported as harsh.



## Burkina Faso

Amnesty International was concerned about the imprisonment of prisoners of conscience and the detention without trial of other alleged political opponents of the government, several of whom were reported to have been severely tortured. One detainee was believed to have died as a result of

torture; the government denied this but failed to account adequately for his death in custody.

There was a major confrontation between the country's trade union leaders and the government of Captain Thomas Sankara, which came to power in August 1983 after a *coup*. In late January, leaders of the main trade unions jointly signed an open letter which criticized some government policies, claimed that democratic and trade union rights were under threat and called on workers to unite in defence of their rights. The government reacted by suspending from office and detaining Ousmane Koanda and Hubert Yaméogo, leading officials respectively of construction industry and health service unions, and suspending at least eight other union leaders, some of whom may also have been detained. In late February, four other union leaders were arrested: Joseph Yaméogo and Salif Kaboré, leading members of the national trade union confederation, Toilé Sagnon, a miners' union leader, and Tiladi Yonli.

Amnesty International considered all the detained trade union leaders to be prisoners of conscience and made international appeals for their release in March and April. No charges were brought against any of them and they were all eventually released on 4 August, the second anniversary of the coup which brought President Sankara to power. Four other trade unionists held since March 1984 were also freed. Jean Pagnimba Bila, Ousmane Ismaël Kindo and Joachim Bahiéba Sib had been detained for alleged "subversive political activities" after their trade union, the *Syndicat national des enseignants africains de Haute-Volta* (SNEAHV), National Union of African Teachers of Upper Volta, which was formed before the country was renamed Burkina Faso, called a strike in March 1984. However, no charges were ever brought against them or a fourth SNEAHV official, Kone Batiémoko, who had also been detained and held without trial for more than one year. Two of the SNEAHV leaders were reportedly released in June and the others on 4 August.

The authorities also freed Joseph Ouedraogo, former President of

the National Assembly who had been held without trial since October 1983, and Jean-Baptiste Kafando. Arba Diallo, a leading member of the *Ligue patriotique pour le développement* (LIPAD), Patriotic League for Development and a former government minister, was released in late February. He had been arrested with other LIPAD members in October 1984. However, at least two other LIPAD leaders, Adama Touré and Soumane Touré, were detained throughout 1985. The latter was accused of financial misdemeanours but no specific charges had been brought or judicial process commenced by the end of 1985. It appeared that the charges against him might be politically motivated although ostensibly of a criminal nature. Henri Guissou and Ali Lankoandé, two members of another opposition group, the *Front progressiste voltaïque* (FPV), Progressive Front of Volta, were also believed still to be detained without trial at the end of 1985. They had been arrested in November 1983 and held under house arrest.

Jean-Baptiste Ouedraogo, the former head of state, remained in custody without trial throughout the year. In August, however, he was moved from detention at Pô military camp to house arrest. General Marc Tiémoko Garango, who had been detained without trial since November 1983, was also reportedly transferred to house arrest in August although some sources suggested that he had been freed by the end of 1985.

In May, there were bomb explosions at military depots in Bobo Dioulasso and Ouagadougou, the second of which caused several deaths. Many people were reportedly arrested in connection with these explosions, particularly in the Bobo Dioulasso, Dagari and Samo regions. In July, Amnesty International received reports that some of those detained had been tortured with electric shocks, burns and sexual abuse while held at the headquarters of the *Sûreté du territoire*, security police, in Ouagadougou. Adjutant Hamidou Zeba, a former paratrooper, was reported to have died as a result of torture and several other detainees, including Koutou Djéba, a former teacher, and Théophile Some, a postal worker, were reported to have become seriously ill. In July Amnesty International submitted information about these cases to the UN Special Rapporteur on torture.

Amnesty International expressed its concern to the government about these reports and called for an urgent inquiry into the death of Adjutant Zeba and the treatment of other detainees. The authorities denied that any detainees had been tortured and said that Adjutant Zeba's death was due to cirrhosis of the liver caused by excessive alcohol consumption. Several detainees were presented to journalists in order to deny the torture allegations but they included only one of some six detainees about whom Amnesty International had publicly

expressed concern. The others were not produced and were believed to be still detained incommunicado at the end of 1985. The director of the *Sûreté du territoire* was reported to have resigned in the wake of the torture allegations but subsequently to have been reinstated. No inquiry into the treatment of the detainees is known to have been held and no inquest into Adjutant Zeba's death had taken place by the end of 1985.



## Burundi

Amnesty International's main concerns were the imprisonment of prisoners of conscience, who included detainees held without trial and five people sentenced to prison terms in December; reports of torture and ill-treatment of prisoners; and the death penalty.

Amnesty International received information about approximately 50 people who were detained without trial during 1985, most on account of opposition to government curbs on religious activities. These curbs, which prohibited religious meetings on days other than Sundays or Saturday afternoons, were introduced in 1984 (see *Amnesty International Report 1985*) by order of the Interior Minister. He reaffirmed the ban in February 1985 and stated that no public meetings at all were to take place without prior approval from local government officials. Youth organizations whose activities were social rather than religious were specifically affected. As in 1984, the way in which the restrictions were implemented across the country varied. In July, for example, it was mainly in Gitega province that Roman Catholic priests were imprisoned for encouraging members of the public to attend early morning religious services, although priests were reported to have engaged in similar activities elsewhere.

In March the government responded in an 11-page statement to the concern expressed by Amnesty International during 1984 about the imprisonment of church members for contravening government-imposed restrictions on religious activities. The government said that, at the time of its reply, there were no prisoners of conscience or political detainees in Burundi although it accepted that some people had been imprisoned for making "subversive" or "defamatory" remarks about state institutions or for failing to obey ministerial

directives. According to the government, restrictions introduced in 1984 affected all public meetings, not only those concerned with religious activity, and were intended both to avoid people wasting their time and to increase productive work.

In July Amnesty International sent an *aide-mémoire* explaining the organization's view that the people detained in 1984 and early 1985 in connection with the ban on meetings were prisoners of conscience. It also expressed concern that the security police and other branches of the security forces appeared to have unlimited powers to imprison suspects due to the failure to ensure that normal legal procedures for referring detainees to the judiciary were observed.

At least 10 members of a youth club organized by the Roman Catholic church at Buhonga, near the capital, Bujumbura, were arrested in January. The ban on unauthorized meetings might have been one cause of their arrest but they were also apparently suspected of attempting to organize Hutu opposition to the government, which is composed largely of members of the Tutsi community. One of the students, Jean Mbayahaga, was reportedly beaten and accused of being in contact with refugees living abroad, while another, Gervais Muja, was said to have been severely beaten and to have been kept in handcuffs for most of his time in prison. The parish priest of Buhonga, Magnus Ndinze, was also arrested in February. Amnesty International was concerned that these and other prisoners were imprisoned on account of their non-violent political views, without charge and without having been remanded in custody by a judge.

In July and August, 13 Roman Catholic priests were arrested for holding morning services on weekdays. They were detained for between one and five weeks, but were all released uncharged by mid-August.

At least 16 other people, including four priests, were arrested between late July and September after an anonymous letter addressed to the Roman Catholic Bishop of Bujumbura urging him to defy the government's ban on weekday religious services and comparing the government to Satan, was intercepted by the authorities. One of the alleged authors of the letter, Joseph Gacukuzi, escaped arrest in late July by going to neighbouring Rwanda. There, however, he was detained until mid-August, when he was forcibly repatriated to Burundi and arrested. Some of those arrested in connection with the letter to the Bishop of Bujumbura were subsequently released uncharged. Eleven, however, including Joseph Gacukuzi, were charged with insulting the head of state and some were also charged with assisting Joseph Gacukuzi to evade arrest. They were tried between 5 November and 7 December before the *tribunal de grande instance* (High Court) in Bujumbura. The trial

was conducted *in camera* with all but two of the defendants assisted by lawyers. Joseph Gacukuzi, Gabriel Barakana, a priest and former university rector, and three others were convicted of complicity in insulting the head of state and sentenced to between two and five years' imprisonment. Four others, all of whom had been released from prison before the trial, were each sentenced to seven days' imprisonment for helping Joseph Gacukuzi to evade arrest. The two remaining defendants were acquitted. Amnesty International adopted the five convicted defendants as prisoners of conscience. Although most of those arrested in connection with the anonymous letter were tried or released, several people were still detained without trial at the end of 1985 apparently because they were suspected of complicity in its production. They included Philippe Minant, a former Minister of Justice, who was arrested in late July or early August 1985.

Several other people were also believed still to be in detention without trial at the end of 1985. They included Thomas Hamenyimana, a trader, who was arrested in early 1985 and apparently accused of criticizing the government. He had previously been detained without trial for five months in 1984. Victor Bucumi, a school teacher, and a group of farmers from Mikoni in Kayanza province were also believed still to be detained. They were reportedly arrested in February and accused of being in contact with Hutu opponents of the government living abroad. In another case, Siméon Nzishura, a Protestant pastor, was imprisoned when he was forcibly returned to Burundi in October from Zaire, where he had sought political asylum in May. The Burundi authorities said that he was wanted for criminal offences but it appeared that the real reason for both his repatriation and imprisonment might be political.

At least three of the defendants in the November trial were reportedly tortured or ill-treated in pretrial custody. One, Cyprien Ndamukenanye, was reported to have been tortured in early August. Joseph Gacukuzi and another defendant, Antoine Manirakiza, were reported to have been severely beaten after their arrest when security police took them from Mpimba prison to a police interrogation centre.

Amnesty International remained concerned about the use of the death penalty. At least six people were sentenced to death for murder or attempted murder and armed robbery but there was no information about executions.



## Cameroon

Amnesty International's main concerns were the imprisonment of prisoners of conscience, the detention without trial of alleged opponents of the government and political trials which did not appear to conform to international standards. Amnesty International remained concerned also about the use of the death penalty and the government's failure to clarify the fate of at least 51 people sentenced to death in 1984 in connection with a coup attempt.

Amnesty International took up the cases of 11 out of more than 250 people imprisoned after the coup attempt of April 1984. It adopted as a prisoner of conscience one of the 11 — Alhaji Hassan Tanko, a former official of the *Union nationale camerounaise* Cameroonian National Union. He had reportedly been sentenced to two years' imprisonment by the Yaoundé military tribunal, sitting *in camera*, in August 1984. Amnesty International did not know the charge, but believed that the grounds for his conviction were his criticism of government policy in regard to the large-scale arrest of businessmen and officials in April 1984. Issa Tchiroua, an engineer, and Nana Mamoudou, a former government official, had both reportedly been acquitted of any offence by the Yaoundé military tribunal in August 1984 but had nevertheless been redetained. Amnesty International considered that they might be prisoners of conscience. They were held throughout 1985 at the Yoko *prison de production*, labour camp. Some people arrested after the April 1984 coup attempt remained in detention without trial. They included Ahmadou Bello, former managing director of Cameroon Airlines, and Bobo Hamatoucour, former director general of the *Caisse de stabilisation des produits de base*, Agricultural Products Intervention Board. In these and similar cases, Amnesty International believed that those concerned might have been detained on account of their official positions under former President Ahmadou Ahidjo, who resigned in 1982.

Amnesty International also adopted as a prisoner of conscience André Beyegué Yakana, a security guard at the Cameroon Development Corporation in Limbe, who was detained in December 1984 with some 80 other Jehovah's Witnesses accused of having attended an unofficial religious service at his house. Amnesty International considered that all were probably prisoners of conscience, but only in his case was it able to acquire sufficient information to adopt him.

Amnesty International continued to appeal for the trial or release of two people held without trial since September 1979, both at Yoko labour camp. Luc Minkoulou and Max Abessolo were former soldiers who had been detained reportedly on suspicion of planning to overthrow the government of former President Ahidjo. Both were said to have been tortured after their arrest. Four other untried detainees whose cases were being investigated by Amnesty International were released in May. Winston Fonyonga, Ferdinand Langsi, Vincent Nteh and Fokemba had been held since March 1983, apparently for opposing local politicians in a land dispute.

Amnesty International adopted as a prisoner of conscience Fongum Gorji-Dinka, a lawyer and former president of the Bar of Cameroon. He was arrested at Bamenda on 28 May and charged with insulting the head of state, President Paul Biya. The charge was reported to arise from a series of papers written by Fongum Gorji-Dinka in which he criticized government policy in regard to Cameroon's English-speaking population.

Amnesty International received reports of the short-term detention of dozens of probable prisoners of conscience. Many were held apparently on suspicion of supporting an opposition party, the *Union des populations du Cameroun* (UPC), Union of Cameroonian Peoples. One detainee considered by Amnesty International to be a prisoner of conscience, Dr Joseph Sende, was arrested in February after he had brought a legal case against the government, claiming that the UPC was being denied its constitutional right to organize and contest elections. He was released untried in June. In December dozens of people were reported to have been detained on suspicion of supporting the UPC.

There were reports of death sentences imposed on two people convicted of armed robbery. Paul Mbella and Cho Buwen Martin were sentenced to death by the Buea High Court on 8 February. It was not reported whether they were executed. Amnesty International also remained concerned about the authorities' failure to clarify the fate of people sentenced to death during 1984. Amnesty International repeatedly urged the authorities to publish the names of over 250 people convicted by the Yaoundé military tribunal in 1984 on charges arising from the attempted coup of April 1984, and in particular to clarify the fate of 51 people whom the government acknowledged had been sentenced to death (see *Amnesty International Report 1985*). Amnesty International believed that all 51 had been executed. It also believed that some others had been extrajudicially executed by the security forces immediately after the coup attempt. However, by the end of 1985 the authorities had not made public any information concerning the 1984 trials other than the number of people convicted.



## Central African Republic

Amnesty International was concerned about the detention without trial of more than 100 alleged opponents of the government, some of whom were believed to be prisoners of conscience. There were disturbing reports that government security forces operating in the northwest of the country were responsible for arbitrary arrests, torture and extrajudicial executions in March and April. The organization was also concerned about reports of harsh conditions of detention and ill-treatment of prisoners.

Throughout 1985 the government of President André Kolingba maintained the ban on political activity, including membership of political parties and the expression of views considered hostile to the government, imposed when it came to power in September 1981. In December President Kolingba announced that a new constitution would be drafted to replace the one suspended in 1981 but it was unclear whether this would permit political activity.

Following the release of 43 political detainees at the end of 1984, Amnesty International continued in 1985 to work for the trial or release of other political detainees. At the beginning of December President Kolingba ordered the release of 89 political detainees, but by the end of 1985 Amnesty International had not yet established their identities.

Among those arrested in 1984 and held until at least December 1985 was François Kelefié, apparently detained on account of the activities of one of his relatives, a former government minister suspected of plotting against President Kolingba in 1982 who had escaped to neighbouring Chad. François Kelefié was arrested in August 1984, having earlier been detained without trial from March 1982 to September 1983. In 1985 Amnesty International investigated his case to establish whether he was a prisoner of conscience.

Other detainees arrested in 1984 whose cases were being investigated by Amnesty International included Etienne Orofara and François Ndjadder-Bedaya, both apparently suspected of having contacts with members of an opposition political party. Etienne Orofara, a teacher, had been arrested in Bouar in July 1984, and François Ndjadder-Bedaya, former deputy commander of the National Gendarmerie, had been arrested three months later. Both are believed to have been released in December 1985.

At least 16 political prisoners convicted in previous years by the Special Tribunal after trials which did not conform with internationally recognized standards for a fair trial (see *Amnesty International Report 1984*) remained in prison during 1985. Among them were three men sentenced to death in May 1982 after being convicted of illegal possession of explosives, whose sentences were not known to have been commuted.

There were new politically motivated arrests during 1985. Several refugees from Chad were detained, such as Ngrabe Ndoh, who was arrested in March apparently because he had advised other refugees not to return to Chad. Amnesty International appealed on his behalf and was informed by the Minister of Foreign Affairs in August that Ngrabe Ndoh was in protective custody. He was later reported to have been released and allowed to leave the country.

Most arrests reported to Amnesty International occurred in the northwest, in the Paoua area. In March security forces were deployed in this area to counter an armed opposition group, the "Commando Mbakara". Dozens of people, including local community leaders, were arrested on suspicion of opposing the government and 15 villages near the town of Paoua were reportedly burnt by government troops. There were reports of torture and assaults on detainees and some were alleged to have been summarily executed. In April Amnesty International urged the government to prevent further human rights violations and sought information about two detainees, Marc Loyom, a mayor, and François Djimbaï, a former political prisoner. The authorities did not reply but Amnesty International later learned that both detainees, together with other people arrested in the Paoua area, were being held in Ngaragba prison in the capital, Bangui. It was not clear whether detainees' relatives had been informed of their whereabouts.

At the same time as the arrests in the Paoua area, a number of government employees originating from this area were also arrested in other parts of the country. For example, Léon-Joseph Nombet-Assamba, a teacher of English, and three others were arrested at Bangui airport at the beginning of April upon their return to the country from trips abroad and were detained without charge or explanation. They were adopted by Amnesty International as prisoners of conscience and were all released uncharged after five months in custody.

The total number of political detainees held without trial was not known but was reported to be above 100 for most of 1985. Political detainees who were kept in detention for more than a few days were held in the capital, Bangui, in three detention centres: the Special River Port Commissariat on the Oubangui river, the National

Gendarmerie prison at Landja and the special section for political prisoners in Ngaragba prison.

Although none of the detainees from the Paoua area were brought to trial, several other people were tried for political reasons. Their trials were believed to have taken place before the Special Tribunal, a court with jurisdiction over all political cases and against whose findings there is no right of appeal, but this was not confirmed. In June Clément Nobona and eight other former students who had asked the Ministry of Education to employ them as teachers were arrested and charged with illegal political activity. Clément Nobona was reportedly sentenced to three years' imprisonment but his co-defendants were apparently acquitted. In July a 10-year prison term was imposed on François Guéret, a former government minister, after he was convicted of corresponding with a representative of a foreign power and insulting President Kolingba. He had initially been arrested in February, apparently for refusing to obey an official instruction that civilian members of the government should wear military uniform after policy disagreements with President Kolingba. A few days after his arrest, however, he apparently wrote a letter seeking help to Jean-Christophe Mitterrand, the son of President Mitterrand of France and a French presidential adviser on African affairs. It was on account of this letter that he was brought to trial and convicted. He was adopted by Amnesty International as a prisoner of conscience. The third trial reported to Amnesty International occurred at the end of October. The defendants were three Roman Catholic priests from Bossangoa arrested in September and accused of helping a former government minister to evade arrest in March 1982 for allegedly plotting against the government. They were apparently arrested after one of their students denounced them to the authorities after failing his exams. They were each convicted and sentenced to 18 months' imprisonment but were immediately pardoned and released by President Kolingba.

Amnesty International also continued to receive reports of harsh conditions of detention in Bangui. In October prisoners held in Ngaragba prison protested at the inadequacy of medical attention available for both political and other prisoners and alleged that this had caused the deaths of four inmates in the preceding months. Elsewhere, Amnesty International was particularly concerned about reports that untried detainees held by the National Gendarmerie in Landja were being kept in chains for weeks on end and that many were subjected to beatings and whippings by guards.



## Chad

Amnesty International was concerned about the "disappearance" of hundreds of people who were reportedly detained by government forces, many of whom were believed to have been victims of extrajudicial executions. The government denied that prisoners had been extrajudicially executed, despite eyewitness and other reports to the contrary. In some cases it alleged that the victims had been killed by armed opponents of the government. Amnesty International was also concerned about the detention without trial of dozens of alleged opponents of the government, some of whom might have been prisoners of conscience. Many were held in secret detention centres, where conditions were reported to be poor, despite government assertions that prisoners were held only in recognized detention centres. Amnesty International also received reports of politically motivated detentions without trial by the *Gouvernement d'union nationale de transition* (GUNT), Transitional Government of National Unity, an armed opposition group which controlled territory in northern Chad and which claimed to be the legitimate government of the whole country.

There were continued clashes between government troops and armed opposition groups, particularly in southern Chad where groups known as *commandos* or "*codos*" remained active and were alleged by the government to receive support from both Libya and the GUNT.

Eighty-five political detainees were freed in an amnesty in March. In response to a request from Amnesty International, the authorities provided their names, but did not specify the precise date or circumstances of their arrest.

In late March and early April Amnesty International sent a mission to Chad to discuss human rights with the government of President Hissain Habré. Among others, the delegates met senior officials of the Ministries of Foreign Affairs, Justice and Defence, members of the presidential staff, and the head of the security police, the *Direction de la documentation et de la sécurité*, the Directorate of Documentation and Security.

During the mission Amnesty International's delegates sought information from the authorities about people who had "disappeared", including 51 of the best-documented cases from among several hundred reported in southern Chad in September and

October 1984. In over 30 of the 51 cases the authorities claimed that the people named by Amnesty International had in fact been killed by armed opponents of the government. Two other people named by Amnesty International were said to be alive and never to have been detained. Three more were said to have been detained of whom one — Marcel Dewala, a local administrator — had died in detention. The second — Betel Ninganadji, an employee of the *Cotontchad* company — was said to have been released in March. The third — Wadar Moudalbaye, an administrator — was said to still be detained without trial. Unofficial sources corroborated the death in prison of Marcel Dewala and the detention of Wadar Moudalbaye.

However, in the cases of a substantial number of those and other people whom the government claimed had been killed by armed opponents, or about whom it claimed no knowledge, Amnesty International obtained reports from eye-witnesses and other evidence which supported its belief that they had been extrajudicially executed by government forces. For example, Pierre Ousmane Touadé, former leader of the *Parti national pour le développement du Tchad*, National Party for the Development of Chad, was reported to have been detained at Moundou in August 1982 because of his opposition to the government. His place of detention and legal status had not been divulged. In March Amnesty International's delegates were told by the authorities that they had no knowledge of him. Subsequently, however, Amnesty International received information, including eye-witness reports, that he had been secretly executed in early 1983 after being held at the *Brigade spéciale d'intervention rapide* (BSIR), Special Rapid Intervention Brigade, in the capital, Ndjamena. Amnesty International's delegates also asked the authorities about Dr Ngoïdi Wayor Ndem, a doctor employed by the *Société nationale sucrière du Tchad*, Chadian National Sugar Company. Amnesty International had received reports that Dr Ndem and at least 50 other suspected political opponents of the government had been detained in the southern town of Sahr, and then shortly afterwards executed extrajudicially on a road outside the town, in September 1984. Amnesty International's delegates were told by the authorities in March that they had no knowledge of Dr Ndem's whereabouts. Subsequently, the authorities stated that Dr Ndem was dead but declined to give any details of how or where his death occurred.

Reports of political killings were received throughout 1985. For example, three community leaders at Bidang village in the Baïbo-koum area were reported to have been executed extrajudicially by government forces on 20 January. In July 40 or more people were similarly reported to have been killed at Bodo and Ngalo. Such reported killings often followed a pattern: government troops would

enter villages in areas where groups of armed "codos" were active and would then detain or kill people apparently suspected of supporting them. On other occasions, government forces were reported to have killed at random, apparently in reprisal for anti-government activity.

The authorities impressed upon Amnesty International's mission delegates the scale and intensity of fighting between pro- and anti-government forces in southern Chad in late 1984. They also denied holding any political prisoners. They said those in custody were all prisoners of war, captured in the course of the conflict or detained on suspicion of collaboration with armed opponents of the government. They claimed that all such prisoners were held in recognized detention centres. They specifically denied holding political prisoners in Ndjamena in detention centres other than the civil prison. However, Amnesty International received reports from a variety of sources, including former prisoners, that dozens of prisoners were held in poor conditions in secret detention centres in Ndjamena. Such secret prisons were said to be located in the headquarters of the BSIR, in the Presidency itself, and elsewhere. Many detainees were reported still to be held in such places at the end of 1985. None had been formally charged or tried.

Amnesty International's delegates asked the authorities about 38 named people reportedly detained at Abéché in July 1983 on suspicion of collaborating with the GUNT. The authorities stated that six of the 38 were detained in the north, but refused to disclose where, and that some of the 32 others had never been detained and that some had been killed by the GUNT. The six whose detention they confirmed included Abdelkarim Annadif, former local administrator from Arada, and Abbo Saleh, a trader. They were believed to be still held at the end of 1985, apparently in the civil prison at Abéché.

Amnesty International repeatedly appealed to the authorities to safeguard the well-being of detainees. In addition to reports of extrajudicial executions, there were reports of detainees being beaten and kept in poor conditions. For example, Amnesty International received reports that people detained on suspicion of political opposition to the government were beaten in the police commissariat at Sahr in March.

Throughout the year the GUNT, supported by Libyan forces, controlled territory in the north of Chad. Amnesty International believed that the GUNT held dozens of political prisoners, including both prisoners of war and others detained without trial apparently because they had criticized the policies of the GUNT or of its ally, Libya. On 12 May, the President of the GUNT, Goukouni Weddeye,

in response to an inquiry from Amnesty International, informed the organization that Acheikh Ibn Oumar and 19 others detained by his forces were suspected of common law offences and would be tried. However, the 20 had been released untried by the end of the year.



## Comoros

Amnesty International adopted more than 40 prisoners of conscience who were among 76 alleged opponents of the government sentenced to prison terms after unfair trials. Amnesty International was concerned also about the reported torture and ill-treatment in pre-trial custody of some of those tried, and of at least one prisoner who was said to have been beaten to death during interrogation.

At least 30 Comorian soldiers belonging to the Presidential Guard of Head of State Ahmed Abdallah were detained on 8 March, apparently suspected of planning a mutiny against their officers who are European mercenaries. Many of the detained soldiers subsequently claimed that their intention had been to protest against their conditions of military service. However, the authorities alleged that they had intended to overthrow President Abdallah's government and that they had planned to do so with civilian opponents of the government, in particular members of the *Front démocratique des Comores* (FDC), the Comorian Democratic Front, an opposition party not known to have used or advocated violence. The ruling *Union comorienne pour le progrès*, Comorian Union for Progress, was the only permitted political party. In the days following 8 March, European officers of the Presidential Guard detained at least 50 civilians suspected of opposing the government, including Moustoifa Saïd Cheikh, secretary general of the FDC, and other suspected members or sympathizers of the FDC. Some of the 50 civilians were released within a few days, but most of the people detained in March, both civilian and military, were held incommunicado for 24 days. They were reportedly held in harsh conditions without sufficient food. Some, including Moustoifa Saïd Cheikh, were reported to have been tortured with electric shocks. Other detainees were reported to have been beaten. One — Saïd Adamou, a hospital porter — was said to have been beaten to death in late March while being

interrogated. He was a French national who had been on holiday in the Comoros on 8 March and was apparently detained by mistake, since a prominent opponent of the government has the same name. Amnesty International repeatedly urged the government to investigate impartially his death and reports of torture. The organization also wrote to the French authorities to inquire into reports that French nationals — mercenary officers of the Presidential Guard — had participated in the ill-treatment of detainees, including the beating to death of Saïd Adamou.

Between 4 and 8 November, 77 people accused of offences arising from the alleged coup attempt were tried by the Moroni criminal court or the Moroni correctional court. All those tried by the correctional court were civilians, and appeared to be accused of less serious offences than the civilians and military personnel tried by the criminal court. According to observers, the prosecution in both courts produced no evidence that any civilians had participated in the events of 8 March. Many civilian defendants testified that the questions put to them by officers of the Presidential Guard during interrogation were restricted to their political opinions. Moreover, many defendants alleged that they had been tortured in custody. Nevertheless, Moustoifa Saïd Cheikh was convicted of attempting to overthrow the government and was sentenced to life imprisonment. Some 50 other civilians were sentenced to lesser terms of imprisonment, some suspended. Those sentenced to less than six months were apparently released in view of the time they had spent in custody. One civilian was acquitted. Some soldiers were also apparently convicted on the basis of inadequate evidence. There was no evidence that any soldiers who were tried had intended to overthrow the government, although several admitted taking part in a mutiny. The court did not investigate adequately allegations by defendants that they had confessed only as a result of torture. All the soldiers were convicted of attempting to overthrow the government.

In view of the lack of evidence against the civilians and reports that they were in fact imprisoned for their non-violent political opinions, Amnesty International adopted as prisoners of conscience all the civilians convicted in November who remained in prison. It also inquired about the arrest of up to 70 other people reportedly arrested shortly after the trial because they had criticized the proceedings or because they were considered sympathetic to imprisoned members of the FDC. Amnesty International remained concerned that some of the soldiers convicted in November might have been prisoners of conscience, wrongfully convicted.



## Congo

Amnesty International was concerned about the long-term detention without trial of more than 20 political detainees, some of whom were considered to be prisoners of conscience. In addition, the organization was concerned about the detention of Zairian asylum-seekers and refugees and also, following a demonstration in November, about the detention of students, school-children and members of unofficial religious sects. These and other political prisoners were reportedly tortured and ill-treated.

Amnesty International continued throughout 1985 to work for the release of several prisoners of conscience among a group of 10 people detained in connection with two bomb explosions in Brazzaville in March and July 1982. They included Bernard Kolelas, a businessman and former official in the Ministry of Foreign Affairs who had previously been adopted as a prisoner of conscience by Amnesty International in 1979; he had been held since May 1982, before the second explosion. They also included Claude-Ernest Ndalla, a former First Secretary of the ruling *Parti congolais du travail*, Congolese Labour Party, who was arrested in March 1984, and Jean-Pierre Thystère-Tchicaya, who was PCT Ideology Secretary until shortly before his arrest in August 1984. Amnesty International believed that these three people, and possibly others detained in connection with the bomb explosions, had been arrested for their political views or for other political reasons. (See *Amnesty International Report 1985*.) Like all those held in connection with the 1982 bombings, they were detained in violation of the law which requires that within three days of their arrest detainees be referred to a *juge d'instruction*, investigating judge, who may order their detention for a maximum period of six months after which they should be charged or released. Since these detainees were held in the custody of the national security service without reference to the judiciary they apparently had no means of appealing against their imprisonment without trial.

On 31 December President Denis Sassou-Nguesso announced that those suspected of the 1982 bomb explosions were to be tried by the Revolutionary Court, a special court with jurisdiction over political cases. However, he did not indicate how many people were to be prosecuted, nor when the trial would take place.

Amnesty International continued to receive reports of torture of suspected government opponents and others in the custody of the

national security service. In March the organization published an eight-page document describing the use of torture in the Congo over the past five years and detailing the cases of Eugène Madimba, who was arrested in May 1982 with Bernard Kolelas, and other political prisoners, including imprisoned asylum-seekers. The report was submitted to the government with recommendations for safeguards against torture which included, in particular, limiting the time for which detainees may be held incommunicado and ensuring that all prisoners held for more than a few days are referred to an independent judicial officer. After submitting the document, which had not been acknowledged by the Congolese authorities by the end of 1985, Amnesty International received reports that detainees arrested in the second half of the year and held at the headquarters of the national security service had been subjected to mock executions and repeated severe beatings. Detainees were apparently not given any kind of medical assistance and there was no provision for them to lodge complaints about their ill-treatment.

Amnesty International was concerned about the detention without trial of several Zairian asylum-seekers and recognized refugees, some of whom had been living in the Congo for many years. They included Antoine Gizenga, a former Deputy Prime Minister in Zaire, who was arrested when he arrived from Angola in April. Another Zairian arrested in July, Eke Akanga Nkoy, had been detained on a number of previous occasions and forcibly repatriated to Zaire in November 1982. By the end of 1985 Amnesty International had received no reply from the authorities to its request for information concerning the legal grounds for their imprisonment nor was it known whether they were still detained in the Congo.

Amnesty International was investigating the situation of a number of students who were reportedly arrested following a demonstration in Brazzaville in November against a government decision to reduce student grants. According to some sources, three students were killed when the security forces attempted to break up the demonstration which then became violent, but the deaths were not confirmed by the authorities. Many demonstrators, including students and members of religious sects which had not been registered officially, were arrested and apparently accused by the authorities of acting on instructions from opponents of the government. There were reports of those arrested being beaten in detention but none were known to have been brought to court and, at the end of 1985, it was unclear whether those arrested were still in custody.



## Equatorial Guinea

Amnesty International was concerned about the imprisonment of two people who were probably prisoners of conscience, both of whom were released before the end of 1985. One political prisoner convicted of plotting against the government in 1983 remained under sentence of death throughout the year.

The number of political prisoners detained in recent years was not known, but was believed to include former members of the government and civil servants, as well as two members of the National Assembly. Other political detainees were reported to be confined under administrative orders to remote villages. It appeared that such prisoners did not benefit from the rights in the Constitution adopted in August 1982, including the rights to be informed of the reasons for detention and to be presumed innocent until proved guilty, and to *habeas corpus*.

Amnesty International learned that Eduardo Ebang Masie, who represented the constituency of Añisok in the National Assembly, was arrested in May and charged with insulting the head of state. During a public meeting in Añisok he was alleged to have called upon the people present not to applaud every time the head of state's name was mentioned and to have criticized the head of state and government policies. A second member of the National Assembly, Antonio Ebang Mbele Abang, was charged with complicity in the same offences. Their parliamentary immunity was removed and their cases were investigated by a military procurator. They were tried on 20 June by a military court, at which the Minister of Defence was reported to have been the presiding judge. It appeared that military courts continued to have jurisdiction over all political offences in the country. Both defendants were convicted: Eduardo Ebang Masie was sentenced to eight and a half years' imprisonment and Antonio Ebang Mbele Abang was sentenced to pay a heavy fine and released. Eduardo Ebang Masie was reportedly held in harsh conditions at a prison in Bata but in October he was apparently pardoned and released by President Obiang Nguema Mbasogo. Amnesty International considered that the two men may have been convicted because of their political views.

Sergeant Venancio Mikó, who had been convicted in July 1983 of conspiring to overthrow the government, was still under sentence of death at the end of 1985 (see *Amnesty International Report 1984*).



## Ethiopia

Amnesty International was concerned about the imprisonment of prisoners of conscience, some of whom had been held for over 11 years. It was also concerned about the detention without trial of other suspected opponents of the government. Some political prisoners were allegedly given prison terms in

secret by a special government committee without being formally charged or tried. The organization was particularly concerned about reports of extrajudicial executions of political detainees, some of whom were reportedly condemned in secret. Amnesty International received new allegations of torture and ill-treatment of political prisoners. It was also concerned about the government's continued failure to account for 15 political detainees and a church leader who "disappeared" in 1979 and were widely presumed to have been secretly executed without trial.

Conflict between the government and armed opposition groups continued during 1985 in several parts of the country, including Entrea, Tigray, Gondar, Wollega and Hararghe regions. Civilians in these areas suspected of links with opposition guerrilla organizations were reportedly arrested, ill-treated and in some cases extrajudicially executed by the security forces. There were also reports that during the program of large-scale resettlement of people from famine-affected areas such as Tigray and Wollo, some people were imprisoned or summarily executed for resisting resettlement or seeking to escape from resettlement centres.

Further politically motivated arrests were reported to have occurred in 1985 but Amnesty International was not able to estimate their number and received detailed information in only a few cases. It appeared that most of those arrested were suspected, by virtue of their regional or ethnic origin, of supporting armed opposition groups such as the Eritrean People's Liberation Front (EPLF), the Tigray People's Liberation Front (TPLF) and the Oromo Liberation Front (OLF). The authorities disclosed no information about those detained, none of whom were known to have been formally charged or tried. Most were initially held incommunicado in interrogation centres under the control of the Ministry of State and Public Security, such as the Central Investigation Centre in Addis Ababa (known informally as *Maekelawi* (Central) or as the "third police station") and the Mariam Gimbi Investigation Centre in Asmara. The Special

Investigation Centre in the Grand Palace in Addis Ababa, headquarters of the ruling Provisional Military Administrative Council (known as the *Dergue*), was also used for this purpose. Conditions in these interrogation centres were harsh and torture extensive.

A large number of political prisoners, estimated at several thousand, were believed to be still imprisoned following their arrest in previous years. They were mostly held in prisons administered by the Prisons Department, not in interrogation centres. However, their prison conditions were believed to be very poor.

Those held throughout 1985 included 10 close relatives of the late Emperor Haile Selassie held without trial since 1974. Amnesty International continued to press for their release as prisoners of conscience. They included his daughter, Tenagnework Haile-Selassie and her four daughters; three of his grandsons and their mother; and another relative, Zuriashwork Gebre-Igziabeher. They were all held in the Central Prison in Addis Ababa. The women were held in the women's section with about 50 other women political prisoners, while the three men were among about 1,500 prisoners, including many political prisoners, in the *Alem Bekagne* ("End of the World") maximum security section of the prison. Amnesty International appealed to the government to ensure all necessary medical treatment for Tenagnework Haile-Selassie and her daughter, Hirut Desta, both of whom were reported to be in poor health throughout 1985.

Among the other prisoners of conscience held throughout 1985 were over 40 members of the Oromo ethnic group who had been detained without trial since 1980. They included Tsehai Tolessa and Martha Kumsa, held in the women's section of the Central Prison in Addis Ababa, and Zegeye Asfaw, former Minister of Law and Justice, and Abba-Biyya Abba-Jobbir, a former High Court judge, both held in the Central Investigation Centre in Addis Ababa. Several civil servants, students and other people of Tigrayan origin, who had been among a large number of Tigrayans arrested in 1984 for alleged links with the TPLF, were believed to be still detained without trial in prisons in Addis Ababa, Sebetta, Mekelle and Gondar at the end of 1985. They included Berhane Mamo, Mayor of Mekelle, and Desta Bezabeh, a Ministry of Agriculture official. Large numbers of political prisoners were also reported to be detained without trial in Eritrea, particularly in Sembel men's prison and Haz-Haz women's prison in Asmara, for alleged links with Eritrean opposition movements.

The Reverend Olana Lemu and several other members of the Ethiopian Evangelical Mekane Yesus Church continued to be detained without trial in Nekemte and other prisons in Wollega region since their arrest in 1981 for alleged support for the OLF,

which was active in the region. Sixteen other prisoners of conscience and members of this church, including the Reverend Ula Fituma, who were arrested in Dembi Dollo in April 1984, were released in April 1985. They had reportedly been arrested for holding a church service which had been prohibited by the authorities.

Several members of other Protestant churches remained in detention during 1985, including Tesfaye Gabiso, a member of the *Mullu Wongel* (Full Gospel) Church, who had been held without charge in Yirgalem prison in Sidamo region with other church members since 1979. Members of the *Meseret Christos* (Mennonite) Church and *Kale Hiwot* (Word of Life) Church had also been detained for some years.

Two UN employees remained in detention throughout 1985 on political grounds without being charged: Tesfa-Mariam Zeggai, a statistician at the Economic Commission for Africa arrested in 1982; and Shimelis Teklu, an employee of the High Commission for Refugees, arrested in January 1984. Two other women employees of the UN Economic Commission for Africa — Azeb Abay and Haragwein Desta — who had been detained without trial since 1979 for alleged links with opposition organizations, were released on 21 June.

The government released 88 political prisoners on 11 September to mark the 11th anniversary of the revolution which brought it to power. The names of those freed were not divulged but they were believed to include several long-term detainees accused of links with left-wing opposition organizations. Amnesty International welcomed the releases but urged Head of State Mengistu Haile-Mariam to free all prisoners of conscience and to try or release other political detainees.

Amnesty International received reports during 1985 of prisoners being secretly sentenced to death or to prison terms by a special committee whose members included representatives of the Ministry of State and Public Security. According to reports, these sentences were imposed without any recognized form of trial and without any opportunity for prisoners to submit a defence or appeal. Those sentenced to death in this way were reportedly summarily executed, while those sentenced to prison terms were transferred to civil prisons to serve the sentences. Summary executions of political prisoners were reported from Addis Ababa, Asmara and Harar in particular. Fifteen alleged members of the EPLF were reportedly taken from prison in Asmara and summarily executed on 10 January and similar summary executions were reported to have taken place there in October. Amnesty International received reports of the summary execution near Harar on 10 and 16 February of up to 40 long-term political detainees from Harar Central Prison, including Barentu

Challa and Daud Bakr.

At the end of 1985, Amnesty International was investigating reports of the "disappearance" from detention and alleged summary execution in November of over 60 political detainees, including several of the 19 alleged members of the clandestine Ethiopian People's Democratic Alliance (EPDA), who had been arrested in December 1983 and accused of distributing pamphlets critical of the government. Amnesty International believed that they might be prisoners of conscience. Those alleged to have been summarily executed included Asegahegne Araya, a former senator. Another alleged EPDA member, Mengesha Gebre-Hiwot, "disappeared" from the Central Investigation Centre in Addis Ababa in mid-1985. He was said to have had his foot amputated earlier as a result of torture injuries. In September Amnesty International had appealed for information on Mengesha Gebre-Hiwot's whereabouts but had received no reply. Other political detainees reportedly summarily executed in November included alleged members of the Ethiopian People's Revolutionary Party detained without charge or trial in the Central Prison in Addis Ababa since 1977 and 1978.

Amnesty International's appeals to the authorities to resolve uncertainties about the fate of 16 people who "disappeared" in 1979 elicited no response. The 16 included the Reverend Gudina Tumsa, general secretary of the Ethiopian Evangelical Mekane Yesus Church, who was abducted in Addis Ababa, and 15 long-term political detainees. On 4 February the Ethiopian Representative at the UN in Geneva informed the UN Working Group on Enforced or Involuntary Disappearances that "due to the severe drought and the catastrophic situation in the country and the consequential workload on Government agencies, the Government had not been in a position to carry out the necessary investigations [into these cases]". Amnesty International was also unable to obtain any clear information on the whereabouts of Bealu Girma, a writer and former newspaper editor, who "disappeared" in April 1984. It was believed that his "disappearance" was related to criticisms of the government expressed in his novel, *Orimiyya*.

Amnesty International continued to receive allegations that political prisoners were tortured, particularly by the *Hizb Dehminet*, Public Security organization, in Addis Ababa, Asmara, Mekelle, Harar, Gondar and other places. The pattern of torture and ill-treatment of political prisoners was not believed to have changed markedly from that in 1984. Torture methods reportedly included prolonged beatings on the soles of the feet with the prisoner inverted, prolonged suspension from the ceiling in a contorted position, and electric shocks. Detainees under interrogation were held in harsh

conditions and many prisoners were alleged to have died as a result of torture and denial of medical treatment.



## Gabon

All nine prisoners of concern to Amnesty International were released during 1985. The organization learned that a tenth prisoner whose case it was investigating had died. Amnesty International welcomed these releases but was concerned about the first execution of a political prisoner since President El-Hadj Omar Bongo came to power in 1967.

Seven of those released were adopted prisoners of conscience who had been convicted of threatening state security and sentenced to 20 years' imprisonment with hard labour in November 1982. An Amnesty International observer attended their trial, which the organization considered to have been unfair (see *Amnesty International Report 1983*). The defendants were all alleged members of the *Mouvement de redressement national* (MORENA), Movement for National Recovery, a non-violent organization which advocated a multi-party system. The seven, who were the last to be freed of the 29 originally convicted, were released as a result of reductions in sentences announced by the President. Jean-Baptiste Obiang-Etoughé, a planter, and Paul Calvin Tomo, a civil servant, were released on 19 March. The remaining MORENA prisoners were released in August. They included Jean-Pierre Nzoghé-Nguema, a former rector of Omar Bongo University in Libreville. Conditions, such as restrictions on where they might live, were said to have been imposed on the seven after release, but were apparently not enforced by the authorities.

Two other prisoners of concern to Amnesty International were also freed. Jean-Marie Mbieleu Fosso, who had been sentenced to eight years' hard labour in 1981, was released in January after benefiting from presidential clemency. Abbé Noël Ngwa-Nguema, a Catholic priest and philosophy teacher, was released in August. He had been convicted of offences arising from his activities on behalf of MORENA and had been sentenced to four years' imprisonment in 1983. Amnesty International was also informed by the authorities that another prisoner whose case the organization had been

investigating, Serge Edouard Etsine, had in fact been released in 1983 in a measure of presidential clemency.

The only execution reported during the year — in August — was the first of a political prisoner since President Bongo came to power in 1967. The victim was Captain Alexandre Mandja Ngokouta, an army officer. He had been convicted by a special military court on 2 August of plotting to overthrow the government. Two other soldiers who were tried with him — Adjutant Michel Nanga and Sergeant Jean-Louis Aba-Mebale — were sentenced to forced labour for life, and another to five years' hard labour. Two other soldiers were acquitted. Amnesty International had appealed to President Bongo to commute the death penalty imposed on Captain Alexandre Mandja Ngokouta.



## Gambia

Amnesty International was concerned about the arrest of a number of people apparently for political reasons, some of whom were possibly prisoners of conscience, the reported detention without trial of an alleged government opponent arrested in 1983, and the death penalty.

One person tried in connection with an unsuccessful coup attempt of 1981 was sentenced to death but death sentences imposed before 1985 on the others convicted in this connection were commuted.

The state of emergency imposed in the aftermath of an unsuccessful coup attempt in July 1981 was lifted in February. Under the emergency, police had been empowered to detain people suspected of "acts prejudicial to the public safety or to public order". These powers had been used extensively in the months following the coup attempt to detain hundreds of people suspected of participating in it. Subsequently, however, the powers were used on a much more limited scale to detain other suspected opponents of the government, usually for relatively short periods.

In February, shortly before the emergency was lifted, Amnesty International learned of the arrest of several suspected sympathizers with the Movement for Justice in Africa (MOJA), which had been banned in 1980. Those held included Mariama Manjang, a young woman related to a leading member of MOJA living abroad, who

was apparently alleged to be in possession of subversive literature, and Wassa Fatty. Dumo Saho, who had previously been detained for "membership of an illegal society" from October 1983 to July 1984, was also arrested. However, all three were released on bail within a short time.

Amnesty International was informed by the government in February that two people, who had returned from exile in Cuba in 1983 and about whose subsequent detention Amnesty International had expressed concern (see *Amnesty International Report 1984*), had been released.

It was confirmed, however, that a third man who returned at the same time, Fansu Camara, was still in custody. The authorities said he was in "protective custody" at his own request. He had allegedly been involved in the attempted coup in 1981. He and the two others were said by the authorities to have returned voluntarily from Cuba. Amnesty International did not know the legal basis for Fansu Camara's detention.

In July it was officially reported that another alleged coup conspirator had returned voluntarily to the Gambia from Cuba. Feta Camara, a former corporal in the Gambia Field Force, was arrested and charged with treason. He was brought to trial, convicted and sentenced to death in December 1985.

Earlier, on 24 April, President Dawda Jawara signed an order under section 54 of the Constitution to extend clemency to 16 prisoners sentenced to death after being convicted of involvement in the 1981 coup attempt. Six of them had their sentences reduced to life imprisonment and the sentences passed on the others were commuted to prison terms ranging from 10 to 20 years. This act of clemency on the part of the President followed similar commutations of death sentences in 1984.



## Ghana

Amnesty International's concerns were the imprisonment of prisoners of conscience, the detention without trial of other alleged opponents of the government and the death penalty. Two journalists detained in February were beaten in custody; the government subsequently apologized for their ill-treatment.

At the beginning of 1985 Amnesty International was working for

the release of four prisoners of conscience. They included Dr John Nabila and S.K. Riley-Poku, both of whom had been ministers in the government of President Hilla Limann which was overthrown in a military coup on 31 December 1981. However, both were released on 6 March when the government reportedly freed 202 prisoners on the anniversary of independence. Official reports claimed that all 202 people released on that date were political prisoners. However, Amnesty International received no response to its inquiries as to the identities of those released other than Dr John Nabila and S.K. Riley-Poku. Another former minister, Kankam da Costa, the last member of Dr Limann's government to remain in detention, was freed on 31 December. He too had been detained without trial since January 1982. The one prisoner of conscience who remained in prison at the end of 1985 was Jacob Yidana, a former Chief Superintendent of Police, who was sentenced to eight years' imprisonment with hard labour by a public tribunal in August 1983 for harbouring a fugitive from justice. Amnesty International believed that his trial was unfair, and that the real reason for Jacob Yidana's imprisonment was his conduct of police inquiries into the political murder of three High Court judges and a former army officer in June 1982, which reportedly implicated members of the government.

The Preventive Custody Law, 1982 (PNDCL 4) continued to be used extensively to detain alleged opponents of the government, with more than 100 people being detained under its provisions during 1985. At least 40 of these were held throughout the year. The law empowers the Provisional National Defence Council (PNDC) to order the indefinite detention without charge or trial of anyone considered to be a threat to national security. Among those held were several long-term political detainees, including at least four former members of Military Intelligence who had been held since early 1982. They were Sergeant Samuel Danso, Corporal Simon Amedzake, Staff Sergeant Martin Komla Tanson and Sergeant Joseph Ankrah. The four were apparently suspected of having intimidated or assaulted members of the current government when they were themselves in opposition (see *Amnesty International Report 1982*). Many of those held under PNDCL 4 during 1985 appeared to be suspected of involvement in one of the numerous attempts to overthrow the government which had taken place since early 1982. However, at least one such detainee — Private S.K. Amponsah-Dadzie — had been acquitted of any offence by a public tribunal in August 1983. He was nevertheless redetained on 12 August 1983, shortly after his acquittal, and was still held without trial at the end of 1985. Amnesty International appealed for him to be released if he were not to be charged and tried.

Other people who may have been prisoners of conscience were held for short periods. In February dozens of people were reportedly detained for some days in Kumasi after the discovery of a plan to assassinate Flight-Lieutenant Rawlings, the Head of State, during a visit to the city. Ten or more people detained in July were released uncharged in November. They included four who had been adopted by Amnesty International as prisoners of conscience on at least one previous occasion. They were Tommy Thompson and Mike Adjei, respectively the owner and a staff member of the *Free Press* newspaper; Obeng Manu, a lawyer; and Sam Okudzeto, president of the Association of Recognized Professional Bodies. Government supporters stated that all those detained in July were held on suspicion of espionage on behalf of a foreign intelligence service, the US Central Intelligence Agency. Opponents of the government claimed that Tommy Thompson and others had been detained because of their opposition to the government. Amnesty International received no reply to its request for further information. It noted that, whereas some detainees were charged with espionage and subsequently released in exchange for a Ghanaian citizen convicted of espionage in the USA, Tommy Thompson, Mike Adjei, Obeng Manu and Sam Okudzeto were released without charge and were allowed to remain in Ghana.

At least two of those detained in February in Kumasi were beaten. Baffour Ankomah and Osei Tutu, the editor and news editor of *The Pioneer* newspaper, were detained when their newspaper published an article which apparently displeased some members of the security forces. The two journalists were detained and taken to Accra, where they complained of being beaten. They were subsequently released uncharged and received an apology from the government for both their arrest and their ill-treatment.

Amnesty International learned that 58 people were sentenced to death, nearly all by public tribunals. Seven of these were sentenced in their absence. Sixteen people were executed by firing-squad, of whom 10 had been convicted of common law offences including armed robbery and murder. Six had been convicted of conspiring to overthrow the government in connection with one or more conspiracies to overthrow the government which were discovered by the security forces in December 1984. Major Abdul Ocran and others were convicted by a public tribunal sitting *in camera* for their part in the alleged coup attempt. Their appeal was rejected by the National Appeals Tribunal in May. Amnesty International remained concerned about some aspects of the public tribunals which fell short of internationally accepted standards, such as the standard of proof which they required.



## Guinea

Amnesty International's main concerns were the detention of political prisoners without trial and reports of torture and secret extrajudicial executions.

At the beginning of 1985 some 60 or more former officials and relatives of President Ahmed Sékou Touré, who died in March 1984, remained in detention at Kindia. They had been arrested following the armed forces' seizure of power on 3 April 1984 and the formation of a new government headed by President Lansana Conté. According to the authorities, they were being held while investigations were conducted by the *Commission nationale d'enquête*, National Commission of Inquiry, to establish responsibility for the massive human rights violations and apparently large-scale financial misappropriation which occurred during the Sékou Touré administration. In April, on the first anniversary of the coup, President Conté reconfirmed that some of the Kindia detainees would be tried for alleged human rights offences. Later that month, however, Senainon Louis Béhanzin, a former ambassador, was released, and in May 30 other detainees who had also apparently been exonerated by the commission of inquiry were released from detention. They included Jeanne Martin-Cissé, a former Ministe of Social Affairs, and Aminata Touré, a daughter of the former President, both of whom had been seen by an Amnesty International delegation which visited Guinea in October 1984 (see *Amnesty International Report 1985*).

On 4 July, with President Conté temporarily outside the country, there was an attempted coup in Conakry, the capital, apparently led by Diarra Traoré, the Minister of State for National Education and a former Prime Minister. The attempt was put down, however, by troops loyal to President Conté. Eighteen people were officially reported to have been killed but the real figure may have been higher. In the wake of the coup attempt, there were attacks on members of the Malinké tribal group resident in Conakry and on their property. Diarra Traoré, himself a Malinké, was captured and shown on television being brutally assaulted; his son was killed when the house in which he lived was attacked by troops loyal to the President. Unofficial sources reported that some 200 people were arrested for alleged involvement in the days following the coup attempt.

On his return to Conakry from abroad, President Conté reportedly

declared that the authorities would punish severely those responsible for the coup attempt. He suggested that executions might follow quickly, stating that human rights organizations should intervene without delay or else it would be too late. On 8 July Amnesty International told the authorities of its concern about the threatening nature of the statements reportedly made by the President and called for human rights to be respected. In addition, Amnesty International asked to send a delegation to Conakry to discuss with the authorities the importance of fair trials for those accused of involvement in the coup attempt and its opposition to the death penalty. The organization noted that President Conté had described himself as a committed opponent of the death penalty during the Amnesty International mission in October 1984. In the event, however, it was not possible for an Amnesty International delegation to visit Conakry in the immediate aftermath of the coup attempt because of difficulties affecting travel to the country and contact with the government.

On 19 July the authorities denied that any of those detained at Kindia had been executed, as unofficial sources had suggested, and stated that those involved in the coup attempt would receive fair trials. The authorities also announced a commission of inquiry into responsibility for the failed coup. In mid-August, this was reported to have completed its investigations. Two new courts were then established, the *cour de sûreté de l'Etat*, state security court, and the *tribunal militaire*, military tribunal, to try the civilians and soldiers allegedly involved in the coup plot. However, no trials were known to have taken place before either court by the end of 1985 and none of those allegedly implicated in the coup had been brought to trial.

Despite government denials, rumours persisted throughout the rest of 1985 that some extrajudicial executions had been inflicted in the days and weeks following the coup attempt. In particular it was reported that some 22 suspected political opponents of the government or associates of former President Sékou Touré had been extrajudicially executed on 8 July. In August Amnesty International asked the government for information about those arrested as a result of the coup attempt and sought assurances that they were not being ill-treated. In response, Amnesty International was told by a government official that no executions had taken place and that those responsible for the coup attempt would be tried. Despite this and other denials, the Paris-based magazine, *Jeune Afrique*, subsequently named eight former close associates of ex-President Sékou Touré who, it alleged, had been taken from detention at Kindia where they had been held since 1984, and extrajudicially executed by the authorities for suspected complicity in the failed coup attempt. The government repudiated this report but did not produce those named

in public to disprove it and there was uncertainty regarding their fate and whereabouts — and that of others — at the end of 1985.

Serious allegations of torture of detainees were also made following the coup attempt. In November a French medical team which had received financial assistance from Amnesty International withdrew from Guinea in protest against the torture of political detainees. The medical team went to Guinea in late 1984 to provide medical treatment to former prisoners and torture victims under Sékou Touré's government. Their withdrawal from Guinea occurred after they had apparently learned of new cases of torture of detainees. They alleged that detainees held at the Alpha Yaya military camp in Conakry, in particular, were subject to torture, beatings and other ill-treatment — including the *diète* (diet), deprivation of food and water for days at a time, which was extensively used under Sékou Touré to weaken prisoners by starvation.

At the end of 1985, Amnesty International was concerned about reports of torture on an extensive scale and the government's failure to account satisfactorily either for those long-term detainees alleged to have been summarily executed or for many other people detained in connection with the unsuccessful coup attempt.



## Guinea-Bissau

Amnesty International was concerned about the detention without trial of several alleged opponents of the government, two of whom were freed at the end of 1985. Further politically motivated arrests occurred following the reported discovery in November of a conspiracy against the government and

had resulted by the end of the year in the deaths of two detainees in circumstances which gave cause for concern.

Two members of the government of former President Luiz Cabral, which was overthrown in November 1980, were reportedly freed in late December. Umaru Djaló and Constanino Teixeira had both been detained at first in prison and later under house arrest without charge or trial from 1980 to 1983, after which they were restricted to isolated rural areas. Former Prime Minister Victor Saude Maria, who was accused of plotting against the government in March 1984, remained under house arrest in Bissau city throughout the year.

In June Rafael Barbosa, a former leader of the ruling political party between 1959 and 1962, was detained without explanation. He had previously been imprisoned from 1975 to 1981 for allegedly betraying nationalist guerrilla fighters during the war of independence from Portugal. He was rearrested later in 1981 and held in prison and subsequently under house arrest until the end of 1984. His arrest in June 1985 followed the arrests of two of his relatives in April, apparently in connection with the distribution in March of anonymous leaflets criticizing government economic policies. However, by the end of 1985 neither Rafael Barbosa nor his relatives were known to have been charged or brought to trial.

Amnesty International was also concerned about the case of Fernando Delfim da Silva, a teacher studying in the Soviet Union who was repatriated to Guinea-Bissau and immediately arrested in June. He had apparently been heard to criticize the government and was believed still to be detained without trial at the end of 1985.

In November the authorities announced that they had uncovered a conspiracy to overthrow the government of President João Bernardo ("Nino") Vieira. Those involved allegedly included Vice-President Paulo Correia and several senior military and civilian officials who were arrested. In all, at least 50 people were reported to have been detained by late December in connection with the alleged conspiracy, particularly members of the Balanta ethnic group. Among those held were Viriato Pam, a former Procurator General, and Colonel Lamine Cissé, a senior army officer who was also a judge in the Supreme Court. Some of the detainees were reported to be held at the "COP 2" detention centre in Bissau city (*Comando Operacional — 2*, formerly known as the "Second Squadron") where in the past political detainees are known to have been tortured.

Two of those detained were reported to have died in custody soon after their arrest. João da Silva, who had been Minister of Culture and Sport prior to his arrest, was reported by the authorities to have been shot dead by guards after escaping from his cell at the "COP 2" detention centre in mid-November. Amnesty International was unable to obtain any confirmation of the rumours that another prisoner, a former presidential bodyguard, had also died in custody. Amnesty International expressed concern about these deaths and urged the government to establish an independent inquiry to investigate fully both deaths and to make the findings public.



## Kenya

Amnesty International was concerned about the imprisonment of prisoners of conscience, allegations of torture and ill-treatment of political prisoners, and the use of the death penalty.

Nineteen University of Nairobi students were arrested in February in connection with protests at expulsions and the withdrawal of scholarships from students allegedly for political reasons. Amnesty International was concerned about the failure of the authorities to investigate fully allegations of torture and ill-treatment which were made in court by several of them. Amnesty International was also investigating the fairness of their trial proceedings. On 8 March, 14 of the students were sentenced to six months' imprisonment for illegal use of a university vehicle. However, on 19 July, 11 days after most of them had been released with remission of sentence, the High Court quashed their sentences on the grounds that they had been denied adequate defence representation as a result of what it termed "the arbitrary and unlawful proceedings and order of the court". Five other students were arrested at a student meeting on 10 February which was broken up by riot police, leaving at least one student dead and 65 injured. They were tried on 11 March on charges of convening or participating in illegal meetings. One was acquitted, three were fined and released, but Julius Mwandawiro Mghanga, a former student leader and one of those expelled, was imprisoned for one year. Amnesty International believed that he was a prisoner of conscience. He was released on 9 December after being granted remission.

Amnesty International continued its appeals for the release of Otieno Mak'Onyango, a newspaper editor, and Raila Odinga, former deputy director of the Kenya Bureau of Standards, who were detained without charge or trial under the Preservation of Public Security Act. They had been arrested in August 1982 and charged with treason in connection with a coup attempt by members of the Kenya Air Force but the charges had been withdrawn in March 1983. By the end of 1985 the authorities had given no explanation for their indefinite detention. Amnesty International adopted them as prisoners of conscience and appealed for their release, for them to be granted regular access to family and lawyers while still imprisoned, and for Otieno Mak'Onyango to receive adequate medical treatment, which was reportedly being denied. A third political detainee held

under this act since July 1982, Stephen Muriithi, former deputy director of the police Special Branch, who Amnesty International believed might be a prisoner of conscience, was released in September.

Amnesty International appealed for proper medical treatment for Maina wa Kinyatti, a university lecturer convicted of possessing a seditious document in May 1982 and sentenced to six years' imprisonment. He had an eye complaint which was reportedly deteriorating seriously. Amnesty International adopted him as a prisoner of conscience and was concerned about the use of the charge of sedition to suppress non-violent criticism of the government. Wang'ondu wa Kariuki, a journalist convicted of possessing a seditious document in May 1982 and sentenced to four and a half years' imprisonment, who Amnesty International believed might be a prisoner of conscience, was released in August 1985.

Ten university students convicted of sedition in 1982 and 1983 were serving prison sentences of between five and 10 years. Eight had been arrested in connection with anti-government student demonstrations during the August 1982 coup attempt, and two had been convicted of possessing seditious documents. Amnesty International continued to investigate their cases.

In June Amnesty International appealed to President Daniel arap Moi to commute the death sentences imposed by courts-martial on 12 former Kenya Air Force members convicted of involvement in the August 1982 coup attempt. The sentences had all been confirmed by the High Court. Concern was also expressed that three of them — Hezekiah Ochuka, Pancras Oteyo Okumu and Robert Odhiambo Ndege — had been returned to Kenya by the Tanzanian authorities in November 1983, despite having been granted asylum in Tanzania. Amnesty International was disturbed at reports from unofficial sources that all 12 were secretly executed on 9 July but its inquiry to President Moi on 17 July and further appeals to the government for information elicited no reply. By the end of 1985 the authorities had neither denied nor acknowledged the executions, but the available evidence indicated that the executions had taken place.

Amnesty International received unconfirmed reports that nine other prisoners condemned to death for murder or robbery with violence were executed on 11 July and that a further five were executed on 26 September. By the end of 1985 over 155 prisoners were reported to be held under sentence of death for murder or robbery with violence, at least 25 of whom had been convicted during 1985.



## Lesotho

Amnesty International was concerned about the detention without trial of alleged opponents of the government and about continued reports of assaults on detainees. An inquest began into the death of a detainee who died in custody in 1984 but it appeared that there had still been no formal inquiry by the end of 1985 into the death of another detainee in late 1981. Nor had there been an inquest into the deaths of six South African refugees, all alleged members of the Pan-Africanist Congress of Azania (PAC), a nationalist political organization banned in South Africa, who were shot dead by Lesotho security forces in March in suspicious circumstances.

In December, six other South African refugees and three Lesotho nationals were shot dead by unidentified gunmen carrying silenced weapons. The government accused South African security forces of carrying out the killings but this was denied by the authorities in Pretoria. Responsibility was reportedly claimed by the Lesotho Liberation Army (LLA), the military wing of an exiled faction of the Basutoland Congress Party, but eye-witness accounts reportedly identifying the killers as white men suggested that South African forces might in fact have been responsible.

There was a political crisis in August when opposition political parties refused to participate in the first general election to be held since 1970, which was due to take place in mid-September, as they had not obtained full access to the electoral register. Only the ruling Basutoland National Party had proposed candidates by the nomination deadline. They were then declared to have been elected unopposed.

Throughout 1985 there was sporadic guerrilla activity by the LLA. Suspected LLA sympathizers were believed to have been detained in a number of areas but Amnesty International was able to obtain detailed information in only a few cases. Under the Internal Security (General) Act, all members of the police are empowered to detain people suspected of subversive activity without charge and hold them incommunicado for 14 days, following which detention for further, successive 14-day periods can be authorized by the Commissioner of Police and then the government minister responsible for security matters. Those who were held included Hape Tsakatsi and his sister, Maleopo Tsakatsi, both from Leribe district, who were held

incommunicado for almost a month, until an application for their release was laid before the High Court. Hape Tsakatsi was reported to have been assaulted in detention.

Nineteen other people who were detained were charged in November with activities in support of the LLA and remanded for trial in 1986. They included Mathabiso Mosala, President of the National Council of Women, and six other women.

An inquest into the death in custody of Daniel Moeketsi in April 1984 (see *Amnesty International Report 1985*) began in late 1985 but had not been concluded by the end of the year. According to information received by Amnesty International, it appeared that the police investigation into his death had not been thorough.

An inquest had been expected into the death of another political detainee, Setipa Mathaba, in November 1981. The inquest had been due to start in December 1984 and was to be attended by an Amnesty International observer, but was postponed at the last minute. It did not appear to have begun by the end of 1985 and no new date for its start was known to have been set. Information received by Amnesty International suggested that Setipa Mathaba's death had been a direct result of assaults in security police detention.

In March six members of the PAC were shot dead by security forces. At first, the government said that the dead were LLA insurgents but later admitted that they were South African exiles belonging to the PAC. They said that there had been an armed clash near Lesotho's border with South Africa's Transkei "homeland" but an unofficial source alleged that the PAC members had been unarmed.



## Liberia

Amnesty International's main concerns were the imprisonment of prisoners of conscience and probable prisoners of conscience, some of whom were detained without trial and others prosecuted for alleged political offences; reports of assaults on detainees, particularly following an unsuccessful coup attempt in

November; the death penalty and allegations of extrajudicial executions.

Many arrests were made following an attempt to overthrow the government of President Samuel K. Doe on 12 November. The

rebels were defeated after several days' fighting in the capital, Monrovia. They were led by Brigadier-General Thomas Quiwonkpa, who had reportedly left the country after being accused of complicity in another conspiracy against the government in November 1983 (see *Amnesty International Report 1985*). He was killed shortly after the coup attempt failed. Those detained following the coup attempt included alleged participants in the conspiracy and others who, reportedly, had not been involved and who were considered by Amnesty International to be probable prisoners of conscience. Some had been imprisoned before as prisoners of conscience. The government announced its intention to hold separate trials for military personnel and civilians implicated in the failed coup but it was not clear how many defendants there would be. No trials of civilians had begun by the end of 1985 but trials of military personnel were reported to be proceeding *in camera*.

The coup attempt occurred within a few weeks of Liberia's return to civilian rule after some five years' military government. The head of the military government, Samuel K. Doe, became the new civilian Head of State following presidential and legislative elections, the results of which were widely disputed. In the months preceding the elections, which had originally been scheduled for April but were delayed until October, several leading opposition politicians and others were imprisoned. They included Dusty Wolokollie, a prominent member of the Liberian People's Party (LPP), and John Karweaye, another LPP member, who were arrested on 15 July apparently after expressing doubts as to whether the elections would be fair. Both were held until 20 September and then released without charge. Dusty Wolokollie had been acquitted in June of violating a government decree against the "spreading of rumours, lies and disinformation" after he had appealed in August 1984 for the release of Dr Amos Sawyer, Chairman of the LPP, and other detainees then held (see *Amnesty International Report 1985*). Both the LPP and another opposition party, the United People's Party, were prohibited from all political activity in August.

At the end of July, Ellen Johnson-Sirleaf, a leading member of the Liberian Action Party (LAP), was placed under house arrest. A few days later she was detained and moved to the Post Stockade prison in Monrovia. The Minister of Justice stated that she would be charged in connection with a speech criticizing the government during a visit to the USA. Amnesty International adopted her as a prisoner of conscience and appealed for her release. She was, however, tried *in camera* before the Special Military Tribunal and on 14 September sentenced to 10 years' imprisonment for sedition. Eleven days later, she was freed on the orders of Head of State Doe and in October she

contested the elections on behalf of the LAP.

Two journalists who had been imprisoned for political reasons in 1984 were also arrested in July. Momolu Sirleaf and Klon Hinneh of the *Footprints Today* newspaper were charged with "breach of security" after the publication of an article in which they alleged that they had been falsely imprisoned in 1984 by the National Security Agency and the Minister of State of Presidential Affairs. They were brought to trial but released in late September while their trial was still in progress.

Human rights abuses on a substantial scale occurred in the wake of the coup attempt of 12 November. As well as civilians and military personnel apparently suspected of participation in the conspiracy, opposition political leaders and party activists were rounded up. Some of those detained were released after relatively short periods but many others were still believed held at the end of the year. There were reports of assaults on detainees and some were alleged to have "disappeared" in custody or to have been executed extrajudicially. At the end of 1985 Amnesty International was receiving reports of political killings by government forces in Nimba county, the home area of the leader of the coup, Brigadier-General Thomas Quiwonkpa, in the days following its failure. The victims appeared mostly to be civilians who had not been involved in the conspiracy but who were suspected by the government of being sympathetic to Thomas Quiwonkpa.

A number of opposition political party leaders and members were detained in the aftermath of the coup including Ellen Johnson-Sirleaf and Jackson F. Doe, Chairman of the LAP, and Gabriel Kpolleh and Edward Kessely, respectively leaders of the Liberia Unification Party and the Liberian Unity Party. Both Gabriel Kpolleh and Edward Kessely were released uncharged after some weeks but the LAP leaders were still held without charge at the end of 1985. Momolu Sirleaf, who had been imprisoned for a time earlier in the year, and another journalist, Isaac Bantu, a local correspondent for the British Broadcasting Corporation, were also arrested in November and were among those still detained without charge at the end of 1985. Amnesty International made several appeals to the government on behalf of those detained, urging that those unconnected with the conspiracy should be released at once and the others given prompt and fair trials. The organization called also for all necessary safeguards to ensure that those detained should not be tortured or ill-treated, or subjected to the death penalty or extrajudicial execution.

Amnesty International was particularly concerned about a number of people unconnected with the coup who were reported to have been

killed. One was Charles Gbenyon, a senior television journalist working for the Liberian Broadcasting System, who was killed at the official residence of Head of State Doe a few days after the coup attempt. He was apparently accused of complicity in the coup on the grounds that he had filmed events in Monrovia on the day it took place. Amnesty International received information that he was bayoneted to death by soldiers. The government said that he had been killed accidentally while struggling with a gun but his family were not permitted to see his body or to arrange an autopsy.

The death penalty remained a concern but it was not known how many people were sentenced to death or executed. In April, however, Moses Flanzamaton, who was alleged to have attempted to assassinate Head of State Doe, was executed without being brought to trial. Four civilians alleged to have recruited him to assassinate the Head of State were arrested but soon after released for lack of evidence.



## Madagascar

Amnesty International was concerned about the detention without trial of alleged opponents of the government and about reports that five members of the Roman Catholic Church who died in 1984 or 1985 may have been victims of extrajudicial executions. There were also reports of severe overcrowding and inhuman conditions in some prisons.

On 1 August government security forces attacked the houses of many people in the capital, Antananarivo, suspected of belonging to illegal martial arts, or kung fu, clubs. A number of violent clashes had previously been reported between members of kung fu clubs and members of the *Tanora Tonga Saina* (TTS), a youth organization which supports the government. At least 20 people, but perhaps as many as 60, were reported to have been killed on 1 August. The government stated that 208 members of kung fu clubs were detained on that date or shortly after. By the end of 1985 none were known to have been charged or tried but some had been released. In November Amnesty International urged the government to publish the names of those detained and to release those who were not to be charged and tried with criminal offences.

Amnesty International also called on the authorities in November to investigate the death of Father Sergio Sorgone, a Roman Catholic priest who was killed on 7 January near Moramanga, close to a TTS camp. Information received by Amnesty International suggested that he had been killed for political reasons by members of the TTS. Amnesty International also received information about four other members of the Roman Catholic Church who were alleged to have been victims of political killings. Among them was Brother Gérard Roy, a Roman Catholic brother murdered by an unknown assailant on 28 May 1984. He was administrative secretary of the Episcopal Conference of Madagascar, with responsibility for church finances. Unofficial sources alleged that he was killed because he knew of financial improprieties by government authorities. Amnesty International had no evidence of the direct involvement of government officials in these killings but believed that the government had an obligation to investigate them and to bring to justice those responsible.

Amnesty International received reports concerning overcrowding and malnutrition in prisons, especially at Antanimora and on the prison island of Nosy Lava. No political prisoners were known to be held in either prison.

The Human Rights Committee, established under the International Covenant on Civil and Political Rights, adopted views on two communications submitted under the Optional Protocol by individuals alleging that the Government of Madagascar had violated their rights. It found that John Wight, a South African national held from January 1977 to February 1984, had been held in inhuman conditions, in particular at the security police headquarters at Ambohibao, in contravention of the International Covenant on Civil and Political Rights. In the case of Monja Jaona, a political party leader detained without trial at least twice, whom Amnesty International had adopted as a prisoner of conscience, the Human Rights Committee found that he had been persecuted on account of his political opinions and should be compensated by the government.



## Malawi

Amnesty International was concerned about the imprisonment of several prisoners of conscience. It was also concerned about the long-term detention without trial of a number of other known or alleged opponents of the government. Amnesty International was also concerned about reports that prisoners were being subjected to torture, among them political detainees.

Amnesty International continued to work for the release of Orton and Vera Chirwa, who were both serving life sentences for treason and had been adopted as prisoners of conscience. They remained in custody at the end of the year, apparently at Mikuyu prison near Zomba. Orton Chirwa, a former government minister, and Vera Chirwa, a law lecturer, were arrested in December 1981. In 1983 they were sentenced to death for treason after a trial in the Southern Region Traditional Court which was unfair. The subsequent appeal process before the National Traditional Court of Appeal was similarly flawed and resulted in the confirmation of the conviction and sentence imposed by the lower court. The text of the appeal court's judgment, made public by Amnesty International in 1984, itself raised serious questions about the conduct of the lower court: for example, relating to the question of jurisdiction, the refusal to admit defence witnesses and evidence, the acceptance of prosecution evidence clearly inadmissible in law and the "unnecessary abuse" of the defendants. In June 1984, after international appeals, Life-President Dr H. Kamuzu Banda commuted the death sentences on Orton and Vera Chirwa to life imprisonment. In April 1985 Amnesty International again appealed to Life-President Banda to release the couple. The organization recalled that the decision to commute the death sentences had been a compassionate gesture but also drew attention to those sections of the appeal court judgment which had highlighted the shortcomings in their trial and argued that therefore their conviction should not be allowed to stand.

Amnesty International also adopted as prisoners of conscience three journalists detained in March as a result of their professional activities and still held without charge at the end of 1985. They were Jonathan Kuntambila, chief editor of the *Daily Times*, the government-owned daily paper; Sandy Kuwale, a senior editor for the Malawi News Agency (MANA); and Paul Akomenji, also a MANA editor. The reason for their detention appeared to be a

report from MANA which appeared in the *Daily Times* of 1 March, reporting a speech by the country's Official Hostess, Cecilia Tamanda Kadzamira, during a meeting on women and development. The *Daily Times* reported Cecilia Kadzamira as saying "Man cannot do without woman", a remark which she subsequently denied making, although the official UN transcript contained it. It appeared that the remark was deemed offensive to Life-President Banda, who is a bachelor. On the same day that the press report of the speech appeared, Jonathan Kuntambila, Sandy Kuwale and Paul Akomenji were arrested. Another journalist, Bertha Mwesu of the Malawi Broadcasting Corporation, was arrested on 3 March after she had protested about the arrests. She was released without charge after about a month.

An unknown number of people continued to be detained without trial because of alleged opposition to the government. In April Amnesty International sought information from the Ministry of Justice about Aleke Banda, former Secretary General of the ruling Malawi Congress Party (MCP) and cabinet minister; Francis Pollock Mhango, a journalist with a Roman Catholic publisher; and Ferndo Mfipa, a former public servant attached to the district administration in Nsanje in the south of the country. All were believed to have been held as political detainees for long periods without charge or trial. Amnesty International's inquiries received no response. A number of junior government officials were also reported to be in detention as a result of allegations that they were opposed to the government of Life-President Banda.

The organization was also concerned about reports of the arrest of individuals in Malawi's Central Region who had been accused of being supporters of the late Aaron Gadama, a government minister who had died with two cabinet colleagues in May 1983. The official explanation for their death was that they had been involved in a car accident, but it was widely alleged that they had been killed by the authorities. There were also reports that individuals had been imprisoned and harassed on account of their support for Dick Matenje, the Secretary General of the MCP, who had died with Aaron Gadama. At the end of 1985 Amnesty International was investigating reports that one prisoner detained as a Matenje supporter had died in custody in Zomba prison.

Amnesty International also received reports about two police officers arrested in early 1984 and still detained without charge at the end of 1985. It was alleged that the reason for their detention was that they had attempted to prevent other officers from ill-treating suspects.

At the end of 1985 Amnesty International was investigating new reports of the torture and ill-treatment of prisoners, particularly

political detainees, in the custody of both the police and the prison authorities. It was alleged that beatings of political detainees and criminal suspects were common and that many political prisoners were kept permanently in chains and denied exercise. In one case, that of a man arrested for possessing banned literature, it was alleged that he was severely beaten and tortured with electric shocks. In another case, it was alleged that a person arrested for his supposed political views was suspended upside down for half an hour.



## Mauritania

Amnesty International was concerned about the restriction under house arrest of former head of state Lieutenant-Colonel Khouna Ould Haidalla, who was ousted from office in December 1984, and at least five other officials associated with his administration. Amnesty International considered that they should be brought to trial in accordance with internationally recognized legal standards or else released from restriction. However, 1985 saw a substantial improvement in respect of human rights following the formation of a new government in December 1984.

Most political prisoners had been freed in December 1984 after the accession to power of Colonel Maaouya Ould Sid' Ahmed Ould Taya. Amnesty International received confirmation in early 1985 that those who had been freed had included two of the three prisoners who had still been of concern to the organization in early 1985 (see *Amnesty International Report 1985*). They were Deh Ould El Houssein and Adjutant Be Ould Bnejjara. The third, Ladjji Traore, was released in January 1985 after a trial which he was reported to have requested in order to clear his name. He alleged that he had been charged with financial misdemeanours for political reasons. He was acquitted at his trial.

El Kory Ould H'Meitty, the Secretary General of the *Union des travailleurs de Mauritanie*, Union of Mauritanian Workers, was also brought to trial in September 1985. He had been detained for several months under the previous government. He was reportedly charged with membership of a committee formed to advocate the substitution of Mauritians in place of foreign workers, convicted and given a suspended sentence of six months' imprisonment.

Fifteen other people also received six-month prison sentences in September. They were among some 45 people arrested for participating in an illegal demonstration calling for the expulsion of foreign workers from Mauritania. Many had themselves been expelled shortly before from Libya, where they had been working.



## Mozambique

Amnesty International was concerned about the long-term detention without trial of political prisoners, some of whom had been held for more than 11 years, and by the continued imprisonment of others sentenced after unfair trials between 1979 and 1983. There were reports of torture of detainees and of the imposition of flogging as a judicial punishment. No death sentences are known to have been passed by the courts in 1985 but extrajudicial killings and mutilations of suspected opponents were reportedly carried out by government forces in areas affected by armed conflict.

There was continued conflict throughout the year, particularly in central and southern areas between government forces and guerrillas belonging to the *Resistência Nacional Moçambicana* (RNM or RENAMO), Mozambican National Resistance, who were alleged to have received assistance from South Africa in contravention of an agreement between the two countries. Amnesty International received reports of killings and mutilations of captives by opposition forces during 1985.

Amnesty International continued to seek information about a number of long-term political detainees held without trial since shortly before Mozambique became independent in 1975, who were paraded at Nachingwea camp in southern Tanzania in March and April 1975. They included leaders of political groups which opposed the transfer of power from the Portuguese colonial government to the *Frente de Libertação de Moçambique* (FRELIMO), the Mozambique Liberation Front. After independence, these prisoners were reportedly transferred to detention camps in northern Mozambique but the government has withheld all information about them and failed to respond to inquiries from Amnesty International about their fate and whereabouts. They effectively "disappeared" in prison; unofficial

sources alleged that they were secretly killed but Amnesty International could not verify this.

Amnesty International continued to investigate the cases of Victor Naitang, a former airline pilot, who was arrested in mid-1981 after a colleague defected to South Africa, and George Kumalo, a South African refugee arrested in mid-1983 reported to have become mentally unstable as a result of prolonged solitary confinement and severe ill-treatment. In neither case was there information to suggest that the prisoner's detention had been referred to the judicial authorities.

A large number of alleged opponents of the government were arrested in 1985, many apparently suspected of supporting the RNM. Amnesty International learned the identities of those detained in only a few cases. For example, five people, including Abdulla Abacar, a motor-fitter, and four teachers, two of whom were expatriates, were arrested in May apparently on suspicion of spying. The four teachers were released uncharged in July but Abdulla Abacar was believed to be still detained without charge or trial at the end of 1985 although no evidence was known to have been produced to justify his imprisonment. Many of the prisoners detained over the past five years were arrested on suspicion of assisting armed opposition groups or of activities which could endanger the security of the state. In 1984 these prisoners were estimated by government representatives to number about 4,000. None were brought to trial in 1985 and there was no official announcement of any large-scale releases. Many of those detained were reportedly held by the *Serviço Nacional de Segurança Popular* (SNASP), People's National Security Service, in detention centres in provincial capitals, or at Machava barracks (*quartel*), a detention centre near Maputo. Amnesty International remained concerned that detainees were held by the SNASP for long periods without being referred to a judicial officer such as a judge or procurator. Others, apparently former members of the RNM who had surrendered to government forces, were reportedly sent to special centres, such as the Chiduco Rehabilitation Centre in Inhambane province. However, Amnesty International did not know where the majority of prisoners were being held or which branch of the security forces was responsible for their detention.

Amnesty International continued to be concerned about the lack of safeguards for untried political detainees. The law which established the SNASP, Decree-Law No. 21/75, places no time limits on detentions by the security service. Article 3h of the law empowers the SNASP to conduct pretrial inquiries without reference to an investigating judge and Article 6 stipulates that no one detained by the SNASP may invoke their right under Article 315 of the Code of

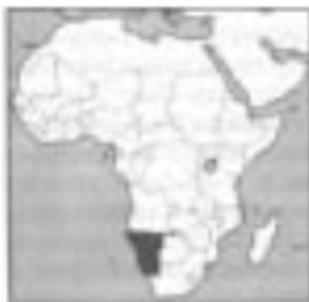
Criminal Procedure to *habeas corpus*. Government officials continued during 1985 to refer to the "Legality Offensive" launched in November 1981 to stop abuses by the police and security forces, and in a speech to mark Mozambique's 10th anniversary of independence in June 1985 President Samora Machel stressed that such abuses would not be tolerated. In April an inspectorate known as the *Inspecção Judicial e do Ministério Público*, inspectorate of the judiciary and of the public prosecutor's office, was set up to supervise the administration of courts and prisons. Among other things it was to ensure that the correct legal procedures were being observed during the arrest and pretrial detention of suspects. However, it was not clear whether the new inspectorate would have any jurisdiction over prisoners held by the SNASP.

Amnesty International continued to investigate the cases of several political prisoners who were sentenced to up to 20 years' imprisonment between 1979 and 1983 after unfair trials (see *Amnesty International Report 1985*). They included Bonifácio Ricardo José, a doctor, who was sentenced to 12 years' imprisonment in December 1979 by the Revolutionary Military Tribunal, a special court with jurisdiction over political cases. He was convicted of collaborating with a group which allegedly supported the RNM but Amnesty International believed that the real reason for his imprisonment was his non-violent criticism of the government.

In April Amnesty International published a 16-page document describing the use of torture in Mozambique since 1975. Torture was reported to be widespread in both ordinary prisons and in detention centres for political detainees. It was reportedly used as a method of interrogation and to punish disciplinary offences. Harsh beatings inflicted with a variety of instruments were most frequently reported but other forms of torture were described, including *cordas* (ropes), in which the victims' arms are tightly tied behind their backs. The report condemned the use of torture by opposition groups as well as by government forces. Amnesty International submitted the report to the government and urged the introduction of measures to safeguard detainees and to ensure that all complaints and reports of torture are investigated by an impartial body which should make its findings public.

Many people were reportedly sentenced by the courts to be flogged, which Amnesty International considers to be a cruel, inhuman and degrading punishment. Law No. 5/83 which was introduced in March 1983 made flogging an additional penalty to imprisonment, which could be imposed by any court for a wide range of offences including crimes against state security, rape, robbery and black marketeering. In one case, Rafael Mendes, a militiaman, was

sentenced to 30 lashes, the maximum which may be inflicted at a single session, by a village court in Cabo Delgado province for firing a gun for no reason. Amnesty International was also concerned that Law No. 5/83 appeared to have encouraged "extrajudicial" floggings, that is whippings ordered by prison or security force personnel rather than by the courts. Complaints about abuses of this sort were brought to the attention of the authorities, for example in Nampula province in May and in Manjacaze, Gaza province, in October, but it was not clear what action, if any, was taken as a result.



## Namibia

Amnesty International was concerned about the detention without trial of suspected opponents of the government, some of whom were believed to be prisoners of conscience. The organization was concerned also about renewed reports of torture or ill-treatment of detainees, and about the death in custody of a political detainee. There were also disturbing reports of political killings by security forces active in the northernmost districts, and there was continued concern about the death penalty.

There was continued conflict throughout 1985 between security forces representing the South African Government and the so-called Transitional Government of National Unity (TGNU), which was established in Windhoek in June, and African nationalist guerrilla fighters belonging to the South West Africa People's Organisation (SWAPO). The conflict resulted in many civilian deaths, as well as deaths of combatants, with each side accusing the other of politically motivated killings.

In May the South African Minister of Law and Order relinquished responsibility for the security police in Namibia, including the *Koevoet* (Crowbar) police counter-insurgency unit, which was subsequently renamed. The security police were placed under the authority of the South African Administrator-General in Windhoek until June, when the TGNU was established and given limited powers of self-government in Namibia. The South African Government retained direct responsibility for defence, foreign affairs and the constitutional status of Namibia.

The TGNU was empowered to amend existing legislation and

introduce new laws, which had to be signed by the Administrator-General. A Bill of Fundamental Rights was attached as an annex to the Proclamation of the South African State President which established the TGNU. It proclaimed certain fundamental rights but was of uncertain legal validity as it was merely an annex to the founding legislation. The rights proclaimed included those to freedom of association, assembly and expression, the rights to a fair trial and equality before the law and the right not to be arrested arbitrarily or detained without trial, or to be tortured or ill-treated.

In September, 21 sentenced political prisoners held in South Africa were returned to Namibia. All were then released by the TGNU in November. Some 15 of them had been held since 1966 or 1967 and sentenced to long prison terms in 1968 after a trial in South Africa which did not conform to international standards of fair trial.

Both before and after the TGNU took office, many people suspected of supporting SWAPO were detained without trial under Proclamation AG.9 of 1977. In areas designated as "security districts", which covered a large area from Windhoek in the south to the northern border with Angola, members of the security forces were empowered to arrest suspects without warrant and detain them incommunicado and without charge for 30 days at any place considered suitable. Continued incommunicado detention for an unlimited period could be authorized by the Administrator-General until June and by the TGNU thereafter.

In January Amnesty International received information about more than 40 people who were detained in the north, in the Ovamboland district, under Proclamation AG.9. They included Sakeus Shaduka, a pastor in the Evangelical Lutheran Ovambo-Kavango (ELOK) Church, as well as evangelists and lay members of the Church. Several teachers and bank employees were also among those detained. Following the arrests Amnesty International expressed concern that the detainees might be tortured or ill-treated and urged the authorities to disclose their places of detention and permit them immediate access to legal counsel. It called also for them to be brought to trial or released without delay.

One of those detained, Thomas Shindobo Nikanor, was arrested on 22 January in Ovamboland. Five days later, he was reportedly found dead in a cell at Osire, a secret detention camp in the Otjiwarongo district, some 500 kilometres to the south. The security police said that he had committed suicide by hanging himself with his socks. A post-mortem examination was carried out five days later but it was reportedly impossible to determine the time or cause of death because the body had not been satisfactorily refrigerated. An inquest began in the Otjiwarongo Magistrate's Court at the end of September

but had not finished by the end of the year.

Most of those detained in January had been released by the end of 1985. Seven people, however, were charged in August with offences under the South African Terrorism Act of 1967 and Internal Security Act of 1950, both of which remained applicable in Namibia although they had been repealed in South Africa. The charges related to alleged SWAPO activities including a number of bomb explosions, at least one of which resulted in deaths. Their trial was due to start in 1986. Several other people detained in January or February 1985 remained in custody at the end of the year under a provision allowing the detention of potential state witnesses in political trials.

There were further detentions under Proclamation AG.9 throughout 1985. For example, several people were detained in Ovamboland in July, including Andreas Namweya, a 60-year-old ELOK evangelist, who had previously been held without charge from January to June, and Paulus Musheko, an ELOK pastor. Jonah Kambudu, another former detainee, and his wife Magdalena Kambudu, were also detained. Nahas Ndevahoma, a school principal in Ovamboland, was detained on 29 July. He was held for only a few days but during that time he was alleged to have been beaten repeatedly, to have been partially suffocated and to have been photographed being handed money by a South African soldier, apparently to suggest that he was an informer.

In all, Amnesty International took up the cases of more than 40 political detainees during 1985 on the grounds that they were prisoners of conscience or for investigation as possible prisoners of conscience.

In February Amnesty International drew attention to widespread and systematic torture of uncharged political detainees in its *File on Torture* on Namibia. This described in detail individual cases of torture, several recent deaths in detention and the legal immunity conferred by the South African Government on all security force personnel under Proclamation AG.9 of 1977 or the South African Defence Act. It criticized the authorities' failure to institute adequate safeguards against torture of detainees, to ensure that torture allegations were investigated impartially and to bring to justice those responsible.

At the beginning of 1985 several civil court actions were outstanding against the authorities arising from alleged torture of detainees, in particular by members of the *Koevoet* police unit. In November 1982 Jona Hamukwaya, a teacher, died within hours of being detained by *Koevoet* personnel. An inquest had ruled that his death was due to an "unlawful act or omission" but failed to identify who was responsible. Further cross-examination of Jona Hamuk-

waya's captors, however, was forestalled shortly before the case was due to be heard by the Windhoek Supreme Court, when the authorities agreed a substantial out-of-court settlement. Similar out-of-court settlements were made in respect of other former detainees who had complained of torture. No action, however, was known to have been taken by the authorities to identify or to bring to justice those responsible.

Following the death of Jona Hamukwaya and another detainee, charges had been laid in South Africa against Roman Catholic Archbishop Denis Hurley in connection with statements that he had made attributing responsibility for the deaths to *Koevoet*. The Archbishop's trial was due to begin in February and was expected to allow further evidence of alleged abuses by *Koevoet* to be laid before the courts. At the last moment, however, all charges against Archbishop Hurley were withdrawn.

In reponse to allegations of torture, the Administrator-General issued a three-page document in late January which stated that military personnel were warned that "any form of assault or mistreatment of detainees is both illegal and punishable", that the authorities would "not hesitate to act" against military personnel responsible for "unlawful acts of violence", and that special liaison officers existed to which complaints might be made. It stated also that a judicial commission of inquiry was investigating existing security legislation. The names of 68 military personnel sentenced for offences such as assault, theft and murder and details of other pending cases involving another 31 military personnel were appended.

This document failed to make any reference to the immunity provisions which have been invoked on a number of occasions to prevent the prosecution of security force personnel accused of abusing human rights. It failed also to refer to the actions of the security police and *Koevoet* personnel, and to explain, for example, why a certain security police officer remained in a senior position despite a finding by the Windhoek Supreme Court that a political detainee who had "disappeared" in his custody had actually died as a result of assaults and that his death was concealed by the security police.

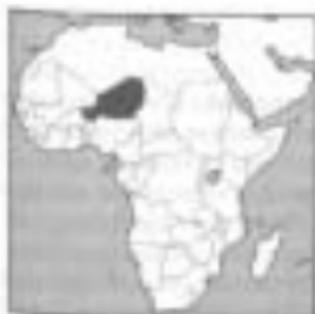
The report of the judicial commission of inquiry into security legislation was apparently submitted to the TGNU in July or earlier but its findings had not been disclosed by the end of 1985.

Serious new allegations of torture were made in two cases before the Windhoek Supreme Court. During the trial of two alleged SWAPO guerrillas, who were sentenced to long prison terms in October for participation in the killing of a local radio announcer in Ovamboland, it was alleged that they had been detained incommuni-

cado for many months following their arrest during which time they had been brutally assaulted and tortured with electric shocks. Allegations of torture in detention were also made during a legal action on behalf of Josef Katofa, a shopkeeper from Ovamboland who had been detained incommunicado and without charge or trial since May 1984. He had first been held under Proclamation AG.9 but then in December 1984 was transferred to detention under Proclamation AG.26. In June a legal test case resulted in a court order requiring the authorities to permit him to consult his lawyer. Subsequently, a further order was obtained stating that Josef Katofa should be released if the authorities failed to justify his continued detention before the Supreme Court. In mid-September he was freed on the instructions of the Windhoek Supreme Court. In August Amnesty International had appealed for his release as a prisoner of conscience and for an impartial investigation into his alleged torture and ill-treatment.

There were further allegations of widespread assaults on civilians and extrajudicial executions by security forces in northern Namibia but in most cases of individual killings it was not possible for Amnesty International to ascertain the circumstances in which they had occurred or to attribute responsibility. The introduction of a permit system governing travel within and between the northernmost districts in March appeared to have added to the difficulties of obtaining reliable information from these areas. In one particularly disturbing incident in April, the partially decomposed bodies of several young men were unearthed at Oshikuku inside a recently-vacated *Koevoet* camp. *Koevoet's* commanding officer denied allegations by local residents that the men had been taken to the camp and killed. He stated that the bodies were those of SWAPO guerrillas who had been killed in combat with *Koevoet*.

Amnesty International remained concerned about the death penalty. At least three people were sentenced to death after being convicted of murder and there was at least one execution.



## Niger

Amnesty International was concerned about the detention without trial of at least 20 alleged opponents of the government and the imposition of death sentences on 12 others who were brought to trial in July or August. However, none of these 12 were reported to have been executed by the end

of 1985. Amnesty International was also concerned about the renewed house arrest of former President Hamani Diori.

Between 20 and 25 people who were arrested following at least two unsuccessful coup attempts in 1976 and 1983 remained in detention without trial throughout 1985. They were reported to include Mamane Sidikou, a former head of the prime minister's office, and Lieutenant Idrissa Amadou, former head of the Presidential Guard. In December Amnesty International wrote to the Minister of Justice to inquire into the legal status of those detained and to press for them to be brought to trial in accordance with international legal standards or released.

There were new arrests following an incident on 29 May when a group of people attacked a police station in the northwestern town of Tchén Tabaraden, causing several deaths. Twelve people, all members of the Tuareg community, were detained and were brought to trial in July or August. Amnesty International received few details of their trial, which took place before a special military tribunal established by presidential decree. Amnesty International asked the government in early July for information about the trial and called for it to be conducted fairly, but received no response. In late August the organization learned that all 12 defendants had been sentenced to death. Amnesty International appealed to President Seyni Kountché to extend clemency to the prisoners under sentence of death. The authorities were subsequently reported to have announced a stay of execution and the prisoners were not believed to have been executed by the end of 1985.

In June former President Hamani Diori was once again placed under house arrest, apparently on account of the alleged activities of one of his sons in connection with a Libyan-based political organization; no opportunity was afforded to him to challenge the legal basis of the house arrest. He had previously been held under house arrest after his release from several years' detention without trial in 1980 until April 1984.



## Nigeria

Amnesty International was concerned about the imprisonment of prisoners of conscience and the detention without trial of suspected opponents of the government. With one exception, all known prisoners of conscience were released, as were many political detainees, after Major-General Muham-

madu Buhari had been replaced as head of state by Major-General Ibrahim Babangida in a bloodless military coup on 27 August. Amnesty International was also concerned about the death penalty.

As a result of the coup in August, the Supreme Military Council (SMC) was replaced by a new military government, the Armed Forces Ruling Council (AFRC). Major-General Babangida became President. Some members of the former administration were detained without charge, and in December dozens of other people were arrested after the alleged discovery of a conspiracy against Major-General Babangida's government.

Amnesty International continued in the early part of 1985 to work for the release of 13 prisoners of conscience. All were held under decrees promulgated by the SMC during 1984. Among them were two journalists, Nduka Irabor and Tunde Thompson, sentenced in June 1984 to one year's imprisonment for writing an inaccurate article by a special tribunal established under SMC Decree No. 4, the Public Officers (Protection Against False Accusation) Decree. They were released on 3 March before their sentences had expired.

All but one of the other prisoners adopted or being investigated by Amnesty International were apparently held under SMC Decree No. 2, the State Security (Detention of Persons) Decree 1984, which allows indefinite detention without trial. At the beginning of 1985 hundreds of people were detained under this decree of whom several were prisoners of conscience. For example, Amnesty International appealed for the release of Tai Solarin, a teacher and journalist held since 12 March 1984 apparently because he had written a series of newspaper articles critical of SMC policy. He was eventually freed on 6 August, when some 85 prisoners were released by order of the SMC. Among the others released were former holders of public office (such as Alhaji Lawal Kaita, former Governor of Kaduna State). Also detained under SMC Decree No. 2 were former President Shehu Shagari, who had been overthrown by a military coup led by Major-General Buhari on 31 December 1983, members

of former President Shagari's government who were suspected of misuse of public office, and other people suspected of common law offences such as embezzlement and smuggling. In February the SMC detained four leading members of the Nigerian Medical Association (NMA), Edmondson Thompson-Akpabio, Beko Ransome-Kuti, G.T.N. Ajakpo and Rotimi Ola. The NMA had called for its members to take industrial action over inadequate health care facilities. They were also released on 6 August by order of the SMC.

After the change of government on 27 August, the AFRC released hundreds of detainees. Many had been held under SMC Decree No. 2, including Mallam Haroun Adamu, a journalist, who had been held without trial since January 1984 and had been adopted as a prisoner of conscience, Lateef Jakande, former Governor of Lagos State, and Ebenezer Babatope, a former senior official of the Unity Party of Nigeria. The new government also released some 101 people who, it appeared, had been illegally detained under the SMC government at the Lagos headquarters of the National Security Organization (NSO), the main security agency. Some had apparently been held on suspicion of criminal offences and others as witnesses in criminal cases, but they also included security personnel detained as punishment for alleged misdemeanours and people detained for political reasons. Some of them were observed by journalists, to whom they were presented by the new government, to be in poor health. One had a fractured skull.

The new government did not, however, release Fela Anikulapo Kuti, an internationally renowned musician, who was sentenced to five years' imprisonment in November 1984 on charges of currency smuggling. His trial, before a special tribunal, did not conform to internationally recognized standards of fairness, and there were reasons to believe that he had been convicted for political reasons on the instructions of senior members of the SMC. He was adopted as a prisoner of conscience and Amnesty International continued to call for his release throughout 1985.

The new government also detained without charge some former officials or office holders associated with the SMC. At the end of 1985 Major-General Muhammadu Buhari and Major-General Tunde Idiagbon, respectively the former Chairman of the SMC and the former Chief of Staff, Supreme Headquarters, were reported to be under house arrest. Mohammed Rafindadi, former NSO director, was apparently still held in prison. In late December, the government was reported to have detained dozens of people suspected of involvement in a planned coup which was reportedly uncovered on 20 December. None of them were known to have been formally charged by the end of 1985.

At the time of his appointment as President, Major-General Babangida announced the abolition of SMC Decree No. 4. Subsequently, the AFRC established judicial panels to investigate several SMC decrees, including in particular those which had resulted in human rights abuses on a large scale. By the end of 1985 judicial panels were investigating the identities of people detained under SMC Decree No. 2, the cases of people convicted by special tribunals established by the SMC, and the operation of SMC Decree No. 20, the Special Tribunal (Miscellaneous Offences) Decree, which extended the application of the death penalty.

By the end of 1985 the judicial panel inquiring into SMC Decree No. 20 was examining the cases of some 180 people sentenced to death under its terms. On the panel's recommendation the government suspended the use of the death penalty in cases of people convicted of oil smuggling or drug trafficking. Three people are known to have been executed during 1985 under SMC Decree No. 20. Bartholomew Azubike Owoh, Akanni Ojulope and Bernard Ogendegbe were publicly executed by firing-squad on 10 April. Of the 68 executions reported to Amnesty International, all but these three were for murder or armed robbery. Amnesty International also learned of 144 death sentences, most passed on people convicted by special tribunals.



## Rwanda

Amnesty International remained concerned about the imprisonment of several prisoners of conscience but others were released during the year. It welcomed the government's clarification of the fate of more than 50 political prisoners who had "disappeared" in the mid-1970s, all of whom had been secretly killed in prison. Those alleged to be responsible for their deaths were brought to trial. Five were sentenced to death but had not been executed by the end of 1985.

Five prisoners of conscience adopted by Amnesty International were released during the year. Four of them had been convicted in November 1981 and April 1983 of distributing seditious documents and were released before the expiry of their sentences. Eustache

Kabalira, who had been detained without charge or trial since February 1983 (see *Amnesty International Report 1985*), was also released. At least eight and perhaps as many as 20 other political prisoners were released during the year. They included one uncharged detainee held since 1980 and several prisoners serving long sentences for armed opposition to the government in the 1960s. At the end of the year only Aloys Ngurumbe, who was sentenced to life imprisonment in 1984 after being forcibly repatriated from Zaire in 1982, was still imprisoned for armed opposition to the government in the 1960s.

Amnesty International continued to work for the release of several prisoners of conscience including Melchior Nzamwita, a former army lieutenant, and eight others who received prison terms ranging from six to 12 years in November 1981 after the State Security Court convicted them of distributing seditious documents. However, the organization decided to re-examine the case of two of them who were tried in June on charges unrelated to the original reasons for their imprisonment. One was sentenced to two years' imprisonment for destroying incriminating evidence and the other to 12 years' imprisonment for complicity in the illegal detention of a prisoner who was subsequently starved to death in prison.

Another prisoner of conscience who remained in jail was Alphonse Utagirake, who was sentenced to three years' imprisonment in August 1984 for allegedly criticizing the presidential election of 1983 and arguing that obligatory communal work should be abolished.

Some Jehovah's Witnesses were imprisoned during 1985 although it appeared that membership of the sect was not prohibited. At the beginning of the year, Amnesty International knew of 11 Jehovah's Witnesses who were in prison, most of them at Gisenyi. They were believed to have been released later in 1985 but new arrests were reported, particularly at Gitarama.

In June 12 people, mostly former government officials, were tried in connection with the "disappearance" of 56 political prisoners in the 1970s. The principal defendant was Théoneste Lizinde, the head of the national security service from 1973 to 1979. He had been arrested in April 1980, then tried and sentenced to death by the State Security Court in November 1981 for plotting to kill the head of state. However, his sentence was later commuted to life imprisonment. During the trial, the State Security Court had ruled that it did not have jurisdiction to try Théoneste Lizinde on an additional charge of causing the deaths of two prisoners.

The 11 other defendants who stood trial with Théoneste Lizinde in June included the former directors of Gisenyi prison and Ruhengeri Prison, where some 56 political prisoners were alleged to have been

killed extrajudicially between 1974 and 1978. The other defendants were the former military commander of Ruhengeri and two other soldiers, who were accused of some of the killings, and several businessmen, who were accused of arranging for people with whom they had disputes to be imprisoned or killed. Most of the defendants had been held since 1980; three of them had been sentenced to prison terms in 1981 for distributing seditious documents.

Nine of the accused were alleged to have participated directly in the murder in prison between 1974 and 1978 of 56 political prisoners, including former members and officials of the government of President Grégoire Kayibanda, which was overthrown in July 1973. Thirty of the 56 had been convicted by a military court in June 1974 on charges of conspiring to murder General Juvénal Habyarimana while he was Minister of Defence and before he replaced President Kayibanda as head of state. Some were sentenced to death, but in July 1974 their death sentences were commuted to life imprisonment. Despite this, as the information made public in June 1985 revealed, all 30 defendants in the 1974 trial were subsequently killed secretly in prison. In addition, some 20 other officials or supporters of President Kayibanda's government, and six other prisoners, had also been secretly killed in Ruhengeri or Gisenyi prison.

Amnesty International had previously expressed concern about the reported "disappearance" of political prisoners in the mid-1970s (see *Amnesty International Report 1982*) and had obtained the names of about 30 of the victims. Some sources had suggested that, in all, more than 100 prisoners had "disappeared" and that more government officials had been involved in the killings than those who were ultimately brought to trial in 1985.

The trial of Théoneste Lizinde and other former government officials took place in June before the tribunal of first instance in Ruhengeri and lasted for eight days. The proceedings were conducted *in camera* and the defendants apparently were not assisted by legal counsel. One of the defendants was acquitted but the others were convicted. Théoneste Lizinde and four other defendants were sentenced to death for murder and two others convicted of the same offence received eight-year prison terms. The remaining defendants were sentenced to prison terms ranging from six months to 12 years. Appeals lodged on behalf of those sentenced to death had not been heard by the end of 1985. While Amnesty International welcomed government investigation into the "disappearances" and believes that the perpetrators of such abuses should be brought to justice, it was concerned that the procedure followed may not have conformed to international standards for a fair trial and about the imposition of death penalties, which it opposes in all cases.

In November the Minister of Justice informed Amnesty International that his ministry had been given powers to monitor the activities of the national security service and had introduced measures to curb its powers of arbitrary arrest and detention without trial and prevent further ill-treatment or killings of prisoners.



## Senegal

Amnesty International was concerned about reports that a number of defendants brought to trial for alleged offences against state security had been tortured or ill-treated in pretrial custody. There were disturbing reports that at least seven other people detained in the same connection had died in pretrial custody,

including at least four who were alleged to have been tortured shortly before their death.

During 1985 the authorities released more than 100 people who had been detained without trial since early 1984, after violent disturbances in the Casamance region following the conviction in December 1983 of 32 alleged supporters of autonomy for Casamance. Some of those released, who may have included prisoners of conscience, were reported to have been tortured following their arrest.

In all, more than 200 people had been detained following the December 1983 disturbances. The 105 who were not released were brought to trial in November 1985 before the State Security Court charged with offences against the security of the state. In November an Amnesty International observer attended part of the trial which had not been concluded by the end of 1985. There was still insufficient information available to determine whether any of the defendants were prisoners of conscience. Amnesty International noted irregularities in the composition of the court but these did not appear to have a substantial bearing on the fairness of the trial. However, the organization was concerned that the evidence against many defendants relied almost entirely on statements made by them, which most defendants claimed had been made after torture or ill-treatment.

Most of the defendants alleged in court that they had been tortured with electric shocks or beaten while in custody by officers of the

police or the National Gendarmerie, but the State Security Court had not ruled on the validity of these allegations by the end of 1985. An Amnesty International delegate who had visited Senegal before the trial noted that some prisoners displayed scars consistent with their accounts. It was reported that at least seven people had died in custody after being arrested in connection with the Casamance disturbances. At least three of these deaths occurred in 1985. For example, Lamine "Pecos" Mané was reported to have been detained in January 1985 and to have been severely beaten while in police custody before his case was brought before a magistrate on 13 February. He is reported to have died on 22 February. In this and similar cases, the authorities are not known to have instituted any autopsy or judicial inquiry into the deaths, in spite of the request by a lawyer for this to be done in at least one case.

Another person detained during 1985 who may have been a prisoner of conscience was a journalist, Boubacar Diop, who was arrested in August and charged with libel and insulting the authorities. The charge was based on an interview published by his newspaper with Maître Abdoulaye Wade, Secretary General of the *Parti démocratique sénégalais*, Senegalese Democratic Party. He had not been tried and remained in custody at the end of 1985. Amnesty International continued to seek information about his case.

Amnesty International noted that it had incorrectly reported in its *Amnesty International Report 1985* a statement by the Minister of Justice. In the cases of El Hadj Momar Samb and three others held in 1984, the authorities had in fact stated in September 1984 that the four would be tried by the correctional court, and not the State Security Court.



## Seychelles

Amnesty International was concerned about the imprisonment of prisoners of conscience. No new "disappearance" cases were reported to Amnesty International during 1985 but the organization remained concerned about the government's failure to investigate allegations that at least seven people had either "disappeared" or been executed extrajudicially between 1977 and 1984. A prominent political opponent of the government was

assassinated abroad. The government denied responsibility for the killing but there were allegations of official involvement.

Amnesty International adopted as a prisoner of conscience Jean Dingwall, a businessman detained without trial since September 1984 under the Preservation of Public Security (Detention) Regulations which allow indefinite detention without trial with no right to challenge the order in court. Jean Dingwall was apparently detained on suspicion of organizing political opposition, including a non-violent demonstration which took place on 30 September 1984. He had previously been detained without trial in 1979 and between 1981 and 1983. It was the first time that he had been adopted by Amnesty International, although his detention had been investigated by Amnesty International once before.

Nine other prisoners of conscience were among a group of some 20 people detained in May and June for possessing or distributing literature criticizing the government. All but nine of those detained were soon released but three, two of whom were brothers, Joachim and Robin Sullivan, were still held untried at the end of 1985. Two other people were sentenced to a year's imprisonment in November but were released in December after remission for good conduct. Another four people were sentenced to suspended terms of imprisonment by the Supreme Court at a separate hearing in November but were not released until the next month. They included André Barallon, a stevedore, and Bernard Racombo, a former police officer.

In another case, Amnesty International adopted as a prisoner of conscience a known opponent of the government who was sentenced to imprisonment on criminal charges which appeared to have been fabricated for political reasons. Royce Dias was arrested in December 1984 and charged with possessing cannabis. He was tried by the Seychelles Supreme Court and convicted on 27 June. He was sentenced to seven and a half years' imprisonment, reduced on appeal in October to five years'. Before his arrest, Royce Dias had on several occasions been publicly named by President France-Albert René as an enemy of the government. He was also known to have expressed critical views about the government in press interviews. Royce Dias claimed in court that the cannabis had been placed in his car by an officer of the Police Mobile Unit, a paramilitary force whose duties do not normally include traffic control or criminal investigation. The officer concerned denied this but Amnesty International noted that he was alleged to have harassed and intimidated political suspects on other occasions.

In July Amnesty International appealed for the government to establish an impartial inquiry into the fate of at least seven people

reported to have been abducted by the security forces for political reasons between 1977 and 1984. In each of the seven cases Amnesty International had received detailed allegations about the abductions, including in some cases the names of the security officers said to have carried them out. The organization had also received allegations that police inquiries into the "disappearances" had been obstructed by the authorities. Moreover, the family of the person who had "disappeared" most recently – Alton Ah-Time, said to have been abducted and killed in September 1984 on account of his opposition to the government – was harassed. In May 1985 three of Alton Ah-Time's brothers – George, Wilhelm and Peter Ah-Time – were detained, assaulted and subsequently released by the security forces. Amnesty International drew these "disappearances" or extrajudicial executions to the attention of the UN Working Group on Enforced or Involuntary Disappearances and the UN Special Rapporteur on summary or arbitrary executions. However, by the end of 1985 the authorities were not known to have established any inquiry or to have issued any response.

On 29 November Gérard Hoarau, President of the exiled Seychelles National Movement, was killed by an unknown assailant outside his house in London. The Seychelles' authorities issued a statement deploring his murder and dissociating themselves from it. However, Amnesty International noted that the authorities had claimed to have kept Gérard Hoarau under surveillance for at least three years, and that several sources, including Gérard Hoarau himself shortly before his death, had claimed that the government had conspired to kill him while he was abroad. Amnesty International subsequently received allegations that his eventual murder was carried out with the complicity of the Seychelles Government.



## Sierra Leone

The two prisoners of conscience adopted by Amnesty International were released in January, but there were disturbing reports of ill-treatment of people detained by the security forces in the Kono district. Some of those held there were considered likely to be prisoners of conscience.

On 1 October the head of the armed forces, Major-General Joseph

Saidu Momoh, was elected unopposed in a presidential election.

The two prisoners of conscience who had been adopted by Amnesty International were both released in January. They were Christopher Coker, a journalist, and L. Olu Mammah, an accountant. Both had reportedly been arrested in September 1984 on suspicion of possessing literature printed by an opposition political group.

On 13 and 14 March, special detachments of police and of the Special Security Division (SSD) reportedly detained some 600 suspected illegal immigrants at Koidu in the Kono district of eastern Sierra Leone. There were local protests and demonstrations against these arrests in which at least three people are reported to have died. Local members of the Sierra Leone Motor Drivers' Union called a strike to protest against the detention and ill-treatment of some of their members. This led on 18 March to at least 42 people being detained and charged either with offences against public order or with organizing a strike. Amnesty International considered that some of those detained may have been prisoners of conscience. For example, Andrew Tamba Fasuluku Tache-Quee, a student, was among those detained on 18 March, when he was beaten unconscious by SSD officers. He was subsequently charged with organizing a lorry drivers' strike, although he was not known to have been a member of the union. He was acquitted by a court and released on 24 September.



## Somalia

Amnesty International's main concerns were the imprisonment of prisoners of conscience, some of whom had been detained without trial for over seven years; the detention without trial, or imprisonment after unfair trials, of other political prisoners; allegations of torture and ill-treatment of prisoners; and the

extensive imposition of the death penalty.

In September President Mohamed Siyad Barre reportedly denied that there were any political prisoners in Somalia. He also reportedly offered to permit Amnesty International representatives to go to Somalia but a proposal to this effect which the organization made in November had received no response by the end of 1985.

There was continuing armed conflict in 1985 between government

forces and two armed opposition groups, the Democratic Front for the Salvation of Somalia (DFSS) and the Somali National Movement (SNM). There were unconfirmed reports of extrajudicial executions of unarmed civilians by the security forces in areas of armed conflict.

There were new politically motivated arrests during 1985. In March more than 100 students belonging to the Somali Islamic Youth Union, the Muslim Brotherhood and other Islamic organizations were reportedly arrested in Mogadishu, Berbera and other towns. They were arrested shortly after the authorities placed restrictions on the religious activities of these organizations. The students were held in Mogadishu Central Prison. About 30 more members of the same Islamic organizations were arrested in July for their religious activities but all those detained were released by November without having been charged.

In July there were reports that at least 30 people, including Safia Hashi Madar, a housewife, and Said Dahar Jama, a student, had been arrested in Hargeisa because they were suspected of supporting the SNM. Twenty-six of them were believed to be still detained without charge at the end of 1985. Amnesty International believed that they might be prisoners of conscience.

The organization was seeking information on Yasin Haji Hersi, a doctor arrested in September reportedly for criticizing the government, believed to be still detained without charge at the end of 1985. It also sought information on a number of people said to have been arrested in Koriolley in August for refusing conscription into the army.

Amnesty International continued to work for the release of prisoners of conscience detained in previous years. They included Yusuf Osman Samantar ("Barda'ad"), a politician and lawyer, held without trial since 1978; Abdurahman Hussein Jama, an accountant, and Abukar Hassan Yare, a law lecturer, both detained without trial since January 1981; and Abdi Ismail Yunis, former Dean of Education at the Somali National University, and Suleiman Nuh Ali, an architect, both detained without trial since 1982. Amnesty International also pressed for the release of 20 people, including doctors, teachers and civil servants, who were convicted by the National Security Court in Hargeisa in 1982 of participating in a subversive organization. They received prison sentences for non-violent opposition to the government after a trial which Amnesty International considered to be unfair. One of the 20 was Aden Yusuf Abokor, director of the Hargeisa hospital. Three others were released in 1985 after serving three-year sentences.

Six former members of parliament arrested in June 1982 also remained in detention throughout 1985. They included Ismail Ali Abokor, a former Vice-President of Somalia; Omar Arteh Ghalib, a

former foreign minister; and Mohamed Aden Sheikh, former president of the Somali Academy of Sciences. Although arrested for treason, they had not been allowed access to defence counsel since their arrests and had not been brought to court. They were believed to be held in Labatan Jirow prison and to be denied contact with their families. In December Amnesty International received information suggesting that they were about to be brought to trial before the National Security Court with some 26 other political detainees. The organization asked the government to confirm or deny this and to ensure full legal defence rights. Amnesty International also called on the authorities to permit international observers to attend their trial. The trial had not started by the end of 1985. Amnesty International was also concerned that some of the detainees were in poor health as a result of inadequate medical attention or ill-treatment. One, Abdullahi Jama Gallal, an army officer, had allegedly been tortured.

Amnesty International remained concerned about the continued imprisonment of 22 people, many of them secondary school students, who were convicted of treason in October 1984 by the National Security Court in Hargeisa. Seven were sentenced to death and the others to prison terms of three years to life after a trial which Amnesty International believed, on the basis of the limited information available to it, was not fair. It appeared that all 22 defendants might be prisoners of conscience. Some of those sentenced to death were reported to be under 18 years old at the time of the alleged offence. In November 1984 the government reportedly assured the Italian Government that those condemned to death would have their sentences reviewed, but no formal announcement of clemency had been made by the end of 1985.

Amnesty International was concerned about the prolonged detention without trial in Somalia, of a number of Ethiopians. Some were civilians who had been abducted from Ethiopia by the Somali armed forces during an armed conflict in 1977 and were believed to be held in Hawai military camp, but the government had not acknowledged their detention. Others, including refugees who had fled from Ethiopia to avoid political persecution, had been arrested for alleged security offences or on political grounds.

Political prisoners were reportedly held in harsh conditions, with those detained in Lanta Bur and Labatan Jirow maximum security prisons being denied contact with their families and, in some cases, held in prolonged solitary confinement. Medical facilities and diet were reported to be inadequate. At Hargeisa prison political prisoners' families were apparently allowed to send food in to them but often had to pay bribes to prison officers. Prisoners held by the National Security Service (NSS), particularly in the Mogadishu

regional NSS prison known as *Godka* ("the hole"), were reportedly treated harshly and in several cases tortured.

Amnesty International appealed to President Siyad Barre to commute 11 death sentences imposed by the National Security Court during 1985 for offences including treason, espionage, armed robbery, homicide and embezzlement. Amnesty International was seeking to verify reports that over 100 people were executed in 1985 after being condemned to death by the National Security Court, including 17 prisoners allegedly executed in Hargeisa on 30 July. There is no right of appeal against the sentence of the court, although death sentences require confirmation by the head of state. Those condemned were in many cases said to have been executed in public within 24 hours of sentencing.



## South Africa

Amnesty International was concerned about the imprisonment of prisoners of conscience and the detention without trial of other political prisoners. Prisoners of conscience included people sentenced to prison terms for non-violent opposition to the government, detainees held without trial or awaiting trial, and people restricted under banning orders. They also included some 90,000 people imprisoned in 1985 under the so-called pass laws, which apply only to black people and restrict their movement and residence. There were many reports of torture and ill-treatment of uncharged political detainees, several of whom died in custody. Amnesty International appealed publicly to the authorities in August to prevent assaults and torture of detainees by security police. Amnesty International was also concerned about the continuing high rate of judicial executions. Several prominent opposition figures were attacked, abducted or murdered in circumstances giving rise to fears regarding the existence of "death squads". Amnesty International urged the authorities to investigate whether such attacks had been perpetrated by government agents. No such inquiry was initiated and by the end of the year, no one had been arrested for the abductions and murders of leading anti-apartheid activists. During 1985 South African security forces carried out extrajudicial executions of suspected political opponents in Botswana and, allegedly, in Lesotho.

Amnesty International was concerned also about the high incidence of police killings of civilians in the context of black unrest, in view of increasing evidence that some black protesters were shot dead as a matter of deliberate policy. In March Amnesty International called on the government to clarify the circumstances in which police could use live ammunition against protesters following an incident at Langa, near Uitenhage, when 20 black people were shot dead by police and others injured. The authorities did not provide such clarification.

The year was marked by protracted and widespread black unrest and human rights violations on an extensive scale. Some 10,000 people were detained without charge or trial for political reasons during the year and thousands of others were charged with politically motivated offences ranging from public violence to treason. Of those detained without charge, almost 8,000 were held under state of emergency powers introduced in certain areas in July. Some 2,000 of those detained under the emergency were under 16 years of age. Some were held only briefly, but others spent months in detention incommunicado and without any means of challenging their detentions before the courts. Many were assaulted at the time of arrest or afterwards, and some were tortured. In Transkei, where a state of emergency has existed for several years, there were also hundreds of political arrests. Outside those areas covered by the state of emergency, suspected opponents of the government were detained under the Internal Security Act. Several hundred people were detained incommunicado and in solitary confinement under Section 29 for security police interrogation and almost 2,000 others were held without charge for up to 14 days under Section 50. Others were held in "preventive detention" or as potential state witnesses in political trials. For example, Lord McCamel, a cleric and Chairman of the Vaal Civic Association, was held in solitary confinement throughout 1985 as a potential state witness in the trial of 22 other black community leaders, most of whom were arrested in 1984 but whose trial had not begun by the end of 1985.

There were also many detentions in the nominally independent "homelands", notably Transkei and Ciskei, under local laws similar to the Internal Security Act. Those held included students, doctors, political activists, and human rights lawyers such as Prince Madikizela and Dumisa Ntsebeza in Transkei and Hintsisa Siwisa in Ciskei.

The greatest number of detentions occurred after the imposition of a state of emergency on 21 July in parts of the Transvaal, Eastern Cape and Orange Free State. In late October, this was extended to the Western Cape area, including Cape Town, although the emergency had been lifted from several districts by the end of the

year. Arrests began immediately and continued throughout the second half of 1985. Those held included school children and students, teachers, trade unionists, journalists, black community leaders and clergymen.

Under the emergency, the police and other law enforcement personnel were given legal immunity from prosecution for acts committed "in good faith" in connection with the emergency and substantial new powers of stop and search and arbitrary arrest and detention. All such personnel were empowered to arrest people and hold them incommunicado and without charge for up to 14 days, following which unlimited incommunicado detention without trial could be authorized by the Minister of Law and Order.

Detainees held under the emergency regulations had no recourse to challenge their detentions and were denied all visits unless expressly approved by the authorities. Some were held in prisons and others in police cells. The police were not required to disclose their whereabouts. It was also made an offence under the emergency, punishable by up to 10 years' imprisonment, for anyone to disclose a detainee's name without official authorization, although the authorities issued lists of those detained and released. A series of "Rules" governing the treatment of emergency detainees defined possible disciplinary contraventions punishable by up to 30 days' solitary confinement, reduced diet or corporal punishment. They included being "insolent or disrespectful", and complaining about their treatment in ways deemed "false, frivolous or malicious".

The Rules required medical examination of detainees on admission to prison and thereafter "regularly". In September Dr Wendy Orr, who had examined several hundred people detained in the Port Elizabeth area, told the Supreme Court there that many had complained of torture or assault and had injuries consistent with their allegations. The authorities denied the allegations but the court issued an interim order that the security police should not further assault detainees in Port Elizabeth and Uitenhage and stated that the immunity granted to police under the emergency should not protect police responsible for ill-treating prisoners. The court adjourned until 1986 for further hearing of the case.

Amnesty International received reports of torture of detainees within two weeks of the imposition of the emergency. In particular, detainees in Port Elizabeth and at Protea Police Station, Soweto, were reported to have been beaten, given electric shocks, threatened with execution, and subjected to the "helicopter" – in which a victim is handcuffed at the wrists and ankles, hung upside-down on a pole inserted behind the knees, spun around and beaten. Among the victims reported were students, trade unionists and clergy.

Several other court actions were brought on behalf of emergency detainees who were alleged to have been ill-treated, but not all were successful. For example, an urgent application brought in the Transvaal on behalf of trade unionist Amos Masondo, Sidney Molokoane and Kenneth Filha, a student, was rejected on the grounds that their alleged ill-treatment had occurred some weeks before the court hearing and they were not considered to be at further risk. All three had been detained at the beginning of the emergency and were still held incommunicado at the end of 1985. They were adopted as prisoners of conscience by Amnesty International.

Court actions were also brought on behalf of several detainees held under Section 29 of the Internal Security Act. One concerned Billy Nair, a trade unionist, who was reportedly assaulted both before and after a court order was obtained restraining the police from ill-treating him. In two other cases the Natal Supreme Court ordered the release of detainees when the security police refused to divulge the reasons for holding them. One was that of Paddy Kearney, a church worker, and the second that of Richard Steele, a former prisoner of conscience, and other members of the End Conscription Campaign who had been detained in mid-September. A major report on torture was published in September by the University of Cape Town's Institute of Criminology which concluded that there was a high incidence of torture or ill-treatment, with some 83 per cent of detainees alleging physical torture or assault during detention.

Several detainees died in custody during the year. They included Siphon Mutsi, an 18-year-old organizer for the Congress of South African Students (COSAS) which was banned by the government in September. He was arrested on 2 May and died three days later. The police said that he had suffered a fit while being questioned but his body had whip marks and other injuries on the head, back and shoulders and an eye-witness reported seeing him lying handcuffed on the floor of the police station, being kicked in the face by police officers. No one was prosecuted in connection with his death. An inquest began on 6 December but had not been completed by the end of 1985. Andries Raditsela, a trade unionist, was arrested on 4 May at Tsakane township and was reportedly assaulted at the time. A few hours later he was seen by his parents suffering from injuries consistent with an assault. He was moved to hospital and died on 6 May, by which time the police had formally released him from detention.

There were many political trials during the year. In one, 16 leading members of the United Democratic Front (UDF) were charged with treason. Some had been held since 1984, others were arrested in February. All were adopted as prisoners of conscience by Amnesty

International. Their trial began in October and was expected to last many months, but in December, 12 of the defendants were acquitted. Twenty-two other black leaders, including UDF officials and members of the Azanian People's Organisation, were also charged with treason and other offences relating to civil unrest in late 1984 in the "Vaal Triangle" area. Among them were several former prisoners of conscience including Tom Manthata, a community leader and church worker, and Mosioua Lekota, publicity secretary of the UDF. Under Section 30 of the Internal Security Act the courts were denied jurisdiction to release them on bail, so they remained in custody to await trial in 1986.

Six other people charged in connection with the Vaal Triangle unrest were convicted of murder and subversion and sentenced to death on 13 December. They had not been executed by the end of 1985 and were lodging appeals. Earlier, in March, two other people were sentenced to death after being convicted of a politically motivated killing. They were alleged to be supporters of the banned African National Congress (ANC) and to have killed a man whom they believed was a police informer. They too had not been executed by the end of the year.

The death penalty remained a major concern. In all, some 137 people were hanged at Pretoria Central Prison in 1985 and further executions reportedly took place in Transkei and other nominally independent "homelands". All those hanged at Pretoria had been convicted on criminal charges. However, one of the victims, Malisela Benjamin Moloise, was a political prisoner who was hanged in October, despite international appeals.

Several prominent opponents of the government "disappeared" or were killed by unidentified assailants who had not been apprehended by the end of the year. In May three Port Elizabeth community leaders disappeared while driving to the local airport. Their families believed that they had been detained by security police, citing threats that had been made earlier, but the authorities denied all responsibility. In June Matthew Goniwe and Fort Calata, two former prisoners of conscience, and two other Cradock community leaders, were abducted between Port Elizabeth and Cradock and subsequently found murdered. It was widely suggested that they and Victoria Mxenge, a human rights lawyer shot dead in Durban on 1 August, had been killed by people acting on behalf of the authorities. The government denied any responsibility but a police inquiry failed to identify those responsible. Amnesty International appealed for an inquiry into the reported existence of a pro-government "death squad" but received no response.

South African security forces were responsible in June for the

extrajudicial execution of several refugees living in Botswana. Those killed were alleged by the government to include supporters of the ANC. In December several other alleged ANC members were among a number of people killed in Lesotho. It was widely suspected that these killings were also carried out by South African security agents but the government denied responsibility.

Within South Africa, in a number of incidents it appeared that black civilians may have been shot dead as a matter of deliberate policy. On 21 March police opened fire on a funeral procession at Langa township, Uitenhage, killing some 20 people. The victims, most of whom were shot in the back, included children. A judicial commission of inquiry was appointed to investigate the incident: this criticized police procedures but exonerated the police officers responsible for the killings. It was disclosed that they had been issued only with lethal weapons, on the orders of a senior police officer, and had had no other means of crowd dispersal. The Langa inquiry was the only one of its kind although there were several further mass shootings of civilians in other localities later in 1985. The number of such shootings appeared to increase significantly following the imposition of the state of emergency and the granting of immunity to the police.

An Amnesty International observer attended part of the Langa inquiry proceedings. An Amnesty International mission also went to South Africa in May to assess the impact of changes made in 1984 to the administration of pass law courts. This noted improvements in judicial procedures but found that many black people continued to be imprisoned under the pass laws and, in many cases, were ill-treated in custody or when released on parole to work for white farmers.

Amnesty International submitted information on its concerns in South Africa to UN bodies including the *Ad Hoc* Working Group of Experts on southern Africa, and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities.



## Sudan

Until 6 April, when President Gaafar Mohamed Nimeiri's government was overthrown, Amnesty International's concerns were the imprisonment of prisoners of conscience, the detention without trial of other alleged opponents of the government, the use of torture, judicial punishments of amputation and flogging, and the death penalty. There was particular concern in January when Mahmoud Mohamed Taha, a prisoner of conscience, was publicly executed.

The Transitional Military Council, which took power on 6 April, immediately declared a state of emergency, suspended the constitution, dissolved parliament and disbanded the State Security Service. It appointed a Council of Ministers, most of whom were civilians, and announced elections for a new government in April 1986.

Many improvements occurred following the change of government. All prisoners of conscience and all other political prisoners were released, the infliction of amputations was suspended and five former security officials accused of torture were prosecuted and imprisoned. The new government undertook to respect human rights. An Amnesty International mission visited Sudan in November to discuss further improvements. However, a number of people were detained without charge or trial, apparently on political grounds, several further sentences of amputation were passed, and the use of flogging continued.

Armed conflict persisted throughout 1985 between government forces and the Sudan People's Liberation Army (SPLA) in several parts of the country. Unconfirmed reports were received of extrajudicial executions of civilians by government forces in the areas of armed conflict. At least 14 civilians were detained by the SPLA. Six foreign nationals held since February 1984 were released by the SPLA in January and February and eight Sudanese civilians were released in June.

On 5 January five members of the Republican Brotherhood, an Islamic political organization, were arrested and accused of distributing pamphlets advocating the repeal of the 1983 penal code based on Islamic law and a peaceful solution to the armed conflict. The five, who included Mahmoud Mohamed Taha, the 76-year-old leader of the Republican Brotherhood, were charged with subversion and brought to trial two days later. On 8 January, after two short

hearings, they were convicted and sentenced to death. On 17 January the court of appeal, in an automatic review of the trial, upheld the convictions. In addition, this court ruled that the defendants were also guilty of apostasy (breaking away from Islam), although apostasy was not a specified criminal offence. The court cited the Basic Judgments Act of 1983, which empowered judges to apply Islamic law in cases where the offence was not specified in the penal code. Although the defendants had not been charged with apostasy they were convicted and sentenced to death on this charge without any hearing. The court gave Mahmoud Mohamed Taha's four co-defendants a month in which to repent of apostasy or be executed. However, the next day President Nimeiri cut the repentance period to three days when confirming their death sentences. On 18 January Mahmoud Mohamed Taha was publicly hanged at Kober prison in Khartoum North in the presence of his four co-defendants. They then signed declarations of repentance and were freed. Amnesty International had appealed repeatedly for the unconditional release of all the defendants as prisoners of conscience. It expressed deep regret at the execution of a prisoner of conscience and condemned this use of the death penalty to suppress peaceful political and religious dissent.

Four members of the banned Arab Ba'athist Socialist Party (ABSP) were also charged with subversion and apostasy in January. Osman el-Sheikh el-Zein, a pharmacist, Bashir Hamad Ibrahim, a student, and two others had been arrested in 1984 and accused of distributing ABSP pamphlets calling for a civil disobedience campaign to overthrow the government. They were tried in November 1984 on charges of sedition and membership of an illegal organization. In late January 1985 the judge added the charges of subversion and apostasy which both carried the death penalty. Amnesty International criticized this use of capital charges and called for their release as prisoners of conscience. On 24 February the four were acquitted of subversion and apostasy but were convicted of sedition. Bashir Hamad Ibrahim was sentenced to five years' imprisonment, another defendant was imprisoned for two years, while Osman el-Sheikh el-Zein and the fourth defendant were fined. All four were also sentenced to floggings of 80 lashes, which were inflicted in the courtroom immediately.

A small number of political detainees held under the State Security Act, which permits detention without charge for indefinitely renewable periods of three months, were freed early in 1985. The Reverend Philip Abbas Gabboush, a former member of parliament, and about 200 others who had been arrested in October 1984 and accused of a conspiracy to undermine security and prepare for a foreign intervention, were released on 5 January just before their trial was to open.

On 10 March many members of the Muslim Brotherhood were detained under the State Security Act. Among them were Hassan al-Turabi, a presidential adviser, and Yassin Omar al-Imam, chairman of the Sudanese Socialist Union, the only political party permitted. President Nimeiri accused them of seeking to overthrow the government by violent means and of illegal economic activities. Amnesty International asked the authorities for details of the grounds for their detention. It also inquired about the detention in Juba on 16 March of Hilary Logali, a former southern region minister, and several members of the Equatoria regional parliament, reportedly for criticizing the government.

Opposition to President Nimeiri's government intensified in March with demonstrations and rioting against increases in food prices caused by the removal of government subsidies. Over 2,500 people were arrested in Khartoum and many were flogged and imprisoned after summary trials by special courts. On 31 March, over 30 leaders of professional organizations and trade unions were arrested and accused of organizing anti-government activities and a general strike. They included El-Gizouli Dafaala, President of the doctors' union, Mirghani el-Nasri, President of the Bar Association, and many other doctors, lawyers, engineers, lecturers and students. The strikes and non-violent demonstrations continued with more arrests. Amnesty International appealed for the release of all those arrested for non-violent opposition to the government.

On 6 April, while President Nimeiri was abroad, the government was overthrown when the army assumed power. All political prisoners were freed on the demand of people demonstrating at the prisons where they were held. A general amnesty for all refugees and political prisoners of the former government was later issued by the new ruling Transitional Military Council. All prisoners of conscience adopted by Amnesty International were freed, together with several hundred political opponents detained without trial over the previous six years and large numbers arrested in the recent demonstrations and strikes. The prisoners of conscience included members of banned political parties such as the Sudan Communist Party and Arab Ba'athist Socialist Party.

Between January and the change of government in April, 20 or more amputations were inflicted under the 1983 penal code, which provided for amputation of the right hand, or the right hand and the left foot (cross-limb amputation), for theft, robbery with violence or habitual theft. Several hundred people were also reported to have been flogged. Amnesty International appealed for the penalties of amputation and flogging to be removed from the penal code as they were cruel, inhuman and degrading punishments.

After the change of government Amnesty International welcomed the release of political prisoners and appealed to the new government headed by General Abdel Rahman Swaraddahab to give special attention to human rights issues. It urged early ratification of the International Covenant on Civil and Political Rights and other human rights treaties. The government replied on 27 May that "a fundamental aim of the 6 April uprising is the restoration of freedom and basic human rights for all in Sudan". In the following months, formerly banned political parties, as well as newly formed parties, were allowed to organize and to disseminate their opinions. A new Transitional Constitution was enacted on 10 October.

Many officials of President Nimeiri's administration were detained when the army took power. Some were later released but about 90 were still detained at the end of 1985. By that time, only two had been charged and brought to trial. One was convicted of corruption and the trial of the other, former Vice-President Omar Mohamed El-Tayeeb, was continuing. He faced charges of treason, subversion, espionage and abuse of power.

On 27 September the Reverend Philip Gabboush, leader of the Sudanese National Party, and over 160 others were arrested and publicly accused of conspiring to overthrow the government. By the end of the year most were released without having been charged but the Reverend Philip Gabboush and 26 others were still detained. Amnesty International urged that they be either charged and brought to trial or released, and was investigating their cases.

On 17 December, 21 members of a newly formed political party, the National Socialist Alliance for the Salvation of the Country, were detained without charge under the State Security Act, allegedly because of their links with the former government. Amnesty International urged their release if they were not be charged with a recognized criminal offence.

In November an Amnesty International mission visited Khartoum to discuss human rights with the government and non-governmental organizations. Concern was expressed about the retention of laws allowing the imprisonment or even execution of prisoners of conscience, detention without trial, judicial penalties of amputation and flogging, and the death penalty. The Attorney-General informed the delegation that several of these laws were being reviewed and that many of their harsh effects had already been reduced through political and administrative decisions and judicial reforms. The delegation requested an independent inquiry into the trial and execution of Mahmoud Mohamed Taha. It expressed concern about the detention without trial of the Reverend Philip Gabboush and others arrested with him, and the continued detention without trial of

former officials.

The delegation welcomed improved safeguards against torture, including disbanding the State Security Service. Five State Security Service officers had been charged with the torture of Bashir Hamad Ibrahim in May 1984 (see above) and were convicted on 31 August and sentenced to five years' imprisonment. The delegation discussed with the authorities the judicial penalties of amputation and flogging. The Minister of the Interior stated that under the former government 96 amputations (including 17 cross-limb amputations) had been inflicted and that a further 10 sentences of amputation had been imposed but not carried out as of 6 April. Of these, five had been confirmed by the Supreme Court, while five others, as well as 15 sentences imposed since 6 April, were awaiting review by the Supreme Court. No amputations were carried out between 6 April and the end of 1985. The use of flogging, however, was continuing, although to a lesser extent than before.



## Swaziland

Amnesty International worked for the release of five prisoners of conscience, all of whom were freed on 31 December. The organization was concerned also about other politically motivated arrests and about the use of the death penalty.

In January Amnesty International took up the cases of Dr Sishayi Nxumalo, a member of parliament and a former minister; Colonel Mangomeni Ndzimandze, the army commander; and his deputy, Major Abednego Dlamini. Arrested in November 1984, they had been held uncharged for several weeks in apparent breach of the law. Arrested persons are required to be charged or released within "a reasonable time", a period generally taken by the courts to mean 48 hours. In early January two senior police officers were also arrested and held without charge. They were Titus Msibi, who had been dismissed as Commissioner of Police in June 1984 at the same time that Dr Nxumalo was dismissed from the cabinet, and Edgar Hillary, who was not formally dismissed as Deputy Commissioner of Police until some months after his arrest.

In response to an appeal by the organization, the Minister of Justice wrote to Amnesty International on 9 January that those

detained could apply to the courts for their release on a writ of *habeas corpus* if they felt that their detention had been "unreasonably long" and that "it is the court that will then decide whether . . . release or further detention is warranted". However, when Dr Nxumalo did apply for *habeas corpus* to the Mbabane High Court later in January the government imposed a 60-day administrative detention order on him before the court could rule on his application. Such detention orders are not subject to the jurisdiction of the courts.

The government took similar action against the four others on 23 January when they appeared in the Mbabane Magistrate's Court on charges under the Sedition and Subversive Activities Act. They were granted bail but were immediately served with administrative detention orders to prevent their release from custody. Their trial was scheduled to commence on 15 April before the Mbabane High Court. In March Amnesty International informed the government of its intention to send an observer to the trial but, in fact, no trial took place. Sedition charges against the four defendants were withdrawn when they appeared in court on 15 April. The prosecutor told the court that new charges of treason would be substituted within two weeks but this did not occur. The four defendants remained in custody, however, under successive 60-day detention orders.

In mid-May, following the further renewal of his 60-day detention order, Dr Nxumalo went on hunger-strike, demanding to be released or charged and brought to trial. He was then charged with treason, although no detailed indictment was issued against him. He required hospital treatment on several occasions due to poor health. Amnesty International adopted Dr Nxumalo as a prisoner of conscience at the beginning of 1985 and the other four in July.

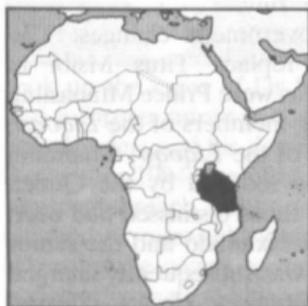
In October there were important government changes. The Commissioner of Police appointed to replace Titus Msibi in mid-1984, Majaji Simelane, was dismissed, as were Prince Mfanasibili Dlamini and Dr George Msibi, two leading members of the *Liqoqo*, or Supreme Council of State. The powers of the *Liqoqo*, a national advisory body to the Monarch, were also reduced by the Queen Regent. It had been widely suggested that those dismissed had been largely responsible for the detention of Dr Nxumalo and the senior army and police officers. Majaji Simelane was subsequently charged with making false allegations against the detainees. He was released on bail and had not been tried by the end of 1985.

Following these changes, a special committee was established before which the five detainees appeared in turn to be questioned. The committee was expected to recommend whether the detainees should be released or held further. However, in early November, their detention orders were renewed for a further 60 days. On 14

November, Amnesty International renewed its appeals to Prime Minister Bhekimpi Dlamini for the release of the five and expressed concern that they had apparently been required to appear before a panel which sat *in camera* and before which they had no right of legal representation. In early December Amnesty International appealed publicly for the immediate and unconditional release of the five detainees. Shortly after, Edgar Hillary applied for *habeas corpus*, and the Chief Justice indicated that he would probably order Edgar Hillary's release if the authorities did not issue detailed charges against him. All five detainees were then released unconditionally on 31 December by order of the Queen Regent. Amnesty International welcomed their release but, in doing so, called on the government to abolish the 60-day detention law or to amend it so that it would conform to internationally recognized human rights standards.

There were several other politically motivated arrests early in 1985 involving university students accused of distributing seditious pamphlets, and refugees from South Africa, but none were held for long. Some were deported and two students who were released on bail reportedly left the country voluntarily before they could be tried for sedition.

Amnesty International remained concerned about the death penalty but obtained only incomplete information. At least two people were sentenced to death after being convicted of murder but it was not known if there were any executions.



## Tanzania

Amnesty International was concerned about the detention without trial of alleged political opponents of the government, some of whom were apparently suspected of involvement in an alleged coup attempt in 1982. At a major political trial defendants charged in this connection claimed that they had

been tortured by police interrogators in pretrial detention. Amnesty International was also concerned about the death penalty.

In October President Julius Nyerere resigned as President, although he retained an influential position as chairman of the ruling *Chama cha Mapinduzi*, Party of the Revolution. His successor as President was Ali Hassan Mwinyi, formerly Zanzibari President and

Vice-President of the United Republic.

In January the *Bunge* (parliament) passed the government's amended version of the Preventive Detention Act, which permits the indefinite detention without trial of any person deemed to be "dangerous to peace and good order". The new Act applied to the whole of the United Republic, including Zanzibar, whereas the previous law had only been effective on the mainland. The revised law had a number of new safeguards for detainees, including the right to challenge the legality of a detention order in the High Court. Detainees were to be informed in writing of the grounds of the detention within 15 days or released. Names of detainees were to be published in the *Government Gazette* and an advisory committee was to review detentions within three months rather than after a year. Although this legislation did provide some protection from abuses of the detention law which had been frequent in the past, Amnesty International remained concerned that it still permitted the indefinite detention of political prisoners without trial.

About 15 of those detained under the Preventive Detention Act had been accused previously of involvement in a plot to overthrow the government in late 1982. In January 1983 they were among 30 people who were arrested and charged with treason for their alleged part in the plot. However, before their trial started, two of the defendants, Pius Lugangira and Hatibu Gandhi (*alias* Hatty McGhee), alleged ring-leaders of the conspiracy, escaped from custody and fled the country. The government then withdrew charges against the remaining 28 and placed them in preventive detention. In November 1983 Hatibu Gandhi and other political exiles living in Kenya were forcibly returned to Tanzania. Charges were revived against him and four others, three of whom had been forcibly returned from Kenya, as well as 14 more of the original 30 defendants. Fourteen of the original 30 were believed to be still uncharged in detention at the end of 1985. These apparently included a university lecturer, Thadoo Bugingo, a number of businessmen, including Robert Bayona, and some army officers.

After Pius Lugangira's escape from prison, his sister Christina, a doctor, was arrested and detained under the Preventive Detention Act in Keko Remand Prison in Dar es Salaam. In April Amnesty International urged President Julius Nyerere to intervene as it appeared that she might be detained in order to coerce Pius Lugangira into returning to Tanzania. The organization also expressed concern about reports that she was in poor health and urged that she should receive all necessary medical attention. There was no response to this appeal but Christina Lugangira was released unconditionally in November by President Mwinyi.

The trial of Hatibu Gandhi and the other 18 people charged with treason began in January and continued until 27 December. In August four of the defendants were released after the case against them was dismissed at the completion of the prosecution case. In December the High Court found nine of the remaining 15 defendants guilty and sentenced them to life imprisonment. The prosecution had requested the death sentence. Six others, four civilians and two army officers, were acquitted and released. All nine who were found guilty announced that they would appeal. An Amnesty International observer attended part of the trial in June. He said the proceedings appeared to be open and fair but criticized the Evidence Act because it permits statements made under torture or duress to be admitted as evidence in some circumstances. Several of the defendants alleged that they had been tortured into confessing after their arrest, but the judge ruled that their statements were in fact free and voluntary.

Amnesty International remained concerned about the death penalty, which is retained in law although few prisoners are executed. Four people were sentenced to death in 1985 after being convicted of murder but no executions were reported to have taken place. During the year there was an exchange of correspondence between Amnesty International and the Minister of Justice and Attorney General on the subject of the death penalty. In May the Minister stated that the authorities had concluded that the death penalty was not an effective deterrent to crime but indicated that it would be retained for the time being as public opinion in the country was still in favour of it.



## Togo

Amnesty International was concerned about the detention without trial of alleged opponents of the government, some of whom were prisoners of conscience. The organization was concerned also that political detainees were tortured and about reports that one political detainee, whose death in detention was attributed by the authorities to natural causes, actually died as a result of torture. No autopsy was conducted to determine the cause of death. Similarly, no autopsy was conducted in another case in which a senior army officer died while under house arrest.

Amnesty International sent three missions to Togo during 1985.

The first was in April, after Amnesty International had received allegations that the death on 29 March of Colonel Koffi Kongo, a senior army officer who had been placed under house arrest some four weeks earlier, was not due to natural causes as the government had stated. It was alleged that he had been poisoned for political reasons. The Amnesty International delegation, which included a pathologist, had informed the authorities of its wish to observe an autopsy or any other investigation into the death. However, no autopsy took place, and Amnesty International was consequently unable to ascertain the cause of Colonel Kongo's death. The delegation also sought clarification of other matters of concern to Amnesty International, including the legal status and whereabouts of prisoners named by the organization. The authorities promised to reply to any such inquiries which Amnesty International might raise then or in future.

Amnesty International raised the cases of over 30 actual or possible prisoners of conscience, and called for the release of three adopted prisoners of conscience. One of these was Koffi Ahoesey, a 60-year-old Ghanaian journalist held without trial since 1979. The authorities informed Amnesty International in April that he was suspected of espionage but that he had not been formally charged, in breach of Togolese law. It appeared that he was in fact detained because he had written a book criticizing government policy. In May the government informed the organization that he had been released but this had not been confirmed by the end of 1985.

Also adopted as a prisoner of conscience was Paul Komlakuma Doe, a 53-year-old businessman and president of the Gideon Bible Association of Togo, who was reportedly arrested on 11 December 1984 and tortured. In April proceedings opened against him on a charge of possession of subversive literature, but by the end of the year he had not been tried. He was said to have been tortured and to be receiving hospital treatment at the end of 1985.

The third prisoner adopted by Amnesty International was John Kossi Assinyo, a Ghanaian bank employee detained in December 1984 on entering Togo to go shopping. He was apparently suspected of friendship with opponents of the Togolese Government living in Ghana.

In some other cases raised by Amnesty International, information provided by the authorities was contradictory. For example, in the case of Houédakor Dédé — a postal worker reportedly detained in April 1984 on suspicion of criticizing the government — government ministers told Amnesty International on 20 January that she had been tried and sentenced to two years' imprisonment. On 24 January the same ministers stated that her case was unknown. In April one

minister stated that she had been released from prison but that her present whereabouts were unknown. In some other cases reported to Amnesty International by unofficial sources which the organization raised with the government, the authorities stated that the people named as detained were unknown to them, or had been released, or were detained on suspicion of criminal offences.

In August there were several bomb explosions in Lomé, the capital, apparently caused by opponents of the government of President Gnassingbé Eyadéma. No one was killed, but a civil servant, Oscar Mensah Messanvi Biova, was reported to have been injured in one explosion. He was immediately detained on suspicion of being in possession of the bomb. At least three other people were also arrested in connection with the explosions. All four were held incommunicado for more than two months without their cases being referred to a magistrate, although the maximum period of such detention according to the law was 48 hours. In October Amnesty International delegates on a mission to Togo were told by government officials that Messanvi Biova and three others, whom they refused to name, had been held in breach of the law. They also declined to disclose where they were held or to permit Amnesty International's delegates to visit them.

Amnesty International's mission in October was to inquire into the detention and treatment in custody of dozens of people who were detained in August and September. They included Emil Yawo Sémanou Dobou, a telecommunications engineer arrested on 30 September and Emmanuel Yema Gü-Konu, a university lecturer arrested on 21 September. Following their arrests Amnesty International received reports that some at least of the detainees had been tortured and that one — Homère Aka Adote, a 60-year-old retired railway engineer — had died in detention apparently as a result of torture. The authorities informed Amnesty International that he had died of natural causes and that 14 other people arrested at the same time had been charged with insulting the authorities, on the basis of literature alleged to have been found in their possession. By the end of 1985 none of the 14 had been tried. Amnesty International was concerned about reports that they were kept in harsh conditions in the civil prison in Lomé and that several had broken limbs from beatings by the security forces. Some had reportedly also been tortured with electric shocks. During their October mission Amnesty International's delegates were permitted to see, but not to speak to, the 14. At least two bore plaster casts or medical dressings and others also showed signs of ill-treatment. A 15th detainee, Aluka Kodjo Kokou, an agricultural engineer, was said by the authorities to have been in hospital at the time of this meeting.

After its October mission Amnesty International on 17 October sent a preliminary report of its findings to the authorities. It observed that some of the prisoners whom its delegates had seen had been tortured. The organization urged the government to ensure the humane treatment of all detainees, to publish the names and places of detention of all detainees, and to enforce the 48-hour limit on police custody in accordance with the law. It also urged the government to establish an impartial inquiry into the torture of prisoners whom Amnesty International's delegates had identified and into the death of Homère Aka Adote. In late October the authorities announced that they had established a commission of inquiry chaired by Gaba Kue Sipohon, a magistrate, and undertook to send an emissary to the organization's International Secretariat to clarify its terms of reference and procedures. However, no such emissary came, nor did the organization receive any reply to repeated requests for the promised clarification. On 31 December a third Amnesty International mission went to Togo to seek information from members of the government's commission of inquiry. However, the delegates were detained overnight and refused entry to the country.

By the end of 1985, the commission of inquiry had not published its findings. Amnesty International received unofficial reports that it had found that some prisoners had been ill-treated or tortured. Moreover, Amnesty International was disturbed to learn that the authorities had amended Article 52 of the Code of Penal Procedure so as to empower the security forces to detain anyone suspected of a serious offence indefinitely, without trial.

In July President Eyadéma announced the release of three political prisoners. Kodjovi Emmanuel de Souza, Kouao Stéphane Sanvee and Kwassi Jean Savi de Tové had all been convicted of threatening state security in 1979 by a court applying procedures which fell short of internationally recognized standards of fairness.



## Uganda

Amnesty International's main concerns were the detention without trial of suspected political opponents of the government, including prisoners of conscience; torture and "disappearances" of prisoners on an extensive scale; and widespread extrajudicial killings by the army and other security agencies.

In June Amnesty International published a report, *Uganda: Evidence of Torture*, which documented abuses of prisoners, especially those in the custody of the army or the National Security Agency (NASA). It included the findings of a surgeon and a forensic pathologist who had examined 16 alleged torture victims in February and March at Amnesty International's request. In all but one of these cases the doctors found physical signs consistent with the accounts of torture. The report also contained detailed recommendations for the impartial investigation of allegations of torture and for measures to stop the use of torture. After the publication of the report President Milton Obote invited Amnesty International to send a mission to Uganda to discuss its contents. Amnesty International accepted the invitation, but on 27 July, before a mission had visited Kampala, President Obote's government was overthrown in a military coup led by the army commander, Major-General Tito Okello.

There was continued armed conflict throughout 1985 between government forces and guerrilla fighters of the National Resistance Army (NRA), the largest armed opposition group. In the continuing conflict after the coup, the new military government co-opted many former soldiers from the Ugandan army under President Idi Amin, a number of whom were allegedly responsible for previous human rights violations.

Many suspected political opponents of both governments were detained without trial during 1985. Most were supporters of the Democratic Party (DP), which under President Obote was the legal opposition party; alleged supporters of the NRA; and villagers in areas where the army was conducting counter-insurgency operations. After the military coup, the new government released more than 1,200 people from civil custody in Luzira Upper Prison near Kampala. Some had been served with detention orders under the Public Order and Security Act 1967, but most had been held unlawfully. The new government stated that it would abolish the Public Order and Security Act, which permits indefinite detention

without trial, but at the end of 1985 more than 100 people were reported to be still held under its provisions: they were mostly officials of the former government and included some allegedly responsible for human rights violations. The government said that they would be charged and tried. A number of those detained after the change of government were reported to have been charged, notably Cris Rwakasisi, formerly the minister responsible for NASA. He was reportedly charged with the murder of George Kananura Rwabatooto, a former diplomat who "disappeared" in custody in 1981 and whose case was being investigated by Amnesty International.

Several of the Public Order and Security Act detainees had been adopted by Amnesty International as prisoners of conscience. One was Professor Yoweri Kyesimira, a DP member of parliament, who was acquitted of treason by the High Court in March but was immediately rearrested. In April, after an application for a writ of *habeas corpus*, a High Court judge declared his detention illegal and ordered his release but the authorities kept him in detention until he was released after the 27 July coup.

Amnesty International had also adopted eight journalists detained in 1984 as prisoners of conscience. Four of them, Drake Sekeba and Sam Katwere of the *Star* and Francis Kanyeihamba and Sam Kiwanuka of the *Pilot*, were released in January. The other four, who worked for the DP paper *Munnansi* and included its editor Anthony Ssekweyama, were released after 27 July. All prisoners of conscience adopted by Amnesty International were released after the coup, but the release of several other possible prisoners of conscience had not been confirmed by the end of 1985.

Amnesty International received many reports of unlawful detentions by the army, both before and after the coup. Detainees were held in military barracks or detention camps where conditions were poor and torture rife. Many prisoners were believed to have died as a result of torture. After the coup some prisoners were released from military custody but new detentions were also reported in the following months.

In January, Amnesty International received information about new detention camps set up by the army at Katikamu, Bowa, Mityana, Bukomero and Kabunyata in the "Luwero triangle", northwest of Kampala. Vincent Kirabo, the chairman of the Uganda Catholic Lay Apostolate, was detained in Katikamu after being arrested in Kampala in February, apparently because of the Roman Catholic Church's criticism of human rights violations by President Obote's government. Amnesty International appealed for him to be transferred to civil custody and released if he were not to be charged.

Later, Vincent Kirabo was transferred to police custody and released uncharged at the beginning of July.

Amnesty International appealed on behalf of another prominent Roman Catholic detained by the army, George Bisoborwa, a former broadcaster and DP supporter who had been arrested in October 1984. He was held in Masindi military barracks in northwestern Uganda where he was reportedly tortured. In July he was apparently transferred to Masindi hospital to be treated for injuries resulting from torture, although he remained in custody. He was released after the coup.

There were new politically motivated arrests after the change of government. For example, Eric Katalikawe, a senior official of the Uganda Tea Authority, was reportedly detained by soldiers in September and taken to Luzira prison. He was reportedly released after a government minister had intervened on his behalf, only to be rearrested and detained for a time in Mbuya military barracks. Amnesty International appealed on behalf of five members of one family who were detained shortly after returning to Uganda from Kenya in response to a government appeal to refugees to return. They included Bernardetta Namwange and her 17-year-old son, who were reportedly tortured while they were detained at a camp at Nyimbwa, in Luwero district. They were released in December.

Amnesty International published in June *Uganda: Evidence of Torture*. It detailed how almost all prisoners held by the army or NASA were regularly beaten with hammers, rifle butts, iron bars or pieces of wood with nails protruding. A number of ex-prisoners described how soldiers suspended a car tyre above a bound victim and set it alight, so that molten rubber dripped onto the prisoner. This was said sometimes to have been repeated for hours or days until the victim died. Rape and other sexual abuse were reported to be frequent. The 16 former prisoners examined by doctors for Amnesty International's report displayed signs of various methods of torture. One said that he had been castrated with cattle gelding tongs and a woman had signs consistent with her account of being beaten with sticks, *pangas* (machetes) and gun butts, and being burned with a paraffin or butane gas flame. She said that she had been raped; she later gave birth to a child. Other women had scars that they said had been made by a burning tyre in one case and a heated flat-iron in another.

After the coup Amnesty International continued to receive reports of torture by the army, in particular of rape and sexual abuse. In one widely reported incident 13 women and seven schoolgirls were abducted by soldiers in October and held in Luwero where they were repeatedly raped. In this instance a senior army officer later stated that those responsible would be disciplined. Amnesty International

also received reports from women who alleged that they had been detained and repeatedly raped by soldiers in September and October at Kanyonyi military camp in the Luwero triangle. Amnesty International also received reports of children as young as three and six years of age being raped, and of women being sexually abused with a gun barrel.

Amnesty International continued to receive reports of large numbers of "disappearances" of people arrested by the army or NASA. In May an opposition member of parliament, Sebastian Ssebuggawo, was reportedly abducted by soldiers in the Mityana area of Mubende district after expressing concern about an alleged army killing. Sebastian Ssebuggawo was not seen again. After the change of government, two soldiers are reported to have been charged in connection with his "disappearance" but they had not been tried by the end of 1985.

Amnesty International also received frequent reports of political killings of government opponents or villagers by the army. For example, in March it was reported that 31 people were arrested by the army in Mpigi district, driven to Kibutu village and hacked to death with *pangas*. Opposition members of parliament called for an inquiry but received no response from President Obote's government. Also in March, more than 20 people were reported to have been rounded up by troops in Mukono district and taken to Kasangati, 14 kilometres north of Kampala, where they were killed and buried in a prison compound. In June the High Court ordered the exhumation of four of the bodies for autopsy. After the coup, many such mass graves were uncovered, some containing several hundred skeletons.

New reports of killings of civilians were received after the change of government. For example, in October 19 people were reportedly killed in an army attack on a Catholic mission at Kasaala, 80 kilometres north of Kampala; 10 people reportedly died in a similar attack at Wakiso, 15 kilometres northwest of Kampala; and troops were reported to have killed 13 in another attack, 56 kilometres north of Kampala. In another incident in November, it is alleged that soldiers drawn from the supporters of former President Amin had killed 60 civilians in the Kamengo area, 65 kilometres southwest of Kampala. In each instance the victims were apparently unarmed non-combatants.

Amnesty International remained concerned about threats to the safety of Ugandan refugees in neighbouring Kenya. In January the organization appealed on behalf of Florence Naggenda, who was reported to have been abducted from the Kenyan border-town of Malaba by a member of a Ugandan security agency. She was then

reported to have been taken to Tororo military barracks and later transferred to Luzira Women's Prison. She was released after the change of government. In October Amnesty International approached the Ugandan Government about reports that a number of Ugandan refugees, including Bonny Kabugo and Frank Sendijja, had been abducted from Nairobi that month by Ugandan agents and were in custody in Uganda. The government confirmed that Bonny Kabugo and Christopher Katumba were in custody but said that they had been arrested inside Uganda. They did not confirm or deny reports of the abduction of Frank Sendijja and others. Reports reaching Amnesty International continued to indicate that they had been arrested in Kenya. At the end of 1985 Amnesty International was seeking to confirm reports that this group of prisoners had been released and had returned to Kenya.

In May, Amnesty International submitted information about its concerns in Uganda to the UN under its procedure for confidentially reviewing communications about human rights violations (the so-called "1503 procedure").



## Zaire

Amnesty International was concerned about the imprisonment and internal banishment of prisoners of conscience; the detention without charge or trial of suspected government opponents; torture and ill-treatment of prisoners and the deaths in custody of people detained for political reasons. Amnesty International

was also concerned about reports of extrajudicial executions by government forces in east and southeast Zaire.

Amnesty International learned of several hundred politically motivated arrests during 1985. Most of those arrested were apparently released after a few weeks or months in custody. Most did not appear to be linked with armed opposition groups and many were believed to be prisoners of conscience. They were arrested for a variety of reasons. Some were suspected of supporting the *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social Progress, an unofficial opposition party banned under Zaire's one-party constitution. Some were detained on suspicion of supporting other opposition groups or of criticizing the government.

In southeast Kivu region in particular, a number of people were arrested by soldiers and accused of being "Gaddafistes" (supporters of the Libyan head of state, Colonel Mu'ammad Gaddafi), apparently for the purpose of extorting money rather than because of their alleged political sympathies.

Several adopted prisoners of conscience arrested in 1983 and 1984 were released during 1985. They included 11 UDPS supporters, mostly former members of the National Assembly who had been "relegated" (sent into internal banishment) by administrative order to isolated villages in late 1983. Their restriction orders were lifted shortly before the 25th anniversary of independence in June.

Some of those released in June were rearrested, together with many other alleged UDPS supporters, in the last quarter of 1985. Tshisekedi wa Mulumba and Kanana Tshiongo, two former members of the National Assembly, were the first to be rearrested. They were arrested on 13 October, shortly after Tshisekedi wa Mulumba told a foreign journalist based in Kinshasa that a meeting of UDPS supporters had been disrupted and people attending it had been assaulted by soldiers belonging to the Special Presidential Brigade. Kanana Tshiongo was detained when he protested at his colleague's arrest. In late November they were charged with insulting the head of state and referred to the State Security Court, but they had not been tried by the end of 1985. During the weeks that followed their arrest, more than 100 other UDPS supporters were detained in Kinshasa and elsewhere by the national security service, the *Agence nationale de documentation* (AND), National Documentation Agency. They included several acknowledged UDPS leaders such as Bossassi Epole Bolya Kodya, who was arrested in Kinshasa, and Lumbu Maloba Ndiba, a former National Assembly member who was arrested in northeast Shaba. Both were adopted by Amnesty International as prisoners of conscience and reportedly remained in detention at the end of 1985. Some of those arrested were freed after a few days or weeks, others were forcibly returned to their provinces of origin. Other arrests of suspected UDPS supporters were reported in the provinces; in Kinshasa, Mbuji-Mayi and Kipushi (Shaba region) those detained were allegedly tortured. One man, Kana-Kange, arrested in Kinshasa in late October and returned to his province of origin, was reported to have died in Kongolo in northeast Shaba in mid-November, a few days after his banishment there. Several people detained in Kinshasa were also reported to have died in custody there. Kamangu, a man arrested in Mbuji-Mayi, reportedly died in the town's AND detention centre in late October. In none of these cases was specific information available on the cause of death, but unofficial sources alleged that the prisoners had been ill-treated.

Several prisoners of conscience adopted by Amnesty International remained in detention throughout 1985. For example, Kyungu Mukange, who was arrested in January 1984, was still detained without charge or trial at the AND detention centre in Lubumbashi at the end of 1985. He had previously been imprisoned in 1982 on account of his support for the UDPS. Another alleged UDPS supporter who was arrested with him, Kitenge bin Mawengo, was released uncharged in March.

Five other prisoners of conscience arrested in January 1984, including Ngwashi Chola, a trader, remained in detention throughout 1985 at the AND detention centre in Lubumbashi. They had initially been accused of planning to disrupt presidential elections in July 1984, but no formal charges were brought against them. Amnesty International knew of the detention of other suspected government opponents in Lubumbashi and also appealed for the release of several people arrested in late 1983 or early 1984 who were "relegated" to isolated villages in Shaba region.

Amnesty International was concerned about the long-term detention without charge or trial of a number of prisoners in Kinshasa. They included a former university lecturer, Kandol' Kand Nawej, who was arrested in September 1984, but who had already spent several years in detention in the early 1980s on account of his suspected political opposition, although he had never been charged. The official reason for his rearrest was not known. They included also seven people arrested in April and May 1984 after two bombs exploded in Kinshasa. Although they had apparently been questioned about the bombings and one — Kianzila el Busi — had been accused publicly of complicity, none was known to have been charged and no evidence showing their involvement in the bombings had been made public. Amnesty International continued to investigate these cases as it believed that the detainees might in fact be held on account of non-violent political activities or family links with government opponents living abroad. It was also concerned that several had allegedly been tortured. One of the seven was released uncharged in December.

Elsewhere in Zaire Amnesty International was concerned about the short-term detention of alleged government opponents who were arrested by soldiers and kept in military custody unlawfully. The armed forces were responsible for numerous arrests during counter-insurgency operations in Kalemie and Moba zones in northeast Shaba and were reported to have detained large numbers of civilians for periods varying from several days to several months on the grounds that they had been in contact with armed government opponents. In many cases it appeared that there was no evidence to support these

accusations and that the arrests were carried out with the intention of extorting ransom money. These arrests were associated with a pattern of torture, brutal treatment and extrajudicial executions.

Similar arbitrary arrests by soldiers were reported in southeast Kivu, mostly of traders and young men who were accused of being "Gaddafistes", apparently solely because they frequently travelled away from home. While the Libyan head of state was visiting neighbouring Burundi in May he publicly called for the assassination of Zaire's President Mobutu Sese Seko; the authorities responded by claiming that Libyan-backed opposition groups had been infiltrated across the Burundi border with instructions to plant bombs in Zaire. Soldiers near the frontier were apparently authorized to arrest anyone suspected of having travelled abroad. Seven people accused of entering the country to plant bombs were presented to journalists and diplomats in Kinshasa in June; they were not known to have been tried and it was unclear whether they remained in custody.

Two political trials were known to have occurred during 1985. In September Ronald Van Den Bogaert, a Belgian national, was tried by the State Security Court in Kinshasa. He had been arrested upon his arrival from Belgium in late July and found to be in possession of newspaper articles about Zaire and the UDPS and of several cassette recordings of a UDPS spokesperson in Belgium. He was initially held incommunicado by the AND but was transferred for further investigation by the State Security Court in late August. In September he appeared in court charged with possession of subversive materials and with organizing the distribution of such materials in Zaire. However, after the trial opened, he was further charged with conspiring to alter the country's constitution by advocating change to the one-party system, which carries up to 15 years' imprisonment. The evidence against him mostly concerned his activities in Belgium, where he had been in contact with members of the UDPS. He was found guilty and sentenced to 10 years' imprisonment with no right of appeal. He was adopted by Amnesty International as a prisoner of conscience.

Also in September four university lecturers were tried by the State Security Court in Lubumbashi. At their trial they were accused of organizing an unofficial strike by university lecturers for higher salaries and inciting their colleagues to use violence against the authorities. They were convicted and sentenced to four months' imprisonment, which they had already spent in pretrial custody since their arrest in June. They were freed in October but deprived of their jobs. Amnesty International considered them to be prisoners of conscience and had called for their release.

Amnesty International received many reports of torture and

ill-treatment of prisoners. Among the reported victims were both political detainees and suspected criminals. In particular, people detained during army counter-insurgency operations in northeast Shaba region appeared to have been routinely tortured. For example, while held at Moba airfield, a former official of the ruling party was reportedly hung upside down and beaten, burned with matches, pierced with needles and had a cord tied around his genitals and tightened. In another case, a teacher arrested in May in Moba was reported to have been whipped with barbed wire. Some months later, he and other former detainees who had been held in Kalemie and reportedly tortured still bore scars consistent with their allegations.

There were also reports that convicted criminal prisoners were subjected to ill-treatment and harsh conditions of imprisonment. For example, it was alleged that several prisoners held in Matadi, in Bas-Zaïre, and Isiro, in Haut-Zaïre, were badly burned when fetters were welded onto their ankles. Some eight prisoners in Matadi were alleged to have had feet or legs amputated in March as a result of infections caused by these burns.

Amnesty International remained concerned about the death penalty. At least three people were sentenced to death, but the real figure may have been higher. Those sentenced were convicted of murder or armed robbery. In one case, a civilian was sentenced to death by a military court. In August President Mobutu Sese Seko commuted to life imprisonment a death sentence imposed in 1981.

Unarmed civilians were reported to have been executed extrajudicially by soldiers in the Moba area. In February government troops searching for armed opponents in the Nzawa area, north of Moba, found provisions near the village of Kansabala. About 30 villagers were reportedly detained and executed without any form of trial. In June Amnesty International received detailed allegations of the execution of prisoners in Moba. In one incident five prisoners were said to have been shot outside a military detention centre during the night and buried in unmarked graves.

Amnesty International also received reports of extrajudicial executions on Idjwi island, in Kivu region. The victims in this case were apparently suspected of criminal offences, such as stealing poultry and goats. At least 30 people were reported to have been executed on Idjwi island — either shot or deliberately drowned — between February and May 1985. The killings were allegedly ordered by both the local zone commissioner (district officer) and the traditional ruler of Idjwi, but the victims evidently received no form of trial under either the national legal system or traditional law. Although those responsible for the killings were not known to have been punished, the commissioner involved was reported to have been

transferred elsewhere after protests at his behaviour.

As in previous years, in May Amnesty International submitted information about its concerns under the UN procedure for confidentially reviewing communications about human rights violations (the so-called "1503 procedure").



## Zambia

Amnesty International's concerns were the detention without trial of several alleged opponents of the government and the death penalty. At least 25 people were sentenced to death and at least 11 executions took place.

Under the Preservation of Public Security Regulations the President is empowered to authorize detention without trial for an unlimited period. The grounds for detention may not be challenged in the courts. It is required that detainees be informed of the formal grounds for their detention, that their names be published in the *Government Gazette* and that their cases be reviewed by a specially established tribunal within one month and thereafter at half-yearly intervals. This tribunal can recommend release or continued detention, but the President is not obliged to implement its recommendations. Those in detention included some alleged political opponents of the government, and also large numbers of criminal suspects, particularly alleged drug smugglers.

A number of those detained without trial, as well as five men under sentence of death at the end of 1985, were imprisoned as a consequence of a plot to overthrow the government of President Kenneth Kaunda in October 1980. A number of people were arrested after the plot was uncovered and were charged with treason, which carries a mandatory death sentence. In 1981 there were further arrests after an alleged conspiracy to help those facing treason charges to escape from prison. Three of those arrested in connection with the alleged escape plot remained in detention without charge or trial in 1985: Major Ronald Chansa, Faustino Lombe and Flight Sergeant Manfred Mwangana Mukumbuta. Amnesty International was investigating whether they might be prisoners of conscience. In July, the organization urged President Kaunda to review the three men's cases and order their release if they were not to be promptly

charged with a criminal offence.

In February, a civilian pilot working for Zambia Airways, Pascoe McLeo Chansa, was arrested and detained under the Preservation of Public Security Regulations. The grounds for his detention were reported to be that he had held meetings with someone allegedly involved in the 1980 coup plot who had fled to South Africa to avoid arrest and had failed to report the meetings to the government. However, he was not charged and unofficial reports suggested that an additional reason for his detention might have been that an aircraft which he was piloting, and on which President Kaunda was travelling, experienced some flight problems and led him to be accused of deliberately endangering the President's safety. In October Pascoe McLeo Chansa filed a petition in the Lusaka High Court challenging his detention on the grounds that his detention order had been signed by the Secretary General of the ruling United National Independence Party, in the absence of the President and without his written authorization. However, judgment had not been given by the end of 1985 and Pascoe McLeo Chansa remained in detention.

In April the Supreme Court ruled on the appeal lodged by seven men convicted of treason for their alleged part in the 1980 coup plot and sentenced to death in 1983. The Supreme Court confirmed the death sentence on five of them, including Edward Shamwana, a prominent lawyer, while quashing the conviction of Valentine Musakanya, the former governor of the national bank, and one other. Anderson Mporokoso, who had been sentenced to 10 years' imprisonment on the lesser charge of misprision of treason (failure to report treason) was also acquitted on appeal. Amnesty International appealed to President Kaunda to show clemency towards the five men, an appeal which was repeated in July. There is an advisory committee on the prerogative of mercy which is obliged by the Constitution to consider all cases where the death sentence has been imposed and to recommend whether the President should exercise the powers of clemency given to him by Article 60 of the Constitution. The committee had apparently not considered the cases of Edward Shamwana and those sentenced with him by the end of 1985.

Also in April the High Court turned down a petition filed by six of those sentenced to death in the treason case in which they alleged torture, solitary confinement, degradation and discrimination by the prison authorities.

Amnesty International was concerned about the use of the death penalty. At least 25 people were reported to have been sentenced to death in 1985, mostly for murder or armed robbery. At least 11 people were hanged, all on 27 December. It was reported that one of these had been under sentence of death since 1975.



## Zimbabwe

Amnesty International was concerned about the detention without trial of several hundred suspected political opponents of the government, including prisoners of conscience, and the "disappearance" of others abducted by people reportedly acting on behalf of the government. There were many reports

of torture and ill-treatment of detainees and the use of the death penalty increased.

The first post-independence elections were held in June and July and resulted in a slightly increased majority for the ruling Zimbabwe African National Union — Patriotic Front (ZANU-PF) party of Prime Minister Robert Mugabe.

In October an Amnesty International mission visited Zimbabwe to investigate the organization's concerns, in particular the many detentions of suspected political opponents of the government which had been reported since the elections. After the mission had left Zimbabwe, Amnesty International sent a message to Prime Minister Mugabe expressing concern at the large number of political detainees held for long periods and urging the government to stop the torture of political detainees in police custody which had been widely alleged to Amnesty International's delegates. When there was no response to this, Amnesty International publicly appealed to the government for immediate action to prevent torture and for an impartial inquiry to investigate such allegations. There then followed two meetings in London between Amnesty International representatives and the Minister of Home Affairs in which Amnesty International urged the government to set up an impartial inquiry to investigate allegations of torture. The Minister refused and instead proposed a joint inquiry by the government and Amnesty International, in which Amnesty International would provide the government with names of those who said they had been tortured. This Amnesty International refused to do for reasons of confidentiality and protection of those who had provided information. Amnesty International subsequently submitted to the government a detailed explanation of its original call for an inquiry and a description of the nature of the available evidence.

Throughout 1985 Zimbabwe continued to be affected by the activities of armed anti-government guerrillas, commonly termed "dissidents", who were alleged to have been responsible for the killings of civilians, including members of ZANU-PF. The govern-

ment alleged that the "dissidents" received aid from South Africa and that they included former members of the Zimbabwe People's Revolutionary Army (ZIPRA), which during the war of independence had been the military wing of the Zimbabwe African People's Union (ZAPU) led by Joshua Nkomo. Government representatives repeatedly alleged that senior ZAPU members were responsible for organizing support for the rebels, but ZAPU denied this. The state of emergency, which has been in force in Zimbabwe continuously since 1965, was again renewed by parliament at six-monthly intervals.

Under the Emergency Powers (Maintenance of Law and Order) Regulations the police or other security officials may detain for up to 30 days anyone deemed to be a threat to public order. The Minister of Home Affairs may detain anyone indefinitely on the same grounds. A detainee may be held incommunicado for seven days but then must be given access to a lawyer and family visits. At various times during 1985 it was reported that between 40 and 70 people were being held in Chikurubi Maximum Security Prison in Harare under ministerial detention orders of indefinite duration. They included a number of prisoners of conscience, among them Vote Moyo, a member of Parliament detained since 1982, the Reverend Elia Masiyane, a Lutheran Church minister arrested in 1984, and Dumiso Dabengwa and Lookout Masuku, former ZIPRA guerrilla leaders during the war of independence who had been acquitted of treason and unlawful possession of arms in the High Court in 1983. All were members or supporters of ZAPU, in common with most of those detained. Also detained in Chikurubi were Phineas Sithole and Naison Dhlamini, two leaders of the Zimbabwe African National Union (ZANU), a small opposition party, not connected with the ruling ZANU-PF. They were also adopted by Amnesty International as prisoners of conscience.

In March a group of 15 trade unionists was arrested in Harare and Kwekwe. Many were members of ZANU-PF and at least one, M. Mashayamombe, had been adopted by Amnesty International as a prisoner of conscience before Zimbabwe's independence. They were mainly from the General Engineering and Metal Workers' Union (GEMWU) and included the union's president, S. Nyamhunga. They were apparently arrested because they had accused certain GEMWU leaders of corruption and had organized socialist discussion groups within the trade unions. Amnesty International adopted them as prisoners of conscience. Most were released after a few weeks. The last two to be released were South African exiles Darcy du Toit and David Hemson, who were deported to Britain in late April. David Hemson had been adopted as a prisoner of conscience when under a banning order in South Africa.

Throughout 1985 large numbers of political opponents were detained by the police or Central Intelligence Organization (CIO), mainly in those areas most affected by armed rebel activity — Matabeleland and parts of Midlands provinces. The number of detentions reported increased sharply after the parliamentary elections. In the latter half of the year arrests focused on Bulawayo, the main city in Matabeleland, and were reported to have been carried out by the Police Internal Security and Intelligence (PISI), a special unit responsible directly to the Minister of Home Affairs. Members and employees of Bulawayo city council were a particular target. At one point in August all the black councillors, who were ZAPU members, were in detention. At different times the mayor and three of his predecessors were detained. Also among those arrested were five ZAPU members of parliament. One of these, Edward Ndlovu, had serious health problems, but was held for several weeks in poor conditions in police custody before being given access to a medical specialist. The allegation against many of those detained was that they had been connected with armed rebels. However, few of those held under the emergency regulations have been charged with criminal offences and Amnesty International believed that the real reason for their detention may have been their support for ZAPU.

Amnesty International continued to receive reports of torture of political detainees and others held in police custody. Many such reports referred to Stops Camp, a police and CIO detention centre in Bulawayo. It was believed that at various times during 1985 there were at least 200 detainees in the camp. Former inmates said that most detainees were held in three large "cages" that were open to the elements. Other political detainees were said to be held in eight security cells, sometimes in solitary confinement. It was alleged that some of those in the security cells were kept for long periods in leg-irons. Interrogation and torture were said to have been carried out in a separate block of offices.

Although not all prisoners were tortured, many were reported to have been beaten with truncheons, rhinoceros-hide whips, rubber hoses or sticks — often on the soles of the feet. Some victims were said to have been hung upside down and beaten, with their heads in buckets of water. In a frequently described torture, the victim's head was forced into a canvas bag full of water which was tied tightly around the neck. When the victim lost consciousness the torturers sometimes kicked him or her in the stomach until the victim vomited the water. The process would then be repeated. Electric shocks were sometimes applied to the feet or genitals while the water bag was over the prisoner's head.

Amnesty International has received reports of torture in Zim-

babwe since 1982. Some of the methods described were similar to those used by the former Rhodesian Government. It was reported that many political detainees did not receive detention orders as required under the emergency regulations and so were held unlawfully, nor were they allowed to see a lawyer or relatives within the prescribed seven-day limit.

Throughout 1983 and 1984 Amnesty International had received reports of political killings of civilians by the army during its operations against armed rebels in Matabeleland. No further allegations of large-scale killings by the security forces were received in 1985, although there were isolated incidents in which soldiers or militia were alleged to be responsible for the killings of civilians. Responsibility for such killings was sometimes officially attributed to "dissidents", although contrary reports had been received by Amnesty International. One such case was the killing of seven people in April at a restaurant in Inyathi owned by a member of ZAPU's central committee. The semi-official press alleged that "dissidents" were responsible, but evidence received by Amnesty International cast serious doubt on this.

In January there began a series of abductions and "disappearances" of prominent local figures in the rural areas of Matabeleland and Midlands, most of them known ZAPU members or sympathizers. These abductions continued until about April. The victims were taken at night by armed men and not seen again. Often a number of people would be taken from the same village on the same night. Amnesty International documented more than 90 "disappearances" of this sort during the early months of 1985. Joshua Nkomo, the ZAPU leader, presented the names of 56 alleged "disappearance" victims to parliament in March, alleging that the total number of "disappeared" up to that time was 375. He accused the security forces of responsibility for the abductions. Government representatives reportedly claimed that "dissidents" were responsible. However, there was evidence that the security forces were involved. For example, many reports referred to the fact that those carrying out the abductions used vehicles (which are not used by the rebels). In some instances, villagers alleged that they recognized those carrying out the abductions as members of the army or police. Also, the "disappearances" were frequently reported to the police, but usually no serious investigation was conducted. Often relatives claimed that the police did not even visit their homes to take statements from witnesses. The fact that most of those abducted were well-known local ZAPU members also suggested that the "disappearances" were politically motivated.

The exact fate of most of the "disappeared" was not known. The

Zimbabwean Catholic Commission for Justice and Peace reported in May that it had discovered 11 people in CIO custody in the Midlands town of Kwekwe who had been abducted in April from the nearby Silobela area. However, in most instances relatives believed that those who had "disappeared" were subsequently killed. At the time of the abductions mass graves were reported to have been discovered in Nkayi and Tsholotsho and it was widely alleged that they contained the bodies of "disappearance" victims. Amnesty International urged the government in February to investigate these mass graves and the "disappearances" to establish the fate of the victims and whether members of the security forces were responsible. However, Amnesty International received no reply.

Amnesty International was concerned about the increased use of the death penalty. At least 14 people were reported to have been sentenced to death for murder during 1985. Twelve people are believed to have been executed during 1985, compared with a total of eight during the previous five years since independence. Ten were hanged in one week in August. In 1984 Prime Minister Mugabe and the Minister of Justice had stated that Zimbabwe would consider abolishing the death penalty once the "dissident" problem was over. Despite this, the use of the death penalty increased and, of the 12 executed in 1985, only four were reported to have been "dissidents".

the country and the people. The South African situation is a complex one, and it is difficult to see a way out of it. The country is a land of contradictions, a land of stark contrasts. It is a land of great beauty and great poverty, a land of great wealth and great suffering. It is a land of great hope and great despair. The people of South Africa are a people of great courage and great determination. They are a people who have suffered a great deal, but who have not lost their faith in the future. They are a people who are determined to build a better life for themselves and for their children. They are a people who are determined to fight for their rights and for their freedom. They are a people who are determined to create a new South Africa, a South Africa that is just and fair, a South Africa that is a land of opportunity for all.

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# The Americas



## Argentina

During 1985 Amnesty International focused its attention on the measures taken by the government and judiciary to deal with the many unresolved human rights issues outstanding from the period of military rule. A major development was the trial of nine military commanders accused of instituting procedures which led to the "disappearance" of thousands of people between 1976 and

1982. Amnesty International continued to monitor investigations into the whereabouts of children who "disappeared" with their parents or who, it is surmised, were born in secret detention camps. The organization also studied the cases of 14 prisoners convicted of violent offences after unfair trials by civilian courts under the military government.

In April Amnesty International sent two observers to Buenos Aires to attend hearings before the *Cámara Federal de Apelaciones en lo Criminal*, Federal Criminal Appeals Court, in the trial of the nine military commanders who formed the juntas which ruled Argentina between 1976 and 1982. Amnesty International's concerns in the trial were whether the judicial investigative procedures would permit the facts about "disappearances" to be established and whether the defendants' rights to a fair trial would be respected.

Decree 158, issued in December 1983, set in train the court-martial of the nine military commanders. The case was first examined *in camera* by the Supreme Council of the Armed Forces, which had jurisdiction over all criminal prosecutions involving military, police or security personnel accused of human rights violations. After nine months the Supreme Council dismissed the case. Under reforms to the Code of Military Justice, Law 23.049, introduced by the civilian

administration, all decisions of the Supreme Council in such cases became subject to automatic review by civilian courts of appeal. After the decision of the Supreme Council, therefore, the case passed to the jurisdiction of the Federal Criminal Appeals Court in Buenos Aires. These proceedings, which were public, opened on 22 April 1985. The defendants faced over 700 counts of homicide, torture and abduction. The prosecution called more than 800 witnesses, many of them former "disappeared" detainees, who testified in detail about the severe ill-treatment they and fellow prisoners had received in secret detention camps. On 9 December the six judges delivered their verdict. The former President General Jorge Rafael Videla and the Navy Commander Admiral Emilio Massera, members of the military junta which overthrew the civilian government in 1976, were sentenced to life imprisonment on several counts of aggravated homicide, illegal detention, torture and robbery. Air Force Brigadier Orlando Agosti, the third member of the first military junta, was sentenced to four years and six months' imprisonment on eight counts of torture and three counts of robbery committed by his subordinates. The former President General Roberto Viola, who headed the second military junta, was sentenced to 17 years' imprisonment on 86 counts of kidnapping and 11 of torture. The Navy Commander Admiral Armando Lambruschini was sentenced to eight years' imprisonment on 35 counts of kidnapping and 10 of torture. The Appeals Court ordered all five men to be dishonourably discharged from the Armed Forces. Air Force Commander Omar Graffigna, also a member of the second military junta was absolved on the several counts of homicide, torture and kidnapping brought against him. The three members of the third military junta, the former President General Leopoldo Galtieri, Admiral Jorge Anaya and Brigadier Basilio Lami Dozo, were also acquitted on all charges. Both the public prosecutor and the defence lawyers of the five convicted lodged appeals in the Supreme Court of Justice.

In 1985 there were few developments in the hundreds of complaints pending before civilian and military courts against middle and junior ranking officers accused of responsibility for "disappearances" and torture. In its summing up in the trial of the military juntas, the Federal Criminal Appeals Court recommended that investigations should continue into these cases.

One of these concerned Navy Lieutenant Alfredo Aztiz, who in March had been exonerated by the Supreme Council of responsibility for the grievous wounding and abduction of a 17-year-old girl, Dagmar Hagelin. Lieutenant Aztiz, who had been detained for three months on the orders of a civilian judge, was released. On 31 May the Federal Criminal Appeals Court nullified the ruling of the Supreme

Council and overturned the decision of a navy judge in 1981 to acquit Lieutenant Aztiz. The Supreme Council was ordered to continue its investigations into the Dagmar Hagelin case. Earlier attempts by civilian judges to reopen the case had been blocked by the Supreme Council.

During 1985 Amnesty International continued to gather information on the cases of children reported missing following the abduction and killing or secret imprisonment of their parents by members of the security forces in the 1970s. Argentine human rights organizations believed that about 100 children were still missing. Some of these children were abducted with their parents but the majority were thought to have been born in secret detention centres and to have been forcibly separated from their mothers shortly after birth. Since 1977 about 30 children had been traced, some of whom had been adopted by ordinary families in good faith, using normal adoption procedures. In other cases, however, birth certificates had apparently been falsified to enable surrogate parents, some of whom were allegedly former members of the security forces, to claim the children as their own.

One such case was that of María Eugenia Gatica Caracoche, who was abducted on 16 March 1977 when she was 13 months old. Her brother Felipe, then aged four months, and their mother, Ana María de Gatica, were abducted one month later. The mother, separated from her children, spent some time in a secret detention centre in La Plata and was then released and obliged to go into exile with her husband. After the change of government in December 1983 the parents returned to Argentina and discovered that Felipe had been given to a woman who had registered him as her own child. Felipe was returned to the care of his parents in October 1984. The parents then searched for traces of María Eugenia and information they received led them to believe that a nine-year-old girl living with a police inspector in La Plata was their daughter. A judge ordered blood tests to be carried out which indicated that the child was almost certainly their's. In September the judge ordered María Eugenia to be returned to the care of her parents.

Amnesty International also studied the cases of prisoners who were convicted of politically motivated crimes of violence in the 1970s. While the majority of political prisoners serving prison terms were released after the return to civilian rule a group of 14 remained in detention (13 male prisoners in Villa Devoto Prison and one woman prisoner, Hilda Navas de Cuestas, in Ezeiza Prison). Amnesty International received reports that most of the prisoners had been held in unacknowledged detention for some time before their status was regularized. All 14 prisoners alleged that they were tortured in

custody and 12 of them had made formal complaints to their judges who then failed to investigate the allegations. In virtually all of the cases the prisoners were convicted on the basis of confessions extracted under torture. Many were represented by court-appointed lawyers whom they never met; a civilian lawyer representing three of the prisoners, Dr Angel Pisarello, was abducted and killed in December 1976. Amnesty International concluded that the prisoners had been denied adequate defence and the right to a fair and prompt trial. In August an attempt to obtain congressional approval for a draft law which would have enabled the provisional release of the prisoners and expedited a review of the cases failed. Amnesty International believed that there should be a prompt judicial review of the cases.

In September, before congressional elections and the final stage of the trial of the military juntas, there was a wave of bomb attacks on schools and military institutions. This led the government on 25 October to declare a state of siege for 60 days and to order the arrest of six military officers and six civilians. On 7 December the state of siege was lifted and those detained under its provisions were released without charge.

On 4 February Argentina signed the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.



## Bolivia

Amnesty International was concerned about the short-term detention of hundreds of students, trade unionists, lawyers, teachers, journalists and others, most of whom Amnesty International believed to be prisoners of conscience, following the declaration of a state of siege by President Victor Paz Estenssoro in September. While many were released after 24 hours, over 400 were sent into internal exile and were released only in October. There were reports that prisoners had been ill-treated in detention and had not received adequate medical attention. Amnesty International reiterated its concern to successive governments about the continued detention of five Bolivians and two Chileans arrested in October 1983 who remained in prison despite an amnesty granted by

President Hernán Siles Zuazo in October 1984 (see *Amnesty International Report 1984* and *1985*).

Presidential elections held on 14 July 1985 failed to produce an absolute majority for any of the candidates but Victor Paz Estenssoro, leader of the *Movimiento Nacional Revolucionario* (MNR), National Revolutionary Movement, was subsequently elected following a Congressional ballot and assumed the presidency in August. On 12 September the government placed all state enterprises under military control in response to an indefinite general strike called by the *Central Obrera Boliviana* (COB), Bolivian Trade Union Confederation, in protest against the new government's economic policies. On 19 September the government declared a 90-day state of siege in response to mounting public protests against military intervention in state enterprises and the government's economic policies, and subsequently arrested over 1500 people, many of whom had been staging a protest hunger-strike. Amnesty International believed that most of those detained were prisoners of conscience. Many were released after 24 hours, but approximately 460 people, including members of the executive board of the COB, were banished to remote regions of the country where they were confined in camps. Conditions in these camps were reportedly poor and Amnesty International received reports that some prisoners had been beaten and that adequate medical care had not been provided. In September Amnesty International expressed concern about the arrests and urged the government to release the prisoners immediately and unconditionally, unless they were to be charged with criminal offences.

An agreement between the government and the COB led to the suspension of the general strike on 2 October. The same day the Minister of the Interior stated that all those detained or *confinados* (banished) would be released. Most of the prisoners were freed during the first half of October but Amnesty International was investigating the case of one trade unionist who was kept in detention and several others who were arrested in November and charged with alleged criminal offences as a result of the general strike. Amnesty International considered the trade unionists to be prisoners of conscience who had been detained solely for their non-violent union activities.

One of those who faced prosecution was Fausto Ardaya, Secretary General of the *Sindicato de Empleados de Empresa Nacional de Telecomunicaciones*, State Telecommunications Workers' Union, and board member of the COB, who was detained on 20 September and banished to a camp in the town of La Magdalena in Beni Department. In October he was transferred to the *Departamento de*

*Investigaciones Criminales*, Criminal Investigations Department, of the Ministry of the Interior and subsequently to the San Pedro Prison in La Paz. A petition of *habeas corpus* presented on his behalf in November finally resulted in his provisional release in December. However, he faced possible future legal proceedings in connection with alleged offences during the general strike, including sabotage, as a formal complaint against him had been presented to the courts by the *Empresa Nacional de Telecomunicaciones*, State Telecommunications Company.

Two leaders of the *Confederación de Trabajadores Fabriles* (CTF), Factory Workers' Union — Armando Morales Gómez and Roberto Rojas — were arrested in November and held in the San Pedro Prison in La Paz. They were charged with several alleged offences including unlawful use of influence, decisions contrary to the state political constitution and murder. The State Prosecutor demanded the death penalty for both accused who were, however, released on 25 December, reportedly on the orders of President Paz Estenssoro.

Amnesty International reiterated its concern to successive governments about the continued detention of five Bolivians and two Chileans arrested in Luribay on 27 October 1983. Following their conviction by the *Tribunal Permanente de Justicia Militar* (TPJM), Permanent Tribunal of Military Justice, then President Hernán Siles Zuazo decreed an amnesty and ordered their immediate release in October 1984. The military court, however, refused to implement the amnesty. In May 1985 Amnesty International renewed its appeal for the implementation of the amnesty following a Supreme Court ruling which, although rejecting a petition of *habeas corpus* on procedural grounds, stated that the continued detention of the prisoners was unlawful. On 23 August 1985, shortly after President Paz Estenssoro's government was sworn in, the Minister of National Defence stated that the Luribay case was pending appeal before the *Tribunal Supremo de Justicia Militar* (TSJM), Supreme Tribunal of Military Justice, which had "complete autonomy in the administration of justice". The TSJM subsequently reduced the sentences of six of the seven prisoners to two and a half to three years' imprisonment each and the most serious charges were dropped. Nonetheless, Miguel Rodríguez Candia, who had already served his original two-year sentence, had his prison sentence increased by six months. In October Amnesty International wrote to President Paz Estenssoro expressing concern that the appeal before the TSJM appeared to conflict with provisions of Article 48 of the Code of Military Justice which states that an amnesty "annuls all penal action and its effects and will benefit those on whose behalf it is declared, even if they have been convicted" and that those benefiting from an amnesty who are

imprisoned or detained "shall be immediately released".

The state of siege declared by the government of President Paz Estenssoro expired on 19 December and was not renewed.



## Brazil

Amnesty International was concerned about continued reports of torture and ill-treatment of criminal suspects and prisoners in many parts of Brazil. There was an increase in the number of politically motivated killings of rural trade union leaders, peasants and others during land disputes, allegedly carried out by gunmen hired by local landowners. Amnesty International was concerned about persistent allegations that the authorities failed to investigate such killings effectively. Nevertheless, the organization welcomed official inquiries into some of the worse abuses.

In March the first civilian government after 21 years of military rule was inaugurated. Amnesty International welcomed several measures introduced by the government which strengthened respect for human rights. In July the government legalized the Brazilian Communist Party and all other communist groups and organizations. Previously, under the National Security Law, membership of a communist party carried a penalty of up to five years' imprisonment. In the past, this legislation had been used to detain prisoners of conscience. On 23 September Brazil became the 34th state to sign the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.

Throughout 1985 the Brazilian press carried allegations of torture and ill-treatment of criminal suspects and prisoners, many of whom were minors. As a result of these reports, several state authorities set up inquiries and in some cases initiated criminal prosecutions.

Amnesty International believed that conditions in police stations and remand centres in the state of Minas Gerais appeared to infringe the UN Standard Minimum Rules for the Treatment of Prisoners and to amount to cruel, inhuman and degrading treatment. In May Amnesty International sent a telegram to the Governor of the state and to the Minister of Justice in Brasília to express concern about a series of killings in prisons and police stations in Minas Gerais.

Amnesty International learned of 15 deaths between March and the end of May after inmates had allegedly drawn lots to select victims to be killed by fellow prisoners in protest against poor prison conditions and the regular use of torture. Overcrowding in the *Delegacia de Furtos e Roubos*, police station, in Belo Horizonte, for example, was such that there were reportedly 30 prisoners to a cell with less than one third of a square metre of space per person. Amnesty International called upon the authorities to investigate publicly these killings. The Ministry of Justice replied that the worst centres in Minas Gerais were to be closed and prisoners transferred to proper state prisons. By the end of 1985, however, no closures had been reported, and protests continued.

Amnesty International monitored the progress of inquiries into allegations of torture set up by a number of state authorities. In Minas Gerais state a parliamentary commission of inquiry was set up by the Legislative Assembly in September, following continuing allegations of torture in the state's prisons, detention centres and police stations. One of the cases the commission intended to investigate was the alleged torture of a 14-year-old boy, William Marques da Silva, who had been detained in August in the police station in Belo Horizonte on a charge of fraud. The boy claimed that he had been beaten on his hands and feet with pieces of rubber and given electric shocks.

Four police officers were suspended from active duty in Porto Alegre in the state of Rio Grande do Sul in September, pending a police inquiry into the alleged torture of two suspects in September 1984 in the *Palacio da Polícia*, Central Police Station. The inquiry opened after the arrest in July of a police inspector on other criminal charges. The inspector produced taped and photographic evidence of alleged torture sessions in the Central Police Station; two of the victims were subsequently identified and made formal complaints of torture. Local human rights organizations claimed that the police had systematically tortured criminal suspects for a number of years. The state Secretary of Public Security also called for an investigation into allegations that victims who died under torture were buried in secret cemeteries in Itapoa, Gravataí and Guaíba.

During 1985 Amnesty International received similar reports of the torture of criminal suspects from other parts of Brazil, in particular Rio de Janeiro, São Paulo and Recife.

Mario Eugênio de Oliveira, a journalist, was shot dead in November 1984, allegedly by police officers belonging to a death squad in Brasília (see *Amnesty International Report 1985*). In June three military police officers were placed in pretrial detention and charged with homicide, and the former Secretary of Security for the Federal District, Colonel Lauro Rieth, and two of his advisers, were

to be prosecuted for prevarication and obstructing the investigation into the killing.

Amnesty International had been concerned for some years about the number of rural trade union leaders, lawyers, peasants, Indians and others killed in the context of land disputes. From May 1985 there was a sharp increase in the number of killings of rural workers and their advisers, particularly in the states of Pará, Goiás, Maranhão, Bahia and Minas Gerais. The organization believed that many of the victims had been killed because of their participation in rural trade unions or in other groups seeking to inform rural workers of their rights and to resolve conflicts over land tenure. Amnesty International was concerned about persistent allegations that the state authorities and the police failed to conduct prompt, effective and impartial investigations into such killings, or to take action when reports were submitted to them alleging that gunmen were threatening to kill rural workers. Amnesty International considers that persistent failure to prosecute the perpetrators of such abuses may be evidence of acquiescence in the crimes by the state authorities concerned, and may encourage their being repeated.

A government report documented 261 killings which had occurred in the course of land disputes during 1985. The victims included 188 rural workers, 14 rural trade union leaders, four lawyers, a priest, two church workers, eight Indians and 28 others described as landowners and *pistoleiros* (gunmen). In 1984, 116 rural workers were reported to have been killed. Amnesty International requested a copy of this report from the authorities. After a number of such killings Amnesty International expressed its concern to the state authorities and urged them to initiate full and impartial investigations.

For example, on 24 December Amnesty International sent telegrams to the governor of the state of Pará and to the Ministers of Justice and Agrarian Reform and Development, expressing concern about the killing of João Canuto de Oliveira, president of the rural trade union of the town of Rio Maria in the south of Pará on 18 December. João Canuto de Oliveira and other advisers to peasants seeking legal title to land in the area had reportedly received death threats from *pistoleiros* allegedly in the pay of local landowners. João Canuto de Oliveira had repeatedly called on the authorities at local, state and federal levels to disarm gunmen menacing peasants in the area. In early December two peasants and a photographer were killed, and a number of other people wounded by gunmen in Rio Maria. On 14 December João Canuto de Oliveira presented a formal complaint to the police station about continued death threats in Rio Maria and again called for the gunmen to be disarmed. He was shot dead at point blank range outside the town cemetery four days later

by two unidentified gunmen. Amnesty International urged a full investigation into his death and into what action the police authorities took in response to his complaint about gunmen operating with impunity in the area.

Amnesty International sought information from the Ministry of Justice in August on investigations into the killing of Father Ezechiele Ramin, an Italian missionary, killed on 24 July on the borders of Matto Grosso and Rondônia states. In December Amnesty International urged a full investigation into the killing of Julio Rodrigues Miranda, a peasant trade unionist, on 6 October in the town of Unai, Minas Gerais, and the reported continued death threats to his 22-year-old daughter, the president of the local rural trade union.

Amnesty International was investigating reports that on 23 November Manoel Monteiro de Sousa, a 78-year-old peasant, was killed in the settlement of Pau Santo, municipality of Lago do Junco, Maranhão state, when a force of 80 military police fired into peasants' houses while evicting them from the settlement. The organization was concerned about other reports that military police in the state of Maranhão arbitrarily detained and tortured a number of *posseiros* (squatting peasants) involved in land claims in several small settlements in the south of the state.

Amnesty International continued to be concerned for the safety of members of the Pataxó Hã-Hã-Hãe Indian community in the Paraguaçu-Caramarú reserve in the state of Bahia (see *Amnesty International Report 1985*). Amnesty International again appealed to the authorities in January as it feared that the lives of the Pataxó Hã-Hã-Hãe were at risk because of the failure of federal police and state authorities to disarm mercenaries allegedly responsible for earlier attacks. The mercenaries were reportedly employed by ranchers who the Indians claimed had illegally settled on the reserve. While the organization takes no position on land disputes, it was concerned about reports that on 22 November during an eviction, a force of 130 military police held Indians in custody for seven hours, beat them and threatened them with summary execution. The military police were said to have been accompanied by members of the mercenary force. Twenty-nine Indians were reportedly wounded, seven of whom needed hospital treatment.



## Chile

Amnesty International was concerned about the arbitrary detention, imprisonment and banishment of prisoners of conscience; judicial irregularities in political cases; widespread torture; and the lack of progress in investigating the majority of long-term "disappearances". In addition, there was a step increase in the number of violations of human rights by paramilitary squads

believed to have links with the security forces, including abductions and at least one multiple execution.

Many violations of human rights took place in the context of states of exception. During the first half of 1985 there were three different states of exception in force, namely the "state of emergency", the "state of danger of disturbance to internal peace", and the "state of siege", all of them provided for in the Constitution introduced in 1981. The state of siege was lifted in June but the two remaining states of exception continued in force. Most political detentions in 1985, for example, were carried out under the state of danger of disturbance to internal peace, set out in interim provision 24 of the Constitution. This empowers the executive to detain people for up to 20 days, to banish them to remote parts of the country for up to three months, to send them into exile, and to restrict the rights of assembly and information — all by simple administrative order and without judicial control. The application of these broad powers resulted in thousands of people being detained for participating in non-violent opposition activities such as street protests, leafletting, or involvement in community, trade union or student organizations. Of those arrested, 170 were subsequently banished (*relegados*) to remote places without charge or trial. Amnesty International appealed for the release of prisoners of conscience banished by administrative order.

Nineteen individuals arrested in February and March were held under the state of siege, which permitted indefinite detention without charge. They were sent to a military camp in Conchi, in a remote region with a harsh climate. Among those held in Conchi were trade unionists Antonio Deij, Arnaldo Bravo and Abraham Rivas, agricultural workers' leaders Carlos López and Lino Lara, student leaders Gonzalo Rovira and Oscar Dávila León, and other students who had been arrested during demonstrations. Amnesty International considered that they were prisoners of conscience and called for their

immediate release. After the lifting of the state of siege many of those held in Conchi were banished for three months under alternative administrative powers, again without charge or trial.

In June, a few days before the lifting of the state of siege, Organic Law No.18,415 was passed, increasing the scope of the states of exception. Among other provisions, it gave regional and local military authorities most of the administrative powers which were previously exercised on the authority of the President alone. Amnesty International was concerned that no reasons have to be given for arrest, detention or banishment orders under the states of exception and there is no appeal to an independent authority.

The government maintained that the states of exception were necessary in view of the threat posed by terrorist activity. During 1985 there were many bomb explosions, most often at electricity pylons and public buildings, and a number of other attacks were carried out by armed groups, which, according to official sources, resulted in the deaths of nine police and security force officers. Amnesty International nevertheless maintained that human rights standards, such as those in the International Covenant on Civil and Political Rights to which Chile is a party, must be respected by states in all circumstances.

In September there was a national day of protest called by the main trade union organization, the *Comando Nacional de Trabajadores* (CNT), National Workers' Command. The Ministry of the Interior then issued a public call for the prosecution of 87 named leading members of the CNT and other organizations which had participated in the protest. Of the 87, 12 top trade union and community leaders and 11 student leaders were charged with "instigating unauthorized demonstrations with the intention of overthrowing the government" and sent to prison. Following mass protests and international pressure, the charges against the students were dropped in October. The remaining 12, among them top CNT officials Rodolfo Seguel, Manuel Bustos and Arturo Martínez, were granted provisional liberty after one to three months' imprisonment, but the charges against them were not dropped. Amnesty International had adopted them as prisoners of conscience.

Amnesty International was also investigating other cases among the 310 long-term political prisoners in Chile, most of them held on charges of politically motivated armed offences. Amnesty International was concerned at a pattern of judicial irregularities, including the reported use of unlawful or fabricated police evidence, and excessive delays in proceedings before military tribunals leading to periods of preventive detention of up to three years.

The conditions of detention of political prisoners were also a source

of concern. Several times during 1985 prisoners in Valparaíso, Quillota, San Felipe and San Miguel prisons, as well as those in the penitentiary and public prison in Santiago, went on hunger-strikes, issued statements and made submissions to the courts to complain against overcrowding, harassment, and poor medical attention.

Torture was used — as in previous years — to obtain information or confessions, and also, increasingly, to intimidate the community at large by singling out some individuals for punishment. Reports received by Amnesty International showed a pattern of systematic torture of suspects arrested by the *Central Nacional de Informaciones* (CNI), National Information Centre — the secret police which is permitted to hold suspects in secret detention centres for "security reasons". In a significant number of cases the *carabineros* (uniformed police) and *Investigaciones* (plainclothes criminal investigations police) were also implicated.

Amnesty International intervened in numerous cases of alleged torture and urged the government to investigate complaints and bring those responsible to justice. It insisted that it was essential to stop the routine practice of incommunicado detention and to close down secret detention centres in order to prevent torture. The organization was particularly concerned that attempts by relatives, lawyers, and even judges to gain access to detainees were routinely obstructed, and that most petitions of *amparo* were rejected or held up by the courts. Amnesty International knew of no cases during 1985 of a court ruling on a petition of *amparo* within the 24 hours prescribed by law.

Torture was corroborated in a few cases by civilian courts when individual judges succeeded in seeing detainees named in *amparo* petitions, or after deaths in custody. Investigating judges established that Hugo Vázquez Peña, who died in the custody of *Investigaciones* on 14 January, was a torture victim, as were Carlos Godoy Etchegoyen, who died in a *carabinero* station on 25 February, José Randolph Segovia, who also died following arrest by *carabineros* on 26 May, and Pablo Yuri Guerrero who sustained severe injuries during incommunicado detention by CNI in July.

Torture was also used by clandestine armed squads, which were responsible for an increasing number of abductions and acts of intimidation, in particular death threats. These paramilitary squads, which sometimes identified themselves as members of the *Acción Chilena Anticomunista* (ACHA), Chilean Anti-communist Action, were usually heavily armed, travelled in cars with false registration numbers and attacked their victims in broad daylight, sometimes in busy streets or in their own homes, sometimes wearing hoods. They made use of secret detention centres, weaponry and intelligence facilities normally associated with state security forces and were

widely believed to have links with the official agencies.

The murder in March of José Manuel Parada, Manuel Guerrero and Santiago Nattino became a *cause célèbre* after the investigating judge uncovered the involvement of a unit of *carabineros*. The three victims had been abducted by an unidentified armed squad and had been found dead, with their throats cut, on 30 March. The *carabineros* at first denied their participation, but later their head and member of the military junta, General César Mendoza, resigned. The findings of the government's own intelligence service pointed to the *carabineros'* responsibility. By the end of 1985, however, most of the individual prosecutions brought by the investigating judge had been dropped by the higher courts.

Clandestine armed squads also shot demonstrators and harassed, intimidated and assaulted human rights lawyers, members of human rights organizations, relatives of political prisoners, students, church activists and clergy. Youth groups of the Catholic church working in poor neighbourhoods (*poblaciones*) were subjected to an intense campaign of harassment. Marcela Pradenas, Cristián Quiñones, Rodrigo Lorenzo Muñoz, Rodolfo Quintanilla and María Margarita Villicic Walberg were some of the young people abducted by clandestine squads during the year. Each was kidnapped one, two or, in one case, three times, beaten and threatened. All had crosses burnt or cut into their bodies, a form of ill-treatment usually applied to victims associated with the church. Representatives of the Catholic church in Santiago asked the Supreme Court for an investigation into the activities of an "illicit organization" operating "with total certainty of its impunity" which it held responsible for 72 abductions, 93 cases of threats, and 114 cases of harassment of individuals from all walks of life, including many working with the church. This request was refused.

Amnesty International repeatedly called on the authorities to establish a full independent investigation into the clandestine squads, in addition to the ongoing judicial inquiries into individual incidents. The organization noted with concern the increasing number of attacks by these groups despite the tight security controls under the states of exception.

Judicial investigations into some killings and "disappearances" took a significant turn. In the past, it had been rare for complaints against the security forces to make progress in the courts. During 1985, however, some civilian judges carried out detailed inquiries into several cases, including the triple murder in March, the deaths under torture of Hugo Vázquez Peña and José Randolph Segovia, and the "disappearance" of a group of 13 people back in 1976. The investigation into the 13 "disappearances" centred on new information about a commando unit of the security forces which, according to

a self-confessed former member, was responsible for the physical elimination of left-wingers in the years following the 1973 military coup. There was much public expectation that the investigation would shed some light on the fate of the 650 people who "disappeared" between 1973 and 1977.

These judicial inquiries were still in progress at the end of 1985. A number of members of the security forces had been named as suspects, but no one had yet been convicted. Amnesty International was concerned that judges, lawyers and other individuals associated with these cases had been attacked or threatened by clandestine groups.

The death penalty was carried out for the first time since 1982 when two former police officers convicted of multiple rape and murder were executed. In keeping with its unconditional opposition to the death penalty, Amnesty International appealed for the commutation of their sentences. Two men convicted of politically motivated offences faced death sentences passed by military courts in 1984. One of the men subsequently died during an attempted prison escape.

In December 1985 the UN Special Rapporteur on Chile, Professor Fernando Volio Jiménez, visited the country to collect evidence on the human rights situation. It was the first time that such a visit had been allowed in many years. Professor Volio Jiménez later said that he had the full cooperation of the authorities during his visit.

An Amnesty International delegation visited Chile in December and met human rights groups and representatives of the government.



## **Colombia**

Amnesty International was concerned about a significant increase in extrajudicial executions and "disappearances" by forces accountable to the Colombian Ministry of Defence, and about the obstruction by the military of measures on the part of civilian authorities to halt these abuses and investigate past political killings and "disappearances". The victims were leaders and members of trade unions, legal opposition parties, civic and human rights groups, and alleged supporters of Colombia's several guerrilla organizations. Amnesty International's long-standing concerns also included frequent reports of torture of both political and

non-political prisoners and the short-term detention of prisoners of conscience, many of them peasants detained in the course of land disputes and organizers of industrial disputes.

Amnesty International received reports of scores of execution-style killings by guerrilla groups. These included reports from Cauca department of execution-style killings of Indian community and regional leaders both by government security services and by the guerrilla group *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Colombian Revolutionary Armed Forces. In December reports were received of mass killings by another armed group, the *Frente Ricardo Franco*, Ricardo Franco Front. Javier Delgado, its head, acknowledged the "execution" of 154 men, women and youths whose bodies had been found in mass graves at Tacueyo and Corinto in Cauca department, and said they had been "infiltrators". Amnesty International condemns as a matter of principle the torture or execution of captives by anyone, including opposition groups.

A nationwide state of siege imposed in May 1984 remained in force throughout 1985. Military courts had jurisdiction over civilians only on charges under Article 202 of the penal code, which penalizes possession of military weaponry with up to five years' imprisonment. In practice, however, the army continued to detain civilians accused of a broad range of political offences, while charging them under Article 202. Civil authorities responded in some of these cases by decreeing pardons or suspending military court proceedings under an amnesty law. At the end of 1985 an estimated 170 civilians were in detention facing trial by the military courts. Amnesty International expressed concern in several cases in which it believed false charges had been brought.

Amnesty International received reports of torture by both police and military forces. Amnesty International appealed on 14 February on behalf of Alberto Rodríguez García, leader of a slum dwellers' association in Cucuta, Santander department, who was detained on 7 February by the army's *Grupo Mecanizado No. 5*. In a signed affidavit to the Public Ministry, a lawyer who had visited the garrison said that on 8 February he had seen Rodríguez in an internal courtyard "tied by his hands to a tree, blindfolded . . . exhausted", and was told by an officer that Rodríguez was being held without food or water, subjected to forced standing (*plantones*) and tied up by his hands "to get the truth out of him". The prisoner was subsequently released on the order of a civil court, but rearrested in May, and was reportedly facing trial before a military court.

Torture was in many cases reported to have been a prelude to extrajudicial execution. The dead bodies of many victims appeared to be marked by torture. On 13 July Argemiro Giraldo, a peasant union

leader, and Bernardo Franco, an alleged member of a guerrilla group, were detained in San Pedro de Uraba, Antioquia department, while participating in a street demonstration. They were held in the headquarters of Army Engineers' Battalion No. 4. An army communiqué on 14 July said the two had been leaders of the demonstration, and that both had been shot while trying to escape. Forensic examinations, however, reportedly showed evidence of beatings as well as gunshot wounds. No response was received to Amnesty International appeals for the case to be investigated.

The courts found the armed forces responsible for torture in several widely publicized rulings during 1985. On 27 June the Council of State, the highest administrative tribunal, ruled that Olga López de Roldán, a physician, had been tortured in January 1979 in the headquarters of military intelligence, the *Brigada de Institutos Militares*, (BIM), in the capital, Bogota. It recommended criminal proceedings against the officers it named as responsible. It identified the commander of the BIM at the time — General Miguel Vega Uribe, the present Minister of Defence — as one of those responsible, and ordered the Ministry of Defence to pay punitive damages to Dr López and her family of 20 million pesos and 3,000 grams of gold. General Vega rejected the charge, and an appeal against the verdict was pending. Dr López' case was one of 30 case studies in Amnesty International's 1980 *Report of an Amnesty International Mission to Colombia* which illustrated a pattern of routine and systematic torture.

Torture was also an issue of public discussion and government commentary as a consequence of the publication in the news media of a confidential International Committee of the Red Cross report to the Colombian Government which cited complaints of torture. The Year-end report of the Attorney General stated that the Public Ministry had raised 63 of the cases with the military prosecutor, and that in 10 cases military investigations had been initiated; in seven disciplinary measures had ensued; in five military personnel had been exonerated prior to the report; and in 40 no investigations had been initiated. Amnesty International had no specific information on the disciplinary measures and investigations cited.

The number of prisoners who "disappeared" in 1985 was apparently significantly greater than the number reported each year since 1979. Over 300 "disappearances" reported between 1979 and the end of 1984 remained unresolved. Colombian human rights groups estimated that about 200 people were seized in 1985 by government forces and then "disappeared", and the Attorney General's report stated that 344 "disappearances" had been formally denounced in 1985, "a rise of 129 per cent" over the 150 reported in

1984. Of the 344 "disappeared", 206 remained unaccounted for: the report said 71 had been located alive and 67 found dead. The Attorney General also stressed the "insuperable obstacles" faced by civilian investigators and prosecutors.

Amnesty International received detailed information on 87 "disappearances" in 1985. Among those on whose behalf the organization appealed was University of Cali professor of literature Pablo Caycedo Siachoque, a leader of the *Unión Patriótica*, Patriotic Union, opposition party. He was reportedly detained in Cali on 19 November and held initially at the army's Third Brigade headquarters. His whereabouts remained unknown.

Some prisoners were released after periods in unacknowledged detention. They included 13 in the Cali area who had been seized in what appeared to be a new pattern of "hostage" detentions. The victims were mothers, wives, and children of trade union leaders, political activists and former political prisoners. They were reportedly held in secret custody at the Third Brigade to obtain information about and intimidate other members of their families.

There was a significant rise in 1985 in reports of extrajudicial executions. In one widely reported case, 11 teenage supporters of the M-19 armed opposition group hijacked a truck-load of milk on 30 September and attempted to distribute it in a southeast Bogota slum. They were surrounded by over 200 heavily armed police, and were all subsequently said by police to have been killed in shoot-outs. Witnesses told civilian investigators and the news media, however, that all or most were unarmed and had surrendered or been incapacitated before being shot in the head. Several had been forced to lie prone on the street before being shot. Official sources — including the Attorney General — confirmed that some had been shot while on the ground from a distance of less than one metre.

Further evidence of extrajudicial executions by the armed forces emerged from cases of attempted killings. An 18-year-old youth was detained when he reported to an army post in Huila department on 25 November; he was then taken by a patrol to an isolated area, shot in the head and body and left for dead. He survived, however, and reached a nearby hamlet. Since a previous arrest he had been required to register at the army post each week, a common procedure in zones where there are army counter-guerrilla operations. No military court inquiry into the failed execution was known to have been initiated.

Many apparent extrajudicial executions and "disappearances" in rural areas were attributed by the police to unknown civilians or to "paramilitary groups". However, Amnesty International found no evidence that such groups existed independent of the army and

police. The information generally indicated that the police and army counter-insurgency forces were responsible, or rural police detachments assisting local landowners with grievances against the victims.

In April Amnesty International appealed for an urgent investigation after the discovery of the body of Guillermo Quiroz Tietjen, a regional leader of the *Asociacion Nacional de Usuarios Campesinos* (ANUC), National Peasant Association. His body reportedly had 14 bullet wounds and was marked with signs of torture. He had been detained on 13 April at his home in San Jacinto, Bolivar department, by five men who reportedly held military intelligence and police credentials. The Public Ministry recommended prosecution of several officers of the National Police and *Departamento Administrativo de Seguridad* (DAS), Administrative Security Department, but not of any military personnel, and jurisdiction over the case passed to the military courts. Of the many political cases in which the Public Ministry charged police and military personnel for torture, "disappearances" or killings, (see *Amnesty International Report 1984 and 1985*), none are believed to have led to trials and convictions by the military courts.

Members of Colombia's national and local human rights organizations were subjected to short-term detention, ill-treatment or torture, and death threats during 1985. One was killed in what may have been an extrajudicial execution. On 29 October, in Riohacha, Atlántico, gunmen shot dead Dr César Flores González, a lawyer on the Permanent Committee for the Defence of Human Rights of Bolivar Department who was also a leader of the Socialist Party. Since 1983 he had defended political detainees, and acted in cases of alleged torture, death in custody and political killings, including that of Guillermo Quiroz. He had also pressed charges against a former Bolivar F-2 (police intelligence) Commander for the torture and murder of two criminal suspects in November 1983; a case that resulted in August 1985 in the opening of military court proceedings against six police officers. He had himself received death threats, and in June 1985, after a brief period in police custody, was publicly denounced as a "subversive" by Bolivar's National Police Commander. Amnesty International appealed for the killing to be investigated, and for other members of the Bolivar human rights organization to be protected. They had received intimidating visits to their homes from F-2 officers and anonymous death threats. The president of the committee, Dr Andrés Pérez Batista, received the message "You will be next".

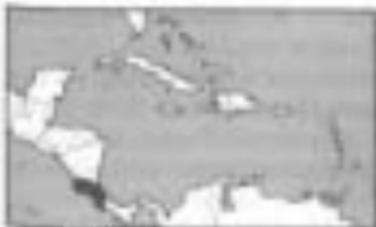
A cease-fire pact had been negotiated by President Belisario Betancur with the larger guerrilla organizations in 1984, but the M-19 guerrilla organization in June withdrew its support from the pact. On

6 November an M-19 force assaulted the Palace of Justice in Bogota, killing guards and taking some 400 hostages, including staff of the Council of State, and 11 of the 12 judges of the Supreme Court's penal chamber. They demanded negotiations over a series of demands. A combined army and police force equipped with tanks entered the building, and in subsequent fighting some 14 police and military personnel and 35 guerrillas reportedly died, and at least 46 of the hostages, including 10 Supreme Court judges, died in cross-fire, at the hands of the guerrillas, or in a fire that left most of the building a burnt-out shell.

Amnesty International was concerned about reports that some who left the palace when it was occupied by security forces were taken into army custody and subsequently "disappeared". Among 16 people unaccounted for since then were nine employees of the basement cafeteria of the building, an area untouched by the fire. Some of their relatives said that they had received anonymous telephone calls alleging that the missing had been seized by the army as suspected collaborators with the guerrilla force, and that they were in secret detention in Bogota army bases. Armed Forces spokesmen said no prisoners were taken during the incident, and despite charges that the missing people were in army custody, no civilian authority received access to the army facilities where they were allegedly being held. At the end of 1985 Amnesty International was awaiting the findings of a high-level official inquiry into the incident.

An Amnesty International delegation visited Colombia in December and was received by the Minister of Justice and the Attorney General. Talks were held with representatives of Colombian human rights organizations, and with lawyers acting for those missing after the Palace of Justice siege.

The Government of Colombia accepted the compulsory jurisdiction of the Inter-American Court of Human Rights on 5 July, and signed the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 10 April 1985.



## Costa Rica

Four people remained in prison after being sentenced in 1983 and 1984 to long prison terms for acts which according to the government were carried out in 1981 by a terrorist group called *La Familia*. The prisoners continued to maintain that such a group never existed and that they were arrested and convicted because of their work with peasant and slum-dwellers' associations. Despite repeated appeals from Amnesty International and other organizations, the prisoners' assertions that they were ill-treated at the time of their arrest and during interrogation by the *Organismo de Investigación Judicial* (OIJ), the special police investigations unit of the judiciary, have apparently never been properly investigated. The prisoners also maintained that their trials fell short of internationally agreed standards and did not accord with Costa Rican legal Procedures, pointing out, for example, that time limits on specific stages of the proceedings were breached. They maintained further that their treatment in prison was sub-standard.

Delays were also alleged in the cases of members of the *Comité Patriótico Nacional* (COPAN), National Patriotic Committee, of Alajuela, arrested in August 1984 during a demonstration. All had been released by the end of 1985 but charges, including that of illegal association, remained pending and trial dates had not yet been fixed.

In October Amnesty International telexed the Costa Rican President Luis Alberto Monge calling for the results of inquiries by Costa Rican agencies into the death of former Panamanian Vice-Minister of Health Dr Hugo Spadafora to be made public (see entry on Panama). His decapitated body had been found in Costa Rica in September.



## Cuba

Amnesty International's concerns centred on prisoners of conscience and possible prisoners of conscience, and on the prison conditions of long-term political prisoners. It learned of the release of a number of political prisoners during 1985, including

several prisoners of conscience. Amnesty International was concerned that the death penalty remained in force.

By the end of 1985 Amnesty International was working on the cases of seven prisoners, either because it considered them to be prisoners of conscience or possible prisoners of conscience, or because it was trying to clarify the circumstances and judicial procedures of their trials.

Amnesty International continued to appeal for the unconditional release of Edmigio López Castillo, a former Communist Party member, arrested in March 1980 and sentenced to eight years' imprisonment for attempting to send abroad drawings considered to be defamatory to the government. Reportedly in poor health, he apparently received medical treatment. He was in Combinado del Este prison in Havana and was allowed visits only every six months.

Ariel Hidalgo Guillén was another prisoner of conscience on whose behalf Amnesty International appealed. He was detained in August 1981, reportedly by members of the *Seguridad del Estado*, State Security Police. Very little information was available about his trial but he was believed to have been charged with "enemy propaganda" and sentenced to eight years' imprisonment under Article 108.1 of the Cuban Penal Code, which states, *inter alia*: "A sanction of one to eight years' loss of liberty is applicable to anyone who a) incites against social order, international solidarity or the socialist state, by means of oral, written or any other kind of propaganda; b) prepares, distributes or possesses [such] propaganda". According to reports, the main evidence presented against him consisted of testimonies of members of the local *Comité de Defensa de la Revolución* (CDR), Committee for the Defence of the Revolution. Amnesty International, however, believed that, although apparently not mentioned during the trial, the real reason for his conviction was the fact that the police had reportedly found in his home an unpublished manuscript entitled *Cuba, the Marxist State and the New Class* which criticized the political system in Cuba and other socialist countries from a Marxist point of view. After his trial Ariel Hidalgo was imprisoned in Combinado del Este prison and reportedly held in solitary confinement for 14 months. He was then moved to a regular cell, where his wife was able to visit him once a month for two hours and take him food but no writing or reading material. In August 1984 the visits were reportedly cut to three per year.

Amnesty International was investigating the cases of Raúl Pérez Ribalta, arrested in January 1979 and sentenced to 20 years' imprisonment for espionage; Amado Rodríguez Fernández, arrested in July 1984 and sentenced to 15 years for "rebellion" and "enemy

propaganda"; and Felix José Agudo Escudero, arrested on 17 October 1983 and sentenced to 10 years for sabotage. Amnesty International was concerned about the lack of concrete evidence that the court transcripts revealed, suggesting that the sentences might have been passed on account of the defendants' political views. For example, while it appeared that the sugar mill in which Felix José Agudo Escudero was a technician had been damaged, possibly as a result of his negligence, Amnesty International was concerned that the accusation of politically motivated sabotage had not been substantiated. No suggestion was made, for example, that he belonged to, or had contact with, opposition groups. The basis for his conviction seemed to be that he had a previous conviction for counter-revolutionary activities and was considered to be "hostile to the revolutionary process".

In the case of Raúl Pérez Ribalta, sentenced to 20 years' imprisonment for espionage on behalf of China, the provisional conclusions of the public prosecutor list the written material found on Raúl Pérez Ribalta as: "Maoist books, news bulletins and information from *Xin Jua*" (the official Chinese news agency). It then accuses him of "maintenance of a Maoist, pro-China, anti-Soviet and non-Cuban attitude, detrimental to the international solidarity practised by Cuba".

Amnesty International continued to investigate the cases of Orestes Bautista González and Gustavo Arcos Bergnes, the latter a former ambassador to Belgium (see *Amnesty International Report 1985*), but no new information was obtained.

Prisoners of conscience adopted by Amnesty International, Juan Luis Orlando Ruíz González (known as Luis Ruíz) and Elizardo Sánchez Santa Cruz, were released in November and December 1985 respectively. They had both been arrested in April 1980 and sentenced to six years and five years nine months' imprisonment respectively. Another prisoner of conscience adopted by Amnesty International, Ricardo Bofill Pagés, was released on 8 August 1985. He had been arrested in September 1983 after having been interviewed by two French journalists (see *Amnesty International Report 1985*). After his release he again applied to leave the country and join his wife in the USA, but had not succeeded by the end of 1985.

At the end of the year Amnesty International received information on three Jehovah's Witnesses serving eight-year prison sentences, reportedly for their religious activities. According to the reports Juan del Río Vargas and Luis Felipe Santos were released in May 1983, and Felipe Hernández Martínez had died in prison as a result of illness in 1981. No further details were available and Amnesty

International was unable to confirm reports of arrests of other Jehovah's Witnesses.

Amnesty International continued to monitor the situation of the group of long-term political prisoners known as *plantados*, a number of whom were released during 1985. By November 1985, according to one of those released, 51 *plantados* were in Boniato prison in Santiago in the eastern province of Oriente and 43 in Combinado del Este prison in Havana. Among those released were Silvino Rodríguez Barrientos, Guillermo Casasús Toledo, Santos Mirabal Rodríguez and José Soca Domínguez (see *Amnesty International Report 1985*). Amnesty International had addressed the Cuban Government on behalf of Silvino Rodríguez and Guillermo Casasús because of allegations that they had been ill-treated and taken from the prison to an unknown detention centre, and on behalf of Santos Mirabal Rodríguez and José Soca because they were believed to be in detention after the expiry of their sentences. Towards the end of 1985 Amnesty International received conflicting reports about the transfer of some 75 *plantados* from Boniato to Combinado del Este prison apparently in a move towards their eventual release. Reports indicated that the strict detention regime to which many *plantados* had been subjected over the years (that is, long periods—sometimes years at a time—without visitors or correspondence, as punishment for their refusal to comply with prison regulations such as wearing uniform) had been progressively relaxed. However, no details were available as to whether this relaxation affected all prisoners.

Amnesty International was aware of the existence of some 200 other prisoners apparently held for politically related offences, but knew of no reliable estimate of the number of political prisoners in Cuba.

Amnesty International was concerned that the death penalty remained in force but no new reports of executions were received during 1985. No response was received from the government to inquiries on the subject.



## Dominican Republic

Amnesty International was concerned about a pattern of short-term detentions of Haitian political refugees and about the failure of the Dominican Republic authorities

to investigate the cases of two people who had "disappeared" in previous years.

On 23 April Amnesty International expressed concern to President Salvador Jorge Blanco about the arrests of two Haitian refugees, François Roger (known as Francisco Pérez) and Saintil Saintiles (or Saintil Joseph), on or around 17 April. According to reports they were involved in literacy programs for the large community of Haitian workers that come each year to the Dominican Republic for the sugar cane harvest. There were frequent demonstrations against working conditions in the plantations, and short-term arrests of those believed to be responsible. Amnesty International later learned that François Roger and Saintil Saintiles were released without charge 48 hours after their arrest. Another Haitian refugee, Clarel Béliard, a member of *Union des Forces Patriotiques Démocratiques Haïtiennes*, Haitian Union of Patriotic Democratic Forces, was arrested, reportedly without warrant, on or around 8 June and taken to the police headquarters in Santo Domingo. His arrest was also believed to have been motivated by his activities to improve the working conditions of Haitian sugar cane workers. He was released on 13 June.

Over the years Amnesty International has repeatedly pressed the Government of the Dominican Republic to investigate the whereabouts of Samuel Roche, a Haitian refugee who "disappeared" following his arrest on 4 June 1982, and Pablo Liberato Rodríguez, who "disappeared" after his arrest in 1974. However, Amnesty International was not aware of any steps taken during 1985 to clarify the "disappearances" and to bring to justice those responsible.



## Ecuador

Amnesty International's concerns included the unacknowledged detention of political prisoners in secret detention centres, "disappearances", torture, and death in custody as an apparent consequence of torture or ill-treatment.

A pattern of detention procedures not previously observed in Ecuador emerged in the course of 1985. Political suspects were detained without warrant, detentions were initially denied, and, during sometimes prolonged periods of unacknowledged detention, *habeas corpus* failed to establish the legal status and location of detainees or to protect them. While prisoners generally "disappeared" for no more than 24 hours to a week during interrogation, some were held for longer before their detentions were formally acknowledged. Three detainees reported to Amnesty International remained unaccounted for at the end of 1985, months after their reported arrests.

Those detained included student and trade union activists, supporters of left-wing political opposition groups and refugees from neighbouring Colombia. Many were detained on suspicion of involvement with a guerrilla group responsible since September 1983 for a series of bank robberies and other armed assaults, and for a number of kidnappings in 1985. Called *Alfaro Vive, Carajo* (AVC), Alfaro Lives, the group was named after a 19th century Liberal Party leader, General Eloy Alfaro.

Although initial interrogations of political prisoners were sometimes carried out in National Police establishments, some prisoners suspected of links to AVC were transferred to military custody for more prolonged interrogation. These captives were frequently blindfolded, sometimes with adhesive tape, and taken to an interrogation centre outside the capital. A number of former prisoners believed the centre to be located at an army barracks in Conocoto, in the Valle de los Chillos. Suspects were interrogated and many were then returned to the Quito area and left on the city's outskirts, without their arrests ever having been acknowledged or charges brought. Systematic torture, including the use of electric shocks, near-drowning and beatings, was reported to be practised by both National Police and military intelligence interrogators.

Most political suspects were reported to have been detained by the National Police *Servicio de Investigación Criminal* (SIC), Criminal

Investigation Service, and initially interrogated at SIC headquarters in the capital, Quito, or other major cities. Amnesty International expressed concern about reports early in 1985 of the unacknowledged detention and torture of a number of young people from Quito. According to his subsequent testimony, Central University of Ecuador medical student Ahmet Fernando Vascónez was detained in Quito on 14 April by plainclothes police, blindfolded, and taken to a detention centre he could not identify. There he reported being interrogated about suspected links with AVC, while being subjected to beatings, electric shocks, near drowning, and death threats made with a gun-barrel in his mouth. He was subsequently transferred to the National Police headquarters for Pichincha department, in Quito, where on 23 April he was examined by doctors of the university medical service. The medical report, a copy of which was provided to Amnesty International, indicated injuries on several parts of his body "probably caused" by electric shocks, as well as "perforation of the left eardrum fracture of ribs and deformation of the bridge of his nose caused by a direct blow". No official investigation of Ahmet Vascónez' treatment in SIC custody was known to have been carried out.

In a similar case, medical students Fernando Chávez Bermúdez and Alfredo Dávila were detained without warrant in Quito at midnight on 12 March by some 30 armed men believed to have been members of the armed forces. They subsequently said their eyes had been masked with adhesive tape, and their heads covered with hoods before they were taken to a secret military interrogation centre or "safe-house". After some three hours of questioning Alfredo Dávila was left on the outskirts of Quito. He said he had been interrogated about AVC and Fernando Chávez' political activities. Fernando Chávez was himself released on 15 March and stated that he had been interrogated by military intelligence officers. He said he had been doused with cold water, beaten about the head, burned with cigarettes, and subjected to electric shocks to several parts of the body, including the genitals. A medical examination reportedly confirmed that he had been beaten and burned on his face and body. During his three days of interrogation the authorities consistently denied that he was in detention. No response was received to Amnesty International appeals that the reports of torture be investigated.

Amnesty International also inquired into the cases of Fausto Basantes and Luis Vaca, who were detained on 20 February by a SIC squad in Quito's Villa Flora neighbourhood. According to their own subsequent testimonies, they were taken directly to the SIC headquarters, beaten and interrogated there for about eight hours concerning AVC. That night, they were taken to a military

interrogation centre where they maintain they were stripped, beaten with blunt instruments, nearly drowned and given electric shocks. After two days the interrogation was halted, and they were fed, permitted to bathe and given medical treatment. Two days later they were left on the outskirts of Quito. Amnesty International was concerned that the detention was never acknowledged and the allegations of torture were not investigated.

Luis Vaca was reportedly detained again with Susana Cajas Lara and Javier Jarrín Sánchez on 10 November by military personnel in the coastal province of Esmeraldas. According to later statements by Jarrín Sánchez and Susana Cajas Lara, the three were sent to the Quito area to a secret military centre where they were interrogated under torture. Susana Cajas Lara described being held incommunicado there for two weeks naked, in a small, wet cell. During interrogation she was beaten, given electric shocks, nearly suffocated with a wet towel, sexually abused, and forced to sign a statement she was not allowed to read. On 25 November she and Javier Jarrín Sánchez were handed over to the National Police and taken to the Quito Provisional Detention Centre. Javier Jarrín Sánchez was released without charge. Susana Cajas Lara reportedly remained in custody, facing charges of possession of falsified documents. Luis Vaca, however, had "disappeared" and was still unaccounted for at the end of 1985. The Foreign Ministry, in a letter dated 23 December, told Amnesty International that "Luis Vaca has not been detained by any authority of the the Government of Ecuador". However, the Minister of the Interior, in a letter of 27 December, included Luis Vaca's name in a list of 13 Ecuadorians who he said had been "detained for the commission of common crimes and turned over to the jurisdiction of the competent courts, or were fugitives from justice". He also stated that there were "no clandestine places of detention" in Ecuador. Amnesty International was concerned that none of the three detentions in Esmeraldas had been acknowledged, and that each of the three had effectively "disappeared". Javier Jarrín Sánchez' and Susana Cajas Lara's detentions had been formally acknowledged only after their transfer to the custody of the National Police in Quito on 25 November.

On 7 August businessman Nahim Isaias Barquet, a close friend of President León Febres Cordero, was kidnapped in Guayaquil by members of AVC and the Colombian M-19 guerrilla group. He was subsequently killed when the army raided the building in which he was held. In the weeks after the kidnapping numerous suspects were detained. Juan Carlos Acosta Coloma was detained on 26 August with two other suspects, and shot in the leg. He was reportedly systematically beaten during interrogation immediately after the

arrest and denied medical attention until his family intervened — his father is a former foreign minister. He was then hospitalized, but died on 28 August. His family saw him shortly before his death and said he had described his interrogation. They attributed his death to torture, an allegation reportedly substantiated by an autopsy report.

Torture of criminal suspects was also reported. Amnesty International sought information on the death in custody of Luis Fernando García, a porter at Guayaquil airport, who was arrested with five others on 18 November on suspicion of theft. The six were held for questioning at the Guayaquil Air Force base. Five were released on 25 November but Luis Fernando García's family was officially informed that he had "died of a heart attack" while in detention. Those released, however, said that they had all been tortured with electric shocks, beatings, and submersion in water. An air force medical service autopsy reportedly confirmed that the body was severely bruised and bore marks which could have been caused by electric shocks.

Amnesty International also addressed the authorities in a number of cases involving refugees. Hernán Calvo Ospina was one of several Colombians with long-standing refugee status in Ecuador who were detained without warrant, held for a time in unacknowledged detention, and subsequently believed to have been interrogated under torture about suspected political activities. A journalist on the Quito-based newsletter *La Berraquera*, Hernán Calvo Ospina "disappeared" on 24 September, and was not acknowledged to be in police custody until 4 October. He was then held in administrative detention, without charge or trial, on the order of the Minister of Interior under the *Ley de Extranjería*, Immigration Law, until his deportation to Peru on 30 December.

Amnesty International also expressed concern about the detention and "disappearance" of Spanish citizen Alfonso Echegaray Achirica on his arrival at Quito airport on 27 July. Of Basque origin and a resident of France, Alfonso Echegaray Achirica was summarily expelled to Ecuador by the Government of France. Until 2 August, the Ecuadorian authorities denied holding him. The Foreign Minister responded to Amnesty International's inquiries on 2 September stating that Echegaray Achirica was "interned under the Immigration Law, Article 19, at the request of the Spanish Government". On 4 December a second Basque, Angel Aldana, was summarily expelled to Ecuador from France and placed under administrative detention: both were still being held at the end of 1985.

On 4 February 1985 the Government of Ecuador signed the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.



## El Salvador

Amnesty International continued to be concerned about reports implicating the Salvadorian military and security forces, as well as the paramilitary *Brigadas de Defensa Civil*, Civil Defence Patrols, and the *patrullas cantonales*, canton patrols, in the arbitrary arrest, torture, "disappearance" and extrajudicial execution of people from a wide cross-section of Salvadorian society. By comparison with previous years, when abuses such as "disappearance" and extrajudicial executions had been reported on a massive scale, in 1985 violations appeared to be more selectively directed against people suspected of opposition to the government or of being sympathetic to the opposition.

Trade unionists, human rights activists and those working with refugees were particularly subject to such abuses in 1985. Others appear to have "disappeared" or been arbitrarily killed simply because they were present in areas where security operations were taking place. For example, 19-year-old Evangelista Cabrera was reportedly taken into custody on 15 January by government troops in Corinto, Morazán, when soldiers raided a house she was visiting and she was unable to produce identity papers. She was found dead some days later. She had reportedly been tortured, raped and shot. Despite repeated appeals from Amnesty International to the authorities to investigate her arrest and death, her detention was never acknowledged.

Amnesty International also remained concerned about the continued detention without trial for periods of up to five years of several hundred political prisoners and about reports of the systematic use of torture to extract confessions from new detainees. Torture was used in the context of Decree 50 of February 1984 governing proceedings against those accused of crimes against the state. Amnesty International considered that the measure contained provisions, including a 15-day period of incommunicado detention, which facilitated human rights abuses such as "disappearance" and torture.

During 1985 Amnesty International also noted a new pattern of short-term detentions of opponents of the government, apparently as a form of harassment.

Finally, Amnesty International was concerned about the continued inability of the Salvadorian judicial system to investigate and punish violations of human rights. With few known exceptions, the perpetrators of the many thousands of abuses in recent years had not

been brought to justice. Rather than institute genuine inquiries into reported violations, successive administrations blamed them on "extremist groups" which it was claimed were "out of government control" (the so-called "death squads").

In the context of continuing civil conflict, the administration of President José Napoleón Duarte, which had assumed power in June 1984, maintained, as had its predecessors, that victims in the Salvadorian countryside had been abducted or killed by the armed opposition, or had been members or supporters of the opposition who had died in armed confrontation with the military. However, Amnesty International's study of incidents reported in 1985 suggested that, as in previous years, the majority of reported abuses against non-combatant civilians had been inflicted by forces under the authorities' control, although there were also reports of abductions and execution-style killings by opposition groups.

Whoever the perpetrator, Amnesty International condemns as a matter of principle the torture or execution of prisoners by anyone. It made this position clear on 20 September 1985 in a telex to the governmental El Salvador Human Rights Commission, which had asked it to intervene to secure the release of President Duarte's daughter, Inés Duarte Durán, abducted earlier that month along with a friend by opposition forces. Amnesty International's message explained that, with the exception of groups which had acquired characteristics similar to governments, its policy did not include making such appeals to non-governmental organizations.

In view of the long-term and continuing pattern of gross human rights violations in El Salvador, Amnesty International welcomed measures which the Duarte administration stated it intended to implement to ensure a return to respect for human rights. Officials publicly announced, for example, that certain officers repeatedly linked to the "death squads" were to be removed from active duty, that the intelligence section of the *Policía de Hacienda*, Treasury Police, (consistently cited as responsible for the illegal detention, torture and murder of suspected opponents of the government) was to be disbanded and that the security forces were to be restructured to make them more directly accountable to the elected authorities. Furthermore, an independent body was to be set up to investigate human rights abuses, particularly those allegedly committed by "death squads", and special inquiries instituted into a number of well-known unresolved cases of political murder. These included the killings of Archbishop Oscar Arnulfo Romero and US journalist John Sullivan in 1980; of at least 18 Indian peasants, including a child, by regular soldiers at Las Hojas, San Antonio del Monte, Sonsonate, in 1983; and of approximately 70 civilians, including children, by the

Salvadorian military during July 1984 in a number of small villages in Cabañas, northern El Salvador. Amnesty International had repeatedly appealed for an in-depth investigation into these cases.

However, Amnesty International found it necessary to repeat reservations that little was known about how any of the new investigative bodies proposed by President Duarte would operate, to which ministries or government organs they were to be responsible or what, if any, findings the announced inquiries had made. The organization also noted that the only known proceedings against military or security force personnel for human rights abuses were the convictions in May 1984 of five National Guards for the 1980 murder of four US churchwomen, the reported conviction in August 1983 of a civil defence commander for the murder of a seminary student, and the unsuccessful prosecution of two army officers for ordering two National Guards to kill two US agricultural advisers and the head of the Salvadorian Land Reform Institute in 1981 (although prosecutions against the two guards continued). Reports of continued human rights abuses by the military and security forces (including the Treasury Police) led Amnesty International to believe that these few prosecutions and the other measures announced had not been adequate to ensure that members of these forces stopped such practices.

Trade unionists were a particular target of abuses during the year. In January alone Amnesty International recorded the deaths of three union leaders in circumstances suggesting official involvement, while in the course of 1985 it learned of four who "disappeared" and 41 more who were detained, apparently because of their legal trade union activities. The violations occurred in the context of renewed trade union activism, street demonstrations and strikes. In addition to economic demands, protesting trade unionists were calling for the release of people arrested because of their trade union activities, the reappearance of "disappeared" colleagues, investigations into the apparent extrajudicial executions of others, and the abolition of the State of Siege, which has regularly been reimposed in El Salvador since March 1980. The State of Siege suspends freedom of assembly, movement, residence, thought and expression, and gives the military courts jurisdiction over civilians accused of offences including treason and rebellion and acts considered threatening to the peace or independence of the state.

One of the trade unionists detained during 1985 was Modesto Rodríguez Escobar, secretary general of two unions, seized on 4 July by heavily armed men in plain clothes after leaving a union meeting. He was held by the Treasury Police incommunicado, blindfolded and handcuffed, for seven days in a secret cell, where he said he was

repeatedly threatened with death and subjected to beatings and electric shock torture.

Amnesty International was also concerned about abuses of human rights workers. In November the organization sought assurances that the safety of Joaquín Antonio Cáceres Hernández and Jorge Alirio Ponce Martínez would be respected following their detention by plain-clothes members of the National Police. Cáceres was Press and Information Secretary of the *Comisión de Derechos Humanos de El Salvador (no-gubernamental)* (CDHES), the non-governmental El Salvador Human Rights Commission, and Ponce a former member. They were allegedly beaten and ill-treated in an effort to force them to sign declarations linking the CDHES with the armed opposition. Both remained in custody at the end of 1985. Since its foundation in 1978, CDHES members had suffered a series of human rights violations, including the killing of its four founding members in circumstances suggesting official involvement.

In October Amnesty International submitted testimonies to the government indicating that prisoners continued to be routinely subjected to both psychological and physical torture during incommunicado detention. Detainees stated that they had been forced — by beatings, sexual abuse, drugs, mock executions, threats to relatives and families and the burning of flesh with sulphuric acid — to sign statements without being informed of their contents. In one such testimony Dr Eduardo Antonio Espinoza Fiallos stated that in April he was beaten with wooden clubs, subjected to mock executions and tied by the thumbs and suspended from a beam in the ceiling at the National Guard's central barracks in San Salvador. Dr Espinoza stated that he was arrested and tortured for giving medical aid to non-combatant civilians and members of the armed opposition, as well as to soldiers and officers captured by them. Dr Espinoza and others further charged that after being transferred into acknowledged detention, they received no response to requests for medical examinations to verify injuries caused by torture. Dr Espinoza was among those released by the government in October in exchange for Inés Duarte Durán and others held by opposition forces.

Amnesty International also expressed its concern on a number of occasions about continued ill-treatment after detentions had been acknowledged. In February, for example, reports were received that three women political prisoners had been shot and wounded and another beaten by air force personnel and prison guards from Mariona men's prison called in to end a protest over prison conditions and ill-treatment of inmates. In April guards allegedly beat a group of male political prisoners at Mariona with their rifles. Amnesty International urged the Directorate of Prisons to investigate these

reports, to discipline those responsible and called for all prisoners to be treated in accordance with internationally agreed standards. Amnesty International also repeated previous pleas that all detainees be charged and tried, or released.

During 1985 Amnesty International submitted information on its human rights concerns in El Salvador to various UN bodies including the Commission on Human Rights' Special Representative on El Salvador, the Special Rapporteurs on summary or arbitrary executions and on torture, the Working Groups on Enforced and Involuntary Disappearances and on Indigenous Populations, Unesco and the UN High Commissioner for Refugees (UNHCR).

In a statement to the UN Commission on Human Rights in January, the organization noted measures announced by the government as intended to bring the military and security forces under control, but observed that the institutional framework enabling torture, extrajudicial executions and "disappearances", most notably Decree 50, continued to exist. Later in the year Amnesty International reported to the UNHCR the arrest in June of four Salvadorians who had been voluntarily repatriated from Honduras. According to a foreign witness to their arrest, they were detained because the Salvadorian authorities considered the refugee camps in which they had lived in Honduras to be sympathetic to or working with the armed Salvadorian opposition. The four were released in August.

In December a UN General Assembly resolution on El Salvador noted the Special Representative's March 1985 report according to which the number of political prisoners and abductions in the country had increased. It deplored the continuing incapacity of the Salvadorian judiciary to investigate, prosecute and punish violations of human rights. It urged the authorities to intensify the reform of the Salvadorian judicial system in order to punish those responsible for the serious human rights violations which the General Assembly found had been and were still being committed in the country.

Amnesty International also submitted information on its human rights concerns in El Salvador to the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS). The Commission's 1985 report found, as had Amnesty International, that little had been accomplished to implement the administration's declared intent to "promote, protect, and defend the full observance of human rights".



## Grenada

Amnesty International continued to assess the fairness of the trial of 19 former members of the New Jewel Movement charged with the murder of former Prime Minister Maurice Bishop and others in 1983 (see *Amnesty International Report 1984* and *1985*). The organization also raised concerns about their treatment in prison.

Amnesty International wrote to Prime Minister Herbert Blaize on 22 April, expressing concern at conditions under which the 19 defendants, who were still awaiting trial, were detained in Richmond Hill Prison. Among the concerns raised were allegations that Andy Mitchell was beaten by Jamaican guards in November 1984, as a result of which he required 40 stitches in his head; and that he and several other prisoners had been placed on prolonged bread-and-water punishment diets, even though Andy Mitchell was said to be physically unfit to sustain such a punishment. Other concerns raised included visits from relatives, friends and lawyers being refused; restrictions on writing materials; and the withholding of letters sent by prisoners to relatives and contacts abroad, including correspondence between prisoners and their lawyers.

Amnesty International said that some of the treatment, if confirmed, could be prejudicial to the prisoners' physical and mental health and amount to "cruel, inhuman and degrading treatment". Amnesty International drew the government's attention to articles of the UN Standard Minimum Rules for the Treatment of Prisoners, which were breached by some of the deprivations reportedly imposed. Amnesty International asked the government to ensure that the prisoners were treated humanely, in accordance with the UN standards.

On 19 July Amnesty International wrote again to the government, expressing concern about the prolonged isolation of Phyllis Coard who, apart from court appearances, had been allowed no contact with other prisoners since her arrest in 1983. Amnesty International referred to reports that her isolation had led to a deterioration in her physical and mental health. Amnesty International also expressed concern that relatives coming from abroad had experienced difficulty in obtaining permission to visit her and that other visits had been restricted; that she had been denied contact with her husband in Prison, with whom she needed to discuss arrangements for the care of their children; and that her letters to her children in Jamaica and

letters concerning legal matters had been withheld by the prison authorities. Amnesty International also expressed concern about reports that she had not received medical advice for a lump in her breast. Amnesty International also raised concerns about two other prisoners who were reported to be in need of medical attention. No reply to either of its two letters had been received by the end of 1985.

Amnesty International sent an observer to the trial of the 19 defendants which began on 8 August, after having been adjourned twice in 1984. The trial was again adjourned on the application of the defence, who submitted that they had not been allowed adequate access to their clients in prison. They also raised a constitutional motion regarding the jurisdiction of the court. The trial had not been resumed by the end of 1985.

In May the Grenada Court of Appeals had ruled on an earlier motion by the defence, in which it was claimed that the court system established by the former People's Revolutionary Government was no longer constitutionally valid (see *Amnesty International Report 1984*). The appeals court denied the motion, ruling that the present court structure was legally valid.

Amnesty International's observer to the trial also investigated the conditions under which the detainees were held. During the mission he visited Richmond Hill Prison and interviewed eight of the defendants, including Phyllis Coard. He subsequently raised the organization's concerns regarding their treatment with the Minister for Legal Affairs and the Chief Justice, both of whom said that they would look into the matter and inform Amnesty International of any measures taken. No word had been received from the government by the end of 1985. Amnesty International learned, however, that there had been some improvement in the conditions under which Phyllis Coard was detained, including the granting of several visits from her husband.



## Guatemala

Amnesty International continued to be concerned about the widespread torture, "disappearance" and extrajudicial execution of people from all sectors of Guatemalan society. An Amnesty

International delegation which visited the country in April collected evidence implicating all branches of the military and security services in such abuses. Eye-witnesses testified to the involvement of

members of the regular military and security services (acting on occasion in plain clothes in the guise of the so-called "death squads", but under orders from superiors), as well as *Patrullas de Defensa Civil*, paramilitary civil patrols, which operate under army supervision.

Under Chief of State General Oscar Humberto Mejía Víctores who came to power in August 1983, human rights abuses took place on a more selective basis than under the two previous administrations, when counter-insurgency campaigns had resulted in the mass killing of non-combatant civilians in the Guatemalan countryside. However, violations continued throughout 1985 on a large scale, and appeared to be part of a deliberate government program. Displaced persons, catechists and lay church workers, trade unionists, students, staff and employees of the University of San Carlos (USAC), and peasants living in the Patzún area, Chimaltenango were subjected to torture, "disappearance" and extrajudicial execution in 1985.

During 1985 Amnesty International also received reports of execution-style killings of individuals by opposition groups. Suspected government "spies", government officials, politicians close to the administration, and military and police agents were reported to have been killed in this way. Amnesty International condemns as a matter of principle the torture or execution of prisoners by anyone. Its examination of the available information led it to believe, however, that the majority of killings and other abuses of non-combatant civilians had been carried out by uniformed and plainclothes military and security agents acting under orders.

Amnesty International has regularly submitted detailed evidence of official responsibility for large-scale human rights abuses to successive Guatemalan administrations. No substantive response, however, was ever received. Instead, a series of military administrations maintained that the abuses had been committed by extremist groups of the left and right that were out of government control. In a context of civil strife, the authorities claimed that peasant victims in rural areas had died in guerrilla attacks or in armed confrontation with government forces. According to statements periodically made by officials to the press and at international arenas, the country therefore had nothing to hide and was open to visits from international human rights investigatory bodies, such as Amnesty International. However, no invitation to visit the country was received by the organization's International Secretariat until May 1984, when the Guatemalan Ambassador to France announced that he had been mandated to negotiate terms of reference for such a visit.

An Amnesty International delegation was eventually able to visit Guatemala in April 1985. It met government, military and security

officials, representatives of non-governmental organizations, and individuals. The delegation was greatly concerned about the discrepancy between the principles regarding respect for human rights espoused by officials whom it met and the testimonies it collected from victims, their families, and witnesses. Amnesty International found this testimony to be internally consistent and much of it was corroborated by information collected independently through other sources or at other locations. On two occasions, the delegation interviewed people who displayed fresh wounds and heavy bruising consistent with the torture they stated the army had inflicted on them only days before the delegation's arrival in Guatemala.

Among the cases which Amnesty International's delegation investigated in detail were the deaths in March and April 1985 of Héctor Gómez Calito and Rosario Godoy de Cuevas, leaders of the *Grupo de Apoyo Mutuo por el Aparecimiento con Vida de Nuestros Hijos, Esposos, Padres y Hermanos* (GAM), Mutual Support Group for the Appearance Alive of our Relatives. The GAM had been formed in 1984 to press for investigations into the fate of the "disappeared". The delegation found a number of contradictions in statements by different officials about these deaths as well as between these statements and the material evidence it collected while in Guatemala. It judged that the circumstances of the deaths were highly indicative of official involvement. Following its visit, Amnesty International continued to press for further inquiries into the deaths of the two GAM leaders, and reiterated its call for steps to be taken to prevent any further abuses of members of the group.

Amnesty International's delegation also investigated allegations of clandestine cemeteries and secret torture and detention centres. When the delegation tried to visit the military base at Patzún in Chimaltenango, in order to investigate reports that the base was being used as a secret detention and torture centre and adjoined a cemetery used to dispose of bodies of those who died while in custody there, it was at first denied access to the base. It later succeeded in gaining access and found a covered pit containing remnants of food and an unmarked cemetery.

The delegation also collected testimony concerning 190 "disappearances", 19 of which took place in the Patzún area in the first half of April. Among them were Lucas Jocholá and his four sons (one of them reportedly mentally handicapped), all of them members of the local civil patrol. They were taken from their home at 1am on 8 or 9 April, apparently because they were suspected of dereliction of duty in their patrol service. Also missing was cooperative worker Sebastián Coy, detained in the eastern district of the town late on the evening of 14 April, and reportedly taken to the Patzún military base.

Over 100 other such cases reported to Amnesty International between August 1983 and March 1985 had already been submitted by the organization to the *Comisión Tripartita*, Tripartite Commission, in March. This Commission, with representation from the Ministries of Defence and the Interior and the Attorney General's office, was announced by the government in November 1984, to inquire into the whereabouts of people whose "disappearance" had been reported to the authorities by relatives or by domestic and international human rights groups. Among the cases raised by the Amnesty International delegates were those of six leaders of the USAC student association abducted by security forces in May 1984. The students included Carlos Cuevas Molina, son of a former USAC rector and the husband of murdered GAM leader Rosario Godoy de Cuevas. They were apparently abducted because they had been encouraging student support for workers who were then occupying the Coca-Cola bottling plant in Guatemala City in protest at its sudden closure.

Amnesty International's delegation was repeatedly assured that inquiries into "disappearances" would continue and that the organization would be informed of any findings. However, in mid-1985, the Commission declared itself disbanded after reporting that it had been unable to establish the whereabouts of a single one of the many hundreds of "disappeared" persons whose cases had been submitted to it.

In the course of 1985 Amnesty International expressed concern on several occasions about the failure of the judiciary to deal effectively with the hundreds of writs of *habeas corpus* presented on behalf of the "disappeared" by relatives and others. Amnesty International knew of only one case in recent years in which filing a writ led to the location of the missing person. Among the cases in 1985 where *habeas corpus* writs were unsuccessful was that of Luis Fernando de la Roca Elías, an engineering student at USAC, abducted in Guatemala City on 9 September. Three days later, according to his relatives, the young man was brought back to his home, bleeding from the head, by men in plain clothes who tortured him within hearing of his relatives and then took him away again. He was not located but the writ filed on his behalf did elicit the information that the licence plates of one of the cars used in his abduction had been issued to the General Justo Rufino Barrios military barracks in Guatemala City and the plates of another were registered to the Ministry of Defence. Neither in this nor in any of the other cases of "disappearance" or extrajudicial execution reported to Amnesty International in 1985 was the organization convinced that the authorities had instituted genuine investigations to determine the circumstances of and responsibility for abuses.

A memorandum detailing Amnesty International's long-term human rights concerns in Guatemala was submitted in December 1985 to the outgoing administration of General Mejía Víctores, and to the incoming elected government of President Vinicio Cerezo Arévalo due to take office in January 1986. The memorandum contained information collected by Amnesty International during its visit to the country and subsequently, and was accompanied by a series of recommendations the organization considered the government should implement to end human rights violations in Guatemala.

In its submission to General Mejía Víctores Amnesty International repeated the objections it had expressed during the mission regarding the obstacles encountered by its delegation. These included problems in entering the Patzún military base despite previous assurances that Amnesty International could travel wherever it wished and interview whoever it wanted, and overt and covert surveillance of the delegation.

In submitting its recommendations and findings to President-elect Cerezo, Amnesty International welcomed the declaration by the new government that it intended to promote a return to respect for human rights in Guatemala. The organization stressed, however, the need for an in-depth investigation of how such human rights violations as "disappearances" and extrajudicial executions were planned and carried out. It would not otherwise be possible to identify and modify the institutionalized structures and policies which had permitted these violations to take place for more than two decades.

In 1985 Amnesty International submitted information on its concerns in Guatemala to various UN bodies including the Secretary-General, the Special Rapporteurs on Guatemala and on summary and arbitrary executions, and the Working Groups on Indigenous Populations and on Enforced and Involuntary Disappearances.

In December a UN General Assembly resolution called upon the Guatemalan authorities to "prosecute and punish speedily and effectively those, including members of the military and security forces, who are responsible for violations of human rights". The resolution repeated previous requests that the government "investigate and clarify the fate of those who have 'disappeared'" and urged it to protect "human rights defenders such as the Mutual Support Group". The General Assembly's resolution again invited the UN Commission on Human Rights to study carefully the report of the Special Rapporteur, as well as other information pertaining to the human rights situation in Guatemala, and to consider steps to secure respect for human rights, such as permitting the presence of the International Committee of the Red Cross.

Amnesty International also submitted information in 1985 to the

Inter-American Commission on Human Rights of the Organization of American States. The Commission's 1985 report stressed its belief, following an on-site visit, that investigations should be undertaken at the highest level to determine responsibility for Guatemala's widespread pattern of kidnappings and "disappearances" and its particular concern that the members of the Mutual Support Group be accorded special protection.

Amnesty International provided evidence supporting the claims of a number of Guatemalans seeking asylum abroad that they risked human rights violations, including extrajudicial execution, in their country of origin. One such case was that of school teacher and USAC law student Beatriz Eugenia Barrios Marroquín, who received refugee status from Canada after being abducted and tortured in November 1985. However, before the obligatory visa to enter Canada could be secured she was once again abducted on 10 December by armed men, believed to be members of the security forces, and her tortured body found some days later.



## Guyana

Amnesty International noted with concern the decision of the government to resume executions after 15 years during which none had taken place. Balkarran Singh and Donald Aulder were hanged on 10 October and Horton Blackman and Victor Bishop on 16 October. Three had been sentenced to death in 1981 for a murder committed during the course of a robbery in 1978 and the fourth, Donald Aulder, was convicted of murder in 1982.

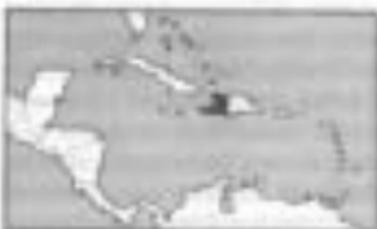
These were the first executions since 1970 although the law provides a mandatory death sentence for murder. Under the government of former President Forbes Burnham, who died in office in August, there had been a long-standing policy not to carry out executions. In 1983 the Solicitor General stated that since the last execution in 1970 sentences of death had always been commuted to life imprisonment on the recommendation of the Advisory Council on the Prerogative of Mercy. However, President Desmond Hoyte, who succeeded President Burnham, announced in August that executions would resume to curb what he described as a growing

wave of violent crime. In September the Advisory Council on the Prerogative of Mercy recommended against commuting the death sentences of the four men.

On 8 October Amnesty International wrote to the government saying that the execution of the prisoners on death row would be particularly cruel, given the long period which many had spent on death row while executions were in abeyance. It urged the President to take this into account in reviewing their cases and to commute their sentences accordingly.

Following the executions of Balkarran Singh and Donald Alder the organization sent a message to President Hoyte expressing its deep regret at the news, and voicing its additional concern that the two prisoners had been given no opportunity to consult their lawyers or lodge final petitions for mercy after the warrants for execution were issued without warning on 8 October. Some 30 prisoners were under sentence of death at the end of 1985, some of whom had been on death row for several years.

In a reply to Amnesty International's letter of December 1984 (see *Amnesty International Report 1985*) in which concern was expressed about four reported cases of police ill-treatment of criminal suspects held in custody, the Ministry of Home Affairs assured the organization that the incidents had been thoroughly investigated. It said that the death of Trevor Waterman in April 1984 had been investigated by a separate and independent unit of the police force, and three police officers had been charged with manslaughter. In an inquest into the death of Cleveland Alexander in May 1984, the Ministry reported, the jury had found members of the police force to be criminally responsible but the officer "most likely to have been criminally liable" had left the country and could not be traced. The two other cases referred to in Amnesty International's letter had also been thoroughly investigated, according to the Ministry.



## Haiti

Amnesty International was concerned about the arbitrary imprisonment, usually short-term, of prisoners of conscience; the torture and other cruel, inhuman and degrading treatment of political prisoners; their detention, often incommunicado, without trial; and the death of a number of people

while in the custody of the security forces in circumstances suggesting that they may have died as a consequence of torture or that they may have been extrajudicially executed.

On 13 March Amnesty International published *Haiti Briefing* detailing its concerns since President-for-Life Jean-Claude Duvalier took power in 1971. These concerns had been submitted to the government on many previous occasions without response.

On 29 April there was a presidential amnesty for 37 political prisoners, 31 of whom had been the subject of Amnesty International appeals. Among those benefiting from the amnesty were five men — Eugène Nazon, Schneider Merzier, Frantz Joachim, Frantz Héroux and Frid Esper — who had spent 18 months in incommunicado detention before being brought to trial in September 1984 and sentenced to life imprisonment. This sentence was later quashed on appeal by the *Cour de cassation*, the highest court in the country. At their second trial in April 1985 they were sentenced to nine years' imprisonment for "plotting against the security of state". With the exception of these five prisoners, the rest of those amnestied had been detained without charge for periods ranging from several weeks to more than five years. Among the latter were prisoners of conscience Bienvenu Théodore, Jocelyn Beauchard, Eric Alcindor and Frank Maître.

On 13 May Amnesty International informed President Duvalier that it welcomed the amnesty but expressed concern that a number of other prisoners, whom Amnesty International considered to be Prisoners of conscience, had not been accounted for. Among them were William Josma, arrested on 4 April 1981, whose detention had been officially recognized on several occasions by the Haitian authorities; Rock Dérose, a trade unionist detained on 13 November 1981; Labbé Rémy, a lawyer detained on 8 January 1981; and Joseph Pardovany, detained on 8 September 1983. By the end of 1985 there was no news of their whereabouts or fate. Amnesty International also expressed concern about allegations that some of the detainees had been subjected to torture and other ill-treatment in the *Casernes Dessalines* military barracks. One man arrested in November 1984 stated that he was taken to the *Casernes Dessalines* on 2 November and beaten several times with an iron bar covered with rubber. He further alleged that a then government minister was present during some of the beatings, and at one point he said he was kicked in the face by that minister. Another detainee, arrested on 7 November 1984, maintained that he was tortured by being beaten for several hours with an iron-tipped wooden stick after he had been tied by the arms and legs in the position called *djak* in Haiti (and in other countries is known as the "parrots' perch").

Human rights abuses occurred in a context of growing social unrest and widespread opposition to a proposed law on political parties and changes to the constitution. The law on political parties made the formal recognition of a political party conditional on acceptance of the institution of the Presidency-for-Life. The unrest and opposition to the government's plans were manifested in public demonstrations to which the government responded with mass arrests and the use of tear-gas, clubs and firearms.

Victims of short-term detention and harassment included suspected members of opposition political parties, opposition leaders, youth leaders, priests and church workers. On 24 April Amnesty International appealed on behalf of nine people associated with Catholic youth organizations who were detained in early April. Marc Aurèle Jozené, a community leader responsible for youth activities in Desarmes, was detained after participating in a retreat in Verrettes during Easter week. He was taken to the National Penitentiary in Port-au-Prince. The other eight people, all said to be associated with an organization called *Jeunesse ouvrière chrétienne*, Christian Working Youth, were arrested in Petit-Goâve on 5 and 6 April. Amnesty International feared that they might be held in unacknowledged incommunicado detention and subjected to torture or ill-treatment. Marc Aurèle Jozené was subsequently released in the presidential amnesty of 29 April, while the other eight were believed to have been released the week before. No explanation was given by the authorities for their arrest.

Amnesty International monitored a number of other incidents of harassment and short-term detention of priests, church workers or people working with church-sponsored charity organizations. On 22 April Father Emile Joseph, a Catholic priest, was reportedly shot at by a *tonton macoute*, a member of the paramilitary group in the service of the government known officially as the *Volontaires de la sécurité nationale* (VSN), Volunteers of National Security. Father Joseph escaped unhurt. On 20 May three workers from CARITAS, an international Christian development agency, were reportedly detained in Beauchamp. They were allegedly beaten and forced to walk barefoot over 30 kilometres to Port-au-Prince, where they were subsequently released. It is believed that they may have been arrested for refusing to join the *Comité national d'action Jean-Claudiste*, National Jean-Claudist Action Committee, a pro-government group.

Members of the family of Sylvio Claude, President of the *Parti démocrate chrétien d'Haïti* (PDCH), Haitian Christian Democrat Party, who had himself been subject to imprisonment and harassment in previous years, were detained during 1985. His brother, Jean-Luther Claude, was arrested on 5 July at François Duvalier airport in

Port-au-Prince upon returning from a visit to the USA. He was reportedly questioned for seven hours and then taken to the *Casernes Dessalines* barracks before being released. On 21 July, the eve of the referendum organized to approve the law on political parties and modification of the Constitution, Clervio Claude, son of Sylvio Claude, and five other people were arrested at the offices of *L'Inferno*, an independent publication, where the authorities claimed to have discovered copies of *La Conviction*, the publication of the PDCH. Clervio Claude and the other five people were released without charge or explanation on 25 August.

Other prisoners of conscience arrested during 1985, whose immediate release was also requested by Amnesty International, were Hubert de Ronceray, President of the Unesco Committee on Conventions and Recommendations, director of the *Centre haïtien d'investigation en sciences sociales*, Haitian Social Science Research Centre, and a former government minister, and Gabriel Hérard, a journalist. Hubert de Ronceray was arrested on 4 December and released without charge a month later. Gabriel Hérard was arrested on 29 December at François Duvalier airport in Port-au-Prince.

Amnesty International was concerned about the death of a number of people while in the custody of the security forces in circumstances suggesting that they may have died as a consequence of torture or that they may have been extrajudicially executed. On 15 January Roland Noël, an employee of the Department of Commerce, was arrested at Hinche following an argument with a soldier. It was reported that the following day soldiers beat him in the courtyard of the barracks, in the presence of a group of children who were playing there. They are said to have taken his clothes off, tied his hands, hung him and beaten him. According to reports a soldier wearing boots jumped on him breaking several bones. He died on Monday 21 January. Roland Noël had been imprisoned at the time of the previous legislative elections for having supported an opposition candidate. In January 1983 another prisoner, Pierre Joseph, had been beaten to death in the Hinche military barracks. Amnesty International was not aware of anybody having been charged with either of the killings.

On 23 April Tony Romain, an accountant, and one other man were killed, according to government officials, after an armed confrontation with the police when they were distributing political pamphlets. However, other sources maintain that they were arrested and summarily executed by the police. In its 13 May telex to President Duvalier Amnesty International expressed concern about the incident and asked for an official inquiry.

On 9 October the Chief of Police of Port-au-Prince announced that

Dr Lionel Lainé, the Secretary General of the *Parti national démocratique progressiste d'Haïti*, National Progressive Democratic Party of Haiti, a party created by Haitian exiles, had been arrested the previous evening in the course of a shoot-out with police in Carrefour, a suburb of Port-au-Prince. A few days later another police communiqué announced that Dr Lainé had died as a consequence of wounds he had sustained during the shoot-out. However, according to eye-witnesses, he appeared to have been only slightly injured at the time of the arrest. The authorities reportedly refused to release Dr Lainé's body to members of his family living in Haiti.

A few days later, on 15 October, Michaël Alcindor, said to be an ex-army corporal and a former employee of the *Office national d'alphabétisation et d'action communautaire*, National Office of Literacy and Community Action, was reportedly killed in armed confrontation with the security forces in Petit-Goâve. However, a letter reportedly signed by over 1,000 inhabitants of Petit-Goâve that was read out on the independent church-run radio station *Radio Soleil* claimed that he was murdered by the security forces and that the initial reports claiming he was wounded during a shoot-out were wrong. As far as Amnesty International was aware, no official statement was made concerning the circumstances of his killing.

Following the killing of Dr Lainé, dozens of arrests were reported and there was an increase in public demonstrations against the government of President Duvalier. During student demonstrations in Gonaïves on 28 November, soldiers entered the Immaculate Conception School and shot indiscriminately at students who had apparently not even joined the protests, killing three of them. The government announced a commission of inquiry into the incident. Amnesty International expressed concern to President Duvalier about the dozens of people arrested in the course of demonstrations, asking for their names and the legal basis for the arrests to be made public and requesting clarification of the composition and terms of reference of the commission of inquiry. By the end of the year the government announced that charges would be brought against those responsible for the killings.

In May Amnesty International submitted information on its concerns in Haiti to the UN under its procedure for confidentially reviewing communications about human rights violations (the so-called "1503 procedure"). Communications were also sent to the Inter-American Commission on Human Rights.



## Honduras

Amnesty International's concerns included the detention without trial and the torture of political detainees; trials of political prisoners apparently based on

confessions obtained as a result of torture; "disappearances"; and reported harassment and intimidation of Salvadorian refugees by Honduran armed forces, including one serious attack on a refugee camp which resulted in two deaths.

Amnesty International was also concerned about reports that irregular military forces opposed to the Nicaraguan Government operating from bases in Honduras tortured and summarily executed captives. The organization as a matter of principle condemns the torture and execution of prisoners by anyone, including opposition groups. Amnesty International appealed to the Honduran authorities on two occasions following reports that Nicaraguan civilians were being held by the irregular military forces in Honduras.

Amnesty International continued to receive reports that detainees were tortured in the custody of the *Dirección Nacional de Investigaciones* (DNI), National Directorate of Investigations, the armed forces and the *Fuerza de Seguridad Pública* (FUSEP), Public Security Force. Gustavo García España was seized on 3 July by armed men in the northern department of Atlántida, with a Spanish priest who was later released. The two men were taken to DNI premises in La Ceiba, where they were reportedly beaten and tortured during interrogation by DNI officers for three days. Despite a writ of *habeas corpus*, the police reportedly refused to hand Gustavo García over to the courts on three occasions, and only did so after pressure from the Supreme Court of Justice and the Honduran Congress. The press reported that Gustavo García fainted when he was presented to the court on 18 July after more than two weeks' *incommunicado* detention; he then said he had been "savagely tortured" by members of the DNI who had forced him to confess falsely to offences against state security. Amnesty International urged a full and impartial inquiry into this case and sought assurances that any statement made under torture would not be used in evidence.

Amnesty International believed that the fairness of a number of trials was undermined because prisoners had been held *incommunicado* for long periods before being charged, and had allegedly been tortured. José Gonzalo Flores Trejo, a 50-year-old shoemaker, was arrested in March 1983 in San Pedro Sula with Inés Consuelo Murillo Schwaderer, who was later released and left the country. The two

were reportedly seized without warrant by military intelligence officers, held in secret detention centres without access to a lawyer or members of their family, and repeatedly tortured. Their detention was not acknowledged for 78 days. At the time of their first court appearance on 1 June 1983, both stated that they had been tortured. Inés Murillo was released in July 1984 but at the end of 1985 José Flores — who was reported to be seriously ill with cancer — remained in prison charged with several offences against state security. His trial was said to be still at the indictment stage (*sumario*).

José Flores was one of a group of 20 political prisoners on whose behalf Amnesty International appealed following reports that on the night of 13 February they were forcibly removed from the cells where they were being held in the Central Penitentiary by a group of soldiers under the command of the prison warden, and for four days placed in a punishment cell. They were said to have been beaten, held naked and incommunicado, and to have had cold water thrown over them at night.

On 17 October a second and "final" report was issued by an Armed Forces Commission set up in March 1984 to investigate 112 cases of "disappearances" submitted by human rights organizations in Honduras. The nine-page report listed meetings between the Commission and armed forces personnel named in the submissions but gave no information on the content of the meetings. The report concluded that it was not possible to determine with certainty that military personnel had been involved in the "disappearances" and that none of those said to have "disappeared" were in detention in military or police units. Human rights organizations in Honduras rejected these conclusions. They denied that there had been a proper inquiry and questioned whether a Commission composed only of armed forces personnel could impartially investigate cases in which the military were accused.

Amnesty International believed that the report did not clarify any of the cases it was investigating and continued to seek further information about a number of "disappearance" cases. They included that of José Eduardo López, who was reportedly abducted on 24 December 1984 in San Pedro Sula by army security agents believed to be members of the DNI. José Eduardo López had previously reported that he had received death threats and that he held the state security forces responsible for anything that might befall him. The authorities deny that he was arrested. Another case being investigated by Amnesty International was that of Rolando Vindel González, president of the *Sindicato de Trabajadores de la Empresa Nacional de Energía Eléctrica* (STENEE), the National Electricity

Workers' Union, who was abducted on 18 March 1984 during a wage dispute between STENEE and the state-owned power company (see *Amnesty International Report 1985*).

Amnesty International received reports which suggested a pattern of harassment and intimidation of Salvadorian refugees in Honduras. On 3 September the organization issued urgent appeals following an incursion by Honduran troops on 29 August into the refugee camp of Colomoncagua. Eye-witnesses reported that soldiers fired indiscriminately and without provocation at the tents and the refugees themselves with machine guns and rifles. Ten refugees were arrested, over 50 others wounded by gunfire or seriously beaten, two women raped and two people killed during the attack, one of them a two-month-old baby. Three wounded men were taken to hospital in Tegucigalpa and one of them, Santiago Hernández, died on 25 October. He was aged 70 and deaf. At the end of 1985 the 10 men detained remained in custody awaiting documentation to allow them to travel to another country of refuge. Honduran and Salvadorian officials claimed that the camps were being used by guerrillas of the Salvadorian *Frente Farabundo Martí para la Liberación Nacional* (FMLN), Farabundo Martí National Liberation Front, for storing weapons and planning guerrilla activity. However, the refugees themselves and international relief workers living and working in the camps denied this.

Earlier reports indicated that the refugee camps close to the border with El Salvador — which house about 9,000 Salvadorian refugees — were being kept under close military surveillance, and that refugees had been harassed and threatened. The incidents came at a time when there were reports that the Honduran Government intended to repatriate the refugees or relocate the camps further away from the border. Amnesty International appealed to the authorities to ensure the safety of the refugees. With regard to repatriation, Amnesty International was concerned that refugees who returned to El Salvador because of intimidation in the camps in Honduras, or who were forcibly returned, faced human rights violations including arbitrary arrest, torture and extrajudicial execution (see entry on El Salvador).

During 1985 Amnesty International received reports of abuses by Nicaraguan armed opposition forces operating from permanent bases in Honduras with the knowledge of the Honduran authorities. Two groups were frequently cited as responsible — the *Fuerza Democrática Nicaragüense* (FDN), Nicaraguan Democratic Force, and the largely Miskito Indian group MISURA. Since reports indicated that these forces routinely resorted to torture and execution of captives, Amnesty International asked the Honduran authorities to guarantee the safety of

captives in two cases. In one case, a citizen of the Federal Republic of Germany, Regine Schmemmann, had been seized by MISURA forces on 14 June with forestry technicians Fausto Cristy and Jorge Canales, both Nicaraguans, while the three were working in the northern Nicaraguan department of Zelaya. They were subsequently taken into Honduras to the MISURA camp at Srum Laya. Following international protests, Regine Schmemmann was removed from Srum Laya on 2 July by a delegation of three men, one of whom later identified himself as a Honduran army officer. Amnesty International welcomed the steps reportedly taken by the Honduran army to secure the release of Regine Schmemmann and urged that similar measures be taken on behalf of Fausto Cristy and Jorge Canales. In another case, Amnesty International wrote on 27 September to the Honduran President to express concern about eight Nicaraguan teachers who were reported to have been forcibly abducted from Nicaragua between September 1984 and June 1985. Amnesty International believed they were being held captive by the FDN without legal authority in territory under Honduran jurisdiction. In mid-November it was reported that one of them — María Mercedes Rivas Obregón — had escaped and returned to Nicaragua. She told a press conference in Managua that she had been kidnapped by the FDN and held inside Honduras for part of her captivity, where she was raped and tortured. She believed that four of her colleagues may have been killed by the FDN. No reply was received from the Honduran Government in either case.

Information was submitted by Amnesty International to the UN Working Group on Enforced or Involuntary Disappearances.

On 24 November the Liberal Party's José Azcona Hoyo was elected President. He was due to take office on 27 January 1986.



## Jamaica

Amnesty International was concerned about the continued use of the death penalty in Jamaica and about the increased incidence of criminal suspects being shot dead by the police in unexplained circumstances.

Nine prisoners were hanged during 1985, bringing to 38 the number executed since 1980 when capital punishment resumed after a four-year moratorium (see *Amnesty International Report 1983, 1984 and 1985*). When it learned of impending executions, Amnesty

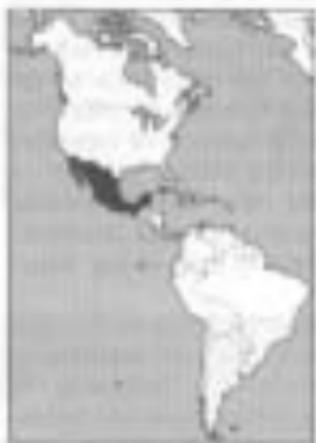
International appealed on behalf of the prisoners to be hanged; however, warrants for execution are normally issued at very short notice, allowing scant opportunity for final clemency petitions to be made for or by the prisoner.

Amnesty International appealed to the Governor General twice in 1985 to stay the executions of Elijah Kerr and Louis Cooper, who were convicted of murder in 1977. They were scheduled for execution on 12 March, and again on 11 June, but received stays of execution on both occasions. The organization learned of new evidence in their case which, according to their lawyers, cast serious doubts on their guilt. The Judicial Committee of the Privy Council in the United Kingdom declined in November 1983 to hear their appeal, stating that any new evidence was a matter for the Jamaica Court of Appeals. However, the Judicial Committee stated that the case against the defendants was "thin" and that there "was no evidence capable of supporting the correctness of the purported identification evidence of Cooper and Kerr". However, the Jamaica Privy Council refused to refer the cases back to the Jamaica Court of Appeals, despite repeated requests from the prisoners' lawyers. In eventually granting a stay of execution in March, the Privy Council said that it would consider the matter further. However, a second warrant for execution was issued in June, without explanation. Although a stay was granted on this occasion also, it was not known whether the Jamaica Privy Council had decided to refer the cases back to the appeal court. In appealing to the Governor General for clemency Amnesty International stated, "It is a proper function of executive review to exercise clemency in all cases raising even a 'scintilla' of doubt as to the defendant's guilt of a capital crime and to commute death sentences to life imprisonment. This leaves open the possibility of judicial remedy should new evidence come to light at any future stage."

Amnesty International expressed concern to the Jamaican Government that several prisoners were executed who had not exhausted all the legal remedies technically available to them. In a message to the Governor General, Amnesty International pointed out that executions carried out while legal proceedings were still pending contravene Article 8 of the UN Economic and Social Council Resolution on Safeguards Guaranteeing Protection of the Rights of those Facing the Death Penalty.

In April Amnesty International wrote to the Minister of Justice about the increasing incidence of criminal suspects being shot dead by members of the Jamaica Police Force. Amnesty International referred to figures quoted by the Jamaica Council for Human Rights in December 1984, showing that 1,177 people had been shot dead by

the police since January 1979, of whom some 400 were killed either in unexplained circumstances or in circumstances in which it was not alleged that police or other lives had been endangered. According to reports, some 250 people were killed by the police in 1984 and 20 members of the police force were killed by gunmen or other criminals. The organization urged the government to ensure that police behaviour conformed to international standards regulating the circumstances in which life-endangering force may be used. Amnesty International requested clarification of the figures quoted and information on cases investigated by the authorities. It also asked to be informed of the outcome of an inquiry into the fatal shooting by police of two members and a former member of the Workers Party of Jamaica on 25 February 1985. An official police statement said the three men were killed in a shoot-out; however, reports alleged that the men were seen with their hands above their heads and under police guard before the shooting. No reply had been received by the end of 1985.



## Mexico

Amnesty International was concerned about continuing reports of torture and the use of practices which facilitate torture, such as arrests without warrant and incommunicado detention. Amnesty International was also concerned about reports of killings of members of independent peasant organizations and rural trade unions in the context of land disputes. The killings were attributed to civilians said in many cases to be members of the official peasant organization, the *Confederación Nacional Campesina* (CNC), National Peasant Confederation. In a number of such cases Amnesty International urged the government to ensure that prompt and thorough investigations were undertaken and all those responsible brought to justice. There had been similar cases in previous years in which the authorities had failed to take effective action against those responsible, and appeared thereby to have acquiesced in the abuses.

No new cases of prisoners of conscience came to Amnesty

International's attention during 1985, although it continued to work for the release of three prisoners of conscience. Irregularities and delays in trial proceedings were, however, of concern to Amnesty International in a number of cases of political prisoners which the organization was investigating.

In January an Amnesty International delegation visited Mexico. The delegates had meetings in Mexico City with senior government officials of the Ministry of Foreign Affairs, the Interior Ministry and the Federal Attorney General's office. They also met the state Attorney Generals and state Governors of Chiapas and Oaxaca. The mission was in response to an invitation by the Mexican Government to Amnesty International to discuss the findings of a memorandum submitted to the government in October 1984 focusing on human rights violations in rural areas of Oaxaca and Chiapas (see *Amnesty International Report 1985*). The state Attorney Generals provided the mission delegates with extensive legal details on the cases raised in the memorandum. After analysing this and other available information, Amnesty International sent its conclusions to President Miguel de la Madrid Hurtado in November. The November memorandum included a number of recommendations for making human rights guarantees more effective in rural Mexico. It urged the authorities to ensure prompt and full investigations into all cases of political killings and to bring those responsible to justice; it similarly called for prompt and impartial investigations into allegations of torture even when no formal complaint had been made through legal channels. The memorandum suggested measures to strengthen fair trial guarantees in rural areas, by ensuring that Indian prisoners were promptly informed, in their own language, of the charges against them, and of their rights of defence and appeal; by improving the legal assistance available to detainees in rural areas; and by ensuring that trials were completed within the time limits established by the Constitution. In December the Mexican Government promised a detailed response to the memorandum and reiterated its wish to cooperate with Amnesty International.

In July Amnesty International wrote to the then Deputy Attorney General of Mexico expressing concern about several cases in which Federal District Judicial Police were alleged to have tortured detainees during criminal investigations. Cuauhtémoc Estañol Razo, Ignacio del Angel Castellanos and Eduardo Roque Rosario said they were arrested without a warrant on 15 April by officers of the Federal District Judicial Police, held incommunicado and tortured for five days. They stated that they had been beaten, burned with cigarettes and had electric shocks applied to sensitive parts of the body. A medical examination by a court-appointed doctor is reported to have

found signs of torture. The three prisoners, who were subsequently transferred to a Mexico City prison on car theft charges, lodged a formal complaint against four senior police officers. One of the officers accused was reported in the press to have denied the torture charge, but to have admitted that torture is often practised by police under his authority during criminal investigations. Amnesty International's letter to the Deputy Attorney General expressed concern about this and other recently reported cases of torture by Federal District Judicial Police officers in view of repeated government assurances that strict measures were taken to prevent torture.

Further evidence of torture was obtained in September when rescue workers found a number of bodies which reportedly showed signs of torture in the ruins of the Federal District Attorney General's headquarters, which was destroyed during the 19 September earthquake. One of the victims, 19-year-old Johnny Hernández Valencia, was one of a group of Colombians detained on suspicion of committing a series of bank robberies. The detainees included his mother, Miriam Giraldo Valencia, who was rescued from the ruins of the building. She reportedly told a judge on 28 September that she and her son had been tortured by the Federal District Judicial Police, by electric shocks and beatings, and that they had not been given anything to eat for five days. The Federal District Attorney General admitted that the Colombians had been detained without warrant, but an internal inquiry carried out in November by the Federal District Attorney General's office was reported to have found no medical evidence of torture.

Also found in the ruins of the Federal District Attorney General's Office on 22 September was the body of Ismael Jiménez Pérez, a student of accountancy at the *Universidad Nacional Autónoma de México* (UNAM), the National Autonomous University of Mexico. His body was reported to have been bound and gagged and visibly marked by torture. Another person, Miguel Guzmán Padilla, was reported to have been found alive in the ruined building and was ostensibly taken by the Judicial Police to hospital for medical treatment. His body was later said to have been located in the morgue of San Lorenzo Tezonco, marked identity unknown. Amnesty International called for a full and impartial investigation into all these cases.

In December a Senate bill explicitly making torture a criminal offence and prescribing a penalty of up to eight years' imprisonment passed the first stage of legislative approval. It included provisions that no statement obtained under torture would be admissible in court and that the authorities were obliged to register a formal complaint in all cases which came to their attention.

Amnesty International continued to receive reports of politically motivated killings in several states. Conflicts over land, many of which had persisted for years, formed the background to many of these killings. In June Amnesty International appealed for a full investigation into the killing of Alfredo Morales Hernández in August 1984 and Arcadio Hernández Hernández on 3 March 1985, in the state of Hidalgo. Both men had been imprisoned and accused of several criminal offences, but released under an amnesty on 12 May 1984. Both were believed to be members of an independent peasant organization, *Campesinos Unidos de la Sierra Oriental* (CUSO), United Peasants of the Eastern Sierra. Although the killings were said to have been perpetrated by civilians, Amnesty International urged an investigation in view of previous reports that official security forces had participated alongside civilians in such attacks, and that the authorities had failed to act against those responsible (see *Amnesty International Report 1985*).

In October Amnesty International issued urgent appeals to the Governor of the State of Chiapas for a full investigation into the killing on 4 October of lawyer Andulio Gálvez Velásquez, an official of the Comitán branch of the *Central Independiente de Obreros Agrícolas y Campesinos* (CIOAC), the Independent Union of Agricultural Workers and Peasants. Andulio Gálvez was well-known locally for his legal work on behalf of peasants detained on charges stemming from land disputes. Before his death Amnesty International had received reports of assassination attempts and threats against him and other CIOAC leaders in the Comitán region. According to reports, on 5 October two witnesses to his killing — Felipe de Jesús Santis and Eleazar Velasco, both of whom worked with Andulio Gálvez in a rural credit bank — were detained without warrant in Comitán by State Judicial Police. They were reported to have been blindfolded and tortured while under police interrogation, apparently in an attempt to incriminate them in the killing. Following public pressure they were freed after two days, and it was later reported that two of the four gunmen alleged to have participated in the killing of Andulio Gálvez had been detained. However, a third, who was alleged to have led the group, had been wanted for arrest for other attempted killings since January but no steps appeared to have been taken to detain him.

During 1985 Amnesty International learned of the release of five prisoners of conscience. They included three leaders of the *Coalición Obrero Campesina Estudiantil del Istmo* (COCEI), Worker-Peasant-Student Coalition of the Isthmus, Leopoldo de Gyves Pineda, Carlos Sánchez López and Manuel Vásquez Nicolás. They were arrested in December 1983 and accused of more than 18 offences, including

murder, arising from political disturbances in the town of Juchitán, Oaxaca, but Amnesty International did not believe they had used or advocated violence and considered the criminal charges politically motivated. Amnesty International continued to appeal for the release of a fourth COCEI leader, Jesús Vicente Vásquez. Another prisoner of conscience released during the year was José Manuel Hernández Martínez, a Tzotzil Indian community leader from Venustiano Carranza, Chiapas. On 1 March Gustavo Zárate Vargas was released after a successful appeal to the Supreme Court against his conviction on drugs and arms charges. Amnesty International believed the charges against him to be unfounded and adopted him as a prisoner of conscience in 1984 (see *Amnesty International Report 1985*).

Amnesty International also welcomed the release during the year of 13 prisoners whose cases it was investigating, in the states of Oaxaca and Guerrero.

Amnesty International was concerned about long delays in trial proceedings in a number of cases. One was that of Rafael Ramírez Villaneuva, a member of the *Organización Regional Campesina del Occidente* (ORCO), Western Regional Peasant Organization, who was detained in the state of Jalisco on 15 September 1983 and held in unacknowledged detention for five months (see *Amnesty International Report 1985*). In February 1984 he was transferred to Mexico City and accused, along with 10 other prisoners, who were members of another regional peasant organization, of a series of bank robberies in the state of San Luis Potosí. There were allegations that all of the prisoners had been tortured by severe beatings, having water forced up their nostrils and being threatened with the rape or torture of members of their families. In February 1984 the case was transferred to the District Court of San Luis Potosí. The prisoners themselves were not transferred to that state until December 1984, and at the end of 1985 the trial had still not been completed.

Amnesty International was concerned about the "disappearance" of Celestino Acevedo Ortiz. He was believed to have been arrested on 20 January in Mexico City on his way home from a political meeting. He had left his village of Yozoyuxi in the San Copala region of Oaxaca 14 years previously and had been living and working in Mexico City since then. He was a member of the *Movimiento de Unificación y Lucha Triqui* (MULT), Triqui Movement for Unity and Struggle. Amnesty International had received reports over a number of years of the arrest, torture and assassination of members of this organization. Amnesty International appealed on behalf of Celestino Acevedo but his whereabouts were still unknown at the end of 1985. Amnesty International continued to investigate 30 other cases of people who had "disappeared" between 1974 and 1983 and

whose cases the organization did not believe had been clarified to the satisfaction of their families.

Amnesty International intervened on a number of occasions in 1985 to ask the Mexican authorities not to deport Salvadorian refugees back to their country of origin where Amnesty International feared they could face human rights violations including extrajudicial execution.

On 18 March Mexico signed the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.



## Nicaragua

Amnesty International's concerns continued to centre on a pattern of short-term imprisonment of prisoners of conscience, and the incommunicado detention of political prisoners during pretrial interrogation. Restrictions on the right to a fair trial and poor prison conditions for prisoners of conscience and other political prisoners were continuing concerns. In the course of 1985 Amnesty International acted on behalf of 30 people held in short-term detention it believed were prisoners of conscience or probable prisoners of conscience. Twenty of them, all but two detained in December 1985, were reportedly still in detention at the end of the year.

Amnesty International was also concerned about reports of the routine practice of torture and summary execution by irregular forces opposing the Government of Nicaragua, and about indications that other governments assisting these forces may have contributed to, encouraged, or condoned these abuses.

Extraordinary powers under a state of emergency in force since March 1982 permitted the arrest of political prisoners without warrant and their prolonged incommunicado detention. Detainees included both collaborators with armed opposition groups and individuals who were believed to be prisoners of conscience.

Most prisoners of conscience and probable prisoners of conscience were detained because of their lawful activities in trade unions, political parties and other organizations in conflict with government policies. Some members of independent labour and political groups were apparently suspected of involvement with armed opposition groups but others appear to have been detained in order to harass

sections of the legal opposition. Some were detained briefly for questioning about the activities of their organizations; others were held for longer periods of up to several weeks without charge, apparently as a form of punishment.

Most detentions were reportedly carried out by the *Dirección General de Seguridad del Estado* (DGSE), the State Security Service. Some detainees were held for a few hours when ordered to report to the DGSE public relations office "Casa 50" for questioning. Others were held incommunicado for periods ranging from a few days to several months in the DGSE headquarters "El Chipote" in Managua.

Most detainees believed by Amnesty International to be prisoners of conscience were released after several days or weeks in detention, without ever being brought before a court of law or formally charged. Those prisoners of conscience believed to have been unjustly convicted of crimes have, with few exceptions, been released under a law of pardon, not long after sentencing.

Political prisoners who were formally charged were held under the *Ley para el Mantenimiento del Orden y Seguridad Pública*, Law for the Maintenance of Public Order and Security (the Public Order Law). From April 1983 most of these cases were heard by a system of special courts, the *Tribunales Populares Antisomocistas* (TPA), Popular Anti-Somocist Tribunals, using special summary procedures. These severely restricted the time available for defence, and appeals against verdicts could be made only to the TPA's own appeal court. Amnesty International had not identified any prisoners of conscience among the prisoners held at the end of 1985 who had been convicted of politically motivated criminal offences, although some cases remained under investigation.

Two lawyers active in the defence of political detainees, and in legal opposition parties, were among those held during 1985 whom Amnesty International believed to have been prisoners of conscience. Dr Salomón Calvo Arrieta was detained on 29 December 1984 and held in "El Chipote" for nearly six weeks, most of it incommunicado. After his release on 14 February authorities responded to Amnesty International's earlier inquiries, stating that he had been under investigation for "activities against the maintenance of public order and security". Dr Roger Guevara Mena was detained on 5 February and held incommunicado in "El Chipote" for 10 days, reportedly in poor conditions with restricted food and water, in isolation in a dark cell.

Leaders of the *Central de Trabajadores de Nicaragua* (CTN), Nicaraguan Workers Confederation, were also arrested without warrant by the DGSE. CTN Deputy Secretary General José Altamirano Solís was detained on 14 December and reportedly

remained in incommunicado detention without charge in "El Chipote" at the end of the year. Although the legal basis of his arrest was not known, in similar cases in the past the authorities had accused CTN officials of maintaining contact with former union leaders who had left the country and played prominent roles in armed opposition groups. At the end of the year Amnesty International was investigating the cases of four CTN leaders detained in December.

Amnesty International was also investigating the cases of 20 members of the legal opposition parties *Partido Social Cristiano* (PSC), Social Christian Party, and *Partido Conservador de Nicaragua* (PCN), Nicaraguan Conservative Party, detained in December 1985. They included the Secretary General of the youth branch of the PSC in Masaya, Sebastián Potoy Zuñiga, and members of the Masaya branch of the PCN.

Amnesty International wrote to President Daniel Ortega on 4 June to outline its concern about the detention of prisoners of conscience under state of emergency powers, and the detention and interrogation procedures employed by the DGSE. The letter expressed concern at the extraordinary powers exercised by the DGSE to detain suspects without warrant or apparent basis in law; to hold prisoners for long periods of incommunicado detention subject to no known regulation; and to deny access to prisoners in pretrial detention even to court-appointed magistrates seeking to confirm their well-being under writs of *habeas corpus* (the right to *habeas corpus* remains in force under the state of emergency insofar as it guarantees those rights to life and physical security which may not be suspended).

Amnesty International was concerned about reports by former prisoners held in "El Chipote" that they were subjected to long periods in small isolation cells with poor ventilation and no natural light; that lights were sometimes left on permanently, or that prisoners were held in the dark except at meal-times for a week or more; and that they were threatened with indefinite incommunicado detention and with the detention of relatives.

Amnesty International's June letter to President Ortega urged an end to the broad powers exercised by the DGSE to detain without warrant or apparent basis in law; to hold prisoners indefinitely in isolation and incommunicado; and to present as evidence statements taken without the presence of private lawyers or any judicial authority. The organization urged the authorities to bring prisoners before the courts without delay after detention, to give the courts unrestricted access to prisoners at any time, and to investigate allegations of coercion of any kind in the recording of prisoners' statements by the DGSE.

The terms of the state of emergency were twice modified in 1985.

A decree of 15 October extended its scope to suspend freedom of expression, freedom of movement, freedom of association, *habeas corpus*, and the rights to strike and to hold public meetings and demonstrations. These measures were relaxed by the legislature in November 1985, but continued to restrict freedom of movement in war zones; to limit freedom of assembly by requiring prior authorization for public meetings and demonstrations, and to ban strike action. *Habeas corpus* was restored, but for political cases only as a guarantee of those rights not suspended — such as the right to personal security — as under the terms of the state of emergency before 15 October. Political suspects continued to be liable to detention without charge and indefinite detention without trial, although suspects not released after questioning were generally formally charged and held for trial by the Popular Tribunals.

Amnesty International received few concrete allegations of human rights violations from the Atlantic Coast region, where in 1981 and 1982 denunciations were made of "disappearance" and extrajudicial execution. Talks on regional autonomy between leaders of Miskito Indian organizations and Nicaraguan Government representatives, initiated in 1984, continued. In the context of the talks, an amnesty law was passed in April 1985 covering Miskito, Sumo and Rama Indian armed opposition groups and resulting in the release of 14 prisoners — reportedly all those then still in detention. In response to long-standing demands from Miskito and Moravian Church leaders, a compulsory relocation policy on the Atlantic Coast was modified and many residents of the Miskito resettlement areas returned to the Coco River area.

Although Amnesty International identified few prisoners of conscience in Nicaragua, the number of prisoners charged with or convicted of political offences involving violence was considerable. Some 1,000 charged or convicted under the Public Order Law were in custody at the end of 1985. About 300 sentenced to 10 years' imprisonment or more were held at the top security *Centro de Readaptación* "Jorge Navarro" prison in Tipitapa, and most of the others were held at Managua's *Centro de Readaptación* "Héroes y Mártires de Nueva Guinea", known as the "Zona Franca" prison. The number of individuals in detention at any one time for investigation of Public Order Law offences, but not yet charged, was estimated to be up to about 500. Some 2,000 other prisoners at the "Jorge Navarro" prison had been convicted by special courts in 1980 and 1981 of committing crimes under the authority of the government of Anastasio Somoza. Most were former National Guards. Amnesty International appealed for information on some 50 former National Guards who were transferred to "El Chipote" in February

after a hunger-strike to protest against poor prison conditions, but received no response.

Administrative reviews and legislative pardons resulted in some releases of political prisoners. A law passed on 30 April led to the release of 113 prisoners, including 50 former members of the National Guard sentenced in 1980 and 1981 for offences under the Somoza government; three others had Public Order Law charges against them dropped, while the remainder had been convicted of such offences.

Amnesty International continued to be concerned about a pattern of torture and extrajudicial killings by Honduran-based irregular forces opposing the Nicaraguan Government, and about aspects of assistance to these forces from the Governments of Honduras and the United States of America which appeared to encourage or expressly condone such abuses (see *Amnesty International Report 1985*). Opposition forces acting under the name *Unión Nacional de Oposición* (UNO), National Opposition Union, continued to routinely torture and summarily execute their captives.

Some captives seized in border areas by UNO forces were removed to military base camps in Honduran territory. Amnesty International was concerned that torture and death threats were apparently tolerated by Honduran and United States officials advising and supplying UNO forces. In one case, Nicaraguan forestry workers Fausto Cristy and Jorge Canales were seized with West German citizen Regine Schmemann on 14 June in Zelaya department near the Atlantic Coast by forces of the largely Miskito Indian UNO affiliate MISURA. The three were taken across the Coco River to the permanent MISURA base at Srum Laya, where they were reportedly interrogated, ill-treated, and threatened with summary execution. Following international protests, Honduran officials including a Honduran army officer went to the camp and took custody of Regine Schmemann, escorting her to the Honduran capital where she was turned over to her country's embassy. Her military escort refused, however, to intervene on behalf of her Nicaraguan fellow captives at Srum Laya. Amnesty International appealed to the President of Honduras on 12 August on behalf of the remaining captives at Srum Laya, but received no response, and at the end of 1985 Fausto Cristy and Jorge Canales were still unaccounted for.

Although the number of detainees killed by irregular forces opposing the Nicaraguan Government could not be determined with precision, Amnesty International believed it to total many hundreds since 1979.



## Panama

Amnesty International telexed the President of Panama, Eric Arturo del Valle, and the Commander-in-Chief of the Panamanian National Defence Forces on 14 October, calling for an inquiry into the circumstances of the death of Dr Hugo Spadafora, former Panamanian Vice-Minister of Health, and urging that the results of that inquiry be made public. Dr Spadafora's decapitated body had been found on Costa Rican territory, just over the border from Panama, on 14 September 1985. Eye-witnesses stated that he had been detained by the Panamanian military on 13 September on Panamanian territory. Amnesty International also telexed the President of Costa Rica about the case.



## Paraguay

Amnesty International's concerns included the continued detention of prisoners of conscience under Law 209 (In Defence of Public Peace and Liberty of Persons); the short-term detention without trial of other probable prisoners of conscience under the state of siege, particularly journalists, trade unionists and members of opposition parties, and reports of torture of political prisoners and criminal suspects. Another major concern was that legal proceedings in political trials did not appear to conform to internationally recognized standards. A number of political prisoners were released during 1985.

Amnesty International continued to work for prisoners of conscience detained under Law 209. They included four prisoners arrested in 1982, accused of membership of the so-called "Chinese wing" of the Paraguayan Communist Party (see *Amnesty International Report 1983, 1984 and 1985*). All four had been sentenced in March 1984 to four years eight months' imprisonment. Margarita Báez Romero subsequently had her conviction quashed in December 1984 by the *Cámara de Apelaciones en lo Criminal*, Court of Criminal Appeals, which ordered her release. She remained in detention,

however, pending the prosecution's appeal to the Supreme Court. On 8 April 1985 the Supreme Court confirmed the Appeal Court's ruling and Margarita Báez Romero was released on 13 April. In September lawyers acting for Emilio Lugo Valenzuela, Antonio González Arce and Roque Ruíz Díaz presented a petition to the Supreme Court requesting their provisional release on the grounds that they had served two-thirds plus six months of their sentence. They were provisionally released on 16 December.

Amnesty International made frequent interventions on behalf of Dr Heriberto Alegre Ortíz, a lawyer detained on 7 September 1984 in connection with his legal representation of peasants involved in land disputes (see *Amnesty International Report 1985*). Dr Alegre, whom Amnesty International considered a prisoner of conscience, worked with the *Programa de Ayuda Cristiana* (PAC), Christian Aid Program, and was charged with inciting peasants to occupy land illegally. Legal proceedings continued throughout the first half of 1985 and on 12 June, after 10 months' detention, Dr Alegre was released and the charges against him dropped.

In April Amnesty International sent a delegation to Paraguay to investigate the reported detention and torture of peasants involved in land disputes. In 1984 and, to a greater extent, in 1985 large-scale arrests of community members, which occurred in previous years, were replaced by selective detentions. The victims were usually community leaders responsible for negotiations over land tenure with the *Instituto de Bienestar Rural* (IBR), Government Land Agency. Typical was the case of Pedro Ayala, president of the *Comisión Vecinal*, Neighbourhood Committee, of the communities of San Sebastián and Aparecida in the department of Canindeyú. Although the *Comisión Vecinal* had been officially recognized by the IBR and negotiations were under way to legalize the community's land occupancy, the peasants were subjected to threats, harassment and intimidation by police, army and judicial personnel, and their houses and crops were burned. In June 1984 Pedro Ayala was arrested and charged with illegal occupation of land and theft of wood and was detained in the *Delegación de Gobierno*, provincial government offices, in Puerto Presidente Stroessner. Despite the fact that in November 1984 the President of the IBR wrote to the provincial governor urging him to investigate allegations of harassment and to protect the peasants from unauthorized eviction attempts, Amnesty International received reports that during 1985 the abuses continued. Pedro Ayala was released in July 1985 and the charges against him were dropped.

While taking no position on land disputes as such, Amnesty International was concerned that community leaders lawfully contest-

ing what they maintained to be their rights to land appeared to be subject to arbitrary arrest. Information gathered by the Amnesty International delegates revealed a similar pattern of arbitrary arrests of peasant community leaders in many parts of the country.

On 29 August the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities expressed concern at the repeated renewal of the state of siege which it considered to be at variance with constitutional provisions. The state of siege has been in force almost continuously for over 30 years, although confined since 1978 to Asunción and the Central department. Amnesty International continued to receive reports of arrests under the state of siege provisions and was concerned that those arrested were held without trial and in most cases appeared to be prisoners of conscience.

During 1985 Amnesty International intervened on behalf of journalists, trade unionists and members of opposition parties arbitrarily detained for short periods for the non-violent exercise of their human rights. In January, for example, 14 members of the *Partido Liberal Radical Auténtico* (PLRA), Authentic Liberal Radical Party, an unrecognized opposition party, were arrested in Itapúa department, apparently for attending a political meeting. All were released after several days incommunicado detention but Amnesty International was concerned about reports that three prisoners had been tortured in police custody.

In some instances detention was followed by internal exile or house arrest. Dr Enrique Riera, leader of the *Movimiento Popular Colorado* (MOPOCO), a dissident faction of the ruling Colorado Party, was detained for short periods in January, May and September. On all three occasions he was sent into internal exile in Caragatay. His banishment was lifted in October.

Amnesty International appealed for the release of Marcelino Corazón Medina, president of the *Comité de Coordinación de Productores Agrícolas*, Coordinating Committee for Agricultural Producers, who was arrested in Paraguari on 20 September. Between 20 September and 11 October he staged a hunger-strike in protest against his detention in the *Sección Técnica de la Represión del Comunismo*, Technical Department for the Suppression of Communism, which resulted in his transfer to the police clinic. He was released on 23 October.

Amnesty International continued to express its concern about irregularities in the trials of political prisoners. Of particular concern were persistent reports that political defendants were forced to sign statements without being informed of their contents and that testimonies allegedly extracted under torture were used as evidence. Another major concern was the undue delay in trial proceedings

which resulted in some prisoners spending several years in detention before being acquitted or sentenced.

One such case was that of Remigio Giménez Gamarra who was arrested in December 1978. In 1981, after almost three years in pretrial detention, he was charged with several offences allegedly committed between 1958 and 1960. The charges included murder, armed robbery, drug trafficking and being a member of a subversive clandestine communist organization. By the end of 1985 no verdict had been reached in the trial. On 13 December Remigio Giménez Gamarra went on hunger-strike to protest against his prolonged detention. Amnesty International expressed its concern about the delays in the legal proceedings, the fact that the statute of limitations on some of the alleged offences had expired in 1982, and the use of information allegedly extracted under torture while in police custody as evidence against him.

Amnesty International called on the government to investigate reports of torture and deaths of criminal suspects in police custody. During 1985 a growing number of victims and relatives made complaints to the press and, in some cases, took action in the courts. In February Agueda de Jesús Díaz brought a legal action against two police officers following the death of her son Pablo Martínez Díaz in police custody on 8 February. The authorities stated that he had committed suicide, although the death certificate gave the cause of death as a blow to the head. Agueda de Jesús Díaz maintained that her son died as a result of torture in detention. On 10 September the judge investigating the case ordered the preventive detention of three police officers.

In another case, Regina Chaparro, a maid, brought a legal action against the police for illegal deprivation of liberty and torture on 25 May. She had been arrested on suspicion of theft and taken to the *Departamento de Investigaciones de la Policía* (DIPC), Police Investigations department, in Asunción. In her testimony she stated that a police officer "attached the bare ends of two cables to my little fingers. Although I repeatedly tried to explain that I had not stolen anything, I was subjected to numerous electric shocks which caused my body to go into spasms and contractions." She was released on 5 June. No charges were brought.

Despite persistent reports, the authorities continued to deny that torture and ill-treatment occurred and branded lawyers acting in such cases as "agitators".

Brazilian settlers in Paraguay and indigenous people involved in land tenure disputes also suffered torture and ill-treatment in police and military custody. In August thousands of Brazilian families who had settled in Paraguay over the last 15 years returned to Brazil and

stated that they had been forced to abandon their homes, land and crops because of systematic persecution by the Paraguayan police. They maintained that Brazilian settlers were subjected to repeated arrest and torture by the police, including beatings, having needles forced under the nails and the *caballo*, where the victim is harnessed like an animal and forced to pull heavy weights.

On 13 November church and indigenous organizations denounced the torture of members of the Mby'a Indian population on a private estate, the *Estancia La Golondrina*, in the Caaguazú department. Reports indicated that during a series of attempted evictions by the landowner's hired men, between July and September members of the Mby'a were subjected to beatings and death threats, and a woman was raped. It was alleged that police officers were present during the most serious incident in July. In September representatives of the Paraguayan Catholic Church lodged a formal complaint in the criminal court at Villarrica against those responsible for the abuses of the Mby'a community.

In May Amnesty International submitted information on its concerns in Paraguay to the UN under its confidential procedure for reviewing human rights violations (the so-called "1503 procedure").



## Peru

Amnesty International's primary concern was evidence of an armed forces policy of "disappearance" and extrajudicial execution as a measure to combat the guerrilla group *Sendero Luminoso*, Shining Path. Although significant steps to check abuses by the armed forces were taken by the Government of President Alan García Pérez, which took office in July, extrajudicial executions and "disappearances" continued to be reported in areas administered by armed forces counter-guerrilla commands. Further concerns included reports of the routine use of torture in political and common criminal cases; the detention of prisoners of conscience on false charges of terrorism; extreme delays in trials of political detainees, and poor prison conditions.

Amnesty International also received frequent reports of execution-style killings, sometimes after torture, by Shining Path guerrillas. The

victims, sometimes beaten to death or beheaded before assembled peasant villagers, included leaders of peasant communities, labour organizations, and evangelical Protestant churches; supporters of legal left-wing parties which had rejected Shining Path's aims and methods; local government officials; and peasants serving in the army's compulsory Civil Defence patrols.

On 23 January Amnesty International published *Peru Briefing: "Disappearances" and political killings by government forces in the Andean Emergency Zone*, summarizing its concerns in a 13-province area administered since 26 December 1982 by a military command in the city of Ayacucho. Since then new arrest procedures involving "disappearance" had become the norm: the authorities routinely denied knowledge of detentions and refused access to prisoners even to civil officials. Amnesty International also received widespread reports of extrajudicial executions, as the bodies of many people previously reported detained were discovered. The report included a list of some 1,000 cases of "disappearance" after detention in the zone since its creation, but said the full number of unresolved "disappearances" there could be far higher. Most of the cases were backed by documentation from the government's own public prosecutors who serve as human rights ombudsmen under the auspices of the *Ministerio Público*, Public Ministry. The scale of extrajudicial executions could be gauged in part by the mass graves discovered — sometimes with 50 or more corpses — and the regular appearance of victims' bodies at dumping grounds near roads close to major towns. Although the cases of 420 individuals reportedly detained and found later to have been killed had at that time been documented, other evidence, including military communiques, suggested the true toll of victims was far higher.

Amnesty International sent memoranda to Prime Minister Luis Percovich on 18 February and 30 April to press for information on an additional 104 individuals whose reported "disappearance" in the emergency zone had come to the organization's attention since the preparation of the *Peru Briefing*. On 15 May Amnesty International published a 42-page document providing details of the new cases, including sample facsimiles of sworn depositions. In July 1985 an updated list of over 1,100 "disappearances" was published.

On 5 August Amnesty International received a document from the office of outgoing Prime Minister Percovich concerning the "disappearances" cited in the January *Peru Briefing*. The document made no reference to any review of arrest records or records on file in the Public Ministry, but maintained that all but a few of the cases had been resolved through the records of the National Electoral Registry. It said voter registration records for 348 of the "disappeared" had

been located which were filed *after* the date of reported arrest, and were evidence that the "disappearances" never took place. It also said records for 579 of the "disappeared" could not be found, by which it was presumed the reports were based on falsified names. In summary, the document concluded that "only 21 cases remained to be clarified".

Amnesty International believed that the absence of voter records was of little relevance but analysed carefully the photocopies of registration forms included with the document. Amnesty International found, however, that 83 of the forms were of people whose names in no way resembled those listed by the organization, while 71 bore names similar or identical to those reported to have "disappeared", but gave personal details, photographs and other information clearly distinguishing them from the individuals reported "disappeared". For some, multiple forms were provided: nine, for example, were for different individuals named Carlos Matos, none of whom appeared to be the Carlos Matos who was reported detained on 13 September 1983. In over 100 cases in which there was some basis to believe that "disappeared" prisoners may have reappeared, Amnesty International provided copies of the registration forms to Peruvian human rights organizations and, where possible, the relatives of the "disappeared".

On 29 August, one month after President García Pérez took office, reports reached the capital that seven bodies, each with two gunshots to the head, had been exhumed from a mass grave discovered at Pucayacu, Huanta, and had been identified as people detained by the army on 4 August. Amnesty International appealed to President García on 6 September to investigate the killings, to halt the ongoing "disappearances" and to investigate past "disappearances" in the region.

Shortly afterwards, residents of Ayacucho's Accomarca district reached Lima with an account of the detention and killing of 69 people there, including 23 children, on 14 August. On 12 September President García publicly demanded full reports from the armed forces on Pucayacu — within 72 hours — and within seven days on Accomarca. Joint Chiefs of Staff Chairman General César Enrico Praeli informed the President on 15 September that the dead at Pucayacu had been detained and executed. He was invited to resign and did so.

On 17 September the Joint Chiefs' new Chairman, General Luis Abram Caballerino, issued a communique reporting the dismissal of Ayacucho Commander General Wilfredo Mori and Second Military Region Commander General Sinesio Jarama, who earlier that day had told congress that the only dead at Accomarca had been

guerrillas killed in armed clashes. The communique said that it had been established that an army patrol had detained and killed some 40 villagers, and that the officers responsible would be tried by the military courts.

A Senate Commission of Inquiry travelled to Accomarca on 18 September. Its report concluded that on 14 August the army patrol had detained the men, women, and children there, interrogated them, and killed them and burned their bodies. The report cited the Commission's interview with the lieutenant who commanded the patrol. He stressed that even the children had been "dangerous": "They begin to indoctrinate them from age two, three, four years old . . . little kids have told all of the things they have them do." The report also stated that the lieutenant responded "Yes" when asked whether his orders permitted him to determine to "eliminate" prisoners on his own authority.

A report from the army Second Region's Inspector General, released to the Senate Commission, gave further insight into operational norms in the emergency zone. It summarized operations reports before the massacre, citing repeated cases in which peasants were shot dead having been identified as "Communist Terrorists" — often abbreviated as "TC" or "TTCC". The victims were said to be unarmed, and according to survivors interviewed by the Senate Commission, some had first been detained and interrogated. The army report outlined criteria by which it had been determined that the patrol commander had been right to conclude that the Accomarca victims were in fact "Communist Terrorists". These included the refusal of residents to agree to form a Civil Defence patrol and identification by a local guide "provided by G-2" (military intelligence), who during the interrogations asserted "that the great majority were terrorists". In conclusion, the Inspector General sentenced the patrol commander to 10 days' arrest for disciplinary offences, ordered his prosecution for "abuse of authority and negligence" under the military code of justice, and ordered psychiatric tests. At the end of 1985 a ruling by the Supreme Court on whether the military or ordinary courts would have jurisdiction in the case was pending.

After the September measures, which included the creation of a presidential Peace Commission incorporating individual experts and representatives of human rights organizations and the clergy, some improvement in the emergency zone was observed. However, allegations of a second massacre in the Accomarca area, in which troops were said to have killed some 50 people in the communities of Umaru and Bellavista on 24 August, were to Amnesty International's knowledge never seriously investigated. Some "disappearances" also

continued to be reported, although significantly fewer, and some prisoners were released from military barracks after their detention had been denied by the authorities, sometimes for more than 14 days.

Amnesty International appealed on behalf of 11 people reportedly detained in Huanta province on 24 November. Despite initial denials that the prisoners had ever been detained, between 10 and 21 December nine of the 11, including two 15-year-olds, were released from military custody.

Amnesty International received copies of official reports from the Ayacucho public prosecutor's office listing 40 cases of detention and "disappearance" reported in July, August and September, and a total of 29 unresolved denunciations of "disappearance" reported since the 28 July change of government. The Attorney General's office estimated in November 1985 that it had received over 1,900 formal denunciations of "disappearance" in the emergency zone since January 1983. Amnesty International had records on 1,700 of these cases.

Virtually all political prisoners in Peru were held on charges under Decree 046 of March 1982 which defined a broad range of acts to constitute terrorism. At the end of 1985 there were some 1,000 prisoners indicted for terrorism, including both professed adherents of the Shining Path organization, and nearly 200 prisoners associated with legal organizations affiliated to the United Left coalition. Although many had been in custody since 1982, by the end of 1985 only 16 had been tried and convicted. The Peace Commission in November 1985 stated that over 60 per cent of the 1,000 facing trial had been held for more than two years with their trials frozen, and that it had identified 160 prisoners it believed should be released. Among them were most of those prisoners Amnesty International considered to be prisoners of conscience.

Since 1983 most prisoners charged with terrorism had been transferred to prisons in Lima, the capital, on security grounds, and the cases against them remitted to Lima courts for trials. The Lima "San Pedro" prison, formerly Lurigancho prison, held some 400 men on terrorism charges, including 190 associated with the United Left coalition. Some 400 men were held in the island prison "El Fronton" near the Lima port of Callao. Most women prisoners were held at the Chorrillos women's prison. The new "Canto Grande" prison, to house 1,500 top security prisoners, including some charged with terrorism, was to open in Lima in early 1986.

Conditions in all of the Lima prisons were extremely poor, with inadequate food, water supplies and sanitary facilities, endemic intestinal diseases, hepatitis and tuberculosis, and little medical treatment available. These conditions, combined with severe over-

crowding, were factors in several prison mutinies in the course of 1985, leading to many unexplained deaths. Amnesty International was concerned about repeated protests at the "San Pedro" prison, where in recent years deaths have regularly been reported as a consequence of indiscriminate use of firearms against prisoners, and severe overcrowding has been a contributing factor in deaths of inmates in fires.

Amnesty International worked on behalf of 80 prisoners of conscience, or possible prisoners of conscience, all charged with terrorism. Twenty-five were released in the course of 1985, among them teacher and father of six Juan Quispe Asto. He was a local leader of the United Left coalition and the elected mayor of the Ayacucho district of Carmen Alto at the time of his arrest, under Decree 046, on 22 February 1982. The Supreme Court ordered his release on 19 March 1985 after reviewing his case. Other prisoners of conscience adopted by Amnesty International who were released in the course of 1985 included teacher Nicolás Bobadilla, held since June 1983; peasants and artisans from Andahuaylas, held since June 1981; and eight peasant community leaders from Erapata, Cusco department, held since October 1982. Those still in custody included 14 peasant farmers detained in Cajamarca department in 1983. Most reported having been tortured during interrogation by Civil Guard and Peruvian Investigative Police interrogators.



## **St Christopher and Nevis**

There was an execution in St Christopher and Nevis on 11 May 1985: the first for 11 years. Simeon Abel was hanged for the murder of a pregnant woman in 1981. Since Amnesty International did not receive this information until after the execution had taken place, it could not appeal against it in advance.



## Suriname

Amnesty International received further information during 1985 on cases it had been investigating. Amnesty International had expressed concern to the government about the incommunicado detention and alleged ill-treatment of a number of people arrested in November 1983, following an alleged coup attempt. Five of the detainees were subsequently brought to trial in 1984 (see *Amnesty International Report 1984* and *1985*). According to the report of the Inter-American Commission on Human Rights (IACHR) of the Organization of American States published in October, the detainees had been "effectively denied legal counsel until the day before their trials in July 1984, more than seven months after their arrest". The Commission also heard testimony that they were tortured "at the outset of their incarceration, in some cases lasting several months".

During 1985 Amnesty International investigated allegations that two Surinamese soldiers had died in March under suspicious circumstances in their military barracks. According to initial reports, the government had announced that the deaths were "accidental" or "suicide" but relatives believed that they may have been summarily executed. Amnesty International later learned that two other soldiers had died during the same period, but was unable to clarify the circumstances of any of the deaths. The IACHR said in its report that it had raised the issue of the deaths with the Surinamese Government who informed it that an inquest had established that the men had died of natural causes. However, no inquest report was provided.



## Trinidad and Tobago

Amnesty International's main concern was that executions might be resumed, although none took place during the year. While the death penalty remains the legal penalty for murder, no executions had been carried out since 1979. However, several of the 22 prisoners on death row in 1985 had exhausted their legal appeals and three were issued with warrants for execution. All three received last-minute reprieves.

Theophilus Barry, convicted of murder in 1981, was issued with a death warrant on 9 July, only nine hours before his scheduled execution at sunrise the following morning. He won a last-minute stay after the urgent intervention of a lawyer.

Andy Thomas and Kirkland Paul were also granted last-minute stays, only hours before their scheduled execution on 5 December. Warrants in their cases were suddenly issued at 4.30pm on 4 December, setting the execution for 7am the following morning. They managed to retain a lawyer to file an emergency application for a stay, which was granted pending consideration of a constitutional motion by the Trinidad High Court. The lawyer's motion challenged the constitutionality of carrying out executions after a long delay, and a hearing was pending at the end of 1985. Andy Thomas and Kirkland Paul were sentenced to death in 1975 for the murder of a police officer in 1973. At the time of the killing both men belonged to the National Union of Freedom Fighters (NUFF), a radical political group which was involved in several clashes with the police during the early 1970s, and which has long been disbanded. Although neither of them was found guilty of shooting the police officer, a witness claimed to have seen them in the car from which the fatal shots were fired. Both men had spent more than 10 years on death row, reportedly confined for 23 hours a day to small cells with little natural daylight. As a result of this solitary confinement, Kirkland Paul was reported to have spent some time in a psychiatric hospital.

In two letters to the government in April and July, Amnesty International reiterated its reasons for opposing the death penalty and referred to the international standards which prohibit or seek to limit its use. It welcomed the comment made in October 1984 by Trinidad and Tobago's representative before the Human Rights Committee that consideration was being given to abolishing the death penalty. Amnesty International urged the government to take steps

to abolish the death penalty and requested that no further executions be carried out. No reply to either letter had been received by the end of 1985.



## United States of America

Amnesty International's main concern continued to be the death penalty. Eighteen prisoners were executed during the year, bringing to 50 the number of people executed since 1977. They included the first juvenile offender to be executed since 1964, in violation of international standards prohibiting the execution of people aged under 18 at the time of the crime. Amnesty International also investigated several criminal trials and complaints of ill-treatment at a maximum security prison.

From 21 June to 1 July an Amnesty International mission visited Florida, Georgia, Louisiana and Texas to discuss the death penalty. More than two-thirds of all executions carried out since 1977 were in these four states. The mission met the aides and counsel to the governors of Florida and Texas; the Attorney General of Georgia; the Deputy Attorney Generals of Texas and Louisiana; the Boards of Pardons and Paroles in Georgia, Louisiana and Texas; the Chief Justice of the Florida Supreme Court; the chiefs of police of Houston, Texas, and Atlanta, Georgia, and other officials. The mission also met lawyers representing defendants in capital cases.

The delegation raised the arbitrary and uneven imposition of the death penalty, including racial disparities. Amnesty International also raised several cases in which prisoners were executed despite strong grounds for granting clemency.

Executions were carried out in the following states in 1985: Texas (six); Florida (three); Georgia (three); Virginia (two); Louisiana (one); South Carolina (one — the first in the state since 1962); Nevada (one) and Indiana (one case in which the prisoner had dropped his legal appeals and was the fourth person to be executed "voluntarily").

A total of 1,642 prisoners were under sentence of death in the USA in December 1985.

Roosevelt Green, executed in January in Georgia, was an accomplice to a murder committed by a co-defendant. According to reports, Roosevelt Green had not been present when the killing (of a kidnap victim) occurred but the court found that he had been negligent in leaving the victim alone with a man he knew to be dangerous. The US Supreme Court denied an application for a stay of execution by a tied vote with one of the justices absent due to illness.

John Young, executed in Georgia in March, was convicted in 1977 of the killing of three elderly people when aged 18. A week before his execution, his court-appointed trial lawyer submitted an affidavit to the appeals court, stating that he had failed to conduct an adequate defence, due to his many personal problems at the time of John Young's trial. Among other things, the lawyer had failed to raise mitigating evidence at the sentencing hearing regarding the defendant's background, including his having witnessed the murder of his mother at the age of three and his subsequent traumatic and neglected childhood. The lawyer, who had been disbarred from legal practice shortly after John Young's trial, had left Georgia and could not be found earlier. However, the appeal was denied on the technical grounds that his evidence was submitted too late.

Several executions appeared to cause prolonged suffering. In the execution of Stephen Morin by lethal injection in Texas in March, technicians are reported to have taken more than 40 minutes searching for a suitable vein in which to insert the needle.

Amnesty International was additionally concerned about the imposition of death sentences on juveniles, in clear violation of international standards. On 11 September Charles Rumbaugh became the first juvenile offender to be executed in the USA since 1964. He had been condemned in 1980 for a murder committed during the course of a robbery when he was 17 years old. On 5 September Amnesty International issued an international news release about juvenile offenders on death row in the USA, citing Rumbaugh's case. Amnesty International pointed out that the execution of prisoners for crimes committed when they were under 18 was contrary to the International Covenant on Civil and Political Rights, the American Convention on Human Rights and guidelines set out by the UN Economic and Social Council. The US had signed but not yet ratified the Covenant and the Convention.

In July Amnesty International had written to the Governor of Texas emphasizing that international standards recognized that the death penalty was "wholly inappropriate" for people under 18 at the time of the crime. Amnesty International appealed to the governor to commute the death sentences which had been imposed on nine

juvenile offenders in Texas.

In September 1985 there were 35 juvenile offenders under sentence of death in 16 US states.

Amnesty International continued to investigate a number of cases in which prisoners charged with criminal offences alleged that the real motive for the prosecution was their membership of political or ethnic groups.

In January an Amnesty International observer attended an evidentiary hearing before the Federal District Court, Los Angeles, California, in the case of Elmer "Geronimo" Pratt, a former Black Panther Party (BPP) leader convicted of murder in 1972. Elmer Pratt alleged that he had been "framed" by the Federal Bureau of Investigation (FBI) which he claimed had improperly colluded with the state prosecuting authorities to secure his conviction. The hearing was held to examine the facts arising from new information obtained by the defence from FBI files after 1979 under the Freedom of Information Act. At the time of Elmer Pratt's arrest, there was an FBI counter-intelligence program (aimed at disrupting and neutralizing US domestic groups believed to threaten state security, including the BPP), and Elmer Pratt was personally targeted for "neutralization"; a key state prosecution witness was an FBI informant; information about a second possible suspect had been withheld; the FBI had suppressed its own surveillance evidence which might have exonerated Elmer Pratt. None of this information had been made available to the defence at the time of trial.

Amnesty International had described Elmer Pratt's case and the evidence of FBI misconduct in a report published in October 1981: *Proposal for a commission of inquiry into the effect of domestic intelligence activities on criminal trials in the USA*. Although Amnesty International had reached no conclusions on guilt or innocence in this report, it had called for a full inquiry into Elmer Pratt's case to determine whether he had been denied a fair trial.

The evidentiary hearing, held from 21 to 24 January, was the first full hearing of the new evidence. Elmer Pratt's earlier appeals to the California State Appeals Court had been turned down without a hearing. Amnesty International's observer was unable to establish conclusively that Elmer Pratt had been "framed" on the basis of the evidence presented to the hearing; however, the hearing had not refuted his claims. The observer noted that some documents from FBI files were examined *in camera* by the judge. Amnesty International's observer believed that some matters might be clarified in the judge's decision, which had not been given by the end of 1985.

In May the US District Court denied a motion for a new trial in the case of Leonard Peltier, a leading member of the American Indian

Movement (AIM) who had been convicted in 1977 of the murder of two FBI agents. The ruling was based on the court's examination (at a hearing in October 1984) of alleged government withholding of evidence at his trial. The suppressed evidence — subsequently obtained by the defence from FBI files — included a 1975 teletype from an FBI ballistics expert stating that the gun alleged to have been Leonard Peltier's had contained a "different firing pin" to that used in the killings (see *Amnesty International Report 1985*). At the October 1984 hearing, an FBI ballistics expert had testified that the teletype was only a progress report and that a bullet casing later found to match "positively" with Peltier's gun had not been tested at that time.

Amnesty International stated publicly in October 1985 that it believed that the suppression of the teletype and "other related evidence" might have "seriously prejudiced the outcome of Leonard Peltier's trial". Amnesty International said that it believed that the interests of justice would best be served by granting Leonard Peltier a new trial. Amnesty International sent an observer to an appeal against the District Court's ruling, which was heard by the 8th Circuit Court of Appeals on 15 October. The appeals court had not given its decision by the end of 1985.

Amnesty International continued to investigate the cases of Indians charged with violating fishing regulations whose convictions were upheld by the Federal Court of Appeals in September (see *Amnesty International Report 1985*).

Amnesty International wrote to the Assistant Secretary of the Army (Manpower and Reserve Affairs) in March, appealing for clemency in the case of Keith Mather, sentenced in 1968 to 18 months' imprisonment for deserting from the army. Keith Mather had left the army because of his conscientious objection to the Vietnam war and had lived in Canada until 1980. He was arrested in December 1984 and placed in military detention. Keith Mather's sentence was reduced to 10 months and he was released in April.

Among the other cases studied by Amnesty International were some in which the defendants did not deny the acts of which they were accused, but said that they were motivated by conscience. Amnesty International sought to assess whether they could be considered prisoners of conscience if imprisoned. On 14 November an Amnesty International observer attended part of the trial of 11 people charged with violating Immigration and Naturalization Service (INS) laws by helping undocumented Guatemalans and Salvadorians to enter and remain in the USA. They were charged jointly with up to 67 violations, each of which carried a maximum sentence of five years' imprisonment. The defendants, who belonged to various religious denominations, were members of the "sanctuary move-

ment". For several years the movement had offered refuge and assistance to Salvadorians and Guatemalans it believed to be refugees whose lives would be in danger if returned to their countries. The defendants claimed that they had been forced to take action on religious and humanitarian grounds because of the US Government's failure to grant political asylum to most Salvadorians and Guatemalans who had applied for it. The trial was still continuing at the end of 1985 and Amnesty International continued to investigate the case.

Amnesty International investigated allegations of ill-treatment of prisoners. On 7 January an Amnesty International observer attended a Federal District Court hearing held at Marion penitentiary, a federal maximum security prison in Illinois. The hearing was part of a lawsuit brought by inmates of the prison, who alleged that conditions in the prison violated constitutional standards against "cruel and unusual" punishment. Since October 1983 Marion inmates had been held in continuous "lock-down" (cellular confinement) and subjected to other deprivations. The lawsuit also examined complaints that prisoners had been beaten by prison guards in November 1983 (see *Amnesty International Report 1985*). Although the magistrate (assigned by a federal judge to hear the case and make recommendations) recommended in August that there had been no constitutional violation of the prisoners' rights, a final decision by the judge was still pending at the end of the year. On 26 June Amnesty International's observer had also attended a congressional hearing into complaints about conditions at Marion prison. However, the hearing was inconclusive: it lasted for less than one day and, apart from the committee's chairperson, was attended by only one member of Congress.

Amnesty International submitted information on the cases of Jay Pinkerton, Charles Rumbaugh and James Terry Roach to the UN Special Rapporteur on summary and arbitrary executions.

On 20 September Amnesty International submitted a complaint to the Inter-American Commission of Human Rights (IACHR) of the Organization of American States about the case of juvenile offender James Terry Roach, sentenced to be executed in South Carolina. The IACHR appealed to the US Secretary of State for James Terry Roach's execution to be stayed pending its consideration of the complaint. Neither a stay nor clemency was granted and James Terry Roach was executed.

Amnesty International also appealed to the US authorities on several occasions not to deport Salvadorian refugees back to their country of origin, where Amnesty International feared they could face human rights violations including extrajudicial execution.



## Uruguay

Following the transition to an elected civilian government on 1 March after over 11 years of military rule, all political prisoners, many of them prisoners of conscience, were released. Amnesty International's concerns focused on the cases of 164 Uruguayans who "disappeared" between 1973 and 1982. Investigations into past human right violations,

including these cases, were undertaken during 1985 by the legislature and the courts.

On 1 March the elected government of Dr Julio María Sanguinetti took office. One of its first actions was to legalize a number of trade union federations and political parties, including the Communist Party of Uruguay; *Confederación Nacional de Trabajadores*, National Workers' Confederation; *Federación de Estudiantes Universitarios del Uruguay*, Uruguayan Federation of University Students; *Movimiento 26 de Marzo*, 26 March Movement; and *Grupo de Acción Unificadora*, Group for Unifying Action. All these organizations had been banned after the military coup in June 1973 and many prisoners of conscience adopted by Amnesty International had been imprisoned for belonging to them. Also legalized was the human rights organization *Servicio de Paz y Justicia*, Peace and Justice Service, which had been banned in 1983.

On 5 March restrictions on the news media were lifted and the constitutional recourse of *gracia*, pardon, was granted to all people facing prosecution before military courts. Among them were Wilson Ferreira Aldunate, leader of the *Partido Nacional*, National Party, who had been detained between June and November 1984 and adopted by Amnesty International as a prisoner of conscience (see *Amnesty International Report 1985*).

The *Ley de Pacificación Nacional*, Law of National Pacification, was passed in early March. It granted an amnesty to all remaining political prisoners except approximately 60 who were accused of homicide; their cases were to be reviewed by civil courts. However, the law stated that because of the torture and harsh prison conditions they had suffered, their sentences would be shortened by three days for every day served in prison if found guilty in the review, and any additional security measures imposed in addition to the sentence would be revoked. Article 5 of the law excluded from the amnesty police and military personnel found guilty of torture and of effecting

"disappearances" of prisoners, and public officials found guilty of covering up such crimes. Under the amnesty 193 political prisoners were released on 10 March. They included many who had been adopted by Amnesty International as prisoners of conscience. On 27 March Amnesty International welcomed the release of all the remaining prisoners of conscience.

Prisoners accused of homicide were released on 13 and 14 March and their cases passed to civil courts for review. They included Raúl Sendic Antonaccio, leader of the *Movimiento de Liberación Nacional - Tupamaros* (MLN), National Liberation Movement - Tupamaros. Amnesty International had repeatedly expressed concern about reports that he and eight other MLN leaders were inhumanely treated in detention (see *Amnesty International Report 1984*). On 15 November the court reviewing his case found him guilty of murder and passed a 23-year sentence. However, under the Law of National Pacification the 12 years he had already served counted as 36 years, and he remained free.

Parliament also repealed the Law of State Security and Internal Order of July 1972, under which civilians accused of crimes against the nation had been tried by military courts.

In November an Amnesty International delegate visited the capital, Montevideo, to collect information about investigations by the legislature and the civilian courts into human rights abuses, including "disappearances", perpetrated under previous governments since June 1973. In April a parliamentary commission, the *Comisión Investigadora sobre Situación de Personas Desaparecidas y Hechos que la Motivaron*, Investigative Commission on the Situation of "Disappeared" People and its Causes, was established. It reported in November on 164 Uruguayans — including eight children — who had "disappeared" after arrest between 1973 and 1982. Of these, 127 "disappeared" after being abducted in Argentina by paramilitary units which allegedly included members of the Uruguayan armed forces. Three were thought to have "disappeared" under similar circumstances in Chile and two in Paraguay. Thirty-two others "disappeared" after arrest in Uruguay. In its report to parliament the Commission concluded that "all of the adults died as a result of the brutal treatment to which they were submitted, or were directly executed". The Commission indicated that it had evidence of the involvement of members of the Uruguayan security forces. Their names were not made public but were passed to the Supreme Court, together with evidence which the Commission had collected.

In a press interview in June President Sanguinetti stated that it was not a priority of his government to investigate possible "excesses" of the armed forces during its period of rule. He said, nevertheless, that

his government would investigate fully certain "dramatic episodes". One of those mentioned was the case of Elena Quinteros, a teacher who "disappeared" after being abducted from the grounds of the Venezuelan Embassy in Montevideo on 28 June 1976. In a speech to the Uruguayan Senate in July, Senator Germán Araújo described the circumstances of her "disappearance" and named the police and military officers he alleged were responsible. It was later reported that two of the police officers named had been dismissed from their posts but to Amnesty International's knowledge by the end of 1985 none of the officers named had been prosecuted.

A former member of the military intelligence unit *Servicio de Inteligencia de Defensa* (SID), Defence Intelligence Service, testified to a court that he had participated in the abduction in early August 1976 of an elderly man whose description matched that of teacher and journalist Julio Castro, who "disappeared" after arrest. The Uruguayan authorities had told the Inter-American Commission on Human Rights of the Organization of American States in January 1978 that Julio Castro had left Uruguay on a flight to Buenos Aires. This information was initially contradicted by Argentine immigration records and subsequent investigations were said to have established that the flight in question never landed in Buenos Aires, due to adverse weather conditions. Amnesty International continued to investigate the cases of Elena Quinteros, Julio Castro and the other Uruguayans who "disappeared".

Evidence presented by relatives of the "disappeared" to civilian courts led to the opening of judicial investigations in numerous cases during 1985. However, their progress was obstructed by an armed forces ruling that officers should communicate with such courts only in writing, and by the refusal of military officers to testify in person. After a civilian judge ordered the arrest in August of two military officers accused of involvement in the abduction and torture of Uruguayan citizens in Argentina the military courts claimed that the case fell within their jurisdiction. A Supreme Court verdict on the conflict over jurisdiction in this and other similar cases was awaited at the end of 1985.

In December Amnesty International wrote to President Sanguinetti expressing its hope that future judicial procedures would establish the fate of the "disappeared" and bring those responsible to justice. The organization noted that the parliamentary Commission's conclusion that the adult "disappeared" were dead did not appear to have been reached on the basis of specific evidence in each case, and that the Commission did not have mandatory powers to obtain official information or to interview members of the armed forces. Amnesty International also welcomed a proposal to provide detainees with

legal assistance from the moment of arrest. This reform, it believed, would considerably improve the existing legal and procedural guarantees for detainees, and would help safeguard against torture and ill-treatment.

On 2 March Uruguay signed the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.



## Venezuela

Amnesty International remained concerned about the long-term detention of civilian political prisoners in military custody without the courts reaching a verdict. During 1985 Amnesty International was also investigating sporadic but serious allegations of ill-treatment of detainees by police.

In January, 17 political prisoners were released by presidential order when Pope John Paul II visited Venezuela. They were among a group of civilian prisoners held on the authority of military courts, pending trial proceedings which were often delayed for several years at a time. Other prisoners in this category remained in prison during the year. By the end of 1985 at least 15 were still in prison; they had been held for two to seven years on the authority of the military courts. To Amnesty International's knowledge, none had been convicted.

There were several reports of serious abuse of authority by police officers during 1985. In July three members of the *Policía Técnica Judicial* (PTJ), Judicial Technical Police, were discharged from the force and placed at the disposal of the criminal courts for the death under torture of Ernesto Jesús García, a criminal suspect. Among the cases of alleged ill-treatment that Amnesty International was investigating was that of two members of a popular theatre group, Nelson García and Mario Urdaneta Peche. They complained that they had been arrested on 4 October 1985 and tortured with electricity and by being beaten at the premises of the *Dirección de los Servicios de Inteligencia y Prevención* (DISIP), civilian political police. They were accused by their interrogators of being members of *Bandera Roja*, a guerrilla group, and were reportedly questioned about the activities of community groups. They were released after four days without charge.

# Asia



## Afghanistan

Amnesty International was concerned about reports of extrajudicial executions of civilians as armed conflict continued in Afghanistan. Systematic torture and ill-treatment of people suspected of supporting armed

opposition groups by the *Khedamat-e Etela'at-e Dawlati (Khad)*, State Information Service, continued to be reported. Amnesty International remained concerned about the detention of political prisoners without charge or trial, and about political trials which did not conform to internationally recognized standards for fair trial. The death penalty continued to be imposed frequently.

Heavy fighting continued throughout 1985 between Soviet and Afghan government troops on the one side and armed opposition groups on the other. The armed conflict and the continuing government refusal to allow international observers access to the country made the collection and verification of information relating to human rights difficult. The special rapporteur appointed in 1984 by the UN Commission on Human Rights to examine the human rights situation in Afghanistan made four unsuccessful requests during 1985 for access. The International Committee of the Red Cross, which had been permitted two brief missions inside Afghanistan in 1980 and 1982, by the end of 1985 had still not received authorization to undertake any protection activities in the country.

Amnesty International received reports of extrajudicial executions in a number of provinces during 1985 by Soviet troops supported by Afghan military personnel. Some of the reported victims were armed opponents of the government who had been detained, but many others were apparently suspected only of sympathizing with armed

opposition groups, or allegedly killed in reprisal for attacks on government forces or to intimidate the local population. These reports were difficult for Amnesty International to verify. A series of reports alleged that a large number of reprisal killings had occurred in late December 1984 in Chardara district of Kunduz province: one report listed 25 households in one village from which many family members had been killed. In April Soviet troops operating from Jalalabad were widely reported to have killed hundreds of civilians in at least 10 villages in Laghman province: Amnesty International received accounts from separate groups of newly departed refugees about killings in Qarghai and Haider Khani. The organization was unable to assess the number of killings or the precise circumstances in which they occurred, but on the basis of its own interviews and other reports believed that large numbers of civilians had been extrajudicially executed.

Amnesty International was also concerned about reports that opposition groups had carried out executions of Soviet and Afghan soldiers, *Khad* agents and other government officials and supporters. As a matter of principle, Amnesty International condemns the torture and execution of prisoners by anyone.

Amnesty International continued to call for the unconditional release of prisoners of conscience Professor Habiburrahman Halah, Professor Hassan Kakar, Shukrullah Kohgadai and Dr Osman Rustar. They had reportedly been members of a discussion group at Kabul University seeking peaceful solutions to the armed conflict, and had been sentenced to seven, eight, seven and 10-year prison terms respectively in 1983. All four continued to be held in Pul-e Charkhi prison, Kabul. Amnesty International received a report that Professor Kakar had been offered release by a *Khad* official if he agreed to speak on television in support of the government, but had refused to do so, following which his conditions of imprisonment worsened.

Amnesty International also continued to investigate the cases of 35 alleged members of the *Afghan Mellat*, Afghan Social Democratic Party, who had been arrested in 1983. It received reports that they had been tortured during interrogation by the *Khad*, and had been sentenced to between five and 18 years' imprisonment, although details of the charges and conduct of the trial were not known. Three of the prisoners were reported to have been released. Amnesty International subsequently received the names of another 50 alleged *Afghan Mellat* members arrested at the same time and reportedly still imprisoned.

Amnesty International received information about some other political prisoners during 1985, but believed that they were only a

small part of the total number held. In June the government announced that certain categories of prisoners would be released or have their sentences reduced and in July 400 people were reported to have been released from Pul-e Charkhi prison, Kabul, and others from provincial prisons. However, prisoners who had committed "grave counter-revolutionary crimes" were excluded. Amnesty International received no reply to its request for the names of those released and details of the offences excluded.

Reports of torture and ill-treatment of people taken into custody by the *Khad* persisted. During 1985 Amnesty International interviewed over 90 people who had been released from prison in recent years, including several women. All reported having been tortured during interrogation. Torture was said to have taken place principally at *Khad* interrogation centres (see *Amnesty International Report 1984*), but also in Pul-e Charkhi prison and in military detention; in addition to Kabul, reports referred to Bamian, Ghazni, Herat, Jalalabad and Kandahar. Victims of torture included government and police officials, teachers, students, businessmen and shopkeepers. Most were accused of contacts with opposition groups and were tortured to secure "confessions". Forms of torture reported included beating, burning with cigarettes, removal of fingernails, insertion of a bottle in the rectum, sleep deprivation, exposure to cold or to sun, standing in water or snow, mock execution, and witnessing the torture of others. Consistent accounts were given of various forms of electric shock torture: the use of electric shock batons, the application of current by a telephone-like device with wires variously attached to the fingers, toes, ears, tongue and penis, and the use of an electric chair. Several reports referred to the presence of Soviet personnel during interrogation under torture.

Amnesty International was unable to determine how many people were executed in Afghanistan. The official Afghan news media reported 40 death sentences imposed by Special Revolutionary Tribunals. Almost all the accused were said to be members of Particular armed opposition groups and to have made confessions. The reported offences in some cases related to specific incidents of murder, and in others included "uprising and commission of anti-government and counter-revolutionary acts", "fleeing from military service, joining the enemy and armed resistance against the government", and armed highway robbery. There were also a number of unofficial reports of executions of members of the Afghan armed forces, and allegations by former prisoners that unreported executions were frequent.

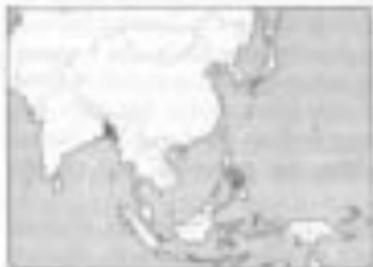
Amnesty International remained concerned that the officially reported death sentences were all handed down by Special Revol-

utionary Tribunals against whose decisions there was no right of appeal to a higher tribunal, in violation of Article 14(5) of the International Covenant on Civil and Political Rights. It appealed to President Babrak Karmal to exercise his power to commute all death sentences, and submitted all reported cases to the UN Special Rapporteur on summary or arbitrary executions. The Afghan Government's representative stated before the Human Rights Committee in July that many persons condemned to death had been pardoned, but Amnesty International had no knowledge of individuals whose sentences had been commuted or of the number of death sentences not officially reported. It was unable to discover the fate of Dr Mohammad Younis Akbari, who had been sentenced to death for subversion and counter-revolutionary activities in May 1984 (see *Amnesty International Report 1984* and *1985*).

The Human Rights Committee, at its sessions on 10 and 12 July, examined the report submitted by the government to the UN Secretary-General on the measures adopted to implement the International Covenant on Civil and Political Rights, to which Afghanistan acceded in 1983. Members of the Committee noted that the government's report referred only to legal measures adopted, not to the actual situation in the country. They asked whether the death penalty was subject to appeal and what official machinery existed for investigating alleged arbitrary killings; how it was ensured that foreign troops complied with the Afghan Government's obligations under the Covenant; what was being done to abolish torture and to remedy alleged cases of torture; and whether the judiciary was fully independent and individuals had the right to legal assistance of their own choosing.

The special rapporteur appointed by the UN Commission on Human Rights, to whom Amnesty International had submitted a statement of its own concerns in the country, reported in February to the Commission. He noted the lack of cooperation from the Afghan Government resulting in his inability to visit the country. However, basing himself on "a cross-section of the direct, personal experience of victims" and on documentation from other individuals and organizations, the special rapporteur concluded that the conflict in Afghanistan had given rise to human rights violations including wilful killing, torture and inhuman treatment, denial of a fair trial, arbitrary arrest and taking of hostages. In his November report to the UN General Assembly he stated that "the government, with heavy support from foreign troops, acts with great severity against opponents or suspected opponents of the regime without any respect for human rights obligations". His report referred to killings of civilians as a result of "acts of brutality committed by armed forces",

"bombardment and massacre following reprisals", and "use of anti-personnel mines and booby-trap toys". The Afghan Government described his reports as "a stark picture of dishonesty, fabrication and gross distortion of facts".



## Bangladesh

Hundreds of prisoners of conscience were arrested during 1985, some of whom were held in preventive detention for several months. A few were sentenced to up to one year's imprisonment. Martial law courts employing procedures incompatible with international legal standards were briefly withdrawn in early 1985, but were subsequently reinstated and functioned for much of the year. Some political prisoners were reported to have been tortured, particularly in army custody, and allegations persisted that criminal suspects had died as a result of police torture. Both army and police were reportedly responsible for torturing suspected government opponents in the Chittagong Hill Tracts and there were continuing reports of extrajudicial executions there. More death sentences were imposed, mostly by martial law courts, and one person was executed.

On 15 January special martial law courts were withdrawn (summary martial law courts had been withdrawn in August 1984), and certain constitutional rights were restored. However articles of the Constitution guaranteeing such fundamental rights as freedom from arbitrary arrest and detention, suspended since the imposition of martial law in March 1982, remained in abeyance.

Both types of martial law court were revived on 1 March, when President Hossain Mohammad Ershad reimposed martial law provisions banning all political activities which had been relaxed during 1984. Parliamentary elections intended for April were again postponed in the face of an opposition boycott, based on the government's refusal to lift martial law before the poll. The President instead announced that a referendum would be held on 21 March to approve his development policies and continuation in office.

All criticism of the referendum was made an offence under martial law. The leaders of the two major opposition parties – Sheikh Hasina Wajed, of the Awami League (AL), and Begum Khaleda Zia, of the Bangladesh Nationalist Party (BNP) – were immediately put under

house arrest. In the following weeks, several hundred government opponents including politicians, party activists, students and trade union leaders were arrested throughout the country, the vast majority solely because of their political beliefs or non-violent but prohibited political activities. Amnesty International expressed its concern about these arrests on 18 March, calling for the immediate release of all those arrested because of their non-violent political opinions or activities. Most of those arrested were held under the Special Powers Act (SPA), which permits indefinite detention without trial under renewable detention orders which are not subject to judicial review. Although within the first 170 days of detention under the SPA the detainee is entitled to appear in person before an Advisory Board constituted to examine detention orders, this provision was clearly not fully adhered to.

Following local elections on 16 and 20 May, President Ershad announced that political leaders would shortly be released. Sheikh Hasina and Begum Zia were freed on 25 May; during June at least 64 SPA detainees were released and in the following weeks there were further releases. An additional 43 SPA detainees were released in the second half of August. By the end of 1985 very few of these SPA detainees were still held. However, a small number of people, mainly trade union leaders, were detained for short periods in the last quarter of the year during industrial disputes.

Although most political prisoners were held under the SPA, at least 12 government opponents were charged under martial law regulations and provisions of the penal code with non-violent political offences. Among such prisoners of conscience were a former member of parliament representing the BNP, Abu Mohammad Zahid, who was arrested on 14 May for having in his possession leaflets calling for a boycott of the local elections. Charged under section 17 of Martial Law Regulation (MLR) 1, he was awaiting trial before a summary martial law court at the end of 1985. Aminul Huq Babul, a journalist and member of the Communist Party of Bangladesh (CPB), was sentenced to one year's imprisonment by a summary martial law court in August, reportedly for writing articles criticizing the martial law government. In Sylhet, Tapesh Bhattacharya, a student supporter of the CPB, was similarly sentenced to one year's imprisonment plus a fine for leading a public protest against the reimposition of martial law provisions on 1 March. Two other political activists in Sylhet were also sentenced to shorter periods for possessing anti-government pamphlets. The summary martial law courts which tried these defendants, whom Amnesty International considered prisoners of conscience, did not allow defence lawyers nor the right of appeal to a higher court.

In recent years Amnesty International has received increasingly frequent reports of torture of political prisoners held in the custody of the Directorate General of Forces Intelligence (DGFI), the armed forces intelligence unit. The organization believed this practice persisted in different parts of the country during 1985. Prisoners taken into DGFI custody for interrogation were held incommunicado for up to several weeks and generally kept blindfold while in transit and under interrogation. In June Amnesty International raised its concern about Manzurul Hoque Tinku, the younger brother of a leader of the *Jatiyo Samajtantrik Dal* (JSD), National Socialist Party, then being sought by the authorities. Manzurul Hoque Tinku was arrested in early March in Dhaka and reportedly kept for two days in DGFI custody, badly beaten and given electric shocks. He was subsequently transferred to jail where he was held for some months. In Chittagong and Sylhet respectively Awami League student activists Kaiseruddin Chowdhury and Mohammed Misbahuddin Siraj were understood to have been held in DGFI custody after being arrested in April. Kaiseruddin Chowdhury was reportedly tortured by electric shocks and Mohammed Misbahuddin Siraj was beaten with a long rubber implement, causing injuries requiring medical treatment.

Allegations of torture of criminal suspects by police persisted and several criminal suspects reportedly died as a result. In September Amnesty International appealed on behalf of Shamsher Ali, an organizer for the *Khetmajoor Samity*, landless peasants' front, in Phulpur, who was arrested on 9 September and reportedly beaten by the Phulpur police. In addition to calling for an investigation into his treatment, Amnesty International expressed its concern that Shamsher Ali may have been falsely accused of criminal activities to deter him from his activities on behalf of landless peasants. During 1985 other political activists were also charged with criminal offences by the police, allegedly to deter them from political activity.

Members of the tribal population of the Chittagong Hill Tracts were reportedly subjected to continuing arbitrary arrest, torture and unlawful killing. Following an amnesty for tribal opponents announced by the Bangladesh Government in 1983 some *Shanti Bahini*, Peace Force, members had surrendered and several dozen others had been released from jail. However, fighting between one faction of the *Shanti Bahini* and law enforcement personnel continued. In September Amnesty International publicized its appeal to the Bangladesh Government for an inquiry into human rights violations in the Hill Tracts, citing killings and torture which had reportedly occurred in 1984. For example, Amnesty International had received information that several young women had been arbitrarily killed during operations conducted by the security forces in

Barkalak, Harinhatchara and Hotyalchara, in the Zurochari area, in September 1984. Tribal villagers were reported to have been tortured in police camps at Mohalchari, Ranga Panichara and Bakchari, and in army camps at Bhaibhonchara and Thalchara in the same period. Amnesty International was also investigating persistent reports that army operations during 1985 resulted in dozens of villagers being beaten and, in some cases, arrested, especially in the Khagrachari area where the *Shanti Bahini* had engaged in clashes with law enforcement personnel. Tribal villagers in the Panchari area were said to have been arbitrarily arrested and ill-treated in late November and early December.

According to press reports, 35 people were sentenced to death, 25 of whom were convicted by special martial law courts with no right to judicial appeal. This was a marked increase over the two previous years. One person tried by a special martial law court was known to have been executed in Chittagong in November. Causing injury by throwing acid, an increasingly frequent offence, was made a capital crime in September; President Ershad later increased the sentence on one person convicted of this from life imprisonment to death. Among those sentenced to death by special martial law courts was Mohiuddin, Organizing Secretary of the Avoynagar branch of the Chhatra League, a students' organization affiliated to the Awami League. He was convicted in early November of murder. The trial was reportedly held in closed session and his relatives were denied access. Other aspects of the court's procedure were also of concern to the organization. In another case, Mohammad Selim was sentenced to death by a special martial law court in June for a murder committed when he was 16 years old, in violation of the internationally recognised standard that people under 18 at the time of a crime should not be sentenced to death. By December his death sentence had been confirmed and Mohammad Selim was awaiting the outcome of a clemency petition submitted to the President. The cases of both these prisoners were submitted by Amnesty International to the UN Special Rapporteur on summary or arbitrary executions.



## Brunei

Three long-term prisoners of conscience held under Emergency Orders without trial, two for more than 20 years, were released in November, but Amnesty International remained concerned about the continued detention of

five others. All had been detained for their alleged involvement in an armed revolt in December 1962. On 5 September Amnesty International appealed to the Sultan of Brunei to grant their unconditional release, as it believed that they continued to be detained not for their role in the rebellion but as a general deterrent to political activity. Several of the prisoners were thought to have reached advanced years and they were believed to be detained in virtual isolation. Press accounts of the release of the three men was the first news Amnesty International had received of any of the prisoners since 1981.

During 1985, 11 political prisoners were released, while some 25 others were believed to remain in detention without trial, some having been held since the mid-1970s. The grounds for their detention were not made public.

In May Amnesty International submitted information about its concerns in Brunei to the UN under its procedure for confidentially reviewing communications about human rights violations (the so-called "1503 procedure").



## Burma

Amnesty International continued to be concerned about reports of human rights violations committed by the Burmese army, including arbitrary arrests, torture and extrajudicial executions of unarmed civilians. The death penalty continued to be imposed and one person was known to have been executed during 1985.

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In 1984 the army had launched major offensives against government opponents, mostly from ethnic minority groups, in border

areas. Fighting continued during 1985, particularly in Karen state. The practice of compelling villagers to act as porters for army units in areas of conflict reportedly persisted (see *Amnesty International Report 1985*). In efforts to prevent the local population from assisting the Karen National Union (KNU), the main opposition group, villagers were reportedly forced to move to restricted settlements or camps, such as one established at Hlaing Bwe, Pa-an district. This was also said to have occurred in Kawkaik district and in other parts of the country. These camps were said to be surrounded by barbed wire and to be guarded so that the inhabitants are permitted to leave only during daylight hours in order to work in the fields.

Amnesty International received persistent reports of the killing of non-combatants in areas of armed conflict. The victims were said to have included villagers who fled from their homes on the approach of army units, were subsequently discovered hiding in the jungle and were allegedly shot on sight and without provocation, on suspicion of belonging to the KNU. Traders crossing Karen-held territory have paid the KNU "taxes" on such passage of goods. In an effort to deter this trading activity, soldiers were reported to have killed two separate groups of traders during 1985. In late June, 12 traders of whom three were women were reportedly killed near Kawkaik, when soldiers belonging to No. 3 Company, No. 6 Battalion of the 44th Division, are said to have shot at them without warning. The same military detachment was also accused of killing at least 13 other unarmed traders on 2 July, again near Kawkaik.

In Arakan state, where a substantial Muslim population lives, there were continuing reports of arrests of suspected government opponents and the torture of these detainees in police and army custody. Amnesty International appealed on behalf of 18 men reportedly arrested between 15 and 30 September in Buthidaung. They included Abdul Gaffar, a postal official, and U Chit Maung, a clerk of Buthidaung People's Council. They were reportedly tortured during interrogation by beating, by having pins inserted under their nails and by having hot water poured into their nostrils. At the end of 1985 Amnesty International learned that they were still detained and had been charged with high treason.

Major Zin Mo, one of two North Koreans sentenced to death for killing four South Korean cabinet members and 17 others in October 1983, was executed in April. The other, Captain Kang Min-Chul, was understood to have been granted clemency for having confessed to the crime. Six people were sentenced to death by a court in Mandalay in September on drug-trafficking charges, the first time Amnesty International learned of the death penalty being imposed for such an offence.



## China

Amnesty International's main concerns were the continued imprisonment of long-term prisoners of conscience and the arrest of other possible prisoners of conscience; the conditions under which they and other prisoners were held and

the extensive use of the death penalty for a wide range of offences.

Following the publication of the *Amnesty International Report 1985*, a Foreign Ministry spokesman questioned by foreign journalists in Beijing reportedly said that the question of political prisoners and human rights violations did not arise in China as its constitution granted citizens the right to speak, to meet, to demonstrate and to publish. He reportedly said that the organization's demand that China put an end to executions amounted to interference in domestic affairs and that current circumstances prevented the authorities from abolishing the death penalty.

This was not the only time that the authorities maintained that there were no political prisoners in China, acknowledging only the existence of "counter-revolutionaries". Amnesty International, however, believed that some people imprisoned under this designation were prisoners of conscience.

The testimony of one prisoner of conscience, written in his cell in Beijing Prison No. 1, became available outside China in October. The author, Xu Wenli, an electrician and editor of an unofficial journal, had been arrested in Beijing in April 1981 and sentenced to 15 years' imprisonment for "counter-revolutionary" offences in June 1982 (see *Amnesty International Report 1983*). Xu Wenli's manuscript, entitled "My Self-Defence" and dated December 1984, describes the events which led to his arrest, his treatment in detention during pretrial investigation, and his trial and appeal hearings. Although Amnesty International was not in a position to verify every detail, the manuscript is consistent with reports which Amnesty International has received from a number of sources.

In the manuscript Xu Wenli gave the following account. After his arrest on 10 April 1981, he was held incommunicado for 15 months and allowed no visits, correspondence, books or writing paper. He was formally charged only four months after his arrest, despite the 10-day legal limit on preliminary detention. During the first eight months of his detention he was interrogated 200 times — up to three sessions per day — with seven interrogators taking turns to question him. Describing his detention in "K Block" of the *Banhuqiao*

detention centre during this period, he stated that although he was not himself ill-treated, he could frequently hear "the sounds of beatings and cursing, and the sound of electrical assaults being carried out within the prison buildings". At a preliminary court hearing in February 1982, Xu Wenli named two lawyers he wanted to represent him but was told by the presiding judge that they were not available. A lawyer from the Legal Advisory Department was appointed to defend him. He also asked for his relatives to be present but neither his wife nor other relatives were allowed in the courtroom at his trial on 8 June 1982. Although about 50 people attended the hearing, all had been admitted on a ticket basis and the majority were from various sections of the court itself. At the beginning of the trial Xu Wenli unsuccessfully asked the presiding judge to withdraw on the grounds that the judge had presumed him guilty, having asked him to acknowledge his guilt on several occasions before the trial "to secure more lenient treatment". Xu Wenli was found guilty as charged. His appeal was unsuccessful and his sentence of 15 years' imprisonment was upheld. On 10 September 1982 Xu Wenli was transferred to Beijing Prison No. 1. He was allowed occasional visits from his family, but was held in solitary confinement in a six-square-metre cell.

Amnesty International was concerned about reports that prisoners, including adopted prisoners of conscience, were being held in solitary confinement for prolonged periods, endangering their mental and physical well-being. Among those reported to be so held were other editors of unofficial journals who had been adopted as prisoners of conscience, such as Fu Shenqi, detained since 1981 in Shanghai, and Wei Jingsheng, who was sentenced to 15 years' imprisonment in Beijing in 1979. New information about Wei Jingsheng confirmed that he had been transferred from Beijing to the Ge'eremu labour camp in Qinghai province, and that he had not recovered from a nervous breakdown suffered after several years in solitary confinement. A report received in December stated that he was showing signs of catalepsy, spending long periods staring blankly at the sky.

The organization continued to call for the unconditional release of other prisoners of conscience, among them elderly Roman Catholic priests detained since the 1950s for remaining loyal to the Vatican, and Tibetans arrested for advocating Tibetan nationalism or for practising their religion. In September Amnesty International learned of the death in detention of Father Shen Baishun, a Roman Catholic priest serving a 10-year sentence. Aged 82, Father Shen had been reported to be suffering from a heart condition.

Among prisoners of conscience adopted by Amnesty International during the year was Geng Qichang, who was sentenced in December

1983 to three years' imprisonment plus two years' deprivation of political rights for "concealing a crime". This charge was reportedly based on his failure to report to the police the activities of a worker who had written and publicly displayed political posters. Geng Qichang was a high-ranking party official in Henan province in the early 1970s and a member of the Chinese Communist Party Central Committee from 1969 to 1978. Following the disgrace of party officials considered to be supporters of the "Gang of Four", Geng Qichang was relieved of all his posts within the party in March 1978 and later became Deputy Director of the Zhengzhou Vegetable Research Institute.

Very few prisoners of conscience were reported to have been released during 1985. One widely reported release was that of the 84-year-old Roman Catholic Bishop of Shanghai, Gong Pinmei, who after nearly 30 years in jail was released on parole on 3 July by order of the Shanghai High People's Court. He had been arrested in 1955 in Shanghai during a nationwide purge of "counter-revolutionaries". The assistant director of the High People's Court in Shanghai was reported to have said that he was still "a criminal under surveillance", and that he would be pardoned only after a probation period of 10 years. The official Chinese Patriotic Catholic Association in Beijing reported that Bishop Gong "admitted that he had been guilty in opposing the Communist Party, the government and all aspects of the [church] reform". This, however, has not been confirmed by Bishop Gong. By the end of 1985, all requests for interviews with him had been refused.

Amnesty International started investigating the cases of four prisoners accused of having formed a "counter-revolutionary" organization with the alleged intention of setting up an autonomous republic in the three provinces of northeast China. They were alleged to have formed a committee in 1981 and to have disseminated "counter-revolutionary" literature by publishing a periodical; they were also accused of making "false charges" against cadres. They were tried in the second half of 1983 in Changchun, Jilin province, and sentenced to terms of from seven years to life imprisonment.

The organization was also concerned about a number of other arrests and trials. Several groups of Protestants were arrested and tried in various places for propagating or practising religion in private houses ("house churches"), for itinerant preaching or for criticizing the official church. They included three "house church" leaders from Guangzhou reportedly sentenced to prison terms of two, seven, and 10 years in October on charges of "inciting counter-revolution" and distributing Christian literature. In another case, a blind man accused of putting up posters in the city of Chengdu to "vent his dissatisfaction

with the Chinese leaders" was officially reported to have been arrested there at the end of November and "punished".

Suspected political activists were reportedly arrested and detained without charge in Lhasa in September, two weeks before the celebrations of the 20th anniversary of the foundation of the Autonomous Region of Tibet. They included people advocating Tibetan independence, and visiting Tibetans from Nepal and India. Most were reported to have been released shortly after.

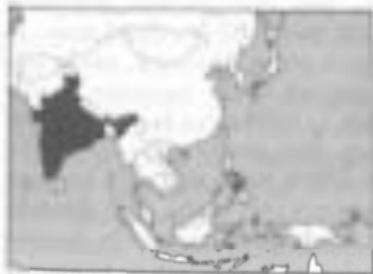
Students were reported to have been arrested in several cities during a series of demonstrations which started in September in Beijing. On 18 September several hundred students from Beijing University marched through the centre of the capital to protest against the import of Japanese consumer goods and Japanese "militarism". Similar student demonstrations later took place in Beijing and other cities. According to foreign press correspondents, more than 100 students were arrested in Beijing following the peaceful protest on 18 September and others were also arrested there on 20 November following further student protests. In late December, however, the Minister of Public Security denied that any students had been arrested, although he acknowledged that "some persons" who "disrupted public order" in Beijing on 20 November had been detained temporarily by the police and that "some bad elements" who had "pilfered and vandalized public property" during a student demonstration in October in Chengdu had also been detained or fined. By late 1985 no further information was available about those arrested.

The use of the death penalty for a wide range of offences remained a major concern. Legislation providing for accelerated procedures for trial, appeal and execution continued to be applied and Amnesty International was concerned that some executions appeared to take place immediately after sentencing. During 1985 Amnesty International documented 135 executions, 17 death sentences (where it was not specified whether execution had been carried out) and seven cases in which the death sentence was imposed with a two-year suspension of execution. Most information which reached Amnesty International came from a few major cities and the total number of executions and death sentences throughout the country was believed to be much higher. In a majority of the cases recorded, the death sentence was imposed for offences such as murder, robbery and rape, but it was also imposed for espionage, abduction and pimping, drug-trafficking, hijacking, forming a "reactionary secret society" or "exploiting feudal superstitions", fraud, smuggling and other "economic crimes".

Six people were sentenced to death in April in Xian, the capital of

Shaanxi province, for holding "dance and sex parties" at home. Three of them were executed by firing-squad immediately after sentencing by the Xian Intermediate People's Court. In December two men were executed in Guangdong after being convicted of obtaining cash totalling 321,000 yuan (about US\$100,000) through fraud. In late 1985 the official press warned that "economic crimes" would be punished most severely in future.

Amnesty International noted with concern an official report of a case in which a death sentence with a two-year reprieve pronounced in 1980 was changed five years later to a death sentence with immediate execution. Yang Xiaoming was convicted of premeditated murder and sentenced to death in 1980 by the Intermediate People's Court of Xining city in Qinghai province. When reviewing the case at that time, the provincial High People's Court changed the immediate death sentence to one with a two-year reprieve. Five years later, however, the Xining Intermediate People's Court reopened the case and changed the verdict back again. The provincial Party Secretary, commenting on the case at a public rally on 29 July, was reported to have blamed the provincial High People's Court for "wrong judgment" in this case, as well as the "former principal responsible comrades" of the provincial Party Committee who "bore important responsibility for it".



## India

Amnesty International was concerned about the detention of hundreds of political detainees held without charge or trial under preventive detention legislation or awaiting trial under special legislation permitting trial *in camera*.

The organization received reports of torture, particularly from areas where armed opposition groups were active, some detainees allegedly dying in police custody as a result; and reports that alleged members of such groups were shot dead by security forces personnel after capture in staged "encounters". It was also concerned about executions.

In a number of states repeated acts of violence accompanied the activities of opposition groups and resulted in killings of police officers, officials and civilians, especially in Punjab. Amnesty

International acknowledged in its communications with the Indian Government that these events placed a heavy burden on the authorities charged with maintaining law and order and bringing those responsible for criminal acts to justice. Many people were detained on suspicion of involvement in such violent activities, either under the provisions of the National Security Act (NSA), which permits preventive detention without charge or trial for up to two years, or under other new legislation.

The Terrorist and Disruptive Activities Act 1985 was enacted in May, following a series of bomb explosions in New Delhi and neighbouring states which had killed an estimated 86 civilians. It was to be applicable throughout India for two years. The death penalty was made mandatory for "terrorist acts" which resulted in death. "Disruptive activities" were made punishable by three years to life imprisonment and defined as "any action taken, whether by act or by speech or through any other media, which questions, disrupts or is intended to disrupt, whether directly or indirectly, the sovereignty and territorial integrity of India". Advocating or inciting such activities were also made similarly punishable.

Government ministers assured Parliament that the central and state governments would not misuse the new legal provisions to curb any legitimate political or trade union activity. However, Amnesty International was concerned that the broad definition of "disruptive activities" could lead to people being detained for peacefully voicing political opinions or being tried under procedures not meeting internationally recognized standards. The Act allowed detention without charge or trial for up to one year. It permitted trials *in camera*, without the identity of witnesses being disclosed, made bail more difficult to obtain and limited appeals to the Supreme Court. The government said on 8 August that 33 such cases had been tried by 18 designated courts and that states were instructed to apply the Act's provisions "sparingly". Special courts were reported to have been established in the Union Territory of Delhi and Andhra Pradesh, Gujarat, Punjab and Uttar Pradesh, as well as in Jammu and Kashmir.

On 12 June the Andhra Pradesh state government declared that the Act would be invoked against Naxalites (members of left-wing revolutionary groups many of whom have resorted to violence) "who toe the Mao line of achieving power through the barrel of the gun". Amnesty International learned of hundreds of arrests of alleged Naxalites and their sympathizers during 1985, especially in Andhra Pradesh. Among those arrested under the Act was Dr Balagopal, General Secretary of the Andhra Pradesh Civil Liberties Committee, who was arrested on 16 November. In December Amnesty Interna-

tional expressed concern that he might have been arrested as a result of peaceful civil liberties activities.

Three other members of civil liberties groups were arrested on 11 and 20 September, immediately after the publication of a report on events in Punjab. Among them was the General Secretary of Citizens for Democracy, a New Delhi-based civil liberties organization. The printer of the report was also arrested. The report was proscribed by the government on the grounds that it could "create hatred and spread disaffection". The authors were to be charged with sedition but were released on bail after several days' detention, a magistrate ruling that no evidence had been provided of seditious material.

Throughout 1985 Amnesty International expressed concern about arrests and detentions in Punjab. In January it urged the government to review the cases of detainees where there was no evidence that they had been involved in violent activities. Among those held under the NSA were reported to be Sikh priests, religious preachers and leaders of political parties, detained for making "objectionable" or "inflammatory" speeches.

In March Amnesty International welcomed the release of eight leaders of the Sikh political party, the *Akali Dal*, Army of Immortals, whom it had considered prisoners of conscience, and the subsequent announcement by the Union Home Minister that the government was willing to release all detainees in Punjab against whom there were no criminal charges. Among such detainees were leaders of the All India Sikh Students Federation, the ban on which was lifted on 11 April. On 12 April Amnesty International asked for details of the individuals to be released, of whom 800 were reportedly held under the provisions of the NSA alone. By 17 July the government was reported to have ordered the release of 1,371 people, while reports in the international press estimated that some 4,500 people were still held in connection with political activities in the state.

This program of releases accelerated after Prime Minister Rajiv Gandhi and *Akali Dal* leader Sant Harchand Singh Longowal reached agreement on 24 July over long-standing demands for greater autonomy voiced by members of the Sikh community. Punjab remained under central government administration until state elections on 27 September resulted in an *Akali Dal* administration. By this date, a total of 2,200 further releases had been officially reported.

On 1 October Amnesty International informed the new Chief Minister of Punjab of its concerns in the state. The new government announced the release of 224 further detainees held under the NSA and established a committee to review the cases of an estimated 2,400 people still detained after arrest during the previous three years. By the end of 1985 the committee was reported to have recommended

the release of more than 2,000 detainees and the withdrawal of cases against 450 people arrested during or after violent events at the Golden Temple in June 1984. The central government subsequently said that 377 of them charged with waging war and awaiting trial in Jodhpur jail would not be released. Amnesty International was still investigating the cases of several Sikhs who had been detained for many months without charge or trial under the NSA. One was rearrested on 9 December for alleged sedition immediately after the Punjab High Court had ordered his release from over 12 months' detention.

During 1985 Amnesty International also expressed concern that existing legal safeguards for detainees in Punjab were not always observed. In March Amnesty International wrote to the Governor of Punjab about reports that in at least five cases the government had failed to release people detained without trial under the NSA, although their release had been recommended by the Advisory Board established under the Act. Amnesty International also received other complaints, some in the form of signed affidavits to the Supreme Court, alleging misuse by the police of their wide powers of arrest and detention under special legislation in force in Punjab. If a person wanted by the police could not be found relatives were allegedly arrested, sometimes beaten and detained. The police were also accused of falsely implicating people in offences punishable under the Arms Act by planting weapons on them after arrest.

Amnesty International was concerned that political detainees faced trials by special courts. The Minister of State for Home Affairs stated that, as of 22 March, 1,785 cases had been conducted before special courts in Punjab and a further 3,264 cases were pending. On 24 July the Punjab Government announced the immediate withdrawal of the Armed Forces (Special Powers) Act 1983 (which had widened army powers of arrest), declared that the state was no longer a "terrorist affected area" and restricted the mandate of special courts established under the 1984 Terrorist Affected Areas (Special Courts) Act (see *Amnesty International Report 1985*). Amnesty International welcomed these developments in a communication to the Prime Minister, pointing out, however, that those accused of "waging war" and "hijacking" would still face trial before special courts under procedures which shifted the burden of proof and permitted trial *in camera*. In its October communication to the Chief Minister of Punjab, Amnesty International welcomed the new state government's announcement of 26 September abolishing special courts and requested that the cases of those convicted by them be reviewed, as their procedures fell short of international standards for a fair trial.

Politically motivated arrests were reported from many other Indian

states, including Madhya Pradesh, Mizoram and Uttar Pradesh. These usually resulted in short-term detentions under the NSA. In Jammu and Kashmir, where some opposition parties advocated a plebiscite to determine the status of the territory, there were reports of hundreds of arrests for alleged anti-national activities. Among those arrested were members of the *Jamaat-e-Islami*, the People's League, the People's Conference, the *Mahaz-e-Azadi* and the *Jamaat-e-Tulba*. In April Amnesty International appealed on behalf of four members of these parties detained without trial under the Jammu and Kashmir Public Safety Act. On 21 November the Supreme Court granted compensation to a member of the state Legislative Assembly who had been detained without trial, observing that "if the personal liberty of a member of the Legislative Assembly is to be played with in this fashion, one can only wonder what may happen to lesser mortals".

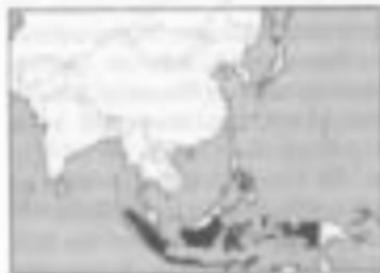
Amnesty International received from many different parts of India reports of torture and ill-treatment of criminal suspects in police stations. It also received reports of people arrested in connection with political activities being tortured and ill-treated in the states of Andhra Pradesh, Assam, Bihar, Jammu and Kashmir, Maharashtra, Punjab, West Bengal and in the Union Territory of Delhi. In Andhra Pradesh, 238 villagers and tribal peasants in areas of Naxalite activity alleged in a petition to the Supreme Court that they had been tortured. In Orissa, a 13-year-old *adivasi* (tribal) boy was on 14 July reportedly beaten until unconscious. In Punjab, a judge visiting Nabha Central Jail reported that detainees had had a log rolled over their thighs or their legs pulled apart. Beatings on the soles of the feet and on the body, while suspended from the ceiling, were also frequently reported from Punjab. Similar allegations were repeatedly received concerning Delhi police stations, where Sikhs were interrogated about acts of violence which occurred in the capital.

In May Amnesty International expressed concern about the death in a Delhi hospital on 13 May of Mohinder Singh, alias Khalsa, allegedly from injuries sustained after arrest as a result of torture. His was one of six cases in 1985 known to Amnesty International in which people involved in political activities died, allegedly of injuries inflicted in police custody, in Andhra Pradesh, Bihar, Delhi and Punjab.

Amnesty International also received several allegations that political activists were killed by the police in staged "encounters". In Uttar Pradesh those killed were criminal suspects, especially from among the *Harijans*, "scheduled castes". "Encounter" killings of political activists were reported from Andhra Pradesh, Bihar and Punjab. In one such incident in Andhra Pradesh in April, five alleged

Naxalites were killed and a survivor stated that they had been surrounded by police in plain clothes, stripped naked, stood in a row with their hands behind their backs and shot.

Although the Supreme Court had ruled that the death penalty should be imposed only in the "rarest of rare" cases, dozens of people were sentenced to death in 1985 as in previous years. In December Amnesty International wrote to the President of India expressing concern that the Rajasthan High Court had sentenced a man and a woman to be executed in public. Amnesty International welcomed the Supreme Court's ruling of 13 December that public executions should not be carried out, which the Attorney General had stated were "cruel and brutal". It appealed for commutation of the death sentence for these and other prisoners sentenced to death. The organization did not have information regarding the number of executions actually carried out.



## Indonesia and East Timor

Over 100 Muslim activists, many of them possible prisoners of conscience, were tried and convicted during 1985 for offences ranging from subversion to spreading false information. Reports that suspected

criminals and alleged government opponents had been extrajudicially executed continued to be received. Five judicial executions were carried out, including the execution by firing-squad of four men alleged to have held high-ranking positions in the banned *Partai Komunis Indonesia* (PKI), Indonesian Communist Party, all of whom had been in detention for over 16 years. Amnesty International remained concerned about reports of torture and ill-treatment by the Indonesian security forces of prisoners, many of whom were suspected of supporting independence movements in Irian Jaya and East Timor.

On 25 June Amnesty International published a report, *East Timor: Violations of Human Rights*, and launched a campaign to publicize its concerns there. The report documented cases of extrajudicial executions, "disappearances", torture, arbitrary arrest and detention, and unfair trials which had taken place in the territory since the Indonesian invasion of December 1975. The report called on the

Indonesian Government to investigate fully reports of such abuses, to clarify the fate of those reported to have "disappeared", to issue instructions to all security forces prohibiting the use of torture in all circumstances, to prosecute people found to have perpetrated such abuses and to make information on political trials publicly available. The government issued a statement rejecting Amnesty International's allegations and stating that the report was based on "rumours and questionable sources". At the same time, however, it began to release lists of prisoners brought to trial in Dili, a development Amnesty International regarded as positive.

Amnesty International was concerned about the detention of prisoners of conscience and possible prisoners of conscience. These included Muslim activists arrested in late 1984 following a violent demonstration on 12 September 1984 in the Tanjung Priok area of Jakarta (see *Amnesty International Report 1985*). Many were brought to trial in 1985. In March Amnesty International asked the Ministry of Justice for permission to send observers to the trials but was refused. At least eight Muslim *muballigh* (preachers) were arrested after the demonstration and charged with subversion under Presidential Decree 11/1963 which carries a maximum penalty of death. They were said to have incited the demonstration and undermined government authority through their writings and speeches. Mawardi Noor, a *muballigh* adopted as a prisoner of conscience by Amnesty International, was tried on subversion charges for lectures he gave in 1983 and 1984 in which he reportedly criticized government officials for corruption and argued that certain government policies were contrary to Islamic teachings.

A number of people were arrested in late 1984 for distributing leaflets criticizing the actions of the military during the Tanjung Priok demonstration, when at least 30 people were killed by security forces. Amnesty International knows of 24 people arrested for distributing such leaflets but believes the total figure to be much higher. The organization adopted six as prisoners of conscience. Outside Jakarta, sentences for such offences appear to have been particularly heavy. In Ternate, two students were sentenced in October to 10 and 15 years for reading a banned leaflet in public.

Among those arrested in the wake of the Tanjung Priok demonstration were several leading members of an opposition group largely composed of retired military officers and politicians. Members of the group had publicly called for an independent commission to investigate the Tanjung Priok incident and criticized President Suharto on constitutional grounds. Haji Andi Mappetahang Fatwa and retired Lieutenant General Hartono Rekso Dharsono were put on trial in August charged with subversion. Haji Fatwa was sentenced

in December to 18 years' imprisonment. General Dharsono had not been sentenced by the end of 1985. Amnesty International considered both men to be prisoners of conscience and appealed for their release.

Also brought to trial for offences related to the Tanjung Priok incident were 28 youths accused of using violence against security forces. All but four had been shot by the military during the demonstration and were arrested in hospital. Some appeared to have joined the demonstration, others who lived nearby to have become caught up in it by accident. All were eventually taken to Cimanggis Military Detention Centre where they were reportedly beaten and intimidated and initially denied access to family and counsel. Amnesty International was investigating their cases. It was concerned that their interrogation depositions, later used against them in their trial, may have been extracted by force and threats. All 28 were convicted of criminal offences and sentenced to terms ranging from one to three years' imprisonment.

Amnesty International was also investigating the cases of several prisoners associated with an Islamic school network, some members of which claimed responsibility for a series of bomb explosions in Central and East Java in late 1984 and early 1985. Four students — Andi Sukisno, Sugeng Budiono, Murdjoko and Faizal Fachri — were arrested in Malang, East Java, tried on subversion charges, and sentenced to eight years' imprisonment. The four had reportedly attended courses given by the network, but no evidence presented during their trials appeared to implicate them in the bombings. They were also said to have been involved in the publication of a bulletin which criticized the government and accused the Indonesian armed forces of spying on Muslim activists.

Amnesty International was also investigating the cases of three people arrested in Yogyakarta, in connection with a militant Islamic bulletin, *al-Ikhwān*, which was highly critical of the government handling of the Tanjung Priok demonstration, the national family planning program and other government policies. Amnesty International believed that those arrested in connection with *al-Ikhwān* — Irfan Suryahardy, who had been released in April after having been detained without charge or trial for over a year since his arrest in February 1984 in connection with another banned publication, and two students, India and Ahmad Zonet Sumarlan — may have been detained for the non-violent expression of their beliefs.

Amnesty International continued to be concerned about the detention of approximately 200 so-called A-category prisoners, whom the government considered were directly involved in a coup attempt in 1965. The organization was concerned that they did not receive a

fair trial and that many would have been eligible for release if the rules on sentencing, remission, and parole had been applied consistently (see *Amnesty International Report 1985*).

The organization continued to receive reports of the extrajudicial execution of suspected criminals in what appeared to be the continuation of a campaign which reached its height in 1983 (see *Amnesty International Report 1984* and *1985*). In February, following numerous reports of such killings, Amnesty International appealed to the Commander of the Armed Forces to instruct all security forces not to summarily execute suspected criminals.

Amnesty International was also concerned about unconfirmed reports of deaths in detention of suspected supporters of *Organisasi Papua Merdeka* (OPM), Free Papua Movement, which has been waging an armed struggle for the independence of Irian Jaya from Indonesia since the mid-1960s. The prisoners reported to have been killed had fled across the border into Papua New Guinea in 1984 but were forcibly deported and reportedly imprisoned by the Indonesian authorities upon their return.

Torture and ill-treatment by the Indonesian police and military continued to be reported. In January, Amnesty International received reports that several suspected OPM supporters had been tortured in the former Panorama Bar in Jayapura, used as an interrogation centre by *Kopassus*, the Indonesian Special Forces. Four other suspected OPM supporters forcibly deported from Papua New Guinea in June — Nabot Wanma, Ones Serontouw, Isaak Waroumi and Abraham Hamong — were said to have been tortured following their imprisonment immediately after arrival in Jayapura. Amnesty International was concerned that 12 other refugees deported in October would also face torture.

Torture and ill-treatment were also reported from the Indonesian-occupied territory of East Timor where an unknown number of suspected sympathizers with the armed resistance organization *Frente Revolucionaria de Timor Leste Independente* (Fretilin), were believed to be in custody in district military commands. In December Amnesty International appealed to the Indonesian Government to investigate reports that several people arrested in early May in Lautem district had been detained and tortured in the district military command headquarters in Lospalos. The Indonesian Government has denied that there are any prisoners outside Dili.

Amnesty International continued to be concerned about the fairness of trials of political prisoners in East Timor. By the end of 1985 approximately 200 prisoners had been tried, all of whom had reportedly pleaded guilty to conspiracy to commit rebellion. Amnesty

International urged the Indonesian Government to permit international observers to attend the trials.

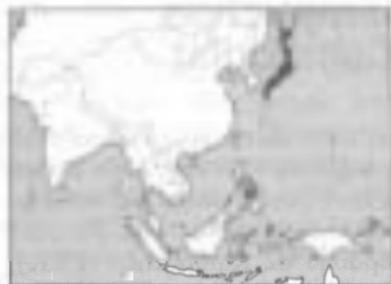
In June Amnesty International submitted information about its concerns in East Timor under the UN procedure for confidentially reviewing communications about human rights violations (the so-called "1503 procedure").

In a statement to the UN Special Committee on Decolonization on 8 August, Amnesty International noted that it had received fewer reports of human rights violations in East Timor in 1985 than it had for the corresponding period in 1984 but that, given the previous pattern of violations, a decline in the number of reports could not be interpreted as an indication that the human rights of the East Timorese were now guaranteed. It noted that reports of "disappearances" and arbitrary arrest and detention continued.

Four PKI prisoners were executed by firing-squad in 1985 after more than 16 years under sentence of death. These were believed to be the first executions of PKI prisoners in over a decade and were carried out despite reported informal assurances from the government that such prisoners would not be executed.

Mohamad Munir, former head of the PKI-affiliated trade union federation, was executed on 14 May after his final appeal for clemency had been rejected by President Suharto. Three other prisoners — Gatot Lestario, Djoko Untung and Rustomo — were executed between 1 and 3 July in Madura. All had been accused of involvement in an underground PKI organization in south Blitar in 1967, said to have been planning an armed uprising against the government. The four executions were reportedly carried out in secret. On 23 August Amnesty International appealed to President Suharto to stop all executions and commute all death sentences. It continued to be concerned about 28 PKI prisoners who remained under sentence of death at the end of 1985.

Salman Hafidz, a member of an Islamic organization convicted of armed robbery, murder and subversion, was also executed in February. Several death sentences were imposed on prisoners during the year, among them an alleged drug-trafficker, Husni, in March, and two Muslims convicted of murder, armed robbery and subversion, Abdullah Umar and Bambang Sisoyo, in June. Abdullah Umar had originally been sentenced to life imprisonment; his sentence was changed to death on appeal by the prosecution.



## Japan

Amnesty International was concerned about an increase in executions and about the ruling party's introduction in the *Diet* (parliament) of a draft law, later withdrawn, which would have created a new capital offence. Amnesty International

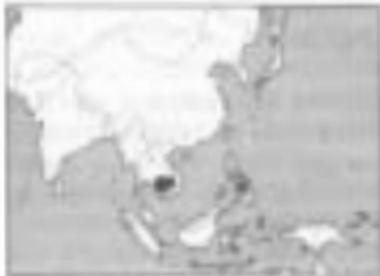
also requested information about allegations of ill-treatment made by a prisoner convicted of murder.

Amnesty International expressed concern to the authorities about three reported executions. The authorities report the number of executions but do not disclose the names of those executed. However, Amnesty International believes that those executed were Takuji Oshima and Sokichi Furuya, on 31 May, and Toshiaki Abe, on 25 July. All three had been convicted of murder.

According to statistics submitted by Japan to the UN there were five executions between 1979 and 1983. Amnesty International also knows of one execution in 1984. At the end of 1985 some 75 prisoners were known to be under sentence of death; at least 22 of them had had their sentences upheld by the Supreme Court. Ten had been under sentence of death for between 10 and 34 years.

Although the government had previously stated its intention to reduce the number of offences punishable by the death penalty, in May the ruling Liberal Democratic Party introduced in the *Diet* a draft law imposing the death penalty for acts of espionage which "seriously affect the security of the state". On 3 June Amnesty International wrote to the authorities urging them not to widen the application of the death penalty but rather to abolish capital punishment and carry out no further executions. The draft law was later withdrawn.

On 7 June Amnesty International asked the authorities whether they had investigated the claims made by Kazue Ishikawa, who was serving a life sentence for murder and whose appeal for retrial was rejected by the Supreme Court in May, that he had been ill-treated to force him falsely to admit to the crime. No reply was received.



## Kampuchea (Cambodia)

Amnesty International was concerned about violations of the human rights of people under the administrative authority of the People's Republic of Kampuchea (PRK), and under the administrative authority of the Coalition Government of Democratic Kampuchea (CGDK). Amnesty International's concerns regarding the PRK included reports that at least some of the hundreds of people officially stated to have been arrested on political grounds during 1985 were imprisoned without trial and tortured or ill-treated. The organization believed that some may have been prisoners of conscience. Thousands of people officially described as "misled persons" were stated to have surrendered themselves to PRK government authorities during 1985, and Amnesty International was concerned that some had reportedly been detained without trial for "re-education". Amnesty International's concerns regarding the CGDK included reports that some of its component parties had committed extrajudicial executions, had held prisoners of conscience and other political prisoners without trial, and had subjected individuals in their custody to cruel, inhuman or degrading treatment.

Political and military strife continued in Kampuchea (Cambodia) throughout 1985. Vietnamese troops and advisory experts remained in significant numbers in the PRK. Fighting along the country's border with Thailand that began in late 1984 and ended in early 1985 resulted in the relocation of the overwhelming majority of the civilian population under the control of the CGDK to "evacuation sites" in Thailand. There they remained under the administrative authority of the CGDK's three component elements: the *Partie* of Democratic Kampuchea (PDK), the Khmer People's National Liberation Front (KPNLF) and the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC). The CGDK continued to be recognized by the UN.

In 1985 Amnesty International received new information corroborating earlier reports (see *Amnesty International Report 1985*) that during 1984 and in previous years, PRK and Vietnamese security and military personnel grossly and consistently violated the human rights of Kampuchean subjects to their authority. Among these violations was the long-term detention without charge or trial of many people, including prisoners of conscience, suspected of dissenting from PRK policies or of being involved with opposition activities of the three

components of the CGDK or other groups. Numerous reports were also received that in 1984 and earlier years people held on account of suspected political activities were systematically tortured and routinely held shackled in lightless solitary confinement cells for long periods, and that political detainees had died as a result of ill-treatment and lack of medical care and food.

The information available to Amnesty International during 1985 was insufficient to allow it to ascertain the precise extent to which such human rights violations continued. Amnesty International did, however, receive reports indicating that political arrests remained commonplace and that some political detainees were held without charge or trial, tortured and placed in completely lightless cells.

The PRK's official news media confirmed that numerous political arrests took place during 1985. In one of the PRK's 20 provinces and municipalities, *Kampung Cham*, 112 "implanted enemies" were stated to have been arrested between January and June 1985, while in a second, *Siem Reap-Utdar Meanchey*, 111 "enemy elements" were stated to have been arrested. Other official statements mentioned political arrests in *Batdambang*, *Kracheh*, *Kampot*, *Kampung Thom* and *Phnom Penh*. However, to Amnesty International's knowledge, the official news media broadcast no accounts of political trials during 1985.

Amnesty International wrote in June to the PRK Vice Chairman of the Council of Ministers and Minister of Defence, *Bou Thang*, and in November to the PRK First Vice Minister of the Interior requesting information about any charges against those arrested, whether or when they were due to be tried, and whether they were being allowed access to legal counsel and family. It also asked for assurances that they would be treated in accordance with internationally recognized human rights standards.

In these letters, Amnesty International also expressed concern about the detention or restriction for "re-education" without charge or trial of those who are officially termed "misled persons". These are understood to be defined as people who voluntarily surrender themselves to the custody of the PRK authorities to take advantage of an officially proclaimed "policy of clemency" that offers them exemption from formal prosecution for activities they may have carried out on behalf of the CGDK or other opposition groups, provided they demonstrate loyalty to the PRK. Official reports stated that 3,314 "misled persons" had turned themselves in between October 1984 and June 1985, and that several hundred such people had surrendered themselves each month after June. Some "misled persons" were alleged to have been threatened by local authorities with indefinite extension of their detention. Amnesty International

expressed concern that "mised persons" were not offered any legal safeguards against arbitrary detention and urged the PRK to promulgate such safeguards. In July, Amnesty International wrote also to the PRK Minister of Justice to ask for his assistance in obtaining information about recent developments in the PRK legal and judicial systems. As of the end of 1985, Amnesty International had received no replies to any of its letters.

With regard to the CGDK, Amnesty International was concerned about reports that PDK soldiers had killed several Kampuchean civilians in May at a PDK-administered refugee evacuation site after they had refused to perform military labour service and had expressed their political support for FUNCINPEC and CGDK President Prince Norodom Sihanouk. Other FUNCINPEC supporters were reported to have been detained without charge or trial at a PDK military base where they were beaten or compelled to work in areas where there were known to be mines. In a letter to the PDK Minister of National Defence, Son Sen, the organization urged the PDK to investigate these reports and to release all individuals detained because of their conscientious objection to military labour service and their non-violent political views. In response, the CGDK Vice President Khieu Samphan acknowledged that the reported deaths and detentions might have occurred, but disclaimed any PDK responsibility for them. Amnesty International subsequently received reports that at least some of those detained during the original incident were still in custody.

Amnesty International's concerns with regard to the KPNLF included the detention without charge or trial of alleged political dissidents by KPNLF soldiers at refugee evacuation sites and military bases. It was also concerned about reports that at one military base they had raped Vietnamese and other refugee women taken into their custody, and that at another they had extrajudicially killed alleged political opponents and suspected common criminal offenders. These concerns were communicated to CGDK Prime Minister and KPNLF President Son Sann in a December letter following a meeting between him and Amnesty International. In this meeting, he had acknowledged abuses committed by the KPNLF in 1984 (see *Amnesty International Report 1985*) and had asked Amnesty International to recommend ways of remedying the human rights policies and practices of the CGDK and KPNLF. In its letter Amnesty International called for an investigation into the abuses reportedly committed during 1985, and for the release of all prisoners of conscience. Amnesty International also expressed concern that people under CGDK and KPNLF administrative authority were effectively denied legal protection for their internationally recognized

human rights. It urged the CGDK and KPRLF to put into effect such guarantees.

Amnesty International had no information about the human rights situation in areas under the administrative authority of the FUNCINPEC. It did, however, communicate to CGDK and FUNCINPEC President Prince Norodom Sihanouk its concern that the FUNCINPEC had also failed to establish effective legal guarantees for the human rights of those under its administrative authority, and urged it to do so.



## Korea (Democratic People's Republic of)

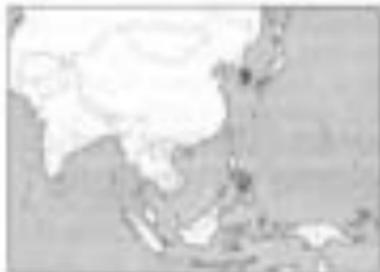
Amnesty International's work on the Democratic People's Republic of Korea (DPRK) continued to be seriously hampered by the authorities' refusal to divulge information about arrests, political imprisonment, trials or the death penalty. The only exception known to Amnesty International was the announcement of arrests of people allegedly entering the DPRK to carry out espionage.

However, a range of sources continued to report human rights violations of potential concern to Amnesty International. In May the organization published a review of its concerns in the DPRK. These included the detention of political prisoners, trial procedures and the death penalty.

Amnesty International continued to investigate reports of political imprisonment, including the cases of four prominent political figures reportedly arrested between 1967 and 1977 — Pak Kum-chol, Kim Chang-bong, Ryu Chang-shik and Li Yong-mu (see *Amnesty International Report 1985*) — but remained unable to confirm whether they were still in detention.

Amnesty International has received no information about trials of political prisoners since the account of Ali Lameda, a Venezuelan working for the Government of the DPRK who was sentenced to 20 years' imprisonment in 1968 (see *Ali Lameda: A Personal Account of the Experience of a Prisoner of Conscience in the DPRK*, Amnesty International 1979). This trial did not conform to internationally recognized standards of fairness.

The death penalty is provided for a range of criminal and political offences in the penal code. However, Amnesty International had no information indicating whether or not any death sentences were imposed or executions carried out during 1985.



## Korea (Republic of)

Amnesty International was concerned about the detention of a large number of prisoners of conscience. Hundreds of people were detained for short periods, some several times, for participating in peaceful protests or making anti-government statements. Some well-known dissidents were repeatedly placed under house arrest for a few days or for several weeks. In June the authorities' policy towards dissent became harsher and many student leaders and a number of leading political activists and trade unionists were arrested and prosecuted on charges which called for several years' imprisonment. Some 25 prisoners of conscience who had been arrested between 1971 and 1982 remained in detention. Several people interrogated under the National Security Law (NSL) were reportedly tortured and Amnesty International received reports of the ill-treatment of a number of convicted political prisoners. Five executions took place.

On 14 August Amnesty International submitted to the authorities a memorandum detailing its concerns and making a number of recommendations to redress past human rights violations and ensure greater respect for human rights in the future.

Two Amnesty International delegates visited South Korea from 27 November to 7 December. They attended the trial hearings of 13 students accused of subversion in connection with the student publication *Kitpal* and of 20 students who were accused of subversion and espionage on behalf of North Korea. They also met a number of lawyers, representatives of non-governmental organizations and officials from several ministries, including the Ministry of Justice.

Following student demonstrations, occupations of buildings and displays of support for industrial workers in dispute, in late June the authorities arrested some 60 leaders of university student councils. A

number were accused under the NSL of aiding North Korea through their professed ideology of the "three *min*" (the liberation of the masses, democracy and unification). Others were charged with organizing illegal demonstrations. According to official statistics, between late May and late October about 2,000 students were taken to police stations for participating in anti-government protests. Of them, 309 were charged under the Law on Assemblies and Demonstrations (LAD) and faced up to seven years' imprisonment; over 1,000 were referred to summary courts and sentenced to up to 29 days in police detention; most of the others were released with a warning. The press reported that on a number of occasions students responded to police tear-gas with stones or petrol bombs. However, Amnesty International believed that some of the students might be prisoners of conscience.

Throughout 1985 people were detained by police for the peaceful expression of their political views or for taking part in non-violent demonstrations. Their detention lasted from a few hours' questioning to 29-day sentences imposed by summary courts under the Minor Offences Punishment Act. The largest numbers were detained in connection with the 12 February parliamentary election and on the anniversary of the Kwangju incident of May 1980. Those detained came from many walks of life: bookshop managers who stocked books the authorities considered radical; painters whose works depicted the lives of workers; supporters of workers on strike; relatives of political prisoners and participants in meetings against torture; farmers who protested against the government's agricultural policies; students; clergymen; members of dissident organizations of journalists; Buddhist laymen and monks; Christians; and politicians. Some of them were detained repeatedly.

House arrest was also imposed frequently on some 20 well-known dissidents to prevent them from attending or addressing meetings. Such measures were applied when opposition politician Kim Dae-jung returned to South Korea in February; on the anniversary of the Kwangju incident; and during a meeting of international financial institutions in Seoul from 8 to 11 October.

Amnesty International believed that there might be prisoners of conscience among workers arrested during strikes at the Daewoo Motor Company plant in Incheon in April, and in the Kuro industrial estate in Seoul in June.

Among the people charged under the NSL whom Amnesty International considered to be prisoners of conscience were Kim Chin-gyong and Yun Chae-chol, two high-school teachers, and Song Ki-won, a writer and publisher, who were arrested in August. The two teachers had contributed articles criticizing the education system

to the first issue of *Minjung Kyoyuk* (Education for the Masses) which Song Ki-won published. Their trial started on 10 December.

Amnesty International was also concerned about the detention of Song Jin-sup and Lee Sang-don. Both were staff members of the Urban-Rural Mission in Yongdungpo, Seoul. They were arrested in mid-December 1985 and charged under the NSL in connection with an article on unemployment in the Mission's newspaper. This was Song Jin-sup's third arrest in five months in connection with the Mission's newspaper; in August he had been sentenced to five and in November to 15 days' imprisonment.

On 12 December, Kim Byong-kon, Chairman of the Standing Committee of the National Youth Alliance for Democracy (NYAD), a group set up in late 1983 with the stated aims of furthering democracy, raising workers' living standards and the unification of Korea, was sentenced to two years' imprisonment. He was convicted under the LAD and Article 104(2) of the criminal code of distributing a statement in February to foreign journalists calling on foreign governments to withdraw their support from the South Korean Government. He was adopted as a prisoner of conscience.

No political prisoners were released under presidential amnesties traditionally granted on certain anniversaries and Amnesty International continued to appeal for the release of some 25 long-term prisoners of conscience. Among them was Lee Tae-bok, the owner of a small publishing company arrested in 1981 on account of his endeavours for workers' rights, who was serving a sentence of 20 years' imprisonment. Amnesty International was concerned about his ill-health and made a special appeal for his release. In December 1984 the Seoul High Court had invalidated the preventive detention order issued by the Minister of Justice on prisoner of conscience Kang Jong-kon but on 14 February 1985 the Minister renewed the detention order. Kang Jong-kon had been detained in preventive custody since February 1981 when his sentence under the NSL expired.

Amnesty International expressed its concern to the authorities about the reported torture of a number of people questioned by the Anti-Communist Bureau of the National Police or by the Agency for National Security Planning (ANSP) and urged them to investigate these allegations. In March several students and graduates of Seoul National University were reportedly tortured by police who were questioning them about the student magazine *Kitpal*. On 30 August and 1 September the chief editor of the national newspaper *Dong-A Ilbo*, together with the head of its political section and another journalist, were detained by the ANSP and allegedly severely beaten.

Amnesty International was concerned about the reported torture

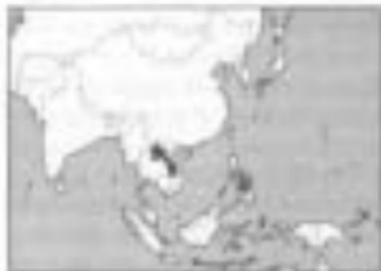
of Kim Keun-tae, a political economy graduate and former chairman of the NYAD. On 4 September Kim Keun-tae was taken to the Namyong-dong office of the Anti-Communist Bureau of the National Police and interrogated there until his transfer to the Seoul prosecutor's office on 26 September. One month later he was charged with praising North Korea and organizing demonstrations. At his trial, which started on 19 December, he claimed that he was repeatedly given electric shocks, beaten, subjected to "water torture", threatened with death, and denied sleep and adequate food. Amnesty International's concern about the reports of Kim Keun-tae's torture was reinforced by the fact that his relatives and lawyers were denied access to him for many weeks. On 12 October a court refused his lawyers' application to have him examined in order to document evidence of torture. On 7 November a court granted a prosecution request to ban him from meeting his wife on the grounds that he might ask her to remove evidence. Requests by his lawyers to see him were routinely refused until 9 December. In November the Supreme Prosecutor's Office stated that its investigations had found no trace of torture and that "Kim's complexion appeared healthy and there was no sign of torture in his walk or other physical and mental movements.

Also of concern to Amnesty International was the health of Lee Ul-ho, another official of the NYAD, arrested on 2 September. At the request of the prosecuting authorities, on 16 October a court ordered him to be examined in a mental hospital. He was said to show suicidal tendencies. Amnesty International called for adequate medical care and an investigation into reports that he had been tortured.

Amnesty International was concerned about reports that 19 political prisoners held in Taegu prison were beaten on 31 July as they held a protest against overcrowding. Lee Chul, an adopted prisoner of conscience, was reportedly beaten unconscious; another prisoner of conscience, Chong Ching-kwan, had his teeth broken. The authorities denied that the guards beat Chong Ching-kwan and stated that his injuries were self-inflicted. Chong Ching-kwan subsequently filed a complaint against the prison authorities with Taegu district court. Another prisoner of conscience, Soh Sung, who has been detained since 1971, was reportedly beaten in Taejon prison in July for going on hunger-strike.

Amnesty International appealed for the commutation of the death sentences on several prisoners, including Kim Beong-ju, a businessman from Japan whose death sentence for espionage was confirmed by the Supreme Court on 22 January. Amnesty International also expressed concern to the authorities about the execution on 31

October of five people convicted of murder and rape or rape and robbery.



## Laos

Amnesty International continued to be concerned about the restriction without charge, trial or sentence of many thousands of people taken into custody for "re-education" at the time of the change of government in 1975.

Amnesty International also continued to receive reports of the administrative restriction or detention of several government officials arrested in recent years, possibly on political grounds, and remained concerned about the lack of proper legal safeguards for political detainees.

Information gathered by Amnesty International during 1985 corroborated reports received earlier (see *Amnesty International Report 1985*) that the government had institutionalized a modified system of "re-education" for people taken into custody in 1975 on account of their alleged political activities or official positions under a previous government or because of political beliefs imputed to them. Amnesty International was unable to ascertain the total number of people still being held, but it learned of an internal government estimate that some 5,000 people remained in "re-education". Most of those held had been members of the armed forces, police or civil service of a previous government. Official statements appeared to confirm claims by those held that most were still kept in restriction or detention not because of any offences they might have committed before 1975, but on account of the authorities' suspicions that they were opposed to policies and practices of the present government. Amnesty International believed that many of them were prisoners of conscience.

According to information available to Amnesty International, people held for continuing "re-education" were restricted or detained in remote districts in at least seven provinces — Houa Phan, Xieng Khouang, Khammouan, Savannakhet, Salavan, Xekong and Attapeu — and probably in others as well. Under the modified system of "re-education" evidently institutionalized throughout the country, most were no longer kept, as they had been initially, in

high-security camp facilities heavily guarded by national armed forces detachments. Many were scattered into small and generally mobile "road construction units" performing hard labour at sites where they were sent by the provincial administration and where they were kept under surveillance by local militia. Others were working either as menial or semi-skilled labourers for the provincial administration and its armed forces or doing farm work in local agricultural *nikhom* (settlements).

Amnesty International learned of some releases from "re-education" during 1985. Several dozen people were officially released in June from the Sop Pan Road Construction Headquarters in Houa Phan Province. They were transported home to the capital, Vientiane, where in July some of them attended a welcoming ceremony organized by the Ministry of the Interior. Many others who had hoped to be released were, however, disappointed, and Amnesty International received a report of one suicide that was said to have resulted. It also received reports of escape attempts, some of which succeeded, but some of which were said to have ended in death or imprisonment.

In April Amnesty International appealed on behalf of all those held since 1975 for "re-education": it called for the immediate release of those who were prisoners of conscience and for the rest either to be promptly charged and fairly tried or released. In August it submitted to the Chairman of the Council of Ministers and Secretary General of the ruling Revolutionary People's Party of Laos, Kaysone Phomvihon, a list of some 2,632 people believed to be among those still held, and reiterated its recommendations.

Having received no response to any of its earlier appeals, Amnesty International in early November again wrote to Chairman and Secretary General Kaysone, stating that if these recommendations were implemented, such a demonstration of adherence to the Universal Declaration of Human Rights would contribute positively to the celebrations marking the 10th founding anniversary of the Democratic People's Republic of Laos, which fell on 2 December.

Amnesty International continued to work on behalf of almost 40 people in "re-education". Two of these, Tiao Sisouphan Manoreth, a dental surgeon, and Tenh Teso, Director of the pre-1975 Institute of Law and Administration, were reportedly released during 1985. Two others, Tiao Souk Bouavong, a Vice-Chairman of the pre-1975 National Assembly, and Khamsouk Singaraj, a high-ranking official of the pre-1975 Ministry of National Economy, were reported during the year to have died, apparently of natural causes. Among those reportedly still held were Khamkhing Souvanlasy, the former Secretary General of the Laos National Commission for Unesco,

Samlith Ratsaphung, a former Ministry of Information official, and Pane Rassavong, Director of the pre-1975 General Planning Commission.

Amnesty International also received reports that some of the government officials arrested during 1983 and 1984 (see *Amnesty International Report 1985*) remained imprisoned after unfair trial procedures or were detained or kept under house arrest without charge or trial. Most of them had been accused of "corruption", but these accusations were reported to be in at least some instances politically motivated. One person on whose behalf Amnesty International had appealed, Chanpheng Bounnaphon, was reported to have been released during 1985 and reinstated to his previous post as a Vice-Minister of Commerce. Others, however, were believed still to be imprisoned or under house arrest. These included Sengkham Phinit, a Vice-Minister of Construction at the time of his arrest in 1983, and Oudone Phonsena, a Vice-Minister of Finance and the local governor of the World Bank at the time of his arrest in 1984.

As in previous years, Amnesty International was concerned about the lack of legal safeguards for people accused of political offences. In the absence of a constitution and of formally promulgated penal and criminal procedure codes, citizens of Laos were effectively denied proper legal guarantees of their internationally recognized human rights, among them the rights not to be subjected to arbitrary arrest, detention or exile. While welcoming official statements that a draft constitution guaranteeing "the fundamental rights of the people" would be completed by the end of 1985, Amnesty International urged the government to incorporate into it the human rights proclaimed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and also to proceed rapidly to the promulgation of penal and criminal procedure codes guaranteeing such rights. By the end of 1985, however, no draft constitution had been published, and the country remained without penal and criminal procedure codes.



## Malaysia

Amnesty International continued to be concerned about the long-term detention without charge or trial of approximately 60 prisoners, including a number of prisoners of conscience, under the Internal Security Act (ISA), 1960, and

about the increased use of the death penalty.

Under the ISA people considered by the authorities to represent a threat to national security may be detained without charge or trial for renewable two-year periods. In most cases the government has accused ISA detainees of being members or supporters of the banned Communist Party of Malaya. The detainees have no opportunity to challenge their detention in court. Fewer detainees were held under this law than in previous years: according to a government statement in October, 152 ISA detainees had been released by then during 1985 and only two people had been arrested under this legislation in the same period. Nevertheless, by the end of 1985 Amnesty International was working on behalf of 47 prisoners whom it had either adopted as prisoners of conscience or taken up for investigation. Many of these detainees had been held without charge or trial since the mid-1970s. Several prisoners of conscience for whose release Amnesty International had appealed for many years continued to be detained, including Wong Yong Huat and Loo Ming Leong, both held without trial since 1972 (see *Amnesty International Report 1985*).

Among those held without trial under the ISA for whose release Amnesty International worked were members of the Islamic opposition party, Pas (*Parti Islam se Malaysia*). Haji Suhaimi Said, a lawyer and legal adviser for Pas, was arrested on 14 March and later served with a two-year detention order. A government statement accused him of actions which could "split the country's Malay and Muslim community" and "threaten public order and national security". He had been an election official for Pas in a by-election campaign in January, and had published a pamphlet describing clashes between supporters of Pas and the United Malay National Organization (UNMO) — the dominant party in the government — at Lubuk Merbau during the campaign. Another member of Pas, Abu Bakar bin Chik, also adopted by Amnesty International as a prisoner of conscience (see *Amnesty International Report 1985*), remained in detention throughout 1985.

Most prisoners detained under the ISA were believed to be held in

Taiping Detention Camp in Perak. Medical facilities at this camp were reported to be poor and many of the cells hot and poorly ventilated. Detainees in Taiping were reported to have gone on hunger-strike in October and November to protest about conditions. Some detainees were transferred to other places of detention such as the Special Branch headquarters in Johor Bahru, the Police Rehabilitation Centre headquarters in Kuala Lumpur or other police stations. There ISA detainees were reported to be held, usually in solitary confinement, for interrogation. While some detainees were later released others were merely returned to Taiping.

Amnesty International was concerned about the increased use of the death penalty during 1985. Thirty-six people were sentenced to death and 10 executed. Thirty-three of these death sentences were imposed following convictions for drug trafficking. Possession of over 15 grams of heroin or fixed amounts of other drugs incurs a mandatory death penalty. Two Australian nationals, Brian Chambers and Kevin Barlow, were sentenced to death for drug offences in August. Their appeal was dismissed by the Supreme Court in December and by the end of 1985 a plea for clemency was reported to be pending before the Pardons Board of Penang. According to police sources hundreds of Malaysians and about 30 other foreigners were in detention facing charges of drug trafficking which carried mandatory death sentences.

The death penalty is also mandatory for the illegal possession of firearms under Section 57(1) of the ISA. Public debate on this issue was stimulated when one prisoner who had been sentenced to death under this legislation, Sim Kie Chon, obtained a stay of execution shortly before the date on which he was to be hanged. He had filed a civil suit alleging that the Pardons Board had acted unfairly in upholding his sentence when they had in 1983 commuted the death sentence imposed on a former cabinet minister convicted of murder. Appeals on behalf of Sim Kie Chon were then submitted to the government by a wide range of political parties, trade unions and other groups including Amnesty International and on 14 August, the day to which his execution had reportedly been rescheduled, the Attorney General announced that the King had granted a further stay of execution. Nevertheless the Vice-President of the Malaysian Bar Council, Param Cumaraswamy, was later charged under the Sedition Act for questioning the impartiality of the Pardons Board in connection with this case, and his trial on these charges opened in November.



## Nepal

Amnesty International remained concerned about continuing arrests of prisoners of conscience, among them large numbers of politicians, political party supporters, teachers and students and some journalists. Nepalese Christians were arrested

because of their religious beliefs. Many people were arrested after a number of bomb explosions in June and Amnesty International was concerned that these prisoners were not protected by customary legal safeguards. Over a dozen political prisoners whose sentences had expired were held in preventive detention under the Public Security Act (PSA) and some political prisoners were reportedly held without charge. Amnesty International was also concerned about allegations of torture and ill-treatment of political prisoners. Legislation was enacted extending the death penalty to ordinary criminal offences, primarily murder.

From 8 January for several weeks, teachers held public meetings and demonstrations to press for the registration of the Nepal National Teachers' Organization (NNTO), and for improved wages. Many hundreds were arrested, and there were allegations of police violence against demonstrators both before and after arrest. In February Amnesty International communicated its concern about these arrests and alleged police ill-treatment. Many teachers were soon released but leaders of the NNTO and others were kept in detention. In April Amnesty International urged the Prime Minister to release all those arrested solely for having participated in non-violent assemblies. Among some dozens of teachers who remained in detention several months later, reportedly without charge, was Devi Prasad Ojha, General Secretary of the NNTO.

Political activity was restricted in Nepal and, under the country's "non-party" system of government, political parties were officially prohibited. Opposition parties, however, continued to exist and the Nepali Congress Party, supported by the Nepal Communist Party and other groups, launched a *satyagraha* (civil disobedience movement) on 23 May to press for a return to party politics. In the weeks leading up to the campaign, Congress Party members were arrested, for example when collecting signatures on petitions. After the launch of the *satyagraha*, which involved public meetings, processions and pickets of government offices, thousands of government opponents were arrested, many of whom Amnesty International considered likely to be prisoners

of conscience. Journalists accused of writing articles in support of the opposition's activities were also detained, mostly for short periods.

The *satyagraha* was called off after bomb explosions killed eight people in Kathmandu and elsewhere on 20 and 21 June, a form of action from which the Congress Party and other political groups dissociated themselves. Responsibility was claimed by an organization based outside Nepal. However, hundreds of Congress and Communist Party supporters were held under the preventive detention provisions of the PSA until late August, when phased releases began. By early December, several dozen people arrested during the *satyagraha* were still detained in Kathmandu, but Amnesty International did not know how many of those arrested in more remote parts remained in detention.

Several hundred people were arrested after the bomb explosions of whom over 100 were believed to be still held at the end of 1985. Under the Destructive Crimes (Special Control and Punishment) Act 1985, enacted in August, prisoners arrested in connection with the bomb explosions could be held without charge in police custody for investigation for 90 days and this could be extended for a further 90 days with a court's permission. Of particular concern to Amnesty International were reports that the authorities had refused to acknowledge the arrest of some prisoners, who had been denied access to relatives and defence counsel for long periods. In several cases, *habeas corpus* petitions were filed on behalf of these prisoners. During Supreme Court hearings of a petition on behalf of Ganesh Shah, an engineer in government service before his arrest in late June, police authorities in Kathmandu reportedly twice denied holding him in custody although he was ultimately released around the end of November.

More than 12 prisoners who had been convicted during the 1970s of politically motivated criminal offences including murder were kept in jail after the expiry of their sentences. When some of them challenged their continued imprisonment through *habeas corpus* petitions to the Supreme Court, which ordered their release, it became clear that they were being held under the PSA. Amnesty International was concerned that the PSA allows preventive detention under nine-month detention orders which are not subject to judicial review and are renewable up to a maximum of three years.

Other prisoners reportedly held without charge throughout 1985 included 15 people arrested in January 1984 in Piskar when attending a play said to have been insulting to the monarchy (see *Amnesty International Report 1985*). Some of them went on hunger-strike in July to protest at their continued detention without charge and Amnesty International inquired about the grounds for their imprisonment.

Amnesty International was concerned about continuing arrests of Christians, either for propagating their faith or for having converted from Hinduism. It considered them to be prisoners of conscience. Conversion is prohibited under the Constitution. Dozens of Christians were arrested during 1985, some of whom were reportedly ill-treated in police custody. Not all cases brought to court resulted in conviction, although sentences of three months to six years were imposed by the lower courts in many cases. Those involved were released on bail after several weeks' imprisonment.

Among political prisoners reportedly tortured in police custody was Sarbottam Dangol, on whose behalf Amnesty International issued urgent appeals. Arrested on 29 May apparently on suspicion of involvement in the *satyagraha*, he was reportedly tied to a bamboo pole, hung upside down and beaten with fists and iron bars, suffering serious injuries to his legs for which he was treated in a police hospital. For several weeks he was denied access to his family. Amnesty International called for an investigation into the reports of torture of Sarbottam Dangol and other political prisoners.

In 1945 Nepal abolished the death penalty for ordinary criminal offences, retaining it only for attacks on the Royal Family, certain anti-state acts such as insurrection and some military offences. Legislation providing for the death penalty was considerably broadened during 1985. The Legal Code was amended to include the penalty of death for certain murders, including those committed during hijacks or kidnappings, by using toxic substances or when "subjecting any person to prolonged torture . . . or recklessly using weapons". The Destructive Crimes (Special Control and Punishment) Act 1985, introduced initially for three years, made available the death penalty for anyone using explosives or weapons to damage public security leading to death. The law was applied retroactively, in violation of international legal standards, and provided for *in camera* trial before a special court appointed by the government, whose composition could be changed by government order. The Nepal Special Services Act 1985, which established a Nepalese intelligence agency, contained the provision that a Special Service employee contravening the conditions of employment (misusing their position or divulging secret information, for example) might face the death penalty "depending on the extent of his guilt".



## Pakistan

Government opponents continued to face arrest and imprisonment, generally for short periods, for participating in peaceful political activities and some long-term prisoners of conscience remained in detention. Amnesty International was also concerned about political prisoners convicted after unfair trials before military courts, although several dozen political prisoners previously convicted were released. Reports of torture, particularly in police custody, persisted. Sentences of flogging and the death penalty continued to be regularly imposed.

Martial law, under which political parties and political activities were formally banned, continued into its ninth year until it was lifted on 30 December. With the lifting of martial law, military courts were abolished and articles of the Constitution guaranteeing such fundamental rights as freedom from arbitrary arrest, freedom of speech and freedom of assembly were restored.

In the run-up to the lifting of martial law, national and provincial elections were held on 25 and 28 February. The elections took place on a "non-party basis" which led to their being boycotted by the coalition of major opposition parties, the Movement for the Restoration of Democracy (MRD). Large-scale arrests of prisoners of conscience ensued. During January and February several hundred people, including most MRD leaders, were arrested, not only when participating in prohibited demonstrations but also in raids on their homes. The vast majority of these prisoners were released uncharged by early April but some 20 party workers in different parts of the country were charged with offences such as "distributing pamphlets or leaflets against the elections" and "pasting posters on walls" exhorting an election boycott. They were sentenced to between three and 12 months' imprisonment.

A few dozen political activists were arrested in August when Benazir Bhutto, leader of the Pakistan People's Party, returned to Pakistan to attend the funeral of her younger brother; they were held for several weeks. Benazir Bhutto was herself placed under house arrest for some eight weeks following the funeral, accused of violating martial law regulations, and was released only on condition that she leave Pakistan to testify at a judicial investigation into her brother's death being held in France.

Hundreds of members of the Shi'a minority were detained for short

periods early in the year after peaceful protests against government policies.

Members of the Ahmadiyya community continued to face arrest. They had been banned from calling themselves Muslims and using Muslim practices in worship in April 1984 (see *Amnesty International Report 1985*). In Tharparkar district of Sind province during April and May over 100 Ahmadi were arrested and detained for some weeks when Ahmadi youths wore badges bearing an Islamic inscription in open defiance of the restrictions on their community. A number of those arrested were reported to have been severely beaten by the police. The arrests were made under the amended sections of the penal code governing the Ahmadi's activities or for "breach of the peace". Although most of those arrested were charged, there had been no further proceedings in the majority of cases by the end of 1985. At its session in August the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities expressed grave concern about the presidential ordinance of 1984 concerning the Ahmadiyya community.

Among the prisoners of conscience still held under preventive detention provisions were Rasul Bux Palejo, Secretary General of the *Awami Tehrik*, People's Movement, and Fazil Rahu, its President, who were arrested in October 1979 and September 1983 respectively, and Dr Hasan Zafar Arif, an Associate Professor at Karachi University arrested in October 1984 and detained for his criticism of the martial law government. A small number of other prisoners of conscience, convicted by military courts on charges such as "propagation of opinions prejudicial to the ideology of Pakistan" and possession of "subversive literature" remained in jail.

The practice of trying civilian political prisoners before military courts employing procedures contrary to international legal standards has been of concern to Amnesty International since 1977. Although military courts were abolished when martial law was lifted, prisoners previously convicted by them were left without legal redress, since under constitutional amendments introduced in 1985 no sentences passed by any martial law authority could be challenged in the courts.

Military courts fell into two categories: summary military courts, with power to impose sentences of imprisonment of up to three years; and special military courts, empowered to hand down longer terms of imprisonment and the death penalty. Summary military courts consisted of one member of the armed forces and the accused was not permitted to be represented by a lawyer. Neither category of court allowed for any judicial appeal. Approximately 100 political prisoners, mainly in Punjab province, sentenced in 1984 by summary military courts to between one and three years' imprisonment were

released. They had been convicted of association with *Al-Zulfikar*, deemed to be a terrorist organization. However, trials before summary military courts continued until the lifting of martial law, and in Sind province some students and others still faced charges under martial law provisions for anti-government activities.

In November Amnesty International published *The Trial and Treatment of Political Prisoners Convicted by Special Military Courts in Pakistan*. This report included a memorandum submitted to the government in June, which analysed the procedures of special military courts with particular reference to three recent trials. The report concluded that these courts failed to comply with international legal standards in three major respects: their lack of independence from the martial law authorities; their denial of the right to a fair hearing, including the acceptance in evidence of testimony reportedly extracted under duress and restrictions on defence rights; and their denial of the right to appeal to a higher tribunal. In its memorandum to the government, to which the organization received no response, Amnesty International recommended the abolition of special military courts and the retrial of prisoners convicted by them before courts providing all internationally recognized safeguards for a fair trial. Among the 12 other recommendations were a call for the immediate withdrawal of President's Order No. 4 of 1982 (the Criminal Law Amendment Order, 1982) invoked in recent trials — which had permitted cases to be heard *in camera*, additional curtailment of defence rights and changes in the rules of evidence — and full and impartial investigations into allegations of torture of prisoners.

In three of the trials Amnesty International publicized in its report, defendants had been sentenced to 25 years' imprisonment. Five prisoners in Rawalpindi accused of criminal conspiracy to overthrow the government, apparently in connection with a visit to Libya, were sentenced to 25 years' imprisonment. Thirteen others were acquitted. The five had been detained for over three years without being charged and had been held for much of the time in bar fetters. In another case, 54 prisoners in Lahore were convicted on charges of criminal conspiracy, including membership of *Al-Zulfikar* and sedition, and were all sentenced to 25 years' imprisonment. In a third trial 17 defendants, most of them serving military officers at the time of their arrest, were charged with "conspiracy to wage war against Pakistan", conspiracy to commit sedition and concealing such conspiracies. Five were sentenced to terms of between 10 and 25 years and the rest acquitted. During this trial, defence counsel complained in court that the accused had been tortured and argued that no evidence other than testimony extracted under duress had been produced. At least 25 other political prisoners were convicted by

special military courts during the year.

Amnesty International continued to receive allegations that criminal suspects and, less frequently, political prisoners were tortured in police custody. In September it raised with the Chief Minister of Sind province its concern about reports that Bashir Ahmed Qureshi, a student at Tando Jam Agricultural University and Vice-President of the Jeay Sind Student Federation unit there, was tortured after his arrest on 15 January. He was reported to have been severely beaten on the legs and kept in bar fetters, necessitating treatment in hospital in Hyderabad for some weeks. News of the deaths of criminal suspects in police custody, allegedly resulting from torture, was also published regularly in the press. Addressing a police training school in mid-July, the governor and martial law administrator of Punjab province reportedly acknowledged public complaints regarding "police excesses and violence". The Inspector General of Punjab Police was also reported to have directed senior police officers to "ensure the elimination of torture practices in police stations".

Amnesty International recorded 57 executions and 84 death sentences, most of them imposed by special military courts. Two prisoners tried by these courts for politically motivated criminal offences were among those executed. Nasir Baluch was one of four people sentenced to death in connection with a hijacking in 1981; the other three had their clemency appeals accepted after widespread publicity was given to executive interference in the judicial process. Ayaz Samoo was found guilty of the murder of a pro-government politician. Ayaz Samoo's family had reportedly not been informed of the outcome of his clemency appeal when summoned to the jail on 25 June to visit him because of his alleged ill-health. They then learned that he was to be executed within 12 hours. Ayaz Samoo's case, together with the cases of a number of other prisoners sentenced to death by special military courts, were submitted by Amnesty International to the UN Special Rapporteur on summary or arbitrary executions.

Hundreds of people were sentenced to be flogged, mostly for criminal offences or for violation of Islamic ordinances such as that relating to adultery. A few political prisoners were also sentenced to be flogged.

Although in some prisons, particularly in Punjab province, bar fetters were removed from political prisoners, the practice of keeping some prisoners in bar fetters and shackles for long periods persisted.

In April Amnesty International submitted information about its concerns in Pakistan under the UN procedure for confidentially reviewing communications about human rights violations (the so-called "1503 procedure").

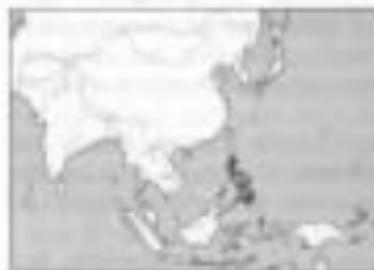


## Papua New Guinea

Amnesty International appealed to the government in October and November to halt the forcible return of refugees to Indonesia. In June and October refugees from Irian Jaya, the easternmost province of Indonesia which borders

Papua New Guinea, were forcibly repatriated and immediately imprisoned by Indonesian security forces. All were suspected of being sympathizers with the *Organisasi Papua Merdeka* (OPM), the Free Papua Movement, which has been waging an armed struggle against Indonesia for the independence of Irian Jaya since the mid-1960s. Amnesty International believed that those returned might be tortured and ill-treated by the Indonesian authorities. It appealed to the government to seek formal assurances from the Indonesian Government that refugees already repatriated would not be ill-treated and to have its embassy staff in Jakarta follow up all reports of ill-treatment with the Indonesian authorities.

Amnesty International conveyed to the government its concerns about legislation introduced in Parliament in June which would, for crimes involving rape, reintroduce the death penalty (abolished in 1971), and impose mutilation and corporal punishment. No legislative action had been taken by the end of 1985.



## Philippines

Amnesty International was concerned about continuing reports of human rights violations by members of the Armed Forces of the Philippines (AFP) and paramilitary units operating with official authorization. These violations included

extrajudicial executions, torture and ill-treatment of prisoners and "disappearances" and many of the victims were people suspected of supporting the New People's Army (NPA), the armed wing of the Communist Party of the Philippines (CPP). Amnesty International remained concerned about the use of presidential orders under emergency legislation to arrest and detain people, including prisoners

of conscience, on political grounds without reference to the judiciary. It was also concerned about the continued imposition of death sentences.

During 1985 Amnesty International worked on behalf of about 60 prisoners who it had adopted as prisoners of conscience or whose cases it was investigating. Among the prisoners of conscience were five lawyers, all members of a national network of human rights lawyers, the Free Legal Assistance Group (FLAG). Romeo Astudillo and Alberto Benesa, both from Abra in northern Luzon, were arrested in April on subversion charges. Marcos Risonar, Antonio Arellano and Laurente Hagan, all from Davao, were arrested in May following a non-violent "people's strike" or *welga ng bayan*, which they were said to have organized. All five had been active in defending political prisoners, and all were detained under Preventive Detention Actions (PDAs) which authorize the detention of people suspected of national security offences by the executive for indefinitely renewable one-year periods.

The organization adopted as prisoners of conscience 10 people who remained in prison from among 15 workers, farmers and fishermen arrested in Bataan province on 15 February while returning home from a rally organized by the Central Luzon Farmers Alliance. They were accused of belonging to the NPA and of illegal possession of firearms, charges which they denied. All 15 were held incommunicado for three weeks after arrest and several alleged that they were beaten and burned. They were reportedly forced to sign statements admitting their guilt and denying ill-treatment by military personnel. All but three were released on bail in March, then rearrested under a PDA. Five were eventually released, but 10 were still in prison at the end of 1985. Amnesty International believed the charges against them were groundless.

During the second half of the year, appeals to halt torture were sent to selected officials of the government and to every regional and provincial military commander in the country. Amnesty International continued to receive from throughout the Philippines regular reports of torture of people suspected of supporting the NPA. Torture was reported to occur most frequently during periods of incommunicado detention following arrest, either in military camps or in special unauthorized detention centres called "safehouses".

Porifirio Giray, a farmer from the district of Yabyaban, Lao-ang, northern Samar, was arrested on 12 February by members of the 15th Infantry Battalion on suspicion of having taken part in an NPA ambush of soldiers. He was reportedly taken to the battalion headquarters where he said he was blindfolded, burned, beaten with a rifle and gagged. A medical certificate dated 28 March confirmed

that he had scars consistent with his testimony. He was transferred to two other military camps and eventually signed a confession, reportedly under threat of further torture.

On several occasions Amnesty International appealed to the authorities to investigate allegations of extrajudicial executions and "disappearances". On 20 September, over 20 people were shot dead, reportedly while demonstrating peacefully in the town of Escalante, Negros Occidental, as part of a "people's strike". Amnesty International was concerned about reports that local police and members of the Civilian Home Defence Forces (CHDF), the civilian militia organized and equipped by the AFP, had fired into the crowd of unarmed demonstrators with the apparent intention of killing them. The Minister of National Defence announced an inquiry into the incident on 17 October, and on 28 December the committee of inquiry concluded with a recommendation that at least 46 military and paramilitary personnel be indicted.

Such independent investigations were, however, rare. During 1985, Amnesty International appealed for investigations into 40 other cases of reported extrajudicial executions, whose victims included church workers, human rights activists, trade unionists, students, members of ethnic groups and farmers. In some cases, specifically those which drew the greatest domestic or international attention, investigations were ordered by the Acting Chief of Staff of the AFP. Two such cases were the murder of Italian priest Father Tullio Favali on 11 April in Tulunan, North Cotabato, and that of FLAG lawyer and opposition activist Romraflo Taojo in Davao del Norte. The alleged killers of Father Favali, members of the local CHDF, had been brought to trial by the end of the year, but witnesses were reportedly afraid to testify for fear of reprisals. In the case of Romraflo Taojo, alleged to have been killed by members of a paramilitary group composed of former Muslim rebels who had joined the government's counter-insurgency operations, little progress appeared to have been made by the end of 1985. Before his death, Romraflo Taojo had reportedly been about to file criminal complaints against members of the paramilitary group for alleged torture.

Most allegations of politically motivated killings which reached Amnesty International during 1985 concerned not well-known activists but villagers in areas of counter-insurgency operations. In Kabankalan, Negros Occidental, Eleuterio Aningal, the lay leader of a Catholic community organization in Orignao parish, was found dead on 27 June together with four of his sons. They had been abducted the day before, reportedly by armed men who accused them of sympathizing with the NPA. Their bodies were found the

next morning, covered with stab wounds. The police and military denied any responsibility for the killings but villagers have reportedly stated that they saw two vehicles full of soldiers arriving on the afternoon of the abduction of the Aningal family and that the killings were in reprisal for the deaths of three CHDF members a week earlier.

Amnesty International also noted reports of executions of civilians, including local government officials, and of non-combatant members of the armed forces by the NPA. Amnesty International condemns as a matter of principle the torture or killing of captives by anyone, including opposition groups.

Amnesty International regularly submitted reports of extrajudicial executions to the UN Special Rapporteur on summary or arbitrary executions. It also drew the attention of the UN Working Group on Enforced or Involuntary Disappearances to over 40 people reported to have "disappeared" in 1985.

Some of those reported to have "disappeared" were never found. Father Rosalio "Rudy" Romano, a Redemptorist priest, "disappeared" on 11 July in Cebu City reportedly after being abducted by military personnel. Father Romano was vice-chairman of the Visayas section of *Bagong Alyansang Makabayan* (BAYAN), a national opposition political coalition. On 15 July, a petition for *habeas corpus* was submitted to the Philippines Supreme Court, in which it was stated that witnesses had identified Father Romano's captors as members of the Military Intelligence Group (MIG) attached to the Regional Unified Command headquarters in Cebu. Military authorities consistently denied ever having detained Father Romano but in November two MIG officers were charged with kidnapping before a military court martial. Although the armed forces were directed to search for Father Romano, he was still missing at the end of 1985. Other people reported to have "disappeared" reappeared later in military detention camps, often after having undergone torture.

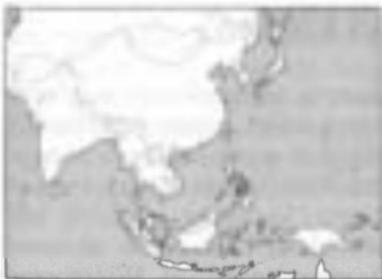
Amnesty International continued to be concerned about the holding of political detainees without charge or trial under special powers retained by President Marcos after the lifting of martial law in 1981, such as PDAs. Some prisoners were detained under PDAs after being acquitted or gaining court orders for their release. Others were arrested long before a PDA authorizing the arrest was issued, or for offences that had nothing to do with the reasons outlined in the PDA. Two student leaders and opposition activists, Leandro Alejandro and J.V. Bautista, arrested in February 1985 in Manila during a student march were detained on the basis of a PDA reportedly issued on 14 December 1984. When questioned about the validity of the PDA for an offence committed in February, the police are said to have

responded that the PDA had been issued after a rally on 10 December during which the two urged the violent overthrow of the government. The men denied the charges, and, following the Supreme Court hearings, were released in April.

Amnesty International was also concerned about unduly lengthy trial proceedings. Four farmers from Asturias, Cebu — Gregorio Algabe, Alberto de la Cruz, Leopoldo Gonzales and Innocento Requiron — had been detained since May 1982 on suspicion of supporting the NPA. After investigation Amnesty International concluded that the accusations were unfounded and may have been made because of their membership of various rural self-help organizations. It therefore adopted them as prisoners of conscience. The first stage of this trial ran from mid-1982 until January 1983 when a new judge was appointed. She retired in 1984 and the trial was suspended for almost a year until a new judge took over in April 1985. It was then discovered that the stenographic notes from the first year of the trial had disappeared, so that all the prosecution evidence presented before the first judge had to be presented again. This process only began in May and was still continuing at the end of 1985.

Although judicial executions have been rare in recent years, Amnesty International believed that over 500 people were under sentence of death. According to the organization's information, the death sentences of 443 prisoners were under review, while 112 prisoners were awaiting possible execution. Amnesty International repeatedly appealed to President Marcos to commute all outstanding death sentences.

In May Amnesty International submitted information about its concerns in the Philippines to the UN under its procedure for confidentially reviewing communications about human rights violations (the so-called "1503 procedure").

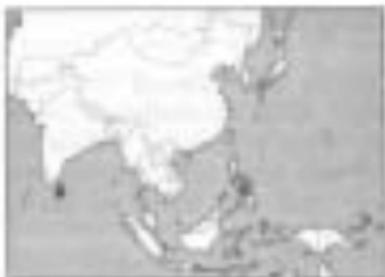


## Singapore

Amnesty International was concerned about the continued detention of one prisoner of conscience who had been held without trial since 1966, and about the death penalty.

Chia Thye Poh, a former member of parliament representing the opposition *Barisan Sosialis* party, had been detained since 29 October 1966. During nearly 20 years of detention the authorities neither charged him with any criminal offence nor gave him an opportunity to challenge in court the accusations against him. On 15 May the Minister of Home Affairs stated in parliament that Chia Thye Poh had been "specifically instructed by the CPM [Communist Party of Malaya] to penetrate the *Barisan Sosialis* and engage in Communist united front agitation to destabilize the government . . . by mounting a series of illegal demonstrations and industrial strikes", and added: "He will be released as soon as he is prepared to give a public undertaking disowning the CPM's use of force and terror to overthrow the government." In a letter to the Minister on 20 May, Chia Thye Poh categorically denied all these accusations and on 13 July his father said publicly that Chia Thye Poh had not been informed of these allegations either at the time of his arrest or in his subsequent detention order. Amnesty International was concerned that the authorities were apparently demanding a confession of guilt in exchange for release. Amnesty International believed that Chia Thye Poh had been detained for non-violent political activities and on 27 September renewed its appeals for his unconditional release.

During 1985 Amnesty International learned of three death sentences and one execution, all for drug trafficking. Under the Misuse of Drugs Act possession of over 15 grams of heroin or fixed amounts of other drugs incurs a mandatory death penalty. In December Amnesty International appealed to all members of Parliament for the commutation of outstanding death sentences and the abolition of the death penalty.



## Sri Lanka

Amnesty International was concerned about reports of arbitrary killings of many hundreds of non-combatant Tamils by government security forces in northern and eastern Sri Lanka and of many "disappearances". Widespread torture of political detainees was reported; both Tamil political detainees and Sinhalese criminal suspects reportedly died in custody after being tortured or shot. The organization also remained concerned about long-term detention without charge or trial of many hundreds of Tamils. Several dozen were held for longer than the 18 months permitted under the Prevention of Terrorism Act (PTA). Over 100 Sinhalese members of left-wing opposition parties were also detained under this and other special legislation.

There was intensified armed conflict between members of the Tamil community demanding a separate state in the north and east of Sri Lanka and government security personnel. Both sides were accused of killing unarmed civilians and captives. Armed Tamil groups reportedly abducted and killed security forces personnel and politicians, civilians they accused of being informers, and indiscriminately killed Sinhalese civilians in reprisal for killings of Tamils. On 14 May, for example, 146 people – mostly Sinhalese civilians – were killed in Anuradhapura, allegedly by armed Tamil separatists. Amnesty International acknowledged that such attacks had further increased the heavy burden on the security forces charged with maintaining law and order and stated that it condemned the torture and execution of prisoners by anyone, including opposition groups.

Several hundred Tamils suspected of involvement with armed opposition groups were reportedly arrested each month by the security forces in the north and, increasingly, the east. Many were released after questioning but Amnesty International was concerned that hundreds of others were detained for long periods in police stations and army camps in the north and east and in prisons in the south. Despite official assurances that families would be informed within 48 hours, numerous people complained that they were unable to trace the whereabouts of arrested relatives for many months. Arrests were made under the PTA, permitting detainees to be held incommunicado without charge or trial for a maximum of 18 months, but Amnesty International knew of 56 detainees who were held for longer.

In March Amnesty International welcomed the government's announcement that 200 such detainees would be released from Boosa army camp, and requested details of the 600 people reportedly then held there. The Minister of National Security replied on 22 April but did not give the details requested. Among the detainees were a number whose release had been recommended by the Advisory Board established under the PTA to review the cases of detainees. On 17 April Amnesty International was officially informed that between 14 August 1984 and 27 February 1985, 233 applications had been heard by the Board. Amnesty International subsequently expressed concern about reports that the Board's recommendations for release were not always implemented and that detainees had difficulties in contacting relatives to arrange legal representation.

On 10 July the Minister of National Security announced the unconditional release of 643 "terrorist suspects". He said that an unspecified, smaller group of suspects would be released later, subject to a series of conditions, and another 125 suspects would be indicted under the PTA. Twenty people were officially reported released on 27 July but the release of the remaining 623 people was delayed and was not confirmed by the end of 1985.

The government rarely provided statistics of detentions under the PTA. On 3 August it put their number at 1,197, although other reports said several thousand were held. At the end of 1985 Amnesty International was investigating the cases of 167 Tamil detainees, many of whom had been detained for several years.

Members of left-wing political parties – including the *Janata Vimukhti Peramuna* (JVP), People's Liberation Front, and the *Nava Sama Samaja Party*, New Equal Society Party – were arrested for allegedly participating in "illegal meetings" or "political classes". Some detainees were released within weeks of arrest but others, including 24 members of the JVP arrested on 8 November 1984 under the PTA (see *Amnesty International Report 1985*), were still detained without trial at the end of 1985. In November at least 97 people were arrested on suspicion of having terrorist links. Officials named two left-wing political groups: the *Samajavadi Janatha Viyaparaya*, Socialist People's Movement, a legal political party advocating greater regional autonomy, and the *Janata Vimukhti Peramuna Nava Pravanathayaya*, JVP – New Tendency. At the end of 1985, these detainees were still held under the PTA and Emergency Regulations and had not been charged.

The trial continued of Father Aparanam Singarayar, a Roman Catholic priest arrested in 1982 and an adopted prisoner of conscience (see *Amnesty International Report 1985*). On 12 December the trial judge of the Colombo High Court ruled that a statement to the

Criminal Investigation Department made by Father Singarayar while in army custody had been made voluntarily. According to the defence the statement had been signed while incommunicado under threat of further torture. Amnesty International had repeatedly asked the government to investigate reports that Father Singarayar had been tortured. It was concerned that this statement was admitted in evidence under changed rules of procedure under the PTA which shifted the burden of proving duress on to the accused.

Amnesty International also expressed concern about the detention on 22 May of Paul Nallanayagam, President of the Kalmunai Citizens Committee, shortly after he had provided information about killings of Tamils in the Batticaloa area allegedly by Special Task Force personnel who had disposed of their bodies in secret. He was charged with "making false statements and spreading rumours" and released on bail in mid-September. On 22 November the Supreme Court ruled that his fundamental rights had been violated, as he was not informed of the reasons for his arrest nor produced before a magistrate within the stipulated period. At the end of 1985 he was awaiting trial.

Throughout 1985 Amnesty International received sworn eye-witness statements alleging indiscriminate killings of unarmed Tamil civilians, often said to have been in reprisal for attacks on security forces personnel or Sinhalese civilians. A total of 412 individual statements alleging extrajudicial killings by security forces personnel were received. Amnesty International expressed concern to the government about several incidents in which extrajudicial killings were reportedly carried out by army, navy and Special Task Force personnel and, in the second half of 1985, the Homeguards, a recently established armed auxiliary force of non-Tamil civilians.

The Reverend George Jeyarajasingham, a Methodist minister, and Father Mary Bastian, a Roman Catholic priest, were allegedly killed by soldiers in the Mannar area on 13 December 1984 and 5 January respectively. On 9 May, 75 unarmed Tamils, mostly young men but also some women and children, were allegedly killed by soldiers in and around Valvettiturai in retaliation for the killing of an army major. Among them were 12 young men reportedly shot dead with their hands tied behind their backs. Apparently in retaliation for the killing of 146 mostly Sinhalese civilians the previous day, 48 Tamil men, women and children on a ferry boat from Delft to Nainativu were killed on 15 May with knives by men alleged to be navy personnel. The Minister of National Security reportedly stated "there is no evidence to show who was responsible", but Amnesty International provided eye-witness accounts from survivors identifying some of the killers as navy personnel from Nainativu Island naval camp.

In June and July Amnesty International urged the government to

halt extrajudicial killings. It noted that no effective steps had been taken to prevent such killings and that no independent investigations had been carried out. In those rare cases when the government ordered ministerial inquiries, their outcome was not made public. On 22 August Amnesty International appealed to President Jayewardene to investigate allegations that over 100 unarmed Tamil civilians had been killed by army personnel, in retaliation for an explosion at Vavuniya army camp on 16 August.

Amnesty International received a growing number of reports of "disappearances", in which families stated that their relatives had been taken away by security forces personnel and that they had been unable to trace their whereabouts, despite repeated inquiries. Officials either denied knowledge of their detention despite eye-witness accounts of their arrest or maintained that they had been released. On 16 August Amnesty International presented to the President *Reports of Unacknowledged Detentions and "Disappearances" in Sri Lanka*, detailing 186 cases of reported "disappearances" in the Vavuniya, Mannar, Jaffna and Batticaloa areas between 14 June 1983 and 17 May 1985. They included 23 young Tamils from Natpattimunai who were allegedly taken away by members of the Special Task Force, made to dig their own graves and shot dead. Amnesty International asked the government to establish the whereabouts or fate of the "disappeared" and submitted its report on "disappearances" simultaneously to the UN Working Group on Enforced or Involuntary Disappearances. On 16 December Amnesty International asked the President to investigate nine further cases.

Amnesty International continued to receive widespread allegations of torture. Most concerned Tamil detainees between the ages of 17 and 25 suspected of involvement with armed groups. Others concerned members of left-wing opposition parties, in particular the JVP and the Sri Lanka Freedom Party, and Sinhalese criminal suspects. In October Amnesty International published a summary of the allegations in its *File on Torture*, giving testimony from former torture victims and witnesses, together with the findings of medical examinations conducted outside the country. Prisoners were allegedly hung upside down and beaten with sticks and sand-filled plastic pipes; had chilli powder inserted in the nostrils, mouth, eyes and genitals; suffered electric shocks; and were threatened with execution. The camps in which torture was alleged to have been carried out included Vavuniya, Palaly, Panagoda, Elephant Pass, Point Pedro, Keerimalai, Thallady and Gurunagar, as well as the Special Task Force camps at Kalladi and Kaluwanchchikudi in the Eastern Province. Torture was also reported from police stations and Boosa camp and Tangalle prison in the south.

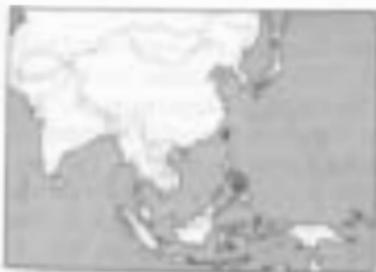
Amnesty International received reports of deaths in custody following torture of Tamil detainees and of Sinhalese criminal suspects. The deaths of Sinhalese criminal suspects were usually followed by inquests whose findings were published, but inquests into the deaths of political detainees were rare and when held were conducted under the Emergency Regulations 55 B-G of June 1984, which curbed legal safeguards (see *Amnesty International Report 1985*). No police or security forces personnel were known to have been brought to justice for deaths in custody of political detainees held under the PTA. The government stated in August before the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities that 63 inquests had been held under the Emergency Regulations procedure without establishing unlawful actions by any member of the security forces. No information was known by Amnesty International to have been made public about any of these inquiries. Among these inquests was one into the shooting of 32 Tamil detainees in Vavuniya army camp on 2 December 1984 (see *Amnesty International Report 1985*). The government said that evidence had been given by police and by a medical officer but confirmed that no relatives were permitted to be present.

On 4 December the government stated that Amnesty International's *File on Torture* was "unfair, biased and untrue". On 24 December Amnesty International renewed its appeal to President Jayewardene to stop torture. It said that while it had to protect the anonymity of victims who feared repercussions, it was willing, with the permission of the individuals concerned, to submit the affidavits to an independent body with a mandate to investigate allegations of torture.

Throughout 1985 Amnesty International expressed its opposition to the forcible return of Tamils to Sri Lanka by other governments. Several Tamils were detained without charge for short periods in Colombo after being forcibly returned to Sri Lanka from France and Sweden where they had sought political asylum.

In May Amnesty International submitted its concerns in Sri Lanka to the UN under its procedure for confidentially reviewing communications about human rights violations (the so-called "1503 procedure"). The report was also submitted to the government.

On 18 December Emergency Regulation 12 of 1985 was promulgated, extending the death penalty to offences involving kidnapping, robbery with firearms and certain drug offences. However, since the present government came to power, no judicial executions are known to have been carried out.



## Taiwan

Amnesty International continued to appeal for the release of 23 prisoners of conscience arrested between 1975 and 1980 and welcomed the release of two of them on medical grounds. It continued to investigate the reasons for the

detention of some 60 political prisoners and learned of the detention of some 50 others. Three military intelligence officers were convicted of involvement in the murder in October 1984 of a journalist in the USA. Six executions of criminal convicts were reported.

Amnesty International expressed its concern to the authorities about the ill-health of several prisoners of conscience who were reportedly denied adequate medical care. It welcomed the release on bail, on medical grounds, on 28 March of Lu Hsiu-lien, a writer and publisher who was serving a sentence of 12 years' imprisonment for sedition. She had been arrested in December 1979 with other executives of the opposition magazine *Formosa*. On 21 December theologian Lin Hung-hsuan, sentenced to 12 years' imprisonment in the same case, was also released on medical grounds. Amnesty International appealed to the authorities to ensure adequate medical care for Chen Ming-chong, a pharmacist detained since 1976, and to release him. It was also concerned about the health of several other prisoners of conscience who severely restricted their intake of food, some of them for several months, to demand the release of political prisoners. Among them was Shih Ming-teh, the general manager of *Formosa*, serving a life sentence; Huang Hua, former deputy editor of the *Taiwan Political Review*, who was serving his third prison term for his non-violent political views; Pai Ya-tsan, a candidate in the 1975 general election, who was arrested for the content of his campaign leaflets; and Yang Chin-hai, a businessman and active supporter of opposition candidates in local elections, who was arrested in 1976.

On 9 March Hsu Chao-hung, a businessman who lived in Japan, was arrested after being deported to Taiwan by the Japanese authorities. On 12 July the Taiwan Garrison Command announced his prosecution under the Statute for the Punishment of Sedition for having formed a "Taiwan Democratic Party" in Japan and having distributed literature advocating the independence of Taiwan. Amnesty International was concerned that he appeared to have been held incommunicado for four months and that his conviction on 16 September might have resulted from a confession made under duress.

He was sentenced to six years' imprisonment.

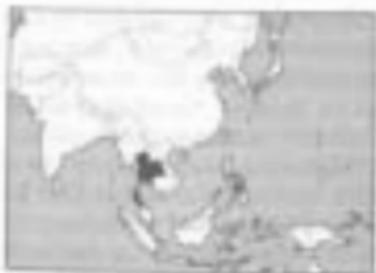
Lee Ya-ping, publisher of the Chinese-language *International Daily News* published in Los Angeles in the USA and chairperson of two private schools in Kaohsiung, was arrested on 17 September by the Taiwan Garrison Command under the Statute for the Punishment of Sedition for circulating banned copies of her newspaper in Taiwan. These contained articles said to support peace talks between China and Taiwan and an interview with the Chinese Ambassador to the USA. Amnesty International urged the authorities to release her. A military court sentenced her to two years in a reformatory but she was released on 26 September into the "protective control" of her relatives. She was allowed to return to the USA.

Amnesty International was concerned about the arrest between 2 and 4 July of four people in connection with the publication of secret minutes of a government meeting to discuss ways to curb opposition magazines and to restrict freedom of expression. Only one person was prosecuted. On 9 August Chen Pai-ling, an employee of the Government Information Office, was sentenced to 10 months' imprisonment under Article 132.1 of the criminal code for disclosing secret documents. His sentence was suspended by the Taiwan High Court on 13 November.

On 23 July Amnesty International asked the authorities for information on the Anti-Hooliganism Law which had been passed by the Legislative Assembly on 10 July. It was concerned that the law could be used against non-violent political activities and that the authority to decide if a person was a "hooligan" as defined by the law rested with the executive.

Three military intelligence officers were prosecuted following an official investigation into the involvement of government officials in the murder in October 1984 in the USA of Henry Liu, an American journalist who wrote a critical biography of President Chiang Ching-kuo. On 19 April Vice Admiral Wang Hsi-ling, Director of the Defence Intelligence Bureau, was sentenced to life imprisonment for murder and two other officials were sentenced to two and a half years' imprisonment for assisting in the murder. Amnesty International welcomed the statement made by Prime Minister Yu Kuo-hwa on 15 March that the intelligence agencies had been ordered to take measures to prevent any such involvement in the future.

Amnesty International expressed its concern to the authorities about the execution of six criminal convicts. Five were civilians sentenced by a military court on charges of robbery, gun smuggling, drug trafficking, rape, kidnap and attempted murder. Their executions took place within two months of their sentencing. The sixth had been convicted by a civilian court of rape, murder and robbery.



## Thailand

Amnesty International was concerned about the imprisonment of people convicted of "lese majesty" because they had expressed non-violent political opinions on matters involving the Royal Family. It also remained concerned about

the extended detention without charge of people allegedly involved in "communistic activities", and about the use of unfair martial law trial procedures against people accused of "lese majesty" or "communistic activities". It received reports of prisoners dying in custody due to severe ill-treatment. During 1985, 76 people convicted of non-political offences were reportedly sentenced to death, and government armed forces were alleged to have extrajudicially killed members of ethnic minority groups suspected of political or criminal offences.

During 1985 Amnesty International campaigned for the release of six prisoners of conscience imprisoned since 1983 after being convicted by military courts operating under martial law provisions. They were convicted of having violated Section 112 of the penal code, which proscribes peaceful acts which may be deemed by the court to constitute "lese majesty". One of the six, Kaat Kritkraiwan, is believed to have been released towards the end of 1985 after completing a specially reduced prison term. The five still imprisoned, who were serving sentences ranging from four to eight years, were Anan Seenaakhan, Samaan Khongsuphon, Thawan Saengkaan-janaanon, Phongtheep Manuuphiphatphong and Rat Uttaphan (see *Amnesty International Report 1985*). In May Amnesty International urged King Bhumibol Adulyadej to exercise his prerogative of royal mercy by granting full pardons to the six prisoners of conscience. Amnesty International also called for the charges against two people then on trial for "lese majesty" to be dropped. One of these, Jak Phatcharaphathanachai, was acquitted in December. The other, Sanan Wongsuthii, was still on trial at the end of 1985.

During 1985 Amnesty International began investigating the case of Phromneet Baanthip, a 24-year-old former rubber tapper who was convicted of "lese majesty" and was believed to be imprisoned in the southern province of Phthalung. It also began investigating the cases of several other people reportedly imprisoned or on trial in connection with "lese majesty" offences.

Amnesty International was concerned about extended detention

without trial of people arrested in connection with alleged "communist activities". The Royal Act on the Prevention of Communist Activities allows such people to be held for up to 480 days before being charged or to be sent for up to six months' "re-education" in what are termed "Karunyaatheep Centres". Amnesty International received reports of the existence of "Karunyaatheep Centres" in a variety of places throughout the country, and it was concerned about seven people who, after arrest in July, had been sent at the end of 1985 to undergo a reported four-months' "re-education" at one such facility. At least some of the 30 people mentioned in local press accounts as having been arrested during 1985 in connection with alleged "communist activities" were at the year's end still being held without charge or trial. Amnesty International urged the government either to charge and try them in accordance with internationally recognized legal standards or to release them.

Amnesty International was concerned that people charged with "lese majesty" or "communist activities" were being tried according to October 1976 martial law provisions that assign such cases to military tribunals, with no right of appeal to any higher judicial body. Such trials were frequently either held *in camera* or not conducted promptly, and defendants were in several instances held without full access to legal counsel. On various occasions during 1985 Amnesty International communicated these concerns to the authorities. It urged that the trial of six people charged in January with "communist activities" and "insurrection" should be moved to an ordinary civilian court operating under normal procedures allowing appeal. The organization repeatedly called on the authorities to allow people held for alleged "communist activities" full access to legal counsel and prompt trials. In December it expressed concern about a prosecution motion to hold *in camera* the trial of 50 people charged with "insurrection". The defendants were accused of involvement in an attempted coup on 9 September, and Amnesty International believed that holding their trial *in camera* could undermine the fairness of the proceedings.

The six people charged in January and the 50 charged in connection with the events of 9 September faced a possible death sentence if convicted. Amnesty International urged the authorities not to impose such sentences. Seventy-six people were reported to have been sentenced to death during 1985 for non-political offences including homicide and drug trafficking. Amnesty International called for such sentences not to be carried out, but was unable to determine whether there were any executions.

Amnesty International urged the government to investigate reports that inmates of Bang Khwang Central Prison had died due to beatings

and denial of medical care after being placed in special detention. They had allegedly been involved in a protest in August calling for commutation of death sentences and reductions in lengthy terms of imprisonment.

Allegations were received that government armed forces operating in the northern part of the country had in two separate incidents early in 1985 killed individuals of ethnic minority origin in their custody. One of these incidents allegedly occurred in Naan province and involved people suspected of "communistic activities". The other allegedly occurred in Chiang Mai province and involved villagers suspected of complicity in the murder of two investigators working with a government program aimed at curtailing local cultivation of opium. Amnesty International urged the government to hold inquiries into these allegations.



## Viet Nam

Amnesty International's main concerns remained the detention without trial of several thousand people, including prisoners of conscience, held for "re-education" on account of their alleged political activities or beliefs in pre-1975

southern Viet Nam, and the arrest in more recent years of several dozen other political prisoners, most of whom were held without charge and some of whom were prisoners of conscience. Amnesty International was also concerned about the use of the death penalty and about reports of deaths in custody of political detainees.

Amnesty International was further concerned that the first Code of Criminal Law of the Socialist Republic of Viet Nam, which was adopted by the National Assembly in June and was due to come into effect on 1 January 1986, provided for people to be imprisoned for peacefully exercising their fundamental human rights and prescribed the death penalty for a wide variety of offences including non-violent political offences.

Amnesty International was unable to ascertain how many of the people taken into custody for "re-education" in 1975 or 1976 remained in detention in 1985. An official figure of 7,000 could not be confirmed, and various estimates received by the organization suggested that the number was larger.

From May onwards Amnesty International intensified its long-standing appeals on behalf of people held in administrative detention since 1975. The organization wrote asking the government to consider releasing all those still detained. While acknowledging that some of those held might be brought to justice for alleged war crimes, Amnesty International's letter emphasized that any such people should immediately be charged and tried fairly and promptly, or released. It stressed the organization's belief that a review of the cases of all those held would allow many to be released immediately as the time they had spent in "re-education" already exceeded the prison sentences that might have been imposed by a court for the offences of which they were accused.

Amnesty International also raised the cases of a number of writers, journalists, artists and "third force" political figures believed to have been arrested for expressing opinions deemed contrary to the policies of the Provisional Revolutionary Government that assumed power in southern Viet Nam in 1975. They included Dr Truong Van Quynh, a physician and a junior member of the pre-1975 *Viet Nam Quoc Dan Dang* (VNQDD), Nationalist Party of Greater Viet Nam; Truong Vi Tri, a former member of the National Assembly and publisher of the pre-1975 Chinese language weekly *Dan Thanh*; Professor Phan Ngo, a teacher, author and member of the VNQDD; Nguyen Viet Khanh, a journalist, professor of journalism and Secretary General of the pre-1975 Viet Nam Press Association; and Nguyen Sy Te, a teacher and writer. In its letter, Amnesty International urged the immediate and unconditional release of these prisoners of conscience. As far as the organization was aware, they were still held at the end of 1985.

Amnesty International was unable to determine how many people were released from "re-education" or prison during 1985. It did however welcome the release in 1985 of 20 people who had been adopted as prisoners of conscience or whose cases it was investigating. Among these was the satirical cartoonist Nguyen Hai Chi (better known by his pen-name Choe), released in early 1985. Also released were Tran Cam Huong, Lieutenant Colonel and former head of the women members of the Army of the Republic of Viet Nam (ARVN); Phung Canh, a Roman Catholic priest and Le Van Tung, a former judge, all three of whom had been held for "re-education" since 1975. However, the organization continued to appeal for the release of the poet Nguyen Chi Thien, a prisoner of conscience who, at the age of 53, had spent 23 years in various detention camps for his peaceful criticism of the policies of successive governments in northern Viet Nam.

At the end of 1985 Amnesty International was working on behalf of some 170 prisoners of conscience or people whose cases it was investigating, including 12 cases taken up during the year. The

organization adopted as a prisoner of conscience Ho Hieu Ha, a Protestant pastor held since 1983, and began investigating the cases of Nguyen Dong, a civil servant in pre-1975 southern Viet Nam, and Phan Van Thinh, a doctor and a major in the ARVN, both of whom had been held since 1975.

Among those arrested and held without trial in more recent years were Buddhist and Roman Catholic religious figures and intellectuals, many of whom Amnesty International believed to be prisoners of conscience held on account of their peaceful dissent from government policies and practices in the religious, cultural and literary spheres. During 1985, it continued to appeal for the release of 12 Buddhist monks and nuns arrested in 1984. Three of them — Thich Tue Sy, Thich Tri Sieu and Thich nu Tri Hai — were reportedly transferred from Phan Dang Luu detention centre to Chi Hoa Prison in Ho Chi Minh City during 1985. Amnesty International did not know where the other nine were held. The organization also appealed for the release of Buddhist monk Thich Duc Nhuan, who was reportedly arrested in August. He had been a professor of Buddhism at Van Hanh Buddhist University, editor of the Buddhist magazine Van Hanh, and Secretary General of the Unified Buddhist Church of Viet Nam officially dissolved in 1981. He was reported to be in bad health aggravated by the lengthy interrogation sessions he was subjected to in Phan Dang Luu detention centre. The organization was also concerned about two young monks, Thich Tam Quang and novice Vinh Hien, who were believed to have been detained in Bien Hoa Prison in August on account of their alleged reluctance to join the government-sponsored Buddhist Church of Viet Nam which in 1981 officially replaced the Unified Buddhist Church. It was investigating the cases of Thich Thong Buu and Thich Thieu Hue, abbots respectively of Quang-Am and Dai-Giac pagodas in Ho Chi Minh City, who were reportedly arrested in October and placed in restricted residence in the provinces. It also received reports that two prisoners of conscience released in 1978, Thich Quang Do and Thich Huyen Quang, prominent monks and members of the Unified Buddhist Church, had been rearrested in 1982 and placed in restricted residence in the provinces.

Amnesty International began investigating reports of the arrests in August of several Jesuit priests and students, including seminary student Joseph Pham Thanh Liem.

Amnesty International was also seeking information about the arrests of people accused of "having specialized in writing, reciting and circulating reactionary and degenerate poems" and of having used poems "to spread counter-revolutionary propaganda, inciting rebellion and antagonism against the government". According to an

official news report in April, at least some of those arrested had "confessed their crimes" but as far as Amnesty International was aware, they had not been tried.

In January three people — Le Quoc Quan, Ho Thai Bach and Tran Van Ba — were executed, having been sentenced to death the previous month for subversion, treason and espionage. Amnesty International had appealed on behalf of these three and two others, Mai Van Anh and Huynh Vinh Sanh, whose sentences were commuted. The organization also appealed for the commutation of the sentence passed in May on Chu Van Tan, a peasant and former part-time typist in the office of the Senate of the pre-1975 National Assembly of the Republic of South Viet Nam, for "plotting to overthrow the government". At the end of 1985 the organization did not know whether he had been executed. Amnesty International was concerned about official statements that "a few dozen executions a year" were being carried out, mainly for murder and economic crimes. Its concern was heightened by the provisions of the new Code of Criminal Law which defines at least 24 different types of offence as being punishable by death. Among these are offences against the national security; the life, health, dignity and honour of individuals; socialist ownership; the citizen's right of ownership; economy; the obligations and responsibilities of military personnel; and peace and humanity.

# Europe



## Albania

Amnesty International was concerned about legislation which severely restricts certain human rights, under which prisoners of conscience were imprisoned. Because of official censorship and restrictions on freedom of movement it was not possible to make an accurate assessment

of the number of prisoners of conscience. The organization was also concerned about inadequate legal safeguards for people arrested and tried for political offences and about allegations of ill-treatment of detainees and harsh prison conditions. It did not learn of any death sentences or executions (such information is not made public), but remained concerned about the number of offences for which the death penalty could be imposed.

Following the death in April of Albania's leader, Enver Hoxha, First Secretary of the Central Committee Secretariat of the Albanian Party of Labour (APL), his successor, Ramiz Alia, publicly stated that he would pursue the former leader's policies. As regards official policy affecting human rights, Amnesty International did not learn of any major changes.

Although the authorities did not respond formally to Amnesty International's report *Albania — Political Imprisonment and the Law*, published in 1984, Professor Paskal Haxhi, of Tirane University's law faculty, criticized the report in an interview with Danish television in September 1985. He declared that it contained not one per cent truth. He said no priests had been imprisoned for religious activities since 1968, and denied that political prisoners in Spac labour camp had twice during the 1970s rioted in protest against their conditions and treatment. He stated that no death sentences had been passed in

1984. He would not, however, give any figure for the total prison and labour camp population, nor for political prisoners, but said that there were at most 100 ordinary criminal and political prisoners held in Burrel prison, in addition to "some hundreds" held in labour camps.

To Amnesty International's knowledge the only official reference to an individual political prisoner related to Fiqrete Shehu, the wife of Mehmet Shehu, a former prime minister officially said to have committed suicide in December 1981. The editor-in-chief of *Zeri i Popullit*, the daily newspaper of the APL, confirmed to a visiting foreign journalist that she was serving a 25-year prison sentence for conspiracy.

Information received by Amnesty International indicated that in the previous three years people had continued to be convicted of political offences under various loosely formulated charges, including that of having engaged in "anti-state agitation and propaganda" under Article 55 of the criminal code. Many of the political prisoners about whom Amnesty International received information were reported to be serving prison sentences imposed under Article 55 for having expressed, in a non-violent manner, views critical of economic or political conditions in the country. Among such cases reported to Amnesty International during 1985 was that of a singer said to be serving a 20-year sentence (imposed in the 1970s) in Burrel prison because of songs he had sung which had displeased the authorities. A teacher was said to be serving a similar sentence, also in Burrel prison. Both these men had originally been sentenced to 10 years' imprisonment but had received a second sentence — again for "anti-state agitation and propaganda" — while still in prison.

Freedom of movement continued to be severely limited by the authorities. Paragraph 11 of Article 47 of the criminal code dealing with "treason" makes "flight from the state" an offence punishable by not less than 10 years' imprisonment or death. Amnesty International learned of two men serving sentences of 20 years' imprisonment in Burrel prison and Spac labour camp for having attempted to leave the country illegally.

Since 1967, when Albania was officially declared "the first atheist state in the world", all organized or public forms of religious belief have been illegal. In that year religious buildings were closed and all religious communities, Muslim and Christian, were deprived of legal status and their functionaries prohibited from exercising their offices. In past years, Amnesty International received reports of a number of clergy imprisoned or interned as a result. In 1985 Roman Catholic emigré sources claimed that Father Filip Mazrreku, a Franciscan from Shkoder, had died in Ballsh labour camp. According to these sources he had been a prisoner since the 1950s when he had been

convicted on charges of being an "enemy of the people, reactionary clergyman, and fascist sympathizer".

In addition to imprisonment, the criminal code provides for a supplementary penalty of banishment or internment for up to five years. This penalty may also be imposed administratively, without trial and for unspecified periods, both on those people considered by the authorities to represent a danger to the country's social system and on "members of the family of fugitives living inside or outside the state". Amnesty International learned that several members of a family regarded as politically suspect by the authorities had been interned for about three months shortly before the death of Enver Hoxha. Various members of this family were said to have been interned in the past.

Amnesty International continued to be concerned about inadequate legal safeguards for political prisoners during investigation and trial proceedings, in particular the absence of provisions entitling them to visits from relatives and legal aid during investigation. In almost all cases, political prisoners were denied legal aid at their trials.

Former political prisoners have told Amnesty International that during investigation they were held in small, dark, basement cells, and often obliged to sleep on the cement cell floor or on boards with blankets but no mattress. They complained that they were given little to eat and were allowed little or no exercise. Several said that they were interrogated at night and deprived of sleep. Most alleged that they were beaten during investigation.

The conditions under which political prisoners are detained have regularly been described as very harsh, with poor food, hygiene and medical care. In Spac labour camp conditions for the mining of Pyrites by political prisoners were said to be often dangerous.

During 1985 Amnesty International expressed its concern to the authorities that prison conditions for political prisoners did not conform with the UN Minimum Standard Rules for Treatment of Prisoners and it urged the release of all political prisoners convicted of offences not involving the use or advocacy of violence.

In May Amnesty International submitted information about its concerns in Albania to the UN under its procedure for confidentially reviewing communications about human rights violations (the so-called "1503 procedure").



## Bulgaria

Amnesty International was concerned about large numbers of ethnic Turks who were imprisoned during a campaign of enforced assimilation of the ethnic Turkish minority and believed that many of them might be prisoners of conscience. Reports of the deliberate

killing of ethnic Turks by the security forces also caused concern. The organization worked for the release of a number of other prisoners of conscience and learned of 10 executions.

Despite severe censorship of information about political cases Amnesty International obtained the names of over 250 ethnic Turks reportedly arrested between December 1984 and March 1985 when, according to officials, the entire ethnic Turkish minority — estimated to number 900,000 or 10 per cent of the population — “spontaneously” and “voluntarily” renounced Islamic names for Bulgarian ones. Amnesty International adopted a number as prisoners of conscience, most of whom were reportedly imprisoned for refusing to accept new Bulgarian names. For example, at about 1am on 23 December 1984, police with dogs and troops with tanks reportedly surrounded the ethnic Turkish village of Gorski Izvor in Kardzhali district near the border with Greece. Officials reportedly then visited every household with identity cards already made out in new Bulgarian names. Aptula Mustafov Yumerov, Myumun Hasanov Tasimov, Hasan Tasimov and Hasan Dzhemilov Durakov were reportedly arrested for refusing to accept the new identity cards. Four days earlier, on 19 December 1984, a fifth man from Gorski Izvor, Sali Yusennov Chubakchiev, had been arrested. Amnesty International was informed that there have been similar instances throughout the country in which the authorities arrested ethnic Turks whom they considered might actively oppose the name-changing campaign, before implementing it. The five men were reportedly still in detention in mid-April 1985 and Amnesty International had no information about whether they had been tried.

In other instances ethnic Turks who attempted to protest peacefully against this campaign were reportedly arrested and imprisoned. Rasim Rezhebov, Salim Salimov and Ismet Abdulov were tried in early 1985, along with two young women, Hasine Mustafova and Ferdiye Salifova, by the District Court of Kardzhali. They had apparently tried to organize a meeting of ethnic Turks from villages around Kardzhali to protest against the campaign. This

meeting was scheduled to be held on 29 December 1984 in Kardzhali, but they were all arrested before it could take place. In December 1984, they had also gone to the Turkish Embassy in Sofia to request visas to emigrate to Turkey, but were unable to enter as the embassy was surrounded by police. All five were sentenced to between two and seven and a half years' imprisonment. They were adopted as prisoners of conscience.

In many cases ethnic Turks were reportedly released from detention after accepting new names, either for themselves or their dependants. One person from a village in southern Bulgaria testified to Amnesty International that he was arrested in late 1984 after refusing to give his five-year-old son, who was named after his deceased brother, a new name. He was released after a week in custody and alleged that during that time he was reportedly insulted and beaten with fists and a sock filled with sand. He was released after his father had agreed to his grandson's name-change.

Amnesty International was informed that ethnic Turks were forced to sign papers saying that they did not wish to emigrate to Turkey and that those who refused were faced with internal exile. On 28 March, Stanko Todorov, a senior party and state official, reportedly stated that "there is not and will not be any emigration to Turkey" and that those who "do not wish to live in their native towns and villages can move out". In these cases, he added, the Bulgarian security forces had been instructed to ensure speedy removal, reportedly within hours, "not to Turkey but to other regions of Bulgaria where these people will be able to live peacefully and happily".

Amnesty International also received a copy of an official document stating that Turks faced prosecution under the criminal code if they had their sons circumcised. Article 324(2) prohibits practising a profession connected with public health without suitable qualifications or permission and Article 20(2) deals with instigating a crime. People convicted under this legislation face up to three years' imprisonment or a fine of up to 1,000 leva (\$1,000). Hyusein Mehmedov Osmanov, a 31-year-old shopkeeper from Mengishevo, was arrested in early August 1985 for having his five-year-old son circumcised four days after officials had come to his village at the end of July and made a list of all circumcised male children. He was later released.

Amnesty International received the names of over 100 ethnic Turks allegedly killed by the security forces during the implementation of this campaign. In some cases the ethnic Turks resisted violently, and deaths reportedly occurred on both sides. In other cases, however, violence was reportedly used by the security forces against peaceful demonstrators. For example, on 24 December 1984

ethnic Turkish inhabitants of several neighbouring villages reportedly marched in peaceful protest to the town hall of Benkovski in Kardzhali district near the border with Greece. According to eye-witness accounts received by Amnesty International, the security forces used tear-gas and dogs and opened fire on the demonstrators. Six were killed, among them a two-year-old child and her mother, and 40 were wounded.

Amnesty International also received a number of reports alleging that ethnic Turks who refused to sign the "voluntary" name-changing declarations were summarily executed on the spot by the security forces. The organization was unable to verify these reports, but on 26 February and again on 16 October Amnesty International wrote to the authorities calling for a full and impartial investigation into these allegations. On 23 October Amnesty International wrote again asking the authorities to receive an Amnesty International delegation to discuss its concerns. No replies to these letters had been received by the end of 1985.

On 23 August Amnesty International made an oral submission to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities detailing its concerns regarding ethnic Turks in Bulgaria.

Amnesty International also worked for the release of a number of prisoners of conscience imprisoned on other grounds. They included Yanko Yankov, a 41-year-old jurist who taught law at Sofia University, who was sentenced in or around March 1984 to two years' hard labour as a furnace attendant in a chemical plant near Varna after having visited several foreign embassies where he reportedly discussed the human rights situation in Bulgaria and his wish to emigrate. In December 1984 he was tried again, with Tseko Tsekov, reportedly on charges of attempting to contact the United States Embassy, being members of an anti-state group, and slandering the Bulgarian leadership. They were sentenced to five years' and two years' imprisonment respectively.

Amnesty International worked for the release of Hristo Kulichev, pastor of the First Congregational Church of Sofia, and his brother Dimiter, who were arrested on 9 and 11 January respectively. They were sentenced in May to eight and six months' imprisonment respectively for "practising a profession without official permission" under Article 274(2) of the criminal code. The real reason for their arrest, however, was reportedly to ensure that a government appointee became pastor of the First Congregational Church of Sofia.

Amnesty International also adopted as a prisoner of conscience Kostadin Angelov Kalmukov who was sentenced to four years' imprisonment in 1982, reportedly for protesting against the repeated

imprisonment of his son Emil for conscientious objection to military service. Both Kostadin Kalmukov, himself previously imprisoned for five years for conscientious objection, and his son are Pentacostalists and refuse to carry arms because of their religious beliefs. Kostadin Kalmukov was imprisoned in Stara Zagora prison and Amnesty International received allegations that on 25 December 1984 he was beaten unconscious by guards after he protested that Christmas Day was designated an ordinary work day in the prison. The prison doctor was called but reportedly did nothing to help him. He was then reportedly thrown naked into a punishment cell for 14 days, but was released from the cell after three days as his life was in danger from the cold.

The Bulgarian Constitution does not guarantee the right to freedom of movement and emigration is rarely permitted. Those who attempt to leave the country without official permission face up to five years' imprisonment under Article 279 of the criminal code, and up to six years if the offence is repeated. Amnesty International worked for the release of Sebattin Mahmudov Aliov, a 25-year-old ethnic Turk from Gotse Delchev, whose name was changed from Aliov to Iliiev in the name-changing campaign. He was arrested in February while trying to cross the border to Turkey hidden in a truck. On 24 April he was reportedly sentenced to 18 months' imprisonment by the district court of Haskovo.

In May the National Assembly approved amendments to the criminal code providing a discretionary death penalty for acts of terror by means of explosives or other methods. Amnesty International learned of two death sentences, one for treason and one for murder, and of 10 executions, nine for murder, and one for terrorism.



## Cyprus

Amnesty International worked for the release of Jehovah's Witnesses imprisoned for refusing on conscientious grounds to perform military service and welcomed the release of all such prisoners as a result of a Supreme Court decision. No right to conscientious objection to military service is recognized in Cypriot law and all men between the ages of 18 and 50 are liable to conscription. Those who do not respond to

call-up are considered to be deserters and can be sentenced to up to two years' imprisonment, with repeated terms of imprisonment for continued refusal. Police officers, priests and members of the Armenian Orthodox, Catholic and Maronite religions are, however, exempted. Amnesty International did not learn of any imprisoned conscientious objectors who were not Jehovah's Witnesses.

On 20 September the Supreme Court ruled that the composition of the Military Tribunal, which heard all cases of conscientious objection, did not conform to the Constitution and it ceased to function. As a result, all those sentenced by the Military Tribunal, including conscientious objectors, were released and Amnesty International knew of no imprisoned conscientious objectors at the end of 1985.



## Czechoslovakia

Amnesty International continued to be concerned about the imprisonment of prisoners of conscience under legislation explicitly restricting the non-violent exercise of human rights; the application of the Law on Protective Surveillance to place restrictions on released prisoners of conscience; and the use of the death penalty. At the end of 1985, there were 22 prisoners who had been adopted as prisoners of conscience or whose cases were being investigated by Amnesty International, although the total number of prisoners of conscience was believed to be higher. Amnesty International also learned of many people who were sentenced to short terms of imprisonment, given suspended sentences, charged without being remanded in custody or harassed in other ways for attempting to exercise human rights.

In May the Czechoslovak President proclaimed an amnesty to mark the 40th anniversary of the liberation of Czechoslovakia from German occupation by the Soviet army. Only a few prisoners of conscience, mainly those with suspended sentences, benefited from the amnesty.

Among those detained for the non-violent exercise of the right to freedom of expression was Pavel Krivka, an ecologist who had been

working in the District Museum in Jicin. In February, he had written to a friend in the Federal Republic of Germany (FRG) criticizing the Czechoslovak authorities for their neglect of ecological problems. He gave the letter to a Czech friend to post from Yugoslavia, but it was intercepted by the State Security Police. Pavel Krivka was arrested on 29 April and remanded in custody on 4 May. On 21 November he was sentenced to three years' imprisonment under Article 98 of the penal code ("subversion") by the district court in Hradec Kralove. He was also accused of putting up maps pointing out places where ecological problems were neglected, inventing crosswords which vilified the government and its representatives and writing a parody on a Czech Christmas mass which defamed the President. The co-author of the parody, Pavel Skoda, was sentenced to 20 months' imprisonment under Article 100 ("incitement").

Petr Cibulka, a 35-year-old signatory of Charter 77, the unofficial Czechoslovak human rights group, was arrested on 28 March in a restaurant in Prague after allegedly making critical remarks about the socialist order of the Republic when he complained about the menu to the staff. He was charged with "defaming nation, race and conviction" under Article 198, section (b), of the penal code. He was released from custody on 29 June. After two postponements his trial took place on 27 September before the District Court in Prague 2 and he was sentenced to seven months' imprisonment under the second (stricter) prison regime. An appeal was pending at the end of 1985. Petr Cibulka had been imprisoned twice before and on both occasions was adopted by Amnesty International as a prisoner of conscience (see *Amnesty International Report 1979 and 1981*).

Amnesty International continued to receive information about the arrest, detention and prosecution of religious believers. On 11 and 12 November, the State Security Police searched the homes of at least 40 Roman Catholics in Moravia, and confiscated religious literature, typewriters and duplicating materials. Four people were accused of duplicating and disseminating writings deemed to be against the socialist order of the Republic and were remanded in custody on charges of "incitement" under Article 100 of the penal code. Jirina Bedeiova, a 34-year-old office-worker from Gottwaldov, was released in December, but Jaromir Nemecek, a 50-year-old Charter 77 signatory, and Pavel Dudr, a graduate from technical high-school, were still in pretrial detention in Brno-Bohunice Prison at the end of 1985. Augustin Navratil, a 57-year-old railway employee and Charter 77 signatory from the Kromeriz region, was also arrested, and at the end of 1985 he was being held in a psychiatric hospital in Prague. He had written and distributed an open letter presenting evidence that a clandestinely ordained priest, Father Premysl Coufal, had been

murdered by the State Security Police in 1981. Official reports stated that Father Coufal had committed suicide.

Amnesty International was also concerned about the arrest and imprisonment of people for peacefully seeking to exercise their right to leave their country. Among them was Julius Nejedly, a 37-year-old construction worker, who in June attempted to swim the River Danube from Czechoslovakia to Hungary in order to join his wife and daughter in Yugoslavia to travel together to the FRG. He was subsequently sentenced to two years, three months' imprisonment under Article 109 of the penal code ("leaving the Republic without official permission"). Julius Nejedly had previously served a two-year prison sentence for a similar offence. After his release, he applied several times for permission to emigrate but his applications were rejected by the Czechoslovak authorities.

Amnesty International remained concerned about restrictions imposed under the Law on Protective Surveillance on some released prisoners of conscience (see *Amnesty International Report 1985*). These included Ladislav Lis and Jiri Gruntorad, who during 1985 were often obliged to report to the authorities daily and were frequently visited by the police at night as well as during the day. In August, Amnesty International called upon the authorities to review the Law on Protective Surveillance in order to bring it into line with Czechoslovakia's obligations under Article 12 of the International Covenant on Civil and Political Rights regarding freedom of movement, and urged that the restrictions on five former prisoners of conscience be lifted.

Amnesty International learned of three executions for murder during 1985 and appealed to the authorities against the retention and use of the death penalty.



## Federal Republic of Germany

As in previous years Amnesty International's principal concerns were the imprisonment of conscientious objectors to military service, allegations that politically motivated prisoners were being held in isolation and the prosecution of individuals in viola-

tion of their right to freedom of expression.

The right to conscientious objection to military service is recognized in the constitution, but a few people are nevertheless imprisoned for refusing on grounds of conscience to do military service. Amnesty International appealed on behalf of four conscientious objectors, all of whom had applied unsuccessfully to do alternative non-military service.

Among them was Andreas Kleuter who had filed five unsuccessful applications for recognition as a conscientious objector with the District Office of Military Administration in Coesfeld. In his applications he stated that it was incompatible with his conscience to perform military service because he would have to kill people in the case of a conflict between states. When called up by the army on 1 October Andreas Kleuter reported at the Wittekind military barracks but refused to obey orders. He was consequently put under seven days' military arrest followed by a second military arrest of 14 days. Andreas Kleuter filed a sixth application and was recognized as a conscientious objector by the District Office of Military Administration in Coesfeld on 13 November 1985.

Amnesty International also intervened on behalf of Joachim Rieger who was imprisoned for approximately seven weeks from 2 April for refusing to report for military service. He was finally recognized as a conscientious objector in June and charges for refusal to obey orders were subsequently dropped.

Amnesty International continued to receive reports alleging that politically motivated prisoners were held in isolation. Most of these prisoners came from the Red Army Faction (RAF), and all had been convicted, or were held on suspicion, of terrorist offences. The organization had repeatedly drawn attention to the dangers posed by solitary confinement to both the physical and mental health of prisoners and urged the government to seek alternatives. From December 1984 to January 1985, 39 prisoners belonging to the RAF went on hunger-strike; one of their demands was reported to be an end to solitary confinement. During 1985 Amnesty International sought information from both government and other sources on prisoners alleged to be in isolation.

Prisoners arrested on suspicion of terrorist offences are often placed initially under a special detention order forbidding contact with other prisoners. The Minister of Justice indicated in February that the prisoners on hunger-strike were held on average for seven months before their detention orders were amended to permit association with other prisoners, and that in two cases this period had exceeded a year. Defence lawyers representing the prisoners claimed that the average period of isolation was longer because the prison authorities did not always implement the amended order. After this

initial period some offers of association with other prisoners (for example, communal exercise periods) were made. Many politically motivated prisoners turned down such offers, claiming that unacceptable conditions were imposed and that prisoners to whom they talked were frequently questioned by the authorities and transferred to other sections of the prison.

An example of such a prisoner was Volker Staub. After more than six months in isolation from other prisoners, he was, according to his defence lawyer, offered exercise with other prisoners early in 1985 on condition that he did not "politically agitate". He refused the offer.

No medical information was available on the effects of the prison conditions on the health of these prisoners because the prisoners have in the past refused examinations by prison doctors and the authorities are reported to have refused to allow prisoners to consult doctors of their own choice.

Amnesty International was concerned both about the length of time spent in pretrial detention in isolation from other prisoners and about the lack of medical information on these prisoners. The organization considered that in view of the harmful effects of isolation it was essential that the health of prisoners in isolation should be regularly monitored, even where it was claimed by the authorities that these conditions were self-inflicted. It also considered that the prisoners concerned should have the option of being examined by doctors outside the prison system.

During 1985 Amnesty International investigated prosecutions under Article 166 of the penal code which proscribes insulting religious or other conscientiously held beliefs in a way liable to disturb the public peace, or insulting a "church established in the country". Four people in Freiburg were charged under this article, apparently for making and distributing a poster advertising an "anti-clerical" week, which depicted a Christlike figure as a puppet in the hands of a priest. In September Amnesty International wrote to the Federal Prosecutor expressing concern at the apparent use of Article 166 to punish the expression of views which did not involve advocacy of violence and requesting information on the background to the case. The trial began at the end of November but was suspended to consider defence representations and did not resume before the end of 1985.

In November Amnesty International published a short study of prosecutions brought in previous years against people for expressing views which, in the opinion of the organization, did not involve advocacy of violence.



## Finland

Amnesty International was concerned about the imprisonment of conscientious objectors for refusing to carry out unarmed military service. They were not offered alternative civilian service even though they were prepared to do it.

Jorma Tapio Vihavainen, a 26-year-old dentist, went to prison on 6 August. He had been assigned to unarmed military service, but refused to report to barracks on the grounds that "all life is valuable and should not be destroyed". He was adopted as a prisoner of conscience by Amnesty International and on 9 December was accepted for alternative civilian service. His release from prison was expected in January 1986. Tapio Olavi Puhakka, a 23-year-old student, was also assigned to unarmed military service and refused to obey. His sentence began on 2 December.

Following reports of a possible revision of the law on military service, Amnesty International wrote in January 1985 to the Prime Minister, Kalevi Sorsa, and the Ministers of Defence, Justice, Labour and Social Affairs, stating its position on conscientious objection. In April Amnesty International wrote to the chairman of the Parliamentary Defence Committee considering the new draft law. Amnesty International stated that the length of alternative service should not punish anyone for conscientiously held beliefs. The draft law increased the length of alternative civilian service from 12 to 16 months, compared to regular military service of eight months, which Amnesty International considered could be punitive. The new law incorporating this change was passed at the end of June, and was due to come into force in 1987. A new law was also passed in 1985 exempting Jehovah's Witnesses from military service with effect from 1987.



## France

Amnesty International was concerned about the imprisonment of conscientious objectors to military service. The organization was also concerned about allegations that two Kanak independence supporters in the French overseas territory of New Caledonia were the victims

of extrajudicial execution by French security forces.

Amnesty International adopted as prisoners of conscience objectors to military service who were not offered the alternative of civilian service and also those who refused the alternative service because, at twice the length of military service, Amnesty International considered it to be punitive.

Amnesty International worked for the release of five conscientious objectors serving sentences of between four and 12 months. Some objectors were rearrested after serving their sentences. The law permits rearrest and detention for a total of one year.

In one such case, Christian Frigout, a 24-year-old industrial designer, was released from the prison of Rennes on 10 December after completing a nine-month sentence for refusing military service on pacifist grounds. On leaving the prison he was arrested for refusing an order to put on military uniform. The tribunal of Rennes did not order his reimprisonment but he was taken to military barracks and held there under close arrest. He was due to be brought before the court again in January 1986.

Amnesty International was also concerned about reports that two members of the Kanak Socialist Nationalist Liberation Front (FLNKS) in New Caledonia may have been extrajudicially executed on 12 January. Eloi Machoro and Marcel Nonnaro were shot and killed by members of the *Groupe d'intervention de la gendarmerie nationale* (GIGN), Intervention Group of the National Police, who had reportedly surrounded a farmhouse where the two men and some 37 other armed FLNKS supporters had gathered. GIGN officers claimed the Kanak group had opened fire. FLNKS spokespersons said no shots had been fired and that Eloi Machoro and Marcel Nonnaro were coming out of the farmhouse to negotiate with the officers when they were killed. Eloi Machoro was widely regarded as the most militant of the FLNKS leaders. On 8 February, Amnesty International asked the Minister of Justice about the position of the French Government with regard to these reports and on 21 February received assurances from the Ministry of Justice that the killings

would be investigated. Amnesty International was not aware of the results of any official investigation by the end of 1985 and a civil suit, brought against persons unknown, had reached no conclusion.



## German Democratic Republic

As in previous years Amnesty International's main concern was the imprisonment of prisoners of conscience, the majority of them would-be emigrants. The organization was further concerned about trial procedures in political cases, in particular the regular practice of holding such trials *in camera*.

Amnesty International adopted as prisoners of conscience those imprisoned for non-violently exercising their right to leave their country. Most were prosecuted under Article 213 of the penal code which proscribes leaving the German Democratic Republic (GDR) without permission and carries a maximum prison sentence of eight years. Permission is very difficult to obtain and those who persisted in their efforts to obtain it risked infringing a number of laws which restrict the rights to freedom of association and the right to pass on information. During 1985 the organization learned of the arrest of more than 30 would-be emigrants under these laws.

GDR law places heavy penalties on sending information abroad if it is considered "to the disadvantage of the interests" or "liable to damage the interests" of the GDR (Article 99 or Article 219, section 2, of the penal code). Neither article concerns the transmission of information classified as secret, which is proscribed separately under Article 97 of the penal code ("espionage"). A number of would-be emigrants were charged under Articles 99 and 219 after writing to organizations or individuals abroad about their difficulties in obtaining permission to emigrate, especially when this resulted in publicity for their case in foreign news media. Mere contact with such organizations or individuals on the subject of emigration led in some cases to prosecution under Article 100 of the penal code ("treasonable activity as an agent") or Article 219, section 1 ("taking up illegal contacts").

The case of Ewald Schwarzrock, an electrician from Berlin who

was arrested on 8 August, was typical. Before his arrest he had applied repeatedly for permission for himself and his family to emigrate. After a number of unsuccessful applications he contacted a human rights organization based in the Federal Republic of Germany (FRG). He was tried on 7 November by a court in Berlin and sentenced to one year six months' imprisonment under Article 100.

Would-be emigrants who persisted in their efforts to persuade government authorities to grant them exit visas were prosecuted for "impeding the activity of public bodies" under Article 214 of the penal code. Others were held to have "vilified" the GDR in stating their reasons for wishing to emigrate and prosecuted under Article 220 ("public vilification"). Those who took initiatives with other would-be emigrants were prosecuted for "Association for the pursuit of aims contrary to the law" (Article 218). All associations, including informal ones, require state recognition and one condition is that they "correspond to the principles of the socialist order of state in their character and aims".

Amnesty International also worked on behalf of a number of people imprisoned for refusing on grounds of conscience to do military service. The GDR makes some provision for those who object to armed military service by allowing them to join "construction units", where conscripts work on the construction of military installations. However, there is no non-military alternative service. Amnesty International accordingly adopted as prisoners of conscience those imprisoned for conscientious objection to either form of military service. Among them was Harald Prehn, a skilled worker from Stralsund, who was arrested in May and sentenced shortly afterwards to 20 months' imprisonment.

No trials of prisoners of conscience were reported in the press. All political trials which Amnesty International was able to investigate were held *in camera*; in most cases the prisoner's family was also excluded. Judgments, which under both GDR and international law must be made public, contained information only about the sentence and legislation. The public were again excluded when the reasoning for the judgment was read out. The written text of judgments was not made available to the prisoner's family or to the public.

Amnesty International attempted to send an observer into the trial of André Eichwede, which took place in Berlin on 12 February. However, Amnesty International's observer, a Swedish lawyer, was turned back at the border. André Eichwede was sentenced to one year 10 months' imprisonment for "illegal crossing of the border" (Article 213 of the penal code) and "impeding the activity of public bodies" (Article 214). He was released and permitted to emigrate on 28 August.

Amnesty International wrote to Erich Honecker, Chairman of the Council of State, expressing regret at the GDR authorities' refusal to admit the organization's observer into the country and urging him to clarify the position concerning the admittance of foreign observers to trials. The organization pointed out that the GDR delegation had not responded to a question on this subject by a member of the Human Rights Committee in Geneva, when the Committee was examining the GDR's implementation of the International Covenant on Civil and Political Rights in July 1984. Amnesty International further stated that it considered the holding of trials in public to be one of the most important guarantees for a fair trial and that if this condition was not met there was no basis for determining whether the trial conformed in other respects to internationally recognized standards. The organization expressed concern about the large numbers of trials held *in camera* and urged Erich Honecker to investigate the matter.

The restrictions on access to trials and judgments of political prisoners meant that family and friends only had minimal information about cases. If they reported cases to organizations or individuals abroad, they themselves risked prosecution for sending out of the country information deemed damaging to the interests of the GDR.

For these reasons the information received by Amnesty International about political prisoners was incomplete. During the year the organization worked on behalf of about 200 prisoners of conscience but believed the total number to be much higher.

As in previous years prisoners of conscience were released to the FRG in exchange for payment by the FRG Government. Amnesty International welcomed these releases but continued to call for the unconditional release of prisoners of conscience.



## Greece

Amnesty International's main concern continued to be the imprisonment of large numbers of Jehovah's Witnesses for refusing to perform military service. Since 1977, four years' unarmed military service has been offered to Jehovah's Witnesses, but Amnesty International did

not consider this a satisfactory alternative because it was twice the duration of armed military service and because there was no alternative civilian service outside the military system. At the end of

1985 Amnesty International knew of 283 Jehovah's Witnesses imprisoned for conscientious objection to military service.

On 28 February Amnesty International wrote to the Minister of Justice expressing concern about the continued prosecution of people on charges of "proselytism". In addition to cases of Jehovah's Witnesses (see *Amnesty International Report 1985*) reference was made to sentences of three and a half years' imprisonment passed on 22 December 1984 on Costas Macris, President of the Hellenic Missionary Union, and on two other missionaries, Don Stephens, a United States citizen, and Allan Williams, a United Kingdom citizen. At the end of 1985 the three were free pending the hearing of their appeal. Amnesty International considered that Compulsory Law No. 1672/1939 (amending Compulsory Law No. 1363/1938), which prohibited proselytism, was in conflict with Article 9 of the European Convention on Human Rights, to which Greece is a state party, which upholds the right "to manifest religion or belief in worship, teaching, practice and observance". No reply had been received to this letter by the end of 1985.

On 7 August Amnesty International wrote to Prime Minister Andreas Papandreou concerning the alleged ill-treatment of a conscript soldier in Avlona Military Prison in August and September 1982. Although the ill-treatment was alleged to have occurred some time previously, the detailed account, which Amnesty International appended to its letter, suggested that the ill-treatment of imprisoned soldiers was frequent. Amnesty International called for an inquiry into the treatment of prisoners in Avlona Military Prison and asked to be informed of any subsequent complaints of ill-treatment and of inquiries into them. No reply had been received to this letter by the end of 1985.

On 14 October and 1 November Amnesty International appealed to the Greek authorities not to return three ethnic Turks to Bulgaria in response to an extradition request from the Bulgarian authorities. Following their arrival in Greece from Bulgaria, Yusuf Bilalov, Said Mestanov and Huseyin Mestanov, who sought asylum in Turkey, had given interviews about arrests and deaths in Bulgaria during an official campaign to force ethnic Turks to adopt Bulgarian names. Amnesty International believed that these activities, rather than the alleged criminal acts cited in the extradition request, might have been the basis for the request and that, if they were extradited, they faced imprisonment and possibly death sentences. On 31 October the Athens Appeal Court approved the extradition request, but this decision was overruled by the Supreme Court in Athens on 10 December and the three men and their families were allowed to proceed to Turkey.



## Hungary

Amnesty International was concerned about the imprisonment of conscientious objectors to military service and about administrative measures such as banishment imposed on people for the non-violent exercise of their right to freedom of expression. The organization

learned of the imposition of one death sentence and two executions.

Military service is compulsory in Hungary and the law does not provide for alternative civilian service outside the military system. Article 336 of the criminal code allows the courts to impose sentences of up to five years' imprisonment (five to 15 years in time of war) on those who refuse military service. Since 1977 members of some small Christian sects, including the Nazarenes and the Jehovah's Witnesses, have been allowed to do unarmed military service, but the authorities have refused to extend this to Roman Catholics. According to reports, in 1985 there were approximately 150 conscientious objectors serving sentences in Baracska prison where conscientious objectors are generally sent. Most of them were Jehovah's Witnesses who had refused to do any form of military service.

Amnesty International could not obtain details of these prisoners but it worked for the release of nine Roman Catholic conscientious objectors, all of whom, according to Amnesty International's information, belonged to small, pacifist, "basic communities" which advocate strict adherence to the teachings of the Bible. Five were adopted during 1985, including Gyorgy Hegyi, aged 19, from Budapest. In a letter to the authorities he reportedly offered to serve under military control for longer than the obligatory duration provided he was not made to carry arms. He was arrested on 28 August and in a subsequent search of his home the police reportedly impounded a number of religious and other unofficial publications. On 2 September he was sentenced by the Budapest Military Court to 34 months' imprisonment under Article 336.

Amnesty International received a report that in 1985 there were up to 50 people serving prison sentences for political offences in Budapest Central Prison. The organization was unable to obtain details, but believed that most had been charged with "incitement". Under Article 269 of the criminal code people convicted of acts liable to incite hatred of Hungary's constitutional order or allies, or national, racial or religious hatred, may be imprisoned for up to two years. If a deliberate intent to incite is proved they face imprisonment

of between one and five years under Article 148. If the offence is committed before a "large public" or as members of a group the punishment may be increased to up to three years' imprisonment under Article 269 and two to eight years under Article 148.

Amnesty International was concerned about the continuing practice of imposing administrative penalties on people for the non-violent exercise of their right to freedom of expression, and about the introduction of new legislation increasing such administrative penalties. Decree No. 4/1985 allowed chiefs of district police stations to apply a variety of measures, including banishment, restrictions on movement, and denial of a telephone, to people whose behaviour "endangers the internal order of the Hungarian People's Republic, public order or public security". There is no right of appeal to the courts against these restrictions which can be imposed for up to two years with a possible extension of one year which can then be renewed. Previously, under the analogous Decree No. 4/1976, the duration was for up to one year.

Amnesty International was informed that Gyorgy Krasso, a 52-year-old economist from Budapest, was subjected to such administrative measures from November 1984 to 4 October 1985 because of his activity in unofficial publishing (see *Amnesty International Report 1985*). Lajos Nagy, aged 61, was banished in February 1983 to a farm near the village of Komadi close to the border with Romania after having written letters about the human rights situation in Hungary to the Conference on Security and Co-operation in Europe held in Madrid from 1980 to 1983. He reportedly remained banished until his death in early December 1985.

Amnesty International learned of two executions, both for murder, one following a death sentence imposed in 1985. Amnesty International had appealed to the authorities to commute the sentences.



## Ireland

Amnesty International continued to investigate allegations of ill-treatment of prisoners. The organization was also concerned about the retention in law of the death penalty. During 1985 Amnesty International learned of five death sentences imposed by the courts.

Amnesty International received a letter from the Minister for

Justice on 22 February in reply to the organization's letters expressing concern about allegations of ill-treatment of prisoners in Portlaoise Prison (see *Amnesty International Report 1985*). The Minister for Justice stated that the Director of Public Prosecutions had decided that no prosecutions were warranted, and that therefore the Ministry did not consider that any further form of inquiry would be justified. However, Amnesty International continued to receive allegations that prisoners in Portlaoise Prison were being ill-treated. Sean McGuinness, Gregory Carroll, Fergal Toal, Dessie O'Hare and Eddie Hogan were reportedly beaten in April.

Thomas Eccles, Brian McShane and Patrick McPhillips were sentenced to death for murder on 28 March and given a stay of execution on 15 April; their appeal against the conviction began on 25 November.

Michael McHugh and Noel Callan were sentenced to death on 3 December. Because Michael McHugh refused to appeal, he was due to be hanged on 27 December. The President commuted his sentence to 40 years' penal servitude without remission. Noel Callan appealed against his conviction.

A bill entitled Criminal Justice (Abolition of Death Penalty) 1984, which would abolish the death penalty for all offences, was introduced in the Irish Parliament by three Senators. Amnesty International wrote to the authorities welcoming the initiative and expressing the hope that the Republic of Ireland would abolish the death penalty totally.



## Italy

Amnesty International's principal concerns were the excessive length of preventive detention and judicial procedures in political cases. The organization expressed concern about a case of alleged torture resulting in death and about cases of reported medical neglect of prisoners. It also collected information on prosecutions of officers accused of ill-treating prisoners from previous years. Amnesty International continued to work for the release of imprisoned conscientious objectors to military service.

Law 398, promulgated in July 1984, reduced the length of

preventive detention — defined as the period between arrest and the passing of a definitive verdict by the highest court — from 10 years eight months to six years. In November 1985 this law resulted in the release of about 160 prisoners charged with serious crimes, because the permitted limit had been reached. The released prisoners, who included defendants in political cases, were subject to police supervision after release.

In the Rome section of the "7 April" trial (see *Amnesty International Report 1980 to 1985*), *The Motivation for Judgment and Sentence* was published in May. Amnesty International was concerned that some of the principal defendants had been kept in preventive detention for over five years and that special legislation was applied retroactively to extend the permitted limits of preventive detention (see *Amnesty International Report 1980*). There was also a delay of 15 months without any judicial justification between the committal for trial order and the first trial hearing. In addition, Amnesty International was concerned that there was no opportunity for the court to examine Carlo Fioroni, the main source of information for the charges against the defendants. He had left the country by the time he was called for examination at the hearing. His testimony, which had been taken in secret during the investigation phase, was nevertheless admitted by the court.

On 3 December 1984 the Paduan section of the "7 April" trial opened after several postponements and after a change of President and jury at the prosecution's request. It continued throughout 1985. The 143 defendants in the Paduan trial included six whose cases were under investigation by Amnesty International (see *Amnesty International Report 1980 to 1985*). Four of these left the country after being acquitted by the investigating judge. They were nonetheless included in the list of defendants after the prosecution had appealed successfully against the investigating judge's decision. The prosecution also appealed successfully against the acquittal by the investigating judge in Padua of Professors Luciano Ferrari-Bravo and Emilio Vesce, who had earlier been convicted of formation of an armed band in the Rome trial. They were defendants in the Padua trial as well because they had been charged separately by the Paduan prosecuting magistrates with possession of arms. Amnesty International's grounds for concern in the Padua trial were similar to those in the Rome trial, in particular the excessive length of pretrial detention, and the inability of the court to examine Carlo Fioroni. Amnesty International was also concerned that the arms charges against Professors Ferrari-Bravo and Vesce appeared to be based on allegations which had already formed the basis of their conviction in the Rome trial.

On 29 August Amnesty International asked the Minister of Justice about an inquiry into the death in police custody of Salvatore Marino in Palermo. He was a young fisherman who had gone voluntarily to the police station to answer questions about the murder on 29 July of a police officer. Amnesty International received reports that he had been beaten and forced to swallow large quantities of salt water through a plastic tube. The post-mortem stated that he had died from "respiratory constriction which had led to heart arrest" and referred to "injuries to the trachea". Eleven officers of the Flying Squad were arrested after his death and charged with "unintentional homicide". A further seven were arrested later. Subsequently 14 of the 18 were granted provisional liberty or put under house arrest.

On 10 July Amnesty International asked the Minister of Justice for information on the progress of judicial inquiries which had been established in 1982 in Rome, Verona and Viterbo into allegations of torture and ill-treatment of political detainees between their arrest and transfer to prison. The incidents were reported to have taken place in police stations, barracks and other places (see *Amnesty International Report 1983*). Amnesty International had received no reply to previous inquiries about these cases nor did any arrive by the end of 1985.

The judicial inquiry into violence against prisoners in San Vittore prison in Milan in September 1981 ended in November 1985. Amnesty International had written to the Minister of Justice in December 1981 (see *Amnesty International Report 1982*) after receiving allegations of ill-treatment of prisoners. The inquiry found that during a prison transfer serious offences had been committed against 133 prisoners, most of whom had been charged with politically motivated crimes. It recommended that the former prison governor, two doctors and 19 officials be committed for trial on charges including premeditated infliction of injury, use of inappropriate weapons, failure to administer aid and failure to report the incidents.

On 28 November Amnesty International wrote to the Minister of Justice about the health of Professor Paolo Signorelli, who had been held for five years in preventive detention at the prison of Regina Coeli in Rome and was alleged to belong to the *Nuclei Armati Rivoluzionari* (NAR), the Armed Revolutionary Nuclei. He was reported to be suffering from cardiac and circulatory problems as well as a serious arthritic condition and to have fallen into a coma lasting six hours following a collapse. Amnesty International had received reports that Professor Signorelli had been denied necessary medical treatment and might therefore suffer an irreversible decline in health. No reply had been received by the end of 1985.

Amnesty International worked for the release of seven conscientious objectors to military service. They included objectors who had unsuccessfully applied to do alternative civilian service or who had refused alternative service in protest at its punitive length. In Italy alternative civilian service is 20 months, compared to 12 months' military service.



## Malta

On 22 July Amnesty International wrote to the Minister of Justice and Parliamentary Affairs about allegations that detainees had been ill-treated at Police Headquarters in Valletta between 1977 and 1985. Amnesty International provided information on five specific cases in which ill-treatment had been alleged and asked to be informed if any investigation had taken place into the allegations and, if so, to be informed of the findings. No reply had been received by the end of 1985.



## Netherlands

Amnesty International wrote to the Prime Minister on 31 January to express its concern following an incident in which 45 Sri Lankan Tamils in transit from Sri Lanka to East Berlin were reported to have been apprehended at Schiphol airport and put on a flight returning to Colombo. Amnesty International opposed the involuntary return to Sri Lanka of members of the Tamil minority since it considered that they had reasonable grounds to fear they might be killed by the security services or arbitrarily detained and ill-treated if it was believed that they had any knowledge of the activities of Tamil extremist groups. In order to prevent further such occurrences the

Dutch Government was asked to review the procedures followed in this case, to strengthen existing safeguards against involuntary return and to develop further safeguards, as necessary. The government in its reply of 14 May stated that at no time did the 45 Sri Lankan Tamils request asylum or express fears of persecution and that, in the government's view, the existing procedures contained sufficient safeguards for people requesting asylum. Amnesty International continued to seek information on the incident.



## Norway

On 12 November Amnesty International wrote to the Minister of Justice urging the immediate release of Kjell Håkon Paulsen, a 33-year-old student who was sentenced to 90 days' imprisonment for refusing military service on conscientious grounds. Between 1974 and 1980

Kjell Håkon Paulsen had been granted a series of postponements of military service because of his university studies. On 2 January 1980 he applied to be recognized as a conscientious objector. He stated that he opposed Norway's military system and membership of NATO and would not serve in the army, but was prepared to carry out alternative civilian service. His application was rejected by the Ministry of Justice and he was tried by the County Court of Trondheim on 7 October 1983. The court's verdict was upheld on appeal by the Supreme Court on 15 December 1983.



## Poland

Amnesty International was concerned about the arrest and detention of hundreds of prisoners of conscience. It was also concerned about allegations of ill-treatment of political prisoners, prisoners' lack of access to legal representatives and the imposition of the death penalty.

The authorities announced clemency procedures on 9 November, under which 218 political prisoners were released. Amnesty International expressed regret that the clemency measure was restricted: it excluded recidivists and prisoners whose offences were considered "socially harmful". At the end of 1985 there were approximately 200 political prisoners, most of whom Amnesty International believed to be prisoners of conscience.

Most political arrests were of people involved in underground activities of the banned trade union Solidarity: possessing, printing or distributing unofficial literature; broadcasting *Radio Solidarity* programs; or participating in illegal meetings or activities.

Tadeusz Jedynek, chairperson of Solidarity in Silesia and a member of the underground Solidarity leadership, the Provisional Coordinating Committee (TKK), was detained while in hiding on 17 June and charged with treason under Article 122. This charge carries a minimum penalty of 10 years' imprisonment and a maximum of death. He was adopted by Amnesty International as a prisoner of conscience because it believed that the charges were based on his non-violent activities as an underground leader of Solidarity. Several prominent opposition activists who had been released under an amnesty in July 1984 were rearrested. Solidarity leaders Andrzej Gwiazda, Seweryn Jaworski, Stanislaw Handzlik and Wladyslaw Frasyniuk all received short prison sentences for participating in demonstrations. Leszek Moczulski, a leader of the Confederation for an Independent Poland (KPN), was arrested and charged with "illegal association in order to foment public unrest". Bogdan Lis, Adam Michnik and Wladyslaw Frasyniuk were sentenced on 14 June to two and a half, three, and three and a half years' imprisonment respectively for leading an illegal organization (Solidarity), and for attempting to foment public unrest by calling for a 15-minute strike against price rises. Amnesty International delegated two lawyers to observe the trial but they were refused visas.

Many people were convicted for printing or distributing unofficial

literature. Four people were charged with printing the Solidarity weekly *Tygodnik Mazowsze*: Tadeusz Wypych and Grzegorz Sedek were sentenced to two and a half years' imprisonment; Jaroslaw Nakielski and Krzysztof Gos to one and a half years' imprisonment. Wojciech Lakinski, Grzegorz Ganowicz and Jan Skowronski were sentenced to 15 months' imprisonment for distributing the unofficial journal, *Obserwator Wielkopolski*. They were all released under the clemency procedures. Others sentenced for such activities and adopted by Amnesty International as prisoners of conscience included: Marek Kulczyk, sentenced to three years' imprisonment; Wieslaw Pyzio, to two and a half years; Walerian Klineciewicz, Marek Mickiewicz, Jozef Sreniowski and Jacek Bartosiewicz, to two years.

Among those arrested for peaceful political activities were many students and young people. Wlodzimierz Chmielowiec, aged 19, was sentenced to two years' imprisonment for collecting signatures door-to-door for a petition on behalf of political prisoners; Adam Bujak, a Krakow student, was sentenced to two years' imprisonment for distributing illegal literature; Andrzej Bereda and Piotr Szczudlowski, students at the Lublin Catholic University, were sentenced to one year's imprisonment for distributing a leaflet calling for a boycott of the official May Day celebration.

The "Freedom and Peace" movement, which demands an alternative to military service, was sparked off by the imprisonment of Marek Adamkiewicz, a former student Solidarity activist, for two and a half years in December 1984 for refusing to take the military oath on political grounds. A petition and hunger-strike were organized to protest against the sentence, after which the first "Freedom and Peace" group was established by young people in Krakow in April. Further groups emerged in Warsaw, Wroclaw, Gdansk and Szczecin. In another form of protest, 28 people returned their military documents. At least eight people were fined for this and threatened with imprisonment for refusing to pay the fine. Wojciech Jankowski, a member of the movement, was sentenced to three and a half years' imprisonment on 23 December for refusing to do military service on conscientious grounds. He was adopted as a prisoner of conscience, as was Marek Adamkiewicz.

On 25 June Jan Kostecki was sentenced to two years' imprisonment for spreading false information detrimental to the interests of the Republic, through his membership of the *Szczecin* Committee in Defence of the Rule of Law. He was the first person to be sentenced in connection with the civic human rights committees which were set up in various cities after the murder of Father Jerzy Popieluszko in October 1984 (see *Amnesty International Report 1985*). He remained at liberty pending appeal.

Amnesty International was also concerned about numerous reports that prisoners and suspects were denied access to their families and legal representatives for long periods. As of the end of 1985, Czeslaw Bielecki had reportedly been denied access to his lawyer since his arrest in April. Wladyslaw Frasyuniuk was likewise said to have been refused access to his lawyer six times between October and December and therefore to have been unable to prepare for his appeal hearing in January 1986. The organization appealed to the authorities in September to allow Bogdan Bujak, Robert Mroziejewicz, Jan Kofman and others immediate access to lawyers and relatives.

New legislation was passed by the *Sejm* (Parliament) on 10 May and came into effect on 1 July. It consisted of a bill on "Special Criminal Liability", valid for three years, and a series of amendments to the penal code, which established an "accelerated procedure" for certain offences. Under this "accelerated procedure", an investigation is conducted by the police alone (without involving the Public Prosecutor's Office) which has to be completed within 48 hours. A trial is held at the end of the 48 hours at which the police stand in for the Public Prosecutor and the case is heard by a single judge. An appeal against sentence can be lodged. Because of the speed of the procedure, Amnesty International was concerned that there would be insufficient time to prepare a defence.

In the latter part of 1985, the "accelerated procedure" was applied in misdemeanour courts to offences under Article 282a of the penal code, which states that activities aimed at fomenting public unrest are punishable by imprisonment of up to three years. Most political activists were charged under this article, which covers activities such as distributing or possessing unofficial leaflets or publications, displaying banners and publicly expressing one's views (for example, on demonstrations). The "accelerated procedure" was used on 3 July in the case of Henryk Grzadzielski, who was sentenced to one year's imprisonment for leading a 60-minute strike on 1 July in Slupsk against a meat price rise called by the underground Solidarity leadership. It was also used in the cases of Anna Pracka-Grzegorzolka and Andrzej Wisniewski, who were both sentenced under Article 282a to one and a half years' imprisonment. All three were adopted by Amnesty International as prisoners of conscience.

Amnesty International received numerous reports of ill-treatment of detainees by police during custody. The organization initiated an action in July because of alleged ill-treatment of 18-year-old Bogdan Dariusz, a school student, following his arrest in September 1984. It urged an impartial investigation into allegations that he had been punched, kicked and beaten with a truncheon on a number of occasions during his weeks of interrogation.

The organization launched urgent appeals in the second half of 1985 on behalf of prisoners of conscience Mirosława Grabowska, Wanda Dragon and Lothar Herbst, who were reportedly not receiving adequate medical treatment while in investigative detention and whose health was deteriorating. They were all released on humanitarian grounds.

Several appeals were issued on behalf of prisoners in Leczyca prison between August and October expressing Amnesty International's concern at reports of beatings and harsh prison conditions. Jozef Sreniowski and other prisoners went on several hunger-strikes in Leczyca prison to protest against harsh conditions and beatings. Among those allegedly beaten were Mirosław Andrzejewski, Jerzy Kajak, Andrzej Filipczyk, Marek Lucarz and Władysław Frasyniuk. On 13 August seven political prisoners began a partial hunger-strike (eating on alternate days) in Braniewo prison, protesting against harsh conditions and calling for political prisoner status. Several prisoners were reportedly beaten, including Henryk Grzadzielski and Father Sylwester Zych. In December Amnesty International expressed concern about reports of ill-treatment in Braniewo prison.

The trial of four security police officers charged with the kidnap and murder of Father Jerzy Popieluszko ended on 7 February. Colonel Adam Pietruszka and Captain Grzegorz Piotrowski were sentenced to 25 years' imprisonment; Lieutenants Leszek Pekala and Waldemar Chmielewski were sentenced to 15 and 14 years' imprisonment respectively. Their sentences were upheld by the Supreme Court.

By the end of 1985 Amnesty International had received reports of the imposition of nine death sentences and five executions. In February the organization appealed to the government to commute the death sentence on Zdzisław Czesław Kubiak. The Supreme Court had increased his sentence from 25 years' imprisonment to death in May 1984.



## Romania

Amnesty International worked for the release of prisoners of conscience imprisoned for their religious and political activities, including those who sought to exercise their right to leave their own country. The organization received allegations that political prisoners had been ill-

treated in detention and their families denied access to them. It was concerned about two reported deaths of prisoners of conscience. Amnesty International learned of the imposition of one death sentence during 1985.

Amnesty International adopted as prisoners of conscience a number of people imprisoned for their religious activity, in most cases members of Protestant evangelical sects. They included Elisiu Rusu, Cornel Mich, Levi Nicola and Ilie Dociu, all members of the Brethren Church in Bucharest, who were sentenced in September to between 10 months' and one year's "corrective labour" for distributing and possessing Bibles and other Christian literature. Another member of the Brethren Church adopted by Amnesty International, Ilie Neamtu, a 49-year-old construction foreman from Ploiesti, was reportedly arrested on 1 July after having held small evangelical meetings for his workmates. After his arrest his wife was reportedly denied access to him and was informed that no details of any charges against him would be available until his trial at a later, unspecified date.

Unauthorized crossing of the frontier is punishable under Article 245 of the criminal code by up to three years' imprisonment and Amnesty International noted that the number of such cases brought to its attention increased during 1985. Ilie Savu, a 34-year-old mechanic from Bucharest, was reportedly arrested on 26 July on suspicion of planning to cross the border illegally while on a visit to friends and relatives close to the border with Yugoslavia. On 1 October he was sentenced under Article 245 by the Municipal Court of Bucharest Sector 11 to 18 months' imprisonment with an additional 31 months' reimposed from a previous sentence, also under Article 245, which had been suspended due to an amnesty in 1984. Ilie Savu's lawyer was reportedly permitted to see the indictment only on the day of the trial. In another case, Nicolae Malan, aged 49 from Oradea, was sentenced to 15 months' imprisonment when he was returned in August by the Yugoslav authorities after crossing the border into Yugoslavia.

Amnesty International continued to receive reports of people

being harassed or detained by the authorities in connection with their applications to emigrate. For example, Eugen Ciobanu was reportedly arrested on 6 September after demonstrating outside the United States Embassy in Bucharest over the continued refusal by the authorities to permit him and his wife to emigrate. He had not been brought to trial by the end of 1985.

Amnesty International also received reports of ethnic Hungarians harassed or detained for protesting about alleged discrimination against the ethnic Hungarian minority. Amnesty International worked for the release of Andras Tokes, Laszlo Tokes and Erzsebet G6rgely, all from Tirgu Mures, who were arrested in May after distributing pamphlets calling on ethnic Hungarians who had suffered harassment or discrimination to complain to the appropriate legal authorities. In July three more ethnic Hungarians — Miklos Kuhn, Jozsef Felmeri and Istvan Papp — were arrested on similar charges. All six were released within a few weeks of their arrest.

Amnesty International received reports of other people imprisoned for the non-violent exercise of their right to freedom of expression. For example, Gheorghe-Emil Ursu, a 60-year-old civil engineer from Bucharest, was arrested on 21 September. He had reportedly been under continuous investigation since 3 January after having made critical remarks about government policy and about President Ceausescu personally. Following a search of his home a large number of his personal diaries covering a 40-year period were taken by the authorities, who allegedly attempted to induce him to implicate people mentioned in these diaries in an anti-government conspiracy. On 26 October his wife was informed by the authorities that he was ill in custody and on 19 November she was told that he had died of heart failure. Gheorghe-Emil Ursu was cremated on 23 November. His wife, who has very poor eyesight, was reportedly allowed only a very brief view of the body on 22 November; his daughter was refused permission to see it. Amnesty International received allegations that Gheorghe-Emil Ursu was severely ill-treated in custody and that his death was caused by this ill-treatment. On 5 December Amnesty International wrote to the authorities expressing its concern at the death and calling for a full and impartial investigation into the circumstances surrounding it. The organization had not received a reply by the end of 1985 and to its knowledge no such investigation was carried out.

During 1985 Amnesty International asked the authorities for further details concerning the death on 22 March of Dragos Oloieru. The 61-year-old former teacher, who had been adopted by the organization as a prisoner of conscience, was serving an eight-year sentence in Aiud prison for "propaganda against the Socialist State"

after having written to various international organizations protesting at treatment he had received from state officials. Amnesty International had not received a reply by the end of 1985.

Amnesty International continued to receive allegations of ill-treatment of political detainees. In May Janos Csilik, a 29-year-old Roman Catholic priest from Oradea, was allegedly ill-treated during interrogation in an attempt to make him give information about members of his congregation. Amnesty International was informed that as a result he needed hospital treatment for wounds to his hand.

Prison conditions under which prisoners of conscience were held were reported to be harsh, with poor food, hygiene and medical care. An account of Jilava prison written by a former prisoner of conscience stated that political prisoners were frequently insulted and beaten by officials and ordinary criminals acting at the instigation of the authorities.

To Amnesty International's knowledge no death sentences were reported in the Romanian press. However, it received information that a marine pilot had been sentenced to death in April or May after attempting to leave Romania without permission in a cargo ship.



## Spain

The torture and ill-treatment of detainees, principally people held incommunicado under the anti-terrorist law, continued to be Amnesty International's main concern. There were numerous judicial inquiries and prosecutions of police and Civil Guard officers accused of torturing and ill-treating detainees. Important new legislation on conscientious objection was introduced and there was a major reform of the Military Penal Code, which did not, however, result in the total abolition of the death penalty.

On 3 July Amnesty International's report, *Spain — The Question of Torture*, was published. It included a memorandum on cases of alleged torture and safeguards against torture and the Spanish Government's reply (see *Amnesty International Report 1985*). The Director General for Human Rights in the Spanish Foreign Office commented in a BBC radio interview on 3 July that the government was aware of the problem of torture and recognized that legislation to

safeguard detainees was "perhaps . . . not good enough" and that there were shortcomings in the anti-terrorist law. In its report Amnesty International recommended: reducing the period for which people detained under the anti-terrorist law may be held before appearing in court; increasing the effectiveness of judicial supervision; improving access to legal assistance; removing procedural restrictions in the exercise of *habeas corpus* for detainees under the anti-terrorist law; and implementing instructions for regular medical examinations of detainees. There were no legislative or procedural changes in 1985 relating to these recommendations. The government cited the continuing political violence, especially in the Basque country, as justification for the continued existence of the special anti-terrorist legislation.

On 17 December Amnesty International wrote to the Minister of the Interior requesting information on the detention, reported escape from custody and death of Mikel Zabalza Gárate. He was a 32-year-old employee of a public transport company in the Basque country whose handcuffed body was found on 15 December, floating face-downwards in the Bidasoa river. The Civil Guard reported that he had been arrested by them on 26 November but had managed to escape on the same day. Two people detained at the same time as Mikel Zabalza alleged that he had been ill-treated. A judicial inquiry was opened into his death. The Minister of the Interior stated in his reply of 27 December to Amnesty International that the result of the official autopsies had not yet been made public by the court, but that it appeared that the cause of death was asphyxiation by immersion and that there were no signs of ill-treatment. He emphasized that the information provided should not be considered conclusive since governmental and judicial inquiries were still in progress.

There were developments in proceedings against Civil Guards in two cases described in *Spain — The Question of Torture* and in the *Amnesty International Report 1985*. Four Civil Guard officers were charged with torturing four detainees (three brothers — José María, Lucio and Victor Olarra — and Iñaki Olaetxea) in October 1983. Their trial was scheduled to open in San Sebastian on 22 November but was postponed after a car belonging to the forensic doctor attached to the court was blown up on 14 November. Amnesty International did not know at the end of 1985 when the trial would open.

On 12 February the Provincial Court in San Sebastian ordered the prosecution of seven Civil Guard officers and others unnamed in the case of Joaquín Olano Balda, who had alleged that he was ill-treated in custody in July 1983. A forensic doctor attached to the court certified that the prisoner had been injured before being admitted to

hospital. The Civil Guards claimed that he sustained injuries to his head and body while attempting to escape. The hearing had not been held by the end of 1985.

Regulations to execute a new law on military service and to provide for an alternative civilian service were passed on 27 April. The new system provided for 12 months' military service or an alternative civilian service of 18 to 24 months, outside military control and consisting of activities of public benefit. The law also provided for a National Council on Conscientious Objection to process applications for alternative service from individuals objecting to military service on religious, ethical, moral, humanitarian, philosophical or similar grounds. In February the Minister of Defence stated that 6,477 people had had their recruitment into the armed forces deferred because they objected to military service on grounds of conscience. They would be required to regularize their situation through the National Council. Amnesty International welcomed the reform insofar as the grounds for objection were widened and a structure for alternative service outside the military forces provided. However, it was concerned that the law provided for a length of alternative service which could be punitive, political motives were not mentioned as valid grounds for objection and applications by conscientious objectors would not be allowed after joining the armed forces. At the end of 1985 it was not known when the new legislation would be implemented as the People's Advocate had brought an action before the Constitutional Court alleging that it was unconstitutional.

On 14 January Spain ratified Protocol No. 6 to the European Convention on Human Rights which provides for the abolition of the death penalty for peace-time offences. The Constitution of 1978 had abolished the death penalty for all offences except for military crimes in time of war. Amnesty International saw the projected reform of the Military Penal Code as an opportunity to achieve total abolition of the death penalty. Amnesty International urged all members of both chambers of the *Cortes* (Parliament) individually to vote for the total abolition of the death penalty. However, in October a new law was passed retaining the use of the death penalty for a wide range of offences under the Military Penal Code.

On 25 January Spain acceded to the Optional Protocol to the International Covenant on Civil and Political Rights, giving individuals the right to bring complaints of violations of their rights under the Covenant.



## Switzerland

Amnesty International's principal concern was the continued imprisonment of conscientious objectors to military service, whom it considered prisoners of conscience, and the lack of any alternative civilian service. Amnesty International also expressed concern to the Swiss authorities about the return of members of the Sri Lankan Tamil minority to Sri Lanka, reportedly against their will.

Article 81 of the Military Penal Code allows military tribunals to sentence people refusing military service to up to three years' imprisonment although, in practice, sentences rarely exceed one year. Where a tribunal recognizes that an individual has "a severe conflict of conscience" on religious or ethical grounds a sentence of up to six months' imprisonment may be passed. This is served in the form of *arrêts répressifs*, a system of imprisonment which allows prescribed work to be performed outside the place of detention during the daytime.

In May a commission appointed by the Federal Military Department to study "decriminalizing" certain categories of conscientious objection to military service submitted its final report. On 15 August the Federal Military Department published its detailed proposals for amending the Military Penal Code and the Federal Law on Military Organization and invited comments from relevant bodies, including Amnesty International. The Federal Military Department stated that "a complete decriminalization of conscientious objection is not possible within the present constitutional framework" as the obligation to perform military service remained binding under Article 18 of the Constitution. Refusal to perform military service, on whatever grounds, would remain a penal offence. The proposed sanction for those recognized by the military tribunals as having conscientious objections based on religious or ethical grounds would be a period of compulsory work. The duration would be from one and a half times as long as military service, which lasts approximately 12 months, up to a maximum of two years. Upon completion, the sentence would be removed from the judicial record, thereby "decriminalizing" it. Those objecting on other, unrecognized, grounds would continue to receive prison sentences which would remain on the judicial record. In its comments Amnesty International welcomed the move to decriminalize certain categories of conscientious objection but pointed out that its major concern would remain as long as the right to refuse military

service on conscientious grounds was not recognized and individuals refusing such service were punished under the Military Penal Code for exercising their conscientiously held beliefs by sentences of imprisonment or compulsory work.

During 1985 Amnesty International worked for 30 people sentenced to imprisonment of between three and 12 months for refusal to perform military service. Amongst these were imprisoned individuals adopted as prisoners of conscience, people waiting to enter prison, people appealing against sentence and cases which were still under investigation.

On 13 May Amnesty International wrote to the Swiss authorities about 23 Sri Lankan Tamils who were returned to Sri Lanka apparently against their will in January. The government stated that none of the Tamils had requested asylum or claimed to be in jeopardy. The government also stated that under conditions pertaining at the time, Tamils whose request for political asylum had been refused should not be repatriated. Amnesty International pointed out that the 23 were reported to have been asylum-seekers and to have pleaded with officers not to be sent back to Sri Lanka, and asked the government to review its procedures in such cases. By the end of 1985 Amnesty International had identified 22 of the 23 Tamils involved and was trying to locate them.



## Turkey

Amnesty International was concerned about the continued imprisonment of several hundred prisoners of conscience, widespread and systematic torture and ill-treatment of prisoners and the imposition of the death penalty. The organization was also concerned about the fair-

ness of trials before military courts, because of inadequate access to lawyers, prisoners' inability to consult privately with their lawyers and the use in evidence of confessions obtained by torture.

In July Amnesty International published a report, *Turkey: Testimony on Torture*. It detailed allegations of torture in police stations, detention centres and prisons between 1980 and 1984 and called on the Turkish Government to combat the use of torture.

At the end of 1985 martial law was still in force in nine of Turkey's 67 provinces and a state of emergency existed in a further 16 provinces, including Ankara, Istanbul and Izmir. The exact number of prisoners of conscience was not known, but according to official statistics published in the *Cumhuriyet* newspaper, on 1 November 1985 there were 15,569 political prisoners, of whom Amnesty International believed at least some hundreds to be prisoners of conscience. Many other defendants in political trials were conditionally released while their trials continued, or were not taken into custody.

Prisoners of conscience adopted by Amnesty International included members of political parties and groups, trade unionists, writers, journalists, publishers, academics, members of the Kurdish ethnic minority and members of religious groups, both Islamic and Christian.

People imprisoned under Article 141 of the penal code, which prohibits "membership of illegal organizations", included alleged members of the illegal Turkish Communist Party and of other left-wing parties which had been legal until they were banned after the September 1980 military coup. Amnesty International knew of only one member of the Turkish Workers' Party (TIP) in prison at the end of 1985, but others faced imprisonment as a result of sentences passed in 1984 and trials of TIP members continued in various parts of the country. At the end of April the retrial of members of the Turkish Workers' and Peasants' Party (TIKP) concluded; nine defendants were sentenced to eight years' imprisonment and six to between five years and six years six months. Some defendants were free pending appeal; others remained in prison. Trials of members of the Turkish Socialist Workers' Party (TSIP) took place in various parts of Turkey and Amnesty International adopted as prisoners of conscience 11 TSIP members on trial in Istanbul. (See *Amnesty International Report 1985* for all above cases.)

On 19 December the Plenary of the Military Courts of Appeal in Ankara ruled that the Turkish Peace Association (TPA) case (see *Amnesty International Report 1983, 1984 and 1985*) should be sent back again to the military court of first instance in Istanbul for retrial because of "insufficient investigation". The request for the release of the 12 defendants still in prison was rejected.

The trial of leaders, officials and advisers of the Confederation of Progressive Trade Unions (DISK), which started in December 1981, continued (see *Amnesty International Report 1983, 1984 and 1985*). At the end of 1985 all the defendants were free pending completion of the legal proceedings, except those held on other charges.

Journalists, writers and publishers were prosecuted throughout

1985 under various articles of the penal code and the Press Law. Many were charged under Article 142 of the penal code with "making communist propaganda". Some remained free pending the completion of legal proceedings, others were imprisoned for short periods or permitted to convert their prison sentences to fines. During 1985 Amnesty International learned that Feyzullah Özer, who was already serving a total of 18 years and six months' imprisonment in Çanakkale Special Prison for "making communist propaganda", faced two further trials on similar charges. He was one of the editors of *Kitle*, a weekly political journal associated with TSIP until it was banned in 1979, and the charges related to articles published in 1977 and 1978.

The trial of 59 intellectuals (see *Amnesty International Report 1985*), charged with violating Martial Law Decree 1402 by signing a petition for an end to human rights violations was still in progress at the end of 1985. The defendants remained free.

Many Kurds remained in prison throughout the year. Some were charged with or convicted of violent offences; others, charged on account of non-violent activities for the preservation of the Kurdish language and culture and for recognition of the Kurds as a separate ethnic group, were adopted by Amnesty International as prisoners of conscience. Among these were two lawyers — Ruşen Arslan (see *Amnesty International Report 1983*) and Mümtaz Kotan (see *Amnesty International Report 1983* and *1985*) — who were released in February and May. Amnesty International received no news of the reported trial of Mehdi Zana, a former Mayor of Diyarbakir already serving sentences totalling more than 30 years (see *Amnesty International Report 1984* and *1985*). Recep Maraşlı, the director and editor of Komal Publishing House in Istanbul (see *Amnesty International Report 1984* and *1985*), in prison since January 1982 and already sentenced to a total of 29 years and 1 month's imprisonment in connection with various publications, membership of an illegal Kurdish organization and statements he had made in court as part of his defence, received another seven-and-a-half year sentence in 1985, but Amnesty International was not informed of the charge. He was held in Diyarbakir Military Prison.

In February leading members of the National Salvation Party were acquitted at a retrial of intending to adapt "the basic social, economic, political or judicial orders of the State to religious principles and beliefs", as prohibited by Article 163 of the penal code (see *Amnesty International Report 1984* and *1985*). In September a military court of appeal ratified the acquittals for all but one of the defendants; a further retrial was ordered for Sevket Kazan.

In June a court of appeal quashed the sentences passed in December 1984 under Article 163 on 23 Jehovah's Witnesses (see

*Amnesty International Report 1985*) and ordered their release. The case was returned for retrial to the court of first instance which upheld its previous verdict and imposed sentences of from five to eight years. The defendants were in provisional liberty at the end of 1985, pending a further appeal.

Other prosecutions under Article 163 took place during the year, including that of Emine Şenlikoglu, a writer and chief editor of the periodical *Mektup*, who was sentenced in May to six years three months' imprisonment because of a book she wrote. She was adopted by Amnesty International as a prisoner of conscience. Members of Islamic sects convicted during the year under Article 163 included four members of the Nur sect; Sefa Sargin and Ali Yildiz were each sentenced to six years and eight months' imprisonment for organizing a Nur school and Yasar Cagdas and Kemal Mak received sentences of four years and two months for attending the school.

In August and December Amnesty International wrote to Prime Minister Turgut Özal about three Greek Cypriots — Andreas Hatjiloizou, Andreas Costas Kassapis and Leontios Leontiou — taken prisoner by the Turkish Armed Forces during the hostilities in Cyprus in 1974 and missing since then (see *Amnesty International Report 1974/75, 1975/76, 1978, 1980, 1981*). Amnesty International told the Prime Minister that there was evidence that the three men had been held in Turkish prisons and called for an investigation into their whereabouts. No response had been received to either letter by the end of 1985.

Political cases continued to be heard by military courts, even in those provinces no longer under martial law. Some new cases were heard by State Security Courts (see *Amnesty International Report 1985*). Amnesty International continued to receive reports that lawyers defending political prisoners were impeded in many ways; in particular by insufficient access to their clients and the lack of private consultations. Amnesty International was informed by lawyers that in many cases the only evidence produced by the prosecution was statements allegedly induced by torture and later retracted in court.

Allegations of torture of both political prisoners and ordinary criminals continued throughout 1985. These related both to people held in incommunicado detention in police stations and to prisoners in military and civilian prisons. The permitted 45-day detention period was reduced to 30 days in May in those areas still under martial law. A bill amending the duties and powers of the police, passed by the Turkish Grand National Assembly (TBMM) in June, allowed the 24-hour maximum detention period in areas not under martial law to be extended to 15 days in cases involving three or more people. In areas under a state of emergency the detention period

could be further extended by order of the prosecutor.

Among the allegations of torture received was that of a lawyer who was detained in Istanbul in March. He was held for 35 days at Istanbul Police Headquarters and for six days at Selimiye Military Prison. He believed that the police were trying to find evidence upon which to charge him because of his defence of political prisoners, but in spite of being subjected to various forms of torture, including being hung by his wrists and given electric shocks, he refused to sign a statement prepared by the police and was eventually released without charge. His allegations were corroborated by a fellow detainee. Another lawyer, Şakir Keçeli, wrote a detailed account of his torture and that of others in July and August by police officers of the Arms-Ammunition Branch and Political Branch of Yozgat Directorate of Security. He described how he was detained as the result of false information given under torture and how he in turn gave false information, which resulted in further detentions, when he could no longer bear the torture.

In October Amnesty International urged the authorities to investigate allegations that prisoners in Sagmaçlılar Prison in Istanbul had been severely beaten on 30 September. Reports of ill-treatment of prisoners in military and civilian prisons were received throughout 1985. In December Amnesty International wrote to the Turkish Chief of General Staff about conditions in military prisons; many prisoners were reported to have been held in solitary confinement for several years and to have had no contact with relatives, lawyers or fellow prisoners, nor exercise in the open air. Amnesty International named some prisoners said to have been held in such conditions since 1983. The letter referred to the reported lack of medical treatment for many seriously ill prisoners; three prisoners were named whose deaths in 1985 were alleged to have been caused by torture and/or denial of adequate medical treatment.

In November Amnesty International delegates visited Turkey in order to investigate reports of the *refoulement* (forcible return) of Iranian refugees who Amnesty International feared could become prisoners of conscience or be subjected to torture or execution on their return to Iran. They held talks with officials in the Ministry of Foreign Affairs and the Directorate of Security on procedures applied to Iranian asylum-seekers, particularly in the border area. At the end of 1985 Amnesty International was preparing a memorandum with recommendations on this issue to be sent to the Turkish authorities.

No executions took place during 1985 but 108 new death sentences were reported in the Turkish press. Amnesty International did not know the exact number of people under sentence of death at the end of the year, but believed it to be several hundred. *Cumhuriyet*

reported on 26 December 1985 that 91 death sentences were awaiting ratification by parliament. Amnesty International appealed throughout the year for a halt to executions and for the abolition of the death penalty.

In April, Amnesty International submitted information about its concerns in Turkey under the UN procedure for confidentially reviewing communications about human rights violations (the so-called "1503 procedure").



## **Union of Soviet Socialist Republics**

Ill-treatment in Soviet prisons, corrective labour colonies

and psychiatric institutions was a special focus of concern. Amnesty International was also disturbed that many individuals continued to be imprisoned, or confined indefinitely in mental hospitals, solely for the non-violent exercise of their human rights. During 1985 it learned of 46 death sentences and of 27 executions.

In November Amnesty International wrote to Andrei Gromyko, who had been elected President of the USSR Supreme Soviet following the death of Konstantin Chernenko in March. The organization urged him to exercise his constitutional authority to grant an amnesty to all prisoners of conscience, and to initiate a sweeping program of legislative reforms. Amnesty International urged the repeal of the laws restricting freedom of expression and freedom of conscience, and the introduction of measures to protect the rights of individuals in detention. These would include extending the powers of the procuracy to supervise conditions in psychiatric hospitals and corrective labour institutions, and laws to ensure that prisoners on remand were brought promptly before a judge. In conclusion Amnesty International called on the government to reduce the number of capital offences with a view to eventual abolition of the death penalty, and to publish the number of death sentences passed and carried out each year.

In April the Presidium of the USSR Supreme Soviet declared an

amnesty to mark the 40th anniversary of the ending of the Second World War. Like previous amnesties, this excluded prisoners convicted on political charges and on criminal charges commonly brought against prisoners of conscience. To Amnesty International's knowledge only one prisoner of conscience was amnestied — but he was reimprisoned on the same charge seven days later. Jonas Matulionis, a Lithuanian priest, had originally been serving three years' imprisonment for "disturbing the public order" after leading an All Saints' Day procession without permission.

Amnesty International worked on behalf of more than 580 individuals whom it knew or suspected to be prisoners of conscience, but believed the true number was much higher.

Reports reaching Amnesty International indicated that Soviet political prisoners were systematically ill-treated and sometimes even tortured. In a *File on Torture in the USSR* published in June, Amnesty International examined the legal context in which ill-treatment took place, illustrating its concerns with evidence received since 1980. Soviet law sanctions hunger as a means of correction and punishment in the prisons and corrective labour colonies where most prisoners of conscience are held. The report said that prisoners suffered chronic hunger and medical neglect and were required to perform taxing compulsory labour. Sometimes courts imposed these conditions on prisoners who were too old, or too ill, to survive them. Several prisoners of conscience known to Amnesty International died in imprisonment after medical advice to release them was rejected.

In more than 50 cases, prisoners of conscience were systematically beaten by officials or by convicts acting with official consent, according to allegations received by Amnesty International since 1980. Most were prisoners in investigation prisons awaiting trial who, the report said, were an easy target for abuse. They could legally be held incommunicado for as long as nine months while their case was being investigated, and during that time were not even required to appear before a judge, as a safeguard against ill-treatment. Some political prisoners forcibly held in psychiatric hospitals for unlimited periods were also allegedly beaten or given powerful drugs, after they had refused to repudiate their views.

Prisoners were entitled by law to send uncensored complaints about their treatment to the procuracy, which was responsible for seeing that their legal rights were observed. But often their complaints were confiscated by labour colony officials, or sent for investigation to the very officials of whom they had complained. Cut off from relatives and without access to lawyers, prisoners had little possibility of asserting their rights. The report was deeply critical of the safeguards for inmates of psychiatric hospitals. They had no

established procedure for sending complaints to the procuracy and were given pen and paper only at the discretion of doctors. All their letters were censored. In Amnesty International's experience, the authorities routinely punished prisoners who complained, and suppressed their complaints. Amnesty International knew of no case in which allegations of ill-treatment had been subjected to thorough, independent investigation, or in which officials responsible for alleged ill-treatment had been disciplined.

Information Amnesty International received after publication of the report amplified its concerns. Sixty-one-year-old Yakov Dirksen, a Baptist prisoner of conscience of long standing, died in June. In September Amnesty International learned that prisoner of conscience Vasyl Stus had died, aged 47. A Ukrainian poet and human rights advocate, he was sentenced in 1980 to 15 years' imprisonment and exile for "anti-Soviet agitation and propaganda", and put in the harshest category of labour camp. In 1983 he was held in almost continuous solitary confinement with reduced rations, as a punishment for writing poetry. Amnesty International appealed to doctors throughout the world to intercede on his behalf when it learned he was reportedly suffering from angina, gastric ulcers and renal disease. He was allowed no visits during his imprisonment.

Vasyl Stus was imprisoned in special regime labour camp Perm 36-1, where three prisoners of conscience died in 1984 (see *Amnesty International Report 1985*). In September Amnesty International wrote to Aleksandr Rekunkov, the Procurator General of the USSR, urging him to investigate fully the deaths of Vasyl Stus and the other three men, and to make public both the methods of his inquiry and its findings. It also appealed to him to release the prisoners' medical records and the results of their post-mortem examinations to their relatives and to allow them to arrange independent autopsies. To Amnesty International's knowledge none of its requests was met.

In 1985 a number of prisoners of conscience had their imprisonment extended for activities which Amnesty International believed constituted the legitimate exercise of human rights. Four prisoners who continued to speak and act according to their conscientiously held beliefs faced fresh charges of "circulating anti-Soviet slander" or "anti-Soviet agitation and propaganda" and were given new terms of imprisonment. They included Mykola Horbal, a Ukrainian Helsinki monitor, sentenced in April to a further 11 years' imprisonment and exile on the second charge. All were convicted on evidence given by camp officials or criminal prisoners, in hastily arranged trials that Amnesty International feared did not meet international standards of fairness. It was not known, for instance, if they were allowed defence lawyers of their choice, or if their trials were open to relatives.

In five known cases labour camp officials brought a charge of "malicious disobedience" against prisoners of conscience whom they had repeatedly punished for lodging complaints about their treatment. All five were convicted and given new terms of up to three years' imprisonment. One was Tatyana Osipova, who had led more than 200 hunger-strikes in her Mordovian labour camp, after her written complaints about the ill-treatment of fellow prisoners were ignored. Amnesty International detailed the events which led to her prosecution in a report on *Conditions for Women Prisoners of Conscience in the "Small Zone"* published in July.

The authorities continued to use psychiatric confinement for political purposes. At least eight people with a history of harassment for political activity were put in mental hospitals against their will during an eight-day international youth festival which began in Moscow in July, apparently to prevent them meeting foreigners. They were released shortly afterwards. Another seven individuals were reportedly confined during 1985 for distributing religious literature or writing complaints to the government. Since all were confined to prevent or punish their peaceful exercise of human rights, Amnesty International regarded them as prisoners of conscience. Unlike in previous years, in 1985 Amnesty International learned of no prisoners of conscience being put in top-security special psychiatric hospitals.

The state has a monopoly of publishing in the USSR and censors all printed materials. Individuals who produce uncensored literature and circulate it from hand to hand risk imprisonment for "circulating anti-Soviet slander" or "anti-Soviet agitation and propaganda". At least 65 people were imprisoned on these charges in 1985, most of whom received up to three years' imprisonment on the first charge. Some had actively dissented from specific government policies — such as Ukrainians, Estonians and Georgians who had allegedly criticized official treatment of non-Russians in the USSR. Others had printed religious texts on home-made presses. Amnesty International's attempts to send an observer to the trial of Boris Mityashin, a lorry-driver from Leningrad, were unsuccessful. He was sentenced to eight years' imprisonment and exile for "anti-Soviet agitation and propaganda", after being convicted of circulating unofficial poetry.

One prisoner of conscience was reportedly acquitted of "circulating anti-Soviet slander" — only the second acquittal ever on a political charge known to Amnesty International. He was Viktor Walter, pastor of a Pentecostalist congregation who went on hunger-strike to demand the right to emigrate. In April, the Maritime Territorial Court found him not guilty of telling foreign radio stations about the strike. He was nevertheless imprisoned for organizing it and Amnesty

International adopted him as a prisoner of conscience.

Religious believers are obliged to register their congregations with the state, and, in doing so, give up their right to teach religion to children, evangelize, or appoint their own clergy. Unregistered churches are illegal and their members are liable to imprisonment of between three and 10 years for "violating the laws separating church from state" or engaging in "anti-social religious activity". The courts imprisoned more than 70 people on these charges, most of them Baptists and Pentecostals who rejected any restrictions on their religious freedom and so refused to register. Others belonged to congregations forced to meet and worship illegally, because the authorities had rejected their applications to register. They included devotees of Hare Krishna, and members of the Jehovah's Witness Church, traditionally banned in the USSR.

It remained very difficult for most Soviet citizens to leave their own country. Leaving without permission was a crime punishable by up to three years' imprisonment for "illegal exit abroad", or 15 years and even death for "treason — in the form of flight abroad".

Amnesty International learned of an Estonian worker, Enn Veepalu, arrested in March on a charge of "illegal exit abroad" and at least another 35 would-be emigrants who were imprisoned on other charges. One was Vladimir Balakhonov. While working as a translator at the World Meteorological Office in Geneva in 1972, he had applied for political asylum, but withdrew his application to rejoin his family in the USSR. In 1973 he was arrested for "treason — in the form of refusal to return from abroad" and sentenced to 12 years' imprisonment. After his release in 1985 he applied for an exit visa and wrote to the UN Secretary-General asking for his help in emigrating. In May Amnesty International learned that he had been rearrested for "circulating anti-Soviet slander" and appealed for his release as a prisoner of conscience.

Eleven Jews applying to emigrate were also imprisoned on this charge for allegedly sending appeals abroad or circulating material on Israeli life. Amnesty International investigated the cases of another five Jews imprisoned on criminal charges which it suspected were false. Several Pentecostals and citizens of German origin were imprisoned for public order offences, after drawing attention to their wish to emigrate through hunger-strikes and vigils.

Soviet newspapers do not always report death sentences at the time they are passed. Although Amnesty International learned of 46 death sentences in 1985 and 27 executions, it believed the real figure was higher. The USSR is formally committed to the abolition of the death penalty, but retains 18 capital offences in peacetime. Most of the sentences reported in 1985 involved crimes of violence. Amnesty

International appealed against every death sentence of which it learned, and in November submitted to the UN Special Rapporteur on summary or arbitrary executions the cases of two men — reported only as Yegorov and Komissarov — who had been sentenced to death without right of appeal by the Belorussian Supreme Court.



## United Kingdom

Amnesty International continued to be concerned about allegations of ill-treatment during interrogation of political suspects and about judicial procedures in Northern Ireland. The organization also continued to investigate a number of killings by security forces there. Amnesty International

sent a delegate to observe the trial of a civil servant charged with leaking internal government information. The organization also investigated allegations of ill-treatment of young people in detention centres in Britain, and of eight servicemen who were charged with passing on military secrets.

Amnesty International had written to the Secretary of State for Northern Ireland on 14 December 1984 urging him to investigate allegations that Paul Caruana had been ill-treated and tortured during his interrogation in Castlereagh Holding Centre in August 1984 (see *Amnesty International Report 1985*). On 31 January 1985 Amnesty International wrote again calling for full and prompt clarification of the facts. The government replied on 25 February that it was satisfied that the process in hand would ensure that all the allegations were thoroughly investigated. Amnesty International issued a news release on 27 March making its concerns known about Paul Caruana's allegations, and renewed its appeals to the authorities. On 4 April the government stated that the Director of Public Prosecutions had decided that the evidence did not warrant the prosecution of any of those involved. In July the authorities stated in a letter to Amnesty International that they could not reply to the organization's letters because the case was *sub-judice* as Paul Caruana had instituted civil proceedings against the Royal Ulster Constabulary (RUC). The civil proceedings had not come to court by the end of 1985.

Amnesty International was also concerned about other reports of

ill-treatment. Michael McCrory was one of over 20 people detained in Belfast on 1 October under the Prevention of Terrorism Act and interrogated at Castlereagh Holding Centre. He subsequently alleged that he had been systematically ill-treated throughout seven days of interrogation. He stated that he had been kicked, slapped, punched and shoved, and that the ill-treatment continued despite his lodging formal complaints.

Amnesty International continued to monitor cases in the special non-jury Diplock Courts in Northern Ireland in which former accomplices' statements formed the main prosecution evidence (see *Amnesty International Report 1984* and *1985*). In two such trials in 1985 most of the defendants were freed, while in a third, all the defendants were convicted.

In one of these trials the judge rejected the evidence of the prosecution witness, James Crockard, a member of the paramilitary Ulster Volunteer Force (UVF), and ordered the release of 17 of the 29 defendants on 21 February. The judge stated that the evidence did not "measure up to the required standard". Eight of the 29 were convicted on the basis of admissions they had made to the police. In another case the judge dismissed on 5 July the evidence of UVF member William "Budgie" Allen as "unworthy of belief", and ordered the release of 36 out of 47 defendants. Five others were convicted on the basis of confessions. Twenty-seven defendants were jailed for terrorist-linked offences on 18 December on the evidence of Irish National Liberation Army (INLA) member Harry Kirkpatrick, who was serving a life sentence for five murders and 72 other terrorist offences.

On 24 October Amnesty International wrote to the Prime Minister expressing concern at the government's failure to deal adequately with issues raised by a series of killings of unarmed people by security forces in Northern Ireland since 1982. Since October 1982 there have reportedly been 31 fatal shootings by security forces in Northern Ireland. Eighteen of the victims were unarmed. Some of these killings took place in conditions compatible with allegations that they were deliberately planned. The organization called for an independent judicial inquiry to evaluate existing mechanisms for investigating and publicly explaining such killings, as well as the effectiveness of legislation governing the use of lethal force in law enforcement.

Amnesty International continued its investigations into whether people had been deliberately killed on account of their beliefs as a matter of government policy. The organization was not able to reach a firm conclusion but believed that the mechanisms used to investigate these incidents, such as police investigations, inquests and criminal proceedings, had not produced sufficient evidence to

eliminate the possibility of unlawful use of lethal force for such purposes by the security forces. Amnesty International also believed that the laws and regulations governing the use of lethal force in law enforcement offered less protection against its unjustified use than do international standards. The government replied on 30 December that it recognized it was in its interest to have such incidents investigated promptly. However, the government stated that it was "totally opposed" to an independent judicial inquiry into particular cases or into investigative procedures and safeguards against deliberate killings by the security forces, because it felt that existing procedures were adequate.

The report of an official inquiry into the RUC operations surrounding three incidents in which six suspects were killed in late 1982 was completed in September. The inquiry, which lasted just over a year, was conducted under the established procedure whereby a senior police officer from another local force investigates controversial allegations. The report was submitted on completion to the RUC Chief Constable. However, by the end of 1985 the report had still not been passed on to the Director of Public Prosecutions.

Clive Ponting, a senior civil servant at the Ministry of Defence, was charged on 19 August 1984 under Section 2 of the Official Secrets Act with communicating internal information to an unauthorized person (in this case a member of parliament) in July 1984. The documents related to the sinking of an Argentine warship, the *General Belgrano*, by British forces during the South Atlantic war. Amnesty International sent an observer to the trial to help assess whether Clive Ponting could be considered a prisoner of conscience if convicted and imprisoned. The trial ended on 11 February with his acquittal.

Amnesty International was investigating reports of ill-treatment in several youth detention centres in Britain, which operate under a tough disciplinary program. On 2 May the organization wrote to the government about reports of ill-treatment by prison officers of boys held at the Aldington Detention Centre in Kent. Allegedly, boys were frequently punched in the stomach or slapped in the face as a form of punishment. The government replied on 16 May that the allegations had been referred to the police for investigation. By the end of 1985 the results of the inquiry had not been made public.

Amnesty International wrote to the government on 1 November about allegations that eight British servicemen had been coerced into making confessions. The eight servicemen were charged in April 1984 under Section 1 of the Official Secrets Act with passing military secrets to Soviet agents. One was dismissed by the judge early in the trial and a jury acquitted the others in October 1985. The organization received reports that during the interrogation period of

many weeks the eight servicemen had been held in solitary confinement and had been subjected to exhaustive and intensive interrogation without breaks, to days of constant exposure to fluorescent lighting, and to other forms of ill-treatment. The organization welcomed the government's establishment of an independent inquiry into whether the interrogations were carried out in accordance with lawful and proper procedures. The inquiry had not completed its hearings by the end of 1985.



## Yugoslavia

Amnesty International was concerned about the imprisonment of prisoners of conscience; during 1985 it worked on the cases of 269 individuals whom it knew or suspected to be prisoners of conscience, but it believed that the total number was considerably

greater. The organization received a number of allegations that political prisoners had been ill-treated during investigation and it was also concerned about treatment and conditions in some prisons where political prisoners were serving their sentences. Amnesty International continued to call for the release of two prisoners of conscience detained in the psychiatric section of Belgrade Central Prison Hospital. It learned of six death sentences, all for murder, but to its knowledge no executions were reported.

According to official figures 451 people were charged with political crimes in 1985 and 389 of these were accused of "verbal crimes". The number of people arrested and convicted of political crimes in Kosovo province continued to be high. Most of the accused were ethnic Albanians charged with distributing leaflets, writing slogans or other forms of organized activity in support of the demand that Kosovo province, which has a predominantly Albanian population, cease to be part of the Republic of Serbia and be granted republic status within the Yugoslav federation. There were also cases involving violence, such as sabotage and attacks on Serbs and Montenegrins living in the province.

According to the Kosovo Secretary of Justice, between the outbreak of nationalist disturbances in the province in 1981 and the end of 1985, 1,200 people had been sentenced for political crimes and

a further 6,440 people summarily sentenced for minor political offences. Other official figures showed that in 1984, 218 adults and 29 minors had been convicted of political crimes in Kosovo and that the average sentence imposed was six years' imprisonment. There was an overall drop in political crimes reported in the first six months of 1985. However, in November and December there were mass arrests of ethnic Albanians in Kosovo and other areas, following which, according to official sources, 117 people were charged.

During the year over 40 political trials, in which nearly 150 people were convicted, were reported in the Yugoslav press. In most cases the charges did not include the use or advocacy of violence. Prisoners of conscience adopted by Amnesty International included a number of ethnic Albanians, among them eight secondary school pupils aged between 16 and 19 who were sentenced to between three and eight years' imprisonment in Pec in May. They were charged under Articles 136 and 114 of the criminal code with belonging to a "hostile" organization formed by the two main defendants, Robert Rasaj and Hava Shala, and with writing slogans and distributing leaflets calling for republic status for Kosovo and for celebrations on the anniversary of nationalist demonstrations.

Amnesty International also adopted as a prisoner of conscience Gani Kadriu, aged 39, a school treasurer. In March he was sentenced under Article 133 of the criminal code to three years' imprisonment on charges of "hostile propaganda" by the district court of Titova Mitrovica. He was found guilty of having recorded songs broadcast by radio stations in Albania which glorified Albania's then leader, Enver Hoxha, the work of the Albanian communist party and life in Albania.

In February Miodrag Milic, Milan Nikolic and Dragomir Olujic were sentenced by the district court of Belgrade to two, one and a half and one years' imprisonment respectively under Article 133, in a trial that received considerable national and international publicity. The trial followed a police raid in April 1984 on a private apartment in Belgrade where 28 people had assembled to hear a talk at the so-called "Open University" — an unofficial discussion group. The three were found guilty of expressing views that "maliciously and untruthfully portrayed the heritage of our liberation struggle, the building of socialism and the character and deeds of Tito". On appeal Dragomir Olujic was acquitted; Miodrag Milic's prison sentence was reduced to 18 and Milan Nikolic's to eight months. They had not begun to serve their sentences by the end of 1985. Charges against three other men originally indicted with them were dropped.

Other prisoners of conscience adopted by Amnesty International who were convicted under Article 133 included two men sentenced

for having exercised their right to petition (guaranteed under Article 157 of the Constitution). In letters written to the authorities they had allegedly portrayed socio-political conditions in the country "maliciously and untruthfully". Hamza Asllani, a history teacher, was sentenced to two years' imprisonment in Prizren in October and Milenko Ribic, an unemployed political scientist, received a one-year sentence imposed by the district court of Osijek in November. Amnesty International also worked for the release of Saif Egrlic, a Muslim from the republic of Bosnia-Hercegovina. In February he was sentenced in Banjaluka to four years' imprisonment for having publicly expressed the view that Muslims in Yugoslavia did not enjoy equal status.

Article 133, which carries a penalty of one to 10 years' imprisonment, was the subject of considerable public discussion during 1985. Proposals were put forward for its amendment, including a proposal to abolish the section which penalizes those who portray socio-political conditions in the country "maliciously and untruthfully".

As in the past, Amnesty International learned of people imprisoned for contacts with political emigrés. It adopted Mirko Sunic, a retired judge, who was sentenced in November under Article 131 of the criminal code to four years' imprisonment by the district court of Zagreb for "participation in hostile activity". He was accused of having sent letters "full of lies and hatred for Yugoslavia" to the editor of a Croatian emigré newspaper published in London and of having given copies of emigré newspapers to others. The letters concerned policies which he considered discriminatory towards Croatian culture, history and national aspirations. At the same trial his daughter, Mirna, was sentenced to 10 months' imprisonment for giving copies of an emigré newspaper to someone else. She remained at liberty pending appeal.

Amnesty International continued to call for the release of Radomir Veljkovic, forcibly detained in the psychiatric section of Belgrade Central Prison Hospital since 1973, and Milisav Zivanovic, similarly detained since 1976, as a result of the non-violent exercise of their right to freedom of expression (see *Amnesty International Report 1984* and *1985*). Amnesty International also sought further information about Vlado Perisic, aged 32, a worker from Sibenik, who was said to be forcibly detained in a psychiatric hospital in Popavaca, Croatia, after having been charged in 1982 with political offences.

Amnesty International was concerned about allegations that political prisoners were being ill-treated. In February Amnesty International wrote to the Secretary of Justice of Bosnia-Hercegovina about Vojislav Seselj, a prisoner of conscience convicted of "hostile propaganda" in 1984. He had told members of his family, who had

visited him in Zenica prison at the beginning of February, that he had been beaten by prison officials after refusing to answer a questionnaire about his political views and family circumstances. His back, arms and face were reportedly severely bruised. Amnesty International urged the authorities to investigate this incident. No reply had been received by the end of 1985.

Amnesty International continued to receive reports of harsh conditions in certain prisons where political prisoners were held. In October Vladimir Seks, a lawyer from Osijek and an adopted prisoner of conscience, wrote to the Croatian Secretary of Justice about the conditions and treatment of prisoners in Stara Gradiska prison, where he had served his sentence from March until August. He complained of the extreme cold from which prisoners suffered in the winter and spring in unheated cells. Prisoners in solitary confinement were in addition not allowed to cover themselves with blankets during the day, nor to lie down or sit on beds; if they did they were beaten by guards. They were obliged to use a bucket for a toilet, which was emptied only twice a week. Although under prison rules they had the right to an hour's daily exercise outside, they were rarely granted this. He also cited several cases in which guards had attacked and beaten prisoners for minor infractions of prison rules. His account tallied with earlier reports of conditions in Stara Gradiska received by Amnesty International.

Amnesty International learned of six death sentences imposed for murder. It appealed to the authorities to commute three other death sentences confirmed on final appeal. In each case the accused had been found guilty of the murder of more than one person.

# The Middle East and North Africa



## Algeria

Amnesty International was concerned about the imprisonment of 22 prisoners of conscience, all of whom

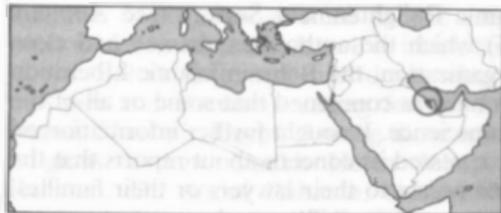
had been arrested in connection with the establishment of two unauthorized associations. It was also concerned about the imprisonment of other possible prisoners of conscience; trial procedures which did not conform to international standards for fair trial; torture and other ill-treatment of prisoners; and the death penalty.

During 1985 Amnesty International adopted as prisoners of conscience 22 individuals tried between 15 and 19 December by the State Security Court in Medea and sentenced to between six months and three years' imprisonment on charges including distributing leaflets harmful to the interests of the nation and forming two associations: the *Ligue algérienne des droits de l'homme*, Algerian League of Human Rights, founded in June 1985; and the *Association des fils des martyrs*, Sons of the Martyrs, reportedly formed in 1984 to help the families of victims of the war of independence. Both organizations had reportedly applied for official authorization but had received no response from the authorities. Among those arrested between July and September 1985 was Maître Ali Yahia Abdennour, President of the newly created Algerian League of Human Rights, a prominent lawyer and former minister, who had previously been arrested in October 1983 and held in detention without trial until May 1984 (see *Amnesty International Report 1984 and 1985*). Amnesty International appealed repeatedly on behalf of Maître Ali Yahia and the other individuals detained with him, seeking information regarding their arrest and detention and expressing concern about reports of ill-treatment and poor health of a number of the detainees.

Between 20 and 27 September an Amnesty International delegate visited Algeria to investigate the arrest and detention of these detainees. The delegate met relevant officials, including the Minister of Justice. Following the mission, Amnesty International urged their immediate and unconditional release as prisoners of conscience. Amnesty International also urged the authorities to investigate all allegations of torture or ill-treatment and to provide immediate medical treatment when necessary. In December the authorities replied, asserting that the individuals involved had been arrested and imprisoned for having broken the laws of the country, and that those detainees who had medical complaints were receiving adequate medical attention and supervision. An Amnesty International delegate observed their trial in December.

On 19 December, another Amnesty International delegate observed the trial before the State Security Court in Medea of 40 alleged followers of ex-president Ahmed Ben Bella. They were charged with conspiracy against the security of the state, forming an armed gang and possession of arms. Nineteen defendants, of whom three were not present, were sentenced to between one and 20 years' imprisonment; there were 21 acquittals. Among those acquitted was Muhammad Seghir Nekkache, a former minister. Most of those on trial had been arrested in early October 1983 but had not benefited from a presidential pardon in May 1984 (see *Amnesty International Report 1985*). Some had remained in preventive detention since October 1983, while others had been released provisionally. Amnesty International had received allegations of torture and ill-treatment of a number of the detainees. Amnesty International was concerned about several procedural irregularities in the detention and trial of these 40 prisoners, including prolonged incommunicado detention and allegations that confessions presented as evidence in court had been extracted under torture. At the end of 1985 Amnesty International was still assessing reports of the trial.

Amnesty International learned of two executions in March after all efforts to obtain clemency had been exhausted. The death sentences had been passed in 1981 and 1983 for murder. Amnesty International appealed in both cases, explaining its unconditional opposition to the death penalty.



## Bahrain

Amnesty International was concerned about the continuing detention of political prisoners who were possible

prisoners of conscience, some of whom had been detained for long periods without charge or trial. Reports were received of students being arrested on their return from study abroad. The organization sought further information on their situation as well as that of 18 political prisoners reportedly sentenced in December 1984 to prison terms ranging from five to seven years. Allegations of the torture and ill-treatment of prisoners were received.

During 1985 Amnesty International continued to investigate the cases of 15 political prisoners, 11 of whom were serving sentences of up to seven years for belonging to unlawful organizations. Another three — Salman Abdul Aziz Ali, Ali Al-Khayyat and Sayed Hashim Al-Musawi — had been held without charge or trial for between four and nine years under the Decree Law on State Security Measures of 1974 (see *Amnesty International Report 1983*). In April Amnesty International was informed that Nader Abu Drees, detained without charge since 1981, had been released, but the organization was unable to confirm this by the end of the year. In 1985 the organization did not receive any new information from the authorities on the reasons for the detention of these 15 detainees. According to reports, these prisoners had not been charged or tried, and were being held incommunicado, arousing concern that they might be tortured or ill-treated.

On 18 October Amnesty International wrote to the Minister of the Interior expressing concern about the reported detention of students on their return from study abroad, among them Abdullah Al Manai and Issa Al Ghayib. Amnesty International was informed that these two men, both held in *Al Qala'* Prison, were held without charge. Amnesty International asked for information regarding the reasons for their arrest and the anticipated date of their trial or release. The organization also sought assurances that they were being humanely treated. No reply had been received by the end of 1985.

During 1985 Amnesty International learned that 18 political prisoners reportedly sentenced on 24 December 1984 to prison terms of between five and seven years may not have received a fair trial, and that they may have been tortured and ill-treated. The 18 were reportedly sentenced for their connection with the *Jam'iyat At-*

*Taw'iya Al-Islamiya*, Islamic Enlightenment Society (see *Amnesty International Report 1985*) which the authorities claimed had close links with a proscribed organization, the Bahrain Islamic Liberation Front. Amnesty International was concerned that some or all of the 18 might be prisoners of conscience. It sought further information on these cases, and publicly expressed its concern about reports that the detainees were not allowed access to their lawyers or their families, and that they had been tortured and ill-treated.



## Egypt

Amnesty International was concerned about the arrest and detention of possible prisoners of conscience, including people calling for the implementation of the *Shari'a* (Islamic law) and participants in demonstrations against Egypt's foreign policy. Insufficient safeguards against torture or ill-treatment of detainees and moves to extend the death penalty by making it mandatory for drug-trafficking offences were also of concern to the organization. Reports were received of 24 death sentences (13 of which were passed *in absentia*) and one execution during the year.

In May Amnesty International sent an observer to the trial of 47 people charged in connection with the banned Egyptian Communist Party (Supreme State Security Case No. 207 of 1981 — see *Amnesty International Report 1983*). None of the defendants was in custody at the time of Amnesty International's mission, and the trial was still in progress before the (Emergency) Supreme State Security Court in Cairo at the end of 1985.

In early January Amnesty International learned of the release of Pope Shenouda III, who had been physically restricted to a monastery in Wadi Natroun since September 1981. Amnesty International wrote to the government welcoming the news that the Coptic Pope, whom it had adopted as a prisoner of conscience, had been released, and sought assurances that all physical restrictions previously imposed on him had been lifted.

During 1985 the organization received reports of hundreds of arrests on political and religious grounds. Among those arrested were alleged members of banned political organizations and people who had taken part in protests against Israel's participation in the Cairo

bookfair. Also arrested were people alleged to have planned or participated in other anti-Israeli or anti-US demonstrations, members of the Baha'i faith and individuals who distributed pamphlets in mosques and elsewhere calling for the full implementation of the Islamic *Shari'a* in Egypt. Among those arrested were two prominent religious leaders, Sheikh Hafez Salama and Dr Omar Abdul Rahman. Dr Abdul Rahman, a blind teacher of theology, had previously been acquitted of offences relating to the banned *Jihad* organization. Arrested in July and released on 5 November, Dr Abdul Rahman had spent more than three of the previous four years in prison, without having been convicted of any offence.

The majority of those arrested during 1985 were held under legislation related to the state of emergency for periods ranging from several days to four months. Amnesty International wrote to the authorities several times during 1985, expressing concern about the continuing arrests and urging the release of any prisoners of conscience. Amnesty International called on the authorities to make public the names and whereabouts of all those detained and asked to be informed of the charges against them. The organization sought assurances that all detainees were allowed regular access to a lawyer of their choice, to a doctor when necessary, and to relatives. Amnesty International was concerned that state of emergency provisions and related legislation were being applied to detain without charge political or religious opponents of government policies, in contravention of Article 9(2) of the International Covenant on Civil and Political Rights. In addition, these provisions were being applied to imprison individuals, sometimes repeatedly, for peaceful opposition to government policies, in contravention of Article 19 guaranteeing the right to freedom of expression. Egypt ratified the International Covenant on Civil and Political Rights in 1982.

On 1 March Amnesty International published *Egypt: Evidence of Torture 1981-1983*. The document had been sent to the Egyptian Government for comment in December 1984 and on 12 June 1985 the organization received a memorandum from the Minister of State for Foreign Affairs in response. The government's memorandum referred to constitutional and other legislative guarantees of personal and social liberty, as well as provisions safeguarding detainees from torture, and reaffirmed Egypt's commitment to international human rights instruments. It added that the state of emergency legislation included "several guarantees for suspects and those arrested". In response to an earlier request from Amnesty International for information about several reported deaths in custody it noted that in one case the victim was killed in "an armed clash between the police and a group of extremists". Other cases were still under investigation.

Amnesty International subsequently published the two documents together, on 1 August, under the title *Torture in Egypt 1981-1983: Amnesty International's Evidence and the Government's Response*.

Amnesty International wrote to Egypt's Ambassador in London welcoming the government's response, but also expressing the hope that the Egyptian Government would give serious consideration to implementing Amnesty International's specific recommendations for safeguards against torture and ill-treatment of detainees. These included more frequent visits to inspect prisons where untried detainees are held by *niyaba* (State Prosecutor's Department) personnel, who should be instructed to investigate immediately prisoners' complaints of torture or ill-treatment. Amnesty International recommended that a thorough report of each visit be submitted to a central authority and made available to lawyers and other relevant parties. At the same time Amnesty International reiterated its request to be informed of the results and procedures of an investigation which was reportedly opened in 1984 into torture allegations dating back to October 1981, and of any measures taken to compensate the victims and bring to justice those responsible.

Amnesty International continued to receive occasional reports of torture or ill-treatment of detainees during 1985, and was concerned about the reported deaths in custody of five people arrested in separate cases of a non-political nature. All were held in police stations where they were allegedly tortured or ill-treated.

On 10 January the (Emergency) Supreme State Security Court in Cairo acquitted 10 people accused of belonging to a banned communist group (*Al-Haraka Ash-Sha'abiya*) and sentenced six others to terms of three and five years' imprisonment. In reaching its verdict, the court held that the defendants' confessions were null and void since they were made in "an atmosphere of torture and coercion" and that the defendants' oral testimony about their treatment was supported by forensic medical examinations.

During 1985 Amnesty International learned of 24 death sentences and one execution. Four of the death sentences, and the execution, were for murder and other offences. Five men were sentenced to death by a Cairo court in April, convicted of kidnapping and rape, and Egyptian press reports stated that 12 people had been sentenced to death *in absentia* for communicating with Libya and for attacks on Egyptian soldiers on the Egypt/Libya border in 1977. In November a Lebanese national was reportedly sentenced to death *in absentia* on charges related to drug smuggling, and in December a Somali and a Sri Lankan national received death sentences on similar charges. Amnesty International urged President Muhammad Hosni Mubarak to commute the death sentences in all cases.

On 21 November Amnesty International wrote to the government following reports that there were plans to introduce legislation providing mandatory death sentences for drug traffickers. Amnesty International explained its unconditional opposition to the use of the death penalty, and said that while it appreciated "the need to find effective measures to eradicate the destructive practice of illicit drug traffic, . . . there is no scientific evidence that the death penalty deters any type of crime more effectively than other punishments".



## Iran

Amnesty International was concerned about the continuing large-scale executions of prisoners for both political

and non-political offences, following summary trials with no defence counsel and no right of appeal. The organization learned of 470 executions during 1985, but believed the actual figure to be considerably higher. Reports of political arrests continued to be received, but it was impossible to estimate the number of prisoners of conscience involved. Numerous and consistent allegations of torture and ill-treatment of detainees were received, and flogging and amputation continued to be imposed as judicial punishments for certain offences.

Since death sentences and executions on political grounds were rarely made public in Iran, Amnesty International believed that the actual number of executions was considerably higher than the 470 of which it was informed. Amnesty International did not usually learn of death sentences until after the execution had taken place. However, it was able to intervene on behalf of more than 30 individuals believed to be under sentence of death at various times during 1985. They included members of the following opposition organizations: various factions of the People's *Fedayan* Organization, the People's *Mojaheddine* Organization, *Peykar*, *Razmandegan*, the *Tudeh* (Communist) Party, and the Union of Communists.

In a letter to the President, Hojjatoleslam Seyed Ali Khamenei, dated 27 June, Amnesty International repeated its concern about the continuing large number of executions. The Prosecutor of the Revolutionary Anti-Narcotics Court stated in April that 140 people had been executed during the Iranian year 1363 ending in March for

drug-related offences, and that 197 people had been executed for drug-related offences during the four-week period since 21 March. Amnesty International explained its opposition in all cases to the death penalty as the most extreme form of cruel, inhuman and degrading punishment and a denial of the right to life. It asked what the charges had been against each of those executed during the first half of 1985. No response was received. According to reports of a statement made in April 1985 by a member of the Supreme Judicial Council, two people had been sentenced to death by stoning for adultery in the nine-month period ending in January, but Amnesty International did not know whether these sentences were carried out.

Political arrests continued throughout 1985. Some of these were in connection with bomb attacks or other politically motivated acts of violence. Others arrested were accused of being members or supporters of various opposition movements. Amnesty International was unable to estimate how many prisoners of conscience were being held. On 14 June Amnesty International wrote to the then Minister of the Interior about reported arrests of people taking part in anti-war and other political demonstrations in Tehran and elsewhere. According to official reports, 300 were arrested in Tehran on 10 April, and opposition sources claimed that the number of arrests ran into thousands. Amnesty International asked how many people had been arrested for taking part in demonstrations since the beginning of 1985 and how many were still in detention, what were the charges against them and the scheduled date or outcome of their trials. Amnesty International sought assurances that all necessary measures would be taken to safeguard detainees from torture and ill-treatment. It urged the immediate and unconditional release of any individuals detained solely for the non-violent expression of their beliefs and urged that all others be granted a fair and prompt trial in accordance with Article 14 of the International Covenant on Civil and Political Rights, to which Iran is a party.

In April Amnesty International published a *File on Torture on Iran*. The document described physical and psychological torture and said that "... the number of reports of torture and ill-treatment received . . . , their persistence and consistency make it clear that these violations of human rights are continuing, widespread and, in some places, systematic". Amnesty International said that the most common methods of physical torture and ill-treatment were beating and flogging, but also described cases of sexual abuse and burning with cigarettes and electricity reported between 1981 and 1984. According to many testimonies obtained by the organization, physical and psychological torture were frequently alternated and detainees subjected to mock execution, threats to arrest or execute relatives, or

being forced to watch the execution of other prisoners. Amnesty International reproduced extracts from the testimonies of several torture victims whom it had interviewed outside Iran. Some had been members of political opposition movements, one was a member of the Baha'i faith, and two, a female volunteer social worker and a male teacher, had not been politically active in Iran at the time of their arrest. None was identified by name in Amnesty International's publication for fear of reprisals against relatives remaining in Iran.

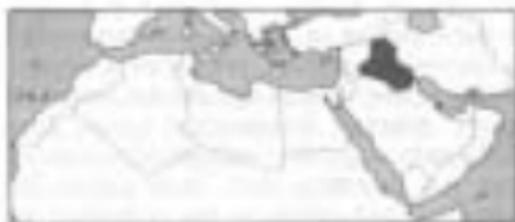
Amnesty International believed that torture was often inflicted to extract confessions about political activities, names and addresses of political activists and safe houses, despite the fact that Article 38 of Iran's Constitution specifically proscribes the use of torture for such ends. Amnesty International was also concerned about the continuing use of amputation and flogging as judicial punishments.

Amnesty International's *File on Torture* concluded that vital safeguards against torture were lacking in Iran and recommended limits on incommunicado detention, prompt presentation of detainees before a judicial authority and prompt and regular access to lawyers, doctors and relatives. Amnesty International further proposed that detainees be held only in publicly recognized places of detention, that procedures for detention and interrogation be reviewed as a matter of urgency, and called on the authorities to initiate a thorough and impartial investigation into allegations of torture and ill-treatment and to make public both its findings and its procedures.

Amnesty International drew attention to Iran's obligations under international human rights agreements to prevent the use of torture. In June 1975 Iran ratified the International Covenant on Civil and Political Rights and in February 1978 reaffirmed its support for the UN Declaration Against Torture.

Amnesty International submitted a written statement on 15 February to the 41st session of the UN Commission on Human Rights summarizing the organization's concerns in Iran and appealing to the Commission "to take all measures which it deems appropriate to redress the extensive violations of human rights in Iran". Amnesty International also submitted information to the UN Special Representative on Iran, who was mandated to establish contacts with the government and to make a thorough study of the human rights situation in Iran, following which the Commission voted to extend his mandate for one year. In November the Special Representative submitted a further report and on 13 December the UN General Assembly adopted a resolution expressing deep concern about alleged violations of human rights in Iran and regretting that the Special Representative had not been allowed to visit the country.

On 28 November Amnesty International submitted a written statement to the Political Affairs Committee of the European Parliament during a public hearing on "Respect for Human Rights in Iran". Amnesty International described its concerns, and called on the Government of Iran "to put an end to human rights abuses . . . and to honour those human rights which it has committed itself to uphold". At the same time Amnesty International called on the institutions of the European Community and the governments of its member states "to impress upon the Iranian authorities their obligation to adhere to international legal human rights standards".



## Iraq

During 1985 Amnesty International's concerns were the arbitrary arrest and detention of hundreds of suspected government opponents, including possible prisoners of conscience; prolonged detention without trial, or after summary trial, of political prisoners; the routine torture and ill-treatment of detainees in the custody of the security forces; and the large number of judicial and extrajudicial executions.

In February Amnesty International received the government's comments on the entry on Iraq in the *Amnesty International Report 1984*. The government acknowledged the execution of six members of the Hakim family and of some army deserters, stating that "desertion from military service during wartime is a crime dangerous to the security and well-being of the country and is punishable by death in accordance with current legislation. Some of those who had committed this crime repeatedly and did not avail themselves of several amnesties were indeed executed." The letter denied all other allegations mentioned in the report, including those concerning torture, arrests, extrajudicial executions and "disappearances".

Despite these assurances Amnesty International continued to receive reports of widespread arbitrary arrests of suspected government opponents, and their detention for long periods without trial or imprisonment after summary trials by the Revolutionary Court following procedures which fell short of international standards. In a letter received on 8 July, the government stated that ". . . as soon as

the authorities learn of the commission of a crime by a person, the judicial authorities start collecting evidence. The accused is then interrogated and referred to the competent court if there is sufficient evidence . . . The accused is entitled to retain a lawyer and can be visited by a doctor and his family." However, Amnesty International believed that such procedures were often not followed, and prisoners' relatives have consistently testified over a number of years that they remained unaware of the fate and whereabouts of detained family members until they had either been released or executed. In many cases, families refrained from inquiring after detained relatives for fear of reprisals by the authorities.

Among those who continued to be detained during 1985 were suspected members or supporters of banned political parties, army deserters, draft resisters and student demonstrators. Many of them may have been prisoners of conscience detained for their non-violent political views or activities.

Relatives of people being sought by the government were also reportedly arrested as hostages. In one case, about 300 children aged between 10 and 14 were arrested in the town of Sulaimaniya in northern Iraq between late September and mid-October. They were apparently arrested in retaliation for the political activities of their relatives, said to be either army deserters or members of the *Pesh Merga* forces (armed Kurdish units). Some were reportedly being held as hostages to force their relatives to give themselves up to the authorities, and others to act as informers. They were said to have been held initially in a detention centre in Sulaimaniya, where some were allegedly beaten to extract information from them on the activities of the *Pesh Merga* forces and their supporters in the city. Three children reportedly died in custody as a result. Amnesty International was seeking further information at the end of 1985.

In April Amnesty International published a report, *Torture in Iraq 1982-1984*, a copy of which was sent to the government. The report listed 30 different methods of torture said to be used in Iraq, and contained extracts from five selected testimonies alleging torture between 1982 and 1984. One was from Neji Bennour, a Tunisian national (see *Amnesty International Report 1985*) and another from Robert Spurling, an American national. Both alleged that they had been tortured at the hands of the security forces in Baghdad. In both cases the findings of medical examinations were consistent with the torture alleged. The report also contained recommendations to the government for the prevention of torture. On 25 November the government replied, stating that Neji Bennour and Robert Spurling "had been arrested in accordance with regulations [and] were not subjected to any form of torture during their detention". Other

allegations contained in the report were also denied. "We take this opportunity to confirm what we have demonstrated before, that there is no torture in Iraq." Amnesty International's recommendations were said to be "applied in Iraq on both legislative and practical levels. There is administrative and judicial supervision responsible for ensuring that these are properly implemented."

During 1985, Amnesty International continued to receive allegations of the routine torture and ill-treatment of detainees at all stages of their detention. Relatives of political prisoners were also allegedly tortured in their presence in order to force them into signing "confessions" or renouncing their political affiliations. A political prisoner released in April stated in his testimony to Amnesty International: "Members of my family, mother (73 years old), three sisters and three brothers with five children aged between five and 13 were arrested and brought in front of me. They were subjected to *falaqa* beatings and electric shocks. Also my sister and mother were undressed and insulted in front of me."

After learning of the death in June of Sayyid Muhammad al-Sayyid Muhammad 'Ali al-Hakim, Amnesty International expressed its concern at allegations that he may have died under torture. His family had allegedly been told by official sources that he had fallen ill in prison and been transferred to hospital for treatment where he died. However, the body was reportedly not returned to his family although the victim's father was allowed to see it before it was removed for burial. Neither death certificates nor records of the alleged illness and medical treatment were reportedly made available to the family. Amnesty International submitted a report on the case to the UN Special Rapporteur on summary or arbitrary executions in July. On 25 November the government replied to Amnesty International, stating that there was no truth in the allegations.

Amnesty International was concerned about reports that hundreds of people were executed in 1985. However, it had insufficient information to ascertain the exact number since many of the executions were said to have been carried out secretly in prisons and the victims' bodies subsequently buried by the authorities. When the victims' families were notified of executions, the bodies were usually returned to them with strict instructions not to mourn publicly and to bury them immediately. Some families were reportedly threatened with arrest or execution if they failed to obey these instructions.

Amnesty International received several reports of the mass execution of prisoners without prior legal proceedings or following summary trials with no right of defence or appeal. Among the reported victims were army deserters and government opponents, including members of the Iraqi Communist Party (ICP), Kurdistan

Democratic Party (KDP), Kurdistan Popular Democratic Party (KPDP), Kurdistan Socialist Party-Iraq (KSP-I), Assyrian Democratic Movement (ADM) and *al-Da'wa al-Islamiyya* (Islamic Call). It also learned of political prisoners who were reportedly executed after having been sentenced to terms of imprisonment. On 31 March, 13 KPDP members were reportedly executed after having been sentenced by a revolutionary court in 1984 to 15 years' imprisonment each.

Amnesty International sent several urgent appeals to the government following the reported execution of 28 political prisoners in February and March. They were 15 KDP members, three ADM members and 10 members of the Hakim family. The organization submitted a report on these executions to the UN Special Rapporteur on summary or arbitrary executions in April. The government acknowledged in a letter to Amnesty International received on 25 July that 19 of these prisoners had been executed for committing, among other things, acts of sabotage and for carrying weapons and explosives. On 31 December Amnesty International once again appealed to the government after receiving reports that many political prisoners and army deserters had been executed between August and November, including 60 prisoners reportedly executed in Abu Ghraib Prison in the first week of November. Among them were said to be members of the KSP-I, KDP, ICP and *al-Da'wa al-Islamiyya*.

On 20 December Amnesty International urgently appealed to the government following reports that some 300 people had been killed in northern Iraq in the second half of October. According to the organization's information, 10 people were executed in Sulaimaniya on 14 October after two airforce officers were killed by Kurdish fighters in the area the same day. They were reportedly arrested, lined up outside a public bath and shot. The next day a curfew was imposed in the city and government troops, estimated at about 20,000, reportedly carried out house-to-house searches seeking army deserters, draft resisters, members of the *Pesh Merga* and other suspected opponents. Thirteen of those arrested on that day were also reportedly lined up and shot in a residential area of the city. Eight others were allegedly buried alive by security forces in the city's cemetery. Student demonstrations in Sulaimaniya and other cities protesting against these events were allegedly violently suppressed, with troops firing directly into the crowds. Unconfirmed estimates put the number of people killed in demonstrations and executed by firing-squad in Sulaimaniya at about 200. In Arbil, about 80 people were said to have died when the Citadel, where some of those being sought by troops were said to be hiding, was destroyed by aerial bombardment. Hundreds of others were reported to have been

arrested in the same period, including whole families and a large number of army deserters. Their fate and whereabouts were not known.



## Israel and the Occupied Territories

Amnesty International's concerns were the imprisonment of prisoners of conscience; the increased use of administrative measures, with no judicial involvement, to restrict individuals without charge or trial; and the denial of internationally accepted rights to prisoners captured by the Israeli Defence Forces (IDF) in south Lebanon. Amnesty International was also concerned about allegations of ill-treatment and torture of detainees in Israel, the Occupied Territories and south Lebanon.

During 1985 Amnesty International adopted five prisoners of conscience, two of whom were released during the year, and investigated the cases of 39 possible prisoners of conscience, 13 of whom were released. Eleven of the 44 prisoners were convicted of security offences, two were conscientious objectors to military service, 15 were under restriction orders and 16 in administrative detention.

Amnesty International worked for the unconditional release of two selective conscientious objectors to military service: Rafael Kastan was sentenced in January to 21 days' imprisonment; Anatol Yablonca was sentenced in December to three months for refusing to serve beyond the pre-1967 borders of Israel.

Amnesty International investigated the cases of 11 people convicted of membership of the Palestine Liberation Organization (PLO). They included Kadhim Mahmud Muhammad Mar'i, one of nine arrested members of the Jerusalem Construction Workers' Union whose cases Amnesty International investigated. He was charged in mid-1984 with membership of the Democratic Front for the Liberation of Palestine (DFLP - a faction of the PLO) and with recruiting three members to the organization, and was sentenced to 18 months' imprisonment plus an 18-month suspended sentence. The authorities maintain that membership of the PLO is tantamount to advocating "terrorism", but Amnesty International considers that

membership alone does not prove that an individual member has advocated violence. None of the charges against the trade unionists, which included holding meetings and reading DFLP literature, appeared to involve the use or advocacy of violence. Only one remained in prison at the end of the year.

At the beginning of 1985 approximately 1,130 Palestinians and Lebanese suspected of armed opposition to the IDF in south Lebanon were still detained, about 1,000 in Al Ansar camp in Lebanon, 121 in Atlit prison in Israel, and three women in Neve Tirza prison in Israel. (See *Amnesty International Report 1985*.) On 20 February Amnesty International replied to the Israeli Government's letter of December 1984, reiterating its concern that the authorities had not respected the human rights of these detainees in accordance with internationally accepted standards.

Amnesty International continued to be concerned that most had not had access to a lawyer, that none had had access to their families, and that detainees who had appeared at appeal hearings, which were held *in camera*, were not confronted with all the evidence against them and were, therefore, unable effectively to refute the charges against them.

On 3 April 1985, in preparation for the Israeli withdrawal from south Lebanon, the IDF closed down Al Ansar camp which then held over 1,800 detainees: 752 of these were handed over to the International Committee of the Red Cross (ICRC) for release. Those remaining were transferred to Atlit prison in Israel. Between 11 April and 10 September all those from south Lebanon held in Atlit prison (1,171 in all) were released, in batches, into the care of the ICRC who assisted their return home. However, two Lebanese arrested by the IDF in August 1984 in front of witnesses (although the Israeli authorities consistently denied any knowledge of them), were not among those released. One, Tony Ghanem, reappeared in south Lebanon in December and reported that he had been held in solitary confinement and incommunicado for 16 months in different prisons in Israel. Amnesty International was concerned about the other who remained missing.

Amnesty International was concerned about detainees held in Lebanon by the South Lebanon Army (SLA), a mainly Christian militia, reportedly armed, trained and financed by the Israeli authorities, whose prison in the town of Kham was reported to be run with the assistance of *Shin Beth* (the Israeli Intelligence Service). Following the official IDF withdrawal from south Lebanon in June 1985, an unofficial Israeli presence of up to a thousand members of the IDF and *Shin Beth*, assisted by the SLA, continued to control the "security zone", a strip of land running along the Lebanon/Israel

border. About 120 detainees, mostly Lebanese Shi'a Muslims, but also Palestinians, suspected of carrying out military operations against the SLA and the IDF, were reported at the end of 1985 to be held in Khiam prison. Amnesty International was concerned that these detainees were afforded no judicial process of any kind, were not allowed to see a lawyer, were not charged, and that many were held incommunicado for long periods. Some family visits were permitted, but the ICRC had not been allowed access to the prison by the end of 1985 despite requests to both the SLA and the IDF. Amnesty International expressed concern to the Israeli authorities and to the leader of the SLA in November 1985 that these detainees were being denied their internationally accepted rights and called for an international humanitarian organization such as the ICRC to have regular and frequent access to all detainees.

In August 1985, following a number of violent attacks on Jews in Israel and the Occupied Territories, the Israeli authorities decided to reimpose administrative detention, a measure which had been largely discontinued since 1982. The relevant legislation provides for individuals to be detained for up to six months without charge or trial by order of the Minister of Defence in Israel proper, or by the regional commander of the IDF in the Occupied Territories. Detention orders, which can be renewed after six months, must be ratified by a military judge within 48 hours in Israel and 96 hours in the Occupied Territories, and are subject to automatic judicial review within three months, but the reviewing judge may accept evidence without disclosing it to the detainee. The Attorney General's Directives on Administrative Detention, issued in 1980, stated that it was an "exceptional measure . . . meant not as a punitive but only as a preventative measure . . . (and) justified only to avert a danger to state security or public security". Amnesty International was concerned because this legislation might lead to people being detained for the non-violent exercise of their right to freedom of opinion and expression, and because it allows detention without trial.

By the end of 1985 Amnesty International had received the names of over 126 people who had been administratively detained since July 1985, including students, journalists and trade unionists. Two field-workers for a West Bank human rights organization who had been interviewing ex-detainees about prison conditions were also administratively detained. Amnesty International believed that Zahi Jaradat and Ghazi Shashtari had been detained on account of their human rights work and called on the authorities to release them. Zahi Jaradat's order was reduced to three months on appeal.

The use of restriction orders was largely replaced after July 1985 by the use of administrative detention. Amnesty International heard of

38 people who during 1985 were confined to their home town or village by day and to their home by night. Eight of these were later held under administrative detention orders. In August Amnesty International wrote to the authorities because several people had clearly not benefited from the Attorney General's directive of September 1984 (see *Amnesty International Report 1985*) which aimed to minimize the inconvenience to restricted persons' lives and livelihoods. Amnesty International asked how the directive was applied in the Occupied Territories, and what remedy existed for those contending that their personal lives and livelihoods were affected by restriction orders. Amnesty International was also concerned about Dr 'Azmi al-Shu'aibi, a dentist from the West Bank, who had been under a restriction order from 16 January 1983 and was detained in October 1985 pending deportation to Jordan. Amnesty International asked the authorities to try Dr 'Azmi al-Shu'aibi or to release him and to give him adequate medical treatment for a lung complaint.

Amnesty International continued to receive reports that security suspects were ill-treated during interrogation by the military and the police in the West Bank and Gaza, including the routine use of hooding, enforced standing, beatings, sleep deprivation, threats and insults. A letter from the government of 31 January denied the use of such techniques to torture or ill-treat detainees, but failed to allay Amnesty International's concerns. The military police reportedly investigated allegations of ill-treatment made by young detainees held in the military detention and interrogation centre of Al Fara'a in the West Bank. To Amnesty International's knowledge its findings were not made public by the end of 1985.

In August a military disciplinary court in Israel ruled in the case of General Mordechai, who, in April 1984 in Gaza, pistol-whipped two wounded Palestinians in his custody, both of whom later died. The court concluded that he had used "reasonable force" in an urgent attempt to find out if they had booby-trapped a bus they had earlier hijacked. Amnesty International wrote to the Minister of Defence saying: "pistol-whipping a prisoner in order to obtain information from him amounts to cruel, inhuman and degrading treatment, unconditionally prohibited under international law, and considerations of reasonableness can never be used to justify such treatment by law enforcement officials".

In Israel proper, there was much public debate about police brutality during arrest and interrogation of criminal and security suspects in Israel, and about the need to reform the police disciplinary system and to improve the training of law enforcement officials. According to press reports, over 50 regular and border police were

convicted in 1985 of using unnecessary force in incidents occurring between 1981 and 1984.

Amnesty International received a number of reports of ill-treatment and torture from former detainees held in Khiam prison by the SLA. These reports revealed a systematic pattern of beatings and electric shock torture (see entry on the Lebanon). All detainees reported that Israeli Intelligence officers directed the interrogation while members of the SLA carried out the physical ill-treatment. In November Amnesty International wrote to the Israeli authorities and the leader of the SLA urging a public and impartial inquiry into these allegations.

During 1985 there were discussions in the *Knesset* (parliament) on whether to impose the death penalty for terrorist murders. The death penalty is retained under Israeli law but is not mandatory. The last execution in Israel was in 1961.



## Jordan

Amnesty International was concerned about the detention of prisoners of conscience and possible prisoners of conscience, some of whom were held without charge or trial for prolonged periods, and about trials of political prisoners by the martial court which fell below international standards for fair trial. The organization was also concerned about reports of torture and ill-treatment of prisoners and about six executions. These concerns were investigated by delegates of the organization who visited the country in March and October/November.

Under martial law provisions in force in Jordan since 1967, prisoners can be held indefinitely without trial. Arrests for political reasons are normally carried out by the intelligence services, the largest of which is the *Da'irat al-Mukhabarat al-'Amma*, Department of General Intelligence. Amnesty International learned of 70 such arrests during 1985. Six of those arrested were tried, 14 were released, and the others were reportedly detained without trial, many in the General Intelligence Building in Amman. The organization also received reports that 42 people arrested during the previous three years were still in detention without trial at the end of 1985.

During 1985 Amnesty International worked for the release of three

prisoners of conscience and investigated the cases of 20 possible prisoners of conscience. The organization adopted as prisoners of conscience Samih Khalil and Dr Suleiman Suwais, arrested on 10 April and 9 November respectively. Samih Khalil, a translator, was sentenced in December to one and a half years' imprisonment for membership of an illegal organization. Suleiman Suwais, a sociologist and journalist, was detained in the General Intelligence Building in Amman, apparently, on similar charges. Another prisoner of conscience, Hashim Gharaibeh, was released on 17 June following a special amnesty. He was sentenced in 1978 to 10 years' imprisonment for membership of the proscribed Jordanian Communist Party. Prime Minister Zaid al-Rifai replied to a member of Amnesty International who appealed for the release of Hashim Gharaibeh, stating: "... it is against the law in Jordan — as in many countries in the world — to be a member of an outlawed party — especially one which seeks to overthrow the government and destabilize the political order." Amnesty International believed that Hashim Gharaibeh had not used or advocated violence.

Amnesty International continued to investigate the cases of 15 prisoners sentenced by the martial court to 10 years' imprisonment for membership of the illegal Palestinian Communist Workers' Party and learned of the release of four of them. The organization was also investigating the cases of five other prisoners, including 'Abd al-Razzaq Isa and Muhammad Qasim, two trade unionists sentenced in April by the martial court to five years' imprisonment for membership of an illegal organization. Amnesty International was also concerned that Rakkan al-Majali, former President of the Jordanian Press Association, was in June placed under town arrest in Karak. The organization learned that the restriction was lifted in September.

Trials by the martial court, before which political prisoners are normally brought, gave cause for concern to Amnesty International. According to Article 15 of the martial law provisions, the martial court "... is not bound in any of its procedures by the Code of Criminal Procedures or law of evidence". The court is composed of three officers appointed by the Prime Minister in his capacity as General Military Governor and lacks basic legal safeguards such as the right of appeal. The organization learned of seven people sentenced to prison on political charges by the martial court in 1985.

Amnesty International continued to be concerned about persistent reports that detainees in the custody of the intelligence services, who were often held incommunicado, were subjected to torture and ill-treatment. The organization learned of a special corridor in the General Intelligence Building in Amman where prisoners were

subjected to *farruj* (the prisoner is hung upside down from a perch inserted between the knees with wrists and ankles bound and is beaten intermittently). Other reported methods included *falaqa* (beatings on the soles of the feet) and sensory deprivation. Prisoners were subjected to threats against their relatives, their livelihoods and their freedom of movement. Amnesty International also received allegations of torture and ill-treatment of ordinary criminal prisoners by the Department of Public Security, but was unable to confirm specific instances.

Jordan retained the death penalty for a number of offences, including the sale of land in territory now occupied by Israel. In March the Jordanian Cabinet ratified the death sentences passed *in absentia* on four people convicted of selling land in the Israeli occupied West Bank to Israelis. Six people, all convicted of murder, were executed by hanging during 1985. Amnesty International expressed regret at the executions.



## Kuwait

Amnesty International's major concern during the year was the increase in the number of allegations of torture,

in some cases leading to death, and the apparent government endorsement of a torture method known as *falaqa* (beatings on the soles of the feet). The organization was also concerned about the fairness of trials before the State Security Court of political prisoners, some of whom might have been prisoners of conscience; the increase in the number of offences punishable by death; and the continued deportation of foreign nationals who might be in danger of becoming prisoners of conscience or of facing torture or execution if returned to their own countries.

Amnesty International was concerned about an increasing number of reports of torture and ill-treatment, indicating that the use of such practices against prisoners by security forces was common. Reported methods of torture included beatings on all parts of the body, *falaqa*, extraction of nails, use of electricity and sexual assaults. It was reported in one instance that 11 individuals arrested in March in connection with the murder of an Iraqi diplomat and his son were tortured while detained. At the end of 1985 Amnesty International

received information suggesting that two of them, Rikan al-Fadhli and Sa'ud Matar, had in fact died in March following severe beating, although it was also alleged that they had been poisoned. Of the remaining nine, Juda Ba'nun Qatqut was said to have suffered anal injuries and collapse of the kidneys after having been forced to sit on a stick. Amnesty International also learned in December that six other prisoners, five Iranians and one Iraqi, had died, reportedly under torture. Little information was available about these cases and the organization was seeking further details.

Amnesty International was disturbed by a statement made on 2 July to the National Assembly by the Deputy Prime Minister and Minister of Foreign Affairs denying the use of electric shock torture in Kuwait but admitting and defending the use of *falaqa*. He was reported in the Kuwaiti press as stating that "it is our right as a government" to adopt such a practice and that it would continue as long as the security and stability of Kuwait required it. Amnesty International, which considers *falaqa* to be torture and as such prohibited by international human rights standards, asked for clarification of the government's position but received no response.

Amnesty International learned of three trials before the State Security Court during 1985, all held *in camera*. They resulted in prison sentences for five individuals, some of whom might be prisoners of conscience. One, Kamil Husayn 'Ali Dashti, was sentenced in November to five years' imprisonment for having written a leaflet calling for the overthrow of the government. He was allegedly held incommunicado and tortured following his arrest in June. Amnesty International was concerned about the secrecy of the proceedings and the lack of appeal against the court's verdicts.

Amnesty International regretted the extension in July of the death penalty to crimes previously punishable by imprisonment. The new legislation covered offences such as bomb attacks on individuals and public places and was adopted following an assassination attempt on the Amir of Kuwait on 25 May and bomb attacks on two cafés on 11 July in which a number of people were killed. Amnesty International appealed to the authorities and to members of the National Assembly not to pass such legislation as it was incompatible with UN Resolution 32/61 of 8 December 1977 which calls for a progressive restriction of the number of offences punishable by death. The organization also regretted the passing of two death sentences and the execution of four prisoners, all convicted of murder, and continued to appeal for the commutation of any outstanding death sentences.

The deportation of foreign nationals continued in 1985, as in previous years. Several thousand individuals, the majority of them Iranians and Iraqis, were deported. Amnesty International continued

to seek assurances that such individuals would not be forcibly returned to countries where they might become prisoners of conscience, or face torture or execution.



## Lebanon

Amnesty International's concerns in 1985 were the widespread arbitrary arrest and detention without trial of political

detainees and hostages; prolonged incommunicado detention of political detainees; "disappearances"; ill-treatment and torture of prisoners; and judicial and extrajudicial executions of prisoners.

In December Amnesty International issued a document, *Amnesty International's Concerns in Lebanon*, covering the period 1982 to 1985. The document described human rights violations reportedly committed by the Government of Lebanon, which was no longer in effective control of any part of the country, and the Governments of Israel and Syria. The document also outlined human rights abuses attributed to the four main militias, namely: the Lebanese Forces (LF), a coalition of Christian militias which controlled East Beirut and the region to the northeast of Beirut; Amal, a predominantly Shi'a Muslim movement which controlled West Beirut, much of the southern suburbs of Beirut and parts of south Lebanon; the Progressive Socialist party (PSP), a predominantly Druze party, which assisted Amal in controlling West Beirut and also administered the Shuf mountains; and the South Lebanon Army (SLA), a mainly Christian militia, reportedly armed, trained and financed by the Israeli Defence Forces (IDF), which since June 1985 has assisted the IDF in controlling the "security zone" along the south Lebanon border. Amnesty International considers that governments, as the originators and guarantors of international human rights standards, bear responsibility for their implementation. The organization believed, however, that these four militias had effective control of territory and, therefore, had the means and the responsibility to protect human rights.

Amnesty International had no information about the total number of political prisoners and hostages held in Lebanon during 1985. In the areas under their control, Amal, the LF and the PSP were all reported to have arrested and detained political opponents, members

of rival factions held as hostages, members of their own militia who committed disciplinary offences, and criminals. The Lebanese Government security forces estimated in October that the LF were holding 500 hostages, some of whom were Syrians. At the end of 1985 the SLA was reported to be holding around 120 Palestinians and Lebanese, mostly suspected of carrying out military operations against the SLA and the IDF. Detainees from all these categories were held without any normal legal process and with no right to challenge the accusations made against them.

The Lebanese authorities were reportedly no longer holding any political prisoners. Until April the Israeli authorities continued to detain in Al Ansar camp up to 1,800 Palestinians and Lebanese suspected of armed opposition to the IDF in south Lebanon. (See entry on Israel and the Occupied Territories.) The Syrian authorities, who controlled the eastern and northern regions of the country, were reported to be holding in Damascus a number of Palestinians formerly held by Amal in Beirut (see below). They were also holding members of the LF, a number of whom were released between October and December (see entry on Syria).

Between 19 May and 22 June hostilities broke out between Amal and the Palestinians in the refugee camps in south Beirut. During this "war of the camps" Amal militiamen arrested hundreds of Palestinian combatants, suspected combatants and people living in the camps, as well as many Palestinian students living in central Beirut. Estimates of the number of arrests varied between 500 and 2,000. Members of the mainly Shi'a Sixth Brigade of the Lebanese Army, which normally has a minor policing role in West Beirut but which was fighting alongside Amal, also made arrests and held detainees in their barracks. On 29 May Amnesty International wrote to the Lebanese President and to the leader of Amal, Nabih Berri, as Minister of Justice, urging the government to obtain and publish the names and details of all prisoners captured during the hostilities. Amnesty International added that "allegations that members of the Lebanese Army are involved in these acts make it the more imperative that the Lebanese Government take firm action to protect the human rights of people within its territory".

While many of these detainees were later released, a number remained unaccounted for, and the names of 99 "missing" prisoners were published in the Lebanese press in September. Amnesty International received reports from several sources that those who were considered to be leading pro-Arafat members of the Palestine Liberation Organization (PLO), had been handed over to the Syrian authorities and detained without charge in Damascus. These were said to include Yahya Ali Ma'rouf, Mahmud Al Hariri and Khalid Al

'Arif, who were reported to have been seen in a detention centre known as "Branch Number 235" in Damascus.

Amal was also reported to have arrested in south Lebanon a number of Palestinians and Lebanese suspected of collaborating with the Israelis during their occupation of south Lebanon.

After August there were an increasing number of reported abductions in Beirut by the LF on the one hand and Amal and the PSP on the other. Many were retaliatory acts carried out by militia members to win the release of hostages, often relatives, held by the other side. Many Christian residents of West Beirut were abducted, reportedly to intimidate Christians into leaving West Beirut.

Amnesty International wrote to the Lebanese Government in December 1985 expressing its continued concern about the 2,000 people who had "disappeared" in Lebanon since mid-1982, many of whom had been arrested by the Lebanese Army or LF during 1982 and 1983.

Amnesty International received reports that detainees held by all the militias were subjected to ill-treatment. Although Amnesty International has only received detailed allegations regarding detainees held by Amal and the SLA, the widespread practice of incommunicado detention by all militias was of particular concern since it is Amnesty International's experience that it facilitates ill-treatment. Amnesty International received reports that some detainees had been allowed visits by members of their families, but many had not. The International Committee of the Red Cross (ICRC) was permitted access to only a few detainees: some of those held by the LF in Qarantina, one of their prisons in Beirut; some Amal-held prisoners in Beirut and south Lebanon, (but none of those arrested by Amal during the "war of the camps" about whom there were many allegations of ill-treatment). The ICRC was not allowed access to detainees held by the SLA, nor to any detainees believed to be held by the PSP in the towns of Aley and Mukhtara in the Shuf mountains.

Amnesty International received many allegations of ill-treatment and torture, including first-hand reports from detainees held by Amal during the "war of the camps". One detainee said he was interrogated about being a member of the PLO and was beaten, threatened with execution, subjected to mock executions, made to believe that fellow prisoners had been executed and forced to watch his father being tortured. He said he was transferred to one cell full of prisoners who were bleeding and covered in bruises; some had broken bones and one died while he was there.

Another former detainee examined by an Amnesty International medical team on 19 July said that he was detained by Amal in Burj al

Murr between 20 May and 17 June 1985 and was interrogated about the location of PLO weapon depots. He said he was beaten on his body and on the soles of his feet; suspended from the "parrot perch" three times, once losing consciousness; subjected to mock drowning; pushed inside a tractor tyre and rolled down several ramps and, at the same time, given several blows to the head which made him lose consciousness. He said nylon wire was tied round his penis and a weight was suspended from it. The Amnesty International doctors who examined him stated in their report that they had found scars on the skull, at the back of the upper left arm, and on the penis consistent with the described methods of torture.

Reports of torture from former detainees held by the SLA in Khiam prison revealed a systematic pattern. Detainees were hooded and handcuffed, taken from their cells to a place of interrogation and questioned about their participation in military operations or pressured into giving information about the resistance forces or into collaborating with the IDF. They were beaten all over the body with electric cables, wooden batons and gun butts or kicked. They were subjected to electric shock torture on sensitive parts of the body. All detainees reported that Israeli Intelligence officers questioned them while members of the SLA carried out the physical ill-treatment. They said that elementary medical treatment was sometimes available, but that three detainees were reported to have died as a result of torture. In November Amnesty International wrote to the Israeli Minister of Defence and the leader of the SLA expressing concern about the reports of ill-treatment and calling for a public and impartial inquiry into the allegations, and for an international humanitarian organization, such as the ICRC, to have regular and frequent access to all detainees.

Both Amal and the PSP executed members of their own militia accused of murder, after going through a form of judicial process. Two were executed by the PSP and two by Amal. Amnesty International called on the leaders of both groups to intervene to prevent any further executions.

Amnesty International also received reports of the execution of captives by other opposition groups in Lebanon. Amnesty International, as a matter of principle, condemns the execution and torture of prisoners by anyone, including opposition groups.

Amnesty International also called on the Lebanese Government to commute all pending death sentences. A number of people reported to have been sentenced to death during 1982 and 1983 were believed still to be detained; in a letter to Amnesty International dated 29 November the Lebanese President, Amin Gemayel, confirmed that the executions of Nazih Sami Shaya and Joseph George Kazazian had

not been carried out (see *Amnesty International Report 1985*).

During the "war of the camps" there were many eye-witness reports of executions of Palestinians in the custody of members of the Amal militia. They included dozens of armed combatants captured in the refugee camps; civilians, including some women, children and medical personnel; and wounded combatants and non-combatants in the camp hospitals and in the American University Hospital. Most of these were seen being shot at point-blank range, although in a few cases people were seen being beaten to death in the street. There were also reports that some prisoners held in Burj al Murr were executed. In a telex to the Lebanese President and to the leader of Amal and Minister of Justice Nabih Berri, sent on 29 May, Amnesty International called for an investigation into allegations of torture and summary executions.

In December Amnesty International wrote to the leaders of Amal, the PSP and the LF to express concern about abuses of human rights committed by these three militias. Amnesty International drew attention to international standards for the treatment of prisoners set forth in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights, which Lebanon ratified in 1972. The organization noted that torture and the arbitrary killing of prisoners is completely forbidden by international standards even in times of war or emergency. It said that in a civil war, with many different groups carrying out arrests and families often facing difficulties finding out what has happened to their relatives, measures should be taken to reassure families of the safety of detainees; the names of all detainees should be published; an independent humanitarian organization, such as the ICRC, should have regular access to all detainees; wounded or sick captives should have regular medical treatment; and detainees should be allowed to write to their families.



## Libya

Amnesty International continued to be concerned about renewed official calls for the "physical liquidation"

of political opponents and the subsequent killing or wounding of Libyan citizens abroad and possibly within Libya. It was also

concerned about the continued imprisonment of 75 prisoners of conscience; the detention of political prisoners without trial or after acquittals or expiry of sentences; reports of torture and ill-treatment; and the death penalty.

Official calls for the physical liquidation of political opponents were renewed throughout 1985. On 2 March the General People's Congress reiterated the "stand of the Basic People's Congresses concerning the pursuit and physical liquidation of the stray dogs" and called for a response to states which protected the fugitives, including "backing hostile and opposition movements" within such states. Tripoli Radio reported on 3 September Colonel Mu'ammar Gaddafi's statement that all Libyans abroad, including those sentenced to death, "have the right to return to the Jamahiriya with total freedom and without being subjected to any punishment for acts committed against their homeland" provided that "they declare their repentance". He added, however, that "those who prefer to stay abroad and work against the interests of their homeland will be pursued and punished". Among Libyan political opponents, Colonel Gaddafi singled out members of the Muslim Brotherhood and of the Islamic Liberation Party in an address to secondary school students and teachers on 14 April, stating "you should have discovered them earlier and slaughtered them". On 21 November Tripoli's Voice of the Greater Arab Homeland broadcast a statement by the Libyan Revolutionary Officers in which they declared themselves "members of the revolutionary committees" and pledged to turn themselves into "suicide squads which will destroy everything". Among their stated aims was "the continuation of the pursuit of the stray dogs, the dogs of the CIA and their physical liquidation".

In apparent implementation of the policy of physical liquidation, there were attempts on the lives of a number of Libyan citizens living abroad. They included Ezzedin Ghadamsi, a former ambassador, who was seriously wounded in Vienna on 28 February. Ahmad Barrani, a businessman resident in Cyprus, was killed on 2 April; Yusuf 'Aqila, another businessman who left Libya in 1980, was shot and wounded in Athens on 6 October; and Gibril Denali, a student who was granted political asylum in the Federal Republic of Germany (FRG), was assassinated in Bonn on 6 April, having escaped a previous kidnapping attempt. He had received death threats from people reportedly connected with the Libyan People's Bureau in Bonn. On 11 November a court in the FRG sentenced a Libyan national, Fathi al-Tarhuni, to life imprisonment after convicting him of the murder of Gibril Denali. On 13 November, two days after the Egyptian authorities announced that they had foiled a new assassination attempt against former Prime Minister 'Abd

al-Hamid al-Bakkush (see *Amnesty International Report 1985*), Tripoli radio reported that a Libyan "suicide squad" had clashed with Egyptian soldiers during a mission to "liquidate" opponents in Egypt.

Amnesty International wrote to Colonel Gaddafi asking about allegations that Hassan Ishkal, a prominent Libyan official, had been summarily executed by Revolutionary Officers in Tripoli on 24 November, and that his cousin al-Burran Ishkal had also been summarily executed two days later.

During 1985 Amnesty International continued to work for the release of 77 prisoners of conscience and learned of the release of one of them and the death of another. The released prisoner, Redwan Bu Shwasha, a short story writer, was one of a group of writers and journalists arrested in 1978 and tried in 1980 on charges of forming a political organization. Amnesty International, which observed part of the trial in 1980, remained concerned about the fate of 16 other members of this group, all prisoners of conscience believed to be still in detention. The Libyan authorities replied in April to appeals on behalf of the group stating that the events referred to in the appeals had never occurred and that the names mentioned were "unknown to the authority concerned". Amnesty International learned of the death in prison in 1984 of 'Abd al-'Aziz Muhammad al-Gharabli, a prisoner of conscience serving a life sentence since 1973 for belonging to a Marxist group. The organization was seeking information on the cause of his death.

A number of political prisoners were reportedly held without trial or remained in detention after having been acquitted or after having served their sentences. Amnesty International wrote to the authorities about 18 such cases, calling for those detained without trial to be released or tried without further delay, and for those detained despite having been acquitted or beyond the expiry of their sentences to be released immediately unless new charges for recognizable criminal offences had been brought against them. No reply was received. In June Amnesty International received reports that four of the 150 detainees arrested in 1984 in Tripoli (see *Amnesty International Report 1985*) had been put on trial. The organization sought details of the trial but received no reply.

Further allegations of torture and ill-treatment were received by Amnesty International during 1985. In June two students — 'Abd al-Wahid al-Zanqi and Rafiq al-Bishti — allegedly died under torture while in the custody of members of the revolutionary committees. The two students were apparently arrested with a number of others from Tripoli University. There were also allegations that many foreign workers, who were deported by the thousand in August and September, had been ill-treated in custody.

In July it was reported that Libya had agreed to pay US\$500,000 compensation in connection with the detention in May 1984 of a Norwegian ship and the ill-treatment of crew members, and to investigate the death of one of the sailors, Bjorn Pedersen (see *Amnesty International Report 1985*). Following Norwegian police investigations and interviews with fellow crew members, it was established that Bjorn Pedersen died under torture in the custody of a revolutionary committee between 13 and 16 May 1984. Amnesty International had appealed in February for an impartial and public investigation into the death of Bjorn Pedersen and had called for those responsible to be brought to justice.

Libya retained the death penalty for numerous offences, including many of a political nature. In March Amnesty International received reports that a number of detainees, including two prisoners of conscience originally sentenced to life imprisonment and four political prisoners allegedly detained without trial, were to be executed in April. Amnesty International sought urgent clarification of these reports and in April received a letter from the Secretary of the General People's Committee of the Peoples' Bureau for Foreign Liaison. The letter expressed "deep regret" at the fact that Amnesty International had "fallen victim to a misleading campaign and to deceptive and tendentious rumours". It added that the reports were "untrue" and that the Jamahiriya respected human rights and its laws abided by international safeguards for their protection. Amnesty International replied stressing its impartial character and its care in investigating allegations of human rights violations, and requested once more details of the situation of the people reported to be facing execution in April. No further reply was received.



## Morocco

During 1985 Amnesty International was concerned about the continued imprisonment of 190 prisoners of conscience

and possible prisoners of conscience. It was also concerned about pretrial and trial procedures for political prisoners, which did not conform to international standards; incommunicado detention; the torture and ill-treatment of detainees and deaths in custody; "disappearances"; and the death penalty. Amnesty International was

also concerned about the fate of a number of individuals said to be detained by the Polisario Front, some of whom had reportedly been held since 1975.

On 24 November 1985 King Hassan II denied at a press conference Amnesty International reports of human rights violations in Morocco and invited the organization to visit the country to investigate these reports. Amnesty International wrote to the King accepting the invitation.

In 1985 Amnesty International continued working for the release of 66 prisoners of conscience and investigated the cases of 124 possible prisoners of conscience. Most of the adopted prisoners of conscience had been sentenced to long prison terms in 1977 on charges including plotting against the internal security of the state and membership of various Marxist-Leninist groups. In the course of 1985 three prisoners of conscience were released upon expiry of their sentences.

In 1985 Amnesty International continued to investigate the cases of four imprisoned members of the *Union socialiste des forces populaires* (USFP), Socialist Union of Popular Forces, and of more than 80 Saharans who allegedly "disappeared" in 1976 after being taken into custody by Moroccan security forces in the context of the dispute between Morocco and the Polisario Front for control of the Western Sahara (see *Amnesty International Report 1985*). Amnesty International also continued to investigate the cases of 31 individuals, mainly students, arrested in January 1984 after riots in many cities, who were tried by the Criminal Chamber of the Court of Appeal in Marrakech on 26 May 1984. The prosecution based its case on the defendants' confessions, allegedly obtained under torture, and on leaflets of Marxist-Leninist inspiration. The defendants admitted possessing some of the literature but said that it contained no ideas which were against the law. They also denied that some of the leaflets had been in their possession, claiming that they were written while they were in police custody. They were sentenced to prison terms of up to 15 years on charges including conspiracy to overthrow the monarchy. Amnesty International believed that the trial fell short of internationally recognized standards in a number of respects, including denying the defence its right to call witnesses and accepting as evidence confessions allegedly extracted under torture.

Twenty-three miners arrested following industrial action which started on 24 August 1985 were tried by the court of first instance of Oujda on 10 September. They were accused of holding unauthorized gatherings and disturbing public order and received prison terms ranging from six months to one year, plus fines. On 17 October the court of appeal of Oujda reviewed the cases, acquitted three and reduced the sentences of the remaining 20 to between one and three

months. On 17 October Amnesty International asked the authorities for the precise charges faced, as it feared that the defendants might be prisoners of conscience. No reply had been received by the end of 1985.

In September Amnesty International submitted the case of Abdelrazzak Al Nouhaili, a student who had remained in incommunicado detention without charge or trial since February 1983, to the UN Working Group on Enforced or Involuntary Disappearances. Amnesty International was concerned that the authorities have refused to disclose the reasons for his detention or his whereabouts.

Amnesty International continued to be concerned at a number of pretrial and trial procedures involving political prisoners which fell short of international standards. Defendants were arrested without warrant and held incommunicado for up to several months, contrary to the provisions of Moroccan law; information and confessions presented as evidence in court were reportedly extracted under torture; the courts rejected defence requests to call witnesses and refused to investigate allegations of torture and of falsification of both police records and defendants' confessions.

During October and November 1985 more than 40 individuals including students, lawyers and doctors were arrested in several cities, allegedly in connection with the distribution of a leaflet by an illegal leftist group, *Ila Al Amam*. Most were held in incommunicado detention exceeding the legal limits. Amnesty International feared that these individuals might have been detained for their non-violent, conscientiously held beliefs, and was also concerned for their physical safety as there were frequent allegations of ill-treatment and torture of incommunicado detainees. Amnesty International appealed for further information on the circumstances surrounding their arrest and detention, and called for them to be allowed immediate access to their families and lawyers of their choice. No reply had been received by the end of 1985. Amnesty International learned that a number of those arrested were later released without charge, and that those remaining in custody were presented before the *juge d'instruction*, examining magistrate, and reportedly charged with various offences against public order, including possession and distribution of leaflets and belonging to an illegal organization. Amnesty International was still investigating their cases at the end of 1985.

Amnesty International continued to express its concern to the authorities about reports that political detainees were routinely subjected to torture and ill-treatment. According to reports, detainees were subjected to different methods of torture, including electric shocks, burning with cigarettes and suspension in different positions for long periods. Reports indicated that torture was

widespread, systematic and used principally during *garde à vue*, incommunicado detention, which was often illegally prolonged to several months, to extract information and to force detainees to sign falsified confessions which were later invoked in legal proceedings. On 6 November Tahani Amine, an engineer, died in police custody, allegedly as a result of torture, 11 days after his arrest. Amnesty International urged the authorities to set up an independent inquiry into the circumstances of his death and to make public its findings.

Amnesty International also continued to receive reports that political detainees were denied adequate medical treatment and subjected to conditions which the organization considered amounted to cruel, inhuman and degrading treatment. A number of hunger-strikes were staged during 1985 in protest at ill-treatment. In January and June 1985 Amnesty International appealed on behalf of two prisoners of conscience, Mohammed Laghrissi and Mohammed Kamouni, both imprisoned since 1977 and said to be suffering from serious health problems for which they had been denied medical treatment. Mohammed Laghrissi was allegedly beaten by guards and kept naked in a cold and dark cell in solitary confinement for several days. Amnesty International asked the authorities to investigate these reports and to give the two prisoners medical treatment. In September Amnesty International also appealed on behalf of Karim Abdel Aziz, who was reportedly not receiving the necessary treatment for a heart complaint. The authorities replied that the prisoner was receiving appropriate specialist treatment in hospital. On 25 April nine prisoners in Marrakech prison whose cases were under investigation by Amnesty International went on indefinite hunger-strike, listing a number of demands including adequate medical care. Amnesty International urged the authorities to provide this. Later the nine were transferred to Averroes hospital and were said to be in a coma. Throughout their hunger-strike the prisoners were not allowed any visits from relatives or independent doctors.

Amnesty International continued to be seriously concerned about the fate of approximately 100 military personnel arrested and imprisoned after being convicted of participation in attempted coups in 1971 and 1972. Since 1973 they had been denied any outside contact. Reports indicated that they were being held in a secret detention centre in filthy, windowless cells, with inadequate food and no medical care. They were, in addition, reported to be subjected to beatings and other harsh punishments. Some were held long after their sentences had expired, and Amnesty International received reports that around 20 had died because of the conditions. The authorities continued to refuse to clarify their situation or to acknowledge where they were held.

Amnesty International also continued to be concerned about the fate of a number of Polisario Front members reportedly held by the Polisario Front since 1975 for criticizing the movement's internal policies, and about a small number of Moroccan civilians living in the Western Sahara area also reportedly detained since 1979. Amnesty International met representatives of the Polisario Front during 1985 and reiterated its concern about allegations of human rights violations by the Front, requesting information relating to these detentions. No reply had been received by the end of 1985.

Amnesty International did not learn of any executions during 1985, but was concerned about the passing in Casablanca on 2 September of 14 death sentences, nine *in absentia*, for plotting to overthrow the monarchy. On 11 December 1985, Jacques Gouraud was sentenced to death after being found guilty of murder. In all cases Amnesty International appealed urgently for the sentences to be commuted, but without receiving any reply.



## Saudi Arabia

Amnesty International was concerned about the detention without trial, often *incommunicado*, of political prisoners including possible prisoners of conscience; allegations of torture and ill-treatment; the imposition of floggings and the increased use of amputations and the death penalty as judicial punishments.

During 1985, as in previous years, alleged political opponents of the government were reportedly arrested. Most of the arrests were reported to have taken place in the eastern provinces of Saihat, al-Hasa, al-Qatif and Safwa, and those arrested were said to be mainly followers of the Shi'a sect of Islam. Among them were students, teachers, religious scholars, merchants, engineers, doctors and employees at oil installations. Many of the arrests were reported to have taken place on or after Yom al-'Ashura (10 Muharram/25 September) when participants in processions commemorating the death of the Imam Husayn, grandson of the prophet Muhammad, demonstrated for the release of untried political prisoners. The demonstrations were broken up by riot police and the National Guard and many arrests followed.

Those detained were reportedly held *incommunicado*, without

charge or trial, and in most cases their whereabouts were not known. By the end of 1985 Amnesty International had received the names of over 100 such detainees and was seeking the reasons for their arrest and their exact whereabouts. They included 'Abd Allah Sa'id 'Abd al-Karim, a 25-year-old ARAMCO employee from Safwa arrested on 13 September; Muhammad Yusuf al-Zaki, a 21-year-old religious studies student from Saihat, arrested at Dhahran airport on 17 October; and 'Alawi Muhammad Makki, a 32-year-old Saudi international swimmer who was detained while taking part in the *Haj* (Holy Pilgrimage). In recent years Amnesty International's requests to the authorities for information on arrests have remained unanswered. (See *Amnesty International Report 1983 to 1985*).

On 9 January the French newspaper *Le Monde* published an article by the Committee for the Defence of Political Prisoners in Saudi Arabia, located outside the country, listing the names of 69 political prisoners which the committee maintained were then held without charge. On 23 January *Le Monde* published a response from the Saudi Ambassador to France in which he criticized the newspaper for publishing without checking its facts and stated: "it is easy, as regards disinformation, to invent names, to prop them up with fictitious addresses and support them with imaginary dates". *Le Monde* replied by inquiring why an organization "such as Amnesty International" had not been invited to "investigate on the spot in order to verify whether the list of prisoners is fictitious or real?" In December 1984 Amnesty International had written to the authorities about many of the prisoners on the published list but had received no response.

Amnesty International received a number of reports of torture or ill-treatment of detainees, some dating back to 1983 and 1984. They included first-hand accounts by former detainees as well as reports from relatives and friends. The majority alleged that torture or ill-treatment occurred most often during the period immediately after arrest. Among the practices described were beating on the soles of the feet or all over the body with sticks, rubber hoses or electric cables; suspension by the wrists or ankles from a hook in the ceiling, the cell window or a rotating fan; submersion in cold water for lengthy periods; prolonged forced standing; and sleep deprivation. Amnesty International was unable fully to investigate these allegations but was disquieted by the increasing number of consistent reports from a variety of sources which appeared to indicate a pattern of torture and ill-treatment.

Amnesty International was also concerned that cruel, inhuman and degrading punishment, in the form of the flogging of prisoners, continued to be judicially imposed. During 1985 Amnesty International did not receive reports of public floggings but was aware that

several prisoners, mainly foreigners serving sentences of imprisonment in addition to flogging, were expected to receive a number of lashes at intervals during their term of imprisonment. Sentences which have come to Amnesty International's attention in the past few years have ranged from 30 to 300 lashes, usually to be carried out over a period of several months or years. One such case was that of John Kelly, a 43-year-old British engineer, sentenced in May to 250 lashes in addition to a two-and-a-half-year prison term on charges connected with manufacturing alcohol. Reports received by Amnesty International suggested that John Kelly would be receiving his punishment 50 lashes at a time at six-monthly intervals while serving his prison term.

During 1985 Amnesty International learned of 10 amputations imposed on four Saudi citizens, three Pakistanis, a Filipino, a Palestinian and a Syrian. Islamic law (*Shari'a*) as practised in Saudi Arabia prescribes amputations as the punishment for repeated theft when there are no mitigating circumstances. In the above cases the offences included theft, robbery and burglary. During 1985 Amnesty International issued several urgent appeals asking the government to stop this form of punishment. Amnesty International holds amputation to be a cruel, inhuman and degrading punishment and, as such, prohibited by international human rights standards. In addition, the use of medical skills by doctors to assist in the infliction of any form of cruel, inhuman or degrading treatment is clearly contrary to international codes of medical ethics. Amnesty International had no precise information on the training received by those who performed amputations, although the organization believed that some prior medical instruction may have been given.

During 1985 Amnesty International learned of 45 public executions, a disturbing increase over previous years (see *Amnesty International Report 1983* and *1984*). The 45 included 28 Saudi citizens, 10 Yemenis, four Filipinos, one Ethiopian, an Iraqi and a Somali national. Most of the executions followed convictions for murder by *Shari'a* courts, and were carried out only after the relative of the victim had demanded *Qisas* (retribution). Under Islamic law the relatives may demand *Qisas* in the form of the death of the murderer, or by financial settlement, or they may waive such a claim.

One such case involved a Yemeni national, Muhammad bin Mahdi bin 'Abd Allah Mahyub, who was convicted of murdering a fellow national 12 years previously. The conviction was upheld by the Court of Cassation but the sentence was held in abeyance until the murder victim's minor heirs had reached the age of consent. Once their approval had been obtained the permanent committee of the Supreme Judicial Council approved the sentence and it was ratified

by Royal Decree on 4 October and carried out on 16 November. During 1985 Amnesty International appealed to the Minister of the Interior on many occasions urging that death sentences be commuted. On 7 August Amnesty International wrote to King Fahd bin 'Abd al-'Aziz al-Saud stating that the organization continued to monitor with over the use of the death penalty in Saudi Arabia and reiterating the organization's opposition to the death penalty in all cases as a violation of the right to life. In the letter Amnesty International drew the attention of the King to the UN General Assembly Resolution 32/61 of 8 December 1977 which reaffirms that "The main objective to be pursued in the field of capital punishment is that of progressively restricting the number of offences for which the death penalty may be imposed with a view to the desirability of abolishing this punishment."



## Syria

The main concerns of Amnesty International were the continued detention without charge or trial of thousands of

political prisoners under Syria's state of emergency legislation; the imprisonment of over 290 prisoners of conscience; the long-term detention without trial of most political detainees and the detention of political prisoners after the expiry of their sentences; the routine use of torture by the security forces; and the death penalty. During 1985, no responses were received from the authorities to any of Amnesty International's appeals.

Two amnesties were declared during 1985 but only one benefited political prisoners. It was announced by President Hafez al-Assad on 25 January, and covered members of the *Tanzim al-Tali'a al-Muqatila*, Fighting Vanguard Organization, a faction of the banned *al-Ikhwan al-Muslimun*, Muslim Brotherhood, based outside Syria. Between 200 and 500 members were reported to have been released from prison as a result of the amnesty although Amnesty International was unable to verify this. Other members of the Muslim Brotherhood convicted of crimes against the security of the state reportedly remained in prison, and a number of people held on suspicion of belonging to the Muslim Brotherhood were believed to be still in detention.

During 1985 Amnesty International worked for the release of 296 adopted prisoners of conscience and was investigating the cases of 182 possible prisoners of conscience. Most of these prisoners had never been tried, and they included officials of previous governments held for up to 15 years; people arrested on suspicion of sympathizing with the Iraqi wing of the Ba'th party and held for over 10 years; members of the legal, medical and engineering professions; and members of banned political parties held for over five years. Amnesty International learned of the release of 16 prisoners on whose behalf it was working, of whom 15 were adopted prisoners of conscience.

Between January and October, 13 members of the banned Communist Party Political Bureau (CPPB) were released. However, Amnesty International remained concerned about the continued detention of 144 other party members, 54 of whom were adopted as prisoners of conscience in February, and none of whom had been tried. At the end of 1985 Amnesty International was seeking confirmation of reports that a further 22 party members had been released.

In January Amnesty International adopted as prisoners of conscience 30 members of the banned Party for Communist Action (PCA) who were arrested between June and August 1984 (see *Amnesty International Report 1985*). In March, confirmation was received of the release at the end of 1984 of two PCA members. The organization also sought the release of 70 other party members, none of whom has been charged or tried. They included Hind Qahwaji, a 29-year-old agricultural engineer adopted as a prisoner of conscience in June. She was detained for five months between October 1982 and March 1983 and then rearrested in March 1984. According to reports, she was tortured soon after her rearrest and had to have an operation on her uterus as a result. In July Amnesty International appealed on behalf of seven PCA members, including Hind Qahwaji, whose health was reported to be poor and deteriorating and who were said to be being denied adequate medical care.

Amnesty International learned of the release in April of Yusuf Nasir al-'Awdat, a 60-year-old lawyer whose case it was investigating. He was one of a group of about 350 detainees, both civilians and military personnel, who had been brought before the Supreme Court of State Security in a mass trial in August 1971. They had been charged with plotting to overthrow the previous government and to reinstate those removed from power in 1966. Yusuf Nasir al-'Awdat was sentenced to life imprisonment, later commuted to 15 years, and was released after serving 15 years. However, four others in this group whose 15-year sentences expired in May were reported to be still in detention at the end of October. The four – Mahmud Fayyad,

Husain Zaidan, Jalal al-Din Mirhij and Mustafa Fallah – were reported to have been transferred in May to a detention centre in Damascus, then returned to al-Mezze Prison in October. All were said to be in poor health. Amnesty International sought further details on their cases.

In 1985 Amnesty International investigated the cases of three people arrested in 1980, reportedly for founding an organization known as *Itihad al-Nidal al-Shuyu'i* (UCS), Union for Communist Struggle. They were said to be among seven people, aged between 14 and 19 at the time, who had issued a statement in early May 1980 announcing the formation of the UCS, and calling for opposition to government policies. By the end of May 1980 they had all been arrested and all copies of their statement were believed to have been seized. Three of them – Haitham Kamel Mustafa, his brother Wajdi and Ibrahim Sa'ad – were known to be still in detention in 1985, and were being held without charge or trial in Kafr Sousseh Prison in Damascus. In early October Amnesty International appealed on behalf of Haitham Kamel Mustafa, who was reportedly in poor health and not receiving adequate medical care.

In early June about 700 people were reported to have been arrested in Damascus by the security forces during a demonstration protesting against the killing of Palestinians in the refugee camps of Sabra, Shatila and Burj al-Barajneh in Lebanon in May (see entry on the Lebanon). According to reports, those arrested were mostly Palestinians from the refugee camp of al-Yarmuk in Damascus, but a number of Syrians were also arrested. On 6 June Amnesty International expressed concern to President Assad about the arrests and about reports that some of the demonstrators had been wounded and killed. The organization urged the government to investigate these reports and to ensure that no prisoners were held solely for having expressed their conscientiously held beliefs without having used or advocated violence. Later reports indicated that a number of Palestinians from refugee camps in other cities, including Aleppo and Homs, had also been arrested. At the end of 1985 many of the detainees had reportedly been released but at least 200, said to be supporters of the Chairman of the Palestine Liberation Organization, Yasser 'Arafat, were believed to be still in detention. Among them were reported to be over 90 Palestinians arrested in Lebanon and transferred to prisons in Syria.

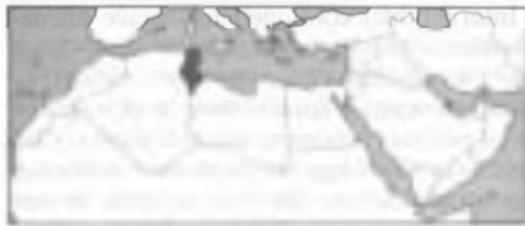
Amnesty International learned of the release in October of 31 Lebanese prisoners who had been detained in Damascus, some reportedly since 1978. All were members of the Lebanese Forces' militia. In exchange, 15 Syrian prisoners held by the Lebanese Forces were released in December (see entry on the Lebanon).

During 1985 Amnesty International continued to receive allegations of the torture and ill-treatment of prisoners in the custody of Syria's security forces. Reports indicated that prisoners continued to be subjected to both physical and psychological torture at all stages of their detention. A number of political prisoners released during 1985 were reportedly tortured to make them sign declarations renouncing their political affiliations as a precondition for their release. In one case, the parents of a political prisoner were threatened with torture in his presence in order to force him into signing such a declaration.

In January Amnesty International renewed its appeals on behalf of Riad al-Turk, the CPPB's First Secretary, after receiving reports that he had once more been tortured while undergoing interrogation in December 1984. His condition was reported to be very serious: he was said to be suffering from kidney failure, deafness and a broken arm and leg.

A number of urgent appeals were issued during the year on behalf of detainees who were reportedly seriously ill and denied adequate medical care. Among them was 'Abd al-Majid Manjouneh, a 48-year-old lawyer who was reported to be suffering from several ailments, including a slipped disc, diabetes and inflammation of the kidneys. He was arrested together with a group of lawyers following a one-day general strike on 31 March 1980 (see *Amnesty International Report 1984*), 13 of whom continued to be detained without trial. They were adopted by Amnesty International as prisoners of conscience in 1980.

Amnesty International learned of 15 officially confirmed executions in 1985. Twelve people were executed between May and September, of whom three were military personnel. Of the 12, six had been convicted of spying for Israel and of jeopardizing state security, while the others had been convicted of various crimes including murder, theft and rape. In September Amnesty International reiterated its concern to the authorities about these executions, stating its unconditional opposition to the death penalty. In December three civilians were executed after being convicted of crimes including murder, attempted murder and robbery.



## Tunisia

Amnesty International was concerned about the imprisonment of prisoners of conscience and possible prisoners of conscience; a pattern of arrests of members of political groups and of trade unionists, and their short-term detention, often incommunicado, without charge or trial; the torture and ill-treatment of detainees; and the death penalty, which was extended to cover more offences in 1985.

In September 1985 Amnesty International adopted as a prisoner of conscience Bechir Essid, a lawyer and founder of the *Rassemblement nationaliste arabe* (RNA), Arab National Assembly Movement, who had been sentenced to two years' imprisonment in Tunis on 22 March 1984, on charges including defamation of the President and incitement to killing, arson and stealing. The charges were based on two communiqués published in January 1984. He remained at liberty pending his appeal on 22 June 1985 before the Court of Appeal in Tunis, which upheld the conviction but reduced the sentence to one year's imprisonment. Amnesty International obtained copies of these communiqués but did not find any indication of the use or advocacy of violence in them.

On 14 February Mohamed Khemili, Secretary General of the Gafsa branch of the Tunisian League of Human Rights and a member of the Secondary School Teachers' Union, was sentenced by the Court of First Instance in Gafsa to four months' imprisonment, reduced on appeal to three months. He was charged with participation in an unauthorized demonstration and membership of an "illegal secret organization". Amnesty International believed Mohamed Khemili to be a prisoner of conscience and appealed for his immediate release.

Amnesty International continued to investigate the cases of 29 members of the Islamic Liberation Party (ILP) sentenced in August 1983 to between two and eight years' imprisonment (see *Amnesty International Report 1984*). During 1985 Amnesty International learned of the release of 11 of these prisoners upon completion of their two-year sentences. In 1985 Amnesty International received reports of two further trials, in March and May, of individuals arrested between December 1984 and March 1985 charged with membership of the ILP and with distributing printed material related to it. They were sentenced to between six months and two years'

imprisonment. In September Amnesty International appealed on their behalf, expressing concern that they might have been imprisoned solely for the non-violent expression of their conscientiously held beliefs. Amnesty International requested details of the circumstances of their arrest and detention, and raised other concerns, including reports that some of them had been denied access to lawyers and relatives. The organization raised allegations of torture and ill-treatment during their pretrial detention and called for all such allegations to be independently investigated and the findings made public. By the end of 1985 Amnesty International had received no response from the authorities.

During 1985 Amnesty International was concerned about a pattern of arrest and short-term detention without charge or trial of members of various political groups and of trade unionists. The detainees were often held incommunicado for up to two months and there were allegations that they were tortured. Amnesty International repeatedly asked the authorities for information about these arrests, urging respect for all safeguards relating to arrest and detention. No reply was received.

During October and November several hundred people were reportedly arrested in connection with the breakdown of annual wage talks between the government and the *Union générale des travailleurs tunisiens* (UGTT), General Union of Tunisian Workers, which resulted in strikes, splits within the UGTT and clashes between police and trade unionists. Among those arrested were Habib Achour, Secretary General of the UGTT, placed under house arrest on 8 November, and three members of the executive committee of the UGTT. Amnesty International appealed for them to be allowed access to both family and lawyers and to be promptly charged or released. The majority of those arrested in late October and early November were later released, but over 100 were reportedly brought to trial.

On 31 December Habib Achour and 12 other trade unionists were tried in Sfax on charges of breaking into and taking control of a fishing cooperative in Sfax in an incident which took place in 1982. The trial was held *in camera* by decision of the Prosecutor-General. Habib Achour and Mohamed Chaaban, Secretary of the Sfax UGTT, were sentenced to one year's imprisonment. Six other defendants received sentences of six months' imprisonment and the others were acquitted. Amnesty International was seeking further information about this trial.

On 5 March the Tunisian parliament approved a draft law revising Articles 126, 227 and 227*bis* of the penal code, which increased the number of offences punishable by the death penalty. Amnesty

International appealed to President Bourguiba to ask parliament to reconsider its decision and to work towards the eventual abolition of the death penalty.

During 1985 Amnesty International learned of five executions, all for murder. Amnesty International appealed to the authorities in every case, reiterating its unconditional opposition to the death penalty.



## United Arab Emirates

Amnesty International continued to be concerned about the use

of the death penalty for offences including murder and adultery, and was concerned about the possible introduction of new capital offences. Amnesty International had insufficient information to assess other possible concerns in the United Arab Emirates.

During 1985 Amnesty International received reports of five executions and four death sentences. On 4 March two Pakistani nationals were reported to have been publicly executed by firing-squad in 'Ajman for murder, rape and armed robbery. Muhammad Saber Nur and Jawid Iqbal Muhammad Shafi' were both sentenced by the Federal Supreme Court and had reportedly been refused clemency by Shaikh Zayed bin Sultan Al-Nahayyan, ruler of the United Arab Emirates. On 22 May an Indian national, Muhammad Jalal al-Din, was reportedly sentenced to be decapitated by sword by a *Shari'a* court in Ra's al-Khaimah following his conviction for murder. Amnesty International did not know whether the execution had been carried out.

On 29 July Amnesty International appealed to Shaikh Zayed bin Sultan al-Nahayyan, following reports that three people had been executed on 19 July. 'Awad Muhammad Khalfan al-'Azizi, an 'Omani national, Wahed Barshah Mir, a Pakistani national and Tarumay Muhammad Ibrahim, a Bangladeshi national, were reportedly executed publicly by firing-squad in the Emirate of Abu Dhabi for murder. Amnesty International reiterated its unconditional opposition to the death penalty and requested details of the trial and appeals procedures followed in the three cases. No response was received. In December three Indian nationals were reported to have

been sentenced to death. Sulaiman 'Abdallah Kutti and another man were reportedly sentenced to death on 12 December for murder and adultery respectively. On 15 December, Karkidel Kader Sulaiman was reportedly sentenced to death by stoning for adultery. Amnesty International appealed to the authorities to commute the death sentences on 17 December.

A draft federal penal code to replace the separate penal codes in each emirate came before the country's Federal National Council for approval during its 1984-1985 session. According to Amnesty International's information, the draft code provided the death penalty for 15 offences, including rape and crimes against the security of the state. However, at the end of the session in June, the Federal National Council decided to postpone a decision on the draft code until its next session in 1986.

Amnesty International received no response in 1985 to its letter of 23 November 1984 to the Ruler of 'Ajman, in which it had requested information about sentences of amputation passed in 1984 (see *Amnesty International Report 1985*). The organization believes that the judicial punishments of amputation and flogging, provided for in the country's legislation, constitute cruel, inhuman and degrading punishment. However, Amnesty International did not learn of any sentences of amputation or flogging in 1985.



## **Yemen (People's Democratic Republic of)**

Amnesty International was concerned about the fate of 20 prisoners of conscience and nine possible prisoners of conscience, all arrested between 1967 and 1977. The whereabouts of several of the prisoners remained unknown and they were possibly no longer alive. As in previous years, no response was received from the authorities to Amnesty International's inquiries about them. The organization learned of the release in 1985 of 12 prisoners of conscience, 10 of whom were farmers arrested in 1976 and sentenced in 1977 to 10 years' imprisonment for demonstrating against government agricultural policies.

Amnesty International was also concerned about the trial by the Supreme Court of 12 possible prisoners of conscience, members of

the pro-Iraqi Ba'th Party; the passing of death sentences on three of them; and allegations that one of the defendants died under torture. The trial began on 23 July when 12 individuals arrested in early 1985 were accused of espionage and charged with treason. A 13th, a woman, was released for lack of evidence. In October Amnesty International received reports that one of the defendants, 'Amir 'Abdullah bin Humam, had died under torture while in custody. On 10 November the Supreme Court, whose decisions are final, sentenced 11 of the defendants. Three of them, 'Ali bin 'Ali Salih, 'Abdullah 'Ali Bashbil and Khalid 'Abdullah al-Ribati, were sentenced to death, and the remaining eight received sentences of five to 15 years' imprisonment. No mention of 'Amir 'Abdullah bin Humam was made in the verdict. Amnesty International sought details of the trial and the reported death in custody of 'Amir 'Abdullah bin Humam. The organization also appealed for the commutation of the three death sentences.

In May Amnesty International submitted information about its concerns in the People's Democratic Republic of Yemen to the UN under its procedure for confidentially reviewing communications about human rights violations (the so-called "1503 procedure"). A copy of the communication, with a letter inviting comments, was presented to the government before submission to the UN, but no reply was received.

# MISSIONS: JANUARY-DECEMBER 1985

<i>Date</i>	<i>Country</i>	<i>Delegate(s)</i>	<i>Purpose</i>
January	Yugoslavia	Frits Rüter (Netherlands) Marius Broekmeijer (Netherlands)	Observe trial (continuation)
January	USA	David Matas (Canada)	Observe court hearing
January	USA	Walter Kalin (Switzerland)	Observe court hearing
January	USA	Renate Krause (Canada)	Observe trial
January/February	United Kingdom	Staff member of International Secretariat	Observe trial
January/February	Mexico	Antonio Carretero Perez (Spain) Deputy Secretary General of Amnesty International Two staff members of International Secretariat	Discuss Amnesty International's concerns with government authorities/Research
February	USA	Stephen Owen (Canada)	Observe trial (continuation)
March	Jordan	Two staff members of International Secretariat	Research
March	United Kingdom	Staff member of International Secretariat	Research
March/April	Chad	Amand d'Hondt (Belgium) Deputy Secretary General of Amnesty International Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities
April	Guatemala	Rear Admiral Dam Backer (Ret.) (Netherlands) Two staff members of International Secretariat	Discuss Amnesty International's concerns with government authorities/Research

<i>Date</i>	<i>Country</i>	<i>Delegate(s)</i>	<i>Purpose</i>
April	South Africa	Geoffrey Robertson (Australia)	Observe legal proceedings
April	Togo	Bacre Waly Ndiaye (Senegal) Jørgen Thomsen (Denmark) Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities
April/May	Argentina	Edgardo Carvalho (Uruguay) Staff member of International Secretariat	Observe trial
April/May	Uruguay	Marta Fotsch (Switzerland)	Research
April/May	Argentina	Marta Fotsch (Switzerland)	Research
April/May	Philippines	Two staff members of International Secretariat	Research
May	Egypt	Michael Freeman (United Kingdom)	Observe trial
May	Turkey	Staff member of International Secretariat	Research
May	South Africa	Staff member of International Secretariat	Research
May	Namibia	Staff member of International Secretariat	Research
May	South Africa	Kevin Boyle (United Kingdom)	Research/Observe trials
May/June	Paraguay	Roger Plant (United Kingdom) Staff member of International Secretariat	Research
May/June	Sudan	Staff member of International Secretariat	Research
June	Tanzania	Peter Nyot Kok (Sudan)	Observe trial
June	Turkey	Johan van Lamoen (Netherlands)	Research
June/July	Pakistan	Staff member of International Secretariat	Research

<i>Date</i>	<i>Country</i>	<i>Delegate(s)</i>	<i>Purpose</i>
June/July	USA	John Alderson (United Kingdom) Ezzat Fattah (Canada) Two staff members of International Secretariat	Discuss Amnesty International's concerns with government authorities
July	Morocco	Staff member of International Secretariat	Research
July/August	Senegal	Robert Durst (France)	Research
July/October	Israel & Occupied Territories	Nina Dodge (USA)	Research
August	Grenada	Lawrence Kershen (United Kingdom)	Observe trial
September	Algeria	Bacre Waly Ndiaye (Member of International Executive Committee)	Observe trial
September/ October	Federal Republic of Germany	Staff member of International Secretariat	Research
October	Zimbabwe	Two staff members of International Secretariat	Research
October	India	Staff member of International Secretariat	Research
October	USA	Staff member of International Secretariat	Observe appeal hearing
October	Turkey	Johan van Lamoen (Netherlands)	Research
October	Togo	Bacre Waly Ndiaye (Member of International Executive Committee) Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities
October	United Kingdom	Two staff members of International Secretariat	Research
October/ November	Jordan	Two staff members of International Secretariat	Research

<i>Date</i>	<i>Country</i>	<i>Delegate(s)</i>	<i>Purpose</i>
November	Uruguay	Staff member of International Secretariat	Research
November	Senegal	Sadok Maraouk (Tunisia)	Observe trial
November/ December	Bangladesh	Two staff members of International Secretariat	Research
November/ December	Sudan	Secretary General of Amnesty International Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities
November/ December	USA	Two staff members of International Secretariat	Observe trial/Research
November/ December	Republic of Korea	Two staff members of International Secretariat	Research/Observe trial/Discuss Amnesty International's concerns with government authorities
December	Nepal	Staff member of International Secretariat	Research
December	Argentina	Edgardo Carvalho (Uruguay)	Observe trial
December	Algeria	Peter Duffy (Member of International Executive Committee)	Observe trial
December	Chile	Two staff members of International Secretariat	Research
December	Algeria	Daniel Dumartheray (Switzerland)	Observe trial
December	Togo	Amand d'Hondt (Belgium) Catherine Khripounoff (France) Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities
December	Colombia	Two staff members of International Secretariat	Discuss Amnesty International's concerns with members of government commission of inquiry

# Appendices

## APPENDIX I

### *Statute of Amnesty International Articles 1 and 2*

As amended by the 17th International Council, meeting in Espoo — Helsinki, Finland, 27 August — 1 September 1985.

#### OBJECT

1. CONSIDERING that every person has the right freely to hold and to express his or her convictions and the obligation to extend a like freedom to others, the object of AMNESTY INTERNATIONAL shall be to secure throughout the world the observance of the provisions of the Universal Declaration of Human Rights, by:
  - a) irrespective of political considerations working towards the release of and providing assistance to persons who in violation of the aforesaid provisions are imprisoned, detained or otherwise physically restricted by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour or language, provided that they have not used or advocated violence (hereinafter referred to as "prisoners of conscience");
  - b) opposing by all appropriate means the detention of any prisoners of conscience or any political prisoners without trial within a reasonable time or any trial procedures relating to such prisoners that do not conform to internationally recognized norms;
  - c) opposing by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons whether or not they have used or advocated violence.

#### METHODS

2. In order to achieve the aforesaid object, AMNESTY INTERNATIONAL shall:
  - a) at all times maintain an overall balance between its activities in relation to countries adhering to the different world political ideologies and groupings;
  - b) promote as appears appropriate the adoption of constitutions, conventions, treaties and other measures which guarantee the rights contained in the provisions referred to in Article 1 hereof;

- c) support and publicize the activities of and cooperate with international organizations and agencies which work for the implementation of the aforesaid provisions;
- d) take all necessary steps to establish an effective organization of sections, affiliated groups and individual members;
- e) secure the adoption by groups of members or supporters of individual prisoners of conscience or entrust to such groups other tasks in support of the object set out in Article 1;
- f) provide financial and other relief to prisoners of conscience and their dependants and to persons who have lately been prisoners of conscience or who might reasonably be expected to be prisoners of conscience or to become prisoners of conscience if convicted or if they were to return to their own countries, to the dependants of such persons and to victims of torture in need of medical care as a direct result thereof;
- g) work for the improvement of conditions for prisoners of conscience and political prisoners;
- h) provide legal aid, where necessary and possible, to prisoners of conscience and to persons who might reasonably be expected to be prisoners of conscience or to become prisoners of conscience if convicted or if they were to return to their own countries, and, where desirable, send observers to attend the trials of such persons;
- i) publicize the cases of prisoners of conscience or persons who have otherwise been subjected to disabilities in violation of the aforesaid provisions;
- j) oppose the sending of persons from one country to another where they can reasonably be expected to become prisoners of conscience or to face torture or the death penalty;
- k) send investigators, where appropriate, to investigate allegations that the rights of individuals under the aforesaid provisions have been violated or threatened;
- l) make representations to international organizations and to governments whenever it appears that an individual is a prisoner of conscience or has otherwise been subjected to disabilities in violation of the aforesaid provisions;
- m) promote and support the granting of general amnesties of which the beneficiaries will include prisoners of conscience;
- n) adopt any other appropriate methods for the securing of its object.

*The full text of the Statute of Amnesty International is available free upon request, from: Amnesty International, International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom.*

## APPENDIX II

### Amnesty International News Releases 1985

- 23 January AI reports large-scale "disappearance" and killing of detainees in *Peruvian* emergency zone.
- 13 March *Haitian* opinion leaders targeted for torture and death, AI says.
- 27 March AI calls for facts on report of torture in *Northern Ireland*.
- 3 April AI presses Israeli Government about prisoners arrested in *Lebanon*.
- 29 May AI calls on *Yugoslav Government* to stop jailing people for free expression.
- 4 June Executions reported in at least 40 countries in 1984, says AI.
- 18 June *Ugandan Army* tortures civilian prisoners, AI reports.
- 25 June AI describes systematic torture and killing in *East Timor*.
- 2 July AI urges safeguards against torture of detainees in *Spain*.
- 23 July AI calls on *Turkish* authorities to stop torture.
- 13 August *South African* emergency detainees risk cruel treatment, warns AI.
- 4 September AI appeals against execution of minors in *USA*.
- 20 September AI calls for full report on *Soviet* prisoners' deaths.
- 9 October AI *annual report* urges halt to all killing of prisoners.
- 13 November AI reports on torture in *Zimbabwe*.
- 20 November AI calls for new trials in political cases in *Pakistan*.

### Regional News Items 1985

- 17 January AI appeals against threatened executions of prisoners of conscience in *Sudan*.
- 31 July AI concerned about reports of torture in *Burkina Faso*.
- 23 August AI urges *Indonesian Government* to stop executions.
- 7 November Three men risk prison or death if extradited to *Bulgaria*, says AI.
- 3 December AI appeals for release of prisoners of conscience in *Swaziland*.
-

## APPENDIX III

### *Amnesty International around the world*

There are now over 3,600 local Amnesty International groups in 60 countries around the world. In 44 countries these groups are coordinated by sections, whose addresses are given below. In addition, there are individual members, supporters and recipients of Amnesty International information (such as the monthly *Amnesty International Newsletter*) in more than 100 other countries and territories.

#### *Section addresses*

- Australia:** Amnesty International, Australian Section, PO Box No. A159, Sydney South, New South Wales 2000
- Austria:** Amnesty International, Austrian Section, Esslinggasse 15/4, A-1010 Wien
- Bangladesh:** c/o Amnesty International, CMD, International Secretariat, 1 Easton Street, London WC1X 8DJ
- Barbados:** Amnesty International, Barbados Section, Breezy Hollow, Crane, St Philip, Barbados, West Indies
- Belgium:** Amnesty International, Belgian Section (*Flemish branch*), Kerkstraat 156, 2008 Antwerpen  
Amnesty International, Belgian Section (*francophone branch*), 9 rue Berckmans, 1060 Bruxelles
- Brazil:** Amnistia Internacional, Rua Harmonia 899, 05435 - São Paulo - SP
- Canada:** Amnesty International, Canadian Section (*English-speaking branch*), 130 Slater Street, Suite 800, Ottawa, Ontario, K1P 6E2  
Amnistie Internationale, Section canadienne (*francophone*), 3516 ave du Parc, Montreal, Quebec, H2X 2H7
- Chile:** Señores, Casilla 4062, Santiago
- Denmark:** Amnesty International, Danish Section, Frederiksborggade 1, 1360 Copenhagen K
- Ecuador:** Señores, Casilla 240, Sucursal 15, Quito
- Faroe Islands:** Amnesty International, Faroe Islands, PO Box 1075, 3800 Torshavn
- Finland:** Amnesty International, Finnish Section, Munkkisaarenkatu 12 A 51, 00150 Helsinki 15
- France:** Amnesty International, French Section, 18 rue Théodore Deck, 75015 Paris
- Federal Republic of Germany:** Amnesty International, Section of the FRG, Heerstrasse 178, 5300 Bonn 1

**Ghana:** Amnesty International, Ghanaian Section, PO Box 9852, Kotoka Airport, Accra

**Greece:** Amnesty International, Greek Section, 20 Mavromihali Street, Athens 106-80

**Hong Kong:** Amnesty International, Hong Kong Section, Room 435, Beverley Commercial Centre, 87-105 Chatham Road, Kowloon

**Iceland:** Amnesty International, Icelandic Section, PO Box 618, 121 Reykjavik

**India:** Amnesty International, Indian Section, c/o Dateline Delhi, 21 North End Complex, Panchkuin Road, New Delhi 10001

**Ireland:** Amnesty International, Irish Section, 8 Shaw Street, Dublin 2

**Israel:** Amnesty International, Israel Section, PO Box 23003, Tel Aviv, 61230 Israel

**Italy:** Amnesty International, Italian Section, viale Mazzini 146, 00195 Rome

**Ivory Coast:** Amnesty International, Section Ivoirienne, 1 rue de Commerce, Immeuble Nassar et Gaddar, 04 BP 895, Abidjan 04

**Japan:** Amnesty International, Japanese Section, Daisan-Sanbu Building 3F, 2-3-22 Nishi-Waseda, Shinjuku-ku, Tokyo 160

**Luxembourg:** Amnesty International, Luxembourg, Boite Postale 1914, 1019 Luxembourg

**Mexico:** Sección Mexicana de Amnistía Internacional, Ap. Postal No. 20-217, San Angel, CP 01000 Mexico DF

**Nepal:** c/o Amnesty International, CMD, International Secretariat, 1 Easton Street, London WC1X 8DJ

**Netherlands:** Amnesty International, Dutch Section, Keizersgracht 620, 1017 ER Amsterdam

**New Zealand:** Amnesty International, New Zealand Section, PO Box 6647, Te Aro, Wellington 1

**Nigeria:** Amnesty International, Nigerian Section, 15 Onayade Street, Fadeyi-Yaba, Lagos

**Norway:** Amnesty International, Norwegian Section, Niels Juelsgt. 39, Oslo 2

**Peru:** Señores, Casilla 581, Lima 18

**Portugal:** Seccção Portuguesa AI, Apartado 1642, 1016 Lisboa Codex

**Puerto Rico:** Calle Cabo Alverio 562, Ext. Roosevelt, Hato Rey, Puerto Rico 00918

**Senegal:** Amnesty International, Section Senegalaise, 126 rue de Bayeux, B.P. 3813, Dakar

**Spain:** Amnesty International, Paseo de Recoletos 18, Piso 6, 28001 Madrid

**Sri Lanka:** Amnesty International, Sri Lanka Section, 79/15 Dr C.W.W. Kannangara Mawatha, Colombo 7

**Sweden:** Amnesty International, Swedish Section, Gyllenstiernsgatan 18, S-115 26 Stockholm

**Switzerland:** Amnesty International, Swiss Section, PO Box 1051, CH-3001 Bern

**Trinidad and Tobago:** Amnesty International, Trinidad and Tobago Section, PO Bag 248, San Fernando, Trinidad, West Indies

**Turkey:** c/o Amnesty International, CMD, International Secretariat, 1 Easton Street, London WC1X 8DJ

**United Kingdom:** Amnesty International, 5 Roberts Place, off Bowling Green Lane, London EC1 0EJ

**United States of America:** Amnesty International of the USA (AIUSA), 322 8th Ave, New York, NY 10001

**Venezuela:** Señores, Apartado 5110, Caracas 1010

*Countries with local Amnesty International groups,  
but no section:*

Netherlands Antilles

Argentina

Bermuda

Colombia

Costa Rica

Guyana

Korea, Republic of

Mauritius

Papua New Guinea

Philippines

Sierra Leone

Tanzania

Thailand

Tunisia

Uruguay

USSR

## APPENDIX IV

### *International Executive Committee*

Stephen R. Abrams

Peter Duffy

Whitney Ellsworth

Wolfgang Heinz

Peter Klein

Santiago Larrain

Lesley Merryfinch

Bacre Waly Ndiaye

Franca Sciuto

United States of America

United Kingdom

United States of America

Colombia

Federal Republic of Germany

Chile

International Secretariat

Senegal

Italy

## APPENDIX V

### *Inter-American Convention to Prevent and Punish Torture*

(adopted by the Organization of American States in December 1985)

#### Preamble

The American States signatory to the present Convention;

*Aware* of the provision of the American Convention on Human Rights that no one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment;

*Reaffirming* that all acts of torture or any other cruel, inhuman, or degrading treatment or punishment constitute an offense against human dignity and a denial of the principles set forth in the Charter of the Organization of American States and in the Charter of the United Nations, and are violations of the fundamental human rights and freedoms proclaimed in the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights;

*Noting* that, in order for the pertinent rules contained in the global and regional instruments to take effect, it is necessary to draft an Inter-American Convention that prevents and punishes torture;

*Reaffirming* their purpose of consolidating in this hemisphere the conditions that make for recognition of and respect for the inherent dignity of man, and enable him fully and completely to exercise his fundamental rights and freedoms,

*Have agreed* upon the following:

#### Article 1

The States Parties shall prevent and punish torture in accordance with the terms of this Convention.

#### Article 2

I. For the purposes of this Convention, torture shall be understood to be any act intentionally performed by which physical or mental pain or suffering is inflicted on a person for purposes of criminal investigation, as a means of intimidation, as personal punishment, as a preventive measure, as a penalty, or for any other purpose. Torture shall also be understood to be the use of methods upon a person intended to obliterate the personality of the victim, or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish.

II. The concept of torture shall not include physical or mental pain or suffering that is inherent in or solely the consequence of lawful measures,

provided that they do not include the performance of the acts or use of the methods referred to in this article.

### **Article 3**

The following shall be held guilty of the crime of torture:

(a) A public servant or employee who, acting in that capacity, orders, instigates or induces the use of torture, or who directly commits it or who, being able to prevent it, fails to do so.

(b) Any employee who, at the instigation of a public servant or employee as mentioned in subparagraph (a) orders, instigates or induces the use of torture, directly commits it or is an accomplice thereto.

### **Article 4**

The fact of having acted under orders of a superior shall not absolve one of the corresponding criminal liability.

### **Article 5**

The existence of circumstances such as a state of war, threat of war, state of siege or of emergency, domestic disturbance or strife, suspension of constitutional guarantees, domestic political instability, or other public emergencies or disasters shall not be invoked or admitted as justification for torture.

Neither the dangerous character of the detainee or prisoner, nor the lack of security of the prison establishment or penitentiary shall justify torture.

### **Article 6**

In accordance with the terms of Article 1, the States Parties hereto shall adopt effective measures to prevent and punish torture within their jurisdiction.

The States Parties shall ensure that all acts of torture and attempts to commit torture are offenses under their criminal law, and shall make such acts punishable by severe penalties that take into account their grave nature.

The States Parties likewise shall adopt effective measures to prevent and punish other cruel, inhuman, or degrading treatment or punishment within their jurisdiction.

### **Article 7**

I. The States Parties shall take measures so that, in the training of police officers and other public officials responsible for the custody of persons temporarily or definitively deprived of their freedom, special emphasis shall be put on the prohibition of the use of torture in interrogation, detention, or arrest.

II. The States Parties, likewise, shall take similar measures to prevent other cruel, inhuman, or degrading treatment or punishment.

### **Article 8**

The States Parties shall guarantee that any person making an accusation of

having been subjected to torture within their jurisdiction shall have the right to an impartial examination of his case.

Likewise, if there is an accusation, or well-grounded reason to believe that an act of torture has been committed within its jurisdiction, each State Party shall guarantee that its respective authorities will proceed properly and immediately to conduct an investigation into the case and to initiate, whenever appropriate, the corresponding criminal process.

After all the domestic legal procedures of the respective State and the corresponding appeals have been exhausted, the case may be submitted to the international fora whose competence has been recognized by that State.

## **Article 9**

The States Parties undertake to incorporate into their national laws statutory regulations guaranteeing adequate compensation for victims of torture.

None of the provisions of this article shall affect the right to receive compensation that the victim or other persons may have by virtue of existing national legislation.

## **Article 10**

No statement that is verified as having been obtained through torture shall be admissible as evidence in a legal proceeding, except in a legal action taken against a person or persons accused of having elicited it through acts of torture, and as evidence of perpetration of the crime of torture.

## **Article 11**

The States Parties shall take the necessary steps to extradite anyone accused of committing torture, or sentenced for committing such a crime, in accordance with their respective national laws on extradition and their international commitments on this matter.

## **Article 12**

I. Each State Party shall take the necessary measures to establish its jurisdiction over the crime described in this Convention in the following cases:

- (a) When torture has been committed within its jurisdiction;
- (b) When the alleged criminal is a national of that State; or
- (c) When the victim is a national of that State, and it considers this appropriate.

II. Also, each State Party shall take the necessary measures to establish its jurisdiction over the crime described in this Convention when the alleged criminal is within the area under its jurisdiction and it is not appropriate to extradite him in accordance with Article 11.

III. This Convention does not exclude criminal jurisdiction exercised in accordance with domestic law.

## **Article 13**

1. The offense referred to in Article 2 shall be deemed to be included as an

extraditable offense in any extradition treaty existing between States Parties. States Parties undertake to include torture as an extraditable offense in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may as its option consider this Convention as the legal basis for extradition in respect of torture. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize torture as an extraditable offense between themselves subject to the conditions provided by law of the requested State.

4. Extradition shall not be granted nor shall the person sought be returned when there are grounds to believe that his life is in danger, or that he will be subjected to torture or to cruel, inhuman or degrading treatment, or that he will be tried by special or *ad hoc* courts in the requesting state.

#### Article 14

When a State Party does not concede the extradition, the case shall be submitted to its competent authorities as if the crime had been committed within its jurisdiction, for the purposes of an investigation, and when appropriate, for criminal action, in accordance with its national law. Any decision adopted by these authorities shall be communicated to the State that requested the extradition.

#### Article 15

No provision of this Convention may be interpreted as limiting the right of asylum, when its exercise is appropriate, nor as altering the obligations of the States Parties in the matter of extradition.

#### Article 16

This Convention shall not limit the provisions of the American Convention on Human Rights, other conventions on the subject, or the Statutes of the Inter-American Commission on Human Rights, with respect to torture.

#### Article 17

The States Parties shall report to the Inter-American Commission on Human Rights about any legislative, judicial, administrative, or other kinds of measures they adopt in application of this Convention.

In keeping with its duties and responsibilities, in its annual report, the Inter-American Commission on Human Rights will endeavor to analyze the existing situation in the member states of the Organization of American States in regard to the prevention and elimination of torture.

#### Article 18

This Convention is open to signature by the member states of the Organization of American States.

#### **Article 19**

This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

#### **Article 20**

This Convention is open to accession by any other American state. The instruments of accession shall be deposited with the General Secretariat of the Organization of American States.

#### **Article 21**

The States Parties may, at the time of approval, signature, ratification, or accession, make reservations to this Convention, provided that each reservation is not incompatible with the object and purpose of the Convention, and concerns one or more specific provisions.

#### **Article 22**

This Convention shall enter into force on the thirtieth day following the date on which the second instrument of ratification is deposited. For each State ratifying or acceding to the Convention after the second instrument of ratification has been deposited, the Convention shall enter into force on the thirtieth day following the date on which that State deposits its instrument of ratification or accession.

#### **Article 23**

This Convention shall remain in force indefinitely, but may be denounced by any State Party. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. After one year from the date of deposit of the instrument of denunciation, this Convention shall cease to be in effect for the denouncing State, but shall remain in force for the remaining States Parties.

#### **Article 24**

The original instrument of this Convention, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall send a certified copy to the Secretariat of the United Nations for registration and publication, in accordance with the provisions of Article 102 of the United Nations Charter. The General Secretariat of the Organization of American States shall notify the member states of the Organization and the states that have acceded to the Convention of signatures, and of deposits of instruments of ratification, accession, and denunciation, as well as of reservations, if any.

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## APPENDIX VI

### *Selected International Human Rights Treaties (Parties as of 31 December 1985)*

	<i>International Covenant on Economic, Social and Cultural Rights</i>	<i>International Covenant on Civil and Political Rights (ICCPR)</i>	<i>Optional Protocol to ICCPR</i>	<i>Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment</i>
Afghanistan	X	X		S
Albania				
Algeria	S	S		S
Angola				
Antigua and Barbuda				
Argentina	S	S		S
Australia	X	X		S
Austria	X	X	S	S
Bahamas				
Bahrain				
Bangladesh				
Barbados	X	X	X	
Belgium	X	X		S
Belize				
Benin				
Bhutan				
Bolivia	X	X	X	S
Botswana				
Brazil				S
Brunei				
Bulgaria	X	X		
Burkina Faso				
Burma				
Burundi				
Byelorussian SSR	X	X		S
Cameroon	X	X	X	
Canada	X	X	X	S
Cape Verde				

	<i>International Covenant on Economic, Social and Cultural Rights</i>	<i>International Covenant on Civil and Political Rights (ICCPR)</i>	<i>Optional Protocol to ICCPR</i>	<i>Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment</i>
Central African Republic	X	X	X	
Chad				
Chile	X	X		
China				
Colombia	X	X	X	
Comoros				
Congo	X	X	X	
Costa Rica	X	X	X	
Cuba				
Cyprus	X	X		
Czechoslovakia	X	X		
Denmark	X	X	X	
Djibouti				
Dominica				
Dominican Republic	X	X	X	
Ecuador	X	X	X	
Egypt	X	X		
El Salvador	X	X		
Equatorial Guinea				
Ethiopia				
Federal Republic of Germany	X	X		
Fiji				
Finland	X	X	X	
France	X	X	X	
Gabon	X	X		
Gambia	X	X		
German Democratic Republic	X	X		
Ghana				
Greece	X			
Grenada				
Guatemala				
Guinea	X	X		
Guinea-Bissau				
Guyana	X	X		

	<i>International Covenant on Economic, Social and Cultural Rights</i>	<i>International Covenant on Civil and Political Rights (ICCPR)</i>	<i>Optional Protocol to ICCPR</i>	<i>Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment</i>
Haiti				
Holy See				
Honduras	X	S		
Hungary	X	X		
Iceland	X	X	X	
India	X	X		
Indonesia				
Iran	X	X		
Iraq	X	X		
Ireland	S	S		
Israel	S	S		
Italy	X	X	X	
Ivory Coast				
Jamaica	X	X	X	
Japan	X	X		
Jordan	X	X		
Kampuchea (Democratic Kampuchea)	S			
Kenya	X	X		
Kiribati				
Korea (DPR)	X	X		
Korea (Republic)				
Kuwait				
Lao People's Democratic Republic				
Lebanon	X	X		
Lesotho				
Liberia	S			
Libyan Arab Jamahiriya	X	X		
Liechtenstein				
Luxembourg	X	X	X	
Madagascar	X	X	X	
Malawi				
Malaysia				
Maldives				

	<i>International Covenant on Economic, Social and Cultural Rights</i>	<i>International Covenant on Civil and Political Rights (ICCPR)</i>	<i>Optional Protocol to ICCPR</i>	<i>Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment</i>
Mali	X	X		
Malta	S			
Mauritania				
Mauritius	X	X	X	
Mexico	X	X		
Monaco				
Mongolia	X	X		
Morocco	X	X		
Mozambique				
Nauru				
Nepal				
Netherlands	X	X	X	
New Zealand	X	X		
Nicaragua	X	X	X	
Niger				
Nigeria				
Norway	X	X	X	
Oman				
Pakistan				
Panama	X	X	X	
Papua New Guinea				
Paraguay				
Peru	X	X	X	
Philippines	X	S	S	
Poland	X	X		
Portugal	X	X	X	
Qatar				
Romania	X	X		
Rwanda	X	X		
St Lucia				
St Christopher and Nevis				
St Vincent and the Grenadines	X	X	X	
Samoa				

	<i>International Covenant on Economic, Social and Cultural Rights</i>	<i>International Covenant on Civil and Political Rights (ICCPR)</i>	<i>Optional Protocol to ICCPR</i>	<i>Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment</i>
San Marino	X	X	X	
Sao Tome and Principe				
Saudi Arabia				
Senegal	X	X	X	
Seychelles				
Sierra Leone				
Singapore				
Solomon Islands	X			
Somalia				
South Africa				
Spain	X	X	X	
Sri Lanka	X	X		
Sudan				
Suriname	X	X	X	
Swaziland				
Sweden	X	X	X	
Switzerland				
Syria	X	X		
Tanzania	X	X		
Thailand				
Togo	X	X		
Tonga				
Trinidad and Tobago	X	X	X	
Tunisia	X	X		
Turkey				
Tuvalu				
Uganda				
Ukrainian SSR	X	X		
USSR	X	X		
United Arab Emirates				
United Kingdom	X	X		
USA	S	S		
Uruguay	X	X	X	
Vanuatu				
Venezuela	X	X	X	
VietNam	X	X		

	<i>International Covenant on Economic, Social and Cultural Rights</i>	<i>International Covenant on Civil and Political Rights (ICCPR)</i>	<i>Optional Protocol to ICCPR</i>	<i>Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment</i>
Yemen (North)				
Yemen (PDR)				
Yugoslavia	X	X		
Zaire	X	X	X	
Zambia	X	X	X	
Zimbabwe				

S— denotes that country has signed.

X— denotes that country is a party, either through ratification or accession.

The countries listed in this chart are those included in the official United Nations publication entitled *Human Rights International Instruments: Signatures, Ratifications, Accessions, etc.*

## APPENDIX VII

### *Selected Statistics*

By the start of 1986 there were Amnesty International sections in 44 countries and over 3,600 groups worldwide. There are more than 500,000 members and subscribers in over 150 countries. Ten years ago there were fewer than 100,000 members.

In 1985 a total of 4,562 prisoners were adopted as prisoners of conscience or being investigated as possible prisoners of conscience. During 1985, 2,507 new cases were taken up and 1,848 cases closed. Since 1961 more than 30,000 individual cases have been taken up. Of these, 25,559 are now closed.

Prisoners have been tortured or cruelly treated in one out of every three countries in the 1980s. This amounts to more than 60 countries. Since 1980 Amnesty International has acted on over 3,000 cases in some 50 countries, through its Urgent Action network.

During 1985 Amnesty International initiated 368 Urgent Actions on behalf of more than 1,700 people in 68 countries. Of these, 134 were prompted by reports of torture, and 61 were made on behalf of prisoners in a critical state of health and in need of medical treatment. Sixty-two were issued in cases where a prisoner had been arbitrarily arrested; was being held incommunicado without access to family and lawyers; was being held without charge or trial or had been denied a fair trial. Seventy-four related to extrajudicial killings or "disappearances" and 68 were on behalf of prisoners sentenced to death. Others were issued in cases where prisoners had died in detention or where prisoners were on hunger-strike in support of demands falling within Amnesty International's mandate.

Since 1961 Amnesty International has sent over 500 missions to countries to carry out on-the-spot investigations, observe trials or meet government officials. In 1985 a total of 54 missions were sent to 32 countries, more than in any previous year.

# AMNESTY INTERNATIONAL

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This report is going to irritate a number of governments. Why? Because it exposes the gulf between their declared commitment to human rights and the abuses they perpetrate.

Covering over 120 countries, it documents Amnesty International's efforts to free prisoners of conscience, ensure fair and prompt trials for political prisoners and end torture and executions. Those governments that react most negatively to Amnesty International's activities are often those that have systematically sabotaged the international protection of freedoms and rights.

Founded 25 years ago, Amnesty International today has more than half a million members and supporters, united in their determination to expose and bring to an end human rights violations wherever they occur. Their efforts to use public opinion in defence of prisoners are based on the impartial research presented in this report: a contribution towards ensuring that respect for fundamental rights remains the focus of intense public scrutiny.

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