



# AMNESTY INTERNATIONAL

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SYRIA

## Deaths in custody

A Palestinian detained without trial since 1985 is reported to have died in custody in December 1990. Muhammad Dawud (also known as Abu Dawud), a senior member of the Palestine Liberation Organization, was held incommunicado throughout his detention. He is reported to have died in *Fara' Falastin* (Palestine Branch) detention centre in Damascus after having been denied medical treatment for injuries resulting from torture during his detention and from ailments contracted as a result of prolonged detention and poor prison conditions. The Syrian authorities reportedly refused to release his body for burial.

AI is aware of at least three other deaths in custody in questionable circumstances during 1990. No official enquiry is reported to have been carried out into these deaths. □

ZANZIBAR

## Prisoners released

FIFTEEN prominent government opponents detained without charge or trial in Zanzibar since mid-1990, including former Zanzibar Chief Justice Ali Haji Pandu and the former Political Commissar to the police, Machano Khamis, were released on the orders of Tanzania's President in December.

The 15 prisoners of conscience were arrested in the months before last October's general elections and accused of attempting to disrupt the elections. Zanzibar nationalists campaigning for a referendum on the continuing union between Zanzibar and the mainland had called on people not to register for the electoral roll.

Said Shariff Hamad, the unofficial nationalist leader, remains in custody in Zanzibar charged with illegal possession of government documents. His trial is expected soon. □



Thousands joined a rally in support of democracy in the town of Kavaja, Albania, on 25 December 1990

ALBANIA

## Political prisoners pardoned

ON 5 January reportedly 202 political prisoners were pardoned. The authorities stated that when pardons granted to political prisoners between June and December 1990 were included this brought the total number of prisoners pardoned to 393. Three days later it was announced that a further 170 would be pardoned shortly. All those pardoned appeared to have been convicted of "anti-state agitation and propaganda" and "flight from the state" after attempting to exercise their rights to freedom of expression and movement. Another 160 political prisoners were reportedly due to have their sentences reviewed.

The leader of a recently founded Albanian human rights organization was officially informed on 18 January that 120 political prisoners remained detained, in addition to some 150 arrested during anti-government riots in December 1990. Among those released was Henrik Gjoka (Prisoner of the Month in Decem-

ber 1990), who was serving an 11-year sentence after conviction in 1986 on charges of attempting to leave the country illegally.

On 11 December, following mass student demonstrations in Tirana, the communist party decided to legalize independent political parties. However, during the following three days violent anti-government riots took place in several towns and 157 people were arrested and investigated on charges of vandalism, attempted murder, assault and illegal assembly. Reportedly many were tortured and ill-treated following arrest. AI expressed concern about the torture and ill-treatment allegations, and called for legal safeguards for all those arrested, including adequate time to prepare

their defence. Within a week of arrest, 26 of the accused had been sentenced to up to 20 years' imprisonment.

A draft constitution published at the end of December proposed lifting the ban on religious activity dating from 1967 and if adopted, would guarantee freedom of conscience. It also would guarantee the rights to freedom of expression, association, assembly and movement and the right to strike. However, these rights would be subject to sometimes restrictive laws. Unlike the existing constitution, it would guarantee Albanian citizens equality regardless of political conviction and decree that a person is innocent until proved guilty by a final court decision. It also would guarantee the right to a defence lawyer throughout criminal proceedings and ban the use of torture and all other forms of inhuman treatment and punishment. It would not, however, abolish the death penalty as AI had earlier urged. □

### PRISONER NEWS

AI learned in December 1990 of the release of 39 prisoners under adoption or investigation. AI took up 237 cases.

# CAMPAIGN FOR PRISONERS OF THE MONTH



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

## TAIWAN

**Huang Hua:** a 52-year-old political activist, he has spent over 21 years in prison for his peaceful political activities and began his fourth term of imprisonment in December 1990 when the Taiwan High Court sentenced him to 10 years' imprisonment for preparing to commit sedition.

Huang Hua strongly believes that the Government of the Republic of China on Taiwan should abandon its claim to reunify Taiwan and mainland China and should instead declare a "Republic of Taiwan". Such "independentist" views are forbidden under the National Security Law and the Statute for the Punishment of Sedition.



Huang Hua

To promote his views Huang Hua founded the New Nation Movement in 1988 and organised and spoke at rallies throughout Taiwan. The New Nation Movement also supported a number of pro-independence candidates during the parliamentary and local elections of December 1989. During the March 1990 indirect presidential elections Huang Hua campaigned for direct presidential elections. He declared himself a candidate for the opposition Democratic Progressive Party (DPP), although he was not eligible for public office having been deprived of his civil rights when previously convicted of sedition.

Huang Hua ignored several summonses to appear before the Taiwan High Court and went into hiding after a warrant was issued for his arrest in July 1990. He was arrested in November after attend-

ing the funeral of a DPP legislator. At his trial he refused to answer the judge's questions and instead explained his political views. When sentencing him to 10 years' imprisonment, the judge said that Huang Hua's "words and actions had overstepped the boundaries of freedom of speech". Huang Hua has refused to appeal against his sentence. He was excluded from the 1 January presidential amnesty because of his previous convictions.

■ Please send courteous letters appealing for the immediate and unconditional release of Huang Hua to: President Lee Teng-hui/Office of the President/Chieshou Hall, Chungking S. Road/Taipei/Taiwan/Republic of China. □

## HONDURAS

**Rolando Vindel González:** President of the National Electricity Workers' Union (STENEE), he "disappeared" seven years ago.

Rolando Vindel González "disappeared" on 18 March 1984 after leaving his home in Tegucigalpa to attend a union meeting, where he was to discuss the union's next move in deadlocked wage negotiations with the state-owned power company. He was seized by a group of heavily armed men, thrown into a vehicle and driven away. Relatives and colleagues searched for him at police and military units around the capital, but his detention was not acknowledged by the authorities. He was never seen again.

Evidence gathered by local human rights groups suggests that the captors were agents of the National Directorate of Investigations (DNI), the investigative arm of the security forces. STENEE alleged that following his abduction Rolando Vindel González

was held at three different clandestine detention centres, including a military centre used by United States military to train Honduran and Salvadorian military officers. The Honduran authorities, however, have repeatedly denied that he was ever in custody.

This was not the first time that Rolando Vindel had been detained for his trade union activity. In January 1981 he was held by the DNI on charges of subversion but was released for lack of evidence. After his release he said he had been beaten and tortured with electric shocks and death threats.

On learning of the "disappearance" of Rolando Vindel, in 1984, AI issued urgent appeals. The government of the time replied that the National Congress had ordered an investigation into the case, but to AI's knowledge no findings were ever published.

Rolando Vindel is one of 143 men and women believed to have "disappeared" at the hands of the military and security forces in Honduras since 1981, whose whereabouts and fate have never been clarified. In December 1990 the current Minister of the Interior announced that his government would take steps to investigate past "disappearance" cases. AI sought further details from the government but by the beginning of February 1991 the government had not replied nor made public any information about these investigations.

■ Please send courteous appeals asking what steps have been taken to clarify the whereabouts and fate of Rolando Vindel González and the other "disappeared" to: Sr. José Francisco Cardona/Ministro de Gobernación y Justicia/Palacio de los Ministerios, 2o piso/Tegucigalpa/Honduras. □

## USSR

**Oleg Gorshenin:** a 22-year-old pacifist, he is serving an 18-month prison sentence for refusing to perform military service on grounds of conscience.

Oleg Gorshenin was first arrested on 27 March 1989 in Moscow, after failing to respond to his call-up papers for two years. In a statement to the Soviet authorities he declared that he was a "convinced pacifist", and asked to be permitted to emigrate to any country which did not have compulsory military service, or which made provision for alternative civilian service. Oleg Gorshenin was taken back to his home city of Orsk and sentenced to 18 months' compulsory labour under restricted conditions, but failed to present himself at the place where he was to serve his sentence.

On 19 June 1989 a court tried Oleg Gorshenin *in absentia* and substituted imprisonment for compulsory labour. He went into hiding, and in July that year applied for political asylum at the Belgian Embassy in Moscow. Eventually, in April 1990, he was rearrested and sent to serve his sentence in a corrective labour colony in the Orenburg region.

The United Nations Commission on Human Rights has recognized that conscientious objection to military service is a legitimate exercise of the right of freedom of thought, conscience and religion. In January 1991 AI was working for the release of over 14 conscientious objectors imprisoned in the USSR, most of them Jehovah's Witnesses. A new USSR law on Freedom of Conscience and Religious Organizations came into force on 9 October 1990, but did not provide for a civilian alternative to military service. Proposals for the introduction of such a service are to be submitted to the next session of the USSR parliament.

■ Please send appeals for his immediate and unconditional release, and for the introduction of a civilian alternative to military service to: Boris Yeltsin/Chairman of the RSFSR Supreme Soviet/Verkhovny Sovet RSFSR/Krasnopresnenskaya nab., 2/Moscow/USSR. □

## RELEASED

AI learned that Hiram Abi Cobas Nuñez, prisoner of the month in July 1990, was released on 27 November 1990 for health reasons.





# FOCUS

**amnesty  
international**

**'I** 'm ready for execution. I already saw the gallows being tested," said the sailor. His wrists were handcuffed as he spoke. Outside the jail a group of journalists kept vigil.

Next morning, at 6.02am, he was dead, one hour later than the usual time for the execution of a condemned man in Malaysia. His hanging had been delayed as a special concession so that he could perform his prayers at dawn — the first of five prayers a Muslim is obliged to perform daily.

The 37-year-old seafarer, a native of Indonesia, died protesting his innocence. Convicted of possessing 937 grams of marijuana and being a member of a drug syndicate, he became the first prisoner in 1990 to join Malaysia's ever-rising toll of those executed in what officials now admit is a deadly failure to stem the country's drugs trade.

Malaysia's anti-drug drive made international headlines in the early 1980s when the country's leaders made the death penalty mandatory for drug-trafficking. Huge billboards warned local citizens and foreign travellers: "Be forewarned: Death for drug traffickers under Malaysian law". By June 1990 the national press reported that 104 convicts had been hanged on drug charges since 1983 and a further 200 were awaiting execution on death row.

Drug abuse and trafficking pose major problems for the world community. In the words of the United Nations (UN) Secretary-General, in a statement made in 1985, "Illicit drugs wherever they are produced or used contaminate and corrupt, weakening the very fabric of society. Increasing worldwide abuse is destroying uncounted useful lives...The suffering of individuals is not the only cost. Illicit drugs and crime go hand in hand. The allure of tremendous profits constitutes a potent attraction to criminals, and drug-trafficking frequently entails other criminal acts, including bribery, larceny, the corruption of public officials

## Addiction to killing



An execution in China, where the death penalty is used routinely to punish drug-trafficking

*Pascal G/Agence Vu*

and even murder...It must also be stressed that trafficking in illegal drugs represents a heavy toll on many national economies. The cost must be counted in literally billions of dollars traceable to the time lost in the work place, to the substantial burden imposed on judicial and penal systems, and to the treatment and rehabilitation of drug offenders". Although the UN considers drug abuse to be a serious problem, UN bodies have consistently rejected the use of the death penalty as a solution. The death penalty was not among the many measures proposed by the International Conference on Drug Abuse and Illicit Trafficking, held under UN auspices in June 1987. Instead the conference recom-

mended such measures as the prevention and reduction of demand through education and control of drug abuse in the work-place; improved programs for the treatment of addicts; disruption of major trafficking networks through controls over ships and aircraft and surveillance of borders; facilitation of the extradition of alleged traffickers; and forfeiture of the proceeds of trafficking.

Nevertheless, since the 1960s increasing numbers of governments have attempted to tackle the problems of drug-trafficking and drug abuse by introducing the death penalty. In some 24 countries drug-related offences are now punishable by death. Thousands of prisoners convicted of drug offences have

been executed.

In countries where the death penalty is provided, there are wide disparities in the way drug offences are actually punished. Some countries have not sentenced anyone to death while others regularly carry out executions. Some national statutes restrict the death penalty to trafficking in poppy-based drugs; others include cocaine and even cannabis, a drug whose use in some countries is treated only as a minor offence. Some statutes attempt to limit the death penalty to the most serious offences by restricting it to cases involving more than a specified amount of drugs, others have no minimum amount or an amount so low that addicts can be punished by death with no specific evidence that they have engaged in trafficking. In some countries prisoners accused of drug-trafficking are sentenced to death and executed under procedures which fall short of international standards for a fair trial.

Ten of the countries which have introduced the death penalty for drug offences have done so in the last decade. In March 1987 Saudi Arabia introduced the death penalty for drug-trafficking and the authorities executed at least 10 people for drug-related offences over the following 12-month period. Mauritius has sentenced four people to death under a law introduced in 1986 providing for a mandatory death sentence for the importation of dangerous drugs. In July 1988 Bangladesh introduced the death penalty for drug-trafficking. In November 1988 the United States of America introduced the death penalty for drug offences under federal law. Federal law now allows the imposition of the death penalty as an optional punishment for people who intentionally kill or order killings while committing drug-related offences.

Huge numbers of executions have been carried out in Iran; over 1,000 executions for drug offences were recorded in 1989 alone. Records for 1990 showed



Public beheading in Saudi Arabia, where the death penalty for drug-trafficking was introduced in March 1987

© Gabriel/Sepia Press

a decline in the number of executions for drug offences reported in the official press, although, at around 400, the number remained very high. The figure rose sharply after a new initiative was launched to combat drug-trafficking at the beginning of September 1990. The mass hangings of convicted drug traffickers which had taken place throughout the previous year resumed, when two groups of 44 and 48 people were hanged publicly within two weeks of each other in the city of Mashhad.

The executions followed an announcement at the end of August by Hojatolislam Moghtadaie, President of the Supreme Court, that a special system was being set up so that courts could deal with drug-trafficking cases more quickly: the stated aim was to ensure that convicted traffickers would be hanged within 15 days of arrest.

This summary justice is a violation of Iran's obligations under international human rights standards to ensure that all prisoners facing the death penalty receive a fair trial guaranteeing the defendant all necessary safeguards. Many people are sent to their death in Iran as a consequence of speedy, summary trials in which the right to be presumed innocent until proven guilty is seriously undermined.

In China the practice of verdict first, trial second ensures

that a defendant in a capital case rarely receives a fair trial. Over 900 death sentences were recorded and more than 600 executions took place in 1990 alone. From 28 December 1990 those convicted of smuggling or selling more than one kilogramme of opium or 50 grammes of heroin will face penalties ranging from 15 years' imprisonment to death. In practice, the death penalty has been used routinely in China to pun-

ishment for exporting, smuggling, producing or processing narcotic substances with the intent of dealing in them: on 7 November 1985 a Lebanese national was sentenced to death *in absentia*. Since then over 50 people have been sentenced to death by Egyptian courts, many of them foreign nationals sentenced *in absentia*. In June 1990, about 30 convicted drug-traffickers were reported to be awaiting

hands of organized crime, involving hardened criminals prepared to face the attendant dangers. Not only does the introduction of the death penalty pose risks, there is also no evidence that it will deter trafficking more effectively than other punishments, despite this being a widespread justification for its use.

The lack of deterrent effect was cited at the December 1985 meeting of the UN Expert Group on Countermeasures to Drug Smuggling by Air and Sea. The group's report stated, "...in the experience of several experts, the fact that capital punishment appeared on the statute books as the maximum penalty did not necessarily deter trafficking; indeed, in some cases it might make prosecution more difficult because courts of law were naturally inclined to require a much higher standard of proof when capital punishment was possible or even mandatory... The most effective deterrent was assuredly the certainty of detection and arrest."

International experts agree. In an article written in June 1990 Dr Peter Albrecht, the Presiding Judge of the Criminal Court, Basel, Switzerland, argues: "Neither on the basis of crime statistics nor by any other method has it been possible to demonstrate convincingly that the death penalty has a greater deterrent effect than long prison sentences. Nowhere, for example,

*'I remember the one who was executed, Lim Seng, and I hoped by his death there [would] be less narcotics addiction in our country, but today we have more. There is now a Narcotic Command, [a] whole command to deal with narcotics addiction. So therefore the life of that man...has been lost in vain...'*

**Teodulo Natividad, author of the 1972 Dangerous Drugs Act, Philippines.**

ish drug-trafficking, which is one of the "six evils" to be severely dealt with during a continuing campaign against crime.

In 1989 Egypt carried out its first ever execution for drug-trafficking: Anwar Hussein Kassar Hussein, a 27-year-old Pakistani national, was hanged in a Cairo prison on 6 July. Since the mid-1980s there has been increasing governmental concern about drug abuse in Egypt. 1985 saw the first application of a legal provision introduced in 1966, providing for the death penalty as an optional

execution in Egyptian prisons.

The death penalty appears to have been introduced with little consideration of the risks it could entail. These include the risk that traffickers faced with a possible death penalty would more readily kill to avoid capture, increasing the danger to law enforcement officials; the risk that minor traffickers or even drug abusers would suffer the death penalty while those behind the crimes escaped capture and punishment; the risk that increasing the severity of penalties would play into the





Mass hanging of convicted drug-traffickers in Iran, where over 1,000 executions for drug offences were recorded in 1989

has a rise in the homicide rate been observed as a result of the abolition of the death penalty for murder, nor do I personally know of any empirical studies which would indicate that executions have been able to reduce the level of drug abuse.

"In view of the long-recognized criminological evidence that it is the probability of arrest, rather than the nature or severity of the expected punishment, which tends to act as a deterrent, these results can hardly be surprising...However, experience shows that authorities have particular difficulty in arresting and prosecuting drug-traffickers and that the danger of their being apprehended and sentenced is very slight. Hardly ever do big drug dealers appear in court, and in any case, the drug mafia is not intimidated even by the threat of the most severe punishment, in view of the enormous profits to be made in drugs."

Professor Ezzat A. Fattah, a professor of criminology in Canada and a long-standing opponent of the death penalty, has also concluded that the threat of severe punishments is not an effective solution to the problems of drug-trafficking, a view derived from his own experiences as a public prosecutor assigned to narcotics cases in Egypt during the 1950s. In an article written in 1988, he describes the effect of increasing the penalty for

drug-trafficking from a maximum of three years' imprisonment to mandatory life imprisonment with hard labour.

"The results of the new drug law were exactly the opposite of what its makers had intended. Drug traffickers came up with many ingenious methods to ply their trade without being detected. The task of drug enforcement officers was rendered not only more difficult but extremely dangerous as well. Smugglers

*'The death penalty, in its utter disregard for the value of human life, is subject to the gravest reservations...the well-known objections to this penalty are valid even in the face of the overwhelming problem of drugs. Calling in the executioner to deal...with drug abuse, is a most questionable practice.'*

**Dr Peter Albrecht, Presiding Judge of the Criminal Court, Basel, Switzerland**

and traffickers were willing to employ violence, even in its ultimate form, to evade detection and to avoid arrest. Instead of reducing the volume of the drug traffic, the new law led to increasing dismissal of marginal cases by the police. Judges became quite reluctant to convict and acquitted accused persons in a very large number of cases either for supposed lack of evidence or despite the evidence on grounds of technicalities. Furthermore, with the increased theoretical risk the price of

drugs went up sharply and the prospect of high profits attracted new elements to the illicit drug market...

"The new law did not improve the drug situation in Egypt and in many respects made it much worse. Its application provided an irrefutable proof, if any proof was needed, that harsh punishments are no solution to the drug problem as they have never been the answer to the crime problem."



Billboard in Malaysia warning that drug-traffickers will hang. The death penalty, however, has not deterred the drugs trade. *Abbas/Magnum*

later, in December 1989, the Home Ministry's *Dadah* (drugs) Treatment and Rehabilitation Division had identified 145,685 addicts throughout the country.

Not only has the increase been staggering, but it has continued regardless of the hangman. Two years after the 1983 decision to make the death penalty mandatory for drug offences, the government's figure for registered addicts stood at 102,807. Fourteen months later it had risen to 111,688. Two years later — and with executions of foreigners as well as local citizens being carried out in a blaze of publicity — the addiction register had gone up to 128,741, an increase of nearly 30 per cent over three years.

The death penalty failed to reduce addiction; nor has it deterred the drugs trade. A 1989 report by the International Narcotics Control Board said that Malaysia was continuing to be affected by growing "transit traffic" involving primarily opium and heroin. Both were being smuggled across the country's northern border or through its western coastline. The report noted, however, that "in trying to come to grips with the drug abuse and trafficking situation, the government has made it clear that it will not compromise in dealing with drug offenders, including foreigners."

The experiment had failed.

The experience described by Professor Fattah is by no means unique. The futility of the death penalty as a deterrent to drug-trafficking and drug abuse is well-illustrated elsewhere. Malaysia, where the death penalty has been mandatory for almost a decade, has become a crucible for testing the effectiveness of the punishment as the ultimate antidote to illicit drugs.

The statistics for addiction paint a grim picture. In 1970 only 711 addicts were identified in the country. Two decades



Anwar Hussein Kasser Hussein, the first person executed in Egypt for narcotics smuggling, was hanged in a Cairo prison on 6 July 1989

Associated Press

But the executions continue. Of the 104 reported executions, 25 were said to have been of foreigners. These now include Hau Tsui Lin, one of eight Hong Kong citizens executed on 30 May 1990 in Malaysia's biggest mass execution. She became the first foreign woman to hang in Malaysia.

Time after time, when a foreigner has been sentenced to death, press interest has been intense and heads of government have publicly and privately appealed to the Malaysian authori-

ties to show clemency. To date, the pleas have fallen on deaf ears and nationals of Australia, Britain, Indonesia, the Philippines, Singapore, Thailand and Hong Kong have been put to death.

AI has repeatedly urged the Malaysian authorities to stop these killings. It has taken the same stand against the death penalty for all offences in all countries. In *When the State Kills...* a report on the death penalty released worldwide in 1989, AI concluded that despite thousands of executions there is no clear evidence of a decline in drug-trafficking which could be clearly attributed to the threat or use of that penalty.

Even in Malaysia officials are beginning to express doubts about the effectiveness of the death penalty as a deterrent. In June 1990 the Deputy Minister of Home Affairs said that the country's mandatory death penalty for drug-trafficking had failed to curb either the trade or drug abuse and that a new approach to the problem was needed.

In a paper presented at the national Seminar on Drugs Treatment and Rehabilitation in Kuala Lumpur in July 1990, the deputy director of Malaysia's Criminal Investigation Department's anti-narcotics force said the mandatory death sentence had not shown signs of fulfilling its role as a deterrent in the six years since its enforcement. Instead, the number of people detained for trafficking had in-

creased and those detained were usually replaced by other traffickers within a short time. He said: "Our intelligence shows that people were found to be trafficking in *dadah* even when a member of their family has been detained and awaiting trial."

Even as the death penalty is introduced to curb drug-trafficking in some countries, its use is being rejected elsewhere. On 10 April 1985 three men were publicly executed by firing-squad in Nigeria; they had been convicted of drug offences under a decree introduced the year before with retroactive effect. The executions provoked wide-spread protests from intellectuals, religious leaders, newspapers and ordinary citizens. Among the objections made were that death was too harsh a punishment for the offences involved; that killing would brutalize rather than reform; that the death penalty was unfair and not a deterrent. A number of other prisoners were sentenced to death, but there were no further executions in drug cases. In 1986 the decree was amended, removing provision for the death penalty for drug offences. Outstanding death sentences imposed for drug offences were commuted to terms of imprisonment. In 1987 in the Philippines, where drugs offences had been punishable by death since 1972, the death penalty was abolished for all crimes when a new constitution was ratified. □

## Addiction to killing



The following countries provide for the death penalty in law for drug-related offences:

Bahrain  
Bangladesh  
Brunei Darussalam  
Burma  
People's Republic of China  
Egypt  
Indonesia  
Iran  
Iraq  
Jordan  
Kuwait  
Malaysia  
Mauritius  
Qatar  
Republic of Korea (South Korea)  
Saudi Arabia  
Singapore  
Sri Lanka  
Syria  
Taiwan  
Thailand  
Turkey  
United Arab Emirates  
United States of America

### What you can do

Write to the authorities of the countries below, urging them to stop executing people convicted of drug offences.

Send your appeals to:

**Iran:** Hojatoleslam Ali Shushtari/Minister of Justice/Ministry of Justice/Park-e Shahr/Tehran/Islamic Republic of Iran

**Malaysia:** YB Datuk Dr Haji Sulaiman Haji Daud/Minister of Justice/21st Floor/Bangunan Kuwasa/Jalan Raja Laut/Malaysia

**China:** Lui Fuzhi/Jianchazhanag/Zuigao Renmin Jianchayuan/Beijingshi/Zhonghua Renmin Gongheguo/People's Republic of China



# 'Disappearances' continue in the Philippines

MORE than 50 people "disappeared" in the Philippines during 1990. Five were killed by their captors or died in custody shortly after their "disappearance" and at least 15 reappeared after a period in unacknowledged police or military custody. Most were still missing at the end of the year.

In a report published in February AI describes the pattern of "disappearances" in the Philippines in 1990 and the fate of dozens of individual victims. "Disappearances" occurred against a background of armed conflict between

government forces and the New People's Army, the armed wing of the outlawed Communist Party of the Philippines. The majority of the "disappeared" were non-combatants: health workers, trade unionists, human rights activists, and peasant organizers.

Several of the victims reappeared in police or military custody weeks or months later, confirming that members of the security forces were responsible for their "disappearance". Soledad Mabilangan, leader of a village youth organization in Samar province, and her

friend Alita Bona, who was then three months pregnant, "disappeared" in March 1990 after being detained by soldiers. For more than six weeks military authorities denied having them in custody but in April 1990 an AI delegation found the two women in detention at an army camp.

Some of the "disappeared" are known to have been tortured or killed in custody. In February 1990, three members of a fishermen's organization "disappeared" after being detained by security forces in Bulacan province. Two of the

men later escaped and said they had seen their friend, Efren Concepcion, beheaded by his military captors.

Two other young men, who worked with poor farmers in Samar, may have met the same fate. Nestor Loberio and Diomedes Abawag were abducted by suspected members of a military "death squad" in January 1990. Diomedes Abawag's head, bearing signs of torture, was found in the sea a few days later. Nestor Loberio's whereabouts remained unknown at the end of the year. □

## JAPAN

### Call for abolition of death penalty

IN January AI published a report calling on the Japanese Government to abolish the death penalty, investigate reports that police have ill-treated suspects in custody and introduce further safeguards to prevent ill-treatment of detainees.

Over 80 prisoners are currently under sentence of death, almost half of whom have had their sentences confirmed by the Supreme Court. The government rarely commutes individual death sentences and there has been no general amnesty commuting death sentences since 1952.

The government claims widespread public support for the death penalty "to punish those who commit vicious offences". Death sentences are now imposed only for murder. However, AI believes that support for abolition would increase significantly if people were given the facts about the death penalty: that it is the ultimate cruel, inhuman and degrading punishment. In recent years AI has sought to contribute to the debate on this issue by issuing publications in Japanese.

AI is also concerned that some detention procedures have facilitated police abuse of criminal suspects. The organization has investigated claims of police ill-treatment for several years and in 1989 interviewed several former prisoners who said they were beaten, threatened with long sentences or forced to undergo long interrogation sessions which left them exhausted and confused. Most of these prisoners were acquitted after appeal courts dismissed the evidence against them.

AI recommends that separate authorities should be responsible for interrogation and detention of prisoners. □

## ARGENTINA

### Pardon for former general

A HIGH-RANKING military officer accused of human rights violations in Argentina has been pardoned before the end of trial proceedings against him.

Former general Carlos Suárez Mason was pardoned by President Carlos Menem on 29 December 1990. He was extradited from the United States in 1988 and was awaiting trial in Argentina on 39 murder charges relating to human right violations.

AI is concerned that Carlos Suárez Mason was pardoned before his trial concluded. The organization believes that failing to proceed with this trial will impede

investigations into "disappearances" which occurred in zones under his authority, most of which have never been resolved.

The leaders of the military juntas which ruled Argentina between 1979 and 1983 and other high ranking officers jailed for human rights violations committed while they were in power were also pardoned on 29 December.

Argentina's civilian governments have systematically reduced the scope of investigations into serious human rights violations, which took place under the military juntas. This has helped the military to evade accountability.

Many members of the armed forces accused of having perpetrated these abuses were pardoned by civilian governments before being brought to trial for the offences.

AI is concerned that the Argentinian Government's failure to bring to justice those responsible for human rights violations may signal its lack of commitment to preventing the recurrence of the gross human rights abuses which prevailed in the past. The National Commission on Disappeared People documented 8,960 cases of "disappearance" during the years of military rule. □

## RWANDA

### Unfair trials for alleged rebels

AT the beginning of January 1991 an AI representative observed the trial of 13 prisoners charged in connection with the violent attack in October 1990 on northeast Rwanda by Uganda-based Rwandese exiles. Some 7,000 people were arrested, over 4,000 of whom were released.

The Rwandese authorities had announced on 21 December that 1,566 detainees would be brought to trial, implying that all would be tried before the end of the year. The first trial, of 12 defendants, began on 28 December 1990. It was adjourned until January 1991 because some of the defence lawyers complained that they had not been given sufficient time to study the charges.

AI's observer attended the trial of 13 people on 3 January and concluded that the trial was summary and unfair in many respects. The hearing lasted less than five hours. Although 12 defendants, including a 16-year-old boy, faced capital charges, none was assist-

ed by legal counsel and no witnesses appeared in court. Most of the accused told the court that they were beaten or threatened into making admissions of guilt while in pre-trial custody but the court neither investigated these claims nor ruled such evidence inadmissible. The main defendant, accused of recruiting and training the others as rebels, was sentenced to death. Neither he nor any of the others were accused of taking part in the insurgency. Nine were sentenced to prison terms of between 15 and 20 years, one was acquitted and the 16-year-old and one other received shorter prison sentences.

The court's judges did not appear to be fully independent or impartial. Four out of the five judges were closely linked to the armed forces or the government and only two of them had significant legal training. The judges have been under considerable pressure from the state-owned media to impose death sentences. □

### The latest reports

The following reports are now available from AI.

**The People's Republic of China:** Several prominent political detainees were charged in November 1990 with "counter-revolutionary" offences after being held without charge for over a year. They are among several dozen political detainees who are expected to be tried soon in Beijing for their role in the 1989 pro-democracy movement.

(Index No. ASA 17/74/90)

**United States of America:** AI has received allegations that police in Chicago, Illinois, systematically tortured or otherwise ill-treated suspected criminals between 1972 and 1984. Most of the alleged victims of ill-treatment were black.

(Index No. AMR 51/42/90)

**Haiti:** AI has received reports of abuses similar to those that occurred under previous administrations, including arbitrary arrests, ill-treatment and killings by the police and military forces.

(Index No. AMR 36/09/90)

## TURKEY

## Human rights activists face repression

THE Turkish Human Rights Association, which in 1990 received the Bruno Kreisky Prize for its work, is facing considerable pressure from the authorities.

Several of its officials have been detained and imprisoned and members of the association's regional branches have been prosecuted for producing campaigning material without government consent. The Gaziantep branch has been closed indefinitely by the authorities because of its alleged links with political parties and illegal organizations.

In October Ali Özler was sentenced to six years and eight months' imprisonment for his activities as the chairperson of the Tunceli branch of the association. He is in Erzincan Special Type Prison and has been adopted as a prisoner of conscience by AI.

In October, during the association's annual meeting, Vedat Aydın, a member from Diyarbakir,

gave a speech in Kurdish, which was translated by lawyer Ahmet Zeki Okçuoglu. Although the speech had not advocated violence, both men were immediately detained and remained in custody until their trial in Ankara State Security Court began. They have been charged with "making separatist propaganda", with a possible sentence of 10 years. An AI delegate attended the trial.

In December, lawyer Hüsnü Öndül, secretary of the Ankara branch, was held incommunicado for 10 days and interrogated while blindfolded. Also in December Hasan Hüseyin Reyhan, of the İskenderun branch, was arrested after pressing a complaint against police who he alleged assaulted him when he attempted to interview a client at police headquarters in August. Both lawyers were conditionally released and now face charges of membership of illegal organizations. □



São Paulo, Brazil, December 1990: A military police officer forces his gun into a street child's mouth. Although suspended from duty for this act, the police officer reportedly continued working during his suspension. Later the children

reportedly went into hiding after being detained overnight and beaten by other police officers.

Street children in Brazil are frequently the victims of arbitrary arrest, torture and extrajudicial executions by police officers. □

## UGANDA

## Unarmed civilians killed by soldiers

EXTRAJUDICIAL executions of civilians by soldiers have continued to be reported in Uganda, despite arrests and official investigations after some incidents.

Over 100 civilians are believed to have been extrajudicially executed during 1990 by soldiers in rural areas where the army is fighting insurgents. In the east, for example, 13 extrajudicial executions were reported in three separate incidents in Pallisa in late April and early May; in August 16 civilians were burnt to death in Bugondo after they had been forced into a thatched hut which

was then set alight; and in September 20 civilians detained in Soroti town were taken to a swamp and battered to death.

The government says it is investigating these and other incidents, but no formal disciplinary action is known to have been taken within the army, and investigations seem to have been entrusted to the army itself rather than to an independent authority. No measures have been announced to prevent extrajudicial executions.

Investigations announced into incidents which took place in rural areas in 1988, notably a Commis-

sion of Inquiry set up under the Minister of State for the North, have so far failed to issue reports on their findings. It remains impossible to assess whether these investigations represent genuine attempts to confront problems of human rights in rural areas.

The government acted promptly, however, when in early December 1990 police opened fire without warning on striking students at Makerere University in Kampala, killing two. The police were apparently trying to prohibit a student meeting to consider ending

the strike and opened fire when students refused to disperse. The country's two senior police officers were suspended and 27 others were arrested. An independent Commission of Inquiry headed by a Supreme Court judge was established.

The authorities have also acted quickly to punish soldiers accused of committing serious crimes while off-duty. Some have been executed following summary military tribunals which allow no appeal — a gross violation of human rights. □

## PERU

## Habeas corpus upheld

APPARENTLY for the first time since a pattern of "disappearances" was reported in Peru, a *habeas corpus* petition on behalf of a "disappearance" victim has been upheld in court. A lower court judge has ordered the Minister of the Interior and two police generals to release an unacknowledged detainee.

The petition concerned Ernesto Rafael Castillo Páez, a 22-year-old student last seen on 21 October 1990, when he was reportedly detained by police officers in Villa El Salvador, Lima. Eyewitnesses say that he was handcuffed, forced into the boot of a police car and driven away. However, the authorities denied any knowledge of his detention.

Judge Elva Greta Minaya concluded that the student had been arbitrarily detained by the police and ordered his immediate release. She also denounced serious irregularities at a police station she visited to establish Ernesto Castillo's whereabouts. Police initially failed to produce the register of detentions, and when they did so, the judge found that the records had been altered.

A higher court, the Eighth Correctional Tribunal, upheld the judge's decision and ordered the authorities to reveal Ernesto Castillo's whereabouts. The tribunal also ordered the provincial prosecutor to bring charges against the heads of the two police services involved. □

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