

AMNESTY
INTERNATIONAL
REPORT 1988

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REPORT
1988**

This report
covers the period
January to December
1987

Amnesty International is a worldwide movement independent of any government, political persuasion or religious creed. It plays a specific role in the international protection of human rights:

- it seeks the release of prisoners of conscience. These are people detained for their beliefs, colour, sex, ethnic origin, language or religion who have not used or advocated violence;
- it works for fair and prompt trials for all political prisoners;
- it opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation.

Amnesty International is impartial. It does not support or oppose any government or political system, nor does it support or oppose the views of the prisoners whose rights it seeks to protect. It is concerned solely with the protection of the human rights involved in each case, regardless of the ideology of the government or the beliefs of the victim.

Amnesty International, as a matter of principle, condemns the torture and execution of prisoners by anyone, including opposition groups. Governments have the responsibility for dealing with such abuses, acting in conformity with international standards for the protection of human rights.

Amnesty International does not grade governments according to their record on human rights: instead of attempting comparisons, it concentrates on trying to end the specific violations of human rights in each case.

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 700,000 members, subscribers and supporters in over 150 countries and territories, with over 3,800 local groups in more than 60 countries in Africa, the Americas, Asia, Europe and the Middle East. Each group works on behalf of 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.

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1988

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This report documents Amnesty International's work and its concerns throughout the world during 1987. The absence of an entry in this report on a particular country does not imply that no human rights violations of concern to Amnesty International have taken place there during the year. Nor is the length of a country entry any basis for a comparison of the extent and depth of Amnesty International's concerns in a country. 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 1988

ERRATA

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Page 22 (Angola), line 47 and penultimate line of entry, Felix Mateus Murgar should read: Felix Mateus Mungue.

Page 85 (Zaire), second column, lines 37-38, should read: years' imprisonment, one received a 10-year prison term and two received two-year prison terms.

Europe

Page 198 (Finland), line 21, name should read Hovivuori, line 29, name should read Louhivuori.

Page 277: Appendix V: Selected International Human Rights Treaties
The United States of America has signed both the ICCPR *and* the ICESCR, but *not* the Optional Protocol to ICCPR.

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INTRODUCTION

This report is a record of Amnesty International's work and concerns throughout the world during 1987. It covers only those matters which fall within Amnesty International's strictly defined mandate: to seek the release of men, women and children detained for their beliefs, colour, sex, ethnic origin, language or religion, provided they have not used or advocated violence; to work for prompt and fair trials for all political prisoners; and to oppose the death penalty and torture without reservation. It is not an exhaustive survey of human rights violations of all kinds.

The content of this report is also restricted by government censorship and secrecy. Recognizing the power of the truth about human rights, governments all too often obstruct the flow of information within and from their countries. Thousands of prisoners are unjustly held, tortured or killed without news of their plight ever reaching the outside world.

This report is limited above all by the impossibility of recording the activities of the hundreds of thousands of members upon whose work to defend human rights Amnesty International is based.

Their actions reflect an idea which, at its birth 27 years ago, was described as "one of the larger lunacies of our time". The idea that ordinary people could help to set free or save from torture or death men and women they had never met, in countries not their own, by writing polite letters to the government involved. It worked.

Those letters, which Amnesty International members write today from a growing number of countries and which have helped to free and save thousands, are based on the Universal Declaration of Human Rights. The Universal Declaration has its 40th anniversary this year.

On 10 December 1948 all the members of the United Nations declared for the first time in history that every human being has inalienable rights. They pledged themselves not only to respect those rights in their own countries, but to protect and promote them in all countries.

Before the Second World War, the international community was only minimally concerned with human rights. International law governed the relations between states and gave virtually no protection to individuals. What governments did to their citizens was essentially their own concern, beyond the reach of international law, and not legitimately subject to the scrutiny of other countries or the international community.

The Universal Declaration of Human Rights and the Charter of the United Nations, from which it flowed, represented a revolutionary development in international law. They established the principle that individuals have the right to be protected by the international community. On the day the Universal Declaration was passed, the President of the United Nations General Assembly predicted that "millions of men, women and children from all over

2 the world, many miles from Paris and New York, will turn for help, guidance and inspiration to this document." And so they have.

Yet the pages of this report show that many of those people have not received the protection that is their right. In at least half the countries of the world, people are locked away for speaking their minds, often after trials that are no more than a sham. In at least a third of the world's nations, men, women and even children are tortured. In scores of countries, governments pursue their goals by kidnapping and murdering their own citizens. More than 120 states have written into their laws the right to execute people convicted of certain crimes, and more than a third carry out such premeditated killings every year.

Amnesty International documents and publicizes this ugly picture of what governments around the world are doing to their citizens 40 years after proclamation of the Universal Declaration for one reason only – to convince more people that something must be done to stop it.

There are many who justify their own inactivity by asserting that 40 years of human rights activity has produced nothing but failure and disillusion.

It is important to respond to the critics not by denying the scale of the challenge that remains but by noting the advances made in the past 40 years.

Today, unlike in 1948, there is a human rights movement that is genuinely worldwide. Amnesty International, for example, now has groups of volunteers working in some 60 countries. More than a thousand other human rights organizations are campaigning for human rights. Some are local human rights groups, others are national, regional or international organizations. In every region of the world, courageous men and women have joined a movement united solely by the conviction that human rights are precious and must be protected.

It is because of this worldwide human rights movement that, more than ever before in world history, governments are exposed to the glare of international publicity – the greatest weapon we have.

It is easy to lose sight of how great an achievement this is. In 1934 more than 30,000 peasants were believed to have been massacred by the army in El Salvador; outside their country this was noticed by only a handful of specialists. Today even one death can set off waves of anger and protest worldwide. The torture and death in 1987 of one student in South Korea – Park Chong-chol – led to publicity, followed by the arrest of police officers and the resignation of government ministers. It doesn't always happen but it can. And it means that no government can be certain that it can hurt or kill its citizens without massive publicity resulting.

The principle of international responsibility is being institutionalized, written into international law and confirmed by practice. The Universal Declaration was followed by the International Covenants on Human Rights and by even more specific instruments like the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. And almost unnoticed by the news media, the first mechanisms for enforcement have begun to operate. Since its creation in 1980 by the UN, the Working Group on Enforced

or Involuntary Disappearances has acted on more than 15,000 cases of "Disappearances" in over 40 countries; in 1987 alone it intervened in more than 1,000 new cases in 14 countries. The Special Rapporteur on summary or arbitrary executions has approached some 60 governments, intervening urgently to try to prevent threatened executions in more than half these cases. The Special Rapporteur on torture has taken action to try to stop torture in more than 30 countries. There have been successes. They are only a beginning but a very important beginning.

Of course there is still a long way to go. Some states have not yet demonstrated their commitment to the international protection of human rights by acceding to the covenants that would bind them in law to protect the rights they claim to respect. Among them are two permanent members of the Security Council, the United States of America and the People's Republic of China. Only 39 states have ratified the Optional Protocol to the Covenant on Civil and Political Rights, which allows individuals to have complaints heard by the Human Rights Committee. Among those which have not ratified the protocol are states whose nationals are currently serving as members of the Human Rights Committee, including the Union of Soviet Socialist Republics and the United Kingdom.

All the states within the United Nations formally subscribe to the Universal Declaration of Human Rights. Yet many of them reveal, by their actions, that they consider the ideas and ideals it enshrines as "subversive". For example, within two weeks of an August 1987 march by 3,000 Colombians proclaiming the right to life, four of the men who led the march had been shot dead by "death squads" apparently connected with the Colombian security forces. The Cuban Government actually confiscated copies of the declaration from a human rights committee when it arrested several of its members in 1986. On Human Rights Day, 10 December 1987, several human rights activists were detained briefly in the German Democratic Republic for trying to hand a declaration to the United Nations Association.

Faced with armed opposition movements, as many governments are, the authorities often choose to forget or ignore their human rights commitments. When armed opposition groups engage in acts of terror, the resulting disruption is frequently used to strengthen the hand of those who see repression as the solution. In many countries the formal authority of an elected government publicly committed to human rights coexists precariously with the power of a military which is prepared to use arbitrary arrest, torture and even murder in the fight against insurgents. Amnesty International condemns the torture and killing of prisoners by anyone, including opposition groups. But whatever the circumstances, it is governments that are responsible for dealing with violent crime, and they must do so without violating the fundamental human rights of their citizens.

In the forefront of the struggle to ensure that governments abide by their obligations are human rights activists. All too many governments respond to attempts to hold them to their commitments with repression, not dialogue.

In every region of the world people are making their contribution to the human rights movement with their freedom and their lives. In China, "democracy movement" activists still languish in jail, some eight years after their arrest. During 1987, in El Salvador, the coordinator of the non-governmental human rights commission was assassinated; in Turkey, the president of the farmers' association was on trial because he said publicly that he wanted an end to torture and the death penalty; in Kenya, the most prominent lawyer prepared to take on political cases was held in jail for most of the year on the grounds that he was a threat to public security; in Tunisia, a leading human rights figure was arrested after giving foreign journalists information on political and human rights issues; in Haiti, a prominent lawyer was shot dead by plainclothes police as he stood with a copy of the new Haitian Constitution in his hand talking to journalists outside a prison. There are other cases that could be reported. That the list is not even longer owes much to governments' fear of publicity damaging to their international "image".

It is because of this fear that governments launch a second form of attack: against the flow of information. Rather than improving their human rights record, governments close the channels of information about the violations. Some states write the prohibition on freedom of information into their laws. For example, laws in Czechoslovakia, the German Democratic Republic and Turkey proscribe sending information abroad which is "damaging" to national interests. Singapore and Malaysia have imposed press laws giving the government absolute discretion to ban or restrict any publication deemed to have engaged in "domestic politics" or to have "alarmed public opinion". These laws have been used to punish people who draw attention to human rights violations. Similarly, in South Korea there is a law making it an offence to give information to foreigners deemed to "insult or slander the state".

The use of incommunicado detention, where prisoners are totally cut off from the outside world, is prevalent in many countries. Without access to lawyers, doctors or relatives, prisoners' chances of alerting the world to abuses against them are greatly diminished. In many countries, among them China, Ethiopia, Haiti, Iran, Iraq, Libya, South Africa, Sri Lanka and Syria, families are often not even told where prisoners are being held, let alone allowed to visit them. The holding of political trials behind closed doors is another way in which states deny the opportunity for public scrutiny of their actions. In 1987 Amnesty International learned of political trials held in secret in many countries, including Bulgaria, China, German Democratic Republic, Guinea, India, Kuwait and Libya. Refusing to grant visas to foreign observers also makes the task of monitoring the human rights record harder.

Censorship of the press and repression of journalists doing their jobs is part of the information war. Amnesty International learned last year of journalists and writers imprisoned because of their writings in the Central African Republic, Jordan, Malawi and South Korea. Journalists were prevented from travelling to areas where they might have observed government agents violating human rights such as those parts of Bulgaria where ethnic Turks were

subjected to an assimilation campaign and the north and east of Sri Lanka where non-combatant Tamil civilians have been deliberately killed in custody by government troops.

Another method of deflecting criticism well-known to officials is to set up inquiries which never reach a conclusion or end as a whitewash. Amnesty International confronts examples of this technique so often that a few examples must serve as illustrations. An official committee set up to investigate certain operations of the Indian provincial police in Meerut, northern India, in May 1987 failed to make public any results. The contents of the committee's report, which was leaked to the press, showed it had failed to investigate detailed allegations of "disappearances" and political killings. In the United Kingdom, the results of an inquiry into three incidents of killings in 1982 of suspected government opponents in Northern Ireland by the security forces had still not been made public by the government. In Israel and the Occupied Territories, an official judicial inquiry into the interrogation methods of the Shin Bet (General Security Service), while revealing that the Shin Bet had lied to the courts over 16 years about methods used to extract confessions, sanctioned the use of "a moderate measure of physical pressure".

To avoid the threat of public exposure, security forces resort to methods of abuse which are hard to document and designed to obscure who is to blame. Clandestine forces step up their work in Chile; so-called "death squads" composed of police and military operate in plainclothes in El Salvador; government-backed "vigilante" groups surface in the Philippines; and more and more killing takes place in rural militarized zones in Afghanistan.

Evidence of the continuing need to press states to translate declared commitments into practice includes the unending flow of refugees. For the price of raising human awareness while failing to stop massive human rights violations is growing numbers of people seeking protection not in international documents but in fleeing to countries that offer them the chance of survival. Unfortunately, as this report pointed out last year, whatever their rhetoric on human rights, many governments are unwilling to pay the price and are sending people back to places where they face real threats of imprisonment, torture or death.

As with any struggle, what will determine whether the human rights movement goes forwards or backwards is, in the end, the balance of forces. Our forces consist not of armies or governments but primarily of the men and women who are prepared to commit themselves to the struggle for human rights. This report demonstrates only too clearly how essential that continuing commitment remains.

AMNESTY INTERNATIONAL – A WORLDWIDE CAMPAIGN

Ordinary people living in over 150 countries took action during 1987 to protect other people's human rights. They cared enough about men, women and children suffering human rights violations the world over to join Amnesty International's worldwide campaign. By contributing their time, talents and resources, they became part of a movement committed to preserving lives from the injustice and indignity of human rights abuse.

Changes resulting from human rights work can be extraordinary in terms of individual lives. The Taiwanese Government jailed Huang Hua in 1976 because he wrote articles for an opposition magazine. He was finally freed in 1987, after 11 years of imprisonment. "Because of your care and love, not only do you have my gratitude," he wrote to Amnesty International members, "you have caused me to experience that side of humanity characterized by warmth and hope."

Grassroots activists are the core of Amnesty International, which enters its 28th year of human rights work in 1988. Some of these activists write letters to government officials in countries detaining prisoners, some organize public events near their homes, some brief local leaders or journalists in their communities on international human rights issues. All of them work to end unjust imprisonment, unfair trials, torture and the death penalty. They help to show governments that individuals throughout the world are watching and willing to mobilize their communities whenever and wherever human rights violations occur.

Individual victims remain the focus of Amnesty International's work. When an individual is released from unjust imprisonment or is granted a fair trial, human rights score a victory. When torture ceases or executions are prohibited, human rights take a significant step forward. "I feel like a different person, just knowing that there is a group that intervenes for human rights", wrote the wife of a political prisoner held in eastern Europe. "A letter such as the one from Amnesty International gives a person strength and makes one feel human again."

The prisoner, arrested for criticizing his government in 1981, was freed in April 1987. For six years two Amnesty International local volunteer groups, one in the Netherlands and one in Canada, had worked for his release. "Mainly I owe my early release to you and your work on my case", he recently wrote to members of the groups.

Changes for prisoners and their families are the goal of Amnesty International group efforts. The groups, which numbered 3,863 in 62 countries at the end of 1987, "adopt" prisoners of conscience — that is, people imprisoned solely because of their beliefs, sex, ethnic origin, language or religion and who have neither used nor advocated violence. They campaign for the unconditional release of prisoners adopted by the group. They also campaign, regardless of the alleged offence, for a halt to torture and the death penalty throughout the world.

In addition, groups help to gather information on "investigation" cases, for

which Amnesty International has insufficient evidence to identify an individual as a prisoner of conscience. The movement calls on its volunteer groups to write to the authorities requesting more information on investigation cases and in many cases, urging officials to either promptly charge the prisoner with an offence and give him or her a fair trial or release the person. Local groups around the world worked on behalf of prisoners detained in 85 countries during 1987.

To safeguard Amnesty International's impartiality, no group collects information about prisoners or works on behalf of prisoners held in its own country. The groups may, however, address domestic legislative concerns such as death penalty laws. They also maintain geographical and political balance in their work by campaigning to end patterns of abuse in different countries or regions. During 1987 Amnesty International launched major worldwide campaigns to stop torture and political imprisonment in Kampuchea; executions, torture and unfair trials in Iran; and use of the death penalty in the United States. Members also participated in special actions launched to end human rights violations in countries including Chile, China, Fiji, Ghana, Kenya, Sri Lanka and Syria.

The Kampuchean Embassy in Czechoslovakia received so many letters of concern about human rights abuse that Embassy officials asked Amnesty International to halt the flood of correspondence. A teenaged Kampuchean boy wrote to Amnesty International that he had seen a copy of its campaign report, which the movement had translated into Khmer, in the refugee camp on the Thai border where he lived.

Dissemination of the facts by an active worldwide human rights constituency is often the first step in a campaign. As word spreads about human rights violations, the pressure on governments builds. Sometimes government authorities respond in private meetings with representatives of Amnesty International; sometimes they respond directly to the volunteers who sent them letters. For example, members of local groups in Hong Kong and Mexico who participated in the campaign against human rights violations in Iran received acknowledgement of their letters from the office of the Iranian Speaker of Parliament. A provincial public relations official also corresponded with group members in Denmark and the Federal Republic of Germany.

Numerous state governors and other officials in the United States responded to Amnesty International's campaign to end the death penalty in that country. Norwegian Broadcasting aired interviews with governors of states which permit the death penalty. In Mauritius, the campaign received prime-time television coverage. Editorials and news articles published throughout the United States helped to focus debate on the death penalty as a violation of basic human rights. During the campaign, the National Conference of Black Mayors in the United States issued a resolution "for a moratorium on executions and a study of effective alternatives to the death penalty".

The movement's campaigns are designed to strengthen ongoing worldwide human rights work. In 47 countries Amnesty International sections coordinate

8 campaign activities, as well as organizing local volunteer groups, publicity activities, and fund-raising programs. In approximately 100 other countries, members participate in campaigns on an individual basis or as contributors to local groups. Newly organized groups in Sudan, for example, discussed human rights concerns on local television stations.

Amnesty International's activists worldwide press their own creativity into the service of human rights campaigning. In Bangladesh, they organized a poster exhibition to place the spotlight of public attention on the plight of an adopted prisoner of conscience. In Luxembourg, they invited the public to buy Amnesty International candles and place them in windows to commemorate Human Rights Day, 10 December. Thousands of Spanish schools participated in a human rights essay contest organized by Amnesty International members, and Japanese members held a walk-a-thon for prisoners of conscience worldwide. In the United States groups from coast to coast organized write-a-thons, addressing their concern about prisoners of conscience to the authorities in countries around the world.

These individual activities, which continue throughout the world daily, broaden human rights awareness and education. They are based on facts gathered, documented and analysed by the Research Department of the movement's International Secretariat. Researchers establish networks of contacts, monitor media reports and often participate in missions sent by Amnesty International to individual countries. Mission delegates sometimes include other experts in human rights issues and international law, as well as doctors and others qualified to gather information about Amnesty International's specific concerns.

The Secretariat, based in London, disseminates its information to members, groups, sections, and the international news media. It issues news releases on situations of urgent concern and publishes reports on human rights abuse in individual countries and on pervasive patterns of human rights violations. In addition, it produces the monthly *Amnesty International Newsletter*, which provides current human rights news and features prisoner of conscience cases for worldwide letter-writing action.

The Secretariat also plans and evaluates strategies implemented by Amnesty International volunteers around the world. On the national level, sections also assess Amnesty International's work as they develop both an activist presence in their country and outreach programs to enlist other activists. Volunteer groups take on these responsibilities at the local level. This division of responsibilities provides internal coherence, as well as the much-needed diversity of the international movement. Amnesty International identifies itself as one movement, one message, many voices.

Members raise funds to support the movement, which maintains impartiality by accepting no contributions from governments to support its daily operations and by following strict guidelines on financial donations.

Amnesty International has numerous activist networks designed to address human rights violations in today's world. While local Amnesty International

groups undertake prisoner casework which may require sustained efforts over a number of years, Urgent Action Network participants respond to the immediate risk of torture or execution. They also respond to news of "disappearances", of arbitrary arrests, and of prisoners held in appalling conditions or denied urgently needed medical care.

Through telecommunications links and the post, participants in some 60 countries receive information about the imminent dangers faced by men, women and children worldwide. During 1987 Amnesty International issued 373 Urgent Action appeals on behalf of prisoners held in 82 countries. Network coordinators estimate that participants sent between 3,000 and 5,000 messages of concern in response to each appeal. Since torture often takes place in the initial days of detention, an international wave of concern can be especially effective in preventing this human rights violation.

Regional Action Networks address patterns of violations such as short-term detention or sudden increases in a particular type of persecution within a country. More than half of Amnesty International's local groups participated during the year in these networks, now numbering 19, by learning about the area of concern and by continuously being prepared to act when situations of human rights abuse arise. In 1987 the Regional Action Networks worked on the cases of more than 2,000 prisoners.

Legal and medical networks have also been established in many countries. Lawyers write letters on behalf of colleagues unjustly imprisoned abroad, assist local groups in prisoner casework within their area of expertise and research international legal issues. Health professionals write letters on behalf of colleagues detained abroad and prisoners who are seriously ill, often because of torture or inadequate health care. They promote human rights awareness by writing articles for medical journals and maintaining contact with professional associations.

Major organizational and program policies are determined by Amnesty International's International Council, the movement's highest decision-making body. Delegates selected by each section meet biennially to establish policy. The Council also elects members of the International Executive Committee, responsible for implementing Council decisions and overseeing the work of the Secretariat. For the first time, the International Council met in South America last year. The meeting was held in Águas de Lindóia, Brazil.

Amnesty International's South American membership increased significantly during the past year, as did the breadth of its activities. A new section was recognized in Guyana, joining the South American sections already organized in Barbados, Brazil, Chile, Ecuador, Mexico, Peru, Puerto Rico, Trinidad and Tobago and Venezuela. Amnesty International local groups were formed in the Dominican Republic during 1987 and began working for the release of prisoners of conscience. Other groups continued their prisoner casework and human rights campaigning in Argentina, Bermuda, Colombia, Costa Rica and Uruguay. Amnesty International's Spanish language translation program, based in Madrid, has strengthened the ability of Spanish-speaking members to spread

10 the human rights word and recruit new members.

The movement's Arabic language program was also designed to meet the needs of developing sections. Campaign publications produced in Arabic last year include reports on human rights violations in Iran, Libya, South Africa, Syria and the United States. The *Amnesty International Report 1987* was also published in Arabic, the first time this annual report appeared in Arabic translation.

Amnesty International participated in international book fairs held in Egypt and Kuwait in 1987. In March the movement held its first training meeting for members from newly formed local groups in some North African and Middle Eastern countries. Members from Egypt, Jordan, Kuwait, Mauritania, Morocco and Tunisia participated in sessions on planning and implementing human rights activities. Established local groups operated in Egypt, Kuwait, Sudan and Tunisia during 1987. Membership support was increasing in Algeria, Jordan, Mauritania and Morocco. The Israeli Section also expanded its membership activities during the year.

The movement decided in 1987 to devote more resources to membership recruitment in eastern Europe. Amnesty International had active supporters during the year in Hungary, Poland and Yugoslavia.

In Africa a new section was recognized in Tanzania. Other sections now operating in Africa include Côte d'Ivoire, Ghana, Nigeria and Senegal. Local groups also carry out human rights activities in Mauritius, Sierra Leone and Zambia.

One result of membership growth in Asia and the Pacific was widespread coverage of human rights issues in both the national and local news media during 1987. Amnesty International members regularly produced newsletters in Chinese, Japanese, Korean, Tamil and Thai. For the first time last year, Amnesty International publications appeared in Urdu and Nepali. Asian members participated in a wide range of activities from letter-writing and vigils to press conferences and fund-raising concerts. Members organized well-publicized tours of former prisoners of conscience from Argentina, Chile and South Africa. Filipino members testified before the Congressional Human Rights Committee in efforts to prevent reintroduction of the death penalty in their country.

Amnesty International sections are now organized in Australia, Hong Kong, India, Japan, New Zealand and Sri Lanka. Local groups have formed in Bangladesh, Nepal, Papua New Guinea, Philippines, Republic of Korea and Thailand.

As Amnesty International's sections and groups prepared for the coming year's work, they explored their individual means of participating in the movement's 1988 Human Rights Now! campaign. The goal of this campaign, announced at a press conference held in Brazil in December 1987, is to mobilize world public opinion on behalf of human rights. Planned activities, including an international music tour, are designed to help tell people everywhere about their own rights, to protect human rights activists from persecution by their

government and to bring massive pressure on governments to respect all people's human rights.

In 1988 Amnesty International and hundreds of other human rights organizations will mark the 40th anniversary of the Universal Declaration of Human Rights with individual activities which, cumulatively, could bring irresistible pressure for change.

Update on Abolition of the Death Penalty

Amnesty International is unconditionally opposed to the death penalty and works for its abolition. The organization regularly monitors death sentences and executions around the world and appeals for clemency whenever it learns of an imminent execution.

During 1987, 769 prisoners are known to have been executed in 39 countries and 1,185 people were sentenced to death in 62 countries. These figures include only cases known to Amnesty International: the true figures are certainly higher. By the end of 1987, 32 countries had abolished the death penalty for all offences and 18 for all but exceptional offences, such as war crimes. At least 16 countries and territories which retained the death penalty in law had not carried out executions for the past 10 years or more.

In 1987 four countries abolished the death penalty for all offences: the German Democratic Republic, Haiti, Liechtenstein and the Philippines.

In February voters in the Republic of the Philippines overwhelmingly approved a new Constitution which abolishes the death penalty under Article 3. In accordance with the new Constitution, the Philippines Cabinet decided in April to commute all 528 death sentences then pending to life imprisonment. Voters in Haiti approved a new Constitution in March. Under Title 3 of this Constitution, "On Basic Rights", Article 20 states, "The death penalty is abolished in all cases". In June the Parliament of the Principality of Liechtenstein adopted a new penal code which eliminates the death penalty for all offences. The vote approving the government's proposal for abolition was unanimous. In July the Council of State of the German Democratic Republic issued a decree abolishing the death penalty, referring to the need for "preservation of human rights". The terms of the decree became effective immediately.

Recognizing the necessity of increasing international momentum to abolish the death penalty, Amnesty International decided in 1987 to launch a major campaign in 1989 to stop the use of the death penalty worldwide.

Refugees

Amnesty International 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 executed. Much of the movement's work in this field is done by Amnesty International sections in the countries where individuals seek asylum. This report covers the work of the International Secretariat, so references to actions taken on behalf of refugees do not reflect the work done

12 by Amnesty International sections on behalf of individual refugees faced with being returned to countries where they would be at risk of such human rights violations.

Relief

During 1987 the International Secretariat of Amnesty International distributed £226,327 in relief payments to help prisoners of conscience and their families and to assist the rehabilitation of torture victims. Amnesty International sections and groups probably sent as much again to many thousands of prisoners and their families. This 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 some of the suffering caused by these human rights violations. When relief payments are distributed by bodies outside Amnesty International or through individual intermediaries, the organization takes care to stipulate the precise purpose of the payments. Amnesty International's relief accounts, like its general accounts, are audited annually and are available from the International Secretariat.

Amnesty International's Funding

Amnesty International's funding reflects the movement's independence and its reliance on broad public support. No money is sought or accepted from governments. The hundreds of thousands of donations that sustain the organization's work come from the pockets of its members and the public. Fund-raising is a responsibility of the movement's groups and sections; there is no central fund-raising program.

A person who joins Amnesty International pays an annual membership fee varying from country to country. Some members also make regular monthly or yearly donations to support the work. In addition, each member personally pays the cost of the many letters, telegrams and, in some instances, parcels that he or she sends on behalf of prisoners throughout the year.

Even major fund-raising drives rely overwhelmingly on the cumulative effect of small donations from individual citizens. Amnesty International members organize street collections in their localities. They arrange film screenings, concerts and other public events that help increase public support and bring in further contributions. Some sections produce and sell promotional items such as key-rings, T-shirts and badges, as well as the full range of Amnesty International publications.

A major source of sustained funding in some countries has been the tremendous public response to direct mail programs organized by the national sections of Amnesty International, whereby literally thousands of people throughout the country are informed of the movement's work and urged to make contributions to Amnesty International. In almost all countries where such efforts have taken place, the section has received a constant stream of donations from individuals, many of whom ask to join the movement and participate in its activities.

Increasingly, Amnesty International sections are organizing major events for publicity and fund-raising. These events take the movement's message to large audiences and dramatically broaden the base of financial support. In 1984 the Norwegian Section of Amnesty International benefited from a day-long television campaign, backed up by a nationwide door-to-door collection that brought in some 75,000,000 Norwegian kroner, the equivalent of 18 kroner (£1.70) from every inhabitant of the country. There have been major concerts, arts performances and television campaigns during recent years in other countries, including the Netherlands, the United Kingdom and the United States of America.

Other recent special activities that have helped to generate income at local and national levels have included auctions of paintings and sculpture by leading artists in Brazil, Sweden and Venezuela; exhibitions at book fairs in Brazil, Egypt, the Federal Republic of Germany, Nigeria and Senegal; and the sale of locally produced articles from Chile, Côte d'Ivoire, the Faroe Islands, Hong Kong and Peru.

Other sources of income include donations from foundations and corporations. To preclude the possibility of donors exerting pressure of any kind on the organization, Amnesty International has adopted several basic rules. The first is that no one can make a donation earmarked to support activity on a particular country; donations can only be made to support the work of the organization as a whole or for a broad category of its work, such as its humanitarian relief program or its medical work to assist victims of torture. A second rule precludes any part of the organization, such as a group or section, from accepting a donation likely to exceed five per cent of its anticipated income in any year without prior approval by a higher governing body in the movement. This rule applies to all donations, regardless of their source.

The movement's central bodies and activities rely on income pledged by its sections. The funds to be contributed towards the central budget are determined every two years by the movement's International Council. The budget adopted for 1987 was £7,388,900. Amnesty International's budget represents roughly one third of the estimated income likely to be raised by the sections in that year. The funds voted by the sections for the budget are supplemented by voluntary contributions made by sections which have been particularly successful in their fund-raising.

The international budget is administered under the control of the International Executive Committee. The budget covers the cost of all international initiatives undertaken by the organization, such as the missions which Amnesty International sends to individual countries, research into human rights violations, the planning and coordination of global campaign activities, the publication of reports in various languages, an international relief program and the administration and coordination of the movement as a worldwide membership body.

The accounts are audited annually by a firm of internationally known auditors and are subjected to further scrutiny throughout the year by an elected

14 Financial Control Committee that reports to the International Council. Anyone wishing to study the audited accounts for 1987 may obtain a copy free of charge either from the section of Amnesty International in their country or from the International Secretariat.

WORK WITH INTERNATIONAL ORGANIZATIONS

On 26 June 1987 the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment entered into force, one month after the 20th state (Denmark) had deposited its notice of ratification. The Convention includes a number of provisions that Amnesty International considers particularly important, including compulsory, universal jurisdiction over alleged torturers; the obligation not to return refugees or others to countries where they risk being tortured; the exclusion of "obedience to superior orders" as a defence against a charge of torture, and the obligation of states to investigate reliable information about torture and other ill-treatment and to compensate victims.

On 26 November the first meeting of States Parties to the Convention was held to elect the 10-member Committee against Torture provided for by the terms of the Convention. The Committee is mandated to consider periodic reports from States Parties, to inquire into reliable allegations of systematic torture, to receive complaints from individuals against a state which has expressly accepted this provision and to receive complaints by one state against another if both states have agreed to this procedure.

At the end of 1987, 28 countries were parties to the Convention: Afghanistan, Argentina, Austria, Belize, Bulgaria, Byelorussian SSR, Cameroon, Canada, Colombia, Denmark, Egypt, France, German Democratic Republic, Hungary, Luxembourg, Mexico, Norway, Panama, the Philippines, Senegal, Spain, Sweden, Switzerland, Togo, Uganda, Ukrainian SSR, the USSR and Uruguay. Amnesty International welcomed the entry into force of the Convention and urged all countries that have not yet done so to make ratification a matter of priority.

Further initiatives were also taken at the regional level to prevent and punish torture. In the Americas, the Inter-American Convention to Prevent and Punish Torture adopted by the Organization of American States' General Assembly in 1985 entered into force one month after two states (the Dominican Republic and Guatemala) ratified it on 29 January 1987. Mexico and Suriname also ratified the Convention during 1987, thus bringing the total ratification to four. The Inter-American Convention contains obligations similar to those in the UN Convention but provides no special procedures for implementation.

At their 80th session, in June 1987, the Committee of Ministers of the Council of Europe adopted the text of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The Convention

was opened for signature on 26 November and will enter into force three months after seven member states of the Council of Europe have ratified it.

Upon entry into force, the Convention will provide for an independent European Committee with powers to visit places of detention in ratifying states and to interview detainees in private. The Committee will prepare a report of its visits and can make recommendations to the state concerned. If the recommendations are ignored, the Committee may make a public statement on the matter. It will also issue an annual report of its activities. At the end of 1987 all but two of the Council of Europe's member states had signed the Convention; none had yet ratified it. As an observer at the Steering Committee on Human Rights of the Council of Europe's Committee of Ministers, Amnesty International promoted the adoption of the Convention.

By the end of 1987, 92 states were parties to the UN's International Covenant on Economic, Social and Cultural Rights, 87 to the International Covenant on Civil and Political Rights and 39 to its Optional Protocol. During the year Equatorial Guinea, the People's Democratic Republic of Yemen and Uganda ratified or acceded to the International Covenant on Economic, Social and Cultural Rights. Equatorial Guinea and the People's Democratic Republic of Yemen acceded to the International Covenant on Civil and Political Rights. Equatorial Guinea also acceded to its Optional Protocol.

Amnesty International continued to urge states that have not yet done so to ratify the Covenants and the Optional Protocol, recommending ratification in both representations to individual governments and a statement to the 43rd session of the UN Commission on Human Rights. The organization also issued information about the work of the Human Rights Committee, the body established under the Covenant on Civil and Political Rights to monitor compliance with the Covenant.

In 1987 the Human Rights Committee considered reports from the governments of Congo, Denmark, El Salvador, Iraq, Poland, Romania, Rwanda, Senegal, Trinidad and Tobago, Tunisia, Zaire and Zambia. Amnesty International made its information available to members of the Committee.

Throughout 1987 Amnesty International continued to submit information under various UN mechanisms which address violations of human rights. In 1987 there were special rapporteurs or representatives appointed by the Commission on Human Rights to study the situations of human rights in four countries — Afghanistan, Chile, El Salvador and Iran — and "experts" had been appointed on Guatemala and Haiti. Amnesty International brought its continuing concerns in these six countries to their attention.

The Commission has also appointed Special Rapporteurs on torture and on summary or arbitrary executions and a Working Group on Enforced or Involuntary Disappearances. Amnesty International brought to the attention of the Special Rapporteur on torture reports of torture or fear of torture in the following 35 countries: Brazil, Burma, Burundi, Chad, Chile, China, Colombia, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Indonesia (East Timor), Iran, Iraq, Kampuchea, Kenya, Lebanon, Mexico, Namibia, Nepal, Pakistan,

16 Paraguay, Peru, Poland, Singapore, South Africa, Sri Lanka, Suriname, Syria, Turkey, Uganda, Venezuela, Zaire and Zimbabwe.

In addition, Amnesty International informed the Working Group on Enforced or Involuntary Disappearances of reported "disappearances" in 20 countries: Central African Republic, Chad, Chile, Colombia, Ecuador, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia (East Timor), Iran, Kenya, Mexico, Nepal, Peru, the Philippines, Sri Lanka and Zaire.

The organization also informed the Special Rapporteur on summary or arbitrary executions of reported deaths in detention or extrajudicial executions or threatened extrajudicial executions in 20 countries: Burma, Chad, Colombia, El Salvador, Guatemala, Haiti, Honduras, India, Indonesia (East Timor), Iraq, Israel/Occupied Territories, Kampuchea, Kenya, Mexico, Palau, the Philippines, Poland, Suriname, Syria and Uganda. In addition, Amnesty International sent him information on death sentences or executions imposed contrary to minimum international standards in 16 countries: Equatorial Guinea, Guinea, Indonesia, Iran, Kuwait, Lebanon, Libya, Malawi, Mauritania, Nigeria, Pakistan, Somalia, Thailand, Tunisia, Turkey and the USA. Where appropriate, the organization asked the Special Rapporteurs and the Working Group to make urgent interventions on behalf of individual victims.

Under the procedure established by Economic and Social Council (ECOSOC) Resolution 728F, Amnesty International submitted information on the human rights situation in the following seven countries: Albania, Benin, Brunei, Bulgaria, Paraguay, Turkey and Zaire. Resolution 728F authorizes the UN to receive communications about human rights violations and bring them to the attention of the government concerned. Under Resolution 1503 the UN examines in confidential proceedings communications and government responses to determine whether there is evidence of a "consistent pattern of gross violations of human rights" in a country.

In March 1987 the Chairman of the Commission on Human Rights stated that the Commission had taken action in closed session with regard to Albania, Haiti, Paraguay and Zaire. He further announced that the Commission had decided to discontinue its consideration of the human rights situation in Haiti under this procedure, while recommending the appointment of an "expert" to offer assistance in human rights protection to the Government of Haiti and to report back to the next session of the Commission. This recommendation was adopted and an expert was appointed later in the year.

At the 1987 UN Commission on Human Rights, Amnesty International made statements on human rights in South Africa, torture in individual countries, "disappearances" and extrajudicial executions in some countries and the importance of ratifying the International Covenants on Human Rights. The organization submitted written statements on human rights in Chile, El Salvador and Iran.

Amnesty International also attended the 1987 annual session of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, which had not met in 1986 because of budget cuts instituted as a result of the

UN's financial crisis. The organization made oral statements on incommunicado detention and violations of human rights, detention resulting from people's family connections, the Chittagong Hill Tracts in Bangladesh, and the right to freedom of expression and the draft Second Optional Protocol to the International Covenant on Civil and Political Rights. This Protocol seeks to abolish the death penalty.

In August 1987 Amnesty International delivered statements to the UN's Special Committee on Decolonization about its concerns in New Caledonia and Indonesia (East Timor).

Amnesty International continued to submit information to UNESCO's Committee on Conventions and Recommendations, which examines cases of human rights violations against writers, teachers and others within UNESCO's mandate. In 1987 Amnesty International drew the Committee's attention to cases in Afghanistan, Benin, Bulgaria, China, Indonesia, Turkey, Viet Nam and Yugoslavia. The organization attended UNESCO's International Congress on Human Rights Teaching, Information and Documentation, as well as its 24th General Conference. At the Conference it made an oral statement on human rights education and awareness, drawing attention to the importance of some of the Congress's recommendations. Amnesty International continued to take part in a joint Non-Governmental Organizations — UNESCO working group on human rights education.

The organization continued to make information available to the International Labour Organisation (ILO) on violations of the right to free association. As in past years, it attended the annual International Labour Conference in Geneva as an observer.

Amnesty International attended the 17th session of the General Assembly of the Organization of American States (OAS) as a "special guest". The General Assembly agreed unanimously to commission a draft optional protocol to the American Convention on Human Rights seeking to abolish the death penalty. Amnesty International sent information on reported human rights violations in 11 countries to the OAS Inter-American Commission on Human Rights — Argentina, Brazil, Chile, Colombia, El Salvador, Guatemala, Haiti, Paraguay, Peru, Suriname and the USA. The organization also submitted an *amicus curiae* brief on a case involving four unclarified "disappearances" in Honduras to the OAS Inter-American Court of Human Rights.

Under the provisions of the African Charter on Human and People's Rights, which entered into force on 21 October 1986, the Assembly of the Organization of African Unity (OAU) elected in July 1987 an 11-member African Commission on Human and People's Rights. The members, who serve in their personal capacity, are elected for six-year terms, although the terms of six of these first members will expire after four years and two years respectively. The Commission's functions include ensuring protection of the rights specified in the Charter, interpreting provisions of the Charter, promoting human rights, developing principles and rules to solve human rights legal problems, examining inter-state complaints and considering "other communications" which a

18 majority of the Commission members consider admissible. During 1987 Algeria, Cape Verde, Libya and Zaire deposited ratifications with the OAU, bringing to 35 the number of States Parties to the African Charter.

Amnesty International produced a paper on the OAU and the African Charter as part of its series explaining various international procedures which address allegations of human rights violations. The organization continued its membership of the OAU's Coordinating Committee on Assistance to Refugees and attended a meeting of that body in Monrovia, Liberia in March 1987.

During 1987 Amnesty International continued to seek ratifications to Protocol No. 6 to the European Convention on Human Rights, which provides for the abolition of the death penalty as a punishment for peacetime offences. Iceland and Switzerland ratified the Protocol, bringing to 10 the number of States Parties.

In 1987 Amnesty International also continued to develop its contacts with the European Commission, the European Parliament and the Foreign Affairs Ministers of the 12 member states of the European Community (EC) within the framework of the Council of Ministers and of the European Political Cooperation. In June Amnesty International's secretary general participated in a meeting in Brussels with officials of the European Commission and explained Amnesty International's methods of research and action. The organization continued to submit information to committees and interparliamentary delegations of the European Parliament and to the members of the European Community-African, Caribbean, Pacific (EC-ACP) Joint Assembly.

In December Amnesty International appeared before the delegation of the European Parliament with responsibility for relations with the member states of Association of South East Asia Nations (ASEAN), the ASEAN inter-parliamentary organization and the Republic of Korea. The organization presented a statement of its concerns in those countries.

The Inter-Parliamentary Union, a non-governmental organization composed of Members of Parliament from 104 countries, maintains a special committee to investigate reported violations of parliamentarians' human rights and to seek redress. During 1987 Amnesty International sent the special committee information on the situation of present or former Members of Parliament in 12 countries: Chile, Colombia, Equatorial Guinea, Indonesia, Kenya, the People's Democratic Republic of Yemen, the Republic of Korea, Somalia, Turkey, Viet Nam, Zaire and Zimbabwe.

AFRICA



ANGOLA



Many people were imprisoned for alleged membership of the *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola. UNITA, an armed opposition group active in many parts of the country, has received military support from the South African Defence Force. Many of those imprisoned had been arrested in previous years. Most of them were held without charge or trial, although some 10 of these detainees were tried in January along with other political prisoners. At least two people were sentenced to death and the real number of death sentences imposed was believed to be higher. It was not known if there were any executions.

There was continued fighting in many areas between government troops, which had Cuban support, and UNITA and South African military forces. Many people, including civilians, were reportedly killed in the conflict and both sides accused the other of torturing and killing civilians. It was not possible to verify such allegations or attribute responsibility for individual killings. In September there was a major prisoner exchange in which Captain Wynand du Toit, who had been captured in 1985 in Cabinda, was exchanged for 133 Angolan soldiers held by South Africa.

Many alleged UNITA supporters were taken prisoner during government security force operations against UNITA guerrillas. Others were arrested on suspicion of supporting or assisting UNITA by supplying, for example, food, shelter or in-

formation. One of those held was Cláudio Pereira Songamaso, director of legal affairs of the Angolan Red Cross Society. He had been arrested in mid-1986, apparently on suspicion of assisting UNITA, and held incommunicado for several months without charge in the security service detention centre in Luanda. He remained at the centre, known as the "Catete Road prison", until his release in October 1987.

Most of those accused of supporting UNITA were held for long periods without trial. They were reportedly detained in Luanda and various provincial capitals, and in detention camps such as Bentiaba Camp, formerly known as São Nicolau, in Namibe province. For example, Bernardo Cassueca Sautale, allegedly a local UNITA leader and organizer, was believed to remain without trial in Moxico province.

Some detainees were sent to "re-education" centres for political instruction with the declared aim of "reintegrating" them into society. One such case was that of Silvestre Kiambulo, a former teacher who had joined UNITA's military force. He was officially reported in January to be ready for "reintegration" following a period of "re-education" which began in October 1985.

Long-term political detainees without links to UNITA included a number of asylum-seekers. Three Zairian asylum-seekers, all former members of the Forces armées zairoises (FAZ), Zairian Armed Forces, were arrested in December 1985 upon arrival in Angola. They remained in detention through 1987 at São Paulo prison in Luanda, although the authorities gave no reasons for their imprisonment and no charges were brought against them.

Some members of the Tocoist Church were detained for long periods after violent disturbances in late 1986 and early 1987 on suspicion of opposing the government. The Church of Our Lord Jesus Christ on Earth, known as the Tocoist Church, had split into two main factions after the death of its founder, Simão Gonçalves Toco, in January 1984. A dispute between the factions resulted in the death of two people in November 1986 near the town of Catete in Bengo province. Jorge Pambu and other members of one faction were subsequently arrested and held in the "Catete Road prison" in Luanda. In February Crisóstomo Tavares and other members of the

same faction, some of whom were armed, marched to the prison to demand their release. When violence broke out, two members of the security forces and at least 30 demonstrators were reportedly killed. Some unofficial sources estimated the number killed at more than 100. Cristóvão Tavares and a number of others were arrested. There were reports that some sect members who had not been involved in the demonstration were later arrested at their homes and that some of those arrested during the demonstration, who had incurred injuries, died from lack of medical attention in prison. Government spokesmen later accused the leaders of the disturbances of subversive action favouring opponents of the government. Some of those arrested were subsequently released without charge, but Cristóvão Tavares and Jorge Pambu had apparently not been charged or released by the end of the year.

Twenty-nine defendants accused of crimes against the security of the state were tried by the People's Revolutionary Tribunal in January. Fourteen of them were convicted. The charges included treason, conspiracy, rebellion, and economic sabotage. Details of the charges were not made public, but at least six defendants were accused of committing politically-motivated offences in connection with UNITA activities. Four others were charged with membership of a little-known opposition group, the Movimento Nacional de Unidade Socialista Angolano (MUSA), Angolan Socialist Unity Movement. Moisés André Lina, the alleged leader of MUSA, was convicted of treason and sentenced to death. A former major in the armed forces, he had left Angola in 1977 for Portugal, where he formed MUSA. He later returned to Angola secretly and was arrested in 1983. Three other alleged MUSA members were convicted with him and given short prison sentences.

Felix Mateus Murgar, found guilty of murder by the First District Court in Lobito in August, was also sentenced to death. This case was the first in which an ordinary district court was known to have imposed a death sentence. Both he and Moisés André Lina lodged appeals, but the appeals had apparently not been heard by the end of the year. Unofficial sources suggested that further death sentences were imposed by Regional Military Tribunals but this information could not be

confirmed. One death sentence imposed in 1986 on an army captain convicted of murder was commuted later that year.

Hundreds of prisoners were held by UNITA during the year. Some 200 of them, including two Cuban pilots, were paraded before journalists in November at UNITA's Jamba headquarters in southeastern Angola. Amnesty International also received reports about the killing of prisoners by UNITA in previous years. For example, Aurora Katalaio and several other people were reportedly accused of witchcraft and put to death in the Jamba area in September 1983. Aurora Katalaio, the widow of a UNITA official, had studied psychology in Switzerland over 10 years earlier.

During the year UNITA reportedly abducted a number of civilians, including expatriates working in Angola, from areas under government control. Three Swedish aid workers were captured north of Luanda in September. One died shortly after his abduction and the other two were released by UNITA at the end of November.

Two nationalist organizations based in Angola, the African National Congress (ANC) of South Africa, and the South West Africa People's Organization (SWAPO) of Namibia, allegedly held prisoners in Angola but their number and the identity of some detainees were not known. At least one person was said to be held near an ANC camp at Quibaxe in Kwanza Norte province, although the reasons for his detention and his legal status in Angola were not clear. Some 100 people suspected of spying for South Africa were also believed to be held by SWAPO at a camp in Kwanza Sul province. They included SWAPO activists who had been prisoners of conscience detained in previous years by the South African administration in Namibia.

Amnesty International was concerned about long-term detention without charge or trial and sought information from the government about the imprisonment of numerous political detainees. The organization received no reply. Amnesty International also appealed to President José Eduardo dos Santos to commute the death sentences imposed on Moisés André Lina and Felix Mateus Murgar if confirmed on appeal.

BENIN



At least 67 prisoners of conscience continued to be detained without trial throughout 1987, although 11 others were in a group of 13 prisoners released in October. There were also reports of new arrests of suspected opponents of the government but none had been charged or brought to trial by the end of the year. Two people were executed in September and one other was sentenced to death in his absence.

A number of people were believed to have been detained following renewed protests in March by students at the University of Benin. They held a one-day strike to complain about conditions at the university, the non-payment of grants and a general lack of employment opportunities. The government claimed that the strike was organized by a group of anarchist students and threatened to suppress all unrest "with the utmost vigour". Some people, mostly students, arrested after the strike were still being held without charge or trial at Camp Séro Kpéra, where they were being interrogated, at the end of 1987.

More than 70 people were held without trial throughout the year who had been detained in 1985 or 1986 in connection with earlier student unrest or on suspicion of supporting the banned *Parti communiste du Dahomey*, Communist Party of Dahomey. Benin was formerly called Dahomey. Among them were 67 prisoners of conscience and six considered likely to be prisoners of conscience. They were held in two remote prisons: the Civil Prison in Segbana and the Séro Kpéra camp in Para-

kou (see *Amnesty International Report 1987*).

During 1987 some of the detainees repeatedly demanded to be given a fair trial or released. In February a group of prisoners held in the Civil Prison in Segbana wrote to members of the National Assembly in Cotonou to explain how their detention contravened Benin's laws. They also complained about their conditions, stating that they received inadequate food in prison and that they were denied visits from their families. There was a further protest in May, when some detainees in Segbana briefly went on hunger-strike to demand respect for their human rights and medical treatment for detainees in need of it. Some detainees in need of urgent medical treatment were allowed to go to hospital in August, but treatment was withheld as the authorities had failed to pay the necessary medical fees. Subsequently, following further protests, the Minister of the Interior visited the detainees and they were given medical treatment.

Thirteen of the detainees who had been held in Séro Kpéra camp in Parakou were released in October by order of President Mathieu Kerekou. This had been recommended by the President of the Commission of Inquiry which had interrogated all the prisoners of concern to Amnesty International during 1986 (see *Amnesty International Report 1987*). It was reported that those remaining in custody were to be either tried or released shortly, but none had been by the end of 1987.

At least one person was sentenced to death *in absentia* and at least two people were executed for murder during 1987. The two prisoners, both of whom were executed on 23 September, had been convicted of ritual murder and sentenced to death in August 1986. An appeal for clemency was rejected on 9 September.

Amnesty International wrote to the government in March to reiterate its concern about the prolonged detention without trial of more than 80 people held since 1985 or 1986. Amnesty International called for prisoners of conscience to be released immediately and unconditionally, for all other detainees to be brought to trial promptly and fairly or released and for impartial investigation of reports that detainees had been subjected to torture during interrogation. However, the government did not respond. In April

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Amnesty International issued a report which named 88 prisoners of concern to the organization and cited allegations that detainees were tortured by military officers during interrogation by the Commission of Inquiry. Amnesty International called publicly for all prisoners of conscience to be released and for clarification of the reasons for detention in several other cases.

On 1 October Amnesty International was assured by M. Assani, a member of the National Revolutionary Assembly, that all but two of the prisoners of concern to the organization had been released, but this was not correct. He also invited Amnesty International to send a delegation to Benin to investigate this situation first-hand. In December Amnesty International wrote to him pointing out the contradiction in the number of prisoners stated to have been released, but welcoming the opportunity to discuss matters of concern with the authorities in Cotonou.

Following the release of 13 detainees in October and reports that the remainder would either be released soon or brought to trial, Amnesty International wrote to the authorities to urge them not to prosecute anyone for peaceful political beliefs or activities and to ensure that any trials were conducted in accordance with international standards of fair trial.

Earlier, Amnesty International wrote to the government about the case of Ouahabou Arouna, who was sentenced to death *in absentia* in July after being convicted of murder. Amnesty International called for him not to be executed if he were taken into custody.

In May Amnesty International submitted information about its concerns in Benin to the United Nations under the procedure for confidentially reviewing communications about human rights violations. The submission was also sent to the government, which was invited to comment, but without response.



still held in October, when President Thomas Sankara was overthrown and killed in a military coup. The six were then released. Some 40 associates and supporters of Thomas Sankara were arrested following the coup, some of whom were still held without charge at the end of the year.

On 15 October President Sankara's government was overthrown in a coup led by Captain Blaise Compaoré, the former Minister of Justice. President Sankara and at least 12 other people were killed when troops attacked the government headquarters at the Conseil de l'Entente buildings. Captain Blaise Compaoré then announced the formation of the Front populaire, Popular Front, a new ruling body. A new government was formed on 31 October.

Troops loyal to President Sankara based at Koudougou and led by Captain Boukary Kaboré refused to support the new President. The garrison of Koudougou was attacked on 27 October by government troops. Some army officers were reportedly captured and summarily executed. Captain Boukary Kaboré escaped and fled the country. There was no further active opposition within the armed forces to the new government, which was fiercely criticized both at home and abroad for the killing of President Sankara.

A number of political prisoners were released or given reduced sentences in January, including prisoners convicted in connection with explosions in Ouagadougou and Bobo Dioulasso in May 1985. Some 12 of these prisoners remained in detention. Among the prisoners who received reduced sentences were Paul Rouamba, whose sentence was reduced

BURKINA FASO

Some 30 leading trade unionists were arrested in May and June and detained without trial for their non-violent opposition to the government. Six of them were

from life to 20 years' imprisonment, and four prisoners convicted in 1984 of plotting to overthrow the government. None of these prisoners received a fair trial. According to some reports, Paul Rouamba and those convicted with him in 1984 had not even been present at their trial.

In late May and early June, four leaders of the Confédération syndicale burkinabé, a national trade union confederation, were arrested in Ouagadougou: Soumane Touré, Adama Touré, Salif Kaboré and Louis-Armand Ouali. They were arrested by local committees known as Comités de défense de la révolution (CDR), Committees for the Defence of the Revolution. The arrests were approved by the ruling Conseil national de la Révolution (CNR), National Revolutionary Council, headed by President Sankara. The four were accused of provocation, political sabotage and issuing "counter-revolutionary" tracts.

Following these arrests, more than 30 members of various trade unions affiliated to the CSB were arrested in different towns by local CDRs. Some were reportedly tortured. Most of them were members of the Ligue patriotique pour le développement (LIPAD), Patriotic League for Development, or the Parti communiste révolutionnaire voltaïque (PCRV), Revolutionary Communist Party of Upper Volta. They were all accused of subversion and "counter-revolutionary" activities, although no formal charges were brought against them, and they appeared to be prisoners of conscience. Some were released within a short time but several others remained in detention without charge or trial until August. Six of the trade unionists, including Soumane Touré, Adama Touré and Salif Kaboré, remained in detention without charge or trial until 16 October, when they were released following the coup.

In June Alidou Ouedraogo, Secretary General of the Syndicat autonome des magistrats burkinabé (SAMAB), the Autonomous Union of Burkinabé Magistrates, was briefly detained and other SAMAB magistrates suspended from their work for opposing judicial reforms and "revolutionary justice".

More than 40 people associated with the Sankara government were arrested immediately after the coup or in November or December. They included former ministers and officials. Other detainees were members of the Union de lutte

communiste-reconstruite (ULC-R), Union of Communist Struggle-Reconstructed, which had participated in the administration of the Sankara government and which was accused of producing and distributing tracts critical of the new government. Some detainees were released without charge but a number were still held at the end of the year, either at the Conseil de l'Entente buildings or at the Gendarmerie nationale in Ouagadougou. Some of them were reportedly tortured or ill-treated.

In January Amnesty International received a response from the government to an inquiry made in 1986 about a report of deaths in custody. Two prisoners allegedly died in May 1986 at the headquarters of the Direction de la surveillance du territoire (DST), the security service, in Ouagadougou. The government said that an investigation had found no such deaths in detention. Subsequently, Amnesty International sought further details of the investigation which was said to have been carried out. The organization also sought more details about the trials of alleged government opponents which took place in 1984 and 1986, attempting to ascertain whether they had been fair and conducted in accordance with internationally accepted standards. Amnesty International received no response from the government.

In December Amnesty International sought information from the authorities about the reasons and legal basis for the detentions which followed the October coup. The authorities replied that only 11 people were detained under house arrest for their own security, during investigations of their activities while holding public office. The authorities said that other detainees named by Amnesty International had not been arrested.

The information available to Amnesty International indicated, however, that the total number of political prisoners held was considerably higher than 11. Some of them appeared to be prisoners of conscience, imprisoned solely because of their peaceful opposition to policies of the new government.

In December Amnesty International also asked the authorities whether those released after the coup included detainees arrested in May 1985 in connection with the explosions in Bobo Dioulasso and Ouagadougou and the five people, includ-

ing Paul Rouamba, who were tried and sentenced in June 1984. The government did not respond to questions about these cases. Amnesty International later learned from another source that the prison sentences imposed on Paul Rouamba and a number of other convicted political prisoners had been reduced.

BURUNDI



Many prisoners of conscience were held without charge or trial before President Jean-Baptiste Bagaza was deposed in September 1987 because of their opposition to government restrictions on religious activities and dominance by the Tutsi community. The new government, headed by Major Pierre Buyoya, promptly ordered the release of over 200 political prisoners. At least four associates of President Bagaza were arrested, however, and were reported still to be in custody at the end of 1987. Many of those imprisoned before September were held without charge or trial, often incommunicado, and many were tortured or severely beaten.

Restrictions on religious activities announced in previous years remained in force until September, when many were lifted by the new government. They had resulted in the imprisonment of members of various Christian churches, including Roman Catholic priests and catechists, Seventh Day Adventists and Jehovah's Witnesses. At the end of March, President Bagaza's government announced the release of all imprisoned Roman Catholic clergy; three priests and three catechists

were freed. One of the priests, Father Gabriel Barakana, was serving a four-year prison sentence imposed in 1985 after being convicted of insulting the head of state. The five others had been held without charge. However, less than two weeks later, one of those freed, Father Jean-Baptiste Ndikuriyo, was rearrested after thanking a church congregation for praying for his release. He was again detained without trial until September.

Several lay members of the Roman Catholic Church arrested in previous years remained in prison until August or September. Three who had been convicted with Father Barakana were freed in August on completing their two-year sentences, while another, Joseph Gacukuzi, was held until the September coup. Others were detained without trial until September: they included Stanislas Manirambona, a businessman and member of Bujumbura Cathedral's Pastoral Council, who was arrested in March 1984 and held for three and a half years with no legal proceedings.

More Jehovah's Witnesses were arrested during 1987 in the Bujumbura area. Over a dozen members of this banned sect had been detained in early 1986, although some had later been freed. One Jehovah's Witness arrested in April 1987, a teacher named Ernest Bangirimana, was reported by eye-witnesses in Bujumbura's Mpimba Prison to have been seriously injured by beatings: some sources claimed he had died in custody. A number of Jehovah's Witnesses were freed in September, but it was not clear what had become of Ernest Bangirimana.

Most of the other prisoners of conscience held before the September coup were members of the majority Hutu community who were critical of the dominant role within the government of the minority Tutsi community. They were all believed to have been released by the new government, which included members of the Hutu community, although all the members of the military committee appointed to run the country in September were members of the Tutsi community. Some of those freed had been arrested in late 1986, mainly in Bururi province in the southwest, after confidential instructions to primary school head teachers in the area were made public: these required each head teacher to list pupils who were Hutu and those who were Tutsi. A number of

teachers arrested in late 1986 were released uncharged in March, but Gervais Nduwayo and several others remained in Murembwe Prison in Rumonge until September. Others arrested at the same time, including a doctor working in Bururi Hospital, Pierre Baricako, were also held until September.

Further arrests of well-known members of the Hutu community occurred at the beginning of June. Their names had been on envelopes brought from Europe by Côme Minani, an airport technician arrested at Bujumbura airport. Those arrested included Charles Shahuli, a senior civil servant, and Déo-Marcel Minisha, a teacher in Kamenge. No charges were announced against those arrested. Côme Minani was alleged to have been tortured, apparently because he was suspected of being a courier for a clandestine opposition group. Following the September coup, government sources reported that all those arrested in June had been released.

Amnesty International learned of one death sentence imposed during the year, in February, on a man convicted of murder. In September the new government announced that all sentences of death were being commuted to prison sentences, but it was not known how many prisoners were affected.

Following the September coup, the new government criticized President Bagaza for ordering the arbitrary detention of opponents of his government and released more than 200 political prisoners. Four senior officials in President Bagaza's administration were arrested and were still detained at the end of 1987: two former government ministers, a former head of the national security service and a police chief. All four were reported to be accused of fraud or embezzlement, although no formal charges were announced.

Between January and September, Amnesty International appealed for the release of several dozen prisoners of conscience whose identities were known. In June the organization published a report about the imprisonment of prisoners of conscience and detention without trial in Burundi. In addition, Amnesty International appealed for the release of 15 prisoners whose cases were described in the report.

CAMEROON



At least 40 political prisoners were held in Cameroon throughout 1987, mostly after unfair trials following a coup attempt in April 1984. During the year several journalists and an academic were detained for short periods on account of their political views. One Jehovah's Witness was sentenced to prison, while others were released from detention without trial. Death sentences continued to be imposed and there were reports for the first time in many years of public executions. Refugees from Chad were detained in Yaoundé, the capital city, where they faced the risk of being returned to Chad.

In June Augustine Kong, a Jehovah's Witness, was sentenced to two years' imprisonment by the Limbe court of first instance on a charge of practising a banned religion. Documents published by the Jehovah's Witness sect, banned in Cameroon since 1970, were found in his possession and Augustine Kong admitted being a member. This was the first known trial of a Jehovah's Witness in Cameroon. Other members of the sect have been held without trial. Two Jehovah's Witnesses – André Beyegue Yakana and Njiofack Paris – who had been detained without charge or trial since 1984, were released during 1987.

Other prisoners of conscience, mostly journalists, were held for relatively short periods during 1987. In January two journalists from the *Cameroon Tribune* newspaper were held for nearly a month. Zambou Zoleko and Jean Mboudou were questioned about the publication in their newspaper of the text of a presidential decree,

which had already been published in the Official Gazette. Jean-Claude Ottou, a television journalist, was detained for eight months without trial after his arrest in April, following the publication of a pamphlet critical of the government.

In April four *Cameroon Tribune* journalists and a university professor were detained for five days after a public conference on political literature in Cameroon. The journalists were apparently detained because of an article which criticized some of the conference participants who were closely associated with the government. Professor Ambroise Kom had made remarks during the conference which were deemed critical of the head of state.

Most of the political prisoners known to be held in 1987 had been imprisoned after an unsuccessful attempt to overthrow the government in April 1984. Some had been sentenced to terms of imprisonment after unfair trials before a military tribunal, and were still held in prison after the expiry of their sentences. Others who had been acquitted by military courts were nonetheless imprisoned. For example, Nana Hamadou, former director of the Governor of Adamaoua's Office, completed his sentence in August 1986 but had not been released by the end of 1987. Moudio Hildina, former assistant to the Prefect of Mbalmayo, also remained in custody although he was due for release in December 1986. No new charges were brought against either prisoner and the authorities did not explain their continued imprisonment.

As many as 10 people arrested after the 1984 coup attempt were still believed to be detained without trial in 1987. In January at least four went on hunger-strike in support of their demand for fair trial or release; the authorities are not believed to have reacted to this demand. Information received during the year indicated that a number of those detained without trial may have been arrested after the coup attempt solely because of comments they had made about it. Among them were Christophe Zangbou and Jean Ngogang, two electricians at a brewery in Bafoussam who were arrested in May 1984. Since 1985, both have been held in Yoko labour camp.

Many of those convicted in 1984 and still held in 1987 were tried by military courts which did not conform to internationally recognized standards of fairness.

Their trials were held *in camera* and some of the accused had no legal representation or were represented by state counsel assigned just a few hours before the trial. There was no right of appeal to a higher court and, in at least one case, there were serious doubts about the independence of the judges who presided at the trial.

Several possible prisoners of conscience detained for reasons unconnected to the 1984 coup attempt remained in prison throughout the year. They were not held under any formal preventive detention procedure, no move was made to charge or try them and they had no opportunity to challenge their continuing detention. They included Ambroise Medjiadeu, a teacher from Garoua who was arrested in 1985, apparently on account of his political views. He was held in Tcholliré detention camp. Frédéric Batoum and Samuel Zeze, two supporters of the opposition political party, the *Union des populations du Cameroun* (UPC), Union of Cameroonian Peoples, were arrested in late 1985, released in August 1986 and then rearrested in November 1986. They too were apparently detained on account of their non-violent political activities.

Several long-term untried political detainees were released during 1987, including two detainees, Max Abessolo and Luc Minkoulou, who had been held since 1979 for suspected involvement in a coup attempt.

At least 12 refugees from Chad were arrested in Kousseri in northern Cameroon in April 1987 and were still held at the end of the year. The Cameroonian authorities gave no reason for their detention. Amnesty International was concerned that they might be tortured or killed extrajudicially if returned to Chad. In the past Chadian refugees have reportedly been abducted by members of the Chadian Security Service from the Kousseri area of Cameroon, taken back to Chad and summarily killed. Amnesty International therefore urged the Cameroonian authorities not to return these refugees forcibly to Chad.

An unknown number of death sentences were imposed and there were at least two executions during the year. Most death sentences were imposed for murder, but they were also imposed in at least five cases for "aggravated theft", a broadly defined offence. On 28 August two public executions were carried out in Douala

amid considerable publicity. They were the first public executions known to have taken place for many years. Both prisoners had been found guilty of murder and aggravated theft.

Amnesty International sought the unconditional release of Augustine Kong, who was held as a prisoner of conscience on account of his religious affiliation. Amnesty International investigated the reasons for the imprisonment of the political prisoners held during 1987 and pressed the authorities to release those political prisoners held beyond the expiry of their sentences if no new charges were to be brought against them. In April Amnesty International wrote to President Paul Biya in detail on its concerns about a number of political prisoners' cases and submitted recommendations relating to measures needed to protect human rights. However, there was no response from the government.

CAPE VERDE



Three people were convicted after political slogans were painted on walls in Mindelo in November. On the island of Brava one prisoner died after he and two others were reportedly tortured.

In November João Alfredo Fortes Dias was sentenced to nine months' imprisonment and a fine for painting political slogans on walls in Mindelo. The slogans were judged to have libelled a politician and to have defamed the ruling Partido Africano da Independência de Cabo Verde (PAICV), African Party for the Independence of Cape Verde, and the People's

National Assembly. Two other people were given suspended sentences and fined for the same offence. Having lodged an appeal to the Supreme Court, João Alfredo Fortes Dias was provisionally released.

Arlindo Gonçalves, a 19-year-old suspected of arson, died in police custody on the island of Brava in early November, apparently as a result of torture. Two others arrested with Arlindo Gonçalves were also reported to have been severely beaten. Three police officers responsible for the custody of the three men were arrested.

In July Cape Verde acceded to the African Charter on Human and People's Rights.

Amnesty International asked the government about the precise nature of the charges against the three people convicted in November in Mindelo to determine whether they had been convicted of a recognizable criminal offence or for expression of their non-violent opinions. The organization also expressed concern about the allegations of torture and ill-treatment of the three prisoners in Brava.

CENTRAL AFRICAN REPUBLIC



Several prisoners of conscience were held throughout the year and two of them were tried and sentenced to three years' imprisonment. Suspected government opponents were arrested but none of them had been tried by the end of the year. The trial of the former head of state, Jean-Bedel Bokassa, ended in June, when he was

sentenced to death. This sentence was confirmed upon appeal but neither this nor three other death sentences imposed in 1982 had been carried out by the end of the year.

Under the terms of the Constitution adopted in November 1986, all political activities outside the framework of the newly created Rassemblement du peuple centrafricain (RPC), Central African People's Alliance, were banned. These terms effectively perpetuated the ban on political opposition groups which President André Kolingba imposed when he took power in 1981. When several supporters of opposition groups who had been living abroad returned to the country, they were detained upon arrival.

A series of arrests in Bangui was reported in September and October. The detainees allegedly had possessed explosives, but none of them had been charged or tried by the end of the year. These arrests occurred soon after 20 members of the Lebanese community in the country had been expelled for alleged involvement in the hijacking of an airplane flying from the neighbouring People's Republic of the Congo to France.

Three people considered by Amnesty International to be prisoners of conscience were imprisoned throughout the year. One of them, Walidou-Bachir, was held without charge or trial. He had been arrested in November 1986, apparently after he criticized the new Constitution.

The two others, Thomas Koazo and Jeanne-Marie Ruth-Rolland, were tried in August and sentenced to three-year prison terms by the Special Tribunal. This court was established in 1981 to try all political cases. The trial procedures did not differ from those of other courts, but defendants convicted by the Special Tribunal were not allowed to appeal to a higher court.

Thomas Koazo, a journalist, was arrested at the end of October 1986, after he had reported that a meeting took place between President Kolingba and the former head of state soon after Jean-Bedel Bokassa returned to the country in October 1986. Thomas Koazo was charged with misinforming the public. No clear evidence was produced at his trial that his reports had been incorrect. He refused to disclose the source of his information.

Jeanne-Marie Ruth-Rolland, a former president of the national Red Cross Socie-

ty, was charged with inciting people to disobey government regulations and insulting government officials. She was placed under house arrest in November 1986, after alleging that government officials had stolen diamonds. She was transferred to prison after arranging for children in her neighbourhood to distribute leaflets repeating the allegations. Although the truth of her claims was not examined in court, she was sentenced to imprisonment for having made the claims.

The trial of Jean-Bedel Bokassa before Bangui's Central Criminal Court lasted from December 1986 until June 1987, when he was convicted on four of the 14 charges against him and sentenced to death. The charges were the same as those on which he was tried in *absentia* in 1980. Although the prosecution used the trial to explore the fate of dozens of political prisoners who died while he was in power from 1966 until 1979, the charges against him related only to the 38 deaths addressed at his first trial. He denied responsibility for these deaths and the hearings between December 1986 and March 1987 primarily examined evidence about his alleged complicity in the deaths of particular prisoners.

The prosecution was unable to prove that Jean-Bedel Bokassa had been directly involved in murdering prisoners, but a number of witnesses testified in court that the climate of fear prevailing while he was in power had precluded the necessity for specific orders to kill prisoners. Evidence before the court indicated that government officials who were not facing charges had also caused prisoners' deaths.

The four counts on which Jean-Bedel Bokassa was convicted are: conspiracy to murder, illegal arrest and detention of children, illegal detention of other prisoners and embezzlement of public funds. Throughout the trial he was assisted by French and Central African lawyers. Following his conviction, he lodged an appeal with the Cassation Court and the appeal was rejected in November. By the end of the year, the death sentence imposed on him had not been carried out.

An Amnesty International observer attended the opening and closing sessions of the trial, as well as several weeks of hearings on the deaths of children and political prisoners. The observer noted that the defendant and his lawyers were

able to speak freely.

However, five witnesses were arrested in the courtroom during the trial. One of the witnesses was sentenced immediately to one year's imprisonment: Patrice Zemoziako, the mayor of Bangui in 1979, was convicted of contempt of court after he refused to obey the court's instruction that he stop repeating an allegation of French intervention in his country's affairs. A former gendarme testifying about the death of a former government minister was charged with the official's murder and a former accountant was charged with embezzling public funds. Two other witnesses were charged with perjury. The evidence against them was weak and Amnesty International was concerned that their arrests may have intimidated others waiting to give testimony, thereby pressuring them to give evidence that was more favourable to the prosecution than they might otherwise have given.

Amnesty International sought the release last year of three prisoners of conscience. It appealed for the commutation of the death sentence imposed on Jean-Bedel Bokassa, as well as the death sentences imposed in 1982 by the Special Tribunal on three people who remained imprisoned (see Amnesty International Report 1983).

CHAD



Many opponents or alleged opponents of the government, including prisoners of conscience, were detained without trial and held incommunicado throughout 1987. Those arrested during the year in-

cluded relatives of government opponents. New information was received about several deaths in detention and about extrajudicial executions allegedly committed by government forces in 1986. The fate and whereabouts of many people who "disappeared" in custody in previous years remained unclear.

Fighting resumed between government troops and armed opposition groups both in southeastern and northern Chad. In August there were clashes between Chadian and Libyan forces over the disputed Aouzou strip. However, armed groups supporting the Gouvernement d'union national de transition (GUNT), Transitional Government of National Unity, the coalition which had governed Chad between 1979 and 1982, no longer controlled substantial territory in northern Chad. Some groups that had supported the GUNT were reconciled with the government and integrated into the regular army.

In the southeast, armed groups composed mainly of members of the Hadjeraï ethnic group clashed with government forces. A new armed opposition group formed at the end of 1986, the Mouvement pour le salut national du Tchad (MOSANAT), Movement for the National Salvation of Chad, was active in the Guéra, Salamat and Moyen Chari regions.

Many suspected opponents of the government were believed to be held without trial throughout 1987. No one is believed to have been brought to trial for alleged political offences since President Hissein Habré came to power in 1982. Those detained were held in various places in N'Djamena: at the headquarters of the Direction de la documentation et de la sécurité (DDS), the national security service; at a building belonging to the Société tchadienne d'énergie électrique (STEE), the Chadian Company of Electric Energy; at the headquarters of the Brigade spéciale d'intervention rapide (BSIR), Special Rapid Intervention Brigade; at the headquarters of the gendarmerie, the rural security forces; and in the President's headquarters.

Conditions of imprisonment at all of these detention centres were reported to be harsh. During 1987 information was received about a number of deaths in detention in 1986. The victims were said to include Alhadj Dana Iyo, Hassana Tom and Boulama Hassana, all of whom had

been arrested in April 1986 for allegedly supporting an opposition group. They were reportedly held at the BSIR, then transferred to the DDS headquarters for interrogation and moved again in May 1986 to the gendarmerie. Alhadj Dana Iyo and Boulama Hassana died there in May 1986; Hassana Tom died in August of that year. The deaths were apparently caused by malnutrition, deliberately harsh prison conditions and lack of medical treatment. In November Guilou Hassane, who was detained for over two years, died in a secret detention centre where conditions were also harsh.

It was reported in 1987 that a number of people who had voluntarily returned to Chad in 1986 after seeking asylum abroad had been arrested on arrival in Chad. Reports said that in some cases they were detained for long periods and in others killed in detention. Abdoulaye Awidjeli Bichara, an asylum-seeker who returned to N'Djamena from the Federal Republic of Germany in April 1986, was detained on arrival by the DDS and died four days later at the DDS headquarters as a result of torture. Fadoul Bechir Haggar and Abdoulaye Abdelrazik, who returned in 1986 from Sudan and Cameroon respectively, were said to have been executed extrajudicially in N'Djamena in October 1986 by members of the Sécurité présidentielle (SP), the presidential security service. Two others who returned from a neighbouring country, Hadja Merami and her daughter Azzina Sako, were arrested in February 1986 on arrival in Chad and held in secret detention throughout 1987 at the STEE building in N'Djamena.

Arrests of suspected government opponents were also reported during 1987. Mabrouka Houni Rahil, a businesswoman who had supplied food to the armed forces of the GUNT when it was in power in the early 1980s, was arrested a few weeks after she returned to Chad in July following five years abroad. She was apparently assured by the authorities that if she returned, her teenaged daughter, Mardié Ibrahim, would be released from detention. However, both Mardié Ibrahim and her mother remained in detention at the end of 1987. Other members of the family were also held briefly.

Those detained included a number of people held on account of family connections with government opponents. For ex-

ample, Abdellatif Tidjani, a security officer at N'Djamena airport, was arrested in March. He had apparently sent a letter to his brother-in-law, a former security official who had left Chad and was suspected of opposing the government. Moussa Konaté, a teacher who had been arrested in April 1986 in N'Djamena, also remained in detention. He is the uncle of Mahamat Sidi Baby, an opponent of the government who had escaped from custody in 1986. After the escape, five of Mahamat Sidi Baby's relatives were arrested. All of them except Moussa Konaté were later released.

The DDS arrested more than 30 people belonging to the Hadjeraï community, including civil servants and businessmen, at the end of May and in June in N'Djamena. The arrests occurred after they had protested against the killing of an elderly Hadjeraï dignitary by members of the security forces belonging to the Gorane, the ethnic group to which President Habré belongs. All those detained were still held incommunicado without charge or trial at the end of the year.

Saleh Gaba, a Hadjeraï journalist, was arrested in mid-June, apparently on suspicion of opposing the government. He had been detained previously on two occasions: in December 1981, when the GUNT was in power, and for one month in late 1984. Radio Tchad, the official radio service, confirmed that he was arrested in June, saying that he was serving a prison sentence for killing two villagers and for illegally possessing a weapon. Unofficial sources, however, confirmed that he was held incommunicado and had not been tried. He was still held in secret at the end of 1987.

Information was received during 1987 about a number of extrajudicial executions alleged to have taken place in 1986, when many suspected members of armed opposition groups were reportedly arrested, secretly detained and killed without any form of judicial procedure. For example, N'Gamani Abba was said to have been abducted in February 1986 from Kousséï in neighbouring Cameroon by members of the Chadian security service. They held him at the DDS headquarters in N'Djamena until the night of 22 April 1986, when he was taken to the President's headquarters and summarily executed. There were further allegations of extrajudicial executions in 1987 but by the end

of the year, Amnesty International was unable to confirm individual cases.

The whereabouts and fate of a large number of GUNT combatants and civilians imprisoned after fighting at Faya Largeau in July 1983 remained unclear. Unofficial reports suggested that some of them had been summarily killed by government troops. Amnesty International also obtained no further information about the "disappearance" of six civilians arrested at Abéché in July 1983 (see Amnesty International Report 1986).

Amnesty International continued to urge the government to clarify the fate of the prisoners who reportedly "disappeared" and to investigate allegations of extrajudicial execution. In June the organization urged the government to release all prisoners of conscience and to ensure that all other detainees be fairly and promptly tried or released. Amnesty International also called for the implementation of specific measures to protect human rights and for an impartial investigation into the death in detention during 1986 of Abdoulaye Awidjeli Bichara. However, the government did not respond.

In September Amnesty International published a report, *Republic of Chad: "Disappearances", Extrajudicial Executions and Secret Detention*, and renewed its appeal for the release of prisoners of conscience and for the fair and prompt trials of all other political detainees.



serving sentences of life imprisonment. The other four were civilians and were all members of the *Front démocratique des Comores* (FDC), Democratic Front of the Comoros, who did not receive a fair trial. They were believed to be prisoners of conscience. Two of the four were released in August but the other two – Moustoifa Saïd Cheikh, the FDC's Secretary General, and Abdou Mhoumadi – remained in prison serving sentences of life imprisonment and eight years respectively. They were held in M'dé and Voidjou military camps.

Other prisoners who were convicted in July 1986 for belonging to the FDC were released during the year. Of 42 prisoners convicted, 18 were still held at the beginning of 1987: 13 were released in January by the President and the five others were believed to have been freed after completing their sentences.

New politically-motivated arrests were reported during the year. Four supporters of the FDC were arrested in early January but released uncharged soon afterwards. In March at least 200 members and supporters of opposition parties were reported to have been arrested at the time of elections to the Federal Assembly, but they too were released after a short time. All 42 seats of the Federal Assembly were taken by the ruling and sole legal party in the Comoros, *l'Union comorienne pour le progrès*, the Comorian Union for Progress.

At least 40 people were reportedly arrested in late November and early December, following what the authorities said had been an unsuccessful coup attempt. The government alleged that a group of unarmed people, some of whom were former members of the Presidential

COMOROS

Two prisoners of conscience and 16 other political prisoners sentenced after unfair trials in 1985 and 1986 remained in prison throughout 1987, although others were released. Members of opposition political parties were reported to have been briefly detained at the time of elections in March. More than 40 people were arrested at the end of the year and accused of involvement in a coup attempt. Some were reported to have been tortured and at least three were said to have died in custody.

Twenty prisoners sentenced in November 1985 for alleged participation in a coup attempt were still in prison at the beginning of the year. Sixteen had been members of the Presidential Guard and were

Guard and Comorian Armed Forces, had attempted to enter Itsundzu prison in order to seize arms and to free the members of the Presidential Guard sentenced to life imprisonment in November 1985.

A number of those arrested were reported to have died as a result of torture while they were in the custody of foreign mercenaries working as officers in the Presidential Guard. Among the victims were Ali Ngaya, from Bajini in the south of the island of Grand Comore; Ali Wadili, aged 19; and Idi Boina from the capital, Moroni. The dead bodies of these three men were described by eye-witnesses as having been mutilated, suggesting they had been tortured. The other detainees were still held incommunicado at the end of the year without having been charged or tried.

Amnesty International continued to appeal to the government to release prisoners of conscience Moustoifa Saïd Cheikh and Abdou Mhoumadi. Amnesty International also expressed concern to the authorities about reports that at least three people arrested in late 1987 had died as a result of torture, and called for an urgent investigation.

in September, allegations were received that some detainees had been tortured. A number of Zairian refugees living in the People's Republic of the Congo were arrested in October but most had been released by the end of the year.

In July several senior members of the security forces and civilians were arrested and detained incommunicado on suspicion of supporting former President Joachim Yhombi-Opango and conspiring against the present government. They included Colonel Blaise Nzalakanda, who had been a prisoner of conscience from 1984 to 1986. He was released without charge a few weeks after his arrest in 1987. Others detained included Lecas Atondi Monmondjo, director of the Office national des librairies populaires (ONLP), National Office of Peoples' Bookshops, and Lieutenant-Colonel Henri Eboudit, Deputy Chief of Staff of the Armed Forces. Both men were still held at the end of the year without charge, trial or referral of their cases to a court or judicial authority. Lieutenant-Colonel Eboudit was reportedly tortured.

The army clashed in September with supporters of the former President. Armed encounters took place in Owando, in the northeast of the country, after officials and troops entered the area to investigate suggestions that the former President and one of his associates, Pierre Anga, had been involved in the conspiracy. Government troops launched an assault against barricades erected around Owando and took control of the town. According to the government, four people were killed during the assault on Owando. Unofficial sources claimed that the true number was much higher.

Some 60 or 70 people were arrested, but Pierre Anga and former President Yhombi-Opango were reported to have escaped. The former President later gave himself up. Those detained included a Roman Catholic priest, Father Joseph Ndinga, a prisoner of conscience accused of supporting the rebels after he advised his congregation not to get involved in the confrontation. All were still being detained without charge or trial at the end of the year.

The government continued to detain four other prisoners of conscience without charge or trial throughout 1987. Georges Mafouta-Kitoko, Christophe Samba and

CONGO



Four prisoners of conscience arrested in 1986 were held without trial throughout the year. Several political prisoners convicted in 1986 were still held, some of whom may have been prisoners of conscience. Following arrests of suspected government opponents in July and again

Florent Kihoulou were arrested in April 1986, apparently on suspicion of meeting to discuss the political situation in the country. They were detained, without being referred to the Procuracy, by the state security service. Jean-Félix Demba-Ntelo also remained in security service custody without charge or trial at the end of 1987. He was arrested in December 1986 for allegedly producing a leaflet in support of Jean-Pierre Thystère-Tchicaya, a former senior official of the ruling party (see Amnesty International Report 1987).

Claude-Ernest Ndalla, who was sentenced to death in August 1986 after conviction for a 1982 bomb attack at Brazzaville airport, remained under sentence of death throughout 1987.

Three of his co-defendants who were sentenced to 20 years' imprisonment, Daniel Biampandou, Claude Kembissila and Gaspard Kivouna, remained in prison throughout the year. Amnesty International was concerned that their trial had not been fair and that Daniel Biampandou and Claude Kembissila might be prisoners of conscience. Jean Bouissou, a French national who was convicted with them and sentenced to 10 years' imprisonment, was released in January and expelled from the country.

In October at least a dozen asylum-seekers of Zairian nationality, some of whom were recognized as refugees by the office of the United Nations High Commissioner for Refugees, were arrested. Among them was Boy Buta Lumbwe Jacques, a journalist working for the l'agence France-Presse (AFP) news agency. No reason was given for the arrests, which may have resulted from their political activities in opposition to the Government of Zaire. By the end of December, all but two had been released without charge.

In February Amnesty International submitted a 27-page report about the August 1986 trial before the Revolutionary Court of Justice to the Minister of Justice and other government officials. The report detailed Amnesty International's reasons for concluding that the trial was unfair (see Amnesty International Report 1987), criticized the unlimited powers of the state security service to detain suspects incomunicado, and referred to reports that defendants had been tortured. It recommended specific measures to prevent human rights violations and to ensure

enforcement of existing legal safeguards against arbitrary detention and torture. Amnesty International also called for those convicted by the Revolutionary Court of Justice to be allowed to appeal against their conviction and sentence to a higher court and for the death sentence imposed on Claude-Ernest Ndalla to be commuted.

Amnesty International appealed in 1987 for the release of Georges Mafouta-Kitoko and the two prisoners of conscience arrested with him and detained without trial since 1986. The organization also adopted Jean-Félix Demba-Ntelo and Father Joseph Ndinga as prisoners of conscience and investigated the cases of others arrested during the year, such as Lecas Atondi Monmondjo, who might be prisoners of conscience. Following the arrest of security force personnel in July, Amnesty International sought assurances that they were not being tortured and that their cases would be addressed within the framework of the law. In reply to renewed appeals for Claude-Ernest Ndalla's death sentence to be commuted, the Minister of Justice said in February that appeal for clemency was still under consideration.

CÔTE D'IVOIRE



At least 15 trade unionists were arrested, apparently for political reasons, in September and October. Two of them were released before the end of the year but at least 10 others were known to have been forcibly conscripted into the army as a form of punishment. The three other trade unionists were convicted on crimi-

nal charges which appeared to be politically motivated.

In March Robert Gbai Tagro, the leader of an unrecognized opposition party, the Parti républicain de Côte d'Ivoire, Republican Party of Côte d'Ivoire, was arrested along with some 30 members of the party because they had applied for permission to hold a party congress. All were released after a few weeks.

In July the elections of the executive committee of the Syndicat national des enseignants du second degré de Côte d'Ivoire (SYNESCI), a secondary school teachers' trade union, was disputed by many members of the union. The former union leadership claimed that the election had been fraudulent and refused to give the new committee access to union funds. The former leadership of the SYNESCI, one of the few independent trade unions not affiliated to the ruling party, had been critical of the government's education policy, whereas the new committee received encouragement from members of the government.

In September the former secretary general of SYNESCI, Laurent Akoun, and two former treasurers of the union were arrested and charged with embezzling the union's funds. They were held for three months in pre-trial detention, during which, in contravention of normal procedures, they were denied family visits. They were convicted in December by a court in Abidjan on charges of withholding the SYNESCI's funds from the new executive. Laurent Akoun and Yaya Traoré received six-month prison sentences and Stéphan Vangah was sentenced to four months' imprisonment. At the time of their trial, the legitimacy of the new executive committee was still under investigation by a labour court and the trial judge refused to allow discussion of this question.

Other former SYNESCI officials and some union members protested in the weeks following the three arrests. At least 12 protestors were detained by security police and held for up to two months without charge or referral to the Procuracy, effectively outside the terms of the law. Two women among those detained were released in early November, but at least 10 others, all men, were transferred from detention in Abidjan to a military camp in Séguéla and forcibly conscripted into the army. The authorities announced

that the reason for their conscription was "civic and moral education". In the past, journalists and students who participated in demonstrations or criticized the government have been restricted or punished by forcible conscription.

Nine students detained without charge or trial since November 1985 for participating in a strike were reportedly released before November 1987. They had been held at the same military camp in Séguéla.

Amnesty International considered those conscripted into the army to be prisoners of conscience, effectively restricted on account of their support for the SYNESCI trade union's former leaders. In December the organization appealed to the government for their release. Amnesty International was also concerned that Laurent Akoun and the two others sentenced with him might be prisoners of conscience, held on criminal charges that were politically motivated. In addition, they appeared to have been subjected to deliberately harsh conditions in pre-trial custody.

DJIBOUTI



Several recognized refugees and asylum-seekers were forcibly returned to their countries of origin, although in cases known to Amnesty International the individuals evaded arrest in the countries to which they were returned and re-entered Djibouti.

In May six Somali students who were seeking asylum were arrested by the Djibouti authorities and taken to the Somali border. However, they succeeded in

escaping back to Djibouti, where they reapply for asylum.

Seven Ethiopian refugees who had been granted asylum in Djibouti were arrested in June and forcibly returned to Ethiopia. This incident followed a demonstration in Djibouti by people whose asylum applications had been rejected. In all, 103 Ethiopians were rounded up after the demonstration. Some of them were beaten and all were then forced into a sealed train which took them to the Ethiopian border. At the border they were handed over to the Ethiopian authorities. The seven Ethiopians who were recognized refugees escaped and returned to Djibouti, where their refugee status was subsequently respected. There was an unconfirmed report that one of the others expelled to Ethiopia, a former army lieutenant, was imprisoned by the Ethiopian authorities.

There were allegations that other asylum applicants resident in Djibouti, some from Ethiopia and some from Somalia, were forcibly returned to their countries of origin following mass arrests of suspected illegal immigrants.

Amnesty International investigated allegations of forcible return but was not able to obtain sufficient details to confirm that those returned were, in fact, asylum-seekers or that they risked unjust imprisonment, torture or execution if returned to their country of origin.



in July 1986. They included Guillermo Nguema Ela Mangue, a former Minister of Finance; Tarsicio Mañe Abeso, an official in charge of diplomatic missions in the Ministry of Foreign Affairs; and Damián Ondo Mañe, the former National Director of the Bank of Central African States. All six had been convicted by a military court in August 1986 of "insulting the Head of State" and sentenced to 28 months' imprisonment.

The trial of these prisoners in August 1986 was unfair (see Amnesty International Report 1987) and Amnesty International investigated reports that at least some were prisoners of conscience. Like other trials of political prisoners which have taken place in Equatorial Guinea, it failed to conform to international standards in several important respects. Five unfair trials, which took place between September 1979 and August 1986 and resulted in a total of 12 death sentences and 11 executions, were described in a 13-page report, *Military Trials and the Use of the Death Penalty in Equatorial Guinea*, published by Amnesty International in May. At each trial the presiding judge was a serving member of the government, which raised serious doubts about the courts' impartiality.

According to military law in Equatorial Guinea, both civilians and members of the armed forces accused of offences against state security may be tried by military courts under "most summary" procedures which limit the rights of the accused and powers of defence counsel. For example, the defence has no right to challenge the findings of the judge who carried out the pre-trial investigation. The accused,

EQUATORIAL GUINEA

Six political prisoners sentenced after an unfair trial in 1986, some of whom may have been prisoners of conscience, were reportedly freed in an amnesty in October. They had been convicted of insulting the head of state. Six other political prisoners sentenced at the same trial remained in prison at the end of 1987.

The six who were released were among some 50 prisoners, including ordinary criminal offenders, who had their sentences reduced in a measure of clemency to mark the 19th anniversary of independence on 12 October. The six, all former senior government ministers or officials, had been arrested following the discovery of an alleged plot to overthrow the government

whether military or civilian, must be defended by a serving military officer, thereby restricting their rights to counsel of their choice. Under the "most summary" procedures, defendants have no right to appeal against their conviction and sentence, even if they have been sentenced to death.

In May Amnesty International urged the government to take steps towards making existing laws and practices consistent with international standards of fair trial. The government did not respond in detail to Amnesty International, but in September Equatorial Guinea acceded to both the International Covenant on Civil and Political Rights and its Optional Protocol which permits the monitoring body, the Human Rights Committee, to receive complaints from individuals. Article 14 of the Covenant contains the requirement that the authorities institute guarantees of fair trial, which in the past have been denied to defendants tried by Equatorial Guinea's military courts. Amnesty International welcomed Equatorial Guinea's accession to these international human rights instruments.

in which political prisoners were held were harsh. Appeals to the authorities regarding political prisoners who had "disappeared" between 1979 and 1986 and who were believed to have been secretly executed received no response.

Fighting between government and opposition forces continued during 1987 in Eritrea, Tigray, Wollega, Hararghe and other regions. Civilians in these areas suspected of collaborating with opposition forces were reportedly detained and in many cases ill-treated.

A new Constitution was adopted in February, stating that Ethiopia is a People's Democratic Republic with only one political party, the Worker's Party of Ethiopia. In September the People's Democratic Republic of Ethiopia was inaugurated and the new National Assembly (Shengo) elected as President Mengistu Haile-Mariam, the former chairman of the dissolved Provisional Military Administrative Council (PMAC, known as the Dergue), which had ruled the country since the 1974 revolution.

Detailed information about political prisoners was difficult to obtain. The authorities disclosed no information and prisoners' relatives or former prisoners were often forced into silence by threats of reprisals. Several thousand political prisoners were, however, believed to be held in ordinary prisons and security prisons throughout the country, particularly in Addis Ababa and in regions where opposition forces were active. Most prisoners were reportedly held on suspicion of having links with armed opposition forces, particularly the Eritrean People's Liberation Front (EPLF), the Tigray People's Liberation Front (TPLF), or the Oromo Liberation Front (OLF). Some of them appeared to be prisoners of conscience, arrested on suspicion of opposition to the government primarily because of their Eritrean, Tigrayan or Oromo ethnic origin.

Many prisoners were also reportedly arrested for seeking to avoid military conscription or to flee the country, a "counter-revolutionary" offence for which the penalty may be lengthy imprisonment or, in special cases, death. In addition, the relatives of conscription evaders or those trying to leave the country illegally for political reasons were reportedly arrested in reprisal. Some people who refused to take part in the program of obligatory

ETHIOPIA



Many long-term prisoners of conscience, some held since 1974, remained in detention. Hundreds of other political prisoners were detained without formal charge or trial, including some who were serving prison sentences imposed by administrative order. There were persistent reports of suspected government opponents being tortured after their arrest. The conditions

resettlement in new villages, which involved over three million people in 1987, were also reported to have been arrested.

At least 30 Ethiopian Jews, members of the Beta Israel sect (House of Israel, known as Falashas), were arrested in Gondar and Addis Ababa in February 1987. They were imprisoned in Addis Ababa, where they were still held without charge or trial at the end of the year. They were apparently accused of helping to arrange for Ethiopian Jews to emigrate to Israel. Some eight others were reportedly arrested in March for trying to leave the country illegally.

Sources suggested that students demonstrating at Addis Ababa University on 10 October against poor campus conditions were arrested. However, it was not possible to establish if any of them were still held at the end of the year.

As in previous years, most political prisoners were held outside the framework of the law. Article 42 of the new Constitution states that all detained persons should be either brought to court within 48 hours or released. This procedure, which had been part of the country's Code of Criminal Procedure since 1961, was systematically ignored in previous years and apparently was not followed during 1987. Instead, suspected government opponents were held incommunicado for prolonged periods without being referred to court. They were usually held by the Central Investigation Organ, the state security service, and many were tortured. According to reports, they were not informed of the reasons for their detention and had no opportunity to seek legal redress.

Some political prisoners were serving administratively-imposed prison terms of up to 25 years. Thirteen people arrested in 1983 for alleged membership of the opposition Ethiopian Peoples' Democratic Alliance (EPDA), for example, did not appear before the officials who sentenced them and had no opportunity to defend themselves or challenge the legality of their imprisonment.

Many prisoners of conscience arrested in previous years remained in custody. Ten members of the family of the late Emperor Haile Selassie, who were arrested in 1974, were still imprisoned. They included his daughter, Tenagnework Haile Selassie, aged 75; four grand-daughters; a daughter-in-law; three grandsons and another relative. All continued to be held,

without trial, in the Central Prison (Karchele) in Addis Ababa.

Other prisoners of conscience were among a group arrested in 1980, when people of Oromo ethnic origin suspected of links with the OLF were targets of mass arrests. They included Tsehai Tolessa, the wife of the former head of the Ethiopian Evangelical Mekane Yesus Church; the Reverend Gudina Tumsa, who "disappeared" in 1979; Martha Kumsa, a journalist; Zegeye Asfaw, former Minister of Law and Justice, and Namaat Issa, a former civil servant. Namaat Issa's husband was held in a separate security prison and her handicapped son, born shortly after her arrest, remained in prison with her. None of the prisoners had been charged or tried.

Berhanu Dinka, Ethiopia's Permanent Representative to the United Nations in New York until his arrest during a visit to Ethiopia in May 1986, continued to be detained without trial. Although publicly accused of misusing public funds, he had not been charged and was believed to be detained for political reasons. Two former UN staff members in Ethiopia also remained in prison. Tesfa-Mariam Zeggay, arrested in 1983 and reportedly still suffering from injuries sustained during torture, was tried in 1987 and sentenced to 25 years' imprisonment for espionage. No details of the trial were disclosed and it was unclear whether he had been allowed proper defence. Shimelis Teklu, who was arrested in 1984 and allegedly tortured, was reportedly brought to court in early 1987. His trial was adjourned, however, and had apparently not resumed by the end of the year.

Between 30 and 50 members of the Democratic Front for the Salvation of Somalia (DFSS), an armed opposition group based in Ethiopia which is fighting the Somali Government, had been held without trial in Ethiopia since their arrest in 1985 and 1986. The DFSS chairman and several other officials were arrested by the Ethiopian security authorities in October 1985, reportedly after a political dispute with Ethiopian officials relating to the armed conflict. Other DFSS members were arrested in April and October 1986. They were believed to be held in the Central Prison in Addis Ababa and in prisons in Harar and Dire Dawa. According to reports, several were tortured and one of them, Abdullahi Mohamed Hassan, died

in custody in October 1986.

Despite international appeals, no releases of political prisoners were announced at the time of the inauguration of the People's Democratic Republic in September. However, more than 50 Oromo political prisoners in Addis Ababa and Nekemte, including some prisoners of conscience detained since 1980 or earlier, were released without publicity between March and May. A considerable number of other prisoners, some held for several years and possibly including people captured in armed conflict, were reportedly freed during the year.

The government maintained its silence on the fate of many political prisoners who "disappeared" while in custody between 1979 and 1986. Unofficial sources suggested that most, if not all, had been secretly executed. Amnesty International appealed for news about some 40 political prisoners in Addis Ababa who "disappeared" in November 1985 after being taken from the Central Prison and the Central Investigation Centre (Maekelawi) to unknown destinations, but received no response. They included Asegahgne Araya and three other alleged EPDA leaders arrested in 1983. Others who "disappeared" at the same time were suspected members of the opposition organizations EPLF, TPLF and the Ethiopian People's Revolutionary Party (EPRP). Some 10 other prisoners "disappeared" from the Central Investigation Centre in Addis Ababa in October 1986, including Gezahegne Kassahun, a trade unionist accused of links with the OLF. No information was revealed about them by the government and they, too, may have been secretly executed.

Amnesty International appealed for the release of prisoners of conscience and for other political prisoners to be either tried in accordance with international standards or released. When the new Constitution was adopted in February, Amnesty International appealed to the government to ratify and respect the major international human rights agreements, such as the International Covenant on Civil and Political Rights, and to ensure that prisoners were protected from torture, ill-treatment, illegal detention, secret administrative imprisonment and "disappearance". Further appeals were made to President Mengistu after his inauguration in September but none received a response.

In February Amnesty International published testimonies of former political prisoners who had been tortured in Ethiopia by the security police in recent years. They maintained that they had been repeatedly tortured to force confessions of involvement with opposition organizations and identification of other opponents of the government. Torture methods often reported included prolonged beatings on the soles of the feet and suspension of the body in a contorted position from a rope. Some prisoners were also given electric shocks, raped, or subjected to death threats and mock execution. Former prisoners also reported being submerged in dirty water until they nearly lost consciousness or having their hands or fingernails crushed. Many prisoners were said to have died as a result of their injuries or to have been secretly executed.

These reports of torture were denied by the Ethiopian representative at the 43rd session of the UN Commission for Human Rights in February. He stated that a high-level committee had been established in 1986 to investigate allegations of torture, claiming that the law and practices in Ethiopia concerning the protection of individuals' physical and mental integrity were "in conformity with the accepted international law and practices". Amnesty International asked the government to provide details of the committee's unpublished findings but no information was disclosed.

Furthermore, Amnesty International received no reports that any official investigators had contacted former prisoners or victims of torture to collect evidence of human rights violations. The organization had no information about any steps taken by the government to prevent the use of torture. Additional cases of torture and ill-treatment were reported during 1987 and Amnesty International's information indicated that, with few exceptions, the article of the 1981 Special Penal Code prohibiting ill-treatment of prisoners had been ignored.

GABON



GAMBIA



A number of Jehovah's Witnesses were imprisoned for short periods on account of their religious beliefs and there were some reports of torture and ill-treatment of prisoners.

Twenty-four members of the Jehovah's Witnesses sect, which was banned in Gabon in 1970, were brought to trial in January. They had been arrested at a prayer meeting in Port-Gentil on 25 December 1986. They were convicted of belonging to a banned organization: three were sentenced to two months' imprisonment and a fine, and the other 21 received suspended sentences.

There were reports that a number of criminal suspects and alleged illegal immigrants were tortured and beaten at the headquarters in Libreville of the national security service, the Centre de documentation (CEDOC), Documentation Centre. It was also said that conditions there were harsh, with poor hygiene, inadequate medical facilities and insufficient food.

Amnesty International appealed for the release of the imprisoned Jehovah's Witnesses and expressed concern to the authorities about reports of torture and ill-treatment of prisoners at the CEDOC detention centre.

Several alleged members of a banned opposition political organization were arrested and held briefly, as were a number of students who demonstrated against government policy in February. At least one other critic of the government was imprisoned throughout the year.

In April three suspected members of the Movement for Justice in Africa (MOJA), which was banned by the government in 1980, were arrested and charged with membership of an unlawful society. Nakulang Ceesay and Salieu Puye, both teachers, and Ismaila Sanyang, an employee of the Ministry of Agriculture, were subsequently released on bail and were not known to have been tried by the end of the year. In May Omar Jabang, an active member of the Gambia Anti-apartheid Society, was also arrested for suspected membership of the MOJA, but he was released uncharged shortly afterwards.

In February several students were reported to have been arrested for participating in demonstrations calling for changes in the educational system, but were apparently released uncharged a few days later.

One prisoner arrested for criticizing the government in 1986 remained in custody. Boubacar Langley was arrested for displaying a banner critical of the government during celebrations on 18 February 1986 marking the anniversary of the country's independence. Soon afterwards he was transferred to a mental hospital, although there was information to suggest that he was not mentally ill. He apparently dam-

aged his room at the hospital in protest against his arrest, and in May 1986 he was sentenced to 18 months' imprisonment for damaging public property.

In response to Amnesty International's inquiry about the reasons for Boubacar Langley's arrest, committal to a mental hospital and subsequent conviction on criminal charges, the Director of Public Prosecutions stated that Boubacar Langley had been referred to a mental institution because his behaviour appeared abnormal. Thereafter, he added, a psychiatric report had found that he did not suffer from mental illness, and following the ruling he was prosecuted for unlawfully causing damage to property.

GHANA



At least eight prisoners of conscience were arrested, six of whom were still held without charge at the end of 1987. Some 30 people, mostly members of the armed forces arrested after unsuccessful coup attempts in previous years, were reported to be held without trial throughout the year. About 60 people were known to have been sentenced to death. There were also executions, but their number was not known.

In May and July seven known critics of the government were arrested. They included Akwasi Adu-Amankwah, an official of the Trades Union Congress, and John Ndeburgre, a former government minister; three others had previously been detained without charge for over three months in 1986. They were reportedly suspected of seditious activities, but no

charges were brought against them. They were all leading members of political groups which initially supported the government of Flight-Lieutenant J.J. Rawlings when it came to power as the result of a coup in 1981, but became increasingly critical of its policies, claiming that it had betrayed its original ideals. On 31 December two of the detainees, Kwesi Pratt, a journalist, and Yao Graham, a lawyer, were released uncharged. The others remained in detention without trial.

Ben Ephson, a journalist, was arrested on 22 September. A government-owned newspaper claimed he was suspected of gathering what was referred to as "economic intelligence", but it appeared that the real reason for his arrest was that he had written articles critical of the government.

These eight prisoners of conscience were detained under the Preventive Custody Law of 1982 (PNDC Law 4). This provides for indefinite detention without trial if, in the opinion of the ruling Provisional National Defence Council (PNDC), the detention is in the interests of national security. Under this law, the government is not obliged to inform detainees of the reasons for their arrest. In 1984 the PNDC removed the courts' ability to review administrative detention orders in accordance with the Habeas Corpus Act.

On 31 December 1986 Flight-Lieutenant Rawlings had announced that there would be a review of the cases of all detainees held without charge or trial. In January 1987, 340 prisoners were released, among whom were believed to be former military personnel detained without trial since the present government came to power in 1981. In February the government announced that charges of subversion against 12 people had been withdrawn and that they had been released. They included Victor Owusu, a former government minister and leader of the Popular Front Party, who had been detained in August 1986 on suspicion of involvement in a 1983 coup attempt. It was not clear whether J. Adjei Brempong, also suspected of plotting against the government, was among those released or whether he remained in detention without trial.

Three detainees arrested in previous years in connection with unsuccessful coup attempts were brought to trial during 1987. In November Lance Corporals

Emmanuel Arhin and Jackson Duodo, detained since March 1984, were sentenced to 25 years' imprisonment by the National Public Tribunal in Accra, the highest court in the Public Tribunal court system. They were convicted of assisting the escape from prison in June 1983 of army officers suspected of involvement in earlier coup attempts, who subsequently again tried to overthrow the government. In another case, a businessman detained since September 1985 was acquitted by the National Public Tribunal in December of charges of providing financial backing for a coup attempt in December 1984.

Among those reported to be detained without trial throughout 1987 were at least 30 former members of the armed forces arrested in previous years and suspected of involvement in plots to overthrow the government. They included Bombardier Mustapha Mohamed, arrested following a coup attempt in November 1982; Lance Corporal Emmanuel Owusu Aninakwa, arrested in February 1983 after a plot to overthrow the government was uncovered; and Captain Kwabena Bogue, arrested following the discovery of a plot to assassinate Flight-Lieutenant Rawlings in February 1985.

Alhaji Ibrahim Mahama, a lawyer and former member of Parliament, was among about 12 people arrested in April in connection with a long-running dispute about the appointment of a traditional chief in Yendi in northern Ghana. He was reported to be still in detention without charge or trial at the end of the year. On 28 July nine people were sentenced to death by the National Public Tribunal in connection with the death of four people in Yendi during faction fighting in January.

In all, at least 60 people were sentenced to death and a number executed. Most of those sentenced to death were convicted of murder or armed robbery by Public Tribunals, special courts established in 1982 which may impose the death penalty for offences specified by the ruling PNDC and in "cases where the Tribunal is satisfied that very grave circumstances meriting such a penalty have been revealed". It was not known how many executions were carried out. On 25 July a number of people convicted of armed robbery were executed by firing-squad in Accra.

The legal status of Captain Adjei Edward Ampofo remained unclear. He was

sentenced to death in absentia in August 1983 for alleged involvement in a coup attempt and subsequently arrested in May 1986. At the time of the release of detainees in February, the government stated that he had not been released because of the serious nature of the charges against him. It was not known whether the death sentence had been commuted to a term of imprisonment or whether the authorities intended to bring him, and others arrested at the same time, to trial.

Amnesty International appealed for the release of prisoners of conscience, expressed concern at the long-term detention without trial of political prisoners, and appealed for the commutation of death penalties each time these were announced, but received no responses from the government to any of its appeals or inquiries.

GUINEA



The government revealed that secret trials had taken place and confirmed the death in custody of several prisoners who "disappeared" in 1985. Prisoners arrested in 1984 and 1985, many of whom had been subjected to unfair secret trials in 1986, were held incommunicado. Some of them were released at the end of the year, while others remained in prison under sentence of death throughout 1987. The government further revealed that some of those whose cases had been brought to trial had, in fact, died more than a year before the trials began.

On 5 May the government announced the outcome of a series of secret trials held

before the State Security Court and the Military Tribunal, two special courts established in 1985. It reported that 341 people had been tried and 201 of them convicted. Those tried included both former government officials and relatives of former President Sékou Touré arrested in 1984, as well as people arrested after a coup attempt in July 1985. The identities of the 72 civilians convicted by the State Security Court were disclosed, but the government withheld the names of 129 military and police personnel convicted by the Military Tribunal, divulging only their ranks. No details were given about the charges against those tried.

The government announced that 58 of those convicted had been sentenced to death. Twenty-one of them were sentenced in *absentia* and 37 were apparently in custody at the time of the trials. Seventeen of the 37 were civilians and the other 20 were military or police personnel. Forty-six people were sentenced to life imprisonment, another 54 to 20 or 15 years' imprisonment, 34 to prison terms between eight and three years and nine to 28 months' imprisonment. Official sources reported that the nine sentenced to 28-month terms, including two sisters of Sékou Touré and five former members of his government, had been released. The 140 people who had been acquitted were also released.

At the end of December, the government announced that 67 other political prisoners were then being released. These prisoners included Sékou Touré's widow, Andrée Touré, and their son, Mohamed Touré, both of whom had been sentenced to eight years' imprisonment. All those released had been convicted by either the State Security Court or the Military Tribunal and were ordered to remain in their préfectures (regions) of origin following their release.

Many aspects of the trials announced in May 1987 contravened international norms. Two representatives of Amnesty International visited Conakry in June to seek further information about the trials. They obtained information about the State Security Court trials but could learn virtually nothing new about the military trials. They met the Minister of Justice, the President of the State Security Court and others involved in the State Security Court trials.

The representatives established that trials before the State Security Court had taken place in secret between July and September 1986. None of the defendants were informed that the trials were occurring and they were represented by three legal counsel who at no time contacted their clients. Much of the evidence presented to the court apparently consisted of self-incriminating statements which detainees had made in custody. The court did not attempt to establish the circumstances in which the statements were made, although many of them seem to have been made as a result of torture and other forms of duress.

Amnesty International's delegates were not allowed access to basic trial documents such as the formal charges, the indictment produced on the basis of pre-trial inquiries, statements made by the accused while in custody and the judgement. They were assured by officials that the proceedings had been "normal" but were given no detailed information to support this claim. By June 1987 none of those convicted had apparently received visits from relatives or others since their arrest in 1984 or 1985. Amnesty International's delegates left Conakry without having been able to learn on what charges any defendants had been convicted and with no further information about the identity of the 129 military and police personnel convicted, including the 20 who had been sentenced to death.

Amnesty International also expressed concern about the fate of some 20 political prisoners alleged to have been summarily and secretly executed in July 1985 (see Amnesty International Report 1986). The head of state, General Lansana Conté, confirmed that at least two prisoners in this group had died in 1985. The cases of all prisoners in the group, however, were among those secretly brought to trial in 1986 which concluded with sentences of death. The organization's delegates were able to confirm no information about these prisoners in June but in December the head of state reportedly said that at least two of the prisoners had died in July 1985. Siaka Touré, a nephew of Sékou Touré and former director of the Boiro detention camp, had been arrested in April 1984 and was one of the dead identified by General Conté. Diarra Traoré, the alleged leader of the July 1985 coup attempt, was the other

prisoner named. The general said that Diarra Traoré and a number of others arrested in July 1985 had gone on hunger-strike and "virtually committed suicide" soon after their arrest.

No previous announcement had been made about the fate of the two men, both of whom were officers in the armed forces, but it was widely believed that they were among the 20 unidentified people sentenced to death by the Military Tribunal. General Conté reportedly told journalists that others sentenced to death were still alive. However, by the end of the year none of the others sentenced to death in 1986 had been seen by relatives or other people.

Amnesty International also expressed concern about a number of other civilian prisoners arrested after the July 1985 coup attempt and not among those tried secretly in 1986 or released in 1987. A significant number of these detainees effectively "disappeared" after their arrest: their detention was not acknowledged by the government and no information was made available to relatives about what had happened to them. It was not clear if they were still in secret detention at the end of 1987 or had died or been killed while in custody.

In August Amnesty International appealed to General Conté to commute the 58 death sentences announced in May and to disclose publicly the identities of the people convicted by the Military Tribunal. It also urged him to ensure that the families of all those sentenced to death were officially informed of executions or, if the sentences had not been carried out, that relatives be told where the prisoners were held and allowed to visit them.

In December Amnesty International submitted an 18-page memorandum to the government, describing its concerns about the secret trials and proposing a series of measures to uphold human rights. The organization recommended that those convicted at unfair trials be tried again or released. The organization also emphasized the importance of ensuring that detainees were not coerced into incriminating themselves, as it appeared that many of the statements accepted as evidence by the State Security Court had been made under torture and other forms of duress.

Several developments in 1987 were unrelated to the arrests of 1984 and 1985 and the secret trials of 1986. Amnesty International learned the identity of sev-

eral people imprisoned for criticizing government policies, including Moussa Fofana. He was arrested in late 1986, apparently on account of a letter he wrote to the President calling for policy changes. He was reportedly released in early 1987 but then rearrested. It was unclear if he remained in detention at the end of 1987. In May the authors of leaflets criticizing the government, as well as those found distributing the documents, were threatened with arrest. However, it was not known if any arrests took place.

GUINEA BISSAU



About 40 political prisoners sentenced in July 1986 after an unfair trial remained in prison throughout 1987. Other alleged opponents of the government were detained without trial for long periods. One prisoner was alleged to have died in custody as a result of torture but the government attributed his death to suicide.

Rafael Barbosa, a former long-term political prisoner, was detained without trial throughout 1987. He had previously been imprisoned or restricted in colonial times and between 1975 and early 1985 (see Amnesty International Report 1986). He was rearrested in June 1985 after two of his relatives had been detained for writing anonymous leaflets criticizing the government but he was not charged.

Emilio Costa, an army captain, was also believed to have been detained without trial throughout 1987. He was arrested in December 1985 when he returned to the capital, Bissau, after studying in Portugal. He was apparently suspected of being in

contact with supporters of Paulo Correia, the former Vice President, who was convicted in July 1986 of conspiring against the government and was executed with five co-defendants. He was not reported to have been charged or tried although he was held with prisoners tried with Paulo Correia who were sentenced to prison terms. The government gave no reasons for his detention, despite the code of penal procedure which requires detainees to be brought before a judge promptly, and either charged or released. One other long-term detainee, José Manuel Buscardini, an official in the Ministry of Agriculture, was released early in 1987. He had been arrested at work in January 1986, apparently for political reasons, and held incommunicado for at least four months of his detention.

At least six of the 46 political prisoners sentenced to prison terms in July 1986 after an unfair trial (see Amnesty International Report 1987) were believed to have been released during 1987 after completing their sentences. The others, who received sentences of three to 15 years, were still imprisoned at the end of the year.

In February it was reported that Mandu Fati, a bank official from Bissau, had died in custody, bringing the number of known deaths of political prisoners since November 1985 to seven (see Amnesty International Report 1987). He had apparently been arrested after a pistol was found in his possession and was suspected of intending to commit a political offence, but was not formally charged. The authorities said that he had committed suicide, but unofficial sources alleged that he had been tortured while being interrogated. However, it was not possible to confirm either the cause of death or the reason for his arrest.

In August Amnesty International submitted a memorandum to the government detailing its concern about the long-term detention without trial of suspected government opponents, allegations of torture and ill-treatment of detainees, deaths in custody and the use of the death penalty. It called for the provisions of the code of penal procedure to be enforced to ensure that detainees would be brought promptly before a judge and either charged and brought to trial or released. The memorandum also urged the authorities to ensure that detainees were informed of the legal

basis and reasons for their imprisonment and that they could use the *habeas corpus* provisions in the code of penal procedure to contest their detention.

Amnesty International also called for the limits on incommunicado detention stipulated by law to be strictly followed in order to safeguard detainees against torture or ill-treatment, and for detainees to be granted access to legal counsel promptly after arrest and during the period of pre-trial investigation. It also urged the government to ensure that all complaints of torture or ill-treatment of prisoners were impartially investigated and that any statements extracted under torture were not admitted as evidence by the courts.

Amnesty International also called on the government to introduce legislation establishing a right of appeal to a higher court against both conviction and sentence for all defendants in political cases, and urged the abolition of the death penalty.

By the end of 1987 Amnesty International had not received a response to its memorandum from the government.

KENYA



Many political prisoners, including some arrested for the non-violent expression of their opinions, were held incommunicado in secret and illegal custody for periods of up to several months. They effectively "disappeared" in custody and were reportedly tortured. Some of them were later released. Thirty-nine others were brought to trial in 1987, without legal representation, and were convicted of political offences. The defendants had pleaded guilty, in many cases allegedly

because they had been tortured or subjected to other duress. At least 30 people were condemned to death for armed robbery, bringing the estimated number of condemned prisoners to over 200. It was not known if there were any executions.

Many alleged members or supporters of a clandestine opposition organization Mwakenya (Muungano wa Wazalendo wa Kukuomboa Kenya, Union of Nationalists for the Liberation of Kenya) were arrested in the first months of 1987. Hundreds of others had been arrested in 1986. Some of those arrested in 1987 were prisoners of conscience, including Gibson Kamau Kuria, a leading human rights lawyer and university lecturer. He effectively "disappeared" after his arrest on 26 February and no police unit acknowledged detaining him. In contravention of the law, he was not brought before a court within 24 hours. When a habeas corpus application made on his behalf came to court on 12 March, the authorities disclosed for the first time that he had been served with a detention order eight days earlier under the Public Security Regulations. These regulations permit the Minister of State responsible for internal security to authorize indefinite detention without trial and are not subject to challenge in the courts. While no reason for Gibson Kamau Kuria's detention was publicly given, he was apparently imprisoned because he served as legal counsel for a number of political prisoners. His arrest occurred shortly after he filed suit against the government for the alleged torture and illegal detention of three prisoners of conscience arrested in 1986 and the alleged torture and death in custody of another political prisoner. He was freed unconditionally on 12 December, Independence Day, by order of President Daniel arap Moi.

Gacheche wa Miano, a former law student detained under Public Security Regulations in July 1986, and an unnamed Kenya Airforce officer, detained secretly since the August 1982 coup attempt by air force personnel, were also held without trial until their release on 12 December. Other prisoners who were arrested on political grounds in 1987 were released without charge some days or weeks after they "disappeared". They included two members of Parliament, Charles Rubia and Abuya Abuya, who were arrested in Nairobi in January.

Several political prisoners sentenced to less than two years' imprisonment in 1986 were released during 1987 after being granted remission of sentence.

Paul Amina, a freelance journalist and prisoner of conscience detained under the Public Security Regulations, remained in custody at the end of 1987. He was arrested at the Nairobi Law Courts on 4 August while investigating legal proceedings in the case of a man shot dead in police custody in 1986. He was held incommunicado in police custody for over two weeks before the official Kenya Gazette published a notice of his detention. Again, no reasons were given by the authorities for his arrest and it appeared that he was imprisoned for reporting on a politically-sensitive court case.

In addition to Paul Amina, nine other prisoners of conscience remained in detention without trial under the Public Security Regulations at the end of the year. They included Raila Odinga, held since 1982 (see Amnesty International Report 1987), and eight others detained in 1986.

At least 39 people were brought to court on political charges in 1987 but none of them received fair trials. Like more than 50 political prisoners brought to trial in 1986, they had been held illegally and incommunicado before they were brought to court. There was no advance notice of their trials and none of the defendants had legal representation. In all cases, the defendants pleaded guilty to the charges against them, most of which were related to alleged participation in Mwakenya activities. Most of the trials, which took place before the Chief Magistrate of Kenya, were concluded within about half an hour and all defendants were sentenced to prison terms.

Those convicted included politicians, businessmen, civil servants and students. John Kamangara Maina, a former parliamentary candidate, was sentenced to 15 months' imprisonment on 29 January for "neglecting to report a felony". The felony not reported was the existence of a Mwakenya leaflet. Odhiambo Olel, a medical doctor treating former Vice President Oginga Odinga, was sentenced to five years' imprisonment in April for "taking an illegal oath" to join Mwakenya. He had been in good health at the time of his arrest but was unable to walk and had facial injuries when he appeared in court after two weeks' incommunicado detention by the police Special Branch. The Chief Magistrate reportedly made no com-

ment about his physical condition. All of the 39 defendants convicted remained imprisoned at the end of 1987.

Many of those arrested as suspected supporters of Mwakenya were reportedly tortured or ill-treated during detention at police Special Branch offices in Nyayo House or Nyati House in Nairobi. They were said to have been held in cells flooded with water for up to seven days, denied food, beaten, forced to do strenuous physical exercises, and threatened with death or indefinite detention. They were also denied access to relatives, lawyers and doctors. Some of the prisoners, however, were taken to hospital or released when seriously ill.

Richard Wekesa, a student, was sentenced in April to 10 years' imprisonment for allegedly receiving money from the Libyan Government to provide information about student opposition to the Kenyan Government. His sentence was reduced on appeal to six years.

There were further politically-motivated arrests but most of those held were released after a few days. For example, some 20 people were arrested in Mombasa on 30 October for demonstrating against the authorities' alleged anti-Muslim bias. About 50 others were arrested on 4 November after further demonstrations and rioting. Almost all of the detainees in these two groups were released without charge within a few days. Two detainees, however, were facing charges of incitement to violence at the end of the year.

Seven student leaders at the University of Nairobi were arrested in November after they called for more student involvement in national affairs and criticized a government decision to deny them passports to attend a conference in Cuba. The arrests, in addition to the banning of the students' union, resulted in student demonstrations which were forcibly broken up by the police. Police officers assaulted numerous students and four foreign journalists. Six of the students were subsequently released, as were those arrested during the demonstrations.

Robert Wafula Buke, the chairman of the student union, was held incommunicado for two weeks and then brought to court on 30 November. The court sentenced him to five years' imprisonment, after proceedings which followed patterns of previous unfair trials. Without legal representation, he pleaded guilty to providing the Libyan Government with information considered "pre-

judicial to Kenya's interests" about student activities.

At the end of the year, a total of more than 70 prisoners of conscience or political prisoners who may have been prisoners of conscience were serving sentences of up to 10 years. All of the convictions followed unfair trials, according to reports. Three students convicted of sedition in 1982 and 1983 also remained in prison.

Maina wa Kinyatti, a history lecturer, continued to serve a six-year prison sentence imposed in 1982 for alleged possession of a seditious document. His appeal against arbitrary denial of remission of his sentence was dismissed by a court in December 1987. The court ruled that he should have filed his appeal within one year of the remission denial, which occurred in 1983. He was in poor health and continued to be denied adequate medical treatment.

The deaths in police custody of three prisoners alleged to have been tortured were the subject of legal proceedings during 1987. Gregory Byaruhanga, a Ugandan national teaching in Kenya, died at Kisii Hospital on 23 March. A police Special Branch inspector was charged with his murder but discharged by the magistrate for lack of evidence. An autopsy found that Gregory Byaruhanga's death was due to injuries caused by an assault during the time he was in custody. No inquest into his death had been held by the end of 1987.

In October an inquest was held into the death of Stephen Wanjema, a carpenter, who died in custody in Nakuru on 13 September 1986. He had been arrested two weeks earlier for suspected membership of Mwakenya. The inquest, told that he had complained of severe beatings by the police before his death, had not given its findings by the end of 1987.

Peter Njenga Karanja, a businessman and rally-driver, "disappeared" after his arrest in Nakuru on 7 February for alleged links with Mwakenya. His family later discovered that he had died while still in police custody in a Nairobi hospital on 28 February. An inquest into his death was scheduled to begin in November and then postponed until early December. An Amnesty International representative went to Nairobi to observe the proceedings but was officially informed that he would not be permitted to attend the inquest.

At the inquest, which was heard by the Chief Magistrate, evidence was given that

Peter Karanja had died of pneumonia and intestinal gangrene. When admitted to hospital two days before his death, he had been in severe pain, barely able to speak, and had deep, open wounds on his body and sores on his feet. He had been in good health before his arrest and two weeks' detention in police Special Branch custody. The inquest was continuing at the end of the year.

More than 200 people were believed to be under sentence of death at the end of 1987 for robbery or murder. At least 30 of them were sentenced during the year, but it was not known whether there were any executions.

In July Amnesty International published a 58-page report entitled *Kenya: Torture, Political Detention and Unfair Trials*. The organization said that human rights had come under serious attack in Kenya since March 1986, when the government appeared to have adopted a deliberate program to silence or intimidate its political opponents. The report noted that senior government and law enforcement officers appeared to have condoned the undermining of crucial legal and constitutional safeguards for political prisoners, resulting in serious breaching of the rule of law.

Amnesty International also made numerous appeals to the government about the arrests of suspected political opponents who had "disappeared" and were believed to be at risk of torture. In addition, the organization called for the release of Gibson Kamau Kuria and other prisoners of conscience. The government did not respond directly to any of Amnesty International's appeals and inquiries but government officials criticized Amnesty International publicly on a number of occasions. On 12 December President Moi said in a public speech that any Amnesty International official who "was found in" Kenya would be arrested.

LESOTHO

There were several short-term arrests of critics and opponents of the government in connection with a ban on political party activity. Inquests were held into the deaths of two political detainees in 1986. No progress was made in identifying those responsible for the apparently politically-motivated killings of two former govern-



ment ministers and their wives in November 1986.

The ban on political party activity imposed after the coup which brought Major-General Justin Lekhanya to power in January 1986 remained in force throughout 1987. In January Tsepiso Mokoena was convicted of contravening the ban by wearing clothing with the colours of the Basutoland Congress Party. He received a suspended prison sentence of six months. Charles Mofeli, leader of the United Democratic Party (UDP), was arrested in June after he sent a petition to King Moshoeshoe II, the head of state, calling for a return to parliamentary democracy. He was released a week later, reportedly after his wife initiated court action which challenged the legality of his detention. A renewed call for return to parliamentary rule was made jointly in August by leaders of five political parties, including the UDP, who had also joined together in 1985 in opposition to the former government of Chief Leabua Jonathan. No arrests were known to have occurred following this renewed call.

Inquests were held into the deaths in detention during March 1986 of Brigadier B.M. Ramotsekhoana, the army second-in-command at the time of the January 1986 coup, and Colonel Sehlabo Sehlabo, leader of a mutiny apparently attempting to forestall the coup. In both cases, the inquests found that the detainees had died from injuries sustained in detention, but the identities of those responsible for their custody and interrogation were not disclosed. Subsequently, civil actions for damages were initiated by their families against the authorities. In September the

ruling Military Council issued an Indemnity Order which effectively granted immunity to the authorities and those acting on their behalf for acts committed following the coup. No inquest had been held by the end of the year into the death of Sergeant M. Tjane, who also died in detention in March 1986.

The authorities failed to identify those responsible for the abduction and murder of two former government ministers, Desmond Sixishe and Vincent Makhele, and their wives in November 1986 (see Amnesty International Report 1987). Official reports said in March that Simon Makhetha, a South African refugee, had reappeared. In 1986 it was alleged that he had been forcibly abducted from Lesotho for political reasons by South African security agents. It was not clear whether he had been detained in South Africa following his alleged abduction.

Amnesty International was concerned during the year about the detention of Charles Mofeli and about the Indemnity Order issued in September, which appeared likely to prevent identification and prosecution of those responsible for the deaths in detention of Brigadier B.M. Ramotsekhoana and Colonel Sehlabo Sehlabo.

There were major developments affecting the judiciary following the resignation in June of most Supreme Court judges at the request of President Samuel Doe, who said there was corruption and malpractice within the judiciary. A new Chief Justice was appointed but he refused to take up his post when former Minister of Justice Chea Cheapoo, who had previously been arrested on suspicion of embezzlement, was made a judge. In response, President Doe appointed Chea Cheapoo as Chief Justice and overruled a decision by the House of Representatives to reject his appointment. However, in December President Doe intervened personally to free a judge and a businesswoman after Chea Cheapoo had ordered their detention for allegedly attempting to bribe him. The President then instigated impeachment proceedings against Chief Justice Cheapoo. After being impeached by the legislature, he was charged with libel for accusing the President and the Minister of Justice of taking bribes.

Several people were detained without trial for political reasons. Gabriel Doe was arrested in January, apparently on suspicion of helping Ellen Johnson-Sirleaf, a former government minister and prisoner of conscience, to leave the country in 1986 after her life had been threatened. He was apparently charged with piracy and released on bail, but the case against him did not proceed. However, he was rearrested in September, again apparently in connection with Ellen Johnson-Sirleaf's departure from Liberia. He was held incommunicado and in harsh conditions in the Post Stockade, a military prison in Monrovia, and a lawyer who sought access to him was also briefly detained. In mid-October Gabriel Doe was transferred to a civilian prison and allowed access to his lawyer. He was released in late October after apparently being charged with forgery, but no further legal proceedings against him were reported by the end of the year.

In another case, Zaye Gontee, a businesswoman, was arrested in May and detained incommunicado and without trial for over three months in the Post Stockade. She was apparently suspected of contact with Liberians living abroad who were opposed to the government. However, no charges were brought against her and she was released in August after an application for habeas corpus was granted by

LIBERIA



Several suspected opponents of the government were detained for short periods, but none were brought to trial. One death sentence was known to have been imposed by the courts, but it was not known whether any executions took place.

the Criminal Court.

John Vambo, a journalist, was also detained without charge in August after he photographed a dispute in the street in which a military police officer was involved. He was held for nearly six days, during which time he reportedly slept in a cell only one metre high.

There were new allegations of abuses by the security forces in Nimba county, the home area of the leader of an unsuccessful 1985 coup attempt, Brigadier-General Thomas Quiwonkpa. In April, for example, 14 people were reported to have been arrested and held without charge for several weeks following an incident in which a group of people, including children, had been shot at by soldiers. In September four people, two of whom were traditional chiefs, were detained for between one and three weeks, apparently because they were suspected of being in contact with exiled government opponents. President Doe appealed in November for exiles to return and ordered roadblocks throughout Nimba county to be removed.

One death sentence was announced during 1987, following a murder trial in March in Nimba county. The outcome of the defendant's appeal to the Supreme Court was not known nor whether the execution was carried out. According to the trial judge, it was scheduled to take place in April.

Amnesty International appealed on behalf of Gabriel Doe, calling for his immediate release if he were not charged. No response was received.



Andrianarijaona. She remained in hospital, where she had been taken in August 1985 to receive treatment for injuries sustained at the time of her arrest.

In December 1984 there had been violent clashes between members of Kung Fu clubs and Tanora Tonga Saïna (TTS), "Youth Who Are Aware of Their Responsibilities". Earlier in 1984 the clubs had been declared illegal because they had become increasingly identified with opposition to the government. In August 1985 heavily armed government security forces attacked the principal Kung Fu headquarters. A number of people were killed in the attacks and some 200 people were detained. Most of the detainees were later provisionally released. The 38 people who remained in prison along with other Kung Fu club members were charged on 9 November 1987 with various political and criminal offences but had not been tried by the end of the year. Some of those detained without charge since August 1985 may have been prisoners of conscience.

Many students were arrested in connection with protests against government plans to reform the universities. Student strikes started when these plans were announced in November 1986. In February there were violent confrontations between students, who occupied university buildings in Antananarivo and other cities, and security forces. In March striking students continued to demand the release of some 40 students who had been detained. Subsequently, most of those detained were believed to have been released without charge. Francis Aimé Mandialahy, a student leader, was arrested on 7 May. He is the adopted son of Monja Joana, the leader

MADAGASCAR

Thirty-eight political prisoners arrested in 1985, including some who may have been prisoners of conscience, remained in custody throughout the year without trial. Students arrested in February 1987 were also held without charge or trial. Many other prisoners held on criminal grounds reportedly died as a result of malnutrition and harsh conditions.

The 38 political prisoners arrested in August 1985 were suspected of belonging to banned Kung Fu martial arts clubs. All of them were detained without trial in Arivonimamo Prison, except Samuelle

of the opposition party Madagasikara Otronin'ny Malagasy (MONIMA), Madagascar for the Malagasy. Francis Aimé Mandialahy reportedly escaped from custody shortly after arrest.

Amnesty International continued to receive reports of overcrowding, malnutrition and lack of adequate medical facilities in prisons. For example, the prison at Antanimora on the outskirts of Antananarivo reportedly held several thousand more prisoners than it was designed to accommodate. Prisoners who received no extra food from their families to supplement the prison diet, which consisted almost entirely of the vegetable cassava, were said to be severely malnourished. Many deaths apparently resulted from prison conditions. In early 1987 reports indicated that at least one prisoner died each day in Antanimora prison.

During the year Amnesty International continued to investigate the cases of the 38 prisoners held without trial since 1985. The organization called for their fair trial or release. Amnesty International also sought information from the authorities about students arrested in February but received no response.

MALAWI



Three prisoners of conscience whose identity was known and many other political prisoners who might be prisoners of conscience remained in Malawian prisons at the end of 1987. Some had been convicted after unfair trials in the traditional courts. Those held reportedly included Jehovah's Witnesses imprisoned

for their religious beliefs and activities. Prison conditions were reported to be harsh and prisoners were believed to have been systematically denied adequate food over long periods.

Under the Public Security Regulations 1965, the President may, "if he considers it to be necessary for the preservation of public order so to do, make an order against any person directing that he be detained". Detention may be for an indefinite period, although the President is required by law to review detention orders every six months. The same security regulations make it an offence, punishable by up to five years' imprisonment, to publish anything which is likely "to undermine the authority of or public confidence in the government".

Malawi's best known poet, Jack Mapanje, was arrested in Zomba on 25 September. Police took him to his office at the university, where he is head of the department of language and literature, and seized papers and copies of his book of poetry, *Of Chameleons and Gods*. Jack Mapanje was held incommunicado either at Zomba Central Prison or nearby Mikuyu Prison, where he remained at the end of the year. The government did not say why or under what law he was held, despite appeals from a number of international literary figures, including the last two winners of the Nobel Prize for Literature, Joseph Brodsky and Wole Soyinka. Unconfirmed reports suggested that he might have been charged with sedition.

Freedom of speech and artistic expression remained very limited. All publications had to be submitted to an official Censorship Board before they could be circulated within the country. At about the time of Jack Mapanje's arrest, the Censorship Board banned *Of Chameleons and Gods*, which had been published in 1981 and was previously allowed limited circulation in Malawi. However, his arrest may have been related to a forthcoming volume of poems, which some observers suggested might have been seen as critical of the government.

Orton and Vera Chirwa, both prisoners of conscience, were convicted of treason after an unfair trial in a traditional court in 1983. They were initially sentenced to death, but these sentences were commuted in 1984 after international appeals on their behalf. In January 1987, President Banda

made a speech in Blantyre in which he accused Orton Chirwa, who was leader of the exiled opposition Malawi Freedom Movement, of continuing his political activities in prison and of circulating critical leaflets from his prison cell. The President is reported to have said that Orton and Vera Chirwa did not deserve the clemency that had been shown them and that the Malawi Young Pioneers, a paramilitary youth brigade composed of members of the ruling party, would "do a job" on them. However, President Banda apparently later gave assurances that the Chirwas had not been threatened. During 1987 Orton and Vera Chirwa were transferred from Mikuyu Prison to Zomba Central Prison, where conditions are poor. During an earlier period of imprisonment at Zomba, Orton Chirwa was manacled for long periods each day and handcuffed to an iron bar at night. Although he could lie down to sleep, he could not move freely even in his own cell. In these conditions Orton Chirwa, who is in his mid-60s, suffered increasingly bad health. Vera Chirwa's health had been poor for some years and also suffered a deterioration in prison.

In September police Special Branch officers arrested Goodluck Mhango, a 32-year-old veterinary doctor employed at the agricultural wing of the Malawi Young Pioneers in Lilongwe. He was reported to have sustained serious injuries to his head after beatings by police prior to his detention at Maula Prison in Lilongwe. It was reported that the reason for his arrest was his relationship to his brother, a journalist resident outside the country whose political writings about Malawi had displeased the government. Amnesty International was investigating whether Dr Mhango was a prisoner of conscience.

Amnesty International received confirmation of the release from Mikuyu Prison of two political detainees, Francis Pollock Mhango, a journalist held since 1981, and Ferndo Mfipa, a former civil servant. Another political detainee, Ulemi Msonthi, a farmer and son of a former Cabinet Minister, was released from Maula prison where he had been held uncharged since 1984.

Members of the Watch Tower Bible and Tract Society (Jehovah's Witnesses) apparently continued to be imprisoned because of their conscientious refusal to join the sole political party, the Malawi

Congress Party. The sect is banned under a section of the penal code which makes individuals liable to imprisonment if they further the aims of an "unlawful society" — that is, any group considered to be "dangerous to the good government of the Republic". Several dozen Jehovah's Witnesses were believed to be detained without trial at Dzeleka Prison Farm and Maula Prison.

Throughout the year Amnesty International continued to appeal to the Malawian Government for the release of prisoners of conscience. In particular, the organization sought assurances concerning the safety of Orton and Vera Chirwa after President Banda's Blantyre speech in January, as well as pressing the government for prisoners of conscience to be held in humane conditions. Amnesty International continued to investigate the cases of a number of possible prisoners of conscience.

MALI



One prisoner of conscience was detained without charge for a short period. Two long-term political prisoners were reported to have died in Taoudéni prison camp. At least 19 people were sentenced to death during the year, but it was not known whether any executions were carried out.

Samba Diallo, a college lecturer, was detained without charge for one week following his arrest in March, reportedly for criticizing the head of state, General Moussa Traoré, at a private meeting. He was taken to a punishment cell in the main

police station in Timbuktu, over 1,000 kilometres from Bamako, the capital, where he lived. He was subsequently released without charge.

Two political prisoners were reported to have died in Taoudénit prison camp in the far north. In August the authorities apparently confirmed the death of Yousouf Balla Sylla, who was sentenced to 15 years' imprisonment in October 1978 after being convicted of plotting to overthrow the government. Sounkalo Samaké, who was sentenced to 10 years' imprisonment in the same trial, was also reported to have died. In recent years it has been reported that prisoners in Taoudénit have been denied proper medical treatment and permitted no contact with their families. Several prisoners are known to have died there in recent years, apparently as a result of the lack of medical facilities and severe conditions, particularly at the salt mines where they are forced to work. Six of 27 defendants sentenced to imprisonment with hard labour in 1978 for conspiring to overthrow the government were reported to be still held in Taoudénit, all in poor health. They included Karim Dembélé, a former army officer and member of the military government, and Alou Mahamane Traoré, a former air force officer.

On 22 September General Traoré granted a presidential pardon to some 30 prisoners to commemorate independence day. They included Ahmadou Koné and four other former officers in the armed forces who were convicted in 1977 of attempting to disrupt the internal security of the state. The identity of the others released was not revealed, and it was not known whether any prisoners of conscience were among them.

At least 19 people were sentenced to death in 1987, three of them in absentia, but it was not known if there were any executions. Four of the 19 were convicted on criminal charges, one in absentia, in June. Fifteen people were also known to have been sentenced to death by the Special Court of State Security, a special court whose jurisdiction includes offences involving state property. All 15, who included two sentenced in absentia, were convicted of misappropriating state funds. The death penalty is mandatory under law in Mali for anyone convicted of embezzling more than 10 million CFA francs (US \$36,000).

MAURITANIA



A number of people, mostly critics of the dominance of members of the Arab-Berber community in the government, were arrested, and some were tried and sentenced to prison terms. Among them were several prisoners of conscience. Other political prisoners sentenced after a seriously defective trial in 1986 were held throughout 1987, as were the former head of state and several former government officials who were kept under house arrest. The first executions since the government took power in 1984 occurred in December, when three army officers were shot a few days after being convicted of conspiring to overthrow the government.

The government maintained its ban on political parties, and the right to freedom of association remained strictly circumscribed by laws requiring official registration and approval for all associations, whatever their aims. Tension continued between the Arab-Berber community and the black population of the south, particularly the Toucouleur ethnic group, after unrest in 1986.

Seventeen alleged supporters of a Ba'athist political party were arrested in September but most were released uncharged within a few weeks. Six, however, were convicted of belonging to an unauthorized organization and given suspended sentences. Some of them had previously been imprisoned from 1981 to 1984 for attempting to establish a Ba'athist political party in Mauritania.

Seventeen political prisoners who had been sentenced to prison terms followed

by internal exile on 25 September 1986 after a seriously defective trial (see *Amnesty International Report 1987*) remained in prison. They had been convicted after they published a manifesto alleging discrimination by the predominantly Arab-Berber military government against the country's black population. It was believed that a number were ill-treated in police custody. Their appeal to the Supreme Court was dismissed in February. Family visits were denied them throughout the year. In late 1987 the 17 prisoners were transferred to a remote prison in Oualata, some 1,400 kilometres from the capital, Nouakchott.

There were a number of trials between September 1986 and April 1987 arising from protests which followed the verdict of the 25 September 1986 trial. At least 40 people were sentenced to prison terms ranging from eight months to five years. In two trials in March and April, 19 people were convicted of arson after being detained incommunicado in police custody for long periods. They were convicted primarily on the evidence of statements they had made in custody, some of which were alleged to have been made under duress. Among those convicted in March and sentenced to five years' imprisonment were Abdoul Aziz Kane, an agronomist, and Saïdou Kane, a student; both were held for three months in police custody and were allegedly tortured. Arson charges were reportedly not brought against those convicted in April until just before the trial, allowing the defendants insufficient time to prepare their defence. Violence, including arson, did take place in late 1986, but no substantial evidence appeared to have been produced at these trials to prove that the defendants had been involved. The real reason for their arrest was believed to be their support for those convicted on 25 September 1986. The outcome of appeals to the Supreme Court by those convicted in the two trials was not known to Amnesty International.

Mohamed Khouna Ould Haidalla, the former head of state, remained under house arrest throughout the year, as did five members of his government detained following the coup of December 1984. One, Moulaye Hachem Ould Moulaye Ahmed, escaped in December 1986 from Sélibaby, where he was held, and sought asylum in Senegal, claiming that he had been denied adequate medical treatment while under

house arrest. He was returned to Mauritania on 10 May under an extradition order issued on the grounds that he had been charged in 1984 with embezzling public funds. He was not brought to trial, however, but was reportedly returned to house arrest in Sélibaby. He and the other former officials under house arrest were allowed family visits in May for the first time since their arrest. There were reports that two of them were seriously ill during the year.

On 6 December three armed forces officers were executed after being convicted by a special state security court. They were among 51 members of the black community, all but four of them serving military personnel, who were arrested in late October and accused of plotting to overthrow the government. They were held incommunicado in police custody and allegedly deprived of sleep for long periods while being interrogated. They were tried under a special summary procedure on the grounds that they had been caught in the act of committing an offence. Their defence lawyers were denied access to them until the morning of the trial, which took place at Jereida Barracks from 18 November to 3 December. Eighteen of those convicted were sentenced to life imprisonment, nine to 20 years in prison, and others to shorter or suspended prison terms; seven were acquitted. None of those convicted had a right of appeal and the three officers sentenced to death were executed only three days after their conviction.

Following the executions, some members of the black community who protested publicly were briefly detained and interrogated. There were reports that some were ill-treated in police custody and remained in detention at the end of the year.

In January an Amnesty International delegate visited Nouakchott to seek further information about arrests during the second half of 1986 and the 25 September 1986 trial. He met government ministers, other government officials and lawyers. In April Amnesty International summarized its concerns in a letter to the head of state, Colonel Maaouya Ould Sid' Ahmed Taya. It drew attention in particular to the lack of evidence produced at the September 1986 trial that the defendants had used or advocated violence and to serious deficiencies in pre-trial and trial procedures. In June the Minister of Justice replied, claiming that the trial had been fair. He cited an

opposition group's document as evidence of the defendants' advocacy of violence and referred to violent incidents, although the document was not used as evidence at the trial and the violence took place after the trial. Amnesty International continued to investigate whether the 17 still imprisoned were prisoners of conscience.

MAURITIUS



Eshan Nayeck became only the second person since independence in 1968 to be executed in Mauritius. The first two death sentences were imposed under the Dangerous Drugs Act 1986, and two other prisoners were also under sentence of death at the end of 1987.

Eshan Nayeck was hanged at Beau Bassin Prison on 10 October after being convicted of murder. He did not exercise his right to appeal. His case, like all those involving the death penalty in Mauritius, was reviewed by the Commission on the Prerogative of Mercy, which advises the Prime Minister. At the end of 1987 two other prisoners, Anatole de Boucherville and Poonoosamy Pongavanam, were under sentence of death for murder. Their cases had been submitted to the highest court of appeal for Mauritius, which is the judicial committee of the Privy Council in the United Kingdom.

In December Mohammed Mukhtar Ali and Gulam Rassool were sentenced to death after being found guilty of drug-trafficking under the Dangerous Drugs Act 1986. They were the first prisoners to face the death penalty under this new law. Article 38 of the Act provides a mandatory

death sentence for trafficking in "dangerous drugs", including opium, heroin, cannabis and coca leaves. Unlike other serious offences in Mauritius, where the verdict is determined by a jury of nine, people charged with trafficking under the Dangerous Drugs Act are tried by a judge sitting without a jury.

Amnesty International appealed to Prime Minister Anerood Jugnauth for clemency in the case of Eshan Nayeck shortly before he was hanged. The organization also appealed on behalf of the other four prisoners under sentence of death and called on the government to amend the Dangerous Drugs Act to remove the death penalty. During the campaign leading up to the general election in August – which was won by Prime Minister Jugnauth's ruling coalition – Amnesty International wrote to all the major parties asking them to commit themselves to abolition of the death penalty.

MOZAMBIQUE



Abuses of human rights, in particular the long-term detention without trial of political prisoners, continued against a background of widespread armed opposition to the government and economic disruption. However, the government also took action to improve respect for human rights. Two prisoners of conscience and over 30 other political prisoners were released in December and the sentences of some 30 other political prisoners convicted after unfair trials were reduced, although they remained in prison. Court-imposed floggings were reported during the first half of 1987.

There was continued fighting throughout the year between government forces and the armed opposition, Resistência Nacional Moçambicana (RENAMO or RNM), Mozambique National Resistance. It was particularly intense in the central provinces during the first half of 1987. The government, which was assisted by Zimbabwean and Tanzanian troops, claimed that the RNM received provisions and other support from South Africa.

The internal conflict was marked by reports of human rights abuses, including the torture and killing of civilians and summary executions of both soldiers and civilians. However, Amnesty International was not able to establish responsibility for individual killings. The government claimed that RNM guerrillas deliberately killed civilians in attacks on villages and on road and rail traffic. The worst incident occurred on 18 July, when over 400 civilians were killed, apparently by the RNM, at Homoíne, in Inhambane province. The government accused South Africa of responsibility for organizing the RNM attack, but the South African Government denied this. RNM officials abroad denied that the Homoíne killings were committed by the RNM and attributed them to mutinous local militiamen. A joint Mozambican-South African working group was set up to investigate the incident but its findings had not been made public by the end of the year.

The RNM was reported to be holding many prisoners captured during raids on towns and villages either in 1987 or in previous years. They were said to include children, some of whom, it was alleged, were subsequently made to participate in acts of violence. They also included a number of foreigners: six were released and seven more captured in May. Some of those taken prisoner by the RNM were reported to have been summarily killed soon after their capture.

Official sources reported that about 100 RNM fighters were captured during the year. One of them, Simião Laquene, reportedly told journalists on 21 September that he had been in the RNM camp from which the attack on Homoíne had been launched. Unarmed civilians suspected of supporting the RNM were also detained. Among them were several railway workers arrested in May who were accused of providing information to the RNM which

had enabled it to carry out attacks along the "Beira Corridor", the area through which a railway line, a road and an oil pipeline link the port of Beira with Zimbabwe. At least three other people were arrested and accused of participating in armed attacks on four buildings in a Maputo suburb on 29 May. None of these civilians or captured RNM rebels were known to have been charged or tried.

Most political prisoners were held for long periods without charge or trial. Among them were RNM activists, civilians suspected of supporting the RNM and people arrested in the mid-1970s who may have "disappeared".

Suspected RNM activists arrested since the early 1980s were believed to be held without any form of judicial procedure in prisons or detention camps near provincial capitals. Those who surrendered to the authorities were sent to special centres with the declared aim of eventually rehabilitating and releasing them.

In December the People's Assembly enacted an amnesty law which guaranteed that armed government opponents who surrendered within a 12-month period would eventually be released into civilian life.

Untried political detainees suspected of supporting the RNM by providing information or other assistance were believed to be held in Maputo or in provincial capitals by the Serviço Nacional de Segurança Popular (SNASP), People's National Security Service. Some were held in Machava barracks on the outskirts of the capital, Maputo, in the custody of the SNASP. Like all detainees held by the SNASP, they had no right to ask a court to examine the legality or grounds of their detention. Many were initially held incommunicado. One, João Libio Martins do Quental, a Portuguese pilot, was arrested in December 1984 at Maputo airport, apparently on suspicion of air-lifting supplies from South Africa to the RNM. He was reportedly flogged for an alleged disciplinary offence in October 1986. Another untried detainee, Paulino Tenis Botão, a former local government official, was arrested in 1982 or 1983, apparently on suspicion of sympathizing with the RNM. According to a law passed in December which reduced the sentences of convicted political prisoners, untried detainees could also qualify for release. However,

none were reported to have been released as a result of this law by the end of 1987.

No long-term detainees held in detention or "re-education" camps since the mid-1970s were known to have been released during the year (see Amnesty International Report 1987). One of those still apparently detained was José Eugénio Zitha, a book-keeper and medical student who was arrested in Maputo in October 1974, soon after the Frente da Libertação de Moçambique (Frelimo), Mozambique Liberation Front, joined a transitional government in the period leading up to independence in July 1975. He was taken to Nachingwea, Frelimo's base camp in southern Tanzania, where in April 1975 he was accused before a gathering of journalists and Frelimo activists of spying on medical students. He was reportedly transferred with other prisoners to a detention camp in Mozambique but his subsequent whereabouts were unknown. Like other prisoners transferred from Nachingwea to detention centres in Mozambique, he seemed effectively to have "disappeared" (see Amnesty International Report 1987).

About 40 convicted political prisoners were reportedly released during the year, either on expiry of their sentences or in December when the government reduced the sentences of all those convicted by the Revolutionary Military Tribunal — in effect, all the country's convicted political prisoners. Among those freed in December was Dr Bonifácio Ricardo José, a prisoner of conscience. He had been convicted in December 1979 of being an "active member" of a clandestine organization set up to support the RNM and sentenced to 12 years' imprisonment.

Two other people imprisoned after trials by the Revolutionary Military Tribunal had their 20-year sentences reduced in December to 15 years. Pedro José Gonçalves, a storekeeper, had been arrested in Madimba, near Mozambique's frontier with Malawi, in March 1978 and accused of illegally crossing the border. Security officials searched his house and found an unfinished play which he had written satirizing the head of state. He was convicted of insulting the head of state, agitation, illegally leaving the country and espionage. Dion Finlay Hamilton, a British citizen whose sentence was also reduced, was convicted in February 1983 of complicity in an RNM attack in Beira.

The trials of these prisoners by the Revolutionary Military Tribunal had not been fair. Some defendants had not been informed of their impending trial until they appeared in court, and only then had they been formally told the charges against them and introduced to their officially appointed defence counsel. None of the defendants were given an adequate opportunity to defend themselves. They had no right to appeal to a higher court against the verdicts or sentences.

Some 50 people were sentenced by district and local courts between January and June to floggings of between four and 45 lashes. Most of the floggings were reported to have been carried out in public. Three women received sentences of five or 10 lashes each, and two men received the maximum sentence of 45 lashes. One had been convicted of rape by the Maputo City People's Tribunal in January and sentenced to eight years' imprisonment; the other was convicted of theft by Marrupa Communal Village Tribunal in Cabo Delgado province in June. In contrast, from July to December Amnesty International learned of no court-ordered floggings. However, floggings and beatings continued, particularly by members of the Polícia Popular de Moçambique (PPM), Mozambique People's Police, at transit control points. These practices were criticized by the Mozambican authorities but nevertheless persisted.

Amnesty International called for the release of two convicted prisoners of conscience, Dr Bonifácio Ricardo José and Leonardo Mabunda (see Amnesty International Report 1987). Both were released in December. The organization continued to investigate the cases of both convicted and untried prisoners whom it believed might be prisoners of conscience. In particular, it urged the authorities to make information available about a number of prisoners arrested and sent to "re-education" camps in the mid-1970s, but neither Amnesty International nor their relatives obtained any new information about them or their whereabouts. Amnesty International also called for the abolition of flogging, which it considers to be a cruel, inhuman and degrading punishment, and for measures to protect prisoners against torture and ill-treatment.

NAMIBIA



Suspected opponents of continued South African administration of Namibia, including prisoners of conscience, were detained without trial, in some cases for long periods. There was graphic new evidence of the torture of political detainees. In one case, security police officers admitted in court that they had tortured and beaten defendants held in pre-trial custody. The officers were subsequently arrested at the judge's direction but released when the authorities declined to prosecute them. In another case, a security police officer was charged but acquitted in connection with the death in custody of a political detainee in 1980. Six members of the military, including three senior officers, were charged in connection with the stabbing to death of a former political prisoner during an attack by the security forces on people attending a political rally in November 1986. There were also reports of extrajudicial executions by South African security forces operating in northern Namibia. The death penalty continued to be imposed but neither the precise number of sentences nor whether executions took place was known.

The South West Africa People's Organization (SWAPO) continued throughout the year to oppose South Africa's administration of Namibia. SWAPO operated as a legal political organization within the country. An external wing, based in Angola, launched guerrilla attacks into Namibia against South African forces and those supporting them. South African forces were responsible for repeated incursions

into Angola and attacks against SWAPO bases there. Both sides accused the other of killing civilians but in most cases it was impossible to verify who was responsible. It continued to be reported that SWAPO held a number of prisoners within its camps in Angola.

Many people were reportedly detained without charge or trial in 1987, including a number of prisoners of conscience. They included prominent members of SWAPO's internal wing, trade unionists, teachers and others, particularly in the north, who were suspected of supporting SWAPO, opposing continued South African rule or possessing information about SWAPO guerrillas. A number of detainees were first held under the provisions of Proclamation AG.9 of 1977, an administrative decree which permits the security forces to arrest people arbitrarily and detain them without charge for an unlimited period. Previously, this provision was much used, as it permitted detainees to be held incommunicado, but in February 1986 a Supreme Court ruling established the right of detainees to have access to a lawyer after 30 days in custody. Apparently as a consequence of this ruling, a pattern emerged in 1987 whereby some detainees were held initially under AG.9 and then transferred, within 30 days, to detention under Section 6 of the South African Terrorism Act. Others were held from the outset under Section 6, which, unlike AG.9, stipulates that detainees must be held incommunicado for the duration of their detention. Section 6 also permits the security police to hold detainees without charge and in solitary confinement for an unlimited period during interrogation and to withhold all information about the reasons for their imprisonment and about their whereabouts. The Terrorism Act was repealed in South Africa in 1982, following a succession of deaths in detention. The act remained applicable in Namibia but was little used in comparison with Proclamation AG.9 until the February 1986 Supreme Court ruling on detainees' rights to legal access.

Information about human rights remained difficult to obtain from northern Namibia, much of which continued under a dusk-to-dawn curfew throughout 1987, but there were periodic reports of politically-motivated arrests. For example, at least 12 people were reportedly

detained in January in the Tsandi area of Ovamboland district. The group included 60-year-old Elizabeth Amukwaya, a teacher; Taimi Endjala, another woman; and other local teachers. They were reportedly held under Section 6 of the Terrorism Act before their release without charge. No reasons were given for their arrests. Josef Katofa, a former prisoner of conscience and victim of torture (see Amnesty International Report 1986), was also detained in January, together with his father. They were held initially under Proclamation AG.9 but the legal basis for their detention may have been changed to Section 6 of the Terrorism Act. Both men were released without charge. Josef Katofa was again detained in July and considered to be a prisoner of conscience. In late September he was again released without charge. Following this release, he alleged that he had been severely assaulted in detention.

Five leading members of SWAPO's internal organization were arrested in dawn security police raids on 19 August. They included Hendrik Witbooi, SWAPO's Vice President; Daniel Tjongarero, its Deputy Chairman; and Anton Lubowski, a leading white member of SWAPO. Within days two other SWAPO activists, both officials of the Mineworkers' Union of Namibia (MUN), were also detained. Ben Uulenga, the secretary general of MUN, was arrested when he returned to Namibia from abroad. All seven were held incommunicado and in solitary confinement under Section 6 of the Terrorism Act at a detention camp at Osire (see Amnesty International Report 1986 and 1987).

The South African Administrator-General said that the detainees were held in connection with a bomb explosion in July but the real reason appeared to be their non-violent activities on behalf of SWAPO, in particular a MUN-led mineworkers' strike then in progress at Tsumeb. The seven men were released on the orders of a Supreme Court judge in September, after their relatives brought an action challenging the validity of their detentions. The judge also criticized the continued use of the Terrorism Act as a basis for detentions in Namibia.

Another senior SWAPO official, Jason Angula, was detained in October. He was first held under Proclamation AG.9 but within 30 days transferred to detention

under Section 6 of the Terrorism Act. He was still held incommunicado and in solitary confinement at the end of the year.

A number of detainees alleged that they were tortured or ill-treated. For example, Timoteus Ndakunda, a high-school headmaster, alleged that he and his wife were blindfolded, bound and subjected to degrading treatment while detained overnight by soldiers in March. Nimrod Muremi, who was released without charge in September after three weeks' detention under AG.9, alleged that efforts had been made to keep him awake continuously while in custody.

Chilling evidence of torture also emerged at the trial of two alleged SWAPO guerrillas and six civilians accused of assisting them. The eight had been arrested at different places and times and detained under Proclamation AG.9 at various interrogation centres. Defence lawyers contested confessions allegedly made by the defendants during pre-trial detention, on the grounds that they had been extracted under duress. Several security police officers then admitted in court that some of the defendants had been tortured. A captain in the police Counter-Insurgency Unit (COIN), formerly known as Koevoet (Crowbar), was said to have ripped an intravenous drip from the arm of Andreas Johnny Heita, who had been shot at the time of his arrest, and beaten him with a rubber hose during three hours' continuous interrogation. The victim showed the court scars on his head, back and shoulders which resulted from the assault by Captain Frans Ballach and other COIN personnel.

Other defendants in the case were also brutally assaulted. The barrel of a revolver was reportedly pushed into the mouth of one. The police denied this allegation and the use of electric shock torture on Andreas Johnny Heita. Under cross-examination by defence lawyers, however, security police interrogators said they believed it necessary to apply "maximum violence" in order to obtain "satisfactory information" from detainees. A security policeman of 13 years' service testified that interrogators were permitted licence to do whatever they wished to detainees so long as they did not "unnecessarily" kill them.

Following these disclosures, state-

ments obtained under duress were withdrawn by the prosecution but six of the eight accused were subsequently convicted and jailed. The trial judge called for legal action against the two security police officers most directly responsible for torture. They were later charged but not brought to trial. In December the Attorney General decided that their prosecution should not proceed but gave no reasons for his decision.

A security police officer accused of responsibility for the death of a political detainee was brought to trial. Captain Pat King had been named by the Windhoek Supreme Court in 1983 as one of those responsible for the torture and death in detention of Johannes Kakuvu, a farmer, in 1980 (see Amnesty International Report 1984). It was not clear why the authorities took so long to prosecute him but he was acquitted in December when the presiding judge ruled that there was insufficient evidence to convict him, despite the 1983 court ruling.

In September the authorities also brought murder charges against the commanding officer of the army's 101 Battalion, two colonels and three other military officers in connection with the November 1986 death of Immanuel Shifidi, a former political prisoner. He had been stabbed to death when people attending a SWAPO rally in Windhoek's Katutura township were suddenly attacked by a group of more than 50 armed men in civilian clothes, subsequently identified as members of 101 Battalion who had been officially dispatched from the north to disrupt the rally. Their trial had not begun by the end of the year and it appeared that South African State President P.W. Botha might invoke Section 103ter of the South African Defence Act to prevent their prosecution.

Many civilians in Ovamboland and other northern districts comprising the military "operational zone" were reported to have been assaulted or killed by South African security forces or COIN personnel. In most cases, however, the individual circumstances in which the killings occurred were disputed. For example, when Joseph Dumeni, brother of church leader Bishop Kleopas Dumeni, was killed in June, the security forces said he had been shot because he broke curfew rules. His family denied this explanation, alleging that he had been killed outside the curfew

area while in possession of a travel permit issued by the military.

The death penalty continued to be applied but it was not known how many people were sentenced to death or whether any executions took place.

There were continued reports that the external wing of SWAPO was holding prisoners at its bases in Angola but the number of detainees and most of their identities were not known. SWAPO said they had acted as spies for South Africa but other sources claimed they had been detained on account of disputes within SWAPO. They included several former SWAPO officials and at least two men who, before they went into exile, had been detained by the South African authorities in Namibia in the 1970s on account of their activities on behalf of SWAPO.

Amnesty International intervened with the authorities on behalf of individual detainees and expressed particular concern about reports of torture and ill-treatment. In April Amnesty International published a report, Namibia: Torture and Ill-treatment of Prisoners, which contained recent evidence of torture and criticized the use of legislation on immunity to prevent prosecution of security personnel accused of torturing or killing prisoners. Amnesty International also continued throughout 1987 to seek further information about prisoners held by SWAPO in Angola.

NIGER

An amnesty for over 100 political prisoners in detention or under house arrest, some of whom had been detained and restricted without trial almost continuously since 1974, was ordered by a new head of state in November. Colonel Ali Saïbou, Chief of General Staff, was appointed head of state by the ruling Supreme Military Council following the death of General Seyni Kountché on 10 November. In further moves in December, President Saïbou announced that other political detainees would be brought to trial and commuted all death sentences.

Before President Kountché's death, over 100 people were held without charge or trial for political reasons. They were



held in administrative detention or under house arrest and had been arrested in previous years for a variety of reasons. Many appear to have been prisoners of conscience. Others were alleged to have been involved in conspiracies to overthrow the government. Most of them were released in the amnesty on 20 November.

Cyrille Gabriel, a former government minister, was among 44 people released from administrative detention under the amnesty. He had been detained without trial since 1975, apparently because he had disagreed with President Kountché over government policy. Boulama Manga, previously a gendarmerie officer and member of the ruling Supreme Military Council, was also released. He had spent over seven years in detention without trial, apparently for refusing to take up a government post to which he had been assigned in June 1980. Also released was Adamou Harouna, a senior government official held since February 1983, apparently for criticizing a member of the government. Also freed were 15 people arrested after an unsuccessful coup attempt in March 1976, who were mostly former members of the security forces but also included Sanoussi Jackou. He worked at Niamey University at the time of his arrest and was one of about seven prisoners who had apparently remained in prison after serving five-year prison sentences imposed in 1976.

Sixteen people detained without charge or trial following an attempt to overthrow the government in October 1983 were among the 44 released detainees. They included the wives and domestic employees of former Lieutenant Amadou Oumarou, known as "Bonkano",

the former President's special security advisor. He was alleged to be one of the leading conspirators but escaped arrest by fleeing the country. As many as 19 other people suspected of involvement in the same coup attempt were not released and reportedly remained in custody at the end of the year. They included Mahamane Sidikou, a former senior government official who was reported to have been seriously ill while in detention. In December, President Saïbou stated that they would be brought to trial.

Almost 60 people were released from house arrest under the November amnesty, including former President Hamani Diori. He had been detained for six years following his overthrow in 1974 and was then placed under house arrest after his release from prison. Five members of his government, who had also been placed under house arrest following release from detention, were also freed, as was Djibo Bakary, former leader of the Sawaba political party, who had been detained without trial from 1975 to 1980 and then put under house arrest.

A number of death sentences were commuted at the time of the November amnesty. Seven out of 12 members of the Tuareg ethnic minority sentenced to death following an attack on government buildings in Tchin Tabaraden in May 1985 had their sentences commuted to life imprisonment. It was not clear what had happened to the other five, although unofficial sources suggested that they had died in detention.

A further amnesty for convicted political prisoners was announced on 17 December. President Saïbou stated that it specifically excluded those still detained in connection with the coup attempt of October 1983 who would shortly be brought to trial. He also announced that he had ordered a general amnesty for all nationals of Niger who had been involved in opposition to the government, that work would continue on a new Constitution, and that local and regional elections would be held.

On 30 December President Saïbou announced that all death sentences which had been confirmed on appeal and were not the subject of further judicial review were being commuted to life imprisonment; it was not known how many prisoners benefited from this.

Amnesty International welcomed the

release of those who had been detained and held under house arrest without charge or trial for political reasons, and the commutation of all death sentences. Over the years, the organization has raised many of these cases with the authorities but has never received any response to its inquiries and appeals.

NIGERIA



More than 100 people were sentenced to death and there were at least 45 executions, most of which were carried out publicly. The majority of those condemned to death and executed were sentenced by tribunals from which there was no right of appeal. The right of appeal to a higher court was also denied to more than 170 people tried in connection with religious riots which broke out in March in Kaduna state. More than 20 trade union leaders were detained without trial for up to one week in December and four leading members of former governments remained under restriction, without trial, throughout the year.

The arrests of trade union leaders, all of whom appeared to be prisoners of conscience, occurred in December after the national trade union federation, the Nigerian Labour Congress (NLC), began a campaign against the removal of government oil subsidies. On 14 December three NLC officials were detained by the State Security Service. In the days following, NLC president Alhaji Ali Chiroma and more than 20 regional NLC officials were also detained. They were held under State Security Decree No. 2 of 1984, which

provides for administrative detention without trial. Although the authorities declared an intention to charge them with sedition, they were released without charge by 22 December.

Alhaji Shehu Shagari and Alexander Ekwueme, the former President and Vice President whose civilian government was overthrown in a military coup in 1983, remained under restriction throughout the year. They had been released from detention without trial in July 1986, on condition that they remained in their homes in rural areas.

Another former head of state, Major-General Muhammadu Buhari, and former Chief of Staff, Supreme Headquarters, Major-General Tunde Idiagbon also remained restricted without trial throughout the year, reportedly under house arrest. They had been removed from power in a bloodless coup in August 1985.

Clashes between Christian and Muslim students in Kafanchan, Kaduna state, on 6 March sparked riots in other parts of the state. Nineteen people were killed and over 450 buildings destroyed, including churches and mosques. More than 600 people were arrested, including children nine years of age, and there were unconfirmed reports that detainees had been ill-treated in detention. President Ibrahim Babangida subsequently claimed that some of the violence had been engineered by subversives. By the end of the year, more than 170 defendants had appeared before the Civil Disturbances Special Tribunal, established by Decree No. 2 of 1987, and more than 50 had been convicted. Most were convicted of arson, riot and unlawful assembly. The five-member tribunal was headed by a Supreme Court judge. Its other members, who included an officer in the armed forces, were not required to have legal training. Those convicted by the tribunal had no right of appeal to a higher court and sentences were subject only to confirmation by the Armed Forces Ruling Council, the supreme executive body. At least seven were sentenced to prison terms of between four and five years for possession or publication of seditious materials. Amnesty International investigated whether they were prisoners of conscience.

Most of the people known to be held under sentence of death were tried before Robbery and Firearms Tribunals, estab-

lished under the provisions of the Robbery and Firearms Decree of 1984 to ensure that armed robbery cases were tried without delay. Some procedures of these tribunals, notably an absence of the right to appeal to a higher court, contravened basic international standards on application of the death penalty. Cases involving other serious offences, such as murder, were tried before the High Court and appeals could be made to the Appeal Court and then to the Supreme Court.

Seventy prisoners under sentence of death in Benin City prison, Bendel state, assaulted an official on 6 May, apparently in an unsuccessful attempt to prevent the hanging of two prisoners and in protest against prison conditions. Twenty-four prisoners were killed during the quelling by prison officials and police of a subsequent riot, and more than 40 prison officials were subsequently dismissed, transferred or disciplined. A judicial commission of inquiry established to examine the causes of the riot heard allegations that prisoners had been clubbed to death by prison officials. The commission submitted its conclusions to the Minister of Internal Affairs in October. By the end of the year, these findings had apparently not been made public.

In September the Federal Military Government reportedly ordered the governors of Lagos, Ogun, Oyo and Ondo states to execute at least 100 individuals sentenced to death for robbery. The directive, which was to be carried out by the end of the month, was apparently issued following intensified police action against an upsurge of armed robbery. Many of those sentenced to death were believed to have been tried before Robbery and Firearms Tribunals and sentenced to execution by firing-squad. Others, including some 19 people under sentence of death in Lagos state, were believed to have been convicted by the High Courts and to be awaiting appeal hearings. Amnesty International was unable to learn whether the executions took place. However, an acting governor in Lagos state was reported to have signed death warrants authorizing the execution by firing-squad of people sentenced by the High Courts to death by hanging.

Amnesty International appealed to the Nigerian authorities throughout the year for commutation of individual death sen-

tences and for an end to executions. The organization also asked about the powers of the Civil Disturbances Special Tribunal to impose death sentences and made inquiries about the detention of trade union leaders in December.

RWANDA



Almost 300 prisoners of conscience, convicted in 1986 for belonging to illegal religious sects, were freed in July. Three others, convicted in 1981, were freed in December. Other political prisoners remained in custody, including one prisoner of conscience convicted in 1981 and a former prisoner of conscience rearrested in 1986, who remained in detention without trial throughout 1987. More than 500 death sentences were commuted by the head of state in July, but others were imposed by the courts. No executions were reported.

Some 288 people convicted in October 1986 by the State Security Court on charges relating to membership of religious sects which the authorities considered to be subversive remained in prison until July. They were members of four sects: the Abarokore, the Elect; the Abantu b'Imanabihana, Repentant People of God; the Abatampera, Temperance Movement; and the Abayohova, Jehovah's Witnesses. Eleven of these prisoners were aged under 18 at the time of their arrest and were serving sentences of four years' imprisonment. Most of the others were serving eight-year sentences, while 48 (most of them Jehovah's Witnesses) had received 10-year sentences and three Jehovah's Witnesses had been sentenced to 12 years'

imprisonment (see Amnesty International Report 1987).

After investigating the cases of these prisoners for some months after their trial, Amnesty International concluded in early 1987 that they were prisoners of conscience. It believed that these prisoners had been imprisoned and convicted because they refused to take part in the activities of the ruling *Mouvement révolutionnaire national pour le développement* (MRND), Revolutionary National Movement for Development, the only permitted political organization.

Other people associated with the same four religious sects who had been arrested during the second half of 1986, but who had not been brought to trial, were still held during the first half of 1987, and further arrests of religious sect members occurred. In July, however, at the time of the 25th anniversary of Rwanda's independence, the government announced that all the prisoners convicted on account of their membership of religious sects were being released. It was later reported that all the other sect members who were in custody had also been freed.

Following these releases, a small number of people convicted by the State Security Court in 1981 of distributing documents which the State Security Court considered seditious remained in prison. They included four prisoners of conscience, all of whom had been convicted in 1981. Amnesty International considered that they had been exercising their right to freedom of expression. Three of the four were released in December, along with one other convicted political prisoner, before completing their sentences. One other prisoner of conscience convicted in similar circumstances, Antoine Mihigo, was believed to have been freed after serving a six-year prison sentence. At the end of 1987, only one prisoner of conscience convicted in 1981 was still held: Donat Murego, a former Ministry of Justice official sentenced to 10 years' imprisonment.

Another person convicted in 1981 remained in custody throughout the year without being brought to trial. Apollinaire Bikolimana had been released at the end of his sentence in April 1986 but rearrested in June 1986. He was said by the government to be accused of subversion, but it appeared that he might be a prisoner of conscience.

As in previous years, there were reports of untried political prisoners being severely beaten and confined to *cachots noirs*, unlit punishment cells, for long periods. Some convicted political prisoners were also held in harsh conditions, particularly in the high security unit at Ruhengeri Prison, where the inmates were seldom allowed out of their cells for exercise or to see visitors. No visits at all during 1987 were allowed to a group of prisoners convicted in June 1985 of participating in extrajudicial killings of political prisoners in the mid-1970s. Five of them were under sentence of death and all were awaiting the outcome of a review of their cases by an appeal court. By the end of 1987 no appeal hearings had been held.

At the time of the anniversary of independence in July, several hundred death sentences were commuted. The government announced that all death sentences which had been confirmed upon appeal and which were not the subject of further judicial review were being commuted to sentences of life imprisonment. In May 1986 an Amnesty International mission to Rwanda had been told that 560 people whose appeals had been refused were under sentence of death; by July 1987 the total was believed to be higher.

In June Amnesty International submitted a 20-page report to the Rwandese Government, specifying its reasons for considering the 288 members of religious sects to be prisoners of conscience and explaining why it had concluded that their trial had been unfair. There was no reply from the government, but in July they were released.

SENEGAL

More than 150 people were imprisoned on suspicion of supporting a separatist movement in the Casamance region. Most of them were released before the end of the year, as was a prisoner of conscience held since 1982. Some of those released alleged that they had been tortured or ill-treated in custody.

The security forces in the Casamance region arrested 149 people between November 1986 and February 1987, mostly at Thionk-Essyl and Bignona. A majority



of those arrested were peasant farmers, some of whom were elderly. They were accused of organizing a meeting and collecting money to support a movement seeking independence for the Casamance region. Many of them alleged that they were beaten and subjected to other ill-treatment at the time of their arrest and during detention by the gendarmerie, the rural police force, at Bignona and Ziguinchor. Some of them said they were beaten severely, burned with cigarettes, suspended from iron bars in contorted positions for long periods, beaten on the soles of their feet or tortured with electric shocks during interrogation. Some also said that they were handcuffed throughout their detention by the gendarmerie and denied adequate food and medical care.

Under the law, those arrested can be held for no more than four days by the gendarmerie before being referred to the procuracy. In fact, however, it appeared that most of the 149 people arrested were held incommunicado for more than a week before they were formally remanded in custody and transferred to a prison in Dakar. All of them were then charged with endangering the integrity of national territory, endangering the security of the state and belonging to an illegal association. These charges were based on allegations that they had collected money for or provided food to individuals who had evaded arrest after disturbances in Casamance in 1982 and 1983 and who were living in the bush in the region. Their activities were apparently interpreted by the gendarmerie as involvement in a clandestine separatist organization, although there seemed to be no evidence that those

arrested belonged to such an organization.

Ninety-seven of those arrested were released on bail in April. Most of the others remained in pre-trial detention until November, when they were also released on bail. Only 10 were still held in Dakar Prison at the end of the year. These include five people from the Casamance region who were arrested on similar charges in July and two prisoners who were apparently detained in neighbouring Guinea-Bissau and returned to Senegal, although the full circumstances of their arrest were not known. Among them was Abdoulaye Badji, a 14-year-old boy, who was still held in December.

In May another suspected supporter of a separatist movement in Casamance, Pathé Camara, who is known as "Djibril", was arrested. He was accused of providing weapons to government opponents and imprisoned in Ziguinchor. Members of the Senegalese gendarmerie apparently arrested him in Guinea-Bissau, but it was not clear if the arrest took place with the approval of the Guinea-Bissau authorities and it seemed that his case had not been examined by any court in Guinea-Bissau. The evidence against him was based mainly on the fact that he worked as a gunsmith. After 10 days in the custody of the gendarmerie in Ziguinchor, where he was allegedly ill-treated, he was charged with smuggling, arms trafficking and activities threatening public security. However, his case was not referred to the State Security Court and at the end of the year, he was still held without trial in Ziguinchor. It seemed that there was insufficient evidence to bring him to trial and that he might be a prisoner of conscience.

A number of prisoners from Casamance who were arrested in 1982 and 1984 remained in prison. Many of them were convicted of involvement in acts of violence following the imprisonment of a Roman Catholic priest, Father Augustin Diamacoune Senghor. Father Senghor was regarded as a leader of the Casamance movement demanding independence for the region.

Father Augustin Diamacoune Senghor was arrested in December 1982 and charged with endangering the integrity of national territory. He was sentenced to five years' imprisonment by the State Security Court in Dakar in December 1983. In 1987 Amnesty International received addition-

al information about this case and considered him to be a prisoner of conscience, imprisoned for peacefully expressing views critical of the government policy on the Casamance region. He was released from Thiès Prison on 22 December, three days before his sentence expired. Two other prisoners tried and convicted with Father Senghor, Mamadou Sané and Mamadou Diémé, were also released in late December.

On 10 April a court in Dakar convicted seven police officers of beating a criminal suspect to death in custody. They were sentenced to two years' imprisonment and a fine. A few days later, in reaction to the convictions, hundreds of police officers went on strike in Dakar, Thiès and Diourbel, marching in protest against the sentences. The whole police force was subsequently suspended by presidential decree on the evening of 14 April. However, a large number of police officers were reinstated later.

In January students at the Cheikh Anta Diop University in Dakar went on strike to protest against delays in payment of their grants. On 22 January the Groupes mobiles d'intervention, the anti-riot police, occupied the university campus and clashed with groups of students. According to official sources, 17 people were injured. However, student sources indicated that the number of casualties was higher.

In July Amnesty International wrote to the Minister of Justice, inquiring about those arrested in Casamance in late 1986 and early 1987. In reply, the government provided details of charges against all those detained. Following the conviction in April of seven police officers for torturing to death a prisoner, Amnesty International urged the authorities to include clear instructions about the prohibition of torture in the training of all personnel involved in law enforcement or guarding prisoners.

In December an Amnesty International representative visited Senegal to seek further information about the Casamance arrests and to discuss these cases with government officials.

SEYCHELLES



One prisoner of conscience continued to serve a sentence imposed after his conviction on charges believed to have been politically motivated. Two people briefly detained in September 1986 for political reasons reported that the Seychelles authorities had tortured them.

Royce Dias was found guilty in 1985 of possessing cannabis and sentenced to five years' imprisonment. However, available evidence suggested that the charge was fabricated and the real reason for his imprisonment was his opposition to the government (see Amnesty International Report 1986). Royce Dias was held at Ile Longue Prison, where conditions were poor, and was reportedly in ill-health.

Also serving a sentence at Ile Longue for drug possession was John Both, a supporter of exiled former President James Mancham. Amnesty International investigated reports that he, too, was imprisoned for his political views.

Evidence that two alleged government opponents were tortured came to light in 1987. In statements published during the year, Benjamin Pierre-Louis and Antonio Morin, businessmen from the island of Praslin, claimed that they were arrested by a police officer and soldiers in September 1986. They were apparently accused of participation in an arson attack on Praslin airport. Both men said that they were severely beaten, pistol-whipped, kicked in the face and threatened with execution. Benjamin Pierre-Louis also alleged that he was burned with cigarettes and that his hair and beard had been set on fire. Antonio Morin

alleged that an object had been inserted into his anus. The following day they were released from custody without charge and admitted to hospital where both required treatment in an intensive care unit for two weeks. The authorities made no public response to the men's claims of torture and were not known to have conducted an inquiry into their allegations.

SIERRA LEONE



Sixteen people were sentenced to death after a major treason trial but they had not been executed by the end of the year. In November a state of "economic emergency" which allowed the government to detain people without trial was declared. There were reports that conditions in the country's prisons remained harsh.

About 50 people were arrested in March in connection with a conspiracy to overthrow the government. A number were released uncharged, but 18 people were charged with treason and murder. Among them was the then Vice President, Minister of Justice and Attorney General, Francis Minah. Their trial began in June before the High Court in Freetown. In October, 16 were found guilty of treason and sentenced to death. Four were also convicted of murdering a police officer killed at the time of their arrest. A soldier and a police officer were not convicted of treason but were sentenced to prison terms for failing to report the conspiracy to the authorities. All submitted appeals to the Court of Appeal, but their cases had not been heard by the end of 1987.

New reports suggesting that prison con-

ditions remained very harsh were received during 1987. Severe food shortages for prisoners continued, but unlike previous years when a large number of prisoners died as a result of the conditions (see Amnesty International Report 1987), few prisoners were reported to have died. The local press reported that food supplies destined for prisons had been illegally diverted and sold and that two senior prison officers were arrested in September on suspicion of selling food supplies meant for prisoners. No details about any proceedings against them were available by the end of the year.

A commission of inquiry, chaired by a High Court judge, was established by the government in September to investigate the administration of the Prisons Department and the welfare of prisoners and to recommend improvements. The commission was established apparently because of reports from various sources about harsh conditions of imprisonment. It had not made any of its findings public by the end of 1987.

In November the head of state, Major-General Joseph Momoh, declared a state of "economic emergency" intended to help solve the country's serious economic problems. The state of "economic emergency" allowed for the deportation, exclusion, restriction or detention without trial of people whose activities were considered by the authorities to be "inimical to the good administration of Sierra Leone". A large number of people were arrested under these emergency regulations in November and December. At the end of 1987 a number of them had been charged and tried for economic offences but others were still held in pre-trial detention.

An Amnesty International delegate observed parts of the treason trial when it began in June. He concluded that the conduct of the proceedings he attended appeared to conform to internationally recognized standards for fair trial. Amnesty International expressed concern at the death sentences imposed on the 16 men convicted in October and called on President Momoh to commute them if they were confirmed by the Court of Appeal. No other death sentences and no executions were reported in Sierra Leone in 1987.

SOMALIA



More than 50 prisoners of conscience were held throughout 1987. One of them had been detained without charge or trial almost continuously since 1969, when the present government came to power. There were hundreds of new politically-motivated arrests and many people were detained without trial. Among them was at least one person who had been returned to Somalia against his will after unsuccessful attempts to seek asylum in other countries. A number of other people were imprisoned after unfair trials, including nine religious teachers who were prisoners of conscience. The nine prisoners' initial death sentences were later commuted to life imprisonment. There were reports that political prisoners were tortured and several prisoners of conscience were said to be seriously ill as a result of harsh prison conditions. An unknown number of people were sentenced to death and there were at least four public executions. Unofficial sources suggested that more than 100 people were executed but this information could not be confirmed. There were also reports of extrajudicial executions.

Increasing armed conflict in the north, particularly in the areas between Hargeisa and the border with Ethiopia, led to widespread arbitrary arrests, ill-treatment and extrajudicial executions by the security forces. Civilians suspected of collaborating with the armed opposition Somali National Movement (SNM) were targets of these abuses. The SNM, which is based in Ethiopia, launched several attacks against

government forces during the year and was responsible for killing some government officials in the north, as well as several SNM members in Ethiopia who were alleged to be Somali Government agents.

Large numbers of people were arrested in the north in mid-January and the following weeks. They were detained for long periods without charge. Arrests in Hargeisa, Burao, Berbera and Gebileh followed attacks in the region by the SNM, the assassination of the regional security chief and demonstrations against the government in these towns. The identities of few detainees held by the security forces, particularly the National Security Service (NSS), could be confirmed. Some of those arrested in the north were released after relatives paid bribes or ransoms. Several hundred who had been detained outside the framework of the law were reportedly freed in November, following an official review of detentions in the area. However, several hundred people were believed to be detained without trial in the north at the end of the year.

In October a Somali asylum-seeker was returned to Somalia from Norway and arrested on arrival by the NSS. He was detained for nearly two months and tortured under interrogation about his attempts to seek asylum and alleged contacts with the SNM abroad. After his release, he again left Somalia.

Many political detainees arrested in previous years were still held without trial at the end of 1987. They included Yusuf Osman Samantar, a prisoner of conscience detained without trial since 1975. His arrest in 1975 followed six years of almost continuous detention without trial.

Some 70 civilians and members of the armed forces who had been arrested in mid-1986 because of their non-violent religious activities also remained in detention without charge or trial at the end of 1987. They had criticized the government for not following Islamic teaching and laws and had called for the repeal of restrictions on the right to religious freedom. Among the detainees was Sheikh Mohamed Moallim Hassan, a former director general in the Ministry of Justice and Religious Affairs, who had been a prisoner of conscience following a previous arrest.

Several hundred Ethiopian nationals who had entered Somalia to seek asylum or had been abducted from eastern

Ethiopia by Somali forces during the armed conflict with Ethiopia in 1977 in the Ogaden area, were held incommunicado at a secret camp controlled by the NSS near Hawai in Somalia's Lower Shebelle region. They appeared to be prisoners of conscience, held because of their national origin. A number of Ethiopian asylum-seekers allegedly detained on security grounds, some of whom were released in 1987, also appeared to be prisoners of conscience. It was reported that up to 7,000 other Ethiopians accommodated in officially recognized refugee camps were forcibly conscripted into the army in August and September. Other refugees were reportedly imprisoned for seeking to evade this form of conscription.

In April nine Islamic teachers who had been arrested in Mogadishu in May 1986 were condemned to death by the National Security Court. They included a 60-year-old sheikh, Hassan Olhaye Khalil, and a blind Quranic teacher, Sheikh Nur Barud Gurhan. They were convicted under the 1970 National Security Law on charges including "exploiting religion for creating national disunity or subverting or weakening state authority", which carries a mandatory death sentence. None of the defendants was represented by legal counsel of his choice, and their trial lasted only a few hours. They had no right of appeal. However, their death sentences were commuted to life imprisonment by President Mohamed Siad Barre on 4 August. At least five other prisoners of conscience were sentenced to long prison terms at the conclusion of the same trial.

Four people arrested in December 1986 were executed in public in Hargeisa on 13 August 1987, shortly after the National Security Court convicted them of the murder of the NSS regional commander, Colonel Ahmed Aden Abdi. The four included Abdi Ahmed Jama, a businessman who was said to be seriously injured as a result of torture. Another person arrested in connection with this murder was Mohamed Jama, a former airline pilot. Unofficial sources reported that he died in custody in mid-July as a result of torture. Mariam Aden, a housewife, and a number of traders and students were also sentenced to long prison terms in the same trial.

No information about the trial proceedings was disclosed by the authorities, but it appeared that some defendants had been

convicted on the basis of unsubstantiated allegations that they supported the SNM. Many other people were detained after Colonel Abdi's murder, for which the SNM claimed responsibility. Some of them escaped when the SNM attacked Hargeisa on 15 May and others were apparently released without charge later in the year.

In February reports indicated that six former members of Parliament, detained since 1982, were to be tried. The trial had not occurred, however, by the end of the year. The six included Ismail Ali Abokor, a former Vice President; Omar Arteh Ghalib, a former Foreign Minister; and Mohamed Aden Sheikh, president of the Somali Academy of Sciences (see Amnesty International Report 1987). In September Brigadier General Mahmoud Ghelle Yusuf, a government minister who is also President of the National Security Court, announced that the trial of the six would begin on 1 February 1988. It was believed that Ismail Abdi Yunis, a former university dean, Suleiman Nuh Ali, an architect, and 14 other political detainees would be tried at the same time and that they would face charges carrying a mandatory death sentence. Despite repeated assurances by government law officers that the prisoners would have access to legal counsel for preparation of their defence, none of them apparently had been permitted to consult a lawyer from the time of arrest in 1982 to the end of 1987.

The authorities continued to disclose few details about the conduct of trials before the National Security Court, but it was clear that defendants did not receive fair trials. They had no right to legal counsel until they were formally charged, usually shortly before their trial began, and access to a lawyer of their choice was restricted. Trials were often short or summary and most of the judges were military officers, some of whom had no legal training. In contravention of international standards, there was no right of appeal to a higher court, even in cases where the death sentence was imposed.

Many political prisoners sentenced after unfair trials before the National Security Court in previous years remained imprisoned. They included Aden Yusuf Abokor, a hospital director, and 13 doctors, teachers, businessmen and students. They were arrested in Hargeisa and sentenced by the National Security Court in

1982 to prison terms of up to 30 years for belonging to an allegedly subversive organization. The organization was a community self-help group. Amnesty International investigated the cases of numerous other prisoners who in 1987 were serving prison sentences imposed by the court in previous years for alleged subversion or links with the SNM.

In October a presidential pardon was announced to mark the 18th anniversary of President Mohamed Siad Barre's accession to power. Although 1,697 convicted prisoners reportedly benefited from the pardon, the identities of those released were not disclosed. No prisoners of conscience were known to have been among those freed.

There were reports of prisoners being tortured and ill-treated, particularly those arrested in the north by the National Security Service. In a testimony consistent with other descriptions of torture in Somalia, one political prisoner reported that he had been kicked and beaten with truncheons while bent backwards in a position nicknamed the "Mig", subjected to electric shocks, submerged headfirst in water until he nearly drowned and beaten on his sexual organs while tied to a steel frame. Female prisoners were reportedly sexually assaulted, as were women in their homes during frequent security force searches for political opponents in the north.

Conditions in prisons were harsh, particularly in the maximum security prisons of Labatan Jirow, near Baidoa, and Lanta Bur, near Afgoi. Many political prisoners were reportedly held incommunicado, denied medical attention and required to rely on relatives for food. Relatives often had to bribe prison staff to deliver food to their family members. Some prisoners apparently became ill as a result of harsh conditions and inadequate medical treatment, including Omar Arteh Ghalib and Mohamed Aden Sheikh (mentioned above); Safia Hashi Madar, who worked as an aid agency official before her arrest in 1985; and Mohamed Ali Sulub, a doctor freed from prison in 1986 and rearrested in early 1987.

It was not known how many death sentences were imposed or executions carried out during the year. In addition to the four public executions which took place in Hargeisa in August more than 100 executions may have occurred. Some 50 people

were reportedly executed in Hargeisa in mid-January and a similar number of military personnel in August and September. The death penalty was mandatory for several offences addressed in National Security Court trials, some of which did not involve violence. In some cases death sentences were carried out only hours or days after conviction. Reports of alleged SNM supporters being extrajudicially executed in the north were frequent but difficult to confirm.

There were also unconfirmed reports that several SNM members in Ethiopia, who were accused of being Somali Government agents, were executed by the SNM.

Amnesty International appealed during 1987 for the release of prisoners of conscience detained without trial or sentenced after unfair trials. The organization sought the commutation of death sentences imposed on nine Islamic teachers in April and urged that, as prisoners of conscience, the nine should be released unconditionally.

SOUTH AFRICA

Hundreds of prisoners of conscience, including children, were held on account of their non-violent opposition to apartheid. Thousands of people were detained without charge or trial under state of emergency regulations, which were renewed for a further year and extended in June, or under other security laws permitting indefinite incommunicado detention without trial. There were renewed reports of the torture and ill-treatment of prisoners, particularly political detainees held without charge, and deaths in custody under suspicious circumstances. Many people were prosecuted for alleged political offences and it was common at such trials for detainees who had not been charged to be compelled to give evidence as state witnesses. In a number of cases, both defendants and witnesses under detention complained of torture or ill-treatment.

The number of people executed increased to an unprecedented level and many new death sentences were imposed. There were 164 executions in Pretoria Central Prison and hangings were also



reportedly carried out in Transkei and other nominally independent "homelands". Critics and opponents of the government were attacked by so-called "vigilantes", allegedly linked to the security forces or acting with their complicity, who were responsible for a number of killings.

There was continued armed opposition to the government, particularly by guerrillas belonging to the banned African National Congress (ANC). They were believed responsible for a number of bombings and other acts of sabotage, some of which resulted in death. Several ANC activists based in Swaziland were also killed. The ANC and Swazi authorities accused South African security forces of responsibility for these killings.

Nationwide state of emergency regulations, in force since 12 June 1986, were renewed for a further year by State President P.W. Botha on 11 June. The new regulations were similar to those they replaced but the powers of arbitrary arrest and detention without charge granted to all security force personnel were increased. Detainees could be held for up to 30 days, 16 days longer than previously permitted, without reference to higher authority. Thereafter, the Minister of Law and Order retained, and in many cases exercised, power which effectively permitted him to extend detention indefinitely without giving advance notice to anyone and without a hearing. The new regulations also extended the immunity of all police and security forces to prosecution for any acts committed "in good faith" in connection with their use of emergency powers.

Many hundreds of prisoners of con-

science were detained under the emergency regulations in 1987. Some were held for relatively short periods but others remained in custody without charge or trial throughout the year. The long-term detainees included Raymond Suttner, a university law lecturer, and Sehlolo Dennis Neer, a leading Port Elizabeth trade unionist. Both men had been detained hours before the nationwide state of emergency was first imposed in June 1986. Other leading anti-apartheid activists such as Zwelakhe Sisulu, a newspaper editor, and the Reverend Molefe Tsele, a Lutheran pastor and spokesman for the National Education Crisis Committee, also remained in detention throughout 1987. They had both been arrested in December 1986.

Other detainees held under emergency regulations included leading members of the United Democratic Front (UDF), such as Murphy Morobe and Mohammed Valli, who were arrested in July, and other political activists, black community leaders, trade unionists, human rights workers, students and members of the End Conscription Campaign.

There were numerous reports that emergency detainees were held in severely inadequate prison conditions and subjected to overcrowding, poor food and denial of proper medical care. Many children and young people were also among those detained. In April the government acknowledged that 1,424 of 4,224 detainees then held under the emergency regulations were under 18. Some, including girls aged 12 and 13 years, were released hours before the emergency was renewed in June and then immediately detained again. In early October, 41 children were released from detention. Sixty-nine others, including one aged 15 and 16 aged 16, then remained in custody under the emergency regulations, according to the Minister of Law and Order.

Thirteen children were also among more than 200 people held incommunicado under the Internal Security Act at the end of July, according to official figures. One was under 15, but his identity was not disclosed. Section 29 of the act, the legal basis for these detentions, permits the security police to hold detainees without charge incommunicado and in solitary confinement indefinitely for interrogation. The act also permits the police to

withhold information on detainees' whereabouts.

In exceptional cases, evidence could be produced to show that Section 29, despite its wide-ranging nature, had been abused. Court action in these cases resulted in the release of detainees. In separate judgments made in July, the Rand Supreme Court ordered security police to release Mike Roussos, a prominent trade union official, and Lawrence Ntloko and Bongani Dlamini, two leading members of the Kagiso Residents' Organization (KRO). In both cases, the detainees had initially been held under emergency regulations and then placed under Section 29 provisions, apparently in attempts to deny them access to lawyers. Mike Roussos had been arrested in May at the height of a strike by members of his union. The KRO leaders, however, had been held since June 1986, when they were involved in a court action against the government connected with alleged killings of township residents by the security forces. The action was suspended after they and other KRO executive members were detained.

More than 250 people were reportedly detained under Section 29 during 1987. They included Jaki Seroke, a writer and founding member of the African Writers' Association, who was detained in Soweto on 8 September, and Lizo Pityana, formerly banned and a prisoner of conscience. Lizo Pityana was taken from his home in Zwide, Port Elizabeth, in the early hours of 10 December. In these and many other cases, the authorities gave no reasons for the detentions and would not disclose where the detainees were held. Both men were still detained incommunicado at the end of the year.

Many politically-motivated arrests also occurred in the so-called homelands. In KwaNdebele, for example, there were numerous arrests of local people, including schoolchildren, who opposed a proposal that the South African Government declare KwaNdebele "independent". In Venda, one of four nominally independent homelands, those held included the Reverend Tshenuweni Simon Farisani, a Lutheran Church dean, former prisoner of conscience and victim of torture. Arrested in November 1986 and detained incommunicado, he went on hunger-strike at the beginning of January. In a letter smuggled from prison, he alleged that his life had

been threatened by a security policeman who tortured him during a previous detention. An Amnesty International delegate visited Venda to inquire into his detention but was denied access to him, despite the widespread international concern voiced about his safety in detention. Subsequently, Amnesty International renewed its call for his release. Dean Farisani was freed unconditionally on 30 January but the authorities in Pretoria then prevented him from travelling freely within South Africa.

Torture and ill-treatment of prisoners, particularly political detainees held without charge, remained common and widespread. There were persistent reports of detainees, including children, being beaten with sjamboks (rhinoceros-hide whips), hooded and subjected during interrogation to electric shock torture or partial suffocation with plastic bags or rubber tubing pulled over the face, a method of torture which leaves no marks. Many detainees were held in prolonged solitary confinement and allegedly threatened with death or injury to themselves or their relatives and abused by security police interrogators. For example, Father Casimir Paulsen, a Roman Catholic priest, testified after his release from 85 days' detention in Transkei that he had been stripped naked, handcuffed and partially suffocated by security police who repeatedly thrust his head into a bag filled with water. He was released without charge and never informed of the reason for his detention. He said other detainees in Transkei had received even more prolonged torture. In another case, 22 young people, including children aged 14, were reportedly beaten and tortured in August by police at Petrus Steyn in Orange Free State province.

Further evidence of torture in 1987 and earlier years emerged at a number of political trials and at several inquests into deaths of detainees. In June a magistrate ruled that 10 Lebowa homeland police had caused the death in 1986 of Makompo Kutumela, a Black Consciousness activist (see Amnesty International Report 1987). He had received at least 41 sjambok blows and had been denied medical treatment before his death. In August another inquest ruled that Peter Nchabeleng, a UDF leader and former political prisoner, had been beaten to death by Lebowa police in April 1986. Neither case, however, was known

to have resulted in prosecution by the end of 1987 of the police officers responsible.

It was not clear whether the Lebowa Indemnity Act was officially interpreted as granting the officers immunity from prosecution. Enacted in December 1986, this law granted immunity retroactively to all Lebowa officials, including police, for acts committed between 1 June 1985 and the imposition of state of emergency regulations, which also contained an immunity provision, in June 1986.

At least two detainees held under emergency regulations and one detainee held under Section 29 died in custody in 1987. Ashley Kriel, an alleged ANC guerrilla, also died in suspicious circumstances. Police said he was shot during a struggle when they tried to arrest him in July but an eye-witness reportedly claimed that he was handcuffed before he was shot. An autopsy finding that he had been shot in the back at point-blank range was also said to be at variance with the police account.

In one case, two police officers were tried on charges of murdering a detainee, Wheanut Stuurman, whom they had arrested for wearing a Cradock Youth Association T-shirt. Both officers were members of a police unit operating in Cradock in July 1986. They were charged after one member of the unit broke silence and alleged that they had detained and tortured several black residents of Lingelihle township, including Wheanut Stuurman, who was so severely tortured that they decided to shoot him dead. The trial was still in progress at the end of the year.

There were many new political trials in 1987. Some of the legal proceedings were marked by serious deficiencies and some of them involved prisoners of conscience. The long-running treason trial of 19 UDF and Black Consciousness movement leaders continued throughout the year in the Pretoria Supreme Court. In a notable development in March, the presiding judge abruptly dismissed one of his two assessors, technical experts appointed to assist him, apparently because he considered him sympathetic to the accused. The judge then dismissed a defence motion challenging his own impartiality and calling on him to withdraw from the trial.

The Reverend Arnold Stofile and three others were jailed by the Ciskei Supreme Court in May after a trial held mostly in

camera. Much of the prosecution case was based on the testimony of detainees who were obliged to give evidence as state witnesses before they were released. One witness subsequently retracted his testimony, claiming he had implicated the Reverend Arnold Stofile only under duress. The trial judge rejected this retraction and accepted the initial testimony. The identity of another key prosecution witness was withheld even from defence lawyers and the court.

The death penalty was used on an unprecedented scale. There were 164 executions in Pretoria Central Prison. All of the victims were men, and all but nine of them were black. Other executions were believed to have taken place in the nominally independent homelands. At least two of those executed had been sentenced for a politically-motivated killing. Further death sentences for politically-motivated crimes were imposed by the courts but had not been carried out by the end of the year.

On 1 December the Appeal Court confirmed the death sentences imposed on the "Sharpeville Six" — five men and a woman convicted in 1985 in connection with the killing of a black township councillor during civil unrest in September 1984. The court conceded that there was no proof of direct involvement by any of the defendants in the killing, amid allegations that certain statements presented by the prosecution as evidence had been obtained under torture. The six defendants were petitioning the State President for clemency at the end of the year.

There were new allegations that police and other security forces committed extrajudicial executions, as in the case of Ashley Kriel, mentioned above, or condoned attacks on government opponents by so-called "vigilantes". There appeared to be close links between the police and urban township groups such as Ama-Afrika in the Port Elizabeth-Uitenhage area and the Mbokhoto organization in KwaNdebele. Members of Mbokhoto were subsequently incorporated into the police force as "KitsKonstabels" (instant police). It was also alleged that police failed to investigate certain politically-motivated killings, even when sworn affidavits were presented to them documenting the crimes.

There were further attacks by unknown assailants on critics or opponents of the

government, a number of whom were killed. They included Eric Mntonga, a former prisoner of conscience, who was killed in July shortly after he organized a controversial meeting in Senegal between the ANC and prominent white advocates of political reform. Police had not identified those responsible for his killing by the end of the year, nor had they identified people responsible for the killings of Victoria Mxenge and other anti-apartheid activists in previous years.

Throughout the year, Amnesty International campaigned for the release of prisoners of conscience and for the prompt, fair trial or release of other political detainees. The organization made many appeals on behalf of individual detainees, urged impartial investigation of torture allegations and called for commutation of the death sentences imposed on the "Sharpeville Six" and other prisoners. Amnesty International also made available information on its concerns in South Africa to the United Nations Special Committee against Apartheid and other UN bodies.

none of these sentences were carried out. Court-imposed floggings, however, were carried out during the year. Some 120 prisoners convicted in previous years remained under sentence of death and further death sentences were imposed during the year. Eight people were executed, the first victims of execution since 1985. In two incidents in the south of the country, hundreds of unarmed civilians were extrajudicially executed by military personnel and militia forces.

There was continued armed conflict in the south, where government forces were fighting the Sudan People's Liberation Army (SPLA). There were many reports of human rights abuses by government forces and pro-government armed groups, including militia forces established by local army commanders. Civilians suspected of supporting the SPLA were reportedly detained, ill-treated and in some cases killed by government soldiers and militia forces. SPLA forces were allegedly responsible for killing some militia officials and civilians. Reports of human rights abuses by government forces and the SPLA were in many cases difficult to verify.

A state of emergency was declared on 25 July for a one-year period on economic and internal security grounds. New emergency regulations were used by the authorities on a number of occasions to ban demonstrations and strikes and to detain people for prolonged periods without charge or trial. However, on 14 December the Attorney General announced the repeal of administrative detention without charge provided under Section 97 of the Code of Criminal Procedure.

Hundreds of Ethiopian refugees in Khartoum were arrested in April and May during extensive round-ups of refugees accused of residing illegally in the capital city. They were held without charge for days or weeks before being freed or sent to rural refugee settlements. Some were reportedly ill-treated while in custody.

A number of critics and opponents of the government were detained during the year, but most were released within a few days or weeks. They included about 40 members or supporters of the former government who were arrested in July and August for allegedly inciting unrest and calling for the return of former President Nimeiri, then living in exile. Rashid el-Tahir Bakr, a former Attorney General, and

SUDAN



Some suspected government opponents were detained, usually for short periods, then released without charge. Judicial punishments of flogging were reported and in May two men were sentenced to limb amputation. Both of these punishments were imposed under legislation enacted in 1983, the so-called "September Laws". More than 60 other prisoners were under sentence of judicial amputation but

two former government ministers, Badr-el-Din Suleiman and Osman Abu Gassim, were among several people arrested and held under administrative detention orders or emergency regulations. All of these detainees were released without charge on 3 September.

On 11 August 26 student union officials at the University of Juba were arrested for demonstrating against a ban on student political activities imposed by the university. They were held for 12 days and interrogated about their political activities, released, then rearrested two days later and held for another six days.

Many people were also arrested during anti-government demonstrations in Khartoum. In July 12 students arrested in Khartoum during Islamic National Front demonstrations against the government were convicted of demonstrating illegally and sentenced to be flogged. These sentences of 25 lashes each were carried out immediately and the students were then freed.

Several members of the opposition Sudan National Party were also reportedly detained briefly in Kadugli, South Kordofan region, during July and August. In October a Khartoum university lecturer, Ushari Ahmed Mahmoud, was held for several hours and interrogated about a pamphlet he had written. The pamphlet criticized the authorities over a massacre carried out by members of the Rizeigat ethnic group in Ad-Daien in Darfur region in March. Victims of the massacre were hundreds of members of the Dinka ethnic group.

The army was believed to have carried out many arrests in rural areas where SPLA guerrillas were active, but detailed information was difficult to obtain. According to a report received in January, 14 people were detained by the army in Shalla, Darfur region. The report said that one detainee died in custody, allegedly as a result of ill-treatment. Detentions by the army were reported in Wau in the southwest, where hundreds of suspected opponents of the government were reportedly extrajudicially executed.

Some 40 regional government officials and others who had been arrested in Malakal in August 1986 were released without charge in April. Their arrests occurred after the SPLA shot down a civilian aeroplane in Malakal. There was no

evidence of their involvement in the incident and they appeared to have been detained as suspected SPLA sympathizers.

Judicial amputation, which was introduced in 1983 as a penalty for theft and other offences, remained in force throughout 1987. In May two people convicted of armed robbery were each sentenced by a Khartoum North court to amputation of a hand and a foot. Other amputation sentences were also said to have been imposed. However, all such sentences, if confirmed on appeal, were automatically subject to review by the Supreme Court. None were carried out in 1987, although more than 60 prisoners were believed to remain under sentence of judicial amputation after conviction for robbery or armed robbery in the three preceding years.

Court-imposed floggings were carried out during the year. Flogging had been introduced as a penalty, often in conjunction with other penalties, for the majority of offences in the September 1983 penal code. In practice, however, the punishment was applied in 1987 only for alcohol-related and sexual offences and offences against public order. People convicted of demonstrating against the government were among those flogged. In January a woman convicted in Omdurman of possessing alcohol was sentenced to 40 lashes. She was flogged in court immediately after being sentenced.

On 14 December the Attorney General announced the formal abolition of flogging for many offences, confirming at the same time its continuation for the above-mentioned offences but reducing the number of lashes to 10.

There were reports, which were difficult to corroborate, of the torture or ill-treatment of political prisoners held by the army in areas of armed conflict. Following earlier judicial inquiries into human rights abuses by the Nimieri government, a judicial investigation was opened into the alleged torture of a trade unionist and leading Communist Party official, Shafii el-Sheikh, who was executed in 1971 after a summary trial for treason.

The number of people sentenced to death in 1987 was not known to Amnesty International. Under the emergency regulations introduced in July, those convicted of armed robbery could be sentenced to death. Two soldiers were condemned to death on 3 June after conviction

for instigating an army mutiny and conspiring against the government in September 1985. They were among more than 180 soldiers tried by court martial for involvement in the mutiny. Eighty-three of them were sentenced to prison terms and 99 were acquitted. Appeals against the two death sentences had not been heard by the end of the year.

More than 120 people were reportedly under sentence of death at the end of 1987 after their conviction during recent years for murder. Eight executions were carried out in October after confirmation of death sentences by the Supreme Council of State, the first executions since 1985 and the only executions reported in the year.

There were several reports during 1987 of extrajudicial executions in the south by the Sudanese army, by the pro-government "Anyanya II" armed force and by armed militia forces established by army commanders. The victims were civilians who allegedly opposed the government, but further details were often difficult to confirm.

Members of the Rizeigat ethnic group attacked Dinkas seeking police protection in Ad-Daien on 28 March. The police had initially protected the Dinkas but subsequently, the mob killed several hundred Dinkas. They were burned alive in locked railway carriages or at the railway police station. Some of them were also killed while trying to escape from the mob. Rizeigat militia members were allegedly part of the mob. Ethnic tensions between the Rizeigat and the Dinka in the area had been exacerbated by abuses against Dinkas committed by Rizeigat militia personnel. These abuses were partly in reprisal for killings of militia by the SPLA, which is composed mostly of Dinkas. The militia had reportedly killed several Dinkas, sexually assaulted many Dinka women and abducted children into domestic slavery.

In Wau, the capital of Bahr-el-Ghazal region, several hundred members of the Dinka ethnic group were killed by army and Fertit tribal militia personnel on 11 and 12 August. More than 60 victims were said to have been killed while held in military custody and many others were reportedly machine-gunned and thrown into the river. Several hundred other Dinkas were killed by the army and militia in Wau from 6 to 11 September after a shoot-out between the army and police officers

who had reportedly tried to prevent the killings of Dinkas.

No independent investigations by the government into the incidents in Ad-Daien and Wau were known to have begun by the end of the year.

Amnesty International appealed to the government to commute the two amputation sentences imposed in May. The organization called for the abolition of amputation as a cruel, inhuman or degrading punishment which contravenes the International Covenant on Civil and Political Rights and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Sudan ratified both agreements in 1986.

SWAZILAND



Several members of the Royal Family and a former Prime Minister were among more than a dozen people held under renewable 60-day detention orders. Eleven of them were tried in November before a special tribunal, which sits *in camera*. Defendants appearing before the tribunal are denied legal representation and right of appeal. At least two people were sentenced to death but it was not known if there were any executions. Several political opponents of the South African Government were killed and at least one opponent was reportedly abducted. South African security agents were believed to have been responsible for the killings and abduction.

Prince Bhekimpi Dlamini, who was replaced as Prime Minister in 1986, and 11 other prominent Swazis were arrested in

May and placed under 60-day detention orders signed by Prime Minister Sotsha Dlamini. One detainee was subsequently tried and convicted of a criminal offence but detention orders imposed on the others were renewed immediately upon expiry in July. With the exception of one detainee who was released because of ill-health, all of them remained in detention until November, when they were brought to trial on charges of high treason and sedition. These charges arose from their alleged participation in the deposing of Queen Regent Dzeliwe, then the acting Head of State, and her replacement by Queen Regent Ntombi, mother of King Mswati III, in 1983. In addition to Prince Bhekimp Dlamini, the accused included Chief Mfawenkhosi Dlamini, other former members of the disbanded Liqoqo (Supreme Council of State) and Robert Mabilo, formerly Swaziland's Ombudsman.

The 11 defendants were brought to trial before a special tribunal established by royal decree in November to prosecute people charged with offences against the Ngwenyama, or King, and the Ndlovukazi, or Queen Mother. The proceedings of the tribunal do not satisfy international standards of fair trial. The tribunal sits in camera, defendants are not permitted legal representation and must defend themselves and there is no right of appeal. The tribunal may sentence people to prison for up to 20 years and is authorized to make its own rules of procedure. The trial of the 11 was still in progress at the end of the year.

In May Philip Dacre, a pastor of the Rhema Church, was detained under a 60-day order. A few days earlier he had been arrested, charged with sedition and released on bail. He allegedly insulted the King and government by publishing remarks critical of traditional Swazi customs. Three others connected with the Rhema Church were also charged, although they were not detained prior to their trial. Three of the four, including Pastor Dacre, were convicted but none were jailed. Pastor Dacre, a British national, was then deported.

At least two people were sentenced to death after conviction of murder. It was not known if there were any executions.

Several South African exiles resident in Swaziland were killed. It appeared likely that South African security agents carried out the killings for political reasons. Three

members of the African National Congress (ANC), which is banned in South Africa, were killed in two separate incidents by unidentified gunmen. The first occurred in May, when an ANC member was among three people shot dead. In July two members of the ANC's National Executive and a third person were killed shortly after arriving in Swaziland from Mozambique. Grace Cele, one of several people abducted from Swaziland by South African forces in 1986, was permitted to return to Swaziland from South Africa in February. Another woman, Sheila Moipone Nyanda, was allegedly taken by force to South Africa in May and detained there. It was not known if she was released by the end of the year.

Amnesty International was concerned during the year about the trial of Prince Bhekimp Dlamini and others before a special tribunal, which employed proceedings falling short of internationally recognized standards. The organization was also concerned about use of the death penalty.

TANZANIA



Two prisoners of conscience were detained without trial or restricted throughout 1987. At least seven people were sentenced to death but no executions were reported to have taken place.

Under the Preventive Detention Act of 1962, the President may authorize the indefinite detention of anyone deemed to be "dangerous to peace and good order". This provision was used to detain James Mapalala and Mwinyijuma Othuman Up-

indo, who were arrested in 1986 apparently for advocating the repeal of the 1965 law that made Tanzania a one-party state (see Amnesty International Report 1987). They were adopted as prisoners of conscience by Amnesty International. In August the Director of Public Prosecutions informed Amnesty International that their detention orders had been rescinded and that they were no longer imprisoned. This, it subsequently became clear, was not correct and in October, the two men petitioned the High Court to seek their release. Their presidential detention orders had been rescinded, but they had then been held under the Deportation Ordinance, which allows citizens to be restricted to specified areas for security reasons and which provided a basis for their continued imprisonment. The High Court rejected their petition. They were apparently no longer imprisoned but were restricted to the islands of Mafia in the Indian Ocean and Ukerewe in Lake Victoria under the Deportation Ordinance at the end of 1987. Amnesty International continued to regard them as prisoners of conscience.

Five other detainees appeared in court in February charged with assisting two suspects accused of treason to escape from custody in 1983. They had been held without trial under the Preventive Detention Act since their arrest in 1983. They were sentenced to terms of imprisonment ranging from two and a half years to three years. In December three of them were acquitted after they successfully appealed to the High Court against their conviction and sentence.

At least seven people were sentenced to death for murder during the year, but, as in recent years, no executions were reported. In March the Zanzibar House of Representatives amended a 1969 law which allowed the death penalty for smuggling cloves, substituting a prison sentence. No one was known to have been executed for this offence while it carried the death penalty.

TOGO



Two prisoners of conscience were released before completing sentences imposed in 1986 and several long-term political detainees, held without trial, were freed. However, at least two other suspected government opponents were arrested. One of them had been tried *in absentia* before his arrest and was still held at the end of 1987; the other was released. Reports that both of them had been tortured in custody could not be verified. In October the head of state commuted the death sentences imposed in 1986 on 11 people convicted of plotting against the government. A number of measures were taken to safeguard human rights, including the restoration of a 48-hour limit on incommunicado detention, the creation of a National Commission of Human Rights, the signing of the United Nations Convention against Torture and the decision to ratify the Optional Protocol to the International Covenant on Civil and Political Rights.

The two prisoners of conscience were released in January. Yema Gu-Konu and Ati Randolph had been arrested in September 1985 and sentenced to five years' imprisonment in July 1986 for possessing and distributing leaflets opposing the government. They were both reportedly tortured in pre-trial detention (see Amnesty International Report 1987).

Further releases occurred in October when 10 long-term political detainees, all of Ghanaian nationality, were released without charge. They included G.A.B. Akrong, also known as the Apostle Barna-

bas, who had been a newspaper publisher and evangelist in Ghana. He had been held without trial since May 1983. Amnesty International had first inquired about his detention in 1985 and the government had denied that he was in custody.

In October it was reported that Lawoé Folly Sossou, an opponent of the government who had been tried in absentia in 1986, had been forcibly abducted from Aflao in neighbouring Ghana by members of Togo's security service and returned to Togo. In December 1986 a court convicted him of bringing explosives, arms and ammunition into Togo in July 1986. His sentence was eight years' imprisonment and a fine. In October he was reportedly held at Akodessewa police station in Lomé, in contravention of the 48-hour limit on incommunicado detention, and tortured. His whereabouts was not clear at the end of the year.

On 22 October another man of Togolese origin living abroad, Jacob Dosseh Lawson, was arrested while visiting Lomé to attend his father's funeral. He had been living in France since 1973 and had obtained French nationality. The authorities apparently suspected him of acting as a go-between for opponents of the government. He was held in police custody for four days, then for a week in prison before he was released without charge and allowed to leave the country. He was allegedly suspended from an iron bar and beaten while held at Akodessewa police station in Lomé.

In March the government reintroduced a 48-hour limit on detention in police custody before referral to the Procuracy. This limit had been formally abandoned in December 1985 and the security forces had been legally able to detain suspects incommunicado indefinitely.

A National Commission of Human Rights was created by law on 9 June. The Commission's declared purpose was to protect human rights throughout the country. It was given authority to obtain administrative records, when necessary, in order to investigate cases of human rights abuses. The 13 members of the Commission are elected from various professional organizations. During the second half of the year, the Commission on several occasions acted to ensure that the 48-hour limit on detention in police custody was respected. The Commission was inaugu-

rated on 21 October, when President Gnassingbe Eyadema marked the occasion by commuting to life imprisonment the death sentences imposed on 11 people in December 1986. The State Security Court had convicted the prisoners of involvement in an unsuccessful coup attempt in September 1986. The week before these commutations, the government announced its decision to ratify the Optional Protocol to the International Covenant on Civil and Political Rights.

In January Amnesty International appealed to President Eyadema to commute the death sentences imposed in December 1986 and urged the Togolese authorities to institute a right of appeal to a higher court for all those convicted by the State Security Court. Amnesty International also sought information about the forcible repatriation from Togo in 1986 of two refugees from Benin. One of them, Daniel Djossouvi, was subsequently imprisoned in Benin, where he was a prisoner of conscience. The Togolese authorities did not respond to Amnesty International's request for information.

UGANDA



More than 4,000 alleged political opponents of the government were detained without trial during 1987, mainly from northern and eastern Uganda where the army was fighting armed rebels. The head of a non-governmental human rights body was arrested in February and held under a law allowing indefinite detention without trial. Reports continued of prisoners being tortured by a particularly severe means of tying known as *kandooya*,

although the government stated early in the year that the practice was forbidden and its use appeared to decline. There were continuing reports of extrajudicial killings of prisoners or non-combatant civilians by soldiers, although many of these allegations were difficult to confirm.

When President Yoweri Museveni's National Resistance Movement (NRM) government came to power in January 1986, it introduced various institutional safeguards against human rights violations which remained in force in 1987. The post of Inspector-General of Government, with widespread powers to investigate individual complaints of human rights abuse, was formally established by statute in 1987. A Commission of Inquiry into Human Rights Violations committed by governments from 1962 until January 1986 continued to hear evidence. Its hearings cast considerable light on the scale of abuses under the governments of Presidents Idi Amin and Milton Obote in the 1970s and early 1980s. In October President Museveni announced that he was considering extending the Commission's mandate to allow it to hear evidence of alleged human rights abuses under the present government.

When the NRM came to power, the code of conduct for the National Resistance Army (NRA), formulated while it was a guerrilla army, was incorporated into Ugandan law. A number of NRA soldiers were disciplined under this code of conduct or charged under the criminal law with offences involving abuse of civilians. However, Amnesty International remained concerned that in many of the cases no adequate investigation was carried out and no disciplinary action taken. In international forums, such as the United Nations and the Organization of African Unity, the Ugandan Government continued to advocate collective international responsibility for protection of human rights.

Throughout 1987 parts of northern and eastern Uganda were affected by the activities of armed government opponents, apparently owing allegiance to various political organizations led by former ministers in the governments of President Amin, President Obote and Major-General Tito Okello. However, the most active armed group was the Holy Spirit Battalion,

led by Alice Lakwena, believed by her followers to have supernatural powers. Alice Lakwena's supporters suffered severe casualties in clashes with the NRA until November, when the Holy Spirit Battalion was apparently broken up after attacking the southern town of Jinja. There were frequent reports of killings by rebels, especially of members of locally elected Resistance Committees and others thought to be government supporters. In particular, armed rebels killed a number of Resistance Committee members in the Busia area of eastern Uganda.

In February soldiers arrested Lance Seera Muwanga, secretary general of the non-governmental Uganda Human Rights Activists, originally set up by Ugandan exiles in Scandinavia to monitor human rights abuses under the Obote government. A few days later he was served with a detention order under the Public Order and Security Act 1967, which permits indefinite administrative detention without trial. In March the government told Amnesty International that only five people were detained under its provisions: four officials of previous governments who also faced criminal charges in connection with alleged human rights violations, and Lance Seera Muwanga. He was apparently detained because of an interview in the magazine *African Concord*, in which he criticized the NRA's human rights record. Amnesty International considered that he was a prisoner of conscience. He remained in detention at Luzira Upper Prison, Kampala, at the end of 1987.

At least 4,000 prisoners were believed to be in unlawful detention after being arrested by the NRA, usually in the course of counter-insurgency operations in northern and eastern Uganda. In response to inquiries about such prisoners, the Ugandan authorities sometimes described them as "prisoners of war", although in many cases they appeared to be non-combatant civilians detained because of alleged support for armed rebels. There was no legal basis for their imprisonment, since the army has no special powers to arrest or detain civilians under Ugandan law. Some were held in military barracks, but many were held as so-called "lodgers" in civil prisons—that is, they were held under the authority of the military but under the administration of the civil prisons service. Many were from among the Nilotic ethnic

groups of northern and eastern Uganda and members of the Uganda People's Congress, the party of former President Obote. Amnesty International believed that many of these detainees might be prisoners of conscience, imprisoned because of their ethnic origin or their presumed political affiliations. There appeared to be no effective procedure for investigating their cases and determining whether they were to be charged with a criminal offence.

Since there was no legal basis for the detention of these prisoners, there was no enforceable guarantee of such rights as family visits and consultation with a lawyer. "Lodgers" in civil prisons were theoretically governed by the Prisons Act which guarantees these rights, but in practice these could often be denied by the soldiers guarding the prison. For those held in military barracks, even this limited guarantee did not exist, although in some cases families were allowed to visit prisoners. In some cases the NRA defied writs of *habeas corpus* and failed to produce prisoners before the courts when required. The International Committee of the Red Cross (ICRC) was given access to a number of civil prisons holding political detainees. However, despite government assurances that the ICRC would be allowed to visit detainees in military custody, this was in practice restricted to one visit to Gulu barracks in April.

Conditions in the prisons were believed to be very poor, largely because of severe overcrowding. In June detainees at Luzira Upper Prison rioted in protest at poor food. Medical attention seemed inadequate and Amnesty International was concerned about a number of deaths in detention.

A number of children were apparently detained in poor conditions. For example, Kenneth Oloya, aged 15, and his brother Bosco Okura, aged 14, were arrested by soldiers in Kitgum district, northern Uganda, on 31 January. They were believed to have been transferred successively from Kitgum to Lira and thence to Lubiri barracks in Kampala. From there they were moved to Kirinya Prison in Jinja, where many "lodgers" were held and where the government acknowledged that they were detained without charge. They were later moved again to Murchison Bay Prison, Luzira. The International Covenant on Civil and Political Rights — which the government stated its intention to ratify —

provides in Article 10 that children shall be "brought as speedily as possible for adjudication". Kenneth Oloya and Bosco Okura were still held without charge at the end of 1987.

In August the trial began in the High Court of seven people charged with treason who were alleged to have plotted to overthrow the government — the first treason trial since the NRM government came to power. The accused included former government minister Evaristo Nyanzi and Anthony Ssekwayama, a newspaper editor who had previously been detained by the Obote government and adopted by Amnesty International as a prisoner of conscience (see Amnesty International Report 1987). A number of others charged with them were released before the case came to trial. The trial was continuing at the end of the year. Amnesty International attempted to establish the fate of 25 alleged supporters of the restoration of the monarchy in the southern region of Buganda, who were arrested in August 1986 and charged with treason but not brought to trial in 1987 (see Amnesty International Report 1987). Some of them may have been released during 1987. In February, 10 people, including former army officers, were arrested in Tororo and charged with treason. They had not been brought to trial by the end of 1987 and at least four of them remained in custody.

In March the Minister of State for Defence assured Amnesty International representatives that NRA soldiers were forbidden to tie prisoners in the manner known as *kandooya* or "three-piece tying", with the victim's arms tied above the elbow behind his or her back (see Amnesty International Report 1987). This was known to have caused paralysis of the lower part of the arm in some cases; in other instances the arm became gangrenous and had to be amputated. On occasions it was reported that victims had also been beaten on the chest, preventing them from breathing properly and sometimes killing them. Amnesty International considered that the practice was a form of torture. In the course of 1987 the organization noted a decline in the number of cases of *kandooya* reported, although it was not clear that it had been eradicated.

During 1987 there were many reports of extrajudicial executions by the NRA in the course of its counter-insurgency opera-

tions. Such allegations often proved impossible to confirm. Amnesty International submitted to the Ugandan Government details of a number of cases where it felt that there was strong evidence that the army had been responsible for deliberately killing non-combatant civilians or prisoners. On 12 January NRA soldiers are reported to have arrived at Agwata, near Lira in northern Uganda, in search of a former soldier named George Omara. When they did not find him, they apparently tied his brother kandooya-style and beat him. Later George Omara arrived and the soldiers are reported to have shot him dead. On about 19 February NRA soldiers reportedly arrested 19 people at Otuboi in Soroti district. They were taken to Serere and subsequently to a swamp called Atira, near Soroti town, where soldiers shot them on 26 or 27 February. Eighteen are said to have died but one survived and later escaped.

In early March, at a village called Seven Corner-Pujwani in Gulu district, soldiers are reported to have arrived at the home of Yokoyardi Onyony Okot, a retired parish chief. They are said to have shot him dead, along with his nephew, Lukel, the current parish chief. On or about 20 March, in Aleron village in Gulu district, soldiers reportedly arrested Xavier Moro Olwedo, a former Uganda Airlines official, and tied him kandooya-style. The following morning they are said to have killed him by slitting his chest open and to have partially buried him in a shallow grave.

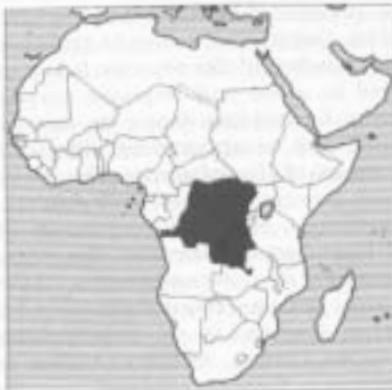
In August there were reports that NRA soldiers had executed wounded rebel prisoners after a battle in Soroti.

In April the legislature, the National Resistance Council, amended the penal code to extend the death penalty to armed smugglers. Amnesty International did not learn of any death sentences imposed under this amendment in 1987. In March the government told Amnesty International that 66 people were under sentence of death in Luzira Upper Prison. No judicial executions had been carried out since 1977. The advisory committee on the prerogative of mercy, which is constitutionally required to review the cases of all those sentenced to death, had not existed since 1981. However, in March a committee was appointed. None of those under sentence of death at that stage had been executed by the end of 1987. However, at

least seven soldiers were executed from April 1987 onwards after being convicted by military tribunals of offences under the army code of conduct. Five had been convicted of murder and one of robbery.

In March an Amnesty International delegation visited Kampala to meet government officials and carry out research. Following this mission, Amnesty International submitted an aide-mémoire to the government in July, summarizing the organization's concerns and asking the government to investigate a number of cases of unlawful detention without trial, torture and extrajudicial execution. In October Amnesty International made this document public. At the end of 1987 the organization had still not received any substantive response from the government. In August and September an Amnesty International delegate observed the trial of Evaristo Nyanzi and six others charged with treason in the High Court in Kampala.

ZAIRE



More than 40 prisoners of conscience were detained without trial or banished to areas far from their homes during the first half of the year for supporting an illegal opposition party. A number of other government opponents were banished or restricted to towns in which they were obliged to report regularly to the authorities. Only a few new arrests of government opponents in the capital, Kinshasa, were reported; some of the detainees were tortured or severely beaten. In eastern Kivu region, numerous civilians were arrested by soldiers, detained for long

periods and in some cases executed extra-judicially in an area where an armed opposition group was reported to be operating.

Significant steps were taken by the government in 1987 to emphasize the importance of human rights. In July Zaire acceded to the African Charter on Human and People's Rights. Early in the year 12 members of a military security service, disbanded in October 1986, were tried by a military court in Kinshasa on charges including the illegal detention of civilians. All of the defendants were convicted and the most senior officer among them was sentenced to two years' imprisonment.

A new Department for the Citizen's Rights and Freedoms, which had been established in October 1986, began investigating complaints of public service performance and abuses committed by officials. It opened offices in a number of Kinshasa districts but did not have representatives elsewhere in the country. Complaints were submitted to these offices and then transmitted to the Department itself, but the results of investigations had not been announced by the end of the year.

The Department signed agreements with branches of the security forces permitted to arrest and imprison suspects, thereby formalizing access to detention centres and to appropriate officials for discussion of alleged abuses. The security forces' powers of arrest and detention, nevertheless, remained unchanged. The two main security services, the Agence nationale de documentation (AND), National Documentation Agency, and the Service d'action et de renseignements militaires (SARM), Military Action and Intelligence Service, retained powers to detain prisoners incommunicado without charge or trial for as long as they considered necessary.

In contrast to these two services, other branches of the security forces may legally detain suspects for only a few days before referring them to the procuracy responsible for further investigation. However, many of the military and paramilitary units empowered to detain suspects for a few days exceeded their legal limits and held detainees in custody for weeks or even months without referring them to the procuracy.

During the year the AND detained both prisoners of conscience and other polit-

ical prisoners incommunicado for periods of several months or more. Although the prisoners of conscience were freed from detention and then banished to remote areas, other long-term political detainees remained in custody at the end of the year. They included seven AND agents arrested in April and several other people, all accused of espionage.

Most political prisoners arrested during the year supported opposition political groups considered illegal under the terms of Zaire's one-party Constitution. As in previous years, many prisoners were detained or banished for supporting the Union pour la démocratie et le progrès social (UDPS), Union for Democracy and Social Progress. Members of the Jehovah's Witness sect, which was banned in 1986, were also arrested.

A number of UDPS members arrested and detained by the AND in 1986 were banished to villages in Kasai Oriental region and elsewhere in February and March 1987. The total number of UDPS supporters arrested in 1985 or 1986 and restricted under administrative banishment orders in 1987 was more than 40. The State Commissioner for the Administration of the Territory (Minister of the Interior) issued banishment orders. The formal procedures for banishment, which are contained in a 1961 law and include a regular review by a special commission, were not observed.

Among those banished were both leaders and supporters of the UDPS, including several former National Assembly members who have been repeatedly detained or banished since 1981. The UDPS chairman, Kibassa Maliba, was confined under house arrest in Lubumbashi during the first half of the year. Another UDPS founder, Lumbu Maloba Ndiba, was held under house arrest in a military camp at Kalemie at the beginning of the year. He was later imprisoned in a cell at the camp and forced to renounce his connections with the UDPS. While imprisoned, his head was shaved with broken glass and he was deprived of food and beaten.

Kyungu Mukange, a UDPS supporter, was arrested in early January after protesting against restrictions imposed on him following his release in May 1986 from 30 months' detention without trial. He was initially held in military custody in Lubumbashi, then effectively "dis-

appeared". His family was unable to learn where he was subsequently detained. He was freed in June with other UDPS supporters but detained again briefly in October.

In late June and July all UDPS supporters' banishment orders were lifted and in October the State Commissioner told Amnesty International that no UDPS supporters or other citizens remained banished. The mid-year releases occurred after the authorities and UDPS leaders, brought from their places of banishment, participated in a series of meetings. However, several months after the releases, some of those banished to Kasai Oriental region were still not permitted to return to their homes in Kinshasa.

There were further arrests of UDPS supporters in Kinshasa between July and October, although none of the detainees was held for more than a week. Some were detained for wearing ties, which the authorities consider to be contrary to Zairian traditions, while others were arrested during the course of meetings in private houses. Two men were arrested because they possessed statements made by UDPS leaders living outside Zaire.

Several political detainees were released in the middle of the year. In July Akuka Atangowena, a woman arrested in Kinshasa in October 1986, was freed. The reason for her nine months of incommunicado detention in military custody was apparently the activities of her former husband, who was living outside the country following political imprisonment in Zaire. She was held in the *Deuxième Cité de l'OUA* near the presidential offices. For at least the first half of 1987, as in previous years, suspected government opponents were evidently held in this secret detention centre. Some detainees held there were reportedly tortured. An eye-witness reported in March that a law student detained there was bleeding and bore marks of torture.

Torture was not reported on the same scale as in previous years, but beatings and torture allegedly accompanied some detentions by the armed forces in Kivu region. The main area of concern was north-east Kivu, between Beni and the Ugandan border, where an armed opposition group reportedly operated for several periods between November 1986 and July 1987. Counter-insurgency operations apparently precipitated a number of civilian

arrests. Detainees were taken to military posts in Beni and elsewhere but none was known to have been charged or brought to trial. The whereabouts of many detainees was not clear at the end of the year. For example, there was still no news about the fate of a farmer from Mutwanga village, Karamagi, who was arrested by soldiers in November 1986 and subsequently "disappeared".

There were further arrests in the area in 1987 and several thousand villagers apparently attempted to escape the violence by seeking refuge in Uganda. Some of these refugees provided details about a number of extrajudicial executions allegedly carried out by Zairian soldiers in the Beni area. The bodies of four civilians with bullet wounds in their heads were found on 7 January in the Semliki river near Beni. Soldiers reportedly killed them after finding opposition political party leaflets in their possession. In another incident reported in August, a man from Matolu village suspected of associating with armed government opponents was held in custody for three days and then publicly executed. In other cases reported in July and August, soldiers allegedly tortured civilians to obtain either information or money.

Six people arrested in 1984 were tried by the State Security Court in April and May on charges relating to two bomb explosions in Kinshasa. All of the defendants were convicted: three were sentenced to 20 years' imprisonment and three received 10-year prison terms. Several defendants had reportedly been tortured in custody and then forced to make self-incriminating statements. At least one of them had not met his defence lawyer until the trial began and had virtually no assistance from legal counsel. Another defendant had been publicly accused by the head of state of responsibility for one bomb attack. He and at least two others were convicted despite the absence of independent evidence against them. Amnesty International was concerned that some or all of the defendants were convicted unfairly. All appealed to the Cassation Court, but the results of their appeals were not known by the end of the year.

During the first half of the year, Amnesty International appealed for the release of all those detained or banished for alleged links with the UDPS. The organization also

called for the lifting of restrictions on Weregemere Bingwa Nyalumeke, who was banished to Katana in Kivu region during the first half of the year (see Amnesty International Report 1987), and on former detainees restricted to Lubumbashi. In March Amnesty International wrote to the State Commissioner for the Administration of the Territory about abuses committed in the Kabare district of Kivu (see Amnesty International Report 1987), but no response was received. Urgent appeals also followed the reported "disappearance" of Kyungu Mukange and reports of incommunicado detention and torture in Kinshasa.

In October an Amnesty International mission visited Kinshasa at the invitation of the State Commissioner for the Citizen's Rights and Freedoms. The delegates obtained information about the work of the new government department established to protect basic rights guaranteed by the Constitution and to investigate allegations of abuses. Most complaints made to the Department for the Citizen's Rights and Freedoms, however, seemed to address miscarriages of justice and administrative problems, rather than serious violations of human rights. It also appeared that the Department did not yet have the capacity to investigate abuses committed outside Kinshasa. Amnesty International's delegates met senior members of several security force branches and obtained details of their detention powers and safeguards against illegal or arbitrary detention and other abuses.

As in previous years, Amnesty International in May submitted information about its concerns in Zaire under the United Nation's procedure for confidentially reviewing reports of human rights violations.



and criminal suspects, were tortured and ill-treated. At least seven people were sentenced to death for murder or aggravated robbery, but it was not known if there were any executions.

Several political detainees continued to be held under the Preservation of Public Security Regulations, which empower the President to authorize indefinite detention without trial. Detainees who were released included Manfred Mwangana Mukumbuta and Ronald Chansa, two of three people held without trial since 1981 in connection with an alleged plot to arrange the escape from custody of several prisoners awaiting trial for treason. They were released uncharged but the third detainee, Faustino Lombe, was still held at the end of 1987.

Four South African nationals who had been arrested in May 1986, after South African security forces attacked Lusaka, were released in February. The four South Africans had stated that police had tortured and ill-treated them during interrogation soon after their arrest. The government had accused them of spying for South Africa but they were released without charge.

Among those arrested in 1986 and still detained at the end of the year were four detainees alleged to have been members of the clandestine opposition People's Redemption Organization (PRO). Two of them, Peter Chiko Bwalya and Stanislous Kachenjela, unsuccessfully sought release by filing habeas corpus applications in the High Court. The government said that Joseph Chitalu, a publisher and third detainee, faced charges of publishing a seditious document. No details about its content were available. All four detainees

ZAMBIA

At least 12 people imprisoned for political reasons, some of whom may have been prisoners of conscience, were held under a law permitting indefinite detention without trial. Some 50 Angolan refugees were reportedly imprisoned for political reasons. There were also reports that prisoners, including political detainees

were held under presidential detention orders permitted by the public security regulations. Grounds for detention under these regulations cannot be challenged in court but the law provides for review of detainees' cases by a special tribunal. However, the recommendations of the tribunal are not made public and are not binding on the President.

There were new allegations of torture and ill-treatment of prisoners. In several cases involving people charged with political and criminal offences, the courts accepted evidence that the defendants had been tortured or ill-treated in pre-trial detention to obtain "confessions". For example, Moffat Kashweka, who was tried before the Livingstone High Court on charges of spying, alleged that during his pre-trial detention police handcuffed his hands and legs, suspended him from an iron bar balanced between two tables and severely beat him. He said this treatment was commonly known as "the swing", "kampelu" or "taxi rank" torture. He was also denied food, held in a cold, damp, solitary cell and had his genitals squeezed with pliers by police who forced him to sign a "confession" statement.

The court rejected the confession in July and ruled that Moffat Kashweka had been tortured. The judge also called for the police officer responsible to be prosecuted. No charges against the police officer were reported to have been made in 1987 and Moffat Kashweka's trial had not been concluded at the end of the year.

In November a High Court judge refused to admit as evidence a confession statement made by Isaiah Moyo, a transport company employee also charged with spying for South Africa. The court heard evidence that he had "confessed" only after he was tortured and threatened with death by police in the Lilayi police training camp following his detention under the public security regulations in March 1986. His trial was continuing at the end of the year.

Allegations that police tortured and ill-treated a number of criminal suspects were also reported. Thomas Kunda, who was tried in February on robbery charges, told the court that he was beaten, denied food, and threatened with death if he did not confess to the charges. He also told the court that he had been denied medical treatment for tuberculosis and access to

his family. The Ndola magistrates court accepted his allegations and refused to admit as evidence his pre-trial "confession". He died, reportedly of tuberculosis, in Ndola remand prison in June before his trial could be completed.

Tens of thousands of Angolan nationals remained as refugees in Zambia, mostly in the west of the country. The majority were members of the Ovimbundu ethnic group, from which the União Nacional para a Independência Total de Angola (UNITA), National Union for the Total Independence of Angola, draws its main support. In 1987 the Zambian authorities alleged that UNITA, which is engaged in armed opposition to the Angolan Government, was providing support for opponents of the government in Zambia but it was not clear whether this allegation was the basis for the arrest of the Angolan refugees.

In July soldiers and Special Branch police officers arrested four Angolans. All were apparently living in the Meheba refugee camp near Solwezi in western Zambia. They were taken to Solwezi, where they were reportedly beaten with rifle butts. Further arrests of Angolan refugees, apparently suspected of being UNITA sympathizers, were reported in September. As many as 50 refugees were said to have been detained, although the identities of only a few were confirmed. Some detainees may have been released but at least four Angolans were still held without charge at Solwezi Prison at the end of the year.

Amnesty International expressed concern to the government about the prolonged detention without trial of many political prisoners and investigated the cases of several who may have been prisoners of conscience. No reports were received of any investigation or prosecution of those allegedly responsible for torturing detainees, as promised by the government, in either 1986 or 1987. Amnesty International urged the government to release the Angolan nationals if they were not to be charged and promptly tried on criminal offences, and in November published a summary of its concerns entitled Amnesty International's Concerns in the Republic of Zambia.

At least seven people were sentenced to death for murder or aggravated robbery, including a 67-year-old man and a 55-year-old woman. It was not known whether there were any executions.

ZIMBABWE



Several long-term political detainees continued to be held without trial, although a number were released during 1987. The apparent improvement in the police's treatment of prisoners, noted in 1986, continued through 1987, although there were reports of torture of prisoners in the custody of the Central Intelligence Organization (CIO). The courts continued to impose death sentences and nine prisoners were hanged in May.

Throughout 1987 Zimbabwe faced serious internal security problems and external aggression. Armed bands continued to be active in Matabeleland and Midlands provinces and were responsible for killing dozens of civilians, culminating in an incident at Esigodini in November when 16 missionaries were hacked to death. At various times the government accused South Africa and the minority Zimbabwe African People's Union (ZAPU) of supporting the armed rebels, although both denied this. The year also saw a significant increase in activity inside Zimbabwe by armed groups supporting the Resistência Nacional Moçambicana (RNM or RENAMO), Mozambique National Resistance, an organization opposed to the Government of Mozambique. These groups were responsible for a number of mass killings of villagers in eastern districts.

In May a Zimbabwean woman was killed in bomb and rocket attacks on houses in Harare used by South African exiles. South African Government forces appeared to have been responsible.

Talks aimed at unifying the ruling Zim-

babwe African National Union-Patriotic Front (ZANU-PF) and ZAPU continued intermittently throughout 1987. In December the two parties announced that they had agreed to merge under the name of ZANU-PF. Two constitutional amendments abolished the separate electoral roll whereby white voters had chosen 20 members of the 100-seat House of Assembly and introduced a system in which Prime Minister Robert Mugabe became executive President.

A number of prisoners, mainly ZAPU supporters, were held without charge throughout 1987 under the Emergency Powers (Maintenance of Law and Order) Regulations which permit indefinite administrative detention without trial. In most cases it was alleged that they supported armed opponents of the government. The government is not obliged by law to publish details of those detained, but official statements suggested that about 30 detainees were held under these regulations at the beginning of 1987. Fewer were probably detained at the end of the year. Those still held included Makhathini Guduza, a senior ZAPU official forcibly returned from Botswana, where he had been granted political asylum, in February 1986 (see *Amnesty International Report 1987*). He was unlawfully detained until January 1987, when he was brought to court on a charge of leaving the country illegally and reportedly acquitted. However, he was immediately rearrested and served with a detention order. He remained in Chikurubi Prison, Harare, at the end of the year.

Also in Chikurubi were Neil Harper and John Austin, two senior customs officials alleged to have spied for South Africa, who continued to be detained despite a recommendation from the specially constituted Review Tribunal that they be released. The tribunal is obliged to consider all detainees' cases within 30 days of their detention and every six months thereafter. It is government-appointed, sits *in camera* and its recommendations are not binding. However, since independence in 1980 it has been most unusual for the government not to comply with a Review Tribunal decision. Neil Harper and John Austin were arrested in early 1986, charged under the Official Secrets Act, had the charges dropped and were then detained (see *Amnesty International Report 1987*). On several occasions they challenged the

legality of their detention in court, although there was no opportunity for the courts to review the reasons for their detention – the Review Tribunal alone adjudicates on the grounds for a detainee's imprisonment. Amnesty International considered that Neil Harper and John Austin were probably prisoners of conscience, detained because of their legitimate professional activities.

In September and October a number of ZAPU officials were arrested and detained for short periods. They included Francis Mukombwe, the member of Parliament for Binga; Welshman Mabhena, the party's secretary general; and Mahuzu Ncube, administrator of ZAPU's Bulawayo office. The arrests followed the closure of ZAPU offices throughout the country and a ban on its meetings. These restrictions were later lifted. Most of those arrested appeared to have been released uncharged though it seemed that Francis Mukombwe might be prosecuted.

A number of political detainees were released during 1987. They included Samson Moyo, who was detained without charge by the CIO in Gwanda, southwestern Zimbabwe, from September 1986 until April 1987. In January his wife and other members of his family were arrested and detained for some weeks. There was no apparent reason for his detention other than his membership of ZAPU.

Amnesty International continued to investigate the cases of three people arrested in late 1985 who had apparently "disappeared" while in official custody. Edward Moyo, who had previously given evidence to a Commission of Inquiry into army abuses in Matabeleland, was arrested in Tsholotsho in July 1985. A few days later his brother, Shadreck Denga Moyo, responded to an instruction to report to a CIO official at Mabutweni police station in Bulawayo. Neither of them were seen afterwards. Fraser Gibson Sibanda was arrested by police on 3 November 1985 while attending a church service in Bulawayo. His wife made inquiries at several police stations and was told that he was in the custody of Police Internal Security and Intelligence (PISI). The reason for his arrest was apparently that he had worn a badge depicting ZAPU's leader, Joshua Nkomo. He too was not seen again. The Zimbabwean authorities offered no explanation for the whereabouts of these three prison-

ers and failed to respond to calls for investigations into their apparent "disappearance".

Amnesty International did not receive any reports of torture by the Zimbabwean police during 1987, although there were several reported cases involving officials of the CIO. For example, Odile Harington, who was found guilty of spying for South Africa, told the High Court in December that she had been tortured by the CIO. She said that she had been beaten, had her head forced into a bucket of water and had been subjected to sexual humiliation. The trial judge acknowledged that she might have been "mistreated" but took no steps to investigate her allegations further.

Zimbabwean courts imposed at least seven death sentences in 1987, all for murder – somewhat fewer than in recent years. Nine prisoners convicted of murder were hanged within a few days of each other in the capital city, Harare, in May. The Sheriff of Zimbabwe, a High Court official, said the executions were "in line with the Government's desire to rid society of undesirables".

Amnesty International continued to press the government to release all political detainees, unless they were to be charged and brought promptly to trial, as well as seeking investigations into reports of "disappearances" and torture. The organization protested at the nine hangings carried out in May, and called for clemency for all those under sentence of death.

THE AMERICAS

ЗАСЛУГИ ЭНТ

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ARGENTINA



Past human rights violations continued to be a focus of political unrest in Argentina during 1987. Investigations into the fate of more than 8,900 people who "disappeared" in the mid-1970s after being abducted by the military and security forces came to a virtual standstill with the passing on 5 June of the Law of Due Obedience, which strictly limited trials of military and police personnel accused of human rights related crimes between 1976 and 1983. The passing of this law was prompted by discontent and open rebellion within the ranks of the armed forces about continuing trials of their personnel before civilian courts.

The first measure to limit the trials was introduced by the government in December 1986. Following military unrest at the prospect of two more major trials before the Buenos Aires Appeals Court (which had been responsible for the conviction in 1985 of the commanders of the former military juntas), the government approved Law 23.492, known as the Punto Final, Full Stop, on 26 December 1986. This set a 60-day deadline for the formal initiation of new prosecutions of members of the armed forces, police and prison services accused of past human rights violations. After its expiry no further actions could be brought except in cases involving theft, the abduction of minors or the falsification of their documents. Unexpectedly, when the deadline expired it was found that appeals courts throughout the country had issued summonses against more than 300 officers, including some still in active service.

The first months of the year were marked by a series of protests and attempts by members of the armed forces to block further trials by civilian courts. In February, six admirals were detained on the order of the Buenos Aires Appeals Court for failing to answer a summons to testify at a preliminary hearing connected with the Escuela de Mecánica de la Armada (Naval Mechanics School) trial. This was examining accusations that detainees had been tortured in the navy's main detention centre in Buenos Aires. After the preliminary hearings, the court formally charged 12 navy officers, including Alfredo Astiz, and they were placed in pre-trial detention.

In early April preventive detention orders were imposed on military and security personnel by civilian courts in Bahia Blanca, Comodoro Rivadavia and Mendoza. On 15 April the Federal Court in Córdoba ordered the arrest of Major Ernesto Barreiro, who was accused of torturing prisoners in an army detention centre. Major Barreiro promptly took refuge in his army unit and on 16 April middle-ranking officers took over the Campo de Mayo army base, near Buenos Aires, to support him. They demanded an end to the human rights trials and the resignation of the Army Chief of Staff, General Ríos Erenú, who had instructed his officers to cooperate with the civilian hearings. In response, there were popular demonstrations in support of the government but President Raúl Alfonsín conceded to the rebel officers' demands when other army units refused to obey orders to arrest them.

The Law of Due Obedience was then enacted on 5 June to forestall most of the trials by granting immunity to all but the most senior military officers for crimes committed during the repression. All but the senior officers were automatically presumed to have been obeying orders from a superior. The only exceptions admitted were for cases of rape or the abduction of children. The new law reversed the provisions of the Reforms to the Code of Military Justice of 1984, which had established the principle that subordinates could not claim "due obedience" if charged with crimes involving "atrocious or aberrant acts". As Amnesty International pointed out to the government, the new law appears to violate the United Nations Convention against Torture, to which Argentina is a party, which stipulates that "an

order from a superior officer or a public authority may not be invoked as a justification for torture".

The Law of Due Obedience was held to be constitutional by a majority ruling of the Argentine Supreme Court on 23 June. Following this, three subordinate officers convicted of torture in the trial of General Ramon Camps in December 1986 had their sentences quashed. They were released on the grounds that they had acted in obedience to orders from a superior. In all, about 300 members of the armed forces and police were believed to have benefited immediately from the new law and most defendants in pre-trial detention were released. Some trials on human rights-related charges were expected to continue, depending on the result of appeals to the Supreme Court.

At the beginning of 1987, there were 12 prisoners serving sentences imposed for politically-motivated offences after trials conducted during the period of military rule which failed to conform to international standards for a fair trial. All 12 had been arrested between 1974 and 1976, and convicted on the basis of statements allegedly extracted under torture. The government announced in February that it would introduce a draft law to review the prisoners' situation but this had not been done by the end of the year. By that time five of the 12 prisoners had been released on parole after completing two-thirds of their sentences. A sixth, Osvaldo López, had been freed in November. He had been sentenced to 24 years' imprisonment in 1977 by a military court. He was released after the Inter-American Commission on Human Rights of the Organization of American States passed a resolution in June which declared that his right to due process had been violated and that the Argentine Government should rectify this within 60 days. The Argentine Supreme Court referred his case to a civilian appeals court which reduced his sentence and Osvaldo López was freed.

Continued attempts were made throughout 1987 to investigate the fate of children who "disappeared" during the period of military government. Many children are still missing because their parents were abducted, killed or secretly imprisoned by security forces between 1976 and 1983. A few children were abducted with their parents, but most of those registered

as "disappeared" by the present government are believed to have been born to pregnant women in detention centres at the height of the military repression. These infants were taken from their mothers shortly after birth and allegedly given to couples connected with the armed forces or police to raise as their own.

The organization most committed to these investigations continued to be the Abuelas de Plaza de Mayo, formed in 1977 by grandparents of the missing children. In previous years they had traced a total of 43 children, three of whom were known to have died violently at the hands of the military. Twenty others, however, had been returned to the custody of their natural relatives. In 1987 their investigations mainly concerned four children living in neighbouring Paraguay, whose natural parents were believed to have "disappeared" in detention under the military. All four were in the care of couples formerly linked to the Argentine military and police force and had been taken to Paraguay illegally, after Argentine courts ordered genetic tests to be carried out to determine the children's true parentage.

Amnesty International delegates visited Argentina in October to discuss with the government the organization's concerns about the Law of Due Obedience, the continued imprisonment of those sentenced after apparently unfair trials during the period of military rule and the fate of the "disappeared" children. In November Amnesty International published a report, *Argentina: The Military Juntas and Human Rights* about the trial of the former members of the ruling juntas. This concluded that the trial was fair and that the rights of the defendants had been respected. However, in publishing the report, Amnesty International also drew attention to its concern about the Law of Due Obedience. By conferring immunity from prosecution on many of those accused of torture, the new law both undermined the rule of law, which the earlier trial had vindicated, and set a dangerous precedent for the future.

BARBADOS



Some 14 prisoners were under sentence of death in 1987, two of whom were minors (aged under 18) at the time of the crime. Under Barbadian law the minimum age for the imposition of the death penalty is 16. No executions were carried out during the year.

The two juvenile offenders, Michael Taylor and Patrick Greaves, were sentenced to death in 1984 for a murder committed during a robbery when they were aged 17. The Court of Appeal upheld their death sentences in November 1986.

Barbados is one of only six countries known since 1980 to have executed people who were minors at the time of the commission of the crime. In 1982 Martin Marsh was executed for a crime committed in May 1980 when he was aged 16. The Barbados Bar Association called on the government in September 1987 to review existing legislation so as to ensure that the death penalty could not be imposed on minors.

Amnesty International wrote to the government in December 1986 urging it to bring Barbadian law into line with international standards that prohibit the imposition of the death penalty on persons aged under 18 at the time of the crime. It also asked the government to commute Patrick Greaves' and Michael Taylor's death sentences. In its reply in February 1987, the government noted Amnesty International's concerns and said they would be given due consideration at the appropriate time.

BOLIVIA

A number of trade unionists and peasants were arrested and detained for short periods in connection with demonstrations, work stoppages and other peaceful protests against government economic policies. There were reports that youths held at a drugs rehabilitation centre were beaten and that two died, one in December 1986 and one in January 1987. There was little progress in the trial of the former President, General Luis García Meza, and others on charges involving human rights violations.



The leader of one of the main teachers' unions and other members of teachers' unions were arrested in February after they opposed government plans to reduce spending on education and reorganize the school year on a regional basis. Daniel Agudo, secretary general of the Confederación de Trabajadores de Educación Urbana de Bolivia, Bolivian Urban Education Workers Union, was held for several weeks and then charged with sedition and disrespect towards the authorities. By the end of the month he had been provisionally released, as was Wilma Plata, the leader of the La Paz teachers' union, who had also been charged. Their trial was still in progress at the end of 1987. Others who were arrested in La Paz, Santa Cruz and Cochabamba were released, apparently without charge, during February.

Further arrests occurred in late July during an oil workers' pay dispute. On 26 July the government declared the country's oil fields to be national security con-

cerns and placed them under military jurisdiction in order to pre-empt a threatened strike. This meant that anyone supporting the strike would be treated as a deserter. Twenty-nine oil union leaders were detained but they were released within a few days when the dispute was resolved on 2 August.

Eleuterio Gutierrez Marcani, a former trade union leader at a state-owned mine, remained in pre-trial custody throughout 1987. He had been held since September 1985 on a charge of theft which, he claimed, had been brought against him on account of his trade union activities. The evidence against him was allegedly based on a statement extracted under duress from a witness who subsequently retracted it. The witness alleged that he had been threatened and beaten by police who forced him to incriminate Eleuterio Gutierrez Marcani.

There were reports that youths held at the *Granja de Rehabilitación* (a drugs rehabilitation centre) in Chimoré, near Cochabamba, were routinely beaten and ill-treated by guards. The *Granja* is the responsibility of the *Unidad Móvil para el Área Rural* (UMOPAR), a specialized narcotics branch of the Bolivian police force. Those held there were mostly young people requiring treatment for drug addiction or who had been accused of committing minor criminal offences. Some of them had not been formally charged or brought before a judge and were held in violation of the Bolivian Code of Minors.

Information was received about two deaths at the *Granja*, which were said to have occurred after the inmates concerned had been beaten by a guard. Cleómedes Claros Jiménez, aged 16, died on 22 December 1986. He had been arrested without any warrant or explanation the previous afternoon. The death certificate gave "acute anaemia" and "severe bruising" as the cause of death. Witnesses alleged that he had been beaten repeatedly on the night of his arrest with a broom handle. His body was returned to his family for burial and although they protested about the state of the body, no autopsy was performed. The second death, which occurred a few days later on 2 January, was of Remy Barrios Suárez, aged 15, who had been detained in October 1986. He was due to be released the next morning after the local military commander issued an order accepting that

his detention was unlawful, as Remy Barrios Suárez was below the age of legal responsibility. In his case an autopsy was carried out which gave "convulsive syndrome" as the cause of death. Three months after the deaths had occurred a further police investigation was carried out.

On 9 March Gonzalo Peñaranda Fernández hanged himself in prison. He had been sentenced to death in 1986 for the murder of a child. An appeal against the sentence was pending before the La Paz District Court, on the grounds that the sentence violated Article 17 of the Bolivian Constitution prohibiting the use of the death penalty (see *Amnesty International Report 1987*).

In November the Human Rights Committee monitoring adherence to the International Covenant on Civil and Political Rights said the Bolivian Government had violated the Covenant in the case of four men who had been detained in Luribay in 1983 and freed three years later. The Committee found that the prisoners had been tortured and ill-treated and that during the initial period of detention, their rights to due process had been denied. The Committee reminded the Bolivian Government of its obligation under the Covenant to provide compensation to the victims and to take steps to prevent a recurrence of these violations.

In February Amnesty International called for the release of the teachers' union officials as prisoners of conscience. It also expressed concern to the Minister of the Interior about reports that criminal charges against Eleuterio Gutierrez Marcani might be politically-motivated and based on a statement obtained under duress. In September, following reports of the two deaths at the *Granja*, Amnesty International sought and obtained details of criminal investigations into the event from the authorities. After studying the report, however, Amnesty International remained convinced of the need for a full and impartial investigation into the allegations of arbitrary detention and ill-treatment of inmates at the *Granja*. In particular, Amnesty International recommended further investigation into the cases of Cleómedes Claros Jiménez and Remy Barrios Suárez, given that the official causes of death were insufficiently precise to dispel concern.

BRAZIL



There were frequent reports of torture and ill-treatment of criminal suspects, including children, in police custody. Reports of killings by "death squads" allegedly composed of state police officers increased. There were further attacks and killings in the context of land disputes which appeared to be condoned by local state authorities and in December military police were reported to have killed a number of people without provocation in connection with a protest by gold prospectors. Several people were imprisoned briefly as prisoners of conscience.

The Congress began drafting a new Constitution but this had not been completed by the end of the year. There was discussion of agrarian reform, the role of the armed forces, the rights of indigenous populations and other issues, including the merits of a parliamentary system of government and the term of office of the President.

Among those imprisoned briefly as prisoners of conscience were Danilo Groff, a member of the opposition Partido Democrático dos Trabalhadores, Democratic Workers' Party, and Mauricio Pencak, a trade union leader. They were both arrested in June after a bus in which President José Sarney was travelling was stoned by a crowd in Rio de Janeiro. They were detained incommunicado for five days under the Law of National Security and charged with organizing the attack. This was the first time the Law of National Security had been used since President Sarney came to power in 1985, although it

had been used previously during the period of military rule for the arbitrary detention of a number of prisoners of conscience. The incommunicado order was lifted but a judge ordered that the two men should be detained for a further 15 days. The Supreme Military Tribunal, a military appeals court, rejected a *habeas corpus* petition for the release of Danilo Groff on the grounds that this could prejudice the police investigations. Amnesty International believed that the two men had been arrested because of their affiliation to opposition parties and that there was no evidence to support substantive charges against them. On 7 August both men were granted a presidential amnesty and released.

There were frequent reports that criminal suspects had been tortured or ill-treated by police while in custody. In January, for example, five peasants were arrested without warrant in Pará State and held together with a sixth man arrested in neighbouring Goiás State. They were held incommunicado for between seven and 10 days, during which time they alleged that they were tortured. They were later charged with the murder of a local land-owner and his driver, but escaped before being brought to trial. The Brazilian Constitution stipulates that arrests may be made only when the accused is caught in *flagrante delictu* or when a warrant or judicial order from the competent authority has been issued. Neither of these applied in this case. The authorities sought to explain this by saying that they had been held for questioning, although there is no legal basis for this. Despite their allegations of torture and ill-treatment, the six were denied access to lawyers and were not allowed medical examinations until some 30 to 40 days later.

In another case, 12 alleged bank robbers arrested in Recife alleged that they had been kicked and beaten with sticks, burnt with cigarettes and suspended on the *pau-de-arara* (parrot's perch) by police in order to force them to confess. Subsequently, the governor of Pernambuco gave an undertaking to Amnesty International that the allegations would be investigated.

There were also reports of a number of deaths in police custody as a result of beatings or what appeared to be extrajudicial executions. For example, Cléber Goulart, who was a key witness in the

prosecution of police officers in Porto Alegre for alleged torture, was shot dead by police on 14 May (see Amnesty International Report 1986 and 1987). The police said he had tried to resist arrest when he was caught robbing a supermarket. A witness to the shooting of Cléber Goulart was also detained and died in unclear circumstances while being taken to a police station. It was alleged that he had been beaten to death by police officers.

Several police officers were prosecuted in connection with the death of a swimming instructor, Marcellus Gordilho Ribas, who was beaten to death in custody on 17 March in Rio de Janeiro after being stopped and searched for drugs. The police officers responsible were later convicted of the relatively minor offence of abuse of authority and received suspended prison sentences of 18 months.

In cities throughout Brazil there were numerous complaints alleging police violence against criminal suspects, including children. In Rio de Janeiro there was an alarming increase in the number of killings attributed by the press to the *policia mineira*, "death squads" allegedly composed of state police officers. Between November 1986 and April 1987 about 1,000 such killings were reported. Meanwhile Brazil's severely overcrowded prisons showed signs of continuing unrest because of alleged ill-treatment and poor conditions. In the course of the year these tensions erupted into episodes of rioting and hostage-taking.

In late December military police were alleged to have killed up to 20 people at Marabá in the Eastern Amazon. They attempted to clear some 2,000 people, mostly gold prospectors and their families, who had blockaded a bridge over the Tocantins river for two days in protest against unsafe working conditions at a nearby open-cast mine. Shortly before, those occupying the bridge had agreed to withdraw the blockade but military police were apparently ordered by the State Governor to clear it by force before this could take place. Both ends of the bridge were sealed, tear-gas was fired into the unarmed crowd and military police advanced from both ends beating people as they went and firing guns. Eye-witnesses, including Federal Police officers, reported that no warning was given and no time allowed for evacuating the bridge. The military police

said three people had been killed but other sources suggested that the true number was about 20 and that they included a pregnant woman, whose body had been thrown from the bridge, and an 11-year-old boy.

There were continuing politically-motivated attacks on peasant leaders and their advisers, a number of whom were killed. While these killings were mostly carried out by *pistoleiros* (gunmen) or other private security personnel employed by local landowners or their organizations, there was no evidence that the Brazilian authorities intended to tackle this problem. The *Ministério de Reforma Agraria e Desenvolvimento* (MIRAD), Ministry of Agrarian Reform and Development, reported in July that such crimes had become more flagrant and deliberate and were openly carried out "by professional killers hired by landowners in order to repress and eliminate rural workers and professionals acting in their defence". However, there was much evidence to suggest complicity between those responsible for killings and various state authorities who failed to investigate individual killings or bring the perpetrators to justice. To the best of Amnesty International's knowledge, between 1980 and 1987 no landowner or *pistoleiro* was convicted of the murder of a peasant.

In one case, Paulo Fontelles de Lima, a lawyer and human rights activist, was shot dead by gunmen in broad daylight near Belém, Pará State, in June. Shortly before, he had taken on the defence of some peasants accused of killing a landowner. He was well known as an advocate of agrarian reform and had previously received death threats which he had asked the authorities to investigate, without result. No one had been arrested for his murder, which was believed to have been committed by professional killers, by the end of 1987. In another case, Father Francisco Cavazzutti, an Italian priest, was shot and blinded by a gunman in August as he was finishing celebrating mass for a peasant community in Goiás State. Father Cavazzutti had allegedly given advice to local peasants involved in a land dispute.

Amnesty International sent a mission to Brazil in June. The delegates had discussions with state officials in Pará about apparent deficiencies in the administration of justice and submitted a detailed

report on a number of cases of alleged extrajudicial executions which had occurred in the context of land disputes. They raised with officials other complaints such as the alleged torture and ill-treatment of peasants by police, particularly in the south of the state. In São Paulo State, Amnesty International's delegates raised reports of ill-treatment of prisoners. They visited several prisons and detention centres, including the Casa de Detenção in São Paulo city, a prison with over 6,000 inmates.

As a result of the visit Amnesty International wrote to the São Paulo Secretary of Justice about allegations that prisoners at the Casa de Detenção had been tortured by night duty guards and that two prisoner representatives, who had submitted a report to the authorities about these abuses, had been ill-treated. Amnesty International had also received information indicating that, contrary to regulations, prisoners had been held for periods exceeding 30 days in punishment cells where conditions were extremely harsh. Prisoners were held naked in their cells and deprived of blankets and natural light. Following a prison riot in the São Paulo State Penitentiary at the end of July, in which a number of guards were taken hostage, 29 prisoners and one of the hostages were killed. Amnesty International called upon the governor of São Paulo to establish an independent commission of inquiry to investigate disquieting allegations that some prisoners had been deliberately executed. A state inquiry exonerated the police, but autopsy reports on some of the prisoners, which were made available to Amnesty International, taken in conjunction with other evidence, failed to dispel concern that some of the killings may in fact have been deliberate.

CANADA

In June the Canadian Parliament voted 148 to 127 against a motion to reinstate the death penalty, which had been abolished for ordinary crimes in 1976.

Following the election of the Progressive Conservative Party to power in 1984, Prime Minister Brian Mulroney had promised to allow a free vote on the subject.



During the parliamentary debate he argued that the death penalty did not deter crime and said that Canada's homicide rate had reached a 15-year low since the death penalty was abolished in 1976, with the murder rate in 1986 declining by 20 per cent in one year.

Amnesty International wrote to Canadian members of Parliament before the vote, urging them not to support the re-introduction of the death penalty.

In November Amnesty International learned that two prisoners were awaiting extradition to face charges of murder in Florida and Nevada, USA, whose laws provide for the death penalty. Amnesty International urged the Minister of Justice to obtain assurances from the Florida and Nevada authorities that the two men would not be sentenced to death if convicted of murder. It asked the Minister to make such assurances a prerequisite for their extradition.

In June Canada ratified the United Nations Convention against Torture.

CHILE

The harassment of government critics by clandestine groups linked to the security forces intensified in 1987, and torture by the official security forces continued in spite of measures taken by the government which should have given detainees increased protection. Many political opponents of the government, trade union leaders, journalists and others were detained for short periods and three opposition leaders were banished administratively to remote parts of the country. Judicial irregularities in the trials of pol-

political prisoners were reported, and little progress was made in investigating human rights abuses. Three political prisoners were sentenced to death and five new "disappearances" were reported.



The government took preliminary steps to pave the way to a restricted form of civilian government. It prepared for a plebiscite, to be held in 1988 or 1989, opened electoral registers and passed a new law allowing the establishment of non-Marxist political parties. Large numbers of exiles were allowed to return to Chile. The state of siege was not renewed when it lapsed in January and a curfew which had been in force almost continuously since 1973 was lifted. However, the "state of danger to internal peace" and a state of emergency remained in force.

Several steps were taken by the government to protect human rights. In June a new law required the closure of detention centres run by the Central Nacional de Informaciones (CNI), state security police, who had often been cited as responsible for torture. In September the government signed the United Nations Convention against Torture and the Inter-American Convention to Prevent and Punish Torture.

However, the intimidation and harassment of suspected opponents of the government by clandestine groups linked to the security forces intensified. The targets ranged from community leaders and local human rights activists in the *poblaciones* (poor neighbourhoods) to bishops, actors, politicians and court officials. Chilean human rights groups said that by December they had received reports of over 1,000 cases. Death threats and surveillance were most common. Cats with their throats slit

were left outside the homes of some victims. Others had incendiary devices left at their homes, offices or under their cars. Some victims were abducted for up to 24 hours and interrogated either in a vehicle or in a secret detention centre. Many were beaten. Others were given drugs or electric shocks, burned with cigarettes or acid, or had letters or symbols scored into their skin.

The clandestine forces operated with impunity and the government took no effective measures to restrain their activities, despite evidence of the involvement of security forces personnel in some cases. In January, for example, after nearly two years of investigations into the abduction and murder of three Communist Party members in March 1985 (see Amnesty International Report 1986 and 1987), Judge José Canovas concluded that a police unit had been involved. He subsequently closed the case and said that it was impossible for him to proceed because of lack of cooperation from the security forces. In June, however, the investigation was reopened on appeal.

Torture by the official security forces continued. During the first half of the year, a number of political detainees were held incommunicado in CNI detention centres, where they were tortured and interrogated. After the introduction of new legislation in June, the CNI were required to hand over detainees to the regular police forces immediately. However, it emerged that political detainees were being tortured by CNI agents in police stations run by *investigaciones* (criminal investigations police). Some detainees also said they were taken by the CNI to other unidentified detention centres.

Following agreements reached in 1986, delegates from the International Committee of the Red Cross (ICRC) were able to visit detainees held by the CNI and *investigaciones*. However, according to detainees' testimonies, some had been tortured by the time the visit was allowed to take place. In a number of cases, injuries sustained in police custody were recorded by doctors from the Chilean Institute of Legal Medicine, who were asked by courts dealing with petitions for *amparo* (similar to *habeas corpus*) to examine detainees.

Some progress was made in judicial investigations into torture. Judge René García Villegas, in whose jurisdiction lay

the main CNI detention centre in Santiago, was investigating about 40 official complaints of torture. He said that his work had led him to the conclusion that the CNI subjected detainees to "terrible tortures", but that the lack of police cooperation was making it impossible to identify those responsible.

Several hundred people were detained for a few hours or days for participating in peaceful political activities such as handing out leaflets and campaigning for free elections. Members of the Christian Democrat and Humanist Parties were arrested while canvassing for signatures to register as a political party under the new law.

Many others were arrested during a strike called on 7 October by the Comando Nacional de Trabajadores (CNT), National Workers Command, in support of a list of workers' demands including higher wages. Three CNT leaders and three leaders of the United Left opposition coalition were imprisoned and charged under the State Security Law for calling the stoppage. By 1 December all had been released on bail.

Restrictions on the right to freedom of expression continued, although four opposition magazines which had been suspended under the state of siege were allowed to resume publication in January. The government took an unprecedented number of legal actions against journalists and editors, as well as politicians and a human rights lawyer whose statements were published in opposition magazines. They were committed for trial on charges of slandering the President or the armed forces. Five journalists were imprisoned for up to two months on similar charges before being released on bail. Juan Pablo Cárdenas, director of the magazine *Análisis*, was sentenced to spend 541 nights in prison on similar charges: he had to report to prison each night and was released the following morning.

Many exiles were allowed to return from abroad but hundreds remained banned from Chile. Four political leaders challenged the ban by returning secretly and then presenting themselves to the courts. Three were immediately arrested and banished administratively for three months to remote parts of the country by the Interior Ministry, the first time the authorities had used this measure since 1985. After two months the banishment

order against former Communist Party Members of Parliament Julieta Campusano and Mireya Baltra was lifted but Clodomiro Almeyda, a Socialist Party leader, completed the three-month term. He was then imprisoned on charges of illegal entry to the country and being an "apologist for terrorism". At the end of 1987 he was still in prison, awaiting the outcome of appeals against two 541-day prison sentences imposed for each offence.

The courts consistently failed to take into account evidence submitted on behalf of victims of human rights abuses. For example, in the case of Carmen Quintana and Rodrigo Rojas, who were burnt in July 1986, both the military prosecutor and the higher courts apparently ignored extensive medical and witness evidence that the two were arrested and set on fire by a military patrol. Instead, they accepted the army version that the two were burnt by accident when Carmen Quintana kicked over a bottle of inflammable liquid. Lawyers acting on behalf of Carmen Quintana complained that she and witnesses had been harassed and reported other procedural irregularities, for example, important witnesses not being called.

Efforts by a few civilian judges to pursue investigations were hampered by the police and military not cooperating or blocked by the transfer of cases to military courts. Some court officials, such as Judge René García Villegas, received death threats. A new law modifying the Code of Military Justice passed in November gave the authorities further extensive powers to refuse to hand over information about police and the armed forces to the courts if they considered it to affect the security of the state or of individuals.

Investigations into approximately 700 "disappearances" between 1973 and 1977 suffered a major setback when the Supreme Court upheld a 1986 Appeal Court decision to close an investigation into 10 "disappearance" cases. Judge Carlos Cerdá, a member of the Appeal Court, had uncovered important information about the methods used by the police and military to eliminate political opponents of the government in the mid-1970s. He argued against the Appeal Court decision to apply an amnesty law passed in 1978 to the accused, on the grounds that his investigations were not finished.

Five political activists were reported to

have "disappeared" in September, leading to fears that the practice might be re-emerging. Alejandro Pinochet Arenas was last seen on 10 September being forced into a car in Santiago by several unidentified civilian assailants believed to be government agents. Human rights lawyers said that the circumstances surrounding the "disappearance" of Julio Muñoz, Manuel Sepulveda, José Peña and Gonzalo Fuenzalida also gave reason to believe that they had been abducted by government agents. The authorities denied holding them.

Long-term political prisoners being tried by military courts held a series of hunger-strikes to draw attention to irregularities in their trials and to protest against the death penalty. Their complaints included restrictions on the rights of the defence, the use of confessions extracted under torture, and long delays in trials. Human rights groups' statistics indicated that only a quarter of the approximately 450 political prisoners had been sentenced by the end of 1987. Some of those awaiting sentence had been in detention since 1984 or earlier.

Particular criticism was levelled against the Special Military Prosecutor, Fernando Torres. He was investigating the cases against approximately 100 defendants in four trials charged in connection with armed actions attributed to the Frente Patriótico Manuel Rodríguez (FPMR), Manuel Rodríguez Patriotic Front, an armed opposition group, including the September 1986 assassination attempt on President Augusto Pinochet. He ordered a number of the defendants to be held incommunicado for up to 40 days after their arrest without access to legal counsel, often after they had been tortured. Other defendants reported that he and his court officials threatened them. In his December report to the UN General Assembly, the Special Rapporteur on Chile criticized him for "a bias inappropriate in an official of his rank".

One of those charged by the Special Military Prosecutor was prisoner of conscience Dr Ramiro Olivares, a doctor working with the church human rights organization, Vicariate of Solidarity. He was accused of "assisting terrorists" after he gave medical treatment to a man, unaware that he had been injured in an attack on a shop. He was eventually released on bail

on 29 December after successfully petitioning the Supreme Court for the charges against him to be reduced (see *Amnesty International Report 1987*). It appeared that the case against Dr Olivares was intended to obstruct the work of the Vicariate by linking it to armed opposition groups.

Three political prisoners were sentenced to death in April after being convicted of participating in the killing of the military governor of Santiago in 1983. At the end of 1987 they were still awaiting the outcome of an appeal to the Military Appeals Court. One political prisoner, Carlos García Herrera, had his death sentence commuted to life imprisonment in October when the Military Appeals Court failed to reach the unanimous verdict required by Chilean law to uphold a death sentence. However, the government then submitted a complaint to the Supreme Court, which was still pending at the end of 1987, against the one judge who had voted against the death sentence. It argued that he was at fault in voting not to uphold the death sentence.

Twelve alleged FPMR members were killed by the CNI on 15 and 16 June in circumstances suggesting that they were the victims of extrajudicial executions. In one incident, in which seven people died, there was evidence that all the shots were fired from the direction of the security forces and none from where the victims were. In another, it appeared that the victim was shot dead from a van as he was walking along the street near his mother's house.

Amnesty International urged the government to take action against clandestine forces and to give protection to those threatened. It called for further measures to be introduced to prevent torture and appealed to the authorities to permit detainees held incommunicado by police to be given access to lawyers and doctors. The organization called on the authorities to review the judicial procedures in the trials of political prisoners which fell short of international standards for fair trials and appealed for the commutation of all death sentences. It also continued to press for full investigations into all human rights abuses, including "disappearances". An Amnesty International delegation visited Chile in October and met officials of the Ministry of Foreign Affairs, representatives of human rights organizations, pol-

itical parties, the Archbishop of Santiago and other church representatives.

COLOMBIA



The year was marked by a dramatic increase in human rights violations. Hundreds of suspected opponents of the armed forces were detained, tortured or killed by "death squads" apparently composed of military personnel or civilians acting on behalf of the armed forces or with their acquiescence. The victims extended beyond those identified with the left-wing opposition to include members of virtually any independent organization or profession considered to be critical of the armed forces' campaign against "subversion". Despite mounting evidence of the armed forces' involvement, the government continued to contend that the "death squads" were composed of independent groups of right-wing extremists whom the authorities could neither control nor disband. In certain areas, civilian defence squads organized and equipped by the armed forces to assist in their counter-insurgency activities were also alleged to have been responsible for torture and extrajudicial executions of civilians.

There was increased activity by armed opposition groups and a rise in the number of reported clashes between the armed forces and the largest such group, Fuerzas Armadas Revolucionarias de Colombia (FARC), the Revolutionary Armed Forces of Colombia, although formally the FARC remained within a peace process initiated in 1984. There were new reports that the FARC and other armed opposition groups had

summarily executed a number of their captives.

In December Colombia ratified the United Nations Convention against Torture.

The area most affected by the upsurge in political violence in 1987 was Antioquia department in northeast Colombia. In the banana plantation region of Urabá, more than 50 people, mostly agricultural workers, their union leaders and advisers, were killed in the first half of 1987 against a background of protracted pay negotiations between the major unions and the plantation owners. The killings were carried out by heavily armed men in civilian clothes believed to be employed by landowners acting with the complicity of the armed forces. Extensive counter-insurgency operations made Urabá one of the most heavily militarized zones in Colombia, yet the killers were able to operate with impunity, passing freely through military controls.

There were further "death squad" killings in Medellín, the capital of Antioquia department. Scores of people including trade unionists, students, university professors and human rights activists were killed, particularly during the second half of the year, by groups operating under names such as "Amor a Medellín", Love for Medellín, and "Muerte a Revolucionarios del Nordeste", Death to Revolutionaries of the Northeast. Civic leaders and human rights activists responded by organizing demonstrations demanding the right to life. On 13 August over 3,000 people participated in a "march for life" through Medellín, led by the Comité de Defensa de los Derechos Humanos (CDDH), Medellín Committee for the Defence of Human Rights. The demonstration was in protest against recent "death squad" killings of five students and four lecturers at the University of Antioquia. Some of the victims had been tortured before being shot. The local police said that they saw the killings as isolated incidents, without apparent political motivation. However, seven of the nine victims, it was later established, had been members of a new political group Frente Popular, Popular Front, and had been arrested previously by military personnel during a demonstration on 1 May. They were said to have been held in the headquarters of the army's Fourth Brigade and to have been photographed and fingerprinted before they were released uncharged after a few hours.

Another student, Gustavo Franco Marín, was abducted on 4 August. He was shot and blinded but survived and subsequently told the judicial authorities what had happened. He said he had been dragged from his house in Marinilla, near Medellín, and forced into an unmarked car by heavily armed men in plain clothes who identified themselves as members of the security forces. After driving through the town the assailants shot him in the back of the head and threw him from the car.

By the end of August four of the leaders of the "march for life" had themselves become victims of the "death squads". The morning after the march, Senator Pedro Luis Valencia was shot dead by unidentified gunmen who broke down the front door of his house with a jeep. Luis Felipe Vélez, president of the Asociación de Institutores de Antioquia (ADIDA), Antioquia Teachers' Union, was shot and killed on 25 August as he arrived at the union office. Later that day, Dr Héctor Abad Gómez and Dr Leonardo Betancur Taborda, president and former vice-president of the CDDH, were killed by unidentified gunmen who opened fire as they were leaving a wake held for Luis Felipe Vélez.

The killings coincided with the circulation within the country of "death lists", some of which were published in the national press. One of the lists named 34 prominent national figures including a former foreign minister, political leaders, journalists, trade union leaders, and Dr Héctor Abad Gómez. In the following weeks scores of "death lists" appeared in several major cities, including Cali and Bogotá. Some appeared to be elaborately prepared documents which accused hundreds of individuals and organizations of "subversive activities" and openly justified the formation of paramilitary groups and the elimination of alleged "communists". In September some of those named in the lists met government ministers to seek protection and urge an official investigation into the formation, composition and activities of the "death squads". Later the same month the Interior Minister informed Congress that an investigation had established the existence of 137 paramilitary groups operating in the country. However, the government failed to announce any measures to curtail the activities of such groups.

The head of the Departamento Admi-

nistrativo de Seguridad (DAS), Administrative Security Department, stated in September that his department was unable to investigate "death squad" killings because 70 percent of its personnel were fully occupied in escorting over 600 people who had been threatened. Such attempts to provide protection, however, often proved ineffective.

In one incident, members of the national police – who have operated under the authority of the armed forces since the state of siege was imposed in 1984 – failed to prevent the killings of several Communist Party members in Medellín on 23 November. Despite a police guard, three men in civilian clothes armed with machine-guns entered the city centre offices of the Communist Youth organization. They forced everyone they found in the building into a small room, made them lie on the floor, and then opened fire. Six people were killed. A spokesman for the Medellín police said that the gunmen entered the building while the three members of the police guard were having coffee. However, it was later established that the guards were in fact present when the gunmen entered the building.

The escalation in political violence coincided with the start of a campaign for mayoral elections scheduled to take place in March 1988, the first of their kind to be held. Candidates and activists belonging to all the major political parties contesting the elections, including the ruling Liberal Party, were among the victims of politically-motivated killings. Supporters of the Unión Patriótica (UP), Patriotic Union, appeared to be a particular target of the "death squads". The UP estimated that since its formation in 1985, over 550 of its activists, including four Members of Parliament and scores of local councillors and mayoral candidates, had been victims of politically-motivated killings. In May the UP leader, Dr Jaime Pardo Leal, gave the Procurator General evidence implicating members of the armed forces in the killings of 25 UP activists. An investigation into the allegations was initiated and a preliminary report on 14 of the cases was published in September. In six cases sufficient grounds had been found to open formal disciplinary hearings against members of the armed forces and investigations into the other eight cases were continuing. On 11 October Dr Pardo was himself killed by gunmen who intercepted his car in La Mesa. A month later the Minister of Justice announced that an official investigation had

found that the killing had not been politically-motivated but was undoubtedly linked to drug-trafficking. This was rejected by the UP, who alleged that Dr Pardo had been the victim of a politically-motivated "death squad" killing.

The government took steps designed to enhance the role of the courts in investigating politically-motivated killings. Following Dr Pardo's death, the government announced in October the creation of Special Courts of Justice to investigate "political crimes which cause social upheaval". However, by the end of the year no further information had been made available concerning the functioning of the courts.

The government had previously sought to create Special Tribunals to investigate political killings. Although no specific criteria for the selection of cases to be investigated were established, cases in which the suspect came under a special jurisdiction, such as those involving members of the armed forces, were excluded. In March the Supreme Court of Justice ruled the decree law establishing the Special Tribunals to be unconstitutional. In a separate decision the Supreme Court of Justice also ruled that the state of siege legislation establishing military jurisdiction over civilians was unconstitutional. Pending cases passed to the civilian courts.

Despite efforts to improve the civilian judiciary's ability to investigate political killings, "death squads" continued to act with apparent impunity. Members of the police or armed forces implicated in "death squad" crimes continued to be tried by military courts, where the charges were invariably dismissed.

There were new reports of "disappearances" throughout 1987. For example, Martha Bohórquez and three other people were seized by gunmen wearing civilian clothes in the centre of Cali and then "disappeared". The following day her mother received a telephone call from someone who said he was a police officer and who stated that she was being held in the La Rivera police station in the southeast of the city. The mother went there and found the car in which Martha Bohórquez and her friends had been travelling parked in the police station car park. The police at first denied that the four were in custody, but one police officer subsequently disclosed confidentially that they had been arrested and handed over to the Third Army Brigade

in Cali. However, the military authorities denied any knowledge of the four.

In December the Procurator General's office informed the newly appointed Presidential Council on Human Rights that over 600 people reported to have "disappeared" since 1977 remained unaccounted for. It also stated that 290 cases had been resolved: 89 were known to be dead, while many of those found alive had been held in unacknowledged detention by the military. Human rights groups estimated that almost 1,200 people had "disappeared" since 1977, more than 200 of them since President Virgilio Barco took office in 1986.

Amnesty International intervened with the authorities on a number of occasions about alleged incidents of torture, "disappearances" and extrajudicial executions, and to urge the authorities to protect those under threat from "death squads". In May an Amnesty International mission visited Colombia. In December Amnesty International submitted a memorandum to the government in which it detailed its concerns about extrajudicial executions, "disappearances" and torture and urged the authorities to take the necessary steps to protect basic human rights. It expressed Amnesty International's view that the government must assume responsibility for human rights abuses by both regular police and military forces and civilian auxiliary forces acting on their authority. It urged the government to ensure that all such forces abide by internationally agreed standards. It called for security force personnel accused of "disappearances" and unlawful killings to be prosecuted before ordinary civilian courts in order to protect the objectivity and impartiality of the trial.

Amnesty International continued to submit information on its concerns in Colombia to the relevant bodies of the United Nations and the Organization of American States.

CUBA



A t least 600 people were known to be imprisoned, apparently for political reasons, but in most cases there was too little information to indicate whether they were prisoners of conscience. However, those held at the end of 1987 included at least 12 prisoners of conscience, most of whom were held on charges of "enemy propaganda" or for trying to leave the country illegally. Unofficial sources claimed that one prisoner died and many others were injured by guards during an incident in Combinado del Este Prison, Havana, in March, although the authorities subsequently denied the allegations. New information emerged about detention and trial procedures and prison conditions in previous years. Three people were executed and at least one other was sentenced to death.

In June the US Catholic Conference announced that it had reached an agreement with the Cuban Government, allowing 348 current and former political prisoners to leave Cuba and go to the USA. It appeared that they would include many of the so-called "plantados históricos", "historical plantados" (political prisoners held since the 1960s and 1970s who refuse to obey certain prison regulations). The process was expected to start in September but had still not done so by the end of 1987.

In December the Minister of Justice announced the government's intention to abolish 63 of the 452 articles of the penal code. One effect would be to abolish the death penalty for all offences except certain crimes against state security, murder, rape and pederasty with violence.

In June rumours that exit visas could be obtained from the French Embassy in Havana led many people to flock there. Several dozen were arrested, reportedly

taken to La Cabaña Prison, and described as "anti-social and stateless elements" by the authorities who said they were being charged with provoking disturbances. However, it was not known if any were still held at the end of the year or if any had been charged or tried.

Several prisoners of conscience were released, including three leading members of the unofficial Comité Cubano Pro Derechos Humanos (CCPDH), Cuban Committee for Human Rights. Dr Adolfo Rivero Caro and Professor Enrique Ladislao Hernández Méndez were released on 6 February, and Professor Elizardo Sánchez Santa Cruz was released on 26 May. They had all been arrested on 25 September 1986 and detained without charge or trial at the headquarters of the Departamento de Seguridad del Estado (DSE), State Security Police, in Havana. The authorities gave no reasons for their detention, but they were arrested shortly after Professor Sánchez told foreign journalists about the situation of two other political prisoners. Dr Domingo Jorge Delgado Fernández, secretary and legal adviser to the CCPDH, who was serving an eight-year sentence for illegally entering the Ecuadorian Embassy in 1981, had recently been transferred to a punishment cell in Combinado del Este Prison. José Luis Alvarado, who had been conditionally released in May 1986 after serving four years of a six-year sentence imposed in 1982 for "enemy propaganda", had been rearrested. The authorities said that José Luis Alvarado, who had also talked to foreign journalists about political imprisonment, had been returned to prison for infringing the conditions of his release. Both he and Dr Delgado were believed to have been imprisoned on account of their activities in defence of human rights and to be prisoners of conscience. An extra year was said to have been added to José Luis Alvarado's original sentence. Both men were held at Combinado del Este Prison at the end of 1987.

Dr Alfredo Samuel Martínez Lara, a psychiatrist who had been detained without trial by the DSE since September 1986, was also released in February. In May two other possible prisoners of conscience were freed: Sebastián Arcos Bergnes, who had served over five years of a six-year sentence imposed for attempting to leave the country illegally; and Félix Agudo Escudero, who had served three years of a

10-year sentence imposed for sabotage. In June Edmigio López Castillo, a prisoner of conscience, was also released a few months before the expiry of an eight-year term imposed for "enemy propaganda".

At least 12 prisoners of conscience were held at the end of 1987. They included Ariel Hidalgo Guillén, Andrés Solares Teseiro, Rafael Lanza, Julio Vento Roberes and Gregorio Peña Estrabao (see Amnesty International Report 1987), all held on charges of "enemy propaganda", and Rafael González Rodríguez and Osvaldo Riverón Gort, serving sentences of two and three years respectively, imposed in 1986 for trying to leave the country illegally. Eduardo Crespo Govea, an evangelist minister, was serving a six-year sentence imposed in 1984 for organizing an opposition group "with the aim of changing the economic, political and social régime of the Socialist State". Its illegal activities were said to have included printing a book considered to distort the nature of the Cuban Revolution and sending a letter to the Pope and the UN Secretary General criticizing Cuba's links with the Soviet Union. While serving his sentence, Eduardo Crespo Govea is reported to have been punished for preaching in prison. Between August and December, he undertook a series of fasts in protest at being held with criminal prisoners and at being asked to agree to stop his activities as a preacher in exchange for release. He reportedly suffered a perforated ulcer as a result.

Pablo Andrés Betancourt Ramos was another prisoner of conscience still held at the end of 1987. He was serving a 10-year term imposed following his arrest in 1980 for painting counter-revolutionary slogans deemed to be "enemy propaganda". He was among the group of "new plantados" held in Combinado del Este Prison (political prisoners convicted in the 1980s who refuse to obey certain prison regulations).

Gustavo Arcos Bergnes, a possible prisoner of conscience, was reported to be in poor health and held alone in a punishment cell at Combinado del Este Prison. He had been sentenced to seven years' imprisonment in 1982 after he and his brother attempted to leave the country illegally.

In April three children of a former political prisoner now living in exile were arrested and imprisoned under a section of the penal code called Del Estado Peligroso

y de las Medidas de Seguridad, On the Dangerous State and Security Measures. This permits people thought likely to constitute a potential danger to society to be arrested and interned in a "therapeutic" or "re-educational" establishment, or to be "supervised by crime prevention bodies" for up to four years. Marcelo and Marcos Amor Minsal were both sentenced to four years' imprisonment. Their sister, María Alejandra Amor Minsal, also received a four-year term but this was later reduced on appeal to one year. They had all been held previously on criminal charges. The three were all held in penal rather than re-educational establishments and may not have received a fair hearing. It appeared that they might have been imprisoned because of their father's continued opposition to the government.

Several prisoners were reported to have been injured and one criminal prisoner killed as a result of assaults by guards in Combinado del Este Prison on 21 March. A group of political prisoners reportedly banged on the bars of their cells to demand medical treatment for one of their number during a visit to the prison hospital by senior government and prison officials. Prisoners already receiving attention at the hospital had earlier been moved elsewhere to accommodate some 300 prisoners requiring treatment for alcohol poisoning after an accident at Quivicán Prison. Prison guards armed with blunt instruments and using dogs were reportedly responsible for assaults on a number of prisoners, some of whom subsequently required medical treatment. The same day Ramón Lance Ortega, a criminal prisoner, was allegedly beaten unconscious by guards and then kicked, causing internal injuries from which he was said to have died. In response to inquiries from Amnesty International about the incident, the Minister of the Interior denied that force was used to quell the disturbances that took place on 21 March and said that no prisoner was beaten or required medical attention. He said that a man called Ramón Lance Ortega had been released from prison on 24 March but he had not been held at Combinado del Este Prison and had no connection with the incidents.

At the end of 1987, some 65 "historical plantados" were held in Combinado del Este Prison. Those held in Boniato Prison, Santiago de Cuba, had been transferred

there in May. Many had been denied family visits or correspondence for years at a time, although there had been some improvements since 1985 relating to exercise, access to books, and their dress. In August it was reported that "historical plantados" were being allowed monthly visits. However, no changes were known to have occurred in conditions for the "new plantados", believed to number between 30 and 40.

New information emerged which indicated that at least some prisoners who were tried by the Court of Crimes against State Security in previous years did not receive fair trials. For example, Raúl Pérez Ribalta was released in 1986 after serving seven years of a 20-year sentence imposed for espionage. He said that he had been detained incommunicado and in a small dark cell by the DSE for six weeks after his arrest in early 1979. Later, he was allowed family visits, but he was not permitted direct contact with his lawyer until the day of his trial in August 1980. The lawyer was allowed access to the lengthy prosecution case only minutes before the trial, which lasted half a day, was due to start.

It was announced that three people were executed for murder during 1987, and at least one other person, Arturo Suárez Ramos, was sentenced to death. He was convicted in September on charges related to an attempt in March to hijack an aircraft while in flight, in which a fellow-hijacker was killed and passengers seriously injured. However, he had not been executed by the end of 1987. It was not known whether his sentence had been confirmed by the Supreme People's Tribunal, which reviews all death sentences, or by the Council of State, which can grant clemency.

Throughout 1987 Amnesty International appealed to the Cuban authorities to release the 12 prisoners of conscience and sought information about several other political prisoners who might be prisoners of conscience. Amnesty International also addressed the authorities about the March disturbances in Combinado del Este Prison and urged them to consider abolition of the death penalty when revising the penal code in December.

In November 1987 the secretary general received a personal invitation from Vice-President Carlos Rafael Rodríguez to visit Cuba.

DOMINICAN REPUBLIC



Three Haitian exiles were held without charge for five weeks before being deported to Panama. The authorities failed to clarify the fate of two people who "disappeared" in previous years, although they apparently reopened investigations into one of the cases.

Reports were received in the second half of the year that Haitians, many of whom live illegally in the Dominican Republic, were being indiscriminately rounded up by the security forces and threatened with being returned to Haiti unless they agreed to work on the sugar cane harvest. Amnesty International believes that many of those rounded up had a well-founded fear of political persecution if deported back to Haiti. Workers on the sugar cane plantations were said to be forced to work under armed guard and regularly beaten. In late October President Balaguer blamed Haitians for food shortages and said that the country was being taken over by a "massive immigration of Haitians".

On 13 November four Haitian exiles were arrested in Santo Domingo, apparently because of their political activities in the exile community. One of them, Patrick Moïse, was deported shortly afterwards to Panama, from where he had recently arrived. The three others, Patrick Moïse's brother Elie, Claude Exantus Casimir and Abel Exantus, were taken to police headquarters where they were held without charge and without access to lawyers or family until 17 December. They were then sent to Panama, despite a court order forbidding their deportation following a petition of *habeas corpus* filed on their behalf by a local human rights group.

Amnesty International had asked the authorities about their legal status and had urged that they should not be forcibly returned to Haiti, where it was feared they might face torture or summary execution by the security forces.

During 1987 the Government of the Dominican Republic ratified the Inter-American Convention to Prevent and Punish Torture.

Amnesty International continued to press the authorities to investigate the whereabouts of Pablo Liberato Rodriguez, who "disappeared" following his arrest in 1974. On 23 April President Balaguer wrote to Amnesty International saying that the Procurator General of the Republic had been instructed to reactivate investigations into the case. However, no further news was received before the end of 1987, nor was action taken by the authorities to clarify the fate of Haitian refugee Luis Samuel Roche, who "disappeared" in 1982.

ECUADOR



Numerous people were arrested for political reasons and held in secret detention centres where many were reportedly tortured. They included students, leaders of Indian communities, children and members or supporters of armed opposition groups. The authorities failed to account satisfactorily for five people who "disappeared" from custody in 1985 and 1986, although they sought to exonerate police from responsibility for one of the "disappearances". In a disturbing development, there were attacks on demonstrators and opponents of the government by

groups of armed men in civilian clothes who appeared to be acting on behalf of or with the acquiescence of the security forces.

In January President Leon Febres Cordero was abducted by paratroopers at Taura Air Force Base. They released him only after he agreed to honour an amnesty granted by Congress to an air force general who had led two unsuccessful military rebellions in 1986. Those responsible for the President's abduction were subsequently arrested and court-martialled.

During the year Congress, the judiciary and the Tribunal of Constitutional Guarantees (TCC) sought to investigate human rights violations committed by the security forces, to press the government for action against those responsible and to introduce human rights safeguards. The government, however, persistently denied that abuses had taken place.

In September Congress brought impeachment proceedings against the Interior Minister, Luis Robles Plaza, who was accused of responsibility for extrajudicial executions, torture and "disappearances" committed by the police under his authority since 1984. Shortly before the proceedings began, Diego Delgado, a Socialist Party representative who was scheduled to question the Minister in Congress, was abducted and assaulted by a group of heavily armed and hooded men wearing civilian clothes. He was clubbed, forced into a car and driven to an isolated spot where he was again beaten. His assailants broke one of his arms and fractured his skull. Diego Delgado later alleged that his attackers were government agents and said that they had accused him of arranging the Minister's impeachment, as well as stealing from him documents relating to government opponents who had "disappeared". An official investigation failed to identify those responsible for the attack.

Evidence of more than 100 extrajudicial executions, 180 cases of torture and some 200 other human rights violations committed by police since 1984 was submitted to Congress during the impeachment proceedings. One former detainee, Hilda Astudillo Gaviláñez, testified that she had been tortured in August 1985 while held for interrogation by the National Police Criminal Investigation Service in Guayas. She alleged that she was held blindfold for

110 12 days, hung upside down by her toes, beaten with gun butts and burned with cigarettes.

The impeachment proceedings against Interior Minister Robles led to a congressional motion of censure, which held that he should accept responsibility for the extrajudicial executions, torture and "disappearances" committed by the police. Under the Constitution, a censured government minister is required to resign. The Interior Minister, however, refused to do so. Subsequent calls for his dismissal by both the Supreme Court of Justice and the TCC were rejected by President Febres. Nationwide protests ensued, and a general strike was called for 28 October. On the eve of the strike, the government declared a state of siege and more than 60 people were arrested, including members of the workers' confederation *Frente Unitario de Trabajadores*, which had called the strike. The detainees were released without charge after the state of siege was lifted on 29 October.

There were new reports that prisoners, including children, had been tortured or ill-treated. Alberto Alarcón, a child of eight, was reportedly tortured, together with his father and members of a neighbouring family, in May by soldiers of the Batallón Selva No. 56 Tungurahua, in Napo province. The soldiers apparently entered the victims' homes in the community of Santa Cecilia to investigate the theft of a rifle. They allegedly pushed a gun into the boy's mouth and threatened to shoot him before throwing him over a roll of barbed wire, beating him and submerging his head in water until he nearly drowned. A subsequent medical examination found injuries on his neck and body consistent with his allegations of torture.

In March one of the 94 paratroopers court-martialled in connection with the abduction of President Febres alleged that he and others had been tortured with electric shocks, beatings and burnings by military intelligence officers. Other defendants retracted confessions which, they said, had been extracted under torture. To the knowledge of Amnesty International, the courts martial did not investigate the allegations. In July 58 paratroopers were sentenced to prison for periods of six months to 16 years for treason and desertion and 36 were acquitted of the charges.

Further evidence of torture by the Servi-

cio de Inteligencia Militar del Ejército (military intelligence service) was revealed during TGC investigations of several cases of arbitrary arrest and torture. In one case, the TCC found that five men detained in March in connection with the death of an army conscript had been arrested illegally and held for 20 days in a clandestine detention centre where they were interrogated and tortured before transfer to police custody. In October the TGC decided to censure the head of the military intelligence service for human rights violations committed by men under his command.

The conditions under which 18 political prisoners were held in the Penitenciaría del Litoral, a prison in Guayaquil, appeared so harsh as to constitute cruel, inhuman or degrading treatment. The prisoners, mostly alleged members or supporters of guerrilla groups, were reportedly subjected to beatings, allowed few family visits and denied exercise, adequate medical treatment and a proper diet. In March, 10 of the prisoners went on hunger-strike to demand better treatment and more prompt processing of their cases by the courts. The hunger-strike lasted for more than a month and was called off only after the prison director gave an assurance that conditions would improve.

Amnesty International continued to press for a thorough investigation by the authorities into reported cases of torture and the "disappearance" of five people following their arrests in 1985 and 1986. The only case in which developments were reported was that of Consuelo Benavides Cevallos, who "disappeared" after her arrest in Quinindé, Esmeraldas province, in December 1985 (see Amnesty International Report 1987).

Despite evidence from eye-witnesses that she had been arrested by military personnel, an official investigation examined only the role of the police in her arrest and detention and concluded that the police had not been involved. The investigation appeared to have scrupulously avoided any suggestion of military involvement in the "disappearance".

EL SALVADOR



There were arrests of suspected government opponents, some of whom were reportedly tortured, subjected to severe psychological pressure or extrajudicially executed and some of whom "disappeared" while in custody. Victims included trade unionists and members of cooperatives; human rights workers; former prisoners; refugees who had voluntarily returned to El Salvador, particularly from Honduras; and church and relief workers assisting them.

The so-called "death squads" — official personnel acting in plain clothes under the direction of superior officers — re-emerged in the course of the year. They issued public lists threatening particular individuals with death and claimed responsibility for the "disappearance" and killing of a number of suspected critics or opponents of the government.

Some 400 political prisoners, many of whom had been held in long-term detention without trial, were released under the terms of an October amnesty. It provided unconditional amnesty for those who had been implicated in political offences and related common crimes, including those not yet charged. Also released were a number of the few officials imprisoned for human rights violations, including two soldiers serving 30-year terms for the murder in January 1981 of two United States labour advisers and the head of the Salvadorean Institute of Agrarian Reform. Sixteen prisoners known to have remained in custody were believed to be political prisoners. According to the government, however, these prisoners had been implicated in common rather than politically-motivated crimes. In a few of these cases, technical factors such as officials losing legal documentation

apparently were responsible for detainees' continued imprisonment.

The amnesty was promulgated in partial fulfilment of the Central America Peace Agreement, signed by El Salvador in August (see entry on Guatemala). The agreement specifically called for an amnesty for political prisoners in furtherance of its announced aim of achieving peace in the region, including El Salvador, where the government of President José Napoleón Duarte continued to face armed opposition from the *Frente Farabundo Martí para la Liberación Nacional (FMLN)*, *Farabundo Martí National Liberation Front*. There were reports that the FMLN was responsible for human rights abuses, including abductions and execution-style killings, but it was not possible independently to verify these allegations. The FMLN was also accused of breaching internationally accepted standards for conduct during armed conflict not of an international character by using landmines to kill specific civilian targets. However, investigation into a number of landmine deaths by international human rights monitoring groups did not produce evidence that the victims had been specifically targeted.

A state of siege, in force almost continuously since March 1980, and implementing emergency legislation, Decree 50 of February 1984, lapsed at the beginning of the year for reasons unrelated to human rights issues. However, hundreds of people detained under their provisions remained in prison until released in November under the October amnesty. They included two brothers, José Vladimir Centeno and Jaime Ernesto Centeno, both of whom had been held without trial since their arrest in November 1985. They maintained that they had been tortured and drugged to extract a confession to the kidnapping of a government official. Their "confession" was then broadcast on television, apparently to justify their imprisonment. In May an investigative judge appointed by the Supreme Court to examine their case filed a petition for their release on the grounds that there was no longer a legal basis for their imprisonment. However, the Supreme Court did not rule on this petition before the brothers were released under the October amnesty.

Earlier, in August, José Vladimir Gen-

teno was seriously injured in an attack on La Esperanza Prison by unidentified gunmen. The prison, in Mariona, is the main detention facility for male political detainees in the capital area. Three political and two common law prisoners were wounded in the attack, which the authorities said was carried out by armed members of the opposition. According to local human rights monitors, the attack appeared to have been conducted by members of the security forces colluding with prison guards. Following the attack, the authorities first said that no prisoners had been injured. Subsequently, they admitted that José Vladimir Centeno and other prisoners had been wounded but said the injuries had occurred during an escape attempt.

The safety of those released under the October amnesty, including the Centeno brothers, was uncertain. A number of prisoners freed prior to the amnesty had "disappeared" or were apparently extrajudicially executed. For example, Rolando Alberto Borja Trinidad, an activist in a Christian grass-roots community, told friends and local human rights groups after his release that he was constantly being followed and feared for his life. He was shot dead in mid-January on the day that he had initiated steps to obtain a visa to emigrate.

The lifting of the state of siege at the beginning of the year and the lapse of Decree 50 should have resulted in the reinstatement of a 72-hour limit on administrative detention, as provided in El Salvador's ordinary code of criminal proceedings. However, the security forces, and particularly the military, failed to observe the limit. During the year they repeatedly failed to either release suspects or place them within the jurisdiction of the regular courts and transfer them to officially recognized places of detention within the legal time limit. Military units sometimes simply denied that a detention had occurred or arbitrarily executed the detainee, abandoning the body in an apparent attempt to suggest that the victim had been killed by an unknown "death squad".

On 14 June, for example, local residents found four peasants from different hamlets in the jurisdiction of La Laguna, Chalatenango, suffering from deep stab wounds to the throat. Three of the victims were taken to hospital in San Salvador, where

they testified that armed soldiers from the Fourth Infantry Brigade had arrested them on the previous day, beaten them, slashed their throats and left them for dead.

The military were also apparently responsible for the killing in June of José Pilar Rivera Romero, Cristina Machado, Santiago Coreas, Cándido Rodríguez and Andrés Mejía Roque, all of them peasants from the department of San Miguel. Although the armed forces initially claimed that the victims had died during combat, extensive evidence, including testimony by eyewitnesses to the young men's arrest and a forensic doctor's report, suggested that they were taken into custody by troops of the Arce Battalion, tortured and shot at close range before their bodies were thrown down the well from which they were recovered.

Other killings or "disappearances" which local human rights groups attributed to the government were carried out in "death squad" style by heavily armed men in plain clothes who abducted their victims in the presence of witnesses or shot them in the streets. Herbert Anaya Sanabria, coordinator of the non-governmental Comisión de Derechos Humanos de El Salvador (no-gubernamental) (CDHES), Human Rights Commission of El Salvador, was shot dead by unidentified men with silencers on their guns in October as he prepared to take his children to school. The government announced that the killing would be fully investigated and would be one of the only two politically-motivated crimes not covered by the October amnesty. (The other was the murder in March 1980 of Archbishop Oscar Romero by a gunman reportedly acting on behalf of a "death squad" linked to the military.)

Herbert Anaya had been detained in May 1986, along with several members of the CDHES and other human rights workers whom the government accused of collaborating with the armed opposition. He was released without trial in February 1987. His killing followed a wave of threats and abuses directed against human rights workers and their families in the preceding months, some from official sources and others from so-called "death squads".

Reports of the torture of detainees indicated increasing reliance on severe psychological pressure, including prolonged sleep deprivation. There were also continued reports of the physical torture of detainees.

In one case, Gerardo Hernández Torres, a baker, died on 16 December at La Esperanza Prison. He had been detained by soldiers of the Atlacatl army counter-insurgency brigade on 12 December. On the following day he was transferred, along with two other prisoners, first to the barracks of the First Infantry Brigade in the department of San Salvador and then to National Police Headquarters in San Salvador, the country's capital city. According to the testimony of the other two prisoners, Hernández Torres was severely beaten at both locations and forced to take pills which induced hallucinations and incoherent speech. On 15 December he was transferred to La Esperanza Prison and died there the following day. Hernández Torres' death, the apparent result of torture, was the first such death known to have occurred for several years in an acknowledged detention centre in El Salvador.

In March new legislation established procedures for cases of suspected political offenders in the event that a new state of siege was declared. The legislation, Decree 618, included provisions for prolonged pre-trial detention and for the admission of extrajudicial declarations — that is, statements made to the security forces during interrogation — as evidence during trials. Such practices had been features of previous state of siege legislation and were believed to have facilitated the torture of prisoners.

In March Amnesty International sent a mission to El Salvador and expressed concern to the government about the continuing detention without trial in harsh conditions of many prisoners charged with politically-motivated crimes. Amnesty International also expressed concern that detainees continued to be tortured and forced to sign extrajudicial statements. In addition, the organization addressed the failure of the judiciary to ensure that the cases of people accused of political offences are completed within the time prescribed by law and that government agents accused of responsibility for human rights violations are brought to justice.

The organization was particularly disturbed that little progress had been made by various special commissions announced by President Duarte after he assumed office in June 1984 to inquire into specific human rights violations. Members of the commissions with whom Amnesty International

representatives spoke professed to be ignorant of information long in the public domain. For example, a member of the Special Commission on Investigations, established by the President in August 1984 to look into *inter alia* the murder in December 1980 of John Sullivan, a journalist from the United States, maintained that the body had never been identified. Amnesty International had itself made known to both the current and previous administrations that a US forensic expert had concluded in February 1983 that a corpse recovered in El Salvador and returned to the US for burial was that of John Sullivan "beyond all reasonable doubt".

Following its mission, Amnesty International expressed concern to the Salvadorian authorities on a number of occasions that regular military and police personnel continued to be implicated in human rights violations. The organization also asked that the safety of those publicly threatened by the "death squads" be guaranteed.

Amnesty International summarized its continuing human rights concerns in El Salvador to the United Nations Commission on Human Rights in February. In December the organization communicated these concerns to Javier Pérez de Cuéllar, Secretary General of the UN and Secretary Protemporary of the International Commission of Verification and Follow-up, in order to assist in the Commission's monitoring of the Central America Peace Agreement. Amnesty International also expressed its concern that the terms of the October amnesty could encourage perpetrators of past abuses to believe they were immune to prosecution, thereby contributing to a climate conducive to further violations. It explained its view that relatives had the right to know the circumstances in which tens of thousands of people had "disappeared" or had been extrajudicially executed in El Salvador in recent years.

GRENADA

Fourteen former members of the People's Revolutionary Government (PRG) convicted of the murder of former Prime Minister Maurice Bishop remained under sentence of death pending appeals against their convictions (see Amnesty Inter-



national Report 1987). During the year there were a number of complaints about their treatment in prison.

Amnesty International wrote to the Prime Minister in February to express concern about reports that these prisoners had had their sheets, blankets and under-wear removed; that they were confined to their cells for nearly 24 hours a day with little or no outside exercise; that consultation with their lawyers was permitted only within hearing of a prison guard; and that notes taken by the prisoners to prepare their appeals had been confiscated. No reply was received.

In November two Amnesty International delegates visited the prison. Following this, Amnesty International wrote again to the Prime Minister in late December stating that, although the physical conditions on death row compared favourably with other parts of the prison, it remained concerned about the treatment of the PRC prisoners, especially Phyllis Coard, who continued to be held in solitary confinement.

Amnesty International also expressed concern about reports that Phyllis Coard had been placed on a bread and water punishment diet in September for asking the prison authorities about papers connected with her appeal which were left for her and which she did not receive. The organization said it was concerned that a prisoner's complaint or request for information should be treated in such a punitive manner, which appeared to be contrary to the United Nations Standard Minimum Rules for the Treatment of Prisoners. Amnesty International was also concerned about reports that she and other prisoners had been placed on bread and water punishment diets (for up to 21 days in some cases) without the daily medical supervision required under the Standard Minimum Rules.

GUATEMALA

The scale of both civil conflict and human rights violations was lower than in the early 1980s, when the official security forces were responsible for a pattern of gross human rights violations. However, suspected critics and opponents of the government continued to be subjected to arbitrary seizure, torture, "disappearance" and extrajudicial execution. The victims included trade unionists, peasants, students, teachers and lay church workers. Relatives attempting to discover the fate of their "disappeared" family members reported threats and harassment. The abuses were reportedly carried out by police and military personnel acting in uniform or, most often, in plain clothes in the guise of "death squads".



On 7 August Guatemala (along with Costa Rica, El Salvador, Honduras and Nicaragua) signed the Central America Peace Agreement in Esquipulas, Guatemala, intended to achieve peace in the region. Its 10 points included a call for an amnesty which was to contain provisions to guarantee the inviolability of life, and physical safety of those amnestied.

However, the Peace Agreement had limited effect on human rights protection in Guatemala. While "disappearances" and extrajudicial executions continued, the government did not acknowledge holding any political prisoners and announced no releases under the amnesty called for in the agreement. A military-promulgated amnesty passed in January 1986, on the eve of civilian President Vinicio Cerezo's accession to office, granted immunity to those responsible for "political crimes and related common crimes" committed under General Efraín

Ríos Montt's administration between March 1982 and January 1986. Thus the amnesty clause of the Peace Plan effectively extended immunity to those who have committed such crimes since President Cerezo came to office. Amnesty provisions applicable to opposition forces who agreed to lay down their arms appear not to have been respected.

Among the victims of abuses which occurred in 1987 was Débora Carolina Vásquez Velásquez, a university student who was forcibly abducted in April by seven heavily armed men in plain clothes in Guatemala City. Although traffic police saw the abductors' car enter the Justo Rufino Barrios military barracks in Guatemala City, the authorities at no time admitted her detention. Following international protests at reports of her abduction and "disappearance", Débora Vásquez was released. During nine days in unacknowledged detention, she was reportedly bound and blindfold and subjected to death threats and torture, including beatings and near asphyxiation. In several other exceptional cases, people who reportedly "disappeared" were released after international expressions of concern, but without government acknowledgement that they had been in custody.

The great majority of those who were abducted during 1987 either were found dead or remained "disappeared" at the end of the year. Four armed men in plain clothes abducted Alma América Garrido de Girón, a teacher, on 14 January. Three days later her body was found bearing marks of torture. Her father said at her funeral that he believed members of a government security agency were responsible for her death.

Two agronomists, Danilo Sergio Alvarado Mejía and René Haroldo Leiva Caxaj, were abducted on 17 and 19 October respectively by armed men in civilian clothes. Both agronomists were found dead on 23 October. In December six policemen were arrested in connection with the killings, which the government maintained were committed for personal rather than political reasons. Also in October three members of a peasant league were reportedly abducted from the San Basilio estate, in the department of Suchitepéquez, by members of the armed forces and taken to the local military base. The body of one, Manuel Chin Bosos, was found

early in November. The fate of the other two men, whose detention was denied by the authorities, remained unclear at the end of the year.

Abuses continued despite new measures to improve the human rights situation announced by the authorities at the time of the return to civilian government and thereafter. The 1985 Constitution, which came into force when President Cerezo took office, provided for establishment of a Congressional Human Rights Commission and a Human Rights Attorney. The Commission is mandated to propose and promote human rights legislation and the attorney is responsible for receiving and investigating complaints of human rights violations. The working methods of the Commission remained unclear throughout 1987. The function of the Human Rights Attorney's office also remained unclear. The attorney himself was not appointed until August, some 20 months after President Cerezo assumed office.

A new presidential commission on disappearances announced by President Cerezo in April had also failed to identify its mandate and composition by the end of the year. Under its original terms of reference, the commission was to have completed its investigations within three months. Two commissions formed under the previous government of General Oscar Humberto Mejía Víctores to investigate "disappearances" had disbanded themselves without producing any significant findings.

Similarly, little progress was apparent in the investigations undertaken by Judge Olegario Labbé Morales, appointed by the Supreme Court in May 1986 to pursue habeas corpus applications filed with the courts on behalf of people said to have "disappeared"; Judge Labbé reportedly declined to pursue available information concerning those cited as responsible for specific "disappearances" or extrajudicial executions.

In any case, the January 1986 amnesty and the amnesty provisions of the 1987 Central America Peace Agreement appeared to forestall the possibility that any investigations into human rights abuses would result in the prosecution of those allegedly responsible.

In May Amnesty International published a report, *Guatemala: The Human*

Rights Record, which called for full and impartial investigation of past human rights violations in order to identify the structures and policies that had permitted violations on a gross scale over a long period and in order to prevent their recurrence. In particular, Amnesty International expressed concern that the January 1986 amnesty might lead those responsible for past violations to believe that they could again act with impunity.

In July Amnesty International repeated its call for thorough investigation of all "disappearances", including a number which had occurred since President Cerezo assumed office. One of the many unresolved "disappearance" cases cited by Amnesty International was that of Luis Fernando de la Roca Elías, a student who "disappeared" following his abduction in September 1985. His mother established in 1986 that two cars used by her son's abductors had been registered to the military. At the end of 1987, the man's mother charged that neither the military nor Judge Labbé had pursued the writs of *habeas corpus* she had filed on her son's behalf.

In November Amnesty International called on officials, including Judge Labbé, to investigate the "disappearance" earlier that month of Reyes Aníbal Arizandieta Franco, a sugar cane worker and member of a Christian community. Eye-witnesses to his abduction by four men in plain clothes alleged that they had previously seen the abductors wearing army uniforms.

During 1987 Amnesty International also expressed concern that members of the Grupo de Apoyo Mutuo por el Apareamiento con Vida de Nuestros Familiares (GAM), a group of relatives of missing people, continued to be subjected to death threats and harassment, apparently because of their efforts to locate their "disappeared" relatives. In October 1987, for example, GAM member Violeta de León reportedly began receiving death threats after she submitted papers to Judge Labbé which named the army and police intelligence agents whom witnesses said were responsible for her son's "disappearance" in 1984. Amnesty International urged that all appropriate measures be taken to ensure the safety of Violeta de León and all of the group's members.

In October the organization again called on the authorities to investigate the shooting of a child in May 1986. The child

was paralysed in the attack, which was carried out by armed men allegedly connected with the authorities and apparently directed against the father, trade unionist José Mercedes Sotz. Three months earlier the father had reportedly been seized and beaten by men linked to the authorities because of his activities with the Sindicato Central de Trabajadores Municipales (SCTM), Central Municipal Workers Union. Members of the union have been continuing targets of human rights violations. For example, in September 1987 SCTM member Carlos Pérez Oscal was held for three days by heavily armed men believed to be officially linked to the municipality of Guatemala City. While in custody, he was reportedly subjected to intimidation and ill-treatment because of his trade union work.

In December Amnesty International provided information on its concerns in Guatemala to the United Nations, in connection with the work of the International Commission of Verification and Follow-up. The Commission is charged with monitoring implementation of the Central America Peace Agreement.

In 1987 Guatemala declared its acceptance of Article 62 of the American Convention on Human Rights, thereby accepting the binding jurisdiction of the Inter-American Court for cases subsequent to the date of the declaration. However, the government's ratification in February of the Inter-American Convention to Prevent and Punish Torture contained the reservation that once legal remedies had been exhausted, a decision acquitting a person of torture would be final and could not be submitted to any international forum. The reservation was made although Article 46 of the Guatemalan Constitution states that human rights treaties ratified by Guatemala were to prevail over domestic law.

GUYANA

Some 30 prisoners were believed to be under sentence of death but there were no executions in 1987. The government ordered an inquiry into the death in 1980 of an opposition leader who was alleged to have been the victim of an extrajudicial execution. However, the inquest had not begun by the end of the year.



The inquest was ordered in October into the death of Dr Walter Rodney, leader of the Working People's Alliance (WPA), who was killed by a bomb in June 1980. His brother, Donald Rodney, who was with him in a car at the time of the explosion, alleged that the bomb had been concealed in a walkie-talkie given to him by a member of the Guyana Defence Force, who later left the country. The government alleged that Dr Rodney intended to use the bomb to blow up Georgetown prison. The WPA contended that the government was responsible for planting the bomb. In early 1987 the former soldier claimed in a number of press interviews from neighbouring French Guiana that Dr Rodney's death had been an "accident". Following this, in April, Amnesty International reiterated earlier requests to the government to reopen its inquiry into Dr Rodney's death in view of the reappearance of someone who appeared to be a key witness.

HAITI



The year was marked by a serious escalation in violations of human rights. Scores of people, including children, were de-

tained secretly and without legal remedy, and there were widespread reports of torture, ill-treatment and deaths in detention. There were also reports of "disappearances". Many civilians were shot dead or injured by the security forces, and there were also killings by armed men in civilian clothes believed to be security force personnel or members of the *Tonton Macoute* militia acting on behalf of, or with the tacit consent of, the authorities. The judicial death penalty was abolished but at least 46 people were reported to have been summarily executed in Fort Dimanche, a military establishment, on 28 and 29 November.

A new Constitution drawn up by an elected Constituent Assembly was approved overwhelmingly in a national referendum in March. It abolished the death penalty and contained other positive measures affecting human rights, such as the establishment of detailed detention procedures and the right of detainees to be free from "moral pressure or physical brutality". It also defined the procedures to elect a new President by February 1988. These included the formation of a *Conseil électoral provisoire* (CEP), Provisional Electoral Council, as an independent body to oversee the electoral process.

In June the *Conseil national du gouvernement* (CNG), National Government Council, the civilian-military junta which took power in February 1986 when Jean-Claude Duvalier fled the country, attempted to change by decree the electoral procedures laid down in the Constitution. This resulted in widespread protests, including several general strikes, which led the CNG to rescind the decree. From July onwards, many CEP members, other electoral workers and opponents of the CNG were attacked by government-backed groups, including the officially disbanded *Tonton Macoute* militia which had re-emerged as an active force over the previous few months. Two prospective presidential candidates were killed in highly suspicious circumstances and many electoral workers and others reportedly received death threats. There were killings by gangs of armed men who were widely believed – and in some cases shown – to include members of the security forces and the militia. This culminated in the killing in the capital of at least 30 unarmed civilians, including a foreign

journalist, by Tonton Macoutes and security personnel as crowds queued up to vote on 29 November, the day scheduled for the presidential elections. The government called off the elections and set a new date in January 1988, but also dismissed the CEP and blamed it for what had occurred.

Many people, including children, were arbitrarily arrested and detained, often without access to lawyers or relatives. In Port-au-Prince, the capital, most were held in the Service des Recherches Criminelles, the Criminal Investigations Department of the police; in the Casernes Dessalines, a military barracks; or in Fort Dimanche, where many prisoners had been killed during the Duvalier period, and which was to be closed according to an announcement by the CNG in 1986. Among those detained were eight trade union leaders who were arrested in June after a general strike called by the Centrale autonome des travailleurs haïtiens (CATII), Autonomous Haitian Workers Federation. They were released after a week and some were reported to have been badly beaten. Many young people were arrested shortly before the November election as suspected members of local self-defence groups which had been formed in response to the activities of armed gangs.

Some detainees were reported to have died in prison or to have been executed extrajudicially. A former detainee held briefly in the Recherches Criminelles in October alleged that 43 people had died in custody there between August and October as a result of torture or ill-treatment or because of malnutrition and a lack of medical attention. Later it was reported that at least 46 people were summarily executed at Fort Dimanche on 28 November. The victims were believed to include some of the many young people from Carrefour Feuille in the capital who had been detained and taken away in truck-loads in the days leading up to the November election. Other detainees were also feared to have been summarily executed.

By the end of the year, some of those arrested in the preceding months had apparently "disappeared" in custody. For example, there was no information about the fate or whereabouts of Johnny Cadet and Wilner Joseph Mills, both of whom had been arrested in Port-au-Prince in September by armed men in civilian clothes and believed to be security agents.

Three men, allegedly members of the Organisation pour la libération d'Haïti, Organization for the Liberation of Haiti, were arrested in February following a robbery which resulted in the deaths of two police officers. They were reported to have been tortured in the Casernes Dessalines. Eddy Moïse was said to have been repeatedly beaten with a stick during his first two months in custody and to have suffered perforated eardrums as a result. He and the other two were moved to the National Penitentiary in April. In November they went on hunger-strike for five days to protest at their treatment and the delay in bringing them to trial. The Ministry of Justice stated that their case would shortly be heard and that a medical team would be sent to examine them.

At least 23 unarmed people, including women and children, were reported to have been killed deliberately and many others wounded by security forces and gunmen working with them during protests against the government in June and July. In one incident, two young boys were said to have been shot dead by soldiers in Port-au-Prince on 3 July. One was said to have been pushed to the ground, trampled on and shot, and the other to have been shot when he shouted in horror. In another incident, a 12-year-old boy, Bonet St Hubert, was reportedly shot by soldiers without provocation; he later had to have one of his arms amputated.

Journalists attempting to report political events and Catholic Church activists were among those singled out for harassment, including death threats and attempts on their lives. For example, Wilson Briseau from Radio L'Arc-en-Ciel was wounded by soldiers during an anti-government demonstration on 29 July. He had previously been arrested by soldiers on 30 June and later abandoned in a field in a state of shock. Father Jean-Bertrand Aristide, a vociferous opponent of the CNG, and a number of other priests and nuns, including the coordinator of Tet Ansamn, a Catholic peasant organization advocating land reform, narrowly escaped death on 23 August after what appeared to be a deliberate attempt on their lives by soldiers and Tonton Macoutes. They were returning to the capital from Pont Sondé near St Marc after a memorial service for some 200 members of Tet Ansamn who had been killed at Jean-Rabel on 23 July. The killings

took place during a clash between the group and people acting on behalf of local landowners who were believed to include Tonton Macoutes. A government inquiry into this incident failed to apportion blame for the killings. The only arrests in connection with the incident were of members of Tet Ansamn, who were later released.

Yves Volel, a lawyer and presidential candidate, was shot dead by police in plain clothes on 13 October. This occurred outside the Recherches Criminelles, where he had gone on behalf of a client, Jean Raymond Louis, who had been arrested on 11 September. Yves Volel was shot as he stood talking to journalists, with a copy of the Constitution in his hand. Despite evidence to the contrary from eye-witnesses, the authorities claimed that Yves Volel was killed because he was accompanied by armed men and intended to release Jean Raymond Louis by force. Jean Raymond Louis was released on 14 December and alleged that he had been beaten every day for a week after he had sought assistance from Yves Volel.

The death penalty was abolished for all offences under the new Constitution adopted in March. In February and March Amnesty International had called on the government to commute death sentences passed on Adherbal Lhérisson and Serge Gaston, both former officials under Jean-Claude Duvalier accused of perpetrating human rights abuses. The death sentences were believed to have been commuted, and at the end of 1987 they were serving prison terms in the National Penitentiary.

Amnesty International repeatedly asked the government about individual detainees, seeking details of the reasons for their arrest and of their whereabouts and legal status. It urged that all those in custody should be safeguarded against torture or ill-treatment. On several occasions Amnesty International expressed concern about reports of extrajudicial executions and called for impartial investigations into such incidents. Amnesty International continued to press for an investigation into the "disappearance" in detention of two detainees – Charlot Jacquelain (see Amnesty International Report 1987) and Vladimir David – in 1986, and of nine others in the early 1980s. However, no action was taken by the authorities.

Amnesty International submitted in-

formation to the Inter-American Commission on Human Rights, the United Nations Working Group on Enforced or Involuntary Disappearances, the UN Special Rapporteurs on torture and on summary or arbitrary executions and to the UN Expert on Haiti.

HONDURAS



There were frequent short-term political detentions and hundreds of peasants were jailed for brief periods in connection with land disputes. The torture of detainees was frequently reported. The government failed to take steps to clarify the fate of more than 100 people who reportedly "disappeared" in custody between 1980 and 1984 under previous governments.

On 7 August Honduras was one of five Central American states to sign the Central America Peace Agreement (see entry on Guatemala). The agreement led to the creation in October of a National Reconciliation Commission to resolve social divisions and study human rights issues, including the release of political prisoners. Twenty-nine political prisoners were released in an amnesty declared on 26 November. Fifteen of them were peasant farmers who had been detained in connection with land disputes and accused of terrorist offences. The other 14 were trade unionists who had been detained during a strike in November, shortly before the amnesty, and accused of subversion.

Marco Danilo Guardado Nájera, a peasant leader and prisoner of conscience, was released in June after acquittal by an appeals court. He had been held for 10 months at Trujillo, department of Colón, apparently because of his activities as a leader of a farming cooperative. He had been charged, however, with sedition and

disturbing the peace (see Amnesty International Report 1987).

Ezra Honám Roiz Andino was detained at Tegucigalpa airport in July and may have been a prisoner of conscience. He had sought asylum abroad in 1982, after leaving Honduras with false documentation, and returned openly in July in an attempt to regularize his situation. However, he was arrested on arrival from Nicaragua and held in unacknowledged detention for more than two weeks by the Dirección Nacional de Investigaciones (DNI), the plain clothes investigative division of the police force. He was later charged with falsification of documents and impersonation. Although he was named in the November amnesty, his release was still pending at the end of 1987. It appeared that he may have been imprisoned on account of the activities of his mother, a prominent trade unionist and opponent of the government.

Many trade unionists, students and members of civil associations were detained incommunicado for several days, apparently as a form of harassment. These detentions breached the constitutional requirement that no one may be held for more than 24 hours before being brought before a judicial authority.

One such case was that of Rosa Dilia Rivera, a worker with the women's organization Comité para el Desarrollo Integral de la Mujer Campesina (CODIMCA), Committee for the Complete Development of Peasant Women, and with the Comité Coordinador de Organizaciones Populares (CCOP), Coordinating Committee of Popular Organizations, in the department of Copán. She was detained in May in her home in the village of San José de las Palmas by members of the Seventh Infantry Battalion. They questioned her for three days about her political activities, then released her without charge. She had previously been detained on several other occasions for brief periods.

Allen Palacios, a young Jesuit seminarist of Belizean nationality, was reportedly detained incommunicado for several days and then summarily expelled from Honduras. He was arrested on 3 July at a military checkpoint in Colón department and transferred to the custody of the Fuerza de Seguridad Pública (FSP), the Honduran national police. The authorities denied that he was in custody but then

expelled him from the country on 9 July for possessing "subversive literature", apparently a published study of the Jesuits.

Four men were detained in August in Comayagua and accused of placing a bomb in the town. The bomb had exploded in a restaurant on 8 August, slightly injuring several people, including United States servicemen from the nearby military base of Palmerola. Those arrested included Alex Fernando Castro Martínez, a student who was held incommunicado for eight days. The authorities denied that he had been detained and ignored habeas corpus writs issued on his behalf. However, on 27 August he appeared at a press conference organized by the DNI and admitted participation in the bombing. He also named Jorge Arturo Reina as the person who planned the bombing and supplied the bomb. Jorge Arturo Reina is a former rector of the National Autonomous University of Honduras and leader of the M-LIDER movement, Movimiento Liberal Democrático Revolucionario, a social democratic grouping within the ruling Liberal Party. At the time, he was the M-LIDER's candidate for the presidency of the Liberal Party's Central Executive Committee. Two other leading local members of M-LIDER were also detained: Mariano Lagos Donaire, a lawyer, and Rafael Flores, a retired school-teacher. Immediately after the press conference, Alex Castro was brought before a court, where he retracted his earlier statements and said they had been made under pressure. All four prisoners were released by the court a week later, with all charges against them dropped.

Hundreds of peasants were reportedly detained for short periods during the year after they occupied land to force implementation of land redistribution legislation. In some cases they were held on charges under anti-terrorist legislation and faced penalties of up to 20 years' imprisonment. Most of them, however, were released due to lack of evidence after a few weeks' or months' imprisonment. Others benefited from the 26 November amnesty for political prisoners.

Torture continued to be reported during the year. Methods included beatings, placing of rubber hoods over victims' heads and tightening them around the neck, hanging by the wrists or feet, and electric shocks. Psychological pressures

and threats, including mock executions, were also reported.

Doris Rosibel Benavides Tarrius, a psychologist, was reportedly detained by DNI agents in March on suspicion of having links with the guerrilla group Fuerzas Populares Revolucionarias "Lorenzo Zelaya" (FPR), "Lorenzo Zelaya" Popular Revolutionary Forces. According to her testimony after release, she was held for 19 days, first in the DNI headquarters in San Pedro Sula and then in the First Artillery Battalion in Zambrano, department of Francisco Morazán. She alleged that she had been beaten and kicked, tortured with electric shocks, hung by the limbs from a metal bar and raped. She was released in April on a street close to the Mexican Embassy in Tegucigalpa, the capital city, and told that if she did not enter the Mexican Embassy quickly, she would be killed. She subsequently went into exile. The government denied that she had ever been arrested.

Allegations of torture also followed the arrest of 14 peasants in early October in the department of Yoro. They were allegedly questioned about offences including bank robbery, attempted kidnapping and murder, and their suspected membership of the FPR. All of them were members of the Central Nacional de Trabajadores del Campo (CNTC), National Confederation of Rural Workers. Nine were released on bail soon after their arrest and medical evidence appeared to corroborate their claims of torture. Margarita Murillo, women's affairs secretary of the CNTC and a pastoral agent with the diocese of Santa Rosa de Copán, was among those detained. She alleged that she had been raped, that a hood had been tightened over her head repeatedly and that hot needles had been inserted in her body. After her release, she reportedly required hospital treatment for injuries sustained in detention. Carlos Martínez Ramírez alleged after release that he had been hung by the feet, beaten and tortured with electric shocks for three days before he had "confessed" to the accusations against him in order to avoid further ill-treatment. All 14 CNTC members, who denied involvement in subversive activities and said that their detention was due to conflict over land claims, benefited from the November amnesty.

New evidence emerged during the year that the armed forces had been responsible

for many "disappearances" which took place between 1980 and 1984. Florencio Caballero, a former interrogator for a special military intelligence unit known as Battalion 3-16, left the country and made public information about the work of this unit. He said it had been established in the late 1970s and operated under the direction of military officers who were directly responsible to the head of the Honduran armed forces. The unit, he said, carried out the kidnapping, torture and execution of more than 100 people during the early 1980s. Most of the victims "disappeared" in custody and had not been accounted for by the authorities.

Florencio Caballero said that one of those abducted and killed by Battalion 3-16 was Manfredo Velásquez Rodríguez, a student of economics at the Universidad Autónoma de Honduras, Autonomous University of Honduras, and leader of the students' association in the economics faculty. He had been seized in the centre of Tegucigalpa in September 1981 by six armed men in civilian clothes who beat him and forced him into their vehicle. His family made repeated attempts to learn his whereabouts, but without success. The case was one of four heard during the year by the Inter-American Court of Human Rights of the Organization of American States in San José, Costa Rica. The cases of two Costa Ricans and another Honduran who reportedly "disappeared" in custody in Honduras were also heard. In October relatives of the "disappeared" prisoners and representatives of Honduran human rights organizations testified before the court, which was expected to pass judgment on the government's culpability in 1988.

Amnesty International missions visited Honduras in January and September. During the first mission, meetings were held with a wide range of non-governmental sources. Amnesty International submitted a memorandum to the government in July, drawing attention to the practice of short-term detention without due process, allegations of torture and continuing concern about unclarified "disappearances". During the second mission, Amnesty International's delegates met government officials, including representatives of the Ministries of Foreign Affairs and the Interior and Justice, the Supreme Court of Justice, the Attorney General, and mem-

bers of the Joint Chiefs of Staff of the armed forces.

Amnesty International frequently issued urgent appeals during the year in cases of concern about torture during prolonged unacknowledged incommunicado detention.

JAMAICA



Six prisoners were executed during the year and about 170 were under sentence of death, one of the largest death row populations per capita in the world. A total of 57 prisoners have been executed since 1980, which marked the end of a four-year *de facto* suspension of executions in Jamaica.

In March the government put before the Senate the report of the Fraser Committee on Capital Punishment and Penal Reform. The Committee had been appointed in 1979 to consider if the death penalty was an appropriate punishment for murder, and its report was originally submitted in 1981. However, it was not made public by the government until 1987 when it was put before the Senate, for its information only.

The Committee recommended the commutation to life imprisonment of all death sentences imposed before 31 December 1980 (the date originally prescribed for submitting its report). This was not accepted by the government and a number of prisoners sentenced before the end of 1980 were executed after the Committee made its recommendations. The Committee recommended that the number of capital offences should be reduced and that, for five years, only people convicted of murder using a firearm or explosives should be subject to the death penalty.

The government did not act on any of the Committee's recommendations and failed to respond to its proposal for steps

towards the abolition of the death penalty "as part of a comprehensive system of penal reform which should commence without delay".

In June Amnesty International wrote to the Minister of Justice and to all Members of Parliament welcoming the government's decision to make the Fraser Committee's report public and urging a parliamentary debate on abolition of the death penalty. Amnesty International also appealed to the government to suspend all executions pending a full parliamentary discussion of the report and its findings. However, there was no such discussion and in November executions resumed after a nine-month break.

Amnesty International urged the government to grant clemency to all prisoners scheduled to be executed during the year. They included Earl Pratt and Ivan Morgan, who were due to hang on 24 February. They received stays of execution after the Human Rights Committee, established under the International Covenant on Civil and Political Rights, appealed for them not to be executed while the Committee considered a communication on their behalf. The two prisoners, who were sentenced to death in January 1979, claimed that the delays in the judicial proceedings in their cases violated the International Covenant on Civil and Political Rights, to which Jamaica is a party. The Committee was still considering the cases at the end of 1987.

In July 1987 the Inter-American Commission on Human Rights also appealed to the Jamaican Government to commute the death sentences on Earl Pratt and Ivan Morgan, on humanitarian grounds. The Jamaica Court of Appeals issued its decision on their case in December 1980, but did not give its reasons until September 1984. The Commission found that the two men had suffered a denial of justice between 1980 and 1984 which was "tantamount to cruel, inhuman and degrading treatment", because the two prisoners had not been able to appeal to the Judicial Committee of the Privy Council in London during this period and consequently spent four years on death row awaiting execution. Earl Pratt and Ivan Morgan were still on death row at the end of the year.

On 29 May Amnesty International wrote to the Minister of Justice to urge an inquiry into reports that a prisoner, Victor Francis, had been beaten by guards at St

Catherine's District Prison on two separate occasions in October and November 1986 and to urge official action to ensure that prisoners were not subjected to cruel, inhuman or degrading treatment. No reply had been received to Amnesty International's letter by the end of the year.

MEXICO



There were renewed reports of arbitrary detentions and killings of members of peasant and Indian organizations, often in the context of land disputes. Many killings were attributed to civilian gunmen linked to private landowners, but appeared to be carried out with the acquiescence of the authorities. Reports of torture and ill-treatment of prisoners also continued, despite the introduction of federal legislation in 1986 prohibiting torture. Several prisoners of conscience or possible prisoners of conscience remained in prison.

Carlos Salinas de Gortari, the Minister for Planning and Federal Budget, was named by the current President, Miguel de la Madrid Hurtado, as presidential candidate of the ruling party, the Partido Revolucionario Institucional (PRI), Institutional Revolutionary Party, in elections to be held in July 1988. The PRI had won all national elections since its foundation in 1929.

The state government of Oaxaca set up an Indian legal rights office (Procuraduría del Indígena) with special powers to assist imprisoned Indians and speed up their release in cases where their imprisonment related to socio-economic or cultural problems. By the end of the year no information was available as to the functioning of this body.

At least 23 prisoners of conscience or possible prisoners of conscience remained in prison throughout the year. They had been arrested between 1982 and 1986; some were still undergoing trial and others had been sentenced to prison terms ranging from 10 to 32 years for offences including robbery, wounding and murder. However, it appeared that these charges had been brought against them for political reasons on account of their peaceful activities as peasant or community leaders.

Arbitrary detentions of peasants during land disputes continued to be reported. In one case 28 peasants were briefly detained in Tapachula, state of Chiapas, on 24 October following the eviction of their community from land to which they claimed to have legal title. They were all reported to have been beaten at the time of their arrest by state judicial police.

Zósimo Hernández Ramírez was released from prison on 26 October, after being held for more than two years on charges including murder (see Amnesty International Report 1987). He had been sentenced to 18 years' imprisonment but the sentence was quashed by the Veracruz State Appeals Court. Amnesty International had been investigating his case in the belief that his detention and prosecution may have resulted solely from his legal and non-violent activities.

On 22 March 17 prisoners, including eight possible prisoners of conscience, were removed from San Luis Potosí prison and transferred to an unused prison in Matehuala, approximately 150 kilometres to the north. This followed a violent incident in which a group of prisoners were apparently allowed to leave their cells during the night in order to attack the political prisoners, some of whom had organized peaceful meetings to protest about prison conditions. The 17 were returned to San Luis Potosí prison on 16 April but held incommunicado for another week. Some were reported to have been severely beaten and at least one, political prisoner Francisco Urbina, had severe injuries. Some were reportedly beaten again after their return to San Luis Potosí. One of the 17, Hilario Saldaña González, a criminal prisoner, was found dead in his cell on 19 April, having apparently hanged himself. Eight days later another criminal prisoner, Alfonso Castillo Jiménez, who had not been among those transferred, was

reported to have died after he too attempted to hang himself in his cell.

These incidents were the subject of a special parliamentary investigation, following which the director of the prison resigned. The state governor took extended leave and by the end of 1987 tensions within the prison appeared to have eased.

There were new reports of torture and ill-treatment of people detained by police on criminal charges. A typical case was that of Juan José de la Cruz, who was detained by state judicial police on 6 May in La Ventana, state of Sonora. Following his release without charge two days later, he said that he had been thrown face down and severely beaten with his hands and feet tied and had carbonated water forced up his nose. The accusation against him appeared to be stealing cattle, but he stated that he believed the real reason for the incident was a land dispute. On release he spent three days in hospital undergoing treatment.

Dozens of killings were reported in rural areas, many of which were believed to have been carried out by armed civilian bands acting with the acquiescence of local authorities. In November, for example, a peasant farmer, Heliodoro Cordero, was reportedly killed by gunmen linked to local landowners in Ilamatlán, Veracruz. The Frente Democrático Oriental de México Emiliano Zapata (FDOMEZ), a regional peasant organization, said that he was the 15th member of the organization to have been killed in similar circumstances since the year began. Reports of other such killings were received from the states of Chiapas, Oaxaca, Hidalgo and Guerrero. Alejandro Cruz Martínez, a poet and activist with the left-wing grass-roots organization the Coalición Obrero Campeña Estudiantil del Istmo (COCEI) in the state of Oaxaca, was killed by gunmen on 24 September.

There were fears for the safety of Gabriel Fernando Valles Martínez, who "disappeared" after being detained in the state of Durango on 26 February. At the time, he was commander of the state judicial police in the town of Santiago Papasquiaro. He was reportedly commissioned by the state Attorney General, who is responsible for the state judicial police, to undertake a confidential investigation; when he delivered the result, he was detained. The

authorities maintained that there were no charges against him and that he was released on 27 February. Other sources, however, suggested that he had been transferred to Mexico City.

Other cases of prisoners who "disappeared" under previous governments, notably during the 1970s, remained unresolved. No further investigations were conducted into these cases, despite contemporary reports and testimonies that they had been detained. Explanations of their fate given by previous governments had still not been substantiated by documentary evidence, such as death certificates. At the end of 1987, Amnesty International was working on 52 cases of people who "disappeared" between 1972 and 1983.

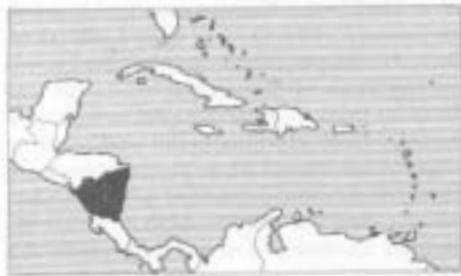
In June the government ratified the Inter-American Convention to Prevent and Punish Torture.

Amnesty International continued to communicate with the Mexican Government by letter and through visits to its International Secretariat from government representatives. Further correspondence was exchanged on cases raised in previous years in the states of Chiapas, Oaxaca and Puebla (see Amnesty International Report 1987) and on new cases raised by Amnesty International during 1987. Although the government responded with legal information on many cases, it did not fully address Amnesty International's concerns. One such case was that of seven prisoners Amnesty International believed to be prisoners of conscience who had been singled out and subjected to criminal prosecution as a result of their activities as peasant leaders in the state of Chiapas. They had been detained in May 1986 and accused of incitement to violence (see Amnesty International Report 1987). There were reported to have been irregularities in their trials and statements obtained under duress were said to have been used as evidence. The government did not comment on these aspects of the case.

In January Amnesty International wrote to the Minister of Defence after receiving reports that people held in army custody in 1986 in the states of Hidalgo and Sinaloa had been tortured and ill-treated. The government replied in May, questioning the credibility of Amnesty International's sources and contending that the allegations were false since the alleged victims

had been charged with drug-trafficking. In August Amnesty International expressed its dissatisfaction with this response, in particular the implication that the government's assessment of the good faith of the source took precedence over the consistency of the allegations, and that reports of torture of people detained for drug-related offences were not worthy of serious consideration. Amnesty International again urged a thorough investigation.

NICARAGUA



Several thousand political prisoners, including several believed to be prisoners of conscience, remained in custody at the end of 1987. They included former National Guards convicted of crimes committed under the previous government and people imprisoned for collaborating with armed opposition forces. The majority had been sentenced by special tribunals whose composition and summary procedures failed to meet international standards of fairness and impartiality. However, 985 political prisoners were released in November under a government pardon. Detainees reported having been held for long periods in conditions which appeared to constitute cruel, inhuman or degrading treatment, and some alleged that they had been tortured. There were also reports of extrajudicial executions committed by government forces, particularly in rural areas affected by armed conflict. In most cases it was impossible to verify independently what had occurred or attribute responsibility for specific acts.

The government continued throughout the year to face armed opposition from irregular military forces receiving military assistance and training from the United

States Government, the contras. The conflict affected extensive areas of the country, in particular the departments of Jinotega, Matagalpa, Boaco, Chontales and Zelaya. Civilians living and working in government-controlled and -defended farming cooperatives were frequent targets of contra attacks. Despite US Government funding of a human rights program to instill respect for human rights and investigate reports of abuses by the contras, new reports were received in 1987 of the killing of civilians by these forces in circumstances suggesting they had been summarily executed.

A new Constitution was adopted by the National Assembly on 9 January, which included articles upholding freedom of conscience, freedom of the press and freedom from arbitrary arrest, protecting the right to due process and prohibiting torture and ill-treatment. However, on the same day President Daniel Ortega suspended many of these rights by extending for a further year the state of emergency which had been in force with some interruptions since 1982. Rights suspended included freedom of the press, the right to strike, the right to hold outdoor public meetings and the right to habeas corpus in cases involving national security.

On 7 August Nicaragua, along with four other Central American states, signed the Central America Peace Agreement. (See entry on Guatemala.) In accordance with this agreement, on 25 August the government announced the formation of a national reconciliation commission, including representatives of the Catholic Church and political opposition parties, and permitted a major opposition newspaper, *La Prensa*, to reopen. It also relaxed restrictions on outdoor meetings. On 22 November the government pardoned and released 985 political prisoners. It also prepared decrees to lift the state of emergency and to amnesty the remaining prisoners held under the Public Order Law. Neither measure had been enacted by the end of 1987.

According to government figures, 3,434 people charged with or convicted of politically-motivated offences were held at the end of 1987. Of these, 924 were said to have been sentenced since 1981 under the Public Order Law. This defines offences related to national security, ranging from political violence to the exercise of freedom of expression. Many were re-

ported to have been convicted of collaborating with armed opposition groups, and a further 656 were said to be awaiting trial on similar charges at the end of 1987. Most of those imprisoned under the Public Order Law were tried by special lay tribunals known as *Tribunales Populares Anti-Somocistas* (TPAs), whose composition and proceedings failed to provide guarantees of a fair and impartial trial. Some of these prisoners may have been prisoners of conscience.

Almost all the remaining prisoners, more than 1,800 in all, were said by the government to have been convicted of crimes committed under the previous government of Anastasio Somoza Debayle when they were serving as members of the National Guard. Most were convicted by special courts whose summary procedures impeded their right to a fair trial. Some 200 of these prisoners were among the 985 released in November, but there was no general legal review of their cases.

Hundreds of peasants in rural areas affected by the armed conflict were detained during the year by the *Dirección General de Seguridad del Estado* (DGSE), the state security police. Many were held for months without access to legal counsel or being brought to court. Some were released uncharged, but others were tried by TPAs as alleged supporters of armed opposition groups and sentenced to prison terms of up to 30 years. A number appeared to have been convicted largely on the basis of contested "confessions" made in pre-trial detention; in some cases detainees were said to have been forced to sign or put their fingerprints to statements whose contents were not disclosed to them.

One prisoner of conscience held throughout 1987 was Mario Baldizón Avilés, a government employee who was sentenced by a military appeals court in 1986 to 10 years' imprisonment for treason. He had been accused of helping his brother, Alvaro Baldizón Avilés, a former employee of the Interior Ministry, to leave Nicaragua and seek asylum in the USA in 1985. Amnesty International believed that he was actually imprisoned because of his family relationship with his brother. When he arrived in the USA, Alvaro Baldizón Avilés had publicly alleged that the Nicaraguan Government had committed systematic human rights violations. His allegations were later published by the US

State Department. Part of the evidence produced against Mario Baldizón Avilés at his trial was a "confession" which he made in pre-trial custody, but which he said he had not been allowed to read.

Former detainees arrested in previous years reported that they had been kept alone for long periods in cramped cells, without light, adequate ventilation or food, and had been threatened and forced to sign incriminating extrajudicial confessions. For example, Tomás Blandón Hernández, who was released in November, said that he had been held for five days in a dark cell too small for him to sit or stand up in at Rio Blanco, Matagalpa, after his arrest in January 1986. He had then been transferred to the DGSE detention facility known as *Las Tejas* in Matagalpa, where he was held for three months. He said he had been beaten, violently threatened and made to sign blank sheets of paper, which were later filled in and submitted as his "confession" when he was brought to trial. He denied in court that he had made the statement, but was convicted in September 1986 for assisting the contras and sentenced to five years' imprisonment.

In a similar case, María Auxiliadora Rivas Urbina, a mother of five, was serving a seven-year prison term imposed by the TPA despite her telling the court that she could neither read nor write and had been "helped" while in DGSE custody to sign a confession, the contents of which she denied. A DGSE officer summoned by the TPA to answer her allegation did not appear.

The most common complaints by former detainees were that they had been held alone for days or weeks in DGSE cells known as *Chiquitas* (the tiny ones), in which they could neither easily sit nor stand and which lacked adequate light or ventilation, and that they had been deprived of food for long periods. Few detainees alleged that they had been tortured, although some said they had been beaten and subjected to mock executions and that threats had been made against them or their families. One former detainee said that he had been kicked and tortured with electric shocks to his arms, and that a pistol barrel was thrust into his mouth as part of a mock execution in March 1986 at *Las Tejas* detention centre in Matagalpa. He said he was also held for five days without food or water in a totally dark cell which was too small to sit down

in and intensely hot. He alleged that other detainees had also been tortured.

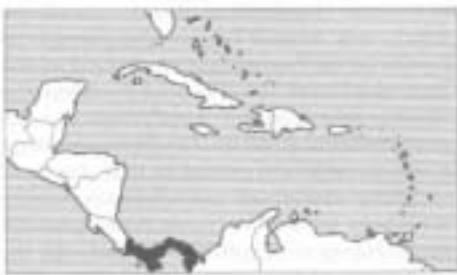
New evidence also came to light about possible extrajudicial executions and "disappearances" in previous years. In one case Nicaraguan refugees in Costa Rica alleged that 15 civilians had been killed by government forces in June 1985 in the mountainous region of Boca Tapada, near the Punta Gorda river in southern Zelaya. The victims were said to have been detained by government troops engaged in operations against the Alianza Revolucionaria Democrática (ARDE), a contra organization then based in Costa Rica. Neighbours who said they had helped to bury the bodies of some of the victims described finding them, mutilated with bullet and knife wounds, the day after the detentions. In 1987 Amnesty International raised these allegations with the office responsible for investigating and prosecuting crimes by military personnel, but was told that it had no information on the incidents in question. However, in another case, it was learned in 1987 that seven members of the DGSE and the Ministry of the Interior Special Forces had been sentenced to 30 years' imprisonment by a military court for the murder of three people who had been abducted by DGSE personnel and secretly executed as suspected contra collaborators. The three had been abducted from their homes in July 1983 in San Miguelito, department of Rio San Juan, and their mutilated bodies were discovered nearby a few days later. Information was also made available to Amnesty International in 1987 on the results of official investigations into the alleged extrajudicial execution of Pedro Sequeira Ramírez and five members of his family, including a five-year-old child, near San Miguelito in October 1985 and June 1986. Military authorities claimed that Pedro Sequeira had been shot dead after he had killed a soldier attempting to arrest him, but the circumstances in which other members of his family were killed were not explained. Another member of the same family, Tito Atilano Ramírez Sequeira, was said by relatives to have "disappeared" after being detained in April 1986. New reports of extrajudicial executions were received in 1987, but could not be verified by the end of the year.

In November Amnesty International wrote to the government presenting its

concerns and later that month a mission visited Nicaragua. The delegates met the Minister of the Interior, the Vice-Minister of Justice, the General Prosecutor of the Sandinista Armed Forces, the director of the National Prison System, judges of the Supreme Court, the TPAs and the Managua appeals court, and a wide range of non-governmental sources. The delegates were given unrestricted access to trial dossiers, and interviewed several prisoners serving sentences in the Centro de Readaptación Jorge Navarro (Tipitapa prison). At the invitation of the government, they also visited detention cells in El Chipote, the DGSE headquarters in Managua, to which representatives of international human rights and humanitarian organizations had not previously been admitted.

In July Amnesty International published an exchange of correspondence with the US Assistant Secretary of State for Inter-American Affairs, Elliott Abrams, concerning human rights abuses by the contras. Amnesty International had written in October 1986 to the US Secretary of State, George Shultz, expressing concern that the issuing to contra forces of a Central Intelligence Agency training manual in 1983 had encouraged human rights abuses, including extrajudicial executions. The letter also raised several cases of killings by contra forces (see Amnesty International Report 1987). In February Elliott Abrams replied that the manual in question had been withdrawn and that the State Department was sceptical about the accuracy of reports of human rights abuses by the contras. He undertook to pass on the cases Amnesty International had raised to the Asociación Nicaragüense Pro-Derechos Humanos (ANPDH), Nicaraguan Association for Human Rights, a body financed by the US Government which liaises directly with the contra military command. Amnesty International's findings on the cases in question were corroborated in a detailed report released by the ANPDH in July. Despite human rights training and monitoring initiatives by this body, Amnesty International continued to receive reports of extrajudicial killings by contra forces in 1987.

PANAMA



Beginning in June, successive waves of arrests led to the short-term detention of hundreds of demonstrators peacefully protesting against senior military officials' alleged human rights violations and other illegal practices. Police and security forces reportedly used excessive force against demonstrators, resulting in at least one apparent extrajudicial execution, and hundreds of injuries. Those arrested were held in harsh conditions. Some were reportedly tortured or ill-treated. A disturbing development was the emergence of clandestine paramilitary groups apparently linked to the government. They were said to have been responsible for violent attacks on a number of government opponents and for extrajudicial executions.

The protests against the government were sparked off by public accusations of Colonel Roberto Díaz Herrera, formerly the second-in-command of the Armed Forces, that Brigadier General Manuel Noriega, the Commander-in-Chief, had been involved in illegal activities including the murder of Dr Hugo Spadafora. Dr Spadafora, a former Vice Minister of Health, had been found decapitated just over the border in Costa Rica on 14 September 1985, the day after he was reportedly detained by the Panamanian military. Shortly before his detention, he had publicly accused top military officials of corruption and involvement in drug-trafficking. Those responsible for Dr Spadafora's murder have never been identified.

In response to the protests, the government declared a state of emergency in June. Emergency provisions were lifted at the end of the month and more than 100 people arrested under the provisions were released. Colonel Díaz Herrera and a num-

ber of his relatives and supporters were detained on 27 July, after the security forces assaulted his home with sub-machine guns and tear gas while military helicopters hovered overhead. According to reports of eye-witnesses, several bodies were subsequently removed from the house but the authorities did not disclose the names or number of those who were apparently killed.

After his arrest, Colonel Díaz Herrera was reportedly held in solitary confinement and denied access to legal counsel to force modification of his original accusations, including those regarding Dr Spadafora's murder. In late December he and a number of his supporters were convicted of "crimes against the internal security of the state". Colonel Diaz Herrera was then expelled into exile abroad.

Several other opposition leaders were reportedly subjected to death threats or attacks on their homes or businesses, and some of them left the country. Others were arrested with hundreds of their supporters after further large-scale demonstrations in July, August and October. In some cases, those detained, including children, alleged that white handkerchiefs, which had become the symbol of support for the opposition, were "planted" on them by the military or police to justify their arrest. Others were reportedly arrested without warrant for selling opposition literature or participating in protest vigils.

Many of those detained alleged that they were beaten immediately after arrest and that once transferred to Modelo Prison in Panama City, they were stripped of their clothing and beaten with sticks, fists, rifle butts and rubber hoses by squads of guards. They also stated that they were deprived of food and water for several days and held in severely overcrowded and insanitary cells, as well as threatened with "disappearance" if they told anyone of the conditions at Modelo Prison. Some of those held also complained that they were denied access to legal counsel. Some lawyers who went to Modelo Prison to inquire about their clients were also reportedly subjected to short-term arrest.

In July President Eric Delvalle wrote to General Noriega, asking for an investigation into allegations of torture and sub-standard conditions at Modelo Prison. General Noriega asked Attorney General Carlos Augusto Villalaz, a presidential

appointee, to conduct the inquiry. On 21 July General Noriega stated in a letter to President Delvalle that in general, those arrested in the July demonstrations had been held under "acceptable" conditions and had been allowed food and legal advice. However, prominent church figures expressed concern that the inquiry had been conducted by government appointees.

Other demonstrators were injured and at least one was extrajudicially executed, according to reports, during excessive use of force by the security forces. By August Panamanian doctors who had treated the wounded estimated that more than 1,000 people had suffered "significant" injuries, the majority of them caused by beatings or shootings by riot police. The one confirmed death resulting from security force action occurred in July when, according to eye-witnesses, Eduardo Enrique Carrera was shot and killed by police after he shouted an anti-government slogan.

During other demonstrations, protesters were reportedly attacked by armed men in plain clothes who were believed to be acting on behalf of the authorities. Some of these attacks took place in full view of police and military forces, who either took no action or assisted the assailants. For example, in September one person was killed and some 10 others were reportedly wounded when unidentified men opened fire on demonstrators marking the anniversary of Dr Spadafora's killing. According to witnesses, the armed men had waited for several hours for the rally to begin, openly displaying their weapons. Military personnel who were present in a patrol car left shortly before the shootings began and returned one hour later.

Witnesses to attacks on demonstrators by armed groups have reportedly identified police or military personnel, as well as prominent members of the ruling party, among the assailants. Moreover, since no investigations into their illegal acts were known to have been carried out by the authorities, their activities may have been officially condoned.

In August the government ratified the United Nations Convention against Torture.

Amnesty International expressed concern to the government about the large number of arrests which began in June and continued in the following months. The

organization urged that those held be protected from ill-treatment, that they be permitted access to family and lawyers, and that they be released unless charged with a criminal offence and tried. Amnesty International also expressed its concern about reports that opposition leaders had received death threats and that detained demonstrators might have died in custody.

In December Amnesty International sent a memorandum to President Delvalle, recommending several measures to prevent further violations of human rights. The recommendations included appointment of an independent investigator to examine all arrest records and inspect all detention centres for the purpose of ensuring that all political detainees had been accounted for. The organization also recommended that security forces be issued with clear instructions to refrain from use of excessive force and to observe the requirements of the United Nations Code of Conduct for Law Enforcement Officials when seeking to maintain public order.

PARAGUAY



The state of siege which had been in force almost continuously since General Alfredo Stroessner became President in 1954 was lifted on 8 April. Five prisoners of conscience charged under anti-subversive legislation were held for up to six months before being released. More than 200 other opposition activists were arrested for demonstrating against the government, although most were released uncharged after short periods. In December a long-term prisoner of conscience,

Captain Modesto Napoleón Ortigoza, was released after serving a 25-year prison sentence. There were also reports of attacks by paramilitary groups on opponents of the government, which were apparently condoned by the authorities.

The lifting of the state of siege which had been in force for most of President Stroessner's 33 years in office was followed by a campaign for democratic reform launched by opposition parties, most of which were not legally recognized. Public demonstrations were frequent, and hundreds of participants were arrested. In September, as opposition to President Stroessner's candidacy for re-election grew, reports emerged of attacks on opposition meetings by groups of civilians assisted by police.

In December a prisoner of conscience, Captain Modesto Napoleón Ortigoza, was released after completing a 25-year sentence, much of which was spent in solitary confinement in a high security prison. Captain Ortigoza, who had been tortured after his arrest, was tried by a military court under procedures failing to conform to international standards. He was originally sentenced to death, later commuted to 25 years' imprisonment. Captain Ortigoza was kept in a solitary cell and denied access to a lawyer until a few weeks before his release. The only visits permitted were from his immediate family. On his release Captain Ortigoza was not freed unconditionally but restricted to a small town in the interior of Paraguay.

Five prisoners of conscience were held for up to six months under the provisions of Law 209 of the penal code, which prohibits a wide range of activities from selling pamphlets to holding meetings if the authorities regard them as being inspired by Marxism. It also prescribes penalties for advocating "hatred or destruction of the social classes". Although prosecutions under Law 209 are often initiated against political opponents of the government, they rarely result in a formal trial or conviction. Among those held in pre-trial detention under Law 209 in 1987 were peaceful opponents of the government, such as the peasant trade union leader Marcelino Corazón Medina, who was detained in February and released in May. Similarly held were two lawyers, Miguel Abdón Saguier and his brother, Hermes Rafael Saguier, both members of

the opposition Partido Liberal Radical Auténtico (PLRA), Authentic Radical Liberal Party. The former was held for four months and then freed on bail in February 1987; the latter was arrested in August and freed on bail in December.

Two other lawyers, Miriam and Eduardo Morales, were detained in November by police in Puerto Stroessner and held in *incommunicado* detention for two days. Miriam Morales was then released but her husband remained in custody and was charged with "inciting disobedience" under Law 209. Eduardo Morales was active in human rights work and had represented peasants involved in land disputes. Shortly before his arrest he had acted on behalf of vendors in Puerto Stroessner whose licences had been abruptly revoked by the municipal authorities.

Other arrests occurred in the context of a campaign for democratic reform by the Febrerista Party and other opposition parties. They held public meetings and rallies and hundreds of opposition activists, trade unionists, peasant leaders, students and other participants were arrested. Most were released without charge after a short period. Domingo Laino, a PLRA leader who had returned from exile in April, had been arrested eight times by the end of 1987. The legal basis for these arrests was not clear in view of the lifting of the state of siege.

A disturbing new development emerged in September when a series of attacks began on people known to oppose President Stroessner's re-election. These were carried out by paramilitary groups, allegedly formed by members of the ruling Colorado party. In one incident on 11 November, four PLRA leaders were attacked at Caacupé by a group of 30 to 40 armed men while travelling to a meeting. They were beaten by their attackers, who were armed with guns, iron bars, sticks and whips and who were alleged to have been directed by a Ministry of the Interior official. The armed group was said to be composed of police from La Cordillera and supporters of the President. No one was reported to have been arrested in connection with this attack by the end of 1987.

Peasants involved in land disputes were subject to arbitrary arrest, beatings and other ill-treatment by the police or army. In the Alto Paraná department, all access to the Tavapy II peasant settlement,

which had been peacefully occupied since 1983, was cut off at the end of 1986 when police and army personnel placed a cordon around it. The law requires that a landowner must obtain a court order in order to evict peasants from a peaceful occupation and such eviction orders are not difficult to obtain. However, no judicial expulsion order was obtained. Nevertheless, between February and May a number of peasants from Tavapy II were arbitrarily detained by the police and army and allegedly beaten and threatened with summary execution. On 10 May a group of doctors and nurses from Asunción were arrested after they had gone to offer medical assistance to the peasants of Tavapy II. Most of them were only briefly held but four men, known for their trade union militancy at the Hospital de Clínicas in Asunción, were held without charge for several days. At the end of May, however, the government gave the peasants a permanent right of settlement and the cordon was lifted.

Peasants involved in land disputes were also held for several months in pre-trial detention, in some cases on minor charges because judges did not promptly hear their applications for provisional release. Such applications normally are heard within eight days, but it appeared that some were delayed for political reasons. For example, Norma Garcete de Pintos, the wife of a peasant leader, was held for four months in preventive detention in Encarnación on a charge of invading private property. She was alleged to have been beaten by police although she was pregnant and ill at the time of her arrest, and she later suffered a miscarriage. The police who arrested her were believed to have been seeking her husband, a leader of a group of peasants who had cultivated land in an area known as Pirapo'i for 11 years and wished to obtain permanent settlement. Norma Garcete de Pintos was eventually released from custody in late December but it was not known whether further legal proceedings would be taken against her.

There were new reports of torture and ill-treatment of criminal prisoners and suspects. In one case a 13-year-old boy, Guillermo Florenciagni, was alleged to have died as a result of torture by police at Yby Yaú in the department of Concepción. He had been arrested on 20 December 1986

and accused of stealing a bicycle. He was released after a month in custody, when marks of torture were said still to be visible on his body. He was admitted to hospital but died on 23 January. The official cause of death was given as septicaemia, but it was noted that the boy's spleen was swollen and that there were bruises on his body and particularly the soles of his feet. However, no investigation was known to have been carried out and no one prosecuted in connection with his death.

There were also reports that prisoners were kept permanently chained in bar fitters at the Third Police Station in Asunción and denied exercise in the open air. In March prisoners there went on hunger-strike to protest about these conditions. As a result the fitters were removed. Amnesty International drew these cases to the attention of the Inter-American Commission on Human Rights (IACtHR) of the Organization of American States. In November the IACtHR published a report on human rights violations in Paraguay which identified the absence of an independent judiciary as one of the most important factors leading to ill-treatment and torture of prisoners.

Amnesty International took action during the year on behalf of a number of people detained under Law 209 and expressed concern about the delay in processing the case of Norma Garcete de Pintos and her alleged ill-treatment in custody. In May Amnesty International submitted information about its concerns in Paraguay to the United Nations procedure for confidentially reviewing communications about human rights violations.

PERU

Hundreds of people, the majority of them peasant farmers, were victims of unacknowledged detention, "disappearance" and extrajudicial execution carried out by police, military and civil defence forces in the "emergency zones". Opponents of the government continued to face arrest and trial on false charges of terrorism. A number of prisoners of conscience were released during 1987, although many others continued to experience long delays in their trials.



Reports of torture and execution-style killing by the guerrilla group Sendero Luminoso (Shining Path) increased dramatically. Principal targets continued to be government development workers, community leaders, members of labour organizations and legal parties who have refused to collaborate with the organization. The Shining Path carried out mass execution-style killings in communities suspected of aiding the security forces. In the community of Rumirumi in the province of La Mar, Ayacucho, 24 peasant farmers were killed in December. The insurgents, dressed in military-style uniforms, forced the leaders and youths of the community into the local school, where they were beaten, shot and hacked to death. A new pattern of selective assassinations by the Shining Path also emerged. Victims were prominent members of the ruling party, Alianza Popular Revolucionaria Americana (APRA), American Popular Revolutionary Alliance.

New legislation for curbing terrorism was introduced. Congress was called into special session in March and approved Law 24651, which increased the maximum penalty for acts of terrorism to 25 years' imprisonment and prescribed prison terms of between 10 and 20 years for people convicted of assisting terrorist activities. The law also incorporated the crime of terrorism in the penal code, thereby revoking Decree Law 046 of 1981. Most political prisoners, including many prisoners of conscience, had previously been charged under Decree Law 046.

Members of the opposition Izquierda Unida alliance boycotted the special session because the government failed to include in the agenda consideration of a draft law approved by the Senate in De-

cember 1986. This bill envisaged the exclusion from military jurisdiction of offences not related to military service, such as genocide, torture, secret arrest, forcible "disappearance", rape and aggravated homicide. The purpose of the bill was to hold members of the police and armed forces accountable for human rights violations by ensuring that trials would be heard before civilian courts. The bill was not debated by Congress during 1987.

Most members of the armed forces prosecuted for alleged human rights violations were tried in military courts. These courts acquitted all such defendants. On rare occasions, the Supreme Court of Justice has ruled that police officers accused of human rights violations should be tried before civilian courts. One such case led to the conviction of 11 civil guards on charges related to the killing of 33 peasant farmers in Soccos, Ayacucho department, in November 1983. They received prison sentences ranging from 10 to 25 years. The Supreme Court of Justice upheld the verdict in October.

In June President Alan García promulgated Law 24700 to establish special tribunals to try people accused of terrorism. This law provides certain safeguards for detainees' rights, including the compulsory presence of a prosecutor from the Public Ministry at all stages of police investigation. Human rights lawyers, however, have expressed concern about suspension of the right to present a petition of habeas corpus on behalf of a detainee during the initial 15-day period of police detention.

President García announced on 28 July the lifting of the curfew in Lima. He also said that the state of emergency in the city of Ayacucho, which had been in force since 1982, would be lifted in the near future. However, the state of emergency in Ayacucho was renewed in September for a further 60 days, following an increase in Shining Path attacks.

In areas under a state of emergency, certain individual rights are suspended and security forces have powers to arrest people without a warrant and to restrict freedom of movement and assembly. In practice the security forces have frequently exceeded even these powers and committed widespread and systematic human rights violations in the emergency zones, including torture, "disappearances" and extrajudicial killings.

By October the state of emergency co-

vered 26 provinces in seven of the country's 25 departments. In November, it was extended to a further seven provinces in the northern department of San Martin, after rebels of the Movimiento Revolucionario Tupac Amaru (MRTA), Tupac Amaru Revolutionary Movement, occupied several small towns and attacked army posts in the area.

Reports of "disappearances" and killings in emergency zones were most often received, as in previous years, from the departments of Ayacucho, Huancavelica and Apurímac. Some reports were also received from Puno and Lima. The Attorney General sent a group of public attorneys in September to Huamanga in Ayacucho department to investigate alleged "disappearances" in the area. In its preliminary report, the group said that 142 "disappearances" were reported in Ayacucho and Apurímac departments in the first eight months of 1987. Forty-eight people were subsequently located, according to the report, although three of them were found dead soon after their arrest by military personnel and 36 reappeared after release from the custody of the security forces.

Many of those who had been released told the public attorneys that they had been tortured in detention. José Gómez Figueroa, who was detained on 16 September in Ccarhuapampa, Ayacucho department, by an army patrol from the Tambo military barracks, was released without charge 11 days later. He alleged that he and other prisoners had been hung by their arms, which had been tied behind their backs, and that soldiers urinated in their faces when they asked for water. Other methods of ill-treatment and torture reported to the investigative commission included beating, burning and suspension by the arms for prolonged periods. The public attorneys who carried out the investigation complained that the Head of the Political Military Command in Ayacucho had not cooperated with them and that officials obstructed them at "Los Cabitos" Barracks in Ayacucho, the military headquarters for the Ayacucho emergency zone. They said that the officials had failed to respond to over 95 per cent of their requests for information about detainees.

The Attorney General informed the congressional Human Rights Commission that the number of "disappearance" cases formally presented to his office was 2,714, of

which 350 were "resolved". Local human rights groups, however, estimated that some 3,200 people had "disappeared" in the emergency zones since 1982. In 1987 a new pattern emerged: nearly half those reported as "disappeared" reappeared alive, after several weeks or months in the unacknowledged custody of the security forces. Many detainees said they had been arrested by the armed forces and held incommunicado in military installations, where they were tortured and forced to sign false confessions before transfer to police custody and subsequent appearance before the courts or release.

In December the Attorney General announced that a further 57 people reported to have "disappeared" in Ayacucho and Apurímac had reappeared. He claimed that "the Political Military Command in the zone is applying a new methodology, temporary 'disappearance', in order to avoid the cases being presented to human rights organizations." Also in December, Congress announced the creation of a commission to investigate "disappearances" which occurred between 1980 and 1985.

Amnesty International worked on behalf of 79 prisoners of conscience or individuals who may have been prisoners of conscience during the year. The majority of them were peasant farmers from the emergency zones or leaders of community organizations believed to be detained on false charges of "terrorism". Many prisoners who had spent several years in detention were released during 1987 after acquittal or dismissal of charges against them for lack of evidence. They included Filomeno Muñoz Rojas and Justa Pizarro, a peasant farmer and his wife, who had been arrested in July 1983 at their home in Huaral, Lima department, and accused of collaborating with Shining Path guerrillas. Initially they were taken to a police post, where they were allegedly tortured and forced to sign false statements of having sheltered a group of Shining Path members which had passed through their village the night before their arrest. The couple, parents of seven children, was held for over four years in Lima prisons awaiting a verdict in their case. They were acquitted in November.

There were new developments during the year in cases of human rights violations which occurred in 1986. When the authorities quelled mutinies in three Lima jails organized by political prisoners (see

Amnesty International Report 1987), hundreds of prisoners died. Many of the dead had been summarily executed after they surrendered to the authorities and scores of others remained unaccounted for. In January Amnesty International sent to President García the findings of its own investigation, which were subsequently published in a report entitled "Disappearances", Torture and Summary Executions by Government Forces after the Prison Revolts of June 1986. Amnesty International concluded that there was evidence to suggest that the civilian and military authorities had attempted to cover up the gross human rights violations which had occurred during the prison mutinies.

In August Congress reactivated a Commission of Inquiry, composed of 13 members from both Houses of Congress, to investigate the mutinies and establish responsibility for violations committed by government forces. The Commission presented two reports to Congress in December, a majority report signed by five members of the ruling APRA party and two representatives of other political parties, and a minority report signed by the Commission's president and five members of opposition parties.

Although the two reports produced by the Commission of Inquiry coincide in the background to the prison mutinies and the events during the riots, they contain fundamental differences in their evaluation of events and recommendations. The majority report limited responsibility for the abuses to the military and police officers who quelled the riots and their commanding officers. It also held the national director of penal institutions and the former Attorney General responsible for failing to prevent abuses which they knew were occurring. The report concluded that the murders committed in the prisons were neither an expression of a government policy of extermination nor a response to an armed forces institutional strategy.

The minority report accused President García and his Cabinet of "primary responsibility" for the killing of 249 political prisoners and for covering up military intervention on the prison island of El Frontón. It concluded that more than 100 prisoners had been killed on El Frontón. The minority report also assigned criminal responsibility to prison authorities, the former Attorney General and police and military officials

charged with quelling the mutinies because they participated or acquiesced in the violations committed. These violations included torture and extrajudicial executions of prisoners. The report called for the impeachment of the Cabinet and recommended that the Public Ministry and judicial authorities, acting within their respective areas of jurisdiction, determine the extent to which the authorities involved in the events should be held criminally responsible.

The majority report was approved by Congress, in which the APRA has a majority, on 11 December.

Amnesty International continued throughout the year to work for the release of prisoners of conscience and investigated the cases of people who may have been prisoners of conscience. The organization also submitted information on its concerns in Peru to the relevant bodies of the United Nations and the Organization of American States.

ST VINCENT AND THE GRENADINES



Two prisoners were hanged on 6 March 1987 – the first executions to be carried out for nine years. The two men, Seymour Castello and Wendell Williams, had been convicted of murder. An appeal by a local human rights group to Prime Minister James Mitchell, who chairs the Mercy Committee, failed to persuade the authorities to stay the executions or commute the death sentences. The death penalty is mandatory on conviction of murder. At least two other prisoners were believed to be under sentence of death at the end of the year.

Amnesty International expressed regret to the government about the executions

and called for a parliamentary discussion as a first step towards the abolition of the death penalty.

SURINAME



There were new reports that the army had killed civilians in the course of operations against an armed opposition group. A number of suspected government opponents were detained, some of whom may have been prisoners of conscience. The authorities said that all of them had been released before the end of the year.

Throughout the year, there was continued conflict between government forces and the Jungle Commando, an armed opposition group led by former army sergeant Ronny Brunswijk, which was especially active in eastern Suriname. Both sides accused the other of responsibility for civilian killings and other abuses, but it was impossible in most cases to obtain independent corroboration.

Following the approval by referendum of a new Constitution in September, the first national elections since 1976 were held in November. The victorious opposition Front for Democracy and Development was expected to form a new government in January 1988. After the election, it was reported that Ronny Brunswijk had declared a cease-fire until the end of the year.

At the end of the year the state of emergency imposed throughout the country on 1 December 1986 was still in force only in the eastern districts of Marowijne, Brokopondo and Sipaliwini.

Most of those arrested as suspected supporters of the Jungle Commando were

members of the Bush Negro ethnic group. They included 11 members of the Saramacca Bush Negro group who were arrested by army personnel in the Brokopondo district in April. They were then taken to Fort Zelandia, where they were held without charge and denied access to their families and lawyers for several weeks. At least one of them, Rudy Wachter, was reportedly tortured. All 11 detainees were subsequently released without charge.

A number of detainees, mostly Bush Negroes, were released in August, after spending over a year in custody without charge or trial because the authorities suspected they were members or supporters of the Jungle Commando. Further releases took place on 1 December and the authorities later said that no political prisoners remained in detention. It was not possible for Amnesty International to obtain independent verification of the releases.

There were new reports of civilian killings by the army, with some 40 such killings being reported from an area south of Paramaribo between 11 and 30 September. Some of the dead may have been members of the Jungle Commando, but most were said to have been villagers who had taken no part in the conflict. The most serious incident reportedly occurred on 11 September when soldiers travelling by road and river attacked villagers working in fields close to the road between Brownsberg and Pokigron. At least 19 bodies were found in the area by local people. The official Suriname News Agency subsequently described the victims as members of the rebel forces who had been killed in a clash with government troops. Members of an international medical organization working in the area, however, reported that eye-witnesses had confirmed the killing of unarmed civilians.

Further civilian killings by the army were reported to have occurred in September. Soldiers allegedly fired at three villagers travelling by boat, killing one and injuring another, on 18 September. According to reports, two Bush Negroes were shot dead by soldiers near Pokigron on 30 September.

In February Amnesty International representatives visited French Guiana to interview refugees who had fled there, mostly in late 1986, to escape the conflict in Suriname. They confirmed earlier reports

of extrajudicial executions of unarmed civilians, primarily women and children, by the army. Subsequently, Amnesty International communicated its concerns about these killings to the government and urged that a list of those detained should be made public, that they should be either charged with recognizable criminal offences or released and that they should be given access to legal assistance. There was no response.

In September Amnesty International published a report, Suriname: Violations of Human Rights, detailing the information it had received about political killings and other human rights violations. It called on the government to conduct an independent inquiry into the killings and make the findings public, to prosecute those found responsible for these human rights violations and to grant compensation to the families of non-combatant victims. The report also called on the government to make public the name, date of arrest and place of detention of all those arrested as a result of the present conflict or their alleged opposition to the government, and to ensure that all detainees are either promptly charged and brought to court or released and to grant them access to lawyers and their relatives.

In December Amnesty International again wrote to the outgoing military government about the reported killing of civilians on 11 September and called for an official investigation.

Suriname ratified the Inter-American Convention to Prevent and Punish Torture on 12 November, as well as acceding to the American Convention on Human Rights and recognizing the jurisdiction of the Inter-American Court of Human Rights.



In July the High Court annulled death sentences imposed on Andy Thomas and Kirkland Paul in 1975 after they were convicted of murder. The decision was made in response to a motion filed by their lawyers in December 1985 which argued that several provisions of the Constitution would be violated by their execution. This motion had been filed after warrants for the prisoners' execution within 24 hours had been issued against the two men on 4 December 1985. Stays of execution had then been granted and both prisoners had remained on death row. The High Court ruled that the prolonged incarceration of the two prisoners on death row in conditions of "appalling barbarity", and the reading of death warrants to them only hours before their executions were due to take place, constituted "cruel and unusual punishment" in violation of the Constitution. The Court also ruled that the circumstances in which the death warrants had been issued had violated the prisoners' constitutional rights to due process and equality before the law.

Both men were released from prison on 31 August when eight criminal prisoners, including five others who had originally been sentenced to death, were freed under an amnesty marking the 25th anniversary of independence.

Kitson Branche, who was also released under the amnesty, had been under sentence of death for nearly 15 years. He had been sentenced to death for murder in 1972. Doubts about his guilt had subsequently emerged as a result of new evidence, which was submitted to the Judicial Committee of the Privy Council in London in 1980. The Committee, however, declined to consider the new evidence on the grounds that it should have been presented at his trial (see Amnesty International Report 1987).

Following the election to power of the

TRINIDAD AND TOBAGO

At the end of the year there were some 30 prisoners under sentence of death, which is the mandatory penalty on conviction of murder. Several had been on death row for more than 10 years and had exhausted all their legal appeals. There were no executions – the last execution took place in 1979.

National Alliance for Reconstruction in December 1986, Amnesty International wrote to Prime Minister Arthur Robinson in January to call for all existing death sentences to be commuted and to urge abolition of the death penalty.

During the year Amnesty International also appealed for clemency to be granted to Lalchan Nanan, who was sentenced to death in July 1977, after being convicted of murdering his wife. However, he remained on death row at the end of 1987 although there were doubts about the circumstances of his conviction: after the trial the jury foreman reported that he had misunderstood the meaning of "unanimous" and that the jury had in fact been divided eight to four in its verdict (see Amnesty International Report 1987).

UNITED STATES OF AMERICA



Twenty-five prisoners were executed in 1987, an increase over the previous two years. At the end of the year 1,982 prisoners were under sentence of death in 34 states. A church worker jailed for assisting undocumented Salvadoreans in the USA was adopted as a prisoner of conscience. There were complaints of ill-treatment of prisoners. Amnesty International continued to investigate a number of criminal trials in which it was alleged that the prosecutions were politically motivated.

On 19 February Amnesty International published a report, *United States of America: The Death Penalty*, and launched a major international campaign to publicize its concerns. The report looked at evidence suggesting that the death penalty in prac-

tice was arbitrary, racially biased and unfair, despite the introduction of elaborate judicial safeguards following US Supreme Court rulings in the 1970s.

The report examined racial disparities in death sentencing; the community, financial and other pressures which influence local prosecutors in their charging and sentencing recommendations; the fairness of jury selection in capital trials and problems of legal representation for indigent defendants in capital cases.

Amnesty International called for the abolition of the death penalty in state and federal law. Pending abolition, it urged that no further executions be carried out and called on states to conform to minimum international standards that preclude the imposition of death sentences on juvenile offenders and the mentally ill. It said that the evidence of racial discrimination in the application of the death penalty was a matter of urgent concern and recommended that the federal government commission an impartial inquiry into this question.

Amnesty International received a lengthy reply from the Department of Justice in July, in which it defended the death penalty on grounds of just punishment, deterrence and incapacitation. Amnesty International replied, reiterating its concerns and stating that studies had failed to provide convincing evidence that the death penalty deterred crime more effectively than other punishments.

Executions, which had been delayed pending a key Supreme Court ruling on race discrimination (see below) resumed in May. Of the 25 executions during the year, eight were carried out in Louisiana. The others took place in Alabama, Florida, Georgia, Mississippi, Texas, Utah and Virginia. Amnesty International appealed for clemency in every case where it learned that an execution was imminent.

Edward Earl Johnson, a black youth convicted of killing a white police officer, was executed by lethal gas in Mississippi on 20 May, despite what his lawyers believed were "substantial doubts" about his guilt. Further evidence in support of this claim emerged after the execution.

John Brogdon, executed by electrocution in Louisiana on 30 July for the rape and murder of a child, had been diagnosed as mentally retarded, with a mental age of 10. Another prisoner reportedly suffering

from a serious mental disorder, Billy Mitchell, was executed by electrocution in Georgia on 1 September.

Beauford White was executed by electrocution in Florida on 28 August. The trial jury had unanimously recommended a life sentence but this was overruled by the judge, who imposed the death penalty. Willie Watson was executed in Louisiana on 24 July after the US Supreme Court denied his application for a stay by a tied four-four vote.

In April the US Supreme Court gave a ruling in a key case in which it was alleged that the application of the death penalty was discriminatory on grounds of race. The appeal, brought on behalf of a black prisoner, Warren McCleskey, had cited a detailed study showing that defendants convicted of killing white victims in Georgia, especially black defendants, were several times more likely to receive death sentences than those in black victim cases. The study had taken into account a wide range of non-racial factors.

The Supreme Court denied the appeal by five votes to four. The majority opinion acknowledged that the study indicated "a discrepancy that appears to correlate with race" but held that Warren McCleskey had failed to prove purposeful discrimination by the "decision-makers" in his particular case. The court suggested that racial discrimination in the application of the death penalty was a matter for inquiry by legislatures. These, it said, were "better qualified to weigh and evaluate the results of statistical studies in terms of their own local conditions and with a flexibility of approach that is not available in the courts".

Four of the nine judges vigorously dissented, finding that the evidence showed a risk of racial discrimination in the operation of Georgia's death penalty statute that clearly violated the Constitution and, in the words of one judge, was "intolerable by any standard".

Following the ruling, Amnesty International wrote to the governors of Georgia and nine other states where there were marked racial disparities in death sentencing, calling for a moratorium on executions pending legislative inquiries into this issue.

In February the US Supreme Court agreed to rule on whether the Constitution permitted the execution of minors (people

under 18 at the time of the crime). Its decision in the case of a 15-year-old sentenced to death in Oklahoma was still pending at the end of 1987. Some 30 minors in 14 states were under sentence of death in 1987.

In March the Inter-American Commission on Human Rights ruled that the US Government had violated the American Declaration on the Rights and Duties of Man by allowing the execution of James Terry Roach, who was 17 at the time of the crime (see Amnesty International Report 1986 and 1987). The Commission held that the differing age limits set by US states resulted in "the arbitrary deprivation of life and equality before the law". The Commission also declared that there was an "emerging" norm establishing 18 as the minimum age at which the death penalty may be imposed.

Stacey Merkt, a church worker who had helped undocumented Salvadoreans to enter the USA, was convicted in 1985 of transporting and conspiring to transport illegal aliens. She started serving six months of an 18-month prison sentence in January 1987 but was released from prison in April to serve the rest of her sentence under house arrest. She was released from house arrest in July. Amnesty International adopted her as a prisoner of conscience as it believed that those she helped could have been in danger of imprisonment as prisoners of conscience, torture or extrajudicial execution if returned to El Salvador (see Amnesty International Report 1987).

In November more than 2,000 Cuban nationals held in Atlanta Penitentiary and another Immigration and Naturalization Service (INS) facility in Louisiana rioted and seized hostages in protest at an agreement reached by the US Government with Cuba to return some 2,500 detainees to Cuba. The disturbances ended after the US Attorney General agreed to a moratorium on deportations pending a full review of each case. The Cuban detainees had arrived in the USA in 1980 as part of a mass evacuation from Cuba known as the "Mariel boatlift". They included some 300 people detained as excludable aliens since their arrival in the USA and others who, after their initial release on parole into the US community, had been redetained following parole violations.

In July Amnesty International wrote to

the US Attorney General expressing concern about the conditions under which the Cubans were held in Atlanta Penitentiary, which a 1986 congressional report had described as "brutal and inhumane". Amnesty International also expressed concern about the circumstances under which the Cubans were detained; many had been in INS custody for several years after having had their parole revoked for only minor offences or misdemeanours, without any review of their cases. Amnesty International said that, although it did not oppose the detention *per se* of excludable aliens, it believed that both the conditions and the circumstances under which the Cubans were being held might amount to cruel, inhuman or degrading treatment. It urged the authorities to take steps to review their cases with a view to paroling those found not to be a security risk. No reply was received.

Following the announcement of the agreement with Cuba to return the detainees, Amnesty International called on the US authorities to seek assurances from the Cuban Government that no Cuban nationals returned to Cuba would be imprisoned on account of their peacefully held political views.

Three women convicted of politically-motivated criminal offences were held in a High Security Unit (HSU) in Lexington prison, Kentucky, in conditions which could amount to cruel, inhuman or degrading treatment. The women (later joined by two other female prisoners) could associate together at certain times of the day but were isolated from all other inmates and subjected to a specially controlled environment which included 24-hour camera surveillance. They were not allowed to participate in the training, rehabilitative or recreation programs afforded other long-term prisoners; correspondence and visits were restricted; and they were strip-searched whenever they left the outdoor exercise yard, which they were permitted to use for one hour a day under constant supervision.

Amnesty International wrote in May to the Federal Bureau of Prisons about these conditions. It pointed to a 1979 study in which it had found that prisoners held in long-term small-group isolation in the Federal Republic of Germany suffered from pathological disorders caused by their conditions of confinement. Amnesty

International noted that the conditions in Lexington HSU had reportedly already begun to have a detrimental effect on one prisoner who complained of headaches and a loss of ability to concentrate. Amnesty International also expressed concern that confinement to the unit was based on general security considerations rather than the inmates' own behaviour and was apparently of indefinite duration (all the women in the unit were serving very long prison sentences).

The Federal Bureau of Prisons replied in June, stating that the women were treated humanely and that the unit was designed for inmates who may be subject to rescue attempts by outside groups. Amnesty International reiterated its concerns on 6 October. In a further letter in October the Bureau of Prisons said that some modifications to conditions in the unit had been made and that a new high security female prison under construction would allow for more flexible conditions.

In March Amnesty International made public a report on an investigation into allegations of ill-treatment made by inmates of Marion Penitentiary, Illinois. The report reviewed federal court hearings in 1985 which examined allegations that prisoners had been beaten by prison guards during the imposition of a "lock-down" in the prison in November 1983 (see *Amnesty International Report 1986* and *1987*). Amnesty International had found serious inadequacies in the measures taken to investigate the allegations and recommended that the authorities hold a full, independent and impartial inquiry.

In October the US Supreme Court refused to grant leave to appeal in the case of Leonard Peltier, a leading member of the American Indian Movement (AIM) convicted of murder in 1977. Leonard Peltier had sought a retrial on the grounds that important ballistics evidence had been withheld from the defence during his trial. Amnesty International had issued a statement in 1985 saying that it believed the interests of justice would best be served by granting him a new trial (see *Amnesty International Report 1986* and *1987*).

URUGUAY



Attempts to clarify the fate of people who "disappeared" when the country was under military rule were seriously limited by legislation introduced in late 1986.

The Ley de Caducidad de la Pretensión Punitiva del Estado, law on the punitive powers of the state, was enacted in December 1986. It prevented the prosecution of officials accused of responsibility for human rights violations during the period of military rule between 1973 and 1985, if these violations had been politically motivated or carried out on orders from a superior.

Under Article 3, the government was allowed 30 days to rule whether cases fell within the terms of the law and should thus be terminated. All judicial investigations into cases already before the courts were frozen to await the government's ruling. Such rulings, according to press reports, were given in at least six cases, at least two of which involved allegations of torture. It was decided that they each fell within the terms of the law and that court proceedings should be closed.

Article 4 of the law, concerning "disappeared" prisoners, required judges to submit to the government testimonies about "disappearances" which had already been presented to the courts. The government was then required to investigate each case and to notify the relatives of the "disappeared" person of the results of the investigation within 120 days. In May it became known that the authorities had assigned the responsibility for investigating "disappearance" cases to Colonel José Sambucetti, a military prosecutor.

He dealt with five cases in 1987: those of Omar Paita Cardozo, Fernando Miranda Pérez, Félix Sebastián Ortiz Piazoli, Eduardo Pérez and Amelia Sanjurjo Casal. However, their relatives, lawyers acting for them, and human rights organizations investigating the cases refused to cooperate. They argued that an investigation into human rights violations by the armed forces conducted by a military official on active service and subject to military discipline would not be sufficiently impartial and independent. They argued also that they had already given their evidence and that Colonel Sambucetti's main task should be to interview the police and military personnel allegedly responsible for the "disappearances", as this had not yet been done.

In all five cases, the military prosecutor concluded that there was no clear evidence that the "disappeared" had ever been detained. Fernando Miranda Pérez "disappeared" after two men in civilian clothes who had earlier identified themselves as members of the Fuerzas Conjuntas, Combined Forces, took him from his home on 30 November 1975. In his case, Colonel Sambucetti suggested that criminals posing as security force personnel might have been responsible. However, he offered no evidence in support of this assertion.

Eduardo Pérez "disappeared" after being arrested in May 1974. Colonel Sambucetti interviewed José Nino Gavazzo Pereira, a retired colonel who had served in the First Artillery unit in whose custody Eduardo Pérez was alleged to have died. Colonel Gavazzo had previously been accused of having participated in the abduction and torture in Argentina of "disappeared" Uruguayans. He had been summoned to appear before a civilian magistrate in August 1985 but the armed forces blocked the proceedings, claiming that the case fell under the jurisdiction of a military court. When interviewed by Colonel Sambucetti, Colonel Gavazzo confirmed that he had been involved in anti-subversive activities but said he had been acting under orders and was not able to reveal any information about the operations. He denied involvement in human rights violations.

Colonel Sambucetti's finding that military and police personnel were not responsible for the "disappearance" of

Eduardo Pérez appeared to conflict with the position taken by the President's office which ruled under Article 3 that the case should be closed, as it fell within the terms of the new law. Given these circumstances, there appeared to be no further legal steps the family of Eduardo Pérez could take to find out what had happened to him.

At the end of 1987, opponents of the new law claimed that they had collected enough signatures – more than 525,000 in all, representing a quarter of the electorate – to have it put to referendum.

Amnesty International wrote to President Julio María Sanguinetti in January to seek details of the new law, and expressed concern that it might impede inquiries into "disappearances" and contribute to a sense of impunity on the part of those responsible for human rights violations. In his reply, President Sanguinetti said that the greatest need was to administer justice in such a way as to achieve social peace and reconciliation. Amnesty International wrote to the President again in August underlining the need for governments to do all in their power to ensure that full and impartial investigations are carried out into abuses committed under previous governments. It expressed concern that the impartiality of the procedures to investigate "disappearances" had been questioned by relatives of the "disappeared" and local human rights organizations, and urged that further steps be taken to clarify these cases. In October an Amnesty International mission met President Sanguinetti and discussed these concerns.

VENEZUELA

Many people were arrested in connection with anti-government demonstrations; most were released but several were sent for trial before military tribunals. Other long-standing political prisoners remained on trial before military tribunals whose procedures were extremely protracted. There were new reports of killings by police in circumstances that strongly suggested they were extrajudicial executions. One military cadet died, apparently as a result of torture.

There was continued debate within the government and the press about a crisis



within the administration of justice and the prison system, undermining the rights to fair trial within a reasonable time and to humane treatment in prison.

Demonstrations and violent disturbances broke out in April and November, when students and others protested against government policies at a time of increasing economic difficulties. On both occasions the protests were sparked off by the deaths of students, the first when a student was killed by a private citizen in March, and the second after another student died in police custody in November. The demonstrations resulted in violence and at least three people were shot dead by police. Many people were injured, especially during the wave of protests from April to July. Among them were demonstrators who suffered multiple buckshot wounds when police opened fire on them at close range. The government said that the protests were part of a subversive plan, but there appeared to be little evidence to support this claim.

Hundreds of people were arrested between April and July, including demonstrators and others who were taken from their homes by police as alleged instigators of the protests. Police were said to have used unnecessary violence during raids on suspects' homes and sometimes to have taken relatives when the wanted person could not be found. Witnesses reported that some members of the police squads conducting raids were hooded and that in some cases they did not show legal warrants. Many of those held reported being denied contact with relatives, despite an express prohibition of incommunicado detention in Venezuelan law.

All but 34 of those detained as a result of the mid-year protests were released unconditionally within a few weeks. The authorities publicly accused the 34 of involvement with the guerrilla group *Bandera Roja*, Red Flag, which conducted armed activities in Venezuela in the 1960s and 1970s, and said that they would stand trial before military tribunals. The 34 included trade unionists, students, community leaders and people who had been charged with politically-motivated crimes years before but then released. Seventeen were freed after several more weeks. The remainder were formally indicted and sent for trial under the provisions in the Military Penal Code dealing with "military rebellion". Charges against eight were dropped in July following widespread student protests, and another four were released later. The eight remaining prisoners were still awaiting trial at the end of 1987.

Fifteen other people also remained in custody charged with "military rebellion". They had all been arrested between 1978 and 1984. Their trials were marked by particularly slow proceedings and allegations that the military tribunals were not impartial. Eder de Dios Puerta Aponte was acquitted in September, five years after his arrest, but he was still in prison at the end of the year awaiting confirmation of the verdict by the military court of second instance. Two other prisoners were convicted and sentenced to 16 years' imprisonment at the same trial. In a separate case, two defendants were convicted in December and received 16-year sentences, over six years after their arrests.

Allegations persisted that people held in connection with anti-government protests were detained arbitrarily and ill-treated by police. The lack of effective safeguards for detainees included inadequate *habeas corpus* provisions. According to the courts' interpretation of these provisions, *habeas corpus* is not applicable until eight days after detention. Although a new law on *amparo* – a remedy intended to protect constitutional rights – was introduced in Parliament in December, the proposal did not modify the existing practice concerning *habeas corpus*.

The Law of Vagrants and Crooks was used to send hundreds of individuals believed by police to be dangerous to society, but against whom there was no evidence of involvement in punishable offences, to

"work colonies" in the southern jungle for periods of up to five years. The procedure does not allow access to the courts and there is no right to legal defence. This was used against a journalist known for his reporting of corruption in Bolívar state. Víctor González had been arrested in November 1986 and ordered to spend three years in work colonies. In January 1987, following representations from his lawyers and international journalists' organizations, the order was changed to confinement to the town of Tumeremo in Bolívar state. Other journalists were reported to have received death threats, been assaulted by people associated with local government leaders, or been threatened with imprisonment.

There were new reports of police killings of civilians, particularly in the barrios or poor urban neighbourhoods, where evidence suggested that the killings were unprovoked and deliberate. For example, Martín Soto Mijares was shot in the back and killed on 23 April by police. Witnesses said the police had tried to plant a weapon on him to simulate an armed confrontation. Elías Avila Bogado, aged 18, was shot and injured on 21 November in unclear circumstances. He was later removed from hospital by police officers, despite objections from doctors who were preparing to treat him. He was found dead the next morning on the outskirts of Caracas.

A 16-year-old cadet at a military training school, José Luis Palomares, died in hospital on 19 September, reportedly as a consequence of torture inflicted on him at the school. He had apparently been captured trying to escape from the establishment. Before he died, he told relatives that he had been tortured and said he had been threatened with reprisals if he named his attackers. Another youth was reportedly suffering from serious psychiatric and physical disorders as a result of ill-treatment at the same establishment.

Most investigations into alleged excesses by the police, including killings, continued to make little progress. For example, the number of official investigations initiated into police killings averaged 200 per year between 1981 and 1984. However, in only a few of the cases were formal criminal proceedings completed. In April 1987 relatives of victims in the state of Carabobo publicly denounced state attorneys and judges who, they claimed, had

acted "dishonestly and negligently" in the investigation of 24 cases of suspected unlawful killing by police officers between 1983 and 1986.

Amnesty International wrote to President Jaime Lusinchi on 17 March to raise its concerns about protracted proceedings in trials of political prisoners by military courts, the application of the Law of Vagrants and Crooks, ill-treatment in prisons and in police stations and the pattern of killings and "Disappearances" of alleged criminal suspects. During the year it also raised a number of individual cases with the Attorney General's office, which is in charge of investigating complaints of human rights violations.

In December Amnesty International sent a mission to Venezuela to discuss these concerns with the government. The delegation found that there was active concern within certain official bodies about human rights issues arising from the problems within the administration of justice and prison system. However, the delegates urged that more governmental attention should be given to other areas of concern such as safeguards for police suspects, better access to legal defence and more effective remedies for victims of police abuse.





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AFGHANISTAN



More than 7,000 political prisoners were said by the government to have been released by the end of July, following the announcement of a general amnesty in January. Despite the amnesty, some political prisoners sentenced after trials which did not conform to international standards remained in prison. New reports of torture and ill-treatment of prisoners were received, although on a lesser scale than in previous years. The government failed to take any action to clarify the fate of those who "disappeared" in detention following the April 1978 revolution. The death penalty continued to be used but the government stopped announcing the imposition of most death sentences and executions. There were also new reports of extrajudicial executions by Soviet troops and Afghan security forces.

On 1 January Dr Najib (who later became Afghanistan's President and reverted to his former name of Najibullah), the General Secretary of the ruling People's Democratic Party of Afghanistan (PDPA), announced a policy of national reconciliation which was backed by the Soviet Union. He said the policy would be based on six principles including an amnesty, a six-month cease-fire and an end to the war. However, the reconciliation policy was rejected by all sections of the armed opposition who perceived it as an attempt to persuade them to disarm while Soviet forces remained in Afghanistan. As a result, fighting intensified during the year, particularly in the north and in the south-eastern province of Kandahar, giving rise to many civilian as well as military casualties. One authoritative source estimated that there were over 14,000 civilian casual-

ties between the end of 1986 and September 1987. The flow of refugees into Pakistan continued. The number of Afghan refugees in Pakistan and Iran was estimated to be over five million, the largest refugee group in the world.

Information about human rights violations continued to be difficult to obtain and corroborate as a result of the war and social dislocation, but there was some relaxation in the government's stance towards human rights investigators. For example, Professor Felix Ermacora, the Special Rapporteur appointed by the United Nations in 1984 to examine human rights in Afghanistan, was allowed to visit Afghanistan for the first time in July-August 1987. However, the government did not respond to Amnesty International's repeated requests for information.

In April Afghanistan ratified the UN Convention against Torture.

Amnesty International continued to receive reports of torture and executions of Soviet and Afghan soldiers and of supporters of the government by opposition groups. Amnesty International condemns the torture or killing of prisoners under any circumstances, whether by government or non-government forces.

The general amnesty decreed on 25 January led to the release of 5,000 political prisoners by the end of April and a further 2,000 by the end of July, according to the authorities. The number of releases could not be independently confirmed. Many who were "released" were taken straight into military service.

Four known prisoners of conscience, all former academics at Kabul University, were released. Professor Hasan Kakar was released on 2 March and the others – Professor Habiburahman Halah, Dr Shukrullah Kohgadai and Dr Osman Rustar – were released in the following months. They were said by a senior official of Kabul University to have been restored to their former posts. Five other prisoners who were believed to be possible prisoners of conscience were also released, but some 30 others, all members of the Afghan Mellat, the Afghan Social Democratic Party, were still believed held at the end of 1987.

The government did not respond to repeated requests for information about the fate of people, including children, who "disappeared" after being detained, particularly between 1978 and 1982. One of the

cases being investigated is that of Shams Rahman, who "disappeared" at the age of 15.

A pattern of torture and ill-treatment of prisoners in Afghan security police interrogation centres, in prisons and at military posts continued, but appeared to be on a lesser scale than in previous years. At least four new cases of torture occurred between January and June 1987 in Bamian, Faryab, Ghazni and Kabul provinces. One prisoner was held in Ghazni in May 1987, and was alleged to have been given electric shocks with wires attached to his ears, tongue, fingers and toes while detained by the security police. Another prisoner was kicked in the chest and beaten so severely at Pul-e-Charkhi Prison, Kabul, that he was still coughing up blood when interviewed by Amnesty International in November 1987. Subsequently, both prisoners were released and sought refuge in Pakistan, where they both required psychiatric counselling as a result of their treatment in detention. In a speech before the UN Commission on Human Rights in February, Amnesty International described the systematic torture and ill-treatment of prisoners in 1986 and earlier.

There were a number of allegations of extrajudicial executions of Afghan civilians by Soviet and Afghan troops. For example, 17 civilians, all males aged from 14 to 60, were alleged to have been killed in August by government troops at Mushwani village in the Saraikhoja district (also known as Mir Bacha Kot district) of Kabul province. They were said to have been killed with grenades after which their bodies were dumped in a well, apparently in reprisal for the killing of some government troops by guerrillas in an earlier incident near the village.

In another case, an eye-witness reported that 14 people, including two women and a child, were killed on 16 November 1986 when Soviet troops attacked a bus travelling along a road in Fakiran sub-district, about five kilometres from the town of Zargonshahr in Paktika province. In all, 35 people were said to be in the vehicle when it was attacked. There had apparently been no recent fighting in the area but Soviet forces had been discouraging movement as it is close to the Pakistan border.

Amnesty International sent a telex to Dr Najibullah on 21 January to welcome the

announcement of the amnesty for political prisoners and to ask for a list of all prisoners who were to benefit from the amnesty. In February Amnesty International gave the Afghan authorities details of the 35 political prisoners belonging to the Afghan Mellat and of Dr Mohammad Younis Akbari, a nuclear physicist under sentence of death since 1984. It asked whether these prisoners were to benefit from the amnesty declared under the national reconciliation policy. On 15 May, Amnesty International wrote to the Chairman of the Supreme Commission for National Reconciliation, asking him to confirm Professor Kakar's release and asking him whether the other three prisoners of conscience, the 35 political prisoners of concern to Amnesty International and Dr Akbari would benefit under the amnesty. There was no response.

In September the organization wrote to the government inquiring about the health of a blind woman prisoner. In this, as in all other cases, the government failed to respond to Amnesty International's requests for basic information about prisoners.

AUSTRALIA



At least 17 deaths in custody of aborigines were reported during 1987. The high incidence of deaths in custody of aborigines and Torres Strait Islanders since 1980 resulted in the appointment of a Royal Commission of Inquiry.

Prime Minister Bob Hawke announced in August the establishment of a Royal Commission of Inquiry to investigate the incidence of deaths in custody of aborigines and Torres Strait Islanders, which have been disproportionately high this decade in relation to the rest of the population. In most cases coroners have attributed the deaths of individual aboriginal prisoners

to natural causes or suicide. Many deceased prisoners' families, however, have questioned the impartiality and thoroughness of official inquests and investigations and suggested that some deaths might have been the result of ill-treatment.

The Royal Commission, which was headed by a Federal Court judge, began its hearings in November and said it would investigate at least 64 deaths in custody since 1980, 17 of them between the beginning of 1987 and mid-November.

Amnesty International wrote to the Prime Minister in August to welcome the establishment of the Royal Commission. The government replied in September, saying that ministers for justice in the Australian states were considering a draft code of procedures to prevent further deaths of aboriginal prisoners.

BANGLADESH



Thousands of people, including hundreds of prisoners of conscience, were detained in connection with a series of strikes and demonstrations organized by opposition political parties. Some non-combatant villagers in the Chittagong Hill Tracts, an area where there is armed opposition to the government, were reported to have been extrajudicially executed by security forces early in 1987, but reports of such incidents were far fewer than in 1986. Allegations that criminal suspects were tortured in custody persisted. Legislative provision for the death penalty was extended and at least 11 people were sentenced to death and an unknown number executed.

A state of emergency was proclaimed on 27 November during protests by parliamentary and extra-parliamentary

opposition parties calling for the resignation of President Hossain Mohammad Ershad and his government. The Special Powers Act (SPA) of 1974 was widely used to detain supporters of the opposition without formal charge or trial. President Ershad dissolved Parliament on 6 December and general elections were scheduled for 1988.

A new wave of opposition to the government emerged in July, when a bill was passed in Parliament enabling military personnel to be involved in rural administration. A 54-hour protest general strike starting on 22 July was called by the major opposition party in Parliament, the Awami League (AL), and seven other parties allied with the AL, a seven-party alliance led by the Bangladesh Nationalist Party (BNP), and a third alliance of five left-wing parties.

Dozens of opposition party members involved in organizing the strike were arrested in the days preceding 22 July and placed in preventive detention. They included Motia Chowdhury of the AL, and Mohiuddin Ahmed and Abdur Razzak, President and Secretary General respectively of the Bangladesh Krishak Sramik Awami League (BAKSAL). Further arrests occurred during the general strike and during demonstrations, when at least 10 people were reported to have been shot dead by police. Some people were arrested after the end of the strike, including Nirmal Sen and Mainuddin Khan Badal, two leaders of the alliance of five left-wing parties, who were arrested on 26 July. Kazi Arif Ahmed and Sharif Nurul Ambia, leaders of a faction of the Jatiya Samajtantrik Dal (JSD), the National Socialist Party, which belongs to the five-party alliance, were also detained a few days later.

Many of those arrested were detained for relatively short periods. On 26 July, 167 people were released in Dhaka, the capital. Motia Chowdhury, Mohiuddin Ahmed and Abdur Razzak were freed on 3 August, when 303 prisoners, including an unspecified number of prisoners held in administrative detention, were released on the Muslim holiday of Eid-ul-Azha. However, Nirmal Sen, Mainuddin Khan Badal, Kazi Arif Ahmed and Sharif Nurul Ambia were still in detention at the end of the year. They were held under Section 3 of the SPA.

The SPA empowers local authorities to detain without formal charge or trial for

up to 30 days anyone alleged to have committed a "prejudicial act" likely or intended "to endanger public safety or the maintenance of public order". However, detention orders under the SPA may be renewed indefinitely if approved by the Ministry of Home Affairs.

In mid-September the three main opposition alliances, as well as the Jamaat-e-Islami, Party of Islam, announced a succession of rallies and meetings culminating in a "siege of Dhaka" on 10 November, when mass processions would converge on the capital. On 17 October police arrested retired army Brigadier Hanan Shah, a national leader of the BNP. More leaders and members of opposition parties were arrested in late October, following a 48-hour strike called by the trade union federation, Sramik Karmachari Oikya Parishad (SKOP), to press workers' demands. During the night of 25/26 October dozens of people were arrested under one-month detention orders under the SPA, including two AL members of Parliament, Rashed Mosharraf and A.K.M. Feroze. Mass arrests occurred across the country throughout the remainder of October and early November. Some demonstrators were arrested during violent clashes with law enforcement officers, but many were detained solely because of their involvement in peaceful political protests.

On 8 November the Dhaka Police Commissioner imposed a ban on gatherings of more than five people in an attempt to prevent the opposition protests planned for two days later. However, the processions went ahead on 10 November. There were clashes between police and demonstrators which resulted in several deaths – three according to the authorities, more than 10 according to the opposition. Begum Khaleda Zia and Sheikh Hasina Wajed, leaders of the BNP and AL respectively, were put under house arrest the following day. Other government opponents were also arrested and served with detention orders under the SPA, including Shamsul Huq Chowdhury, President of the Supreme Court Bar Association. There were further strikes and processions during the rest of November, and continuing arrests and detentions.

On 1 December the Minister of Home Affairs announced that 4,832 people had been taken into custody over the previous

two months, half of whom had been arrested under the SPA. One of those detained under the SPA was Ataus Samad, a journalist working for the British Broadcasting Corporation. Police officials said he was arrested because of government concern about his reporting of the opposition's protests, although he was not formally notified at the time of his arrest of the grounds for his detention. He was released on 8 December.

From the end of November there were phased releases of detainees. Four senior political leaders were released on 30 November and five more a few days later. Sheikh Hasina, Begum Zia and 17 others were freed on 10 December and a further 341 people held under the SPA were freed on 16 December, a national holiday. It was not clear whether all those freed on 16 December had been detained in connection with the recent opposition protests. Despite these releases, many hundreds of government opponents were still detained throughout the country at the end of 1987, including Shamsul Huq Chowdhury, retired Brigadier Hanan Shah, Rashed Mosharraf and A.K.M. Feroze.

In the Chittagong Hill Tracts, killings of law enforcement personnel and others by the armed tribal opposition the Shanti Bahini (Peace Forces), continued. In late 1986 and the opening weeks of 1987 there were renewed reports of human rights violations there in the course of intensive security force operations in the northern districts. For the remainder of the year, however, there were markedly fewer of these reports than during the preceding 12 months.

According to reports received early in the year, some 40 members of the security forces, accompanied by non-tribal civilians, surrounded a tribal village on 29 December 1986 and set fire to the huts of tribal people. Several women from Bouripara village, in Panchari sub-district, were reportedly raped by non-tribal men while the security forces looked on, and two of the tribal men were alleged to have been killed. Some others were reported to have been beaten and two to have been hung upside down from a tree where burning wood was producing a choking smoke. One woman related that she witnessed her husband's death: she said he was beaten and then stabbed by a member of the security forces.

The conflict in the Chittagong Hill Tracts resulted in thousands of tribal villagers crossing into India in 1986 and early 1987. By mid-February, Indian officials were estimating their number at some 40,000 and the Bangladesh Government at approximately 25,000. The two governments discussed procedures for their formal repatriation but without result by the end of the year, although a small number of tribal villagers were reported by the Bangladesh news media to have returned voluntarily.

National newspapers reported several deaths in custody of criminal suspects, allegedly as a result of torture. As in previous years, when such incidents gained public attention, the authorities announced that they had established investigations either by police officials or by a magistrate. However, information on the findings of the investigations and action taken after them was not made publicly available. A number of cases brought against the police by relatives of people who had died in police custody were understood to be waiting to be heard by the courts.

In January the Council of Ministers announced that the SPA, which provides for trials by special tribunals for certain offences, would be amended to introduce the death penalty for smuggling. Following increasingly frequent bomb explosions, in May the Explosive Substance Act of 1908 and the Explosives Act of 1884 were also amended to provide the death penalty as the maximum punishment for causing an explosion likely to endanger life.

At least 11 people were sentenced to death during the year. All were convicted of murder. The number of executions was not known. In July the Minister of Home Affairs announced in Parliament that 25 people had been hanged in 1986 and 11 in 1985, a considerable increase over the previous two years.

Amnesty International wrote to the Bangladesh Government on a number of occasions, and following the arrests in July, October and November called for the release of those arrested on account of their non-violent political activities, expressing concern at the widespread use of administrative detention provisions. Amnesty International appealed for the commutation of all death sentences and expressed

regret at the increased number of executions in 1986.

Amnesty International took up with the government human rights violations in the Chittagong Hill Tracts and asked whether they had been the subject of official investigation. In September Amnesty International made statements on these violations to the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities. Before the end of the year, the government agreed that an Amnesty International delegation should visit Bangladesh in 1988 to discuss human rights in the Chittagong Hill Tracts with relevant ministers and officials.

BRUNEI DARUSSALAM



Some 20 political prisoners were believed to be held in detention without trial throughout 1987 under emergency legislation in force since 1962, accused of involvement in a rebellion against the Sultan of Brunei led by the *Partai Rakyat Brunei* (PRB), Brunei People's Party. They are believed to be held not for their role in the 1962 rebellion but as a general deterrent to political activity. Among them were five prisoners of conscience who spent their 25th year in detention without having been convicted of any crime.

Since Brunei Darussalam became independent in January 1984 at least 30 previously unacknowledged political detainees have been released, most of whom had been held without trial under Emergency Orders since the mid-1970s.

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Among the seven released in 1987 was Awang Mohamad Noor bin Nasir, who had been arrested in 1978 for alleged "subversive activities", including distributing leaflets on behalf of the outlawed PRB. Also released was Awang Idris Yaakub, a Malaysian who had spent 13 years in detention without trial for alleged subversion.

The leaders of one of only two registered political parties in the sultanate, the Brunei National Democratic Party (BNDP) reiterated their call on the Sultan (who is also the country's Prime Minister and Minister of Defence) to lift the emergency laws, and to restore the provisions of the 1959 Constitution providing for general elections.

Throughout the year Amnesty International continued to call for the release of the five prisoners of conscience in Brunei Darussalam and to express concern about the use of long-term detention without trial. No information was made public by the authorities about any political prisoners during 1987, but it was believed that at least 20 were being held at the sultanate's main place of detention in Jerudong. Most of the prisoners of conscience were in their late 50s or older and were reported to have been allowed regular family visits in recent years. No response was received to any of the organization's appeals and inquiries.

In May Amnesty International submitted information about the imprisonment of prisoners of conscience and detention without trial in Brunei Darussalam to the United Nations under its procedure for confidentially reviewing communications about human rights violations.



Karen, Kachin, Mon, Kayah and Shan States. There were also continuing allegations of torture and arbitrary or unfair imprisonment of Burmese Muslims from the Rakhine State. Several unfair political trials were reported, as were a number of arrests on political grounds.

Several insurgent organizations advocating greater autonomy for minorities continued to attack military and civilian targets, despite army operations against them since 1984 which have precipitated a flow of 15,000 to 17,000 refugees into neighbouring Thailand.

Because the Burmese Government severely restricts access to the country, most information about human rights violations was obtained from refugees and related primarily to conditions in Karen State. According to eye-witnesses, Burmese troops shot and killed farmers suspected of association with insurgent activities. In some cases these suspicions were apparently based on the quantity of rice or money found in the victims' houses, their presence outside their villages, or their manner of dress. For example, Maung-Ngwe Khay, a 22-year-old student, was reportedly shot dead in his brother's fields near Naw Kwar village in January, apparently because troops thought his clothes and hairstyle resembled those of insurgent military leaders.

Other first-hand accounts described summary executions and beatings of Karen people taken by army units to serve as porters or guides. Some were apparently conscripted at random, while others were taken because they were suspected of opposition sympathies or of being critical of the Burmese army or government. A. Jain, a farmer in his thirties, was reportedly shot dead in September by soldiers in Ya Pu village when they recognized him as a

BURMA

New evidence emerged that extrajudicial executions, torture and the arbitrary arrest and detention of prisoners of conscience and other political prisoners were commonplace in several parts of Burma. Residents of these areas are primarily members of ethnic minorities. Available reports suggested that most serious human rights violations were committed by Burmese troops during military operations against insurgent armies in the

porter who had run away after he became so ill that he could no longer carry his assigned load.

Torture of political prisoners, sometimes resulting in death, was reportedly widespread. Victims included those held in both temporary detention and prolonged incommunicado detention without charge or trial. Former detainees interviewed by Amnesty International described torture in military or police custody to extract "confessions" or information about alleged accomplices, or to punish them for suspected political offences. Sustained beatings or kickings were most often described. Electric shocks, near-drowning, burning with cheroots (Burmeese cigars) and infliction of severe pain with rough bamboo or wrought-iron bars were also alleged. Some detainees were reportedly held in pits shaped like inverted cones within army field prisons, each pit widening at the bottom to hold several prisoners under conditions of severe psychological and physical stress.

In September military interrogators at Pwa Gaw army base allegedly tortured and executed two people, Myaw Myaw and Maung Than Myint, and beat to death a third, Thi Lwin. The army had detained them and 15 other Karen people without charge on suspicion of aiding the Karen National Union, an insurgent group. The other prisoners, including two Buddhist monks and two women, were also said to have been severely abused during interrogation and held in underground pits.

Information was received about a number of political trials which appeared to be unfair, either because statements obtained by torture or under duress were accepted as evidence or because the courts were subjected to improper military interference or pressure. For example, Menh Tun Ya, a Mon pharmacist, was brought to trial in July. He had reportedly been arrested in June and accused of insurgency, and had allegedly been tortured by interrogators of Army Battalion 31.

A number of politically-motivated arrests were reported. Some 200 military officers were detained in February and March for alleged criticism of government economic policies. Twenty to 30 other people were reportedly arrested in August and accused of spreading news that the government intended to withdraw several high-value banknotes from circulation.

The government withdrew the notes on 5 September amid suggestions that they served as the financial base of several opposition groups. Dozens of additional arrests were reportedly carried out after students and merchants demonstrated in Rangoon and other cities immediately following the 5 September note withdrawal, which reduced the savings of many citizens. Most detainees were said to have been released by mid-October. One university student detained in connection with a violent riot in Mandalay on 18 September, a Chin named Peter, allegedly died from ill-treatment in police custody.

On 15 June Amnesty International wrote to President U San Yu about the many allegations that members of ethnic minorities had been subjected to torture and political killings. The organization submitted a number of recommendations on investigating alleged abuses and ensuring their prevention.

Amnesty International also raised the cases of 34 Muslims of Bengali origin believed to have been held for up to 31 years on suspicion of being illegal immigrants. Amnesty International was concerned that they might be imprisoned because of their ethnic origin and religion. The detainees included Noor Jahan, imprisoned at the age of one with her mother and held for 30 years.

In November and December Amnesty International launched appeals to the central government and leading civilian and military officials in Karen, Mon and Kachin States on behalf of several political prisoners reportedly tortured or ill-treated during detention without charge and, in two cases, sentenced to death after they were finally brought to trial.

CHINA

Several hundred people, including prisoners of conscience, were arrested after street protests or for unapproved religious activities. Some of those arrested were detained for short periods, while others were charged and remained in detention. New information came to light about other long-term prisoners of conscience. The use of torture by police was reported from various parts of the coun-



try, despite official efforts to expose and halt such abuses. The death penalty continued to be used extensively. Although no official statistics were published, over 200 death sentences were reported, including 132 cases where execution was carried out shortly after sentencing.

Early in 1987 the official Chinese press reported that the country's policy on human rights had been revised so that China could participate "more actively and spontaneously" in the international human rights movement. Discussions began about legal and structural reforms due to be introduced over the next five years, some of which might provide remedies against abuse of power by officials, including human rights violations. However, it remained unclear whether the projected reforms would result in fundamental changes in the treatment of prisoners.

An official campaign against "bourgeois liberalization" was also launched in early 1987, after students held demonstrations in favour of greater democracy and freedom. Academics, journalists and others were dismissed from their jobs and some members of the Chinese Communist Party (CCP) were removed from their posts. Hu Yaobang, General Secretary of the CCP Central Committee, resigned in January for making "mistakes on major issues of political principle".

No prominent intellectuals or CCP members were reported to have been arrested, but by February, 20 people, mostly described as workers, were said by the authorities to have been detained in connection with the student demonstrations. Some were released after relatively short periods but at least 15 people were charged with offences ranging from "creating disturbances" and "damaging property" to "counter-revolutionary"

activities. Some were later tried and sentenced. Liu De, a journalist from Sichuan province, was officially reported in February to have been sentenced to seven years' imprisonment on "counter-revolutionary" charges for criticizing official policies during a speech. He was the first person reported to have been sentenced to imprisonment for his political opinions since the start of the campaign against "bourgeois liberalization".

In another case, Yang Wei, a Shanghai student, was sentenced in December to two years' imprisonment for "spreading counter-revolutionary propaganda". He was alleged to have put up "reactionary slogans" and to have written to students in Beijing and Guangzhou urging them to join in the January protests. He had been arrested in January and reportedly held incommunicado until his trial on 21 December, which was officially stated to have been held in "open court". Unofficial sources, however, claimed that entry to the trial was severely limited and that foreign journalists and diplomats were not permitted to attend.

Members of various Protestant groups were reported to have been arrested in some 10 provinces during 1987. Most were held for relatively short periods varying from a few days to three months, but some remained in custody. Some are reported to have been assigned to "re-education through labour", an administrative punishment which involves long-term detention without charge or trial. Most of those arrested belonged to "house churches", meeting places where Christians gather to worship. Several house churches were reportedly closed down in certain areas.

Those detained on account of their religious beliefs included six leaders of a denomination known as the "Jesus family" who were arrested in April in Jiangsu province and 72 Christians who were arrested in early 1987 in northern Hebei province. Most are reported to have been released after relatively short periods. In August some 40 Christians were arrested while attending a religious meeting in Shanxi province: some of them were reportedly ill-treated by police to extract "confessions".

Several hundred people were detained in Lasa, the capital of the Tibet Autonomous Region, after three public demon-

strations and a riot in late September and early October. The demonstrations were led by Tibetan monks carrying flags and calling for Tibet's independence. The demonstrations were reportedly peaceful, but a riot broke out on 1 October after police arrested a group of demonstrators and beat them publicly. A crowd gathered around a police station where the demonstrators had been taken, threw stones and set the police station on fire. According to eye-witnesses, the police then opened fire, killing a number of people, including children and some monks. Chinese officials later denied that the police had opened fire, claiming that rioters had seized police weapons and fired on other people.

No official information was made public about the number of people detained during the protests or about the charges against them. Unofficial sources, however, suggested that between 300 and 600 Tibetans were arrested during October, including participants in the 1 October riot and others held after demonstrating peacefully. Some were released after a few days, but many were still in custody at the end of the year, apparently held incommunicado. Some were reported to have been tortured in detention.

Unofficial sources reported in late 1987 that two prisoners of conscience had died in prison, but the authorities denied this. One was Wei Jingsheng (see Amnesty International Report 1987), who was said in November to have died after several years' illness while serving a 15-year prison sentence imposed in 1979 for "counter-revolutionary" offences. His death reportedly resulted from poor prison conditions and inadequate medical care. A Ministry of Justice official denied that he had died, but failed to provide details of his health or whereabouts.

Geshe Lobsang Wangchuk, a 74-year-old Tibetan lama imprisoned for advocating Tibetan independence (see Amnesty International Report 1987), was also said to have died in prison on 4 November in unknown circumstances. He was reportedly ill-treated in detention on several occasions. His death was denied by the Foreign Affairs Office of the Tibet Autonomous Region but, according to Tibetan exile sources, his body was given to relatives for burial in early November.

New information also came to light about other prisoners of conscience. Xu

Wenli (see Amnesty International Report 1987) was reported to have returned to a normal prison regime after spending several months in solitary confinement in a strict regime cell in 1986. Liu Shanqing, a Hong Kong resident serving a 10-year prison term for his association with members of the "democracy movement", was reported in late 1987 to have been placed in solitary confinement. He was also required to undergo "re-education". The reasons for this change of regime were not known.

Several prisoners of conscience were released during the year, some before the end of their sentence. They included Lu Lin, the editor of an unofficial journal who had been imprisoned in Beijing since 1981, and Wang Chuhua, a Roman Catholic priest imprisoned since the 1950s who was released in November. Guo Fude, another Roman Catholic priest, was released after serving only part of his seven-year sentence.

The use of torture is prohibited by law. Despite an official drive which began in 1985 to publicize torture and punish responsible officials, cases of torture by police were reported from various parts of China. In April the Chief Procurator indicated that investigating and redressing cases of torture remained a priority. He stated that the procuracies had handled more than 32,000 "legal-disciplinary" cases in the previous year, most of which involved "extortion of confessions by torture, illegal detention and imprisonment, illegal search, the bending of law for personal gain and major accidents due to negligence". Another Chinese official stated in September that the number of human rights abuses, including the use of torture by the police and illegal detention, had increased by 13 per cent during the first half of 1987 compared with the same period in 1986.

The official press continued to publicize cases in which police or other officials were found guilty of torture. Some of those convicted, however, received sentences which appeared to be light for serious acts of torture. The official press also suggested that some torture allegations were not investigated, and that some of those responsible for torture were not punished, due to their links to local CCP leaders.

According to unofficial sources, people arrested for their Protestant beliefs were tortured by police to extract "confessions".

Some were allegedly beaten severely, had needles inserted under their fingernails and were subjected to the "flying aeroplane" – that is, made to stand, bent forward at a 90 degree angle, with their arms spread out sideways. Some were allegedly made to kneel on sharp stones, and others to kneel with stones placed behind their knees in a "cage" too small to allow them to stand up.

Some of those arrested as a result of the protests in Tibet were also reportedly beaten and ill-treated. They included a group of about 70 or 80 young monks and lay people arrested during a demonstration on 6 October. Eye-witnesses said that at the time of their arrest they were repeatedly beaten by police with rifle butts and wooden truncheons, kicked and struck in the face with leather belts. As a result, some apparently sustained head wounds, broken ribs and other injuries. Others were allegedly tortured in detention. Some prisoners were forced to stand for long periods bent forward at 90 degrees with heavy weights around their necks, assaulted with electric shock batons or beaten with iron rods.

The death penalty continued to be used for a wide range of offences. During 1987 Amnesty International documented over 200 death sentences, of which 132 were carried out shortly after sentencing. These figures were believed to represent only a fraction of the total number of death sentences and executions throughout the country. Among those executed were people convicted of drug-smuggling, corruption, producing and selling poisonous alcohol, robbery, theft, swindling, murder, rape, embezzlement, running a brothel and showing pornographic films.

Mass sentencing rallies attended by thousands of people continued. In November an official from the Supreme People's Court was quoted as saying that local authorities had exceeded their authority by parading condemned criminals at mass rallies. He reportedly said that a rally in Beijing stadium in August 1983 was a mistake made by over-zealous police, who had since been warned not to repeat such spectacles. However, 10 people were executed in July in Beijing after being paraded in front of 18,000 people in a stadium. In September two men sentenced in Lasa were brought before a rally attended by 15,000 people, before being executed.

During 1987 Amnesty International asked the authorities on several occasions about people arrested for political reasons and urged the release of all prisoners of conscience. Amnesty International sought assurances that prisoners would not be ill-treated and urged impartial investigations of all torture allegations. It also sought the commutation of all death sentences reported.

In March Amnesty International submitted a memorandum to the government which acknowledged recent government efforts to halt the use of torture, but noted the absence of adequate legal safeguards against torture or ill-treatment of prisoners. It proposed several measures to prevent torture, including the introduction of limits on incommunicado detention, safeguards during interrogation, and a review of administrative detention. The government did not respond to the memorandum, which subsequently formed the basis of a report entitled *China, Torture and Ill-treatment of Prisoners*, published in September. Responding to that report, a Foreign Ministry spokesman was reported to have accused Amnesty International of being prejudiced against China, but also said "it was inevitable that human rights abuses would occur while China was still developing its legal system in order to put an end to such practices."

Amnesty International also expressed concern about torture in China in a speech to the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities in August. It suggested that torture was partly the result of insufficient legal safeguards for detainees' rights in Chinese law, but this was contested by a Chinese Government representative. She acknowledged, however, that there were "individual incidents" of violations of detainees' rights.

FIJI

Two military coups on 14 May and 25 September resulted in hundreds of arrests of prisoners of conscience, among them trade unionists, politicians and journalists. All were released after periods ranging from a few hours to a week; some were ill-treated while in custody.



Elections on 12 April led to the unexpected victory of a coalition led by Dr Timoci Bavadra, who became Prime Minister, over the Alliance Party which had ruled Fiji since independence. Ethnic violence broke out as some indigenous Fijians who supported the Alliance protested against the prominence of ethnic Indians in Dr Bavadra's multiracial coalition. They expressed fears that the new government threatened the interests of ethnic Fijians, who are slightly outnumbered by Indians in the population as a whole.

On 14 May Lieutenant Colonel Sitiveni Rabuka, then the third-ranking army officer in the country, arrested Dr Bavadra and other members of the government and suspended the Constitution. The Governor-General, who at the time refused to acknowledge the legitimacy of the military takeover, declared a state of emergency and established an interim government. By August, negotiations led by the Governor-General were underway between representatives of the deposed coalition and the Alliance to amend the Constitution to "strengthen the representation of indigenous Fijians". An agreement was reached on 25 September. That evening, Colonel Rabuka led a second coup, saying that the achievements of the first were jeopardized by the new agreement. On 7 October he declared Fiji a republic and the Governor-General then resigned. On 5 December, Brigadier Rabuka (as he had become) returned power to a civilian government headed by the former Governor-General as President and former Alliance Party Prime Minister Ratu Sir Kamisese Mara as Prime Minister. Emergency regulations remained in force.

Over 100 people were arrested by the police and the Royal Fiji Military Forces between the first and second coups. Among them were deposed Cabinet members and other supporters of the coalition, trade un-

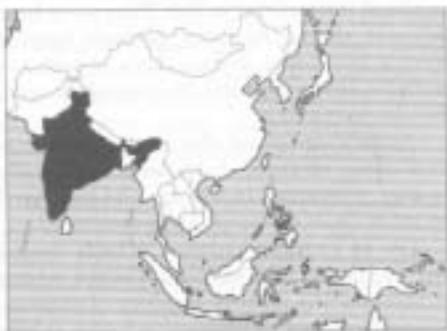
ionists, shopkeepers and supporters of the Back to Early May Movement, an organization advocating the restoration of pre-coup political institutions in Fiji. They were held without charge for brief periods ranging from a few hours to four days, sometimes without being allowed to contact friends, family or lawyers.

Arrests continued after the second coup, and some of those held were reportedly beaten, immersed in sewage and subjected to other cruel or humiliating treatment.

On 14 October Colonel Rabuka issued the Fundamental Freedoms Decree which suspended the right to freedom of expression with regard to political activity. It also reaffirmed existing emergency regulations, which allowed indefinite detention without trial, with review by an independent judicial body at six-month intervals. By the end of 1987, however, no political prisoner had been detained for longer than a week. The decree also gave the government power to limit the rights to "life, liberty, security of the person and the protection of the law" in the interests of security, public order and morality.

Amnesty International wrote to the government in March to inquire about press reports of a death in police custody of a recaptured prisoner. In April it wrote to Dr Bavadra, the Prime Minister following his election victory, to urge his government to ratify the major international human rights instruments. In August Amnesty International wrote to the Governor-General and Colonel Rabuka expressing concern about the use of emergency legislation to arrest people for the non-violent expression of their political beliefs. It issued an international appeal after the second coup for the release of 15 public figures who had been arrested, including Dr Bavadra. All 15 were considered prisoners of conscience. In November Amnesty International publicized its concerns about the restrictions on basic rights in the Fundamental Freedoms Decree.

INDIA



Several thousand political detainees were held without charge or trial under special "anti-terrorist" laws and preventive detention legislation, which lacked basic legal safeguards required by international human rights standards. Hundreds had been held without trial for more than three years, among them over 350 Sikhs detained in Jodhpur jail since June 1984. Some were prisoners of conscience. There were reports of torture or ill-treatment of prisoners from most states and dozens of deaths in custody. Dozens of people were also sentenced to death, and there were an unknown number of executions. Extrajudicial executions by police and army were reported from various areas including Punjab, Manipur and Uttar Pradesh.

Political violence was widespread, particularly in Punjab. The central government dismissed the state government and imposed direct rule from Delhi in May. Officials reported that 1,216 police officers and unarmed civilians had been killed in Punjab, many by members of armed Sikh groups advocating an independent Sikh state. There was also violent opposition in West Bengal, where the Gurkha National Liberation Front continued its campaign for a separate state within the Indian union, and in Andhra Pradesh where over 20 police officers were killed and eight officials kidnapped by Naxalite (Maoist revolutionary) groups.

The government further strengthened special and preventive detention laws, which already lacked important legal safeguards. The National Security Act (NSA), which permits the authorities to detain people without charge or trial for security reasons, was amended in August to allow

detainees in Punjab to be held for six months before review by an Advisory Board. Previously, as in the rest of India, the period was seven weeks. Under the NSA, detainees in Punjab may be held for two years compared to one year elsewhere. In amending the NSA, the government reintroduced provisions which had earlier been declared unconstitutional by the Punjab and Haryana High Court.

Many people were detained under the NSA throughout India but it was impossible to estimate their number. Some, including three Sikkimese prisoners of conscience released in January, were held for the maximum period. Leaders of the Jharkhand movement seeking a separate state for the largely tribal population living in Southern Bihar and neighbouring states, and political and religious leaders in Punjab, including leaders of the Sikh Akali Dal party, were also detained under the NSA.

Some 366 Sikhs originally detained under the NSA in 1984 remained in custody despite repeated government assurances that their cases would be reviewed. Proceedings against them had not progressed since 1985.

The government also strengthened the provisions of the Terrorist and Disruptive Activities (Prevention) Act (TADA) (see Amnesty International Report 1986). It created special courts whose proceedings would be conducted entirely in camera. A confession to a senior police officer could be admitted as evidence if the police had "reason to believe" that it was "made voluntarily", even though the Indian Evidence Act has long required confessions to be recorded before a magistrate as a safeguard against abuse. The burden of proof was shifted onto the accused. Bail was also made more difficult to obtain: Sikhs were particularly unlikely to be released on bail. However, in December the Supreme Court asserted that all citizens should receive equal consideration. Several of the Act's provisions, notably those changing the presumption of innocence and ensuring trial in camera, could contravene international human rights standards. The broad definition of "disruptive activities" in the Act could permit imprisonment for expressing peaceful political views.

In August the Minister of State for Home Affairs said that special courts had been established under the TADA in 12 states and Union Territories – including

Jammu and Kashmir, Haryana, Gujarat, Rajasthan and Chandigarh – but that further changes were needed because of a large number of acquittals. In Punjab, he said, only six people out of 1,927 arrested under the Act had been convicted.

Some of the many people imprisoned under the NSA and TADA may have been prisoners of conscience. In March the Inspector General of Police in Punjab was reported to have said that the two Acts were being used consecutively to hold some prisoners for long periods. Within weeks of President's Rule being imposed in May more than 1,000 people had been detained in Punjab under the TADA. In October it was reported that the central government had become concerned that innocent people had been detained under the TADA in Punjab to extort bribes in return for release. The state authorities were apparently asked to review the cases of some 2,500 people held under the TADA in maximum security prisons at Sangrur and Nabha.

In Gujarat, a state in which no significant acts of political violence were reported, the number charged under the TADA was reportedly 2,230 by the end of October, of whom 1,800 were on bail. Press reports indicated that the TADA had been used in Gujarat to detain non-violent opponents of the authorities, including students who protested against a rise in milk prices, workers opposed to the contract labour system and farmers who campaigned for a reduction in electricity charges. Six trade unionists who led a pay strike by textile workers were held under the TADA in Ahmedabad. In November the state government announced that all cases would be reviewed.

The TADA was also said to have been misused in Maharashtra, where dozens of tribal people were arrested on charges of assisting Naxalites. The police apparently gave no details to substantiate such charges and were accused by their victims of making arrests to extort bribes.

The TADA was also used to imprison alleged Naxalites in Andhra Pradesh and members of the Gurkha National Liberation Front accused of violent activities in West Bengal, where 95 people had been arrested by the end of 1987 according to the state authorities. In Jammu and Kashmir, members of the Muslim United Front were arrested under the TADA and accused

of "arousing religious sentiments" or demanding independence. Other detainees, including possible prisoners of conscience, were held without trial under the Jammu and Kashmir Public Safety Act for alleged "anti-national activities". In December, however, a section of this Act was declared unconstitutional by the state's High Court.

Torture and ill-treatment of political prisoners was reportedly widespread and particularly common in Punjab. In Andhra Pradesh, people suspected of sympathizing with Naxalite groups were reportedly tortured by local police, and in Tamil Nadu suspected members of the left-wing Indian People's Front were said to have been tortured in village police stations. In some cases, it appeared that local officials condoned torture or sought to obstruct investigation of torture allegations.

In Manipur two men were reported to have been arrested and taken to an army camp in early November, stripped naked and doused with petrol which was then set alight, inflicting serious burns. This led to a police investigation but by the end of the year those accused had not appeared before the police as directed. In December the Gujarat state government was criticized by the Supreme Court for failing to act after a special commission found evidence that a tribal woman in Baruch district had been raped by four policemen and that a subsequent cover-up had involved doctors and several officials.

Members of the scheduled castes and scheduled tribes, who are accorded special protection under the Constitution, were frequently reported to have been tortured or ill-treated. For example, nine tribal leaders who were arrested in August after demonstrating for better conditions were alleged to have been tortured by police in Rajasthan. They were released after a petition to the Supreme Court. Earlier, in April, 150 scheduled caste families from Raunia in Bihar alleged in a petition to the Supreme Court that they had been tortured by police. They said that excrement had been forced into their mouths and hot water poured over them. In Maharashtra, tribal people in the Thane and Raigad districts, who had been deprived of their traditional lands, alleged that they had been beaten and tortured with electric shocks by local police acting in collusion with landlords.

Dozens of people throughout India were reported to have died in custody as a result of torture. Most were criminal suspects but in Andhra Pradesh, Punjab and Assam the victims included people who had been politically active. In several cases, official investigations found police officers responsible for torturing suspects to death, and a few were prosecuted, notably in West Bengal, New Delhi, Rajasthan and Orissa. However, criminal prosecutions were few, and no police officers were known to have been convicted of causing deaths in custody. Police officers accused of torture were mostly transferred or said to be the subject of "departmental action".

There were new reports of extrajudicial executions by police, paramilitary forces and armed forces personnel. In Meerut in Uttar Pradesh, dozens of people were alleged to have been killed by the predominantly Hindu Provincial Armed Constabulary (PAC) in May after communal violence between Hindus and Muslims. According to eye-witnesses, the PAC arrested several hundred Muslim men on 22 May and drove them to the Upper Ganga canal, near Muradnagar, where they shot several dozen and threw their bodies into the water. The government denied the allegations but at least 32 of those arrested "disappeared". Next day, members of the PAC were alleged to have gone on a rampage in the village of Maliana, near Meerut, shooting unarmed men, women and children indiscriminately. Some 80 bodies were later found. Five others were alleged to have died in custody as a result of beatings. The state government subsequently denied that any unarmed civilians had been killed by the PAC, but appointed a committee of investigation. Its findings had not been disclosed by the end of 1987. The findings of a judicial inquiry into what occurred at Maliana village were also not known by the end of the year.

In Bihar, police were said to have deliberately killed landless labourers and marginal farmers, including members of the scheduled castes and scheduled tribes, in the context of land disputes. In some cases, there was evidence suggesting co-operation between landowners, state politicians and police, resulting in deliberate killings of villagers by police or private armies. In a few cases, such as the killing in September of seven members of the scheduled castes in Kirichatra village,

Jehanabad district, police were suspended from duty. However, the alleged killers later had all charges against them withdrawn.

A number of political activists were killed in what the police described as "encounters", particularly in states where armed opposition groups were active and where police were given shoot-to-kill powers. For example, several Naxalites were said to have been killed in staged "encounters" after police in Andhra Pradesh were given such powers in four districts declared "disturbed areas". Most such allegations came from Punjab where eight out of 12 districts had been declared "disturbed areas" in December 1986. In these areas, the security forces had increased powers to search and shoot on sight. Local civil liberties groups alleged that many "encounters" had been faked to conceal deliberate police killings of suspects, but the authorities denied this. It was generally impossible to verify independently the circumstances in which individual killings occurred.

Similar allegations of extrajudicial and "encounter" killings were also reported from northeast India, where army personnel have shoot-to-kill powers and immunity against prosecution under the Armed Forces (Special Powers) Act in "disturbed areas". In Manipur, 14 people in Oinam village, near the Nagaland border, were killed apparently in reprisal for an attack on an army camp in which nine soldiers were killed. The army said that the villagers were killed in armed clashes with soldiers but the Manipur state government accepted allegations by local civil liberties groups that the 14 had been unarmed and were deliberately killed.

Dozens of people were sentenced to death, most for murder, and an unknown number executed. In April the Supreme Court ruled that those convicted in connection with the murder of young brides should be sentenced to death. In October the death penalty was introduced in Rajasthan for abetting "sati" (self-immolation by a wife on her husband's funeral pyre) and in December the Indian Parliament extended this throughout India.

Amnesty International wrote to the central government and to state authorities in Madhya Pradesh, Punjab, Rajasthan, Uttar Pradesh and West Bengal. It expressed concern about the abuse of the wide pow-

ers of arrest and detention under the TADA, including the possible detention of prisoners of conscience, and about reports of torture, "disappearances", and deaths in custody, as well as the death penalty. The organization investigated the cases of a number of possible prisoners of conscience, mostly Sikhs held in Jodhpur jail, Rajasthan.

Following reports of killings by the PAC in Meerut, Amnesty International called for a full and impartial inquiry, whose findings should be made public. However, the government did not respond and in November Amnesty International published a report on the killings. In October Prime Minister Rajiv Gandhi criticized Amnesty International's work, saying that he doubted its credibility and seriousness, and in December stated in a television interview that Amnesty International would not be permitted access to the Punjab to investigate alleged human rights abuses.

Amnesty International submitted details of 32 "disappearances" which occurred in May at Meerut to the United Nations Working Group on Enforced or Involuntary Disappearances.

Amnesty International appealed in January to the Indian authorities to ensure that tribal villagers seeking refuge in India should not be returned to Bangladesh against their will if it appeared that they would be at risk of torture, execution or imprisonment as prisoners of conscience.

INDONESIA/ EAST TIMOR

Hundreds of political prisoners remained in detention, among them at least 20 prisoners of conscience. Torture of prisoners and a number of deaths in custody were reported from Java, Irian Jaya and the territory of East Timor. There was continued use of the death penalty: at least four people were sentenced to death and three men were executed, two of whom had been under sentence of death for 25 years.

Among the prisoners of conscience were a former foreign minister, Dr Subandrio, now aged 73, and three other prisoners arrested in connection with a



coup attempt in 1965 which the government claims was led by the now banned Partai Komunis Indonesia (PKI), Indonesian Communist Party. Other prisoners of conscience were 14 Muslim activists and Lieutenant General Hartono Rekso Dharsono and Haji A.M. Fatwa, both arrested in late 1984 following their criticism of the government's handling of a riot in which at least 30 Muslim demonstrators were shot dead by government troops (see Amnesty International Report 1986 and 1987).

More than a dozen Muslim activists were tried and convicted of subversion during the year, some of whom may have been convicted for the non-violent expression of their religious beliefs. These included six men from Central Java arrested for having participated in a network of village-based Islamic study courses called usroh in which they criticized the state ideology, Pancasila, and certain government policies as being in violation of Islamic teaching (see Amnesty International Report 1986). Their trials in Brebes and Banyumas brought the total of convicted usroh prisoners to almost 40 since such trials began in 1986. The prisoners were accused of attempting to overthrow the government and establish an Islamic state, but evidence to support the accusations appeared slight.

The torture of both political and criminal suspects continued to be reported from throughout the country. In late January, for example, two young men, Paskalis Kawurim and Anakletus Bitip, were reportedly arrested and tortured in the village of Awayanka, Mindiptanah, Irian Jaya. They had failed to report to local authorities after returning from a refugee camp in Papua New Guinea and may have been suspected of being supporters of Organisasi Papua Merdeka (OPM), the Free Papua

Movement, which has been waging an armed struggle for an independent state in Irian Jaya since the mid-1960s. Both men were held in military detention for two months without charge and then released.

A criminal suspect on trial in Kalimantan alleged in August that police had given him electric shocks to extract a "confession". Police officers who reportedly burned the mouth of a village official in Brebes with cigarettes were put on trial in July. The Indonesian press reported on some cases in which police and military personnel were tried for the torture of criminal suspects, but there were apparently no investigations into reports of torture of political suspects.

More than a dozen deaths in custody in disputed circumstances were reported from all over the country. The victims were criminal suspects, many of whom were said to have been shot and killed while trying to escape or while resisting arrest. Their families challenged such explanations. Investigations were opened into the conduct of police officers in three of these cases; their outcome was not known by the end of 1987.

Human rights violations continued to be reported from East Timor. Two prisoners, Aleixo Gutteres and Vicente de Sousa, were reportedly tortured in late 1986 and early 1987 during interrogation in Dili in a house occupied by military intelligence, KOTIS. Aleixo Gutteres was reportedly suspected of collaborating with the Frente Revolucionaria de Timor Leste Independente (Fretilin), which continued throughout the year to wage a guerrilla war against the Indonesian Government and in support of independence for East Timor. He was tried and sentenced to seven years' imprisonment early in the year; Vicente de Sousa was held in custody for about a week on suspicion of having desecrated a religious statue.

Trials of political prisoners suspected of supporting Fretilin continued in Dili District Court, with most receiving sentences of two or three years' imprisonment. Although the Indonesian Government claimed they were open to the public, observers from international organizations were not allowed to attend, and friends of the accused were reportedly afraid to do so for fear of being suspected of sympathizing with Fretilin.

Almost 80 political prisoners were re-

leased in Dili between August and December after having served all but a few months of their sentences. They had been convicted of conspiracy to commit rebellion in trials which Amnesty International believes were unfair. Over 100 political prisoners tried on similar charges remained in Dili's two prisons. In February the authorities released over 600 political detainees on the island of Atauro, used since 1981 as a place of detention for suspected Fretilin supporters.

At least four death sentences were imposed for murder during the year, and three executions were carried out. On 31 October Liang Wie Tong and Tan Tang Tjoen were executed in Karawang, West Java, more than 25 years after having been sentenced to death for murder. On 17 November Sukarman, aged 68, a former PKI member, was executed in Pamekasan, Madura. Arrested in 1968 for his alleged participation in an armed communist rebellion in Blitar, East Java, he was sentenced to death by Malang District Court in 1976 after a trial which Amnesty International believes may not have been fair. About 30 people remained under sentence of death: among them Muslim activists, people accused of involvement in the 1965 coup attempt and people convicted of criminal offences.

Throughout 1987 Amnesty International raised its concerns in Indonesia through public appeals and in meetings and correspondence with government officials. In January it urged the government to investigate five extrajudicial executions reported the previous year in Irian Jaya and also sought information on nine political prisoners reportedly detained without charge or trial. In September Amnesty International's Secretary General met Indonesian Foreign Minister Dr Mochtar Kusumaatmadja to discuss concerns in Indonesia.

On the anniversary of Indonesian independence, 17 August, Amnesty International appealed to the Indonesian Government to release all prisoners of conscience immediately and unconditionally and to commute all death sentences.

Amnesty International continued to press for a full investigation into all "disappearances" of East Timorese reported since the Indonesian invasion in 1975. In August Amnesty International presented a statement on its concerns in East Timor to

the United Nations Special Committee on Decolonization. It appealed to the government to investigate three alleged extrajudicial executions reported in 1986 from Viqueque and Ainaro and reiterated its concern about the fairness of political trials in Dili.

A major action against the death penalty was launched in November, shortly after the executions of two men in Karawang who had been sentenced to death for murder in 1962.

JAPAN



There was continued use of the death penalty. On 30 September Ohtsubo Kiyotaka and Yabe Mitsuo were executed. They had been convicted of murder in 1977. Five people were sentenced to death by district courts and some 80 prisoners convicted of murder were known to be under sentence of death at the end of 1987.

The first death sentences to be confirmed by the Supreme Court since 1984 were upheld in a ruling on 24 March. Masunaga Toshiaki and Daidoji Masashi, both members of the East-Asia Anti-Japan Armed Front, had been sentenced to death in 1979 for causing death with explosives. Subsequently, the Supreme Court confirmed four other death sentences.

In March the Tokyo High Court upheld the death sentence on Nagayama Norio. In 1981 it had overturned a death sentence imposed on him by the Tokyo District Court, on the grounds that he had a mental age of under 18 at the time of the murder of which he was convicted. However, in 1983 the Supreme Court ordered a retrial, ruling that the 1981 High Court decision ran counter to "social justice".

The Tokyo High Court accepted on 26

March Akabori Masao's fourth request for a retrial. He had been sentenced to death in 1958 for murder, but has claimed that the police obtained a false confession by using force.

In May the death in prison was reported of Hirasawa Sadamichi, aged 95. He had been under sentence of death since 1950.

Amnesty International continued to press for the commutation of all death sentences and to urge the authorities to abolish the death penalty.

KAMPUCHEA (CAMBODIA)

Although some political arrests and at least one death from ill-treatment in custody were reported, little new information emerged during 1987 about the human rights situation in the People's Republic of Kampuchea (PRK) or about the human rights policies and practices of the opposition forces of the tripartite Coalition Government of Democratic Kampuchea (CGDK).



Leaders of the diplomatically-isolated PRK Government refused to grant human rights investigators access to the war-torn country, while security authorities in neighbouring Thailand severely restricted access to Kampuchean living there.

Armed conflict continued in various parts of Kampuchea during 1987, although the year ended with talks on a possible peace settlement. Most clashes pitted guerrilla forces of the Partie of Democratic Kampuchea (the "Khmer Rouge") and of the National Army of Prince Norodom Sihanouk against local security forces of

the PRK and Vietnamese troops stationed in the country. Both the PRK and the CGDK claimed that their adversaries were committing serious human rights abuses, but none of these claims were open to independent verification.

On 13 April Amnesty International launched an urgent appeal to the Batdambang provincial authorities, following official reports that seven "enemy agents" had been arrested. The detainees had allegedly "infiltrated from Thai territory" carrying "three weapons and two tape recorders". Amnesty International asked the PRK authorities for the names of the seven, the charges against each of them and assurances that they were being treated humanely while awaiting trial.

The organization also learned in April of the arrest and incommunicado detention of a 22-year-old peasant native of Siem Reap Province, who was reportedly severely beaten by interrogators at the Siem Reap provincial prison. In May a Kampuchean woman reportedly died in Siem Reap as a result of severe beatings inflicted while she was in military custody.

Throughout 1987, Amnesty International pressed the PRK Government for permission to send a delegation to Kampuchea for discussions with the authorities about numerous detailed reports gathered in 1986 of widespread political arrests, arbitrary detentions and torture of political prisoners by the Kampuchean authorities and Vietnamese security personnel operating in the country.

In April Amnesty International wrote to the Chairperson of the PRK Council of Ministers, Hun Sen, and other officials seeking a response to a report it had prepared on political imprisonment and torture in Kampuchea. The organization reiterated its request, first made in May 1986, for direct discussions with government authorities about the concerns raised in the report. No reply was received, and in June Amnesty International published its report, Kampuchea: Political Imprisonment and Torture, and launched a major international campaign to publicize its concerns.

The official PRK press agency characterized the Amnesty International report in June as "groundless" but failed to respond to the specific allegations of human rights violations. Council of Ministers Chairperson Hun Sen reportedly admitted that the

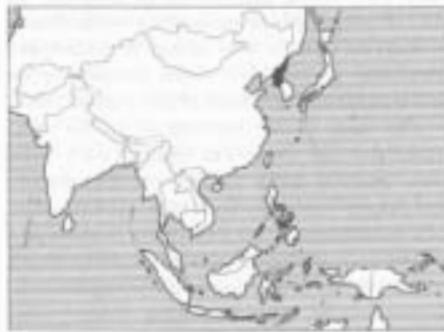
PRK was holding some political prisoners but refused to provide the precise number of prisoners. The PRK Ambassador to the Soviet Union told an Amnesty International representative in June that parts of the report were "exaggerated" but he declined to discuss specific issues.

In September Amnesty International reiterated its request in an additional letter to Hun Sen for a meeting with the government to discuss its concerns. The organization received no response.

In December Hun Sen and Prince Norodom Sihanouk, the senior statesperson in the opposition to the Vietnamese presence in Kampuchea, met in France to discuss a settlement of the war. According to notes made public by the Prince, the talks included discussions of alleged human rights violations in the PRK. The notes indicated that while Hun Sen again admitted political prisoners were held by his government, he continued to deny violations of their human rights. During Hun Sen's visit to France, Amnesty International wrote to him once again asking to visit the country for clarification of the human rights situation there.

KOREA

(DEMOCRATIC PEOPLE'S REPUBLIC OF)



As in previous years, the authorities of the Democratic People's Republic of Korea (DPRK) disclosed little information about arrests, political trials or imprisonment and the death penalty.

During the year there were developments in the case of two Japanese citizens detained in the DPRK since November 1983. Isamu Beniko and Yoshio Kuriura, the captain and chief engineer of a refriger-

eration ship which travelled regularly between the DPRK and Japan, were detained after an army sergeant hid on their ship and reached Japan in October 1983. In February 1987 the DPRK Red Cross sent a message to its counterpart in Japan saying that they had "lost their chance of returning home" after the Japanese authorities assisted 11 other North Koreans, who had reached Japan by boat in January, to resettle in the Republic of Korea.

On 17 February it was reported in Japan that Captain Beniko and Yoshio Kuriura had been sentenced to 20 years' imprisonment. However, the Korean Central News Agency stated in March that the two seamen had not yet been tried on charges of espionage, although an official stated that they would be released if the army sergeant were returned to the DPRK. The authorities announced in June that the trial had been postponed because of the defendants' ill-health, and then in December that Nampo City Court had tried them on 24 December and sentenced them to 15 years' "reformation through labour" for espionage and the "abduction" of a DPRK citizen.

Isamu Beniko and Yoshio Kuriura were the only political prisoners known to Amnesty International in the DPRK during 1987, but reports from a range of sources indicated that people who criticize the President or the policies of the Korean Workers' Party are liable to sanctions, including imprisonment and corrective labour. Some forms of corrective labour, such as enforced labour under harsh conditions on agricultural or mining projects, effectively constitute imprisonment. Some reports say that convicted people may be restricted along with their entire family.

Trials, which according to official DPRK sources are rare, may take place at the defendant's workplace before an elected judge, two elected People's Assessors, who are not legal professionals, and colleagues of the accused. Defendants are said to have rights of defence and appeal but it is not known whether the procedures conform to international standards of fair trial. Some reports suggest that trials are held only when the authorities consider them as serving an educational purpose and that most political prisoners are detained with no judicial procedure.

DPRK sources acknowledge that the death penalty exists in law but say it is limited to "serious crimes", including

espionage and premeditated murder. No information was available about death sentences imposed or executions carried out in 1987.

Amnesty International continued throughout the year to seek information about the precise charges and evidence against Isamu Beniko and Yoshio Kuriura, both of whom were considered to be possible prisoners of conscience, and assurances that their treatment conforms to international standards. The only response was from the chairperson of the Red Cross Society, who wrote in April to confirm that they had not stood trial but were accused of espionage. No response was received during the year concerning the specific legal procedures applied in this case.

There was no reply to an inquiry made by Amnesty International in April to President Kim Il Sung for information about legal practices relevant to AI's mandate and to the International Covenant on Civil and Political Rights. The DPRK acceded to the Covenant in 1981.

KOREA (REPUBLIC OF)



Thousands of people, mostly students, were detained briefly for participating in anti-government demonstrations, some of which were violent. Hundreds of others were detained on charges of pro-communist activity. Among them were teachers, publishers, students, labour activists and others, some of whom were prisoners of conscience. A student was tortured to death in January, provoking widespread protests and ultimately the prosecution of eight police officers. Seven

people were reported to have been sentenced to death and five executed, all for criminal offences.

The year was marked by controversy over the presidential election system in preparation for the election in December. Opponents of the government campaigned for direct elections in place of the electoral college system instituted under the 1980 Constitution, which they claimed would enable President Chun Doo-hwan and the ruling Democratic Justice Party (DJP) to retain power. In 1986 the President had agreed to a parliamentary debate on constitutional reform, but on 13 April 1987 he suspended it. Widespread protest at this decision led to three weeks of demonstrations in June. On 1 July President Chun bowed to public pressure and endorsed a proposal by Roh Tae-woo, the DJP chairman, to accept a number of opposition demands, including direct elections and an amnesty for political prisoners.

On 27 October a new Constitution providing for direct presidential elections was approved by referendum. The new Constitution reinforced the rights of freedom of expression and association and safeguards against torture of detainees, introducing a right of access to lawyers and relatives. The right of habeas corpus was extended to all detainees: it had previously been denied to political detainees held under the National Security Law and to people suspected of offences punishable by five years or more in prison.

On 16 December Roh Tae-woo was elected president, defeating opposition candidates Kim Young-sam and Kim Dae-jung. During his election campaign Roh Tae-woo promised to ensure the protection of human rights if elected.

The death of a student under torture in January provoked massive protest demonstrations, forced the resignation of several ministers and prompted the government to say that it would take measures aimed at preventing the recurrence of torture. Park Chong-chol died on 14 January while being interrogated by the Anti-Communist Bureau of the National Police in Seoul. According to a doctor who was called to revive him, he drowned when his head was repeatedly held under water. Initially two police officers were charged with causing his death but in May charges were also brought against three others after a group of Roman Catholic priests publicly

accused the police of seeking to cover up what had occurred. All five police officers were convicted and sentenced on 4 July to terms ranging between five and 15 years' imprisonment. On 21 September three former senior police officers received sentences of up to one year's imprisonment for participating in the attempted cover-up.

Further allegations of torture were made by a number of young people arrested between October 1986 and January 1987 on charges of pro-communist activities. For example, Kim Song-sik was arrested on 28 November 1986 and interrogated for two months while held incommunicado by the Agency for National Security Planning. He stated at his trial in July that he had been beaten, deprived of sleep and subjected to the "roast chicken" torture. In this, the prisoner is handcuffed and suspended in mid-air from a rod placed between two desks. After the death from torture of Park Chong-chol, Kim Song-sik and others arrested with him were moved to a detention centre, when members of the main opposition party publicly expressed concern about their well-being.

There were fewer reports of torture after the death of Park Chong-chol, but in May members of a group said to be connected with the South Seoul Workers Alliance who were arrested by the Anti-Communist Bureau of the National Police alleged that they had been tortured. Early in the year, there were also allegations that a number of convicted political prisoners had been beaten to punish them for staging protests. None of these incidents were known to have resulted in thorough and impartial investigations. However, in October four guards in a prison in Kunsan were arrested for assaulting a criminal convict and killing him.

Many people were arrested during anti-government street demonstrations which often turned into violent confrontations between riot police and some demonstrators. Police also carried out preventive arrests to try to stop the demonstrations from taking place. A small proportion of those arrested were charged and tried; the majority were either released with a warning or given sentences of up to 29 days in police custody by summary courts under the Minor Offences Law.

On 7 February demonstrations were held in various cities to protest against the

use of torture by police, following the death in custody of Park Chong-chol. The night before the demonstrations, over 2,300 people, most of them students, were taken into police custody and 40 leading dissidents were placed under house arrest. During the demonstrations, around 800 others were also arrested. Some 2,000 of those detained over these two days were referred to summary courts and less than 100 were charged with organizing or taking part in illegal demonstrations.

More than 15,000 people, many of them students, were arrested between 10 and 29 June, during protests against the torture of political dissidents and President Chun's decision to suspend debate on the revision of the Constitution. More than 1,300 of those arrested were referred to summary courts and some 400 were formally charged.

In July and August, following the government's promise of political liberalization, thousands of workers went on strike to demand wage increases, better working conditions and the right to set up trade unions free of government controls. At the end of August the authorities publicly blamed the strikes on outside pro-communist agitators and arrested a number of people. Some 2,500 arrests were reported in connection with the two months of strikes; around 150 of those arrested were formally charged.

Hundreds of people were arrested for alleged pro-communist activities during the year. Several were publishers, such as Nah Pyong-shik, president of the Pulbit Publishing Company. He was arrested on 12 February under the National Security Law for publishing a book entitled *The History of the Korean Masses*, which contained a Marxist analysis of history and described a number of anti-government incidents. He was tried and on 12 August received a two-year suspended sentence. Six other publishers were arrested in Seoul at the end of April during a police crackdown on bookstores near university campuses. Two of them, Yun Ho-dok and Kim Yong-ho, were later sentenced to one-year prison terms for publishing books criticizing the capitalist system in South Korea.

Arrests of students or former students accused of praising North Korea or of being pro-communist were also regularly reported. Some were accused of indoctrinat-

ing workers with leftist ideas, others of listening to radio broadcasts from North Korea or setting up "political schools". In the last four months of the year at least 150 such arrests were reported.

As a result of the amnesty proposed in June by Roh Tae-woo, over 500 political prisoners were released and over 2,300 former political prisoners had their civil rights restored in July. Most of those released were students who had been arrested in demonstrations and at least five were known to be prisoners of conscience. However, over 30 other prisoners of conscience convicted under the National Security Law were excluded from the amnesty because the authorities regarded them as pro-communist. Among them was Kang Jong-kon, who was arrested in 1975. He served a prison sentence but was immediately placed in preventive detention when this expired in 1981. A new two-year preventive detention order was issued against him on 14 February. In March and April he and another prisoner of conscience, Soh Joon-Shik, who had been arrested in 1971 and held in preventive detention since 1978, went on hunger-strike to protest against their continued detention, but neither had been released by the end of 1987.

Several prisoners of conscience arrested in 1986 were tried in 1987. Yu Sang-dok, a high-school teacher, was sentenced to three years' imprisonment in January for possessing books on North Korea and being in contact with a former professor of his who was charged with being a North Korean spy. Kang Hee-nam, a Presbyterian minister, was sentenced to three years' imprisonment in April for accusing the authorities of wrongly labelling some students as pro-communist. He was released in July. Three journalists, Kim Tae-hong, Shin Hong-bom and Kim Ju-eon, were released on 4 June on suspended sentences. They had been arrested for publishing government instructions to the news media on how to report certain sensitive news items.

During 1987 the Korean press reported the imposition of seven death sentences by the courts for rape and murder and for robbery and murder. The Supreme Court confirmed two death sentences for murder. Five people convicted of rape and murder were executed in May. The Ministry of Justice was planning to introduce a

bill raising the age of defendants who could be sentenced to death from 16 to 18.

During the year Amnesty International continued to appeal for the release of some 35 prisoners of conscience arrested between 1971 and 1985 and for the release of journalists, teachers and publishers arrested in late 1986 and in 1987 whom it also regarded as prisoners of conscience. It sought information about the charges and evidence against over 100 students and former students accused of being pro-communist. It was unable to discover the identities of most of those detained for taking part in demonstrations or whether they had used or advocated violence. It called on the authorities to conduct thorough and impartial investigations into the allegations of torture made by a number of students and former students arrested in the last three months of 1986 and into the death of Park Chong-chol. It expressed concern about the five executions in May and called on the authorities to abolish the death penalty.

An Amnesty International mission to South Korea in May raised these concerns with government officials and stressed the need for urgent and effective measures to protect detainees from torture and, in particular, an end to prolonged incommunicado detention. It also called for the release of all prisoners of conscience. Government officials responded by saying that the government was committed to eradicating torture and by arguing that people imprisoned for leftist or pro-communist views should not be released because these views conflicted with the state's ideology of "anti-communism". In July Amnesty International submitted a series of recommendations to the government to protect the rights of freedom of expression and association and the right not to be tortured. The government in response assured Amnesty International of its commitment to uphold human rights. In November Amnesty International wrote to the government welcoming the human rights guarantees included in the amended Constitution but drawing attention to other necessary improvements.

LAOS



Hundreds of political prisoners were freed in a series of large-scale releases but hundreds of others, including many prisoners of conscience, remained for a twelfth year in detention without trial or restricted for "re-education". A number of other people detained more recently for alleged anti-government activities also reportedly remained in prison. On at least two occasions Laotians who had crossed the border seeking asylum in Thailand were said to have been forcibly returned by the Thai authorities and immediately detained without trial in Laos. At least six other Laotians were allegedly killed by security forces in Laos after they were forcibly returned from Thailand.

No official figures were available but unofficial estimates suggested that at least several hundred people arrested in 1975 were still detained without trial or restricted for "re-education". They had been taken into custody as the Provisional Government of National Union was replaced by the forces which proclaimed the Democratic People's Republic of Laos. The detainees were held in various provinces, including Houa Phanh and Xieng Khouang in the northeast, Attapeu in the south and Savannakhet in central Laos. They were not permitted to return to their homes despite government claims that "re-education" was abolished in the early 1980s.

Large-scale releases, particularly from the northeast and the south, began in December 1986. In Houa Phanh province, for example, at least 300 people were reportedly released from restriction between January and June, leaving approximately 400 detainees in the Houa Phanh

restriction sites at Sop Pan, Sop Long and Houay Cha. Additional releases from Houa Phanh and other provinces reportedly took place in March, May and August.

Those released during 1987 included a number of prisoners of conscience: Viboun Abhay, a former civil servant and member of the National Consultative Council; Khamkhang Souvanlas, a former director of education in the Education Ministry; Pane Rassavong, a former general planning commissioner, and Tiao Sisouphanouvong, a former Director of Civil Aviation. Among other political prisoners said to be released were Toulong Lyfoung, a former public prosecutor; Phao Southi, a former colonel in the Royal Lao Armed Forces; Souvat Boulom, former Secretary General of the National Assembly, and Khamsay Kiatavong, a former army officer. At least 13 former members of the armed forces who had been restricted in Attapeu province since 1975 were among many others also reportedly released from Attapeu province in 1987.

At least two long-term detainees were reported to have died from natural causes during 1987. They were Ounheuan Sibandith, a former police director in the Ministry of Interior who reportedly died on 2 March from heart disease, and Samlith Ratsaphong, a prisoner of conscience and former information director in the Ministry of Information who reportedly died at the age of 62 from heart disease in Houa Phanh hospital. Information was also received last year about the deaths of other long-term detainees which had occurred in previous years as a result of old age or inadequate medical treatment.

There was new information about seven possible prisoners of conscience detained without trial for several years at Nong Pat Prison, which was established in the early 1980s in the Thoulakham district of Vientiane province to hold prisoners from northern and central provinces. The seven prisoners were reportedly arrested in the late 1970s and early 1980s for offences ranging from "attempting to escape re-education" to "involvement in political agitation" and "improper contact" with people living abroad. Apparently no formal charges were brought against them and they were not tried. Several of them were reportedly tortured or ill-treated while interrogated during prolonged incommunicado detention.

In September at least four people were reported to have been arrested and detained without trial when they were forcibly returned to Laos from Thailand. They had apparently crossed the Mekong River to seek asylum in Thailand soon after their release from "re-education", which had followed 12 years of detention without trial.

Two months later allegations were received that at least six Laotians of Hmong ethnic origin had been executed extrajudicially by Laotian security forces on 20 November. The victims were reportedly the men in a group of 15 men, women and children who had crossed the border earlier that month to seek asylum in Thailand. They had been forcibly returned to Laos by the Thai authorities.

Amnesty International continued in 1987 to inform the government of its concern about the detention without trial or restriction of people held since 1975. The organization pressed for a full review of their cases and the release of those not brought to trial on specific charges. In June Amnesty International publicly welcomed the reported releases but urged that elderly and ailing prisoners be given special consideration for release.

Amnesty International also investigated the cases of the seven detainees held at Nong Pat Prison and called for their release or prompt and fair trial on recognizably criminal charges. Amnesty International also urged the authorities to investigate reports that they had been tortured or ill-treated during interrogation.

MALAYSIA

More than 100 critics of the government were arrested between October and the end of December under a law permitting indefinite detention without trial. More than half were released by the end of 1987 but at least 45 were still held, including 34 prisoners of conscience who were served with renewable two-year detention orders under the Internal Security Act (ISA). One other prisoner of conscience and at least 15 other political prisoners also remained in detention under the ISA. The use of the death penalty increased, with at least 40 death



sentences imposed and some 24 executions carried out.

The arrests, which began in October, represented the most significant crackdown on government opponents for almost 20 years. They followed growing criticism of Prime Minister Dr Mahathir Mohamad and his administration from opposition political parties and from within the United Malays National Organization (UMNO), the dominant party in the ruling Coalition National Front Government (Barisan Sosialis).

Polarization between Malaysians of different ethnic origins increased, and the government claimed that the October arrests were necessary to prevent the outbreak of race riots. Following the arrests, public rallies were banned, three national newspapers were ordered to cease publication, and in December Parliament amended legislation further curtailing the freedom of expression and association.

Those arrested included government and opposition politicians, academics, members of social reform movements, trade unionists and church workers. By mid-November at least 106 people had been detained. The ISA empowers the Minister of Home Affairs to order the detention without trial of anyone suspected of acting "in a manner prejudicial to the security of Malaysia". Detainees may be held for up to 60 days for investigation following which they may be served with a detention order of up to two years, which may be renewed indefinitely. In all, some 55 of the detainees, including Chandra Muzaffar, the president of the social reform movement Aliran, were released before the end of the 60-day investigation period. Ten had res-

trictions imposed on their freedom of movement and association.

Eight of the detainees filed writs of *habeas corpus* against their detentions. Their applications were rejected by the Kuala Lumpur High Court in the absence of the detainees in November. Appeals by three of the detainees against the High Court verdict were dismissed by the Supreme Court in December.

During the 60-day investigation period, the detainees were held in solitary confinement, interrogated for long periods and denied access to lawyers. In most cases their families were not told where they were being held and were permitted to visit them only in designated police stations. Some of the families of the detainees subsequently complained about police harassment during and after such visits. At least four detainees reportedly withdrew their applications for *habeas corpus* for fear that their chances of an early release might be jeopardized or that they might receive harsher treatment.

The 34 detainees served with two-year detention orders at the end of December included Lim Kit Siang, a member of Parliament and Secretary-General of the opposition Democratic Action Party (DAP). Six other DAP members of Parliament were among the 34, including Karpal Singh, also a well-known human rights lawyer, and Dr V. David, also the Secretary-General of the Malaysian Trades Union Congress (MTUC). Also detained under two-year detention orders were several members of both the Parti Islam Se Malaysia (PAS), and the Partai Sosialis Rakyat Malaysia (PSRM), two opposition political parties. The remaining detainees were mostly well-known for their activities in civil rights, women's rights, environmental or church organizations. The 34, all of whom were regarded as prisoners of conscience, were moved to the Kamunting Detention Centre in Perak State after the imposition of their detention orders and were held there at the end of 1987.

One other prisoner of conscience and at least 15 other political prisoners – most of whom had been held without trial since the mid-1970s – remained in detention under the ISA. Most were believed to have been accused of belonging to the banned Communist Party of Malaya (CPM). More than 10 other long-term political de-

tainees were released during 1987.

At least 10 more people were served with detention orders under the ISA during 1987. They included seven people arrested in May for suspected involvement in forging and selling identity cards. They were reportedly held in detention in the Pulau Jerejak camp off Penang. Three others, including the editor of a religious magazine, were arrested in September and accused of provoking unrest and anxiety among the country's Muslims. No further information was made public by the authorities following the initial announcement of their arrest under the ISA.

The death penalty continued to be imposed, mostly for drugs and firearms offences. There was an increase in the number of reported executions – 24 in 1987 compared to 15 in 1986 – although in several cases no details were made public. Fourteen of those executed were reported to have been convicted of drugs offences, bringing the number of people executed since the death penalty was introduced for drugs offences in 1975 to 61. At least 40 people were sentenced to death during 1987, 31 for drugs offences and most of the remainder for unlawful possession of firearms. At least 20 others, including 15 convicted of drugs offences, had their appeals dismissed by the Supreme Court. The death penalty is mandatory under the Dangerous Drugs Act (1952), as amended in 1983, for trafficking in drugs, defined as possession of 15 grams of heroin or specific amounts of other drugs. It is also mandatory under Section 57 of the ISA and the Firearms (Increased Penalties) Act of 1971 for the unlawful possession of firearms.

Throughout 1987 Amnesty International appealed to the government to commute all death sentences and to ensure that all those under sentence of death were given the opportunity to seek commutation of the sentence or clemency from the head of state. Following the widespread arrests under the ISA in October, Amnesty International urged the government to release all those detained on account of their non-violent activities and to ensure that all others were brought to trial promptly and fairly or released. Amnesty International also sent observers to the habeas corpus hearings brought in November and December on behalf of detainees held under the ISA. No substan-

tive response was received from the authorities to any of Amnesty International's appeals and inquiries.

NEPAL



Many political activists, students, journalists, teachers and others involved in non-violent political activities were arrested, most of whom were detained for relatively short periods, although dozens of prisoners of conscience and other political prisoners arrested in previous years were released. A small number of Christians were reported to have been arrested, and some were tried on charges of proselytizing. A major trial involving some 96 defendants charged in connection with several bomb explosions in 1985 was concluded. Four of the accused were sentenced to death *in absentia*. There were also new reports of torture of prisoners by police, mostly of criminal suspects.

Political imprisonment in Nepal is closely related to the fact that political parties have been formally banned there since 1960: anyone advocating the cause of a political party is liable to arrest. The ban is not uniformly enforced, however, since many candidates known to belong to political parties contested local elections held in March. At the same time, some meetings of political organizations and of students advocating changes to the political system were disrupted by the police and the participants detained briefly.

Information about political prisoners, particularly those arrested outside the capital, Kathmandu, is difficult to obtain. Communications within the country are poor and the government rarely publishes information about arrests.

Among the prisoners of conscience released in 1987 was Bishnu Bahadur Mandhar, leader of a communist group detained in mid-1985 at a time of widespread protests against the continuation of the "non-party" political system. He was held throughout without formal charge or trial under the Public Security Act (PSA). This empowers zonal commissioners, local administrators, to impose nine-month detention orders on broadly-based grounds such as "disturbing the peace and tranquillity" of the country. Detention under the PSA may extend to a maximum of three years: the act expressly excludes any court from examining the validity of detention orders.

Several political prisoners detained under the PSA after completing sentences imposed for politically-motivated crimes were also released during the year. They included Narad Wagle, who was freed in July, almost a year after his prison term had expired.

Five journalists and editors, including Keshav Raj Pindali (see Amnesty International Report 1986) and one member of Parliament were released on bail. They had been arrested in 1986 for writing or publishing material considered offensive to the Nepali monarchy. The cases against them, under the Treason (Crime and Punishment) Act, were not known to have been concluded by the end of the year. Under this law, zonal commissioners act as both prosecutor and judge.

Dozens of people were arrested in April and May during widespread protests in Kathmandu against the sale of milk powder imported from Poland, which was feared to be contaminated by nuclear radiation from the accident at the Chernobyl reactor in the USSR. Most were released after a few weeks or some months in custody although Sita Ram Maskey, a teacher active in trade union and social affairs, was still detained under the PSA in December.

In May a Special Court established under the Destructive Crimes (Special Control and Punishment) Act of 1985 delivered judgment in the trial of 96 defendants accused of involvement in several bomb explosions in 1985. Four of the accused, who were tried in *absentia*, were sentenced to death, 23 others were sentenced to between five and 33 years' imprisonment and 69 were acquitted. The

trial was held in closed session throughout and the Destructive Crimes (Special Control and Punishment) Act was applied retroactively. This contravenes a fundamental international legal standard prohibiting the retroactive application of laws or changed penalties to the detriment of the accused. At the time of the bombings the penal code did not provide for the death penalty. Many of the accused had been held in custody without access to lawyers or relatives for months after their arrest and there were reports that some had been tortured during interrogation in order to obtain confessions.

Some members of the Christian community were tried by ordinary courts in different parts of the country on charges of proselytizing. The Constitution of Nepal does not allow people to try to convert others to their religious faith. The legal code goes further and prescribes imprisonment for any Hindu who converts to another religion. There were continuing reports of arrests of Christians. In Surkhet, western Nepal, in October more than two dozen Christians were reported to have been taken into police custody after a weekly religious service in a private house. Most were released after interrogation, during which they were reportedly forced to recant their faith, although a few were understood to have remained in custody until December.

There were new reports of torture in police custody, similar in pattern to those received in previous years. Criminal suspects appeared to be the most common victims, although there were also allegations that some students arrested for participating in political protests were tortured. For example, a few of the students arrested during demonstrations against the sale of Polish milk powder were reportedly beaten in detention by police, particularly on the soles of their feet and on their arms and hands. They were denied access to lawyers and relatives for several days. They were also not produced before a judicial authority within 24 hours, as required by law. The dates of the prisoners' statements were reportedly altered in an attempt to conceal this.

The offices of the Deputy Superintendent of Police at Hanuman Dhoka, Kathmandu, were repeatedly cited in prisoners' testimony as a place where torture took place. Shri Gridhar Sharma was re-

ported to have been taken there after his arrest on criminal charges in late March and severely tortured. He was said to have been beaten on his bone joints, to have been kept awake by bright lights and to have had his fingernails pulled away from the skin. After a *habeas corpus* petition was filed by his family, he appeared in court on 4 May. The court ruled that he should be remanded in jail, but he was reportedly sent back to the police offices at Hanuman Dhoka instead.

Prisoners in many jails were subjected to conditions and punishments amounting to cruel, inhuman or degrading treatment. For example, in Kathmandu Central Jail prisoners were punished by being kept for several weeks at a time in segregated cells, known in Nepali as *gholghar*. These are small cells with little ventilation. Prisoners were rarely let out of these cells and then apparently only at the jailor's discretion. Some other prisoners were also kept in fetters and handcuffs for long periods.

Information was obtained during 1987 about three people said to have "disappeared" after being taken into police custody in mid-1985, bringing to six the number of such cases known to Amnesty International (see Amnesty International Report 1986). Despite continued efforts by some of their families to establish what had happened to them, including *habeas corpus* petitions before the courts, their fate could not be ascertained. Amnesty International submitted detailed information on four of these cases to the United Nations Working Group on Enforced or Involuntary Disappearances. Other submissions were also made to the UN Special Rapporteur on torture.

Amnesty International raised its concerns with the authorities on a number of occasions during the year, drawing attention to complaints of torture of prisoners and seeking information on prisoners reported to have "disappeared". In November, Amnesty International published a report entitled *Nepal: A Pattern of Human Rights Violations*, which described in detail the organization's concerns. The report analysed the main legal provisions under which prisoners of conscience are held and illustrated the use of these laws with case histories. It also contained a number of recommendations, including amending the PSA, Treason (Crime and Punishment) Act, and the Destructive

Crimes (Special Control and Punishment) Act to bring them into conformity with recognized international legal standards. In publishing the report, Amnesty International also urged the authorities to guarantee the right to freedom of religion, including the right to voluntary conversion. It called for thorough investigation of the "disappearance" cases and of all torture allegations. The government did not respond to any of Amnesty International's appeals and inquiries.

NEW CALEDONIA

See entry on France.

PAKISTAN



Some prisoners sentenced to death between 1977 and 1985, as well as more than 100 political prisoners, remained held without adequate judicial redress. They were convicted in unfair trials before special military courts during the period of martial law. The government stated it would consider acting on certain "hardship cases", but no concrete results had occurred by the end of the year. A few other political prisoners continued to undergo protracted trials before special courts in which defendants may be presumed guilty in broad-ranging circumstances unless they can demonstrate otherwise. As in previous years, members of the Ahmadiyya community were arrested and prosecuted for their religious beliefs. Further arrests took place during communal disturbances under broadly formulated provisions for

administrative detention without formal charge or trial. Most of those arrested were leaders of ethnic communities. Reports of the torture and ill-treatment of prisoners were received and a number of people were subjected to public floggings. At least 70 people were sentenced to death, including some tried under new legislation for "speedy trials". The number of prisoners executed was not known.

Political parties have functioned largely without restriction since martial law was lifted in 1985. However, some participants in political demonstrations, including non-violent protests, were arrested as police dispersed crowds. Most of those arrested were detained only briefly.

More than a dozen political prisoners were released, including prisoners of conscience arrested in previous years. Ahmad Kamal Warsi and Ghulam Shabbir Shar, imprisoned since 1980 (see Amnesty International Report 1987), were freed on the expiry of their sentences in December. Two leaders, Mumtaz Ali Bhutto and Abdul Hafiz, and 10 other members of the Sind-Baluch-Pakhtoon Front (SBPF), a party advocating a confederate structure for Pakistan, were released on bail during the second half of the year. They had been charged with sedition, creating enmity between different groups and "anti-national activities". Most of them had been arrested in late 1986.

More than 100 political prisoners remained without adequate judicial redress following their conviction prior to 1986. They had been tried by special military courts which failed to uphold internationally recognized principles that courts must be independent from the executive and that defendants must have the right of appeal to a higher court. Many of the political prisoners brought before special military courts were reportedly tortured to obtain confessions subsequently used as evidence against them.

Amendments to the Constitution enacted before the lifting of martial law purportedly prevent civilian courts from examining the verdicts imposed by military courts. However, both the Sind and Lahore High Courts ruled that, on certain restricted grounds, petitions challenging conviction by a military court could be heard by the courts. The government appealed to the Supreme Court against these decisions but by the end of the year

the appeals had not been heard.

When martial law was lifted, a parliamentary committee was established to consider action on prisoners convicted by military courts who were considered to be "hardship cases". This term, although not defined, excludes prisoners convicted of "heinous offences", and may exclude prisoners under sentence of death. The committee submitted its findings to the Prime Minister in June. However, the findings were not made public and the government had taken no action by the end of the year.

Special courts established under the 1975 Suppression of Terrorist Activities Act continued for a second year to hear cases of more than 12 prisoners. Under this law, defendants need not be presumed innocent. They are required to prove innocence if, for example, they are in possession during arrest of any article which could be used to commit an offence covered under the law, such as criminal conspiracy against the state. The only trial held under provisions of the Act which reportedly concluded during the year resulted in acquittal. The prosecution's case had rested on a confession, subsequently retracted by the defendant and not corroborated by independent evidence. The prisoner was not released, however, because a special military court had already convicted him on other charges. In July the Act was amended to cover murder or attempted murder committed in the course of other offences.

As in previous years, dozens of members of the Ahmadiyya community were arrested (see Amnesty International Report 1987). They were prohibited from calling themselves Muslims or engaging in Muslim religious practices under amendments to the penal code introduced in 1984. They were released on bail while awaiting trial or while appealing against prison sentences, usually of between one and three years. One Ahmadi awaiting trial, who was reportedly involved only in practising and explaining his religious beliefs, was charged under Section 295-C of the penal code prohibiting remarks derogatory to the prophet Mohammad. This section was amended in 1986 to provide for the death penalty.

Hundreds of people were detained during the year under the Maintenance of Public Order Ordinance (MPO), which empowers the authorities to order deten-

tion without trial for up to three months if a person is considered to be "acting in any manner prejudicial to public safety or the maintenance of public order". Under Article 10 of the Constitution, a review board must determine whether detention should be continued beyond three months. Detainees held under the MPO included people suspected of inciting communal tension or of complicity in bombings.

In some cases, the High Courts ordered the release of MPO detainees because no specific grounds for detention had been cited. For example, two political activists arrested in Karachi after a major bomb explosion in July, who were subsequently reported to be held incommunicado for a few weeks, challenged their detention before the Sind High Court. The court ordered their release in mid-August, noting the deficiency of the detention orders in not specifying the grounds for arrest. It also commented that under the MPO a detainee cannot be held, as these two activists were, exclusively under police control.

A number of prisoners, most of them held on criminal grounds, were reportedly tortured in police custody or in prison. Ghulam Haider was reported to have been beaten so badly in Dadu District Jail on 9 February that a medical examination six days later revealed multiple contusions "with blackish colour of overlying skin and putrefaction of underlying tissues and muscles . . . resulting in gangrene on both buttocks". He was subsequently transferred to hospital in Karachi, where he reportedly required skin grafting treatment. Wazir Leghari was allegedly beaten on the soles of his feet and legs with solid rubber sticks and canes by warders at Hyderabad Central Jail in March. Both his legs were amputated below the knee after the wounds inflicted turned gangrenous. The Sind authorities announced official inquiries into the treatment of both prisoners, but the findings were not made public and no prosecutions are reported to have followed.

The courts continued to impose sentences of flogging, often between five and 30 lashes for drug-related offences and as many as 55 lashes for sexual offences proscribed by Islamic law. Floggings regularly took place in public. In June it was reported that a 10-year-old boy had been sentenced to 20 lashes for drug possession,

but it is not known whether the sentence was carried out.

At least 70 people were reportedly sentenced to death in 1987, but the real total may have been considerably higher. Two people convicted in November of adultery were sentenced to death by stoning, a punishment rarely imposed. After the promulgation in July of the Special Courts for Speedy Trials Ordinance, an increasing number of people were sentenced to death. Some of their trials lasted only two or three days.

The government announced that the Ordinance was intended to accelerate the trials of those charged with bombing and other acts of sabotage. Such incidents, which had previously been confined largely to North West Frontier Province, had recently increased. People accused of murder in other circumstances were also tried by special courts. The Ordinance empowered the provincial governments to determine which cases should be heard by special courts and to appoint judges to these courts. It contained no right of appeal to the High Courts, limiting appeal to the Supreme Court only. When the government introduced a bill in Parliament in October based on the provisions of the Ordinance, the legislation was strongly criticized on grounds of its departure from Pakistan's Criminal Procedure Code. Amendments added before passage of the bill include the right of appeal to the High Courts and the requirement for consultation with the Chief Justice in the appointment of judges.

In October 1,467 prisoners were reportedly under sentence of death in Punjab province, which contains over half the country's population. The numbers under sentence of death in other provinces were not known. The majority of cases in Punjab were awaiting appeal rulings by the superior courts. The number of people executed in 1987 was not known. In recent years, at least several dozen people have been hanged annually.

An Amnesty International mission visited Pakistan in April to discuss its concerns with the federal government and the provincial administrations in Punjab and Sind. The lack of judicial redress for political prisoners and prisoners under sentence of death convicted by special military courts was of particular concern. The authorities stated that no prisoners sen-

tenced to death by special military courts had been executed since the lifting of martial law.

The delegation also raised concern about the arrests and prosecutions of members of the Ahmadiyya community, in apparent violation of international standards of religious tolerance. In addition, delegates inquired about safeguards for prisoners and investigations into allegations of torture. Subsequently, Amnesty International wrote to the government asking about the parliamentary committee's findings on convictions by military courts under martial law and about the outcome of official investigations into the alleged torture of Ghulam Haider and Wazir Leghari. The government did not respond. In December, on the second anniversary of the lifting of martial law, Amnesty International repeated an appeal made previously for prompt action to provide judicial redress for political prisoners sentenced by special military courts.

During the year Amnesty International submitted its information to the United Nations Special Rapporteur on torture and the Special Rapporteur on summary or arbitrary executions.

PALAU



Opponents of a proposed agreement with the United States of America were subjected to death threats during 1987. In September the father of a lawyer active in a campaign against the agreement was shot dead.

Palauan voters passed an amendment to the Constitution in August which paved the way for a second vote in which a Compact of Free Association with the

United States of America was approved. The amendment removed a provision requiring a 75 per cent majority to overturn an anti-nuclear clause in the Constitution. This provision had prevented earlier approval of the Compact. By the end of the year, further action by the US was still needed before the Compact could take effect.

Roman Bedor, a lawyer who led legal moves to retain anti-nuclear provisions in the Constitution, was one of several opponents of the constitutional changes who received death threats in September. A group of former government workers who reportedly had retained access to government vehicles and resources were said to be responsible for these threats. On 7 September Roman Bedor's father was shot dead while standing guard outside his son's office. The assailant or assailants apparently mistook him for his son.

Amnesty International wrote to President Lazarus Salii in September, urging him to establish an impartial investigation into this killing and appealing for government action to safeguard opposition figures who had received death threats.

PHILIPPINES

Over 100 left-wing political activists and members of left-wing trade unions and peasant organizations were killed by the security forces, paramilitary units under their command or civilian "vigilante" groups operating with government support. Several "disappeared" in custody.



Most of the victims were apparently suspected of supporting the New People's Army (NPA), the armed wing of the Com-

unist Party of the Philippines (CPP), which continued to wage a guerrilla war against the government. The killings and "disappearances" often appeared to be in retaliation for the assassination of police, military and paramilitary personnel by the NPA. In the south, at least five Muslim missionaries were killed by soldiers in an apparent response to an attack on an army post by another opposition group, the Moro National Liberation Front (MNLF). While investigations were promptly established into many of these killings, few resulted in prosecutions.

The government of President Corazon Aquino took steps to introduce legal safeguards for the protection of human rights. In February voters approved a new Constitution with a Bill of Rights which specifically outlawed torture and all forms of secret and incommunicado detention. It provided for a permanent Commission on Human Rights to conduct hearings into allegations of human rights abuses and for the dismantling of private armies and paramilitary units such as the Civilian Home Defense Forces (CHDF), which were responsible for many human rights violations under the government of former President Ferdinand Marcos. The death penalty was formally abolished when the new Constitution was ratified in February and President Aquino announced the commutation of over 500 death sentences. Congressional elections were held in May, and Congress convened in July with Human Rights and Justice Committees in both the House of Representatives and Senate. On 11 June the second Protocol of the Geneva Conventions relating to the protection of victims of non-international armed conflict, which the government ratified in 1986, took effect.

The year was marked, however, by increasing political violence on the part of both security forces and opposition groups. There were three attempted military coups, with the last and most serious on 28 August resulting in 50 deaths. Over 100 police officers and military officials were assassinated in Manila alone; the NPA claimed responsibility for many of these killings. There were several reports of torture and killing of captives by the NPA and MNLF. Amnesty International as a matter of principle condemns the torture or execution of prisoners by anybody, including opposition groups.

The incidence of extrajudicial executions rose following the collapse in January of talks between the government and the CPP-led National Democratic Front (NDF) over how to end the insurgency. The immediate cause of the collapse was an incident on Mendiola Bridge in Manila on 22 January. Government troops opened fire on supporters of a national peasant organization, Kilusang Magbubukid ng Pilipinas (KMP), during a violent demonstration near the presidential palace in support of land reform. At least 12 people were killed. The NDF withdrew from negotiations and a cease-fire between the NPA and government forces was allowed to lapse on 7 February.

Three days later, 17 villagers were killed by the Philippines army in Namulangayan, Lupao, Nueva Ecija, following an NPA ambush of an army patrol in which a lieutenant was killed. The NPA fighters escaped, but soldiers then rounded up many villagers in their homes and shot them. Among the dead were six children and a couple in their eighties. General Ramos, Chief of Staff of the Armed Forces, ordered a full investigation on 13 February. In June Philippine army investigators filed charges against 42 soldiers, but by the end of the year they had not been tried.

There were reports of similar killings by government forces in the following months. For example, in late April, seven non-combatant civilians were alleged to have been extrajudicially executed by the 57th and 61st Infantry Battalions during operations against the NPA in Cadiz and Sagay, northern Negros Occidental. On 4 July an organizer for the National Federation of Sugar Workers, Amado Cayao, was shot dead, reportedly by members of the 339th Company of the Philippines Constabulary (PC). In another case, Valeriano Caro, vice-chairman of the KMP in the Visayas region, and his son Rolito were shot dead on 3 October in Galang, Odon, Iloilo, by members of the army's Regional Special Action Force. The military claimed they were killed in an "encounter" but Valeriano Caro's wife, who witnessed the shooting, said her husband and son had been shot dead in custody.

Several extrajudicial executions and "disappearances" were reported in connection with congressional elections in May. On 6 May Nenita Villalobos, Marissa Nombre and Junie Academia (aged only

15) were arrested in Hilamunan, Kabankalan, Negros Occidental, by members of the Kabankalan Integrated National Police. They were all campaign workers for a left-wing candidate. Witnesses reported that they were taken away in a police vehicle, but police officers denied having detained them. On 6 June two bodies later identified as those of Nenita Villalobos and Junie Academia were found in a sugar-cane field in Talisay, about 85 km. from Kabankalan. An autopsy showed they had died of hack wounds. An investigation was undertaken by the Commission on Human Rights and the National Bureau of Investigation, but its outcome was not known at the end of the year.

Another left-wing campaign worker, Arcadio Ramires, "disappeared" in Tondo, Manila, on 9 June after being seized by five armed men believed to be police officers. His abduction followed the killing of a police officer in Tondo, apparently by the NPA. By the end of the year there was no news of his whereabouts.

Five Muslim missionaries were killed in Lanao del Norte on 29 June by members of the 24th Infantry Battalion, 12 hours after an attack on some soldiers by the MNLF in neighbouring Lanao del Sur. An army commander announced in July that murder charges would be filed against three soldiers.

Left-wing public figures in Manila were attacked by armed men believed to be associated with the military. On 8 June a car carrying Bernabe Buscayno, a founder of the NPA, was attacked; he escaped but his companions, Manuel Sanchez and Dan Sibal, were killed. On 19 September Leandro Alejandro, leader of the left-wing coalition BAYAN, was assassinated. A human rights lawyer, David Bueno of Laoag City, Ilocos Norte, was assassinated on 22 October, and other lawyers received death threats.

By April reports of killings and other abuses by civilian groups commonly known as "vigilantes" were widespread. By the end of 1987 there were over 200 such groups, officially termed "Civilian Volunteer Self-Defense Organizations". They were formed with the encouragement of the civilian and military authorities to provide intelligence to local military authorities and conduct village security patrols. Many unofficial paramilitary groups such as the so-called Tadtad (liter-

ally "chop-chop" from the practice of mutilating their victims with machetes) joined forces with the "vigilantes". The failure of the government to condemn the abuses carried out by these groups suggested that they were condoned.

In March Agustin Logo, the acting municipal administrator of Kamarahan, President Roxas, North Cotabato, was hacked to death by 10 Tadtads after he refused to support the Alsa Masa, a "vigilante" group. In early April Roger Itil, a suspected NPA member, was killed and decapitated by Tadtads who publicly announced, "We killed him because he was a communist."

On 28 April 10 Tadtads entered the compound of the Lapanday Development Corporation (LADECO) in Mandug, Davao City, Mindanao, looking for trade union organizers they considered sympathetic to the NPA. Peter Alderite, a director of the Lapanday Workers' Union, was the first organizer they encountered, and they hacked him to death with machetes in front of many witnesses. The Tadtads were reportedly brought to the compound in military trucks and told residents they were acting on military "mission orders". An official investigation was opened into the killing, but witnesses reportedly were afraid to testify, and no suspects were identified.

Killings by "vigilantes" have been reported from places throughout the country, including Cebu, Samar, Leyte, Bicol, Misamis Oriental and northern Luzon. In response to widespread publicity, an inter-agency committee made up of the Departments of Local Government and Defense and the Armed Forces of the Philippines issued guidelines in October on how these groups were to be organized, recruited, trained and supervised. By the end of the year, the introduction of these guidelines had had little noticeable impact in reducing the scale of human rights violations.

Unofficial paramilitary groups, which unlike the "vigilantes" were engaged openly in offensive actions against the NPA, were also responsible for political killings. On 6 October Daniel Ngaya-an, a tribal leader and political activist in the Cordilleras, the mountainous region of northern Luzon, was shot dead by the Cordilleras People's Liberation Army (CPLA), led by former NPA leader Conrado

Balweg. The CPLA began working with the military in operations against the NPA after the government negotiated a cease-fire with the CPLA in September 1986. Daniel Ngaya-an was seized by CPLA men on 5 October in the village of Cagaluan, Pasil, while returning home from a meeting. On 10 October Conrado Balweg claimed the CPLA had executed Daniel Ngaya-an on 6 October because he was being used by the CPP against the CPLA.

Investigations into alleged human rights offences rarely led to prosecutions, often because witnesses were too frightened to testify or because the military authorities failed to cooperate. Unspecified administrative sanctions were imposed on six officers involved in the 22 January Mendiola incident, but the inquiry commission's recommendation that several members of the security forces should be charged with criminal offences was not implemented because the individuals were not identified. An investigation into the killing of trade union leader Rolando Olalia in November 1986 resulted in one soldier being charged, but a second man sought in connection with the killing was not captured. Court proceedings against the first man had not begun by the end of the year.

Where military personnel were prosecuted, convictions were rare. A trial in a military court of two military intelligence agents accused of complicity in the abduction and "disappearance" of Father Rudy Romano in July 1985 concluded in August 1987 with the acquittal of both men.

One human rights trial during the year did result in a conviction. On 4 September eight men, all former members of the CHDF, were convicted in a civilian court of the murder of Father Tullio Favali in Kidapawan, North Cotabato, in April 1985 and given life sentences.

The rising level of political violence led to calls for stricter laws and for restoration of the death penalty. At congressional hearings in October on a bill to reintroduce capital punishment, Amnesty International gave evidence to support its view that the death penalty violates fundamental human rights and has no special deterrent effect. The bill was still pending at the end of the year.

Amnesty International raised its concerns about human rights violations with military and civilian authorities at both

local and national levels. Following a mission in December 1986, it wrote to six regional commanders noting reports of extrajudicial executions and "disappearances" that had occurred in their regions in 1986 and requesting their comments on the allegations. However, only two commanders had responded by the end of the year, one saying that the allegations were being investigated, one stating that he did "not entertain inquiries from foreigners".

In March Amnesty International wrote to the Secretary of Justice asking about the status of a presidential decree issued during the previous administration, PD 1850. The decree requires military personnel to be tried in military courts, regardless of the charge. Many lawyers regard the decree as a major obstacle to the effective prosecution of suspected human rights offenders. By the end of the year, the decree was still in force.

Amnesty International also repeatedly expressed concern about alleged extrajudicial killings by "vigilante" groups in letters to President Aquino and other government and military officials. During an Amnesty International mission in July, it raised these concerns with officials from the Departments of Defense and Local Government and the military. It submitted several cases from the Philippines to the United Nations Special Rapporteur on summary and arbitrary executions.

SINGAPORE



Chia Thye Poh, a prisoner of conscience detained continuously since 1966, remained in prison throughout the year. At least 26 other people were detained in 1987 under the Internal Security Act (ISA) which provides for indefinite detention

without trial. Of these, 22 were prisoners of conscience, 21 of whom were released before the end of the year. However, in all cases but one, restrictions on their freedom of movement and association were imposed as conditions of their release. Some of the detainees were ill-treated during interrogation. There were at least six death sentences imposed by the courts for drugs offences and murder, but no executions were reported.

In May and June, 22 people were arrested under the ISA and accused of being involved in a "Marxist conspiracy to subvert the existing social and political order" in the largest crackdown on government opponents in Singapore for nearly a decade.

The 22, many of them church and social workers, had been involved to varying degrees in community work, the dramatic arts, workers' and students' groups and in the opposition Workers' Party. Following the arrests the Ministry of Home Affairs issued a statement containing detailed allegations against the detainees. In addition, the state-owned television company subsequently broadcast a series of heavily edited interviews with detainees, recorded while they were in custody, designed to appear as "confessions" in support of the government allegations. However, there was convincing evidence that these "confessions" had been obtained under duress, after the detainees had been held in solitary confinement, subjected to continuous interrogation for lengthy periods and denied effective access to legal counsel. Some of the detainees had, in addition, been beaten by their interrogators and doused with cold water.

Fourteen of the detainees were served with one-year detention orders at the end of the 30-day investigation period provided for under the ISA. Vincent Cheng, the secretary of the Catholic Church's Justice and Peace Commission, who was described by the authorities as one of the key figures in the alleged conspiracy, was served with a two-year detention order. Before the end of 1987 all had been released, except Vincent Cheng, either by having their detention orders suspended, or with restrictions imposed on their freedom of movement and association.

In June the authorities announced that four ethnic Malays had been detained

under the ISA in April for spreading rumours of impending racial clashes. The four were members of a silat (martial arts) group and were accused of having prepared themselves for racial violence by stepping up their training. The Ministry of Home Affairs said that the announcement of their arrest had been delayed as the government did not want to cause any public anxiety. All four were served with detention orders at the end of the 30-day investigation period, but no further information was made public as to whether they were still being detained at the end of the year.

Chia Thye Poh, a former member of Parliament representing the opposition *Barisan Sosialis*, Socialist Front, remained in detention throughout 1987. He has been held continuously without charge or trial since October 1966. He was accused of being a member of the outlawed Communist Party of Malaya (CPM) at the time of his arrest and of having been instructed to infiltrate the Barisan Sosialis and to destabilize the government. He has consistently denied these allegations and refused to agree to what amounts to a confession of guilt in exchange for his release.

Under Singapore's Misuse of Drugs Act (1973) as amended in 1975, the possession of and unauthorized trafficking in over 15 grams of heroin or fixed amounts of other drugs incurs a mandatory death penalty. At least 20 prisoners convicted of drugs offences have been executed since 1975 and at least seven others were awaiting the outcome of their appeals against the death sentence.

Six people were sentenced to death by the Singapore High Court in 1987: three were convicted of drug-trafficking and three were convicted of murder. The Supreme Court also confirmed the death sentence passed on a Malaysian citizen in 1985 for trafficking in heroin. No executions, however, were reported to have taken place.

During 1987 Amnesty International continued to press for the unconditional release of Chia Thye Poh. In May it publicly expressed concern about the detentions of Vincent Cheng and others held under the ISA. Amnesty International sent a fact-finding mission to Singapore in June, during which its delegates discussed the detentions with a senior official of

the Ministry of Home Affairs, and met relatives, lawyers and the organizations alleged to have been used by the detainees in the conspiracy. On the basis of the information obtained by its delegates during and after this mission, Amnesty International confirmed that all 22 arrested in May and June were prisoners of conscience. In September it submitted its findings to the authorities in Singapore.

The government did not comment directly on the mission report which was made public in October. However, it attempted to rebut the report through a publicity campaign in the local and foreign press, repeating its original allegations against the detainees and denying that they had been ill-treated. Amnesty International welcomed the release of 21 of the detainees and continued to press for Vincent Cheng's unconditional release and to call for the restrictions imposed on those released conditionally to be removed. Amnesty International also appealed for the death sentence to be commuted in every case of which it learned.

SRI LANKA



The continuing conflict in northern and eastern Sri Lanka exacted a heavy price from the civilian population. The police and armed forces continued to kill non-combatant Tamils, while armed Tamil groups fighting for a separate state were responsible for the deaths of hundreds of Sinhalese and Muslim civilians, as well as hundreds of Sri Lankan military personnel. Of particular concern were reprisal killings of Tamil civilians by the security forces and reports that Tamil suspects taken into custody were shot or tortured to

death, and their bodies disposed of in secret. By the end of 1987 over 680 Tamils had reportedly "disappeared" since 1983, and no substantive attempts had been made by the government to establish what had happened to them.

Following the signing of a peace accord between India and Sri Lanka on 29 July, several thousand imprisoned Tamils were released. Many had been detained without trial for several years under the Prevention of Terrorism Act (PTA) or Emergency Regulations (ER). Many of those released in eastern Sri Lanka complained of having been tortured and some said they had witnessed the deaths under torture of other detainees. Around 1,000 Tamils were still held under the PTA at the end of 1987.

Hundreds of Sinhalese were also detained without trial. Most were alleged members of the banned *Janatha Vimukthi Peramuna* (JVP), People's Liberation Front, suspected of involvement in violence and killings of government officials and members of the ruling United National Party (UNP).

In late 1987 there were increasing allegations that members of the Indian Peace Keeping Force (IPKF) deployed in the north and east as part of the July peace accord were responsible for rape and other acts of brutality against Tamil civilians, including extrajudicial killings.

Several armed Tamil groups continued their fight for a separate state, killing military and police officials and also hundreds of unarmed Sinhalese civilians. On 17 April 127 passengers travelling on buses and trucks were killed in Trincomalee district. A number of bomb explosions resulting in extensive civilian casualties were also attributed to Tamil groups, including one in April in a Colombo bus station which killed an estimated 110 civilians, and another in Maradana district of Colombo in November which killed 32. Following the suicide in captivity of 13 members of the Liberation Tigers of Tamil Eelam (LTTE) on 3 October, the LTTE killed eight Sinhalese soldiers and police whom they had held since 23 March, as well as four Sinhalese members of a television team and two Sinhalese officials in Kankesanthurai. In some cases the government imposed a curfew in an attempt to prevent retaliatory action against Tamil civilians, but many unarmed Tamil civilians were killed in reprisal.

For example, at least 150 civilians, nearly all Tamils, were killed by the Special Task Force (STF) after 13 STF personnel had been killed at Kokkaddicholai near Batticaloa on 28 January. The government said 23 of the dead were separatist guerrillas and 13 were STF members, but evidence from eye-witnesses indicated that most of the victims were unarmed Tamil civilians, including women and children. The government announced an inquiry into the incident but by the end of 1987 it was not clear whether it had been held.

Between 1983 and the signing of the Indo-Sri Lankan accord, 685 "disappearances" were recorded in northern and eastern Sri Lanka. In many cases, eye-witnesses testified to the victim's arrest. There was evidence that many of the "disappeared" had been tortured, that some had died as a result, and that others had been shot dead after arrest and their bodies disposed of in secret. Several released prisoners testified that they had been forced to bury the bodies of detainees shot by the STF and that they had seen tortured prisoners die in custody. One released detainee testified that he had burnt the dead bodies of 25 Tamil youths in Akkairapattu camp during the first seven months of 1987. There were also several reports of "disappearances" of Sinhalese in the south.

The government continued to deny that "disappearances" had occurred. In December the United Nations Working Group on Enforced or Involuntary Disappearances reported that 667 cases of "disappearance" needed clarification by the government.

Many testimonies from released prisoners were received, some supported by medical records, alleging torture during interrogation in army or STF camps or police stations, especially in the eastern province in the period since 1985. Many victims bore marks of torture: one had marks all over the body from burns caused by dripping melted foam rubber on the skin. With one exception, *habeas corpus* petitions failed to produce any action on behalf of alleged torture victims. Most detainees had difficulty gaining access to the competent courts in Colombo and were afraid of repercussions.

Four police officers were charged in July after a prison doctor found injuries on the body of a Sinhalese criminal suspect, Amal Sudath Silva. He alleged that he was tortured by police in Panadura while held for five days in October 1986. In July 1987 the

Supreme Court ruled that the police had tortured him and ordered the state to pay compensation. It also ordered a full investigation, which led to the police officers being charged. The outcome of the case was not known by the end of the year.

The Indo-Sri Lankan agreement included an amnesty for all prisoners held under the PTA and other emergency laws whether detained, charged or convicted. By the end of 1987, it was estimated that 3,750 of the 5,400 or more Tamil detainees held under these laws at the time of the July accord had been released. Among them was Father A. Singaray, a prisoner of conscience (see *Amnesty International Report 1986*). Hundreds of prisoners were released in the weeks after the accord, but the release program then slowed down. In October the government stopped withdrawing charges against people held under the PTA and President Julius Jayewardene announced that the amnesty no longer applied to the LTTE or to anyone else "waging war against the government". No Sinhalese prisoners charged with these and other offences under the PTA had benefited from the amnesty. The government was also proceeding with two trials of Sinhalese and Tamil suspects charged under the PTA with conspiracy to overthrow the government. Towards the end of the year several hundred Tamils were again arrested under the PTA. Many were arrested by the IPKF during "cordon and search operations".

Hundreds of Sinhalese were reported to have been arrested and detained without charge under the Emergency Regulations (ER), many on suspicion of supporting the JVP and the *Deshapremi Janata Viyaparaya* (DJV), People's Patriotic Movement, with which the JVP is closely linked. Both organizations opposed the peace accord. On 18 August President Jayewardene escaped a grenade attack which injured several ministers and killed one Member of Parliament. By the end of the year the police had held the JVP responsible for killing over 250 government officials, UNP supporters and members of left-wing opposition parties. In December the chairman of the UNP and a superintendent of police were killed.

Two hundred Buddhist monks allegedly sympathetic to the JVP were among those arrested under the ER during riots in late July. By mid-August, 2,000 people had reportedly been arrested in the south and although many were released, hundreds of

other alleged JVP supporters were arrested before the end of 1987. In October the government announced that those held under the ER without positive evidence of an offence would be released, but added that this would not apply to members of proscribed organizations such as the JVP. President Jayewardene was reported to have stated in December that members of the JVP had to be "eliminated" and that the security forces would have immunity from prosecution for action taken in combat.

Many of those arrested under the ER were held in police stations for months without being brought before a magistrate. In some cases relatives were reportedly arrested if the police could not find the wanted person. Relatives were often not informed of arrests and were often unable to find out where detainees were being held, at least initially.

After its forces entered Sri Lanka on 30 July, the IPKF was increasingly accused of raping Tamil women and of deliberately killing dozens of unarmed Tamil civilians, among them elderly people, women and children. The Indian Government said that those killed were members of the LTTE or civilians who had been killed in "crossfire". However, in several cases there was eyewitness evidence that the victims were non-combatants shot without provocation. For example, on the night of 12/13 October, some 40 non-combatant Tamils were allegedly killed by the IPKF after 29 IPKF soldiers were shot dead by the LTTE during a major Indian military operation launched to obtain control of the Jaffna peninsula from the LTTE. Relatives of the victims said that IPKF soldiers had taken refuge in nearby houses and shot people, including children, at point-blank range.

Several dozen Tamil women, some of whom needed hospital treatment, testified that they were raped by IPKF personnel. A local magistrate in the north reportedly found the IPKF had been responsible for seven cases of rape in December. The Indian Government denied these allegations.

At least one person was sentenced to death but there were no executions.

Throughout the year Amnesty International expressed concern to the Sri Lankan authorities about "disappearances", torture and deaths in custody and urged an end to incommunicado detention, and improvements in detention conditions. Amnesty International also investigated the cases of over 200 Tamils and 20

Sinhalese detained in the south who were regarded as possible prisoners of conscience. It urged full implementation of the amnesty provisions in the July peace accord and intervened on behalf of one person sentenced to death in June.

Amnesty International continued to oppose the forcible return of Tamil asylum-seekers to Sri Lanka on the grounds that they would be at risk of imprisonment as prisoners of conscience, torture or execution. It received reports that four Tamils repatriated against their will were arrested on arrival on 24 January and taken into custody by the CID. Amnesty International took up the case of one of them, but by the end of the year the detainee was still being held without charge or trial.

Amnesty International also submitted information to the UN Special Rapporteur on torture and the UN Working Group on Enforced or Involuntary Disappearances. It expressed concern about hundreds of "disappearances" in Sri Lanka in a statement to the Commission on Human Rights in March. In June Amnesty International published details of 216 new "disappearances" in the eastern province and called for the government to account for the prisoners. It was concerned by the failure of the Sri Lankan Government to accept an offer by the International Committee of the Red Cross to provide assistance and protection to victims of all parties affected by the conflict in Sri Lanka.

TAIWAN (REPUBLIC OF CHINA)

Six prisoners of conscience were held throughout the year and two others, arrested in October, were still held at the end of 1987. At least 14 prisoners of conscience were among the political prisoners released under clemency measures. Allegations of torture were made by two defendants tried for sedition, and three deaths from ill-treatment in custody were reported. Over 20 death sentences were imposed, and three prisoners convicted of criminal offences were executed.

The process of political liberalization continued and in July the martial law decree in force since 1949 was lifted. Military court trials of civilians charged



with sedition and other serious offences ceased and the constitutional rights to form political parties, to hold demonstrations and to strike were partially restored.

However, the government introduced a new National Security Law on 1 July which imposed strict limits on freedom of expression. Article 2 of the new law provides that "no person may violate the Constitution or advocate communism or the division of national territory". The article does not specify penalties, which are prescribed in draft legislation on assembly and civic organizations that was introduced in the Legislative Yuan (Council) in the latter part of the year. The Statute for the Punishment of Sedition, under which most prisoners of conscience had been held during martial law, remained in force but trials under the Statute were conducted by civilian courts.

During the year the government released on parole at least 60 prisoners convicted of sedition. The occasions for releases included the Chinese New Year and the lifting of martial law. Between January and June, 10 prisoners of conscience were released, including: Yao Chia-wen, a lawyer; Huang Hsin-Chieh, a former Legislative Yuan member; and Chang Chun-hung, a former Taiwan provincial assembly member. The three prisoners were arrested in December 1979 in connection with the Kaohsiung Incident. Four prisoners of conscience who had been detained since 1976 were also released, among them Huang Hua, a writer, and Chen Ming-chong and Yang Chin-hai. Amnesty International had been especially concerned in recent years about the ill-health of Yang Chin-hai and Chen Ming-chong.

In July some 30 other political prisoners, including two prisoners of conscience,

were released in a government amnesty to mark the lifting of martial law. Under the amnesty the government halved the sentences of all those convicted of sedition and still imprisoned or released on parole, except those convicted of violent offences or convicted and imprisoned more than once. The prisoners of conscience who were not released were Pai Ya-tsang, whose life sentence following arrest in 1975 was reduced to 15 years, and five others: Hou Teh-fu, arrested in 1976; Chang Hua-min, arrested in 1979; Shih Ming-teh, arrested in 1980; Wang Ching-hsiung, arrested in 1981; and Hsu Chao-hung, arrested in 1985. These five prisoners did not benefit from the amnesty because they had been convicted of sedition on several occasions.

Two former prisoners of conscience, Hsu Tsao-teh and Tsai Yu-chuan, were rearrested on 12 October and Amnesty International again considers them to be prisoners of conscience. Both men were members of the newly-formed Formosan Political Prisoners Association, a support group of former political prisoners. On 10 December they were charged with sedition, on the grounds that they had introduced a clause into the group's charter supporting independence for Taiwan. The government bans this view, regarding the island as a province of China which it wants reunified with mainland China under the political doctrine of Dr Sun Yat-sen.

During the year at least 15 ethnic Chinese from overseas and refugees from mainland China were arrested on charges of promoting communist ideas or spying for the People's Republic of China. Two of them, Huang Chien-feng and Liu Teh-chin, claimed during their trial that they had been tortured during interrogation. In September four young people from Hong Kong were detained briefly by the Investigation Bureau and questioned about the views they had expressed, including opinions about China's relations with Hong Kong and Taiwan. The four had attended a meeting in Taiwan organized by two dissident groups and were released after formally recanting their views.

Tsai Keh-tang, a resident of Chiayi in Taiwan, was charged in November with sedition after allegedly distributing pro-communist leaflets, listening to radio broadcasts from China and sending material to the People's Central Broadcasting

Station there for broadcast back to Taiwan. On 21 December he was sentenced to eight years' imprisonment.

Taking advantage of the freer political atmosphere, opposition politicians and local pressure groups held an unprecedented number of street demonstrations. Some violent clashes occurred between some demonstrators and the police. After a demonstration against the proposed National Security Law, organized by the opposition Democratic Progressive Party (DPP) and held in Taipei on 12 June, the authorities prosecuted the organizers rather than those directly responsible for the violence. Hsieh Chang-ting and Hong Chi-chang had not been at the site of the clashes but were charged with injuring riot policemen. Their trial had not been completed by the end of the year.

At least three prisoners were reported in the Taiwan press to have died as a result of ill-treatment in detention. An autopsy on the body of Chen Chin-hao, who died on 7 July in a military reformatory in Taitung district, identified a brain haemorrhage as the cause of death. The military authorities began an investigation of Chen Chin-hao's death but its findings were not known by the end of the year. Official investigations were also started into allegations by several criminal suspects that they had been tortured, and into the deaths in custody of Chen Wen-tsung, a convicted prisoner, and Liu Hung-fei, a murder suspect.

During 1987 district courts imposed over 20 death sentences for robbery, rape and murder, and two sentences were commuted on appeal to life imprisonment. Three prisoners convicted of murder were executed, including an 18-year-old aborigine, Tang Ying-shen, on whose behalf there was an unprecedented public campaign for clemency by writers, members of church groups and others.

Amnesty International called for the release in 1987 of Hsu Tsao-teh, Tsai Yu-chuan and other prisoners of conscience who remained in custody. Six prisoners of conscience had been held for between two and 12 years at the end of 1987. The organization also called for the retrial of several other political prisoners convicted of sedition in previous years by military courts.

Amnesty International investigated the cases of prisoners arrested for sedition in 1987, including Tsai Keh-tang, Huang

Chien-feng and Liu Teh-chin. It also sought information about cases in which criminal charges may have been brought against people for political motives. These cases included those of the DPP leaders charged with injuring policemen during the demonstration in Taipei on 12 June. Amnesty International was concerned that the DPP leaders had not themselves been involved in the violence and had apparently sought, both before and during the demonstration, to prevent violence.

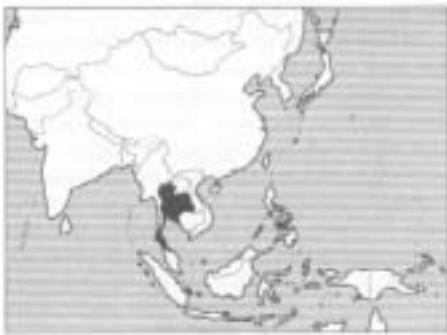
While welcoming the lifting of martial law and an end to military trials of civilians, Amnesty International expressed concern that the new National Security Law would unduly restrict the rights of free expression and association. The organization conveyed its concern to the government in early January, when the proposed law was under discussion, and again in September, during a visit to Taiwan by an Amnesty International delegation. The delegation also urged a review of sedition convictions by military courts during the period of martial law, on the grounds that the trials had been unfair.

During the mission, Amnesty International raised with the government its concern about continued reports of prisoners being tortured and ill-treated and pressed the authorities to introduce measures reinforcing existing safeguards against torture. The authorities provided information about official investigations into ill-treatment allegations, including the 1986 deaths in custody of Huang Nan-hsing and Chen Kai-chieh (see *Amnesty International Report 1987*) and the death of Chen Chin-hao in 1987.

The family of Huang Nan-hsing is said to have accepted the results of a second autopsy, which attributed death to an asthma attack. The authorities conducted a new investigation into the death of Chen Kai-chieh after his family contested police investigation findings that he had died of a haemorrhage in the heart. A second autopsy showed that he might have been suffocated by the lace of a protection helmet, and a policeman was tried for manslaughter caused by negligence. On 31 August the Taipei District Court found the policeman innocent and endorsed the conclusions of the earlier police investigation. Chen Kai-chieh's family appealed against the verdict, but the results of the appeal were not known by the end of the year.

The Amnesty International delegation urged the government to take steps towards abolishing the death penalty. Officials responded that the government was committed to retaining the death penalty on the grounds that it was necessary to maintain social order.

THAILAND



Two prisoners of conscience were released in November and December and one was expected to be released in early 1988 as a result of royal pardons. One remained in prison. Over 35 other political prisoners were also released either as a result of orders from the Prime Minister or royal pardon. Sixty-five death sentences were reportedly commuted by royal pardon. However, at least 14 other people were executed during the year and more than 200 prisoners sentenced to death were reportedly appealing against their sentences. These prisoners remained liable to execution after 5 December.

There were reports that paramilitary forces had summarily executed Kampuchean refugees who had left camps to which they were restricted, and that provincial prison authorities had executed a Thai convict captured after an escape attempt. More than 200 Laotian asylum-seekers were forcibly repatriated. It was alleged that some of them became prisoners of conscience on arrival in Laos, and that others were summarily killed.

On 5 December a general royal pardon decree to mark the 60th birthday of King Bhumibol Adulyadej came into effect. It was to be implemented in stages by April 1988. It provided for all death sentences which had been finalized by 5 December to

be commuted, for the release of a few prisoners on humanitarian grounds, and for reductions in penalties for many others, according to their behaviour in prison. Some reductions in penalties were sufficient to bring about the release of prisoners.

Politicians, lawyers, students, trade unionists and religious leaders called for Parliament to pass an act granting amnesty to all political prisoners and suspects on 5 December. No such bill was introduced in Parliament. The Prime Minister, General Prem Tinsulanonda, however, reportedly ordered the release of some political prisoners.

In November, one prisoner of conscience, Anan Seenaakhan, a retired police officer, was released as a result of an individual royal pardon. He had been imprisoned since 1983 and convicted of "lese majesty" for expressing non-violent political views on matters relating to the royal family. In December Prasit Bua-suwan was released, apparently because of a reduction in his sentence under the general royal pardon decree. A former teachers' training college employee imprisoned since 1985, he had been convicted of "lese majesty" for reproducing leaflets critical of members of the royal family. At the end of 1987, a petition for the release of a third prisoner of conscience, Sanan Wongsthii, was reportedly being given favourable consideration. This former trade union leader had been imprisoned since 1986, convicted of "lese majesty" for having spoken at a seminar in a manner deemed critical of the royal family. His release was expected in early 1988.

A fourth prisoner of conscience, Phromneet Baanthip, a former rubber tapper, continued to serve an eight-year sentence for having advocated the establishment of a republic. He had not reportedly petitioned for release.

Five out of 18 suspects detained without charge since April under the Royal Act on the Prevention of Communistic Activities (RAPCA) were released in November on the order of the Prime Minister. That same month, he reportedly accepted a recommendation from the police that four more of these prisoners should be released. Their release was expected in January 1988. The police also recommended the release of four others. Under the RAPCA detainees can be held without

charge for up to 480 days.

Also released in November at the Prime Minister's request were 33 junior military personnel, intellectuals and trade unionists imprisoned since September 1985 in connection with an abortive military coup. Their trial began promptly the month after their arrest, but had already lasted considerably longer than most ordinary criminal proceedings. General Prem's request resulted in the case against these 33 prisoners being withdrawn. However, the trial of the chief defendants, who were charged with insurrection, continued.

Six defendants facing charges of "communistic activities" and "insurrection" in an even longer court case remained in prison. They had been arrested in July 1984 and had been on trial before a military court, from which there was no right of appeal, since January 1985. Their trial had been repeatedly postponed because of the failure of a number of security officers called as prosecution witnesses to appear in court.

Some 29 other political prisoners convicted by military courts in previous years also continued to be denied any opportunity to appeal against their convictions. They had been convicted of "communistic" or "Muslim separatist" activities or of politically-motivated acts of violence. They had all been tried under martial law decrees issued in October 1976 which suspended in certain cases the right to appeal contained in the Criminal Procedure Code. At least two of these prisoners were expected to be released in early 1988 after having their sentences reduced as a result of the general royal pardon decree.

There were at least 14 executions, but 65 prisoners under sentence of death who had exhausted all judicial appeals had their sentences commuted under the general royal pardon decree. The decree did not affect prisoners under sentence of death whose cases were still under appeal; their number was estimated to be over 200.

The government continued to provide long-term refuge to large numbers of foreign nationals, among them Laotians, Kampuchean, Burmese, Vietnamese and Malaysians. These probably totalled more than half a million people, and included asylum-seekers who entered Thailand just after the Second World War, as well as people who had sought refuge since the mid-1970s. However, a group of Laotian

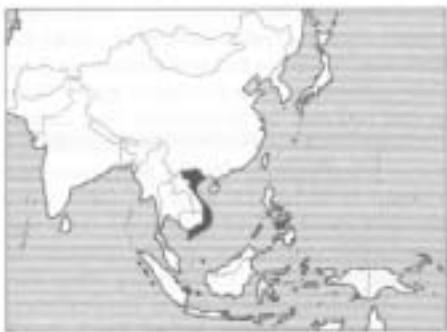
asylum-seekers were reported to have been forcibly returned to Laos on at least three occasions. In March some 155 upland people of minority H'mong ethnic origin were reportedly returned to Laos, some of whom were said to have been detained as possible prisoners of conscience upon their arrival in Laos. In September four former political prisoners of lowland Lao ethnic origin who had previously been detained without trial for 12 years in Laos were returned forcibly and then again detained as possible prisoners of conscience. In November another 49 H'mong were forcibly returned to Laos. Local Thai officials said a number were killed by Laotian soldiers upon their return.

In July two Kampuchean nationals, one a pregnant woman and the other her handicapped husband, were reportedly taken into custody and executed by Thai paramilitary forces to punish them for collecting firewood outside the perimeter of refugee camp Site 2 in Prajiinburii province. In August two more Kampuchean were said to have been killed by local Thai militia to punish them for being outside refugee camp Site B in Surin province.

In August a Thai convict imprisoned for an ordinary criminal offence in Songkhla provincial prison was found hanged in his cell following an unsuccessful escape attempt during which two warders were taken hostage and threatened with a hand grenade. The circumstances of his death suggested that he might have been extrajudicially executed by the prison authorities to punish him. This incident occurred despite specific assurances from the Director General of the country's Corrections Department that the prisoner would be moved to protect him against retaliatory killings of the sort that had allegedly been committed by warders against recaptured prisoners in 1986.

Amnesty International made concerted appeals to the King and the government for the release of all prisoners of conscience, the prompt and fair trial or release of other political prisoners and the commutation of all death sentences. At the end of October, Amnesty International sent a mission to Thailand to discuss human rights. At a number of meetings with government ministers and officials, the representatives welcomed the prospects for commutation of death sentences and other pardon or release measures.

VIET NAM



Nearly 2,500 political prisoners were reportedly released from administrative detention in "re-education" camps throughout the country to mark the 1987 National Day celebrations in September. According to the government, about 1,000 political prisoners held since 1975 remained in "re-education" camps, although other sources suggested that the true figure was considerably higher. Those still held were known to include several hundred political prisoners held without trial for up to 12 years and at least 40 prisoners of conscience arrested more recently. Ill-treatment of detainees by the police and public security forces continued to be reported. One person was reportedly sentenced to death in August but no executions were announced during 1987.

Following the retirement of the country's three most senior political figures at the sixth congress of the Communist Party of Viet Nam (CPV) in December 1986, major leadership changes in the government were announced in February. Twelve new ministers were appointed, including a new Interior Minister. There were elections to a new National Assembly in April and new Chairpersons of the Council of State and Council of Ministers were appointed in June.

As in earlier years, information on the system of compulsory "re-education" remained scarce. However, in September the authorities gave unprecedented publicity to an amnesty announced on the occasion of the National Day anniversary for a total of 6,685 prisoners. Of these, some 2,500 political prisoners had been held in administrative detention without charge or trial in "re-education" camps through-

out the country. The remainder were thought to have been held for alleged criminal offences. Among those released from "re-education" camps were 480 people held since 1975 on account of their positions in the armed forces or the civilian administration of the former Republic of Viet Nam. They included two former ministers, 18 former central government officials, nine former army generals, 365 other former army officers, and 23 chaplains who had served in the armed forces of the Republic of Viet Nam. The amnestied prisoners had, according to the official statement, either served at least two-fifths of their prison terms or had "shown repentance" and "reformed themselves". Also taken into consideration were the old and ill among the detainees. Only one per cent of the "more than 90,000 people" originally sent for "re-education" in 1975 remained in detention, according to the government, because they "stubbornly refuse to mend their ways". Officials said that the release of prisoners from "re-education" camps would continue, with a view to closing camps in the north of the country and moving the remainder to camps in the south. Transfers to camps such as Xuan Loc in Dong Nai province, or Ham Tan in Thuan Hai province have been reported in recent years.

At least 11 prisoners of conscience, who had been held for "re-education" for more than 10 years, were known to have been released. They included Truong Van Quynh and Ly Trung Dung, both doctors; Nguyen Sy Te and Nguyen Viet Khanh, two writers; Nguyen Khoa Phuoc, a former civil servant in the Education Ministry; and Father Paul Trinh Cong Trong, a Roman Catholic priest.

At least 40 other prisoners of conscience were still held at the end of 1987, mostly in administrative detention without charge or trial. They included writers, journalists, artists, intellectuals and members of the Buddhist, Catholic and Protestant clergy, all of whom were detained in recent years on account of their political sympathies or for dissenting from government efforts to control activities in the literary, cultural and religious spheres. At least four other prisoners of conscience continued to live under house arrest or virtually isolated and confined to their home villages, namely the Archbishop of Hue, Monseigneur Nguyen Kim Dien;

Bishop Nguyen Van Thuan; and two prominent Buddhist monks, Thich Quang Do and Thich Huyen Quang.

In addition, many other people were believed to have remained in detention throughout 1987 on account of their religious beliefs or activities. They were thought to include about 100 Buddhist monks and nuns, 100 Roman Catholic priests, mostly former military chaplains, and at least 14 Protestant former military chaplains from the much smaller Evangelical Church in Viet Nam.

A number of detainees from the various religious denominations were brought to trial during 1987 and sentenced to long prison terms. They had already served considerable periods in prison before their trial on charges of "counter-revolutionary activities".

In July seven Buddhist monks and nuns, including three prisoners of conscience, were reportedly sentenced to prison terms ranging from 13 to 21 years. In August three Protestant pastors and one layman, all prisoners of conscience, were sentenced to imprisonment of from four years to life. In November it was reported that two Roman Catholic priests in the Marist order and 21 of their followers received sentences ranging from four years to life imprisonment on charges that included "sabotage, disturbance of public security and terrorism". Although the Constitution provides for defendants to plead their case and to seek legal assistance, the defendants were not accorded the right to independent legal counsel of their own choosing. Amnesty International therefore believes that their trials fell short of internationally accepted standards for fair trial and was concerned about the political impartiality of judicial decisions in Viet Nam.

Ill-treatment by the police and public security forces continued to be reported. During 1987 the Vietnamese news media reported that public security personnel in Ha Noi, Dac Lac province and Hau Giang province had been discharged from their duties, expelled from the CPV or sentenced to prison terms for violating the law by arresting and torturing innocent civilians and forcing them to confess.

In June, a foreign ministry spokesperson responded in a broadcast to an Amnesty International report on human rights violations in the People's Republic of

Kampuchea (PRK). He denied that Vietnamese personnel stationed in the PRK were participating in the arrest and detention, and in some cases torture during interrogation, of Kampuchean political suspects.

One new death sentence was pronounced by the Haiphong People's Court in August on Pham Ba Hai, who was convicted of armed robbery and attempted murder.

Amnesty International continued throughout 1987 to call for a review of the cases of all political prisoners held in "re-education" camps without charge or trial. It urged the government to release without further delay all those who were not to be tried on recognizable criminal charges, and appealed for the immediate and unconditional release of all prisoners of conscience.



EUROPE



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ALBANIA



Prisoners of conscience were held in prison or corrective labour camps under legislation which severely restricted certain human rights, but it was impossible to estimate their number. Legal safeguards for people facing trial on political charges were inadequate and prison conditions were reported to be harsh. The criminal code continued to provide the death penalty for a large number of offences, including all political offences but one, but it was not known whether any death sentences were imposed or executions carried out.

Information about political prisoners was limited due to strict official censorship and restrictions on freedom of movement.

It appeared that the majority of prisoners of conscience were imprisoned for having attempted to exercise their rights to freedom of expression and freedom of movement. These rights are restricted by Articles 55 and 47 of the criminal code. People who criticize economic or political conditions in the country are liable to imprisonment under Article 55, which provides for a prison sentence of three to 10 years for "Fascist, anti-democratic, religious, war-mongering or anti-socialist propaganda". In wartime or when the offence has had "especially serious consequences", the penalty is imprisonment for not less than 10 years, or death.

Article 47 (Paragraph 11) concerns "flight from the state" which is punished by a minimum of 10 years' imprisonment, or death. Legal permission to travel abroad was in general rarely granted, other than to official delegations and a limited number

of students studying abroad. Those convicted under Article 47 had usually been arrested while attempting to leave the country without legal permission. In 1987 Amnesty International learned of another three such prisoners: one was said to have been sentenced to 16 years' imprisonment in 1980, another to 12 years in 1984 and the third, a soldier, to 25 years in 1985. All three had been arrested while trying to cross the border into Yugoslavia.

To Amnesty International's knowledge the only official public reference to political arrests during 1987 was in the newspaper *Tiranë Puna* on 20 March. An article about the work of the state security police stated that a group had been uncovered "who were aiming to gather people around them, to engage them in hostile activity against our homeland". An informant had told police that his suspicions had been aroused by two young people who "did not behave properly" when foreign visitors had come to the country the previous year. The article did not give the names of those arrested or further details of their fate.

Since 1967, when Albania was officially declared "the first atheist state in the world", all organized or public forms of religious worship have been illegal. In that year religious buildings were closed and all religious communities, Muslim and Christian, were deprived of legal status and their officials banned from fulfilling their offices. In the following years, there were reports of clergy being imprisoned or interned (usually on collective farms). There was no further information during 1987 about the fate of the Roman Catholic priests Father Pjeter Meshkalla (see Amnesty International Report 1987) and Father Ndoc Luli (see Amnesty International Report 1985), reported in earlier years to have been imprisoned for celebrating religious services.

An unknown number of people continued to be interned for political reasons. This punishment can be imposed for unspecified periods on people officially regarded as a danger to the country's social system and on "members of the family of fugitives living inside or outside the state". In 1987 it was reported that the family of a schoolteacher who was imprisoned in the 1960s on political charges and released in the early 1980s continued to be interned in a village in Durres district. Two other former political prisoners were said to be

interned in villages in Lezhe district and in the Cape of Rodon. In February the country's official gazette recorded the approval of Decree No. 7071 of 15 September 1986 concerning "internment and exile as administrative measures" but did not publish the text of the decree. It was not possible therefore to determine in what ways its provisions differed from those of its predecessor, Decree No. 5912 of 1979.

Legal safeguards for political prisoners during investigation and trial proceedings were extremely limited. Under the code of criminal procedure they were not guaranteed visits from relatives during investigation or access to a legal adviser during investigation and trial unless the court "deemed it necessary". (Lawyers lost their legal status and the institution of advocacy was abolished in 1967.)

The limited information available did not indicate improved conditions for political prisoners, described in the past as harsh, with poor food, hygiene and medical care. Political prisoners, including prisoners of conscience, were reportedly still held in Burrel prison and in corrective labour camps such as that at Qafe e Barit in Puke district where they mined pyrites.

Throughout 1987 Amnesty International appealed to the authorities to release all prisoners of conscience. No response was received from the government. Amnesty International sought further information about the present circumstances of a number of political prisoners reported to have been imprisoned in the 1970s and early 1980s, who were believed to be prisoners of conscience. In June Amnesty International submitted information about its concerns in Albania under the United Nations procedure for confidentially reviewing communications about human rights violations.

believes that their applications, although rejected, were based on sincere grounds of conscience. Manfred Henn, a forestry worker, was pardoned in March after serving one month of his seven-month prison sentence. Wolfgang Happenhofer, an artist, was sentenced to a total of eight months' imprisonment for twice refusing to perform military service. He began serving the sentence on 1 August and was released on 1 December.



A number of people alleged ill-treatment in police custody, some of them anonymously. It was reported that many ill-treated detainees were reluctant to identify themselves or to report their treatment to the prosecuting authorities because they feared police counter-charges of slander if their claims could not be proved. When a complaint of ill-treatment is lodged, a criminal investigation is undertaken by the police force to examine whether there is sufficient evidence to convict a police officer. A court receives the case for investigation if there is "grounded suspicion".

If further investigation confirms the allegations, formal charges are preferred and the matter proceeds to a full trial.

It has been reported that few complaints alleging ill-treatment lead to conviction of police officers. A police officer was, however, convicted and fined on 2 October for beating Andreas Betz in a police station in Pyhra, near St Pölten, on 18 January. In seven other cases where Amnesty International sought information on official steps taken to investigate the allegations, no charges were preferred. Investigation of Kurt Schwarz' alleged ill-treatment (see *Amnesty International Report 1987*) was hampered because he could not be located to provide evidence.

AUSTRIA

At least two prisoners of conscience were held for refusing to do military service, and reports of ill-treatment in police custody continued to be received.

Both imprisoned conscientious objectors to military service had made unsuccessful applications to perform civilian alternative service. Amnesty International

Police officers responded to medical evidence of injuries in a number of cases by claiming that the injuries were sustained while resisting arrest, were self-inflicted, or were not incurred in police custody. For example, Gabriele Wieser, a nurse, was reportedly beaten by officers on 3 January in Theodor-Körner-Gasse police station in Vienna. She was later examined in hospital for pain in the upper spine, head and upper arms and subsequently had to wear a neck collar. The authorities informed Amnesty International that because she had resisted arrest, the cause of her injuries could not be determined and, furthermore, that the situation had warranted the use of force. The Minister of the Interior stated that the examination of allegations of this nature by an independent court was "the only right step to take".

Amnesty International recognizes the difficulties of establishing the exact cause of injuries in the absence of independent eye-witnesses. However, this calls into question the efficacy of criminal investigations alone in deterring such abuses and underlines the need for general safeguards such as guaranteed access to a lawyer in all cases.

In July Austria ratified the United Nations Convention against Torture and in December ratified the Optional Protocol to the International Covenant on Civil and Political Rights.

Amnesty International appealed for the release of Manfred Henn and Wolfgang Happenhofer. On 17 November an Amnesty International delegation discussed the organization's concerns with the Minister of the Interior and other government officials.

BULGARIA

Large numbers of ethnic Turks remained imprisoned or banished following the enforced assimilation of the ethnic Turkish minority initiated in 1984. There were at least 18, and probably many more, prisoners of conscience. Among them were ethnic Turks and other Bulgarians detained for exercising non-violently their right to freedom of expression or religion.



One was a conscientious objector to military service. At least two people were sentenced to death and three executed.

New information about the detention of ethnic Turks emerged in 1987, although the Bulgarian authorities imposed strict censorship over information about the existence and forcible assimilation of this minority group. Amnesty International had obtained the names of over 250 ethnic Turks reportedly arrested between December 1984 and March 1985, when according to the authorities the entire minority – estimated to number at least 900,000 or 10 per cent of the population – "spontaneously" and "voluntarily" renounced their Islamic names for Bulgarian ones.

In 1987 reports were received about four prisoners arrested in June 1986: Ibraim Ismailov Arifov, a doctor; Kasim Ismailov Kasimov, a technician; Sali Ahmedov Aliev, a ship construction worker – all from Drandar near Varna – and Ahmed Hasanov Aptullov, a philosophy lecturer at Sofia University. They apparently produced thousands of leaflets which were distributed in early June 1986 to ethnic Turkish villages in the Varna, Tolbuhin and Silistra regions of northeastern Bulgaria where ethnic Turks predominate. These leaflets called on ethnic Turks to show their opposition to the assimilation campaign by boycotting the forthcoming elections. The four men were reported to have been tried *in camera* during March and sentenced to between eight and 10 years' imprisonment. They were probably convicted under Article 109 of the criminal code, which provides sentences of between three and 12 years for forming or leading "an organization or group aimed at committing crimes against the People's Republic".

There were new reports of ethnic Turks

being arrested for observing Islamic customs. For example, a man from Kardzhali region was reported to have been arrested in September 1986 after police searched the homes of ethnic Turks during the Islamic festival of Bayram – when traditionally the head of the household slaughters a sheep – and a sheep's carcass was found in his refrigerator. He was sentenced in 1986 to one year's imprisonment. Four women – Yulkiye Mustafova, Fatma Alieva, Habibe Salieva and Emine Alieva – all from a village in Kardzhali district, were reportedly sentenced in 1987 to between six and eight months' imprisonment for having their sons or grandsons circumcised.

Many other ethnic Turks were reported to have been banished from their homes to other areas. For example, Ismail Mehmedov Hyuseyinov, from Razhitsa near Burgas, was arrested in 1985 and sent to Belene prison camp after refusing to accept his new "Bulgarian" name. He was released in 1987 after going on hunger-strike and banished for three years to Pleshivets village near Vidin in the northwest, probably under the People's Militia Law. This allows internal banishment for up to three years and other restrictions on freedom of movement to be imposed administratively and to be renewed indefinitely. These restrictions were reported to have been imposed on many ethnic Turkish families who protested against the assimilation campaign, and on many released ethnic Turkish prisoners. Ismail Hyuseyinov had to report twice daily to the authorities and was not allowed to leave the village.

Hristo Kulichev, pastor of the First Congregational Church in Sofia, remained under similar restrictions, imposed under the People's Militia Law in 1985 on account of his religious activities (see *Amnesty International Report 1986* and *1987*).

Other prisoners of conscience were held for reasons unconnected with the assimilation campaign. One was Emil Kalmakov, a Pentecostalist from Karnobat in eastern Bulgaria, who objected to military service on religious grounds. He was reportedly willing to perform unarmed alternative service in place of compulsory military duty, but this option is not available in Bulgaria. He had been imprisoned repeatedly, and between 1979 and 1985 had served four prison sentences of eight, 10, 12 and 24 months respectively for refusing military service. He was again called up, again refused con-

scription and was sentenced, probably under Article 361(1) of the criminal code, to three years' imprisonment in 1986 or early 1987.

The cases of prisoners of conscience which became known during 1987 almost certainly represented only a portion of the total. Former prisoners estimated that in 1987 there were approximately 1,000 political prisoners in Stara Zagora prison, where most political prisoners were held. The majority had been convicted either in connection with the assimilation campaign or for attempting to leave the country without official permission. The Constitution does not guarantee freedom of movement and only rarely are citizens who seek to emigrate permitted to do so. Those who attempt to leave the country without permission may be punished by up to five years' imprisonment under Article 279 of the criminal code or up to six years if the offence is repeated.

There were reports of two death sentences and three executions, in each case for criminal offences involving loss of life.

Throughout 1987 Amnesty International urged the authorities to release 18 prisoners of conscience and to supply further details on a large number of prisoners, most of whom were ethnic Turks, who may have been prisoners of conscience. In July the organization published a report, *Bulgaria: Continuing Human Rights Abuses against Ethnic Turks*. In May Amnesty International submitted information on its concerns in Bulgaria under the United Nations procedure for confidentially reviewing communications about human rights violations. Subsequently, the Bulgarian Government made information available to Amnesty International in response to the allegations referred to in the submission. The organization also submitted information on four individual cases of human rights violations in Bulgaria to the UNESCO Committee on Conventions and Recommendations.

CZECHOSLOVAKIA

At least 20 prisoners of conscience were held in Czechoslovakia, and many others were believed to have been imprisoned during 1987 for non-violent political and religious activities and for peacefully attempting to exercise their right to leave

their country. Several prisoners of conscience were reported to have been ill-treated. At least two people were reported to have been sentenced to death and one executed for murder during the year.



Compared to previous years, more trials for peacefully exercising human rights were apparently postponed or did not take place at all. Although the charges were not lifted, the accused remained at liberty. Several people considered likely to become prisoners of conscience were given suspended sentences. However, house-searches and harassment of political and religious activists continued. Official statistics indicate that some 450 people are generally imprisoned each year solely for attempting to leave Czechoslovakia for the Federal Republic of Germany and Austria without official permission. In practice, this is often very difficult to obtain. No detailed information was available about these cases.

Among the prisoners of conscience were two brothers, Jiri and Pavel Wonka. Both were convicted of "incitement" (Article 100 of the penal code) and sentenced in May by the Prague Municipal Court to one year and one year and nine months' imprisonment respectively. However, Jiri Wonka was released from prison shortly after the trial, as he had already spent a year in pre-trial detention. Before his arrest, Pavel Wonka, a mechanic well-known for his help to citizens involved in legal disputes with the state, had attempted to become an independent candidate in local elections. His application for candidacy was rejected. He protested about this to the Central Election Committee and also wrote to other official bodies in terms judged by the court to be critical of "the

order of the state". Jiri Wonka supported his brother and both were arrested in May 1986. In addition to his prison term, Pavel Wonka was sentenced to three years' protective surveillance, which means he will be subject to local police supervision for three years after his release. Proceedings were also initiated against him for refusing to work in prison.

The trial of five committee members of the Jazz Section of the Musicians' Union, previously postponed, took place in Prague on 10 and 11 March (see *Amnesty International Report 1987*). Two other members who had been charged were too ill to attend, and they had not been tried by the end of 1987. All were convicted under Article 118 of the penal code of "unauthorized business enterprise". Karel Srp, leader of the group, was sentenced to 16 months' imprisonment and Vladimir Kouril to 10 months' imprisonment. The other three received suspended sentences. The Jazz Section committee had tried to obtain the necessary official recognition for the section, but the authorities had not cooperated and had often failed to respond to correspondence. At the trial, the defence argued that none of the committee members had made any material gain themselves and that they had always abided by the Czechoslovak Constitution and the principles of the Helsinki Final Act. The judge praised the quality of the Jazz Section's work and its contribution to cultural activity but said that it needed "a legalized form".

Petr Pospichal, who had been imprisoned before for unofficial cultural activities, was arrested in January and initially charged with "incitement" (Article 100), later changed to "subversion" (Article 98). Police had searched his home and found material connected with the unofficial human rights group VONS, Committee for the Defence of the Unjustly Prosecuted, of which Petr Pospichal is a member, and the unofficial human rights document Charter 77, of which he is a signatory. They also found evidence of private correspondence with the banned Polish trade union, Solidarity, and with Czechoslovak emigres abroad. Petr Pospichal was released from detention in May and no date was set for his trial.

Jan Dus, minister of the Evangelical Church of Czech Brethren, an office he holds without state consent, and a signa-

tory of Charter 77, was released in June, having spent more than a year in detention. He had been charged with "subversion" but not brought to trial. He was alleged to have written and sent abroad materials which "weakened and discredited the activities of the state", including a critical analysis of church-state relations in Czechoslovakia. An open letter he wrote to the President contained information about Czechoslovakia which was deemed to be untrue.

Generally, prisoners of conscience in Czechoslovakia serve the full term of their sentences. However, Pavel Krivka (see *Amnesty International Report 1986*) was released five months before the expiry of his three-year sentence.

Several prisoners of conscience were reported to be in poor health in prison as a result of inadequate medical attention or because they were beaten by prison staff and other prisoners, detained in solitary confinement in cold cells and subjected to other administrative punishments. Vladimir Kouril and Pavel Wonka both required hospital treatment while serving their sentences, apparently as a result of ill-treatment and harsh prison conditions.

Throughout 1987 Amnesty International appealed for the release of prisoners of conscience, and asked for information about other prisoners considered likely to be prisoners of conscience. Amnesty International sent trial observers on three occasions to Prague, but on only one occasion, the trial of the five committee members of the Jazz Section, did the trial take place as scheduled. In that case, the Amnesty International observer was unable to enter the crowded court room but was able to follow the proceedings from outside.

In January two Vietnamese nationals were sentenced to death by the Bratislava City Court after being convicted of murdering two Czechoslovak citizens and attempting a third murder. Amnesty International appealed for their sentences to be commuted. One person was executed for murdering two teenagers.

FINLAND



Several prisoners of conscience were sentenced to imprisonment for refusing to perform military service on conscientious grounds, although they did not all begin serving their sentences in 1987. People seeking political asylum in Finland continued to be in danger of being returned to their country of origin.

A revised law on unarmed and civilian service as an alternative to military service came into force on 1 January. It increased the length of civilian service to 16 months, making it twice as long as ordinary military service. Under the new law, all those who apply for alternative service on ethical or religious grounds are accepted as conscientious objectors in times of peace. Some conscripts, however, refused to apply for alternative service, because they considered its length punitive. For example, Kai Olavi Hovivouri, who was sentenced to nine months' imprisonment in 1986, began his sentence on 5 March. He could have reapplied for alternative service, but refused to do so. Ahti Nio also refused to perform alternative service because of its length and began a nine-month prison term on 1 December. Niilo Markus Louhivouri, who began serving a nine-month prison sentence in November 1986 before the new law took effect (see *Amnesty International Report 1987*), was released in August 1987. Because of its punitive length Amnesty International considered that the new civilian service did not provide an acceptable alternative to military service, and sought the release of imprisoned conscientious objectors whom it considered to be prisoners of conscience.

Amnesty International sent a memorandum to the Finnish Government on 30 January concerning the forcible return of asylum-seekers to their country of origin. It was based on material collected by an Amnesty International delegation which visited Finland in June 1986. It described the cases of 12 Soviet citizens reportedly imprisoned in the USSR after they were forcibly returned by the Finnish authorities between 1959 and 1982. It recommended new safeguards to prevent the return of asylum-seekers to countries where they faced imprisonment as prisoners of conscience, torture or the death penalty. Among these safeguards were access to legal counsel for asylum-seekers held in detention; the right of unsuccessful asylum applicants to exhaust all appeal procedures before being compelled to leave the country; and an independent body to investigate the implementation of existing procedures.

In a reply of 3 April, the Finnish Government said that in its opinion the position of aliens in Finland was in accordance with international law, and that the existing provisions concerning the granting of asylum and the protection of aliens constituted adequate safeguards. The response failed to alleviate Amnesty International's concern about the adequacy of the procedures for individuals seeking asylum in Finland.

FRANCE



More than 500 conscientious objectors to military service, the vast majority of them Jehovah's Witnesses, were imprisoned during the year. A number of Spanish nationals, including asylum-seekers,

were sent back to Spain, where they were believed to be at risk of torture or ill-treatment. A number of people alleged that they were ill-treated in police custody and some allegations did not appear to be adequately investigated. In the French overseas territory of New Caledonia, judicial inquiries into the killings of political activists in 1981 and 1985 had still not been completed by the end of 1987. Seventeen advocates of independence for New Caledonia were imprisoned following a clash with people supporting the present status of New Caledonia. None of the latter were prosecuted. In the overseas territory of French Polynesia, a leading trade unionist was detained briefly after a dockworkers' strike in Tahiti.

Most of the imprisoned conscientious objectors to military service had not applied to the authorities for conscientious objector status because they also objected, on religious or political grounds, to the option of alternative civilian service. In such cases sentences of up to 14 months' imprisonment were imposed. Many recognized conscientious objectors refused to either begin or serve the full term of 24 months' alternative service, mostly on the grounds that its length was punitive in comparison with military service. They received prison sentences of up to 12 months but were not immediately imprisoned because of appeals lodged with higher courts.

Michel Fache, a veterinary surgeon, obtained conscientious objector status in February 1981 but refused to carry out alternative service because he considered its length to be punitive, among other objections. He was sentenced to 18 months' imprisonment in April 1983 but the term was reduced on appeal to three months' suspended imprisonment. However, he remained liable for alternative service and in November 1983 refused a new order to report for service. This refusal led to renewed prosecution. In September 1987 a Rouen court sentenced him to 12 months' imprisonment for his refusal of the November 1983 call-up and revoked the suspension of the three months' sentence imposed in October 1983. He remained at liberty pending an appeal hearing scheduled for January 1988.

Following a Court of Cassation ruling in February, new trials were ordered in a

number of conscientious objector cases which had been before the courts in recent years on the grounds that the courts concerned had not been competent to hear the cases. The Court of Cassation nullified the sentences passed on three pacifists from Nantes in June 1986 by the Appeal Court in Rennes. The Court of Cassation ruled that the court which had sentenced them did not specialize in military affairs, as required by a 1982 law abolishing military tribunals.

Foreign nationals, including asylum-seekers, were expelled and in some cases Amnesty International feared that they might be tortured if returned to their country of origin. Most expulsions were carried out by administrative order under the procedure of "absolute urgency", invoked because in the authorities' view a foreign national constituted "a particularly serious threat to public order" in France.

Many of those expelled were Spanish nationals of Basque origin. At least 129 Basques were expelled to Spain under the "absolute urgency" procedure in 1987 and another 11 were taken to the frontier and placed in the custody of the Spanish police. The government stated that only people who were not named on international arrest warrants or recognized as refugees could be expelled; otherwise, extradition would be required.

Since July 1986, when the policy of expelling Basques to Spain began, many Basques who were returned from France and then held in Spain under the special provisions of the anti-terrorist law have alleged that Spanish police and Civil Guards tortured them. Amnesty International opposed the expulsion or extradition of Basques to Spain unless the French Government obtained appropriate guarantees for the physical and psychological safety of the detainees.

Two Basques were extradited in 1987 and a further 10 were held in prison while Spanish extradition requests were considered by the French courts and Government. Two of them, José María Bereciartua and Santiago Arrospide Sarasola, have been recognized as refugees by the French Commission for Refugee Appeals. José María Bereciartua had been imprisoned since July 1986 and Santiago Arrospide Sarasola had been imprisoned since September 1987.

Amnesty International received allega-

tions of detainees being ill-treated in police custody. The organization also received reports of investigations by judicial and police authorities carried out in 1987. However, the complaints of two Iranians resident in France were apparently ignored. They were arrested in September 1986 and interrogated for four days by members of the Home Security Service (DST). Both of them lodged complaints with the Public Prosecutor, alleging that during their detention they had been subjected to verbal abuse, beatings and other assaults. Their lawyer sent copies of the complaints and a request for an inquiry to the General Inspectorate of Police Services. The Public Prosecutor archived the complaints but Amnesty International is not aware that any investigations were carried out. The General Inspectorate of Police Services has not acknowledged receipt of the complaints.

In New Caledonia there was continuing tension between those who support the status of the territory as an integral part of the French Republic and advocates of independence, notably the Kanak Socialist Nationalist Liberation Front (FLNKS). A referendum was held in September, in which 59 per cent of eligible voters – that is, people resident in New Caledonia for at least three years – participated, and decided by a large majority that New Caledonia should remain a part of France. FLNKS, which had campaigned for a boycott of the referendum, claimed that 80 per cent of the indigenous Kanak population had not participated. In December the United Nations General Assembly approved a resolution calling for a free and genuine act of self-determination consistent with United Nations principles.

Seventeen activists for independence were sentenced to prison terms of between six months and two years in April, after conviction for stone-throwing. Their trial may have been politically motivated, arising from a violent clash in Thio in November 1986 between independence activists and supporters of continued French rule. Stones were thrown, there were incidents of arson and one person was killed. Thirty-three independence activists were arrested. However, none of the supporters of French rule were arrested.

The trial of seven men accused of murdering 10 Kanak men in Hienghène in December 1984 (see Amnesty Inter-

national Report 1987) ended in October with acquittal on grounds of self-defence. In response, some FLNKS leaders suggested that FLNKS supporters might have to resort to armed resistance to protect their families. As a result of such statements, Jean-Marie Tjibaou, the FLNKS leader, and his deputy, Yeiwene Yeiwene, were charged in December with incitement to murder and assault. Yeiwene Yeiwene was arrested on 22 December for refusing to obey a judge's orders and released on 28 December to await trial. Charges against both men remained under official investigation at the end of the year.

The judicial inquiries into the deaths of independence activists Pierre Declercq, Eloi Machoro and Marcel Nonnaro (see Amnesty International Report 1987) had reached no conclusions at the end of 1987.

In Tahiti, part of French Polynesia, the president of the dockworkers' union was imprisoned on 1 November. A judge ordered the arrest of Felix "Rara" Colombe, who was charged with complicity in violence and destruction of property. His arrest followed a riot in Papeete, during which security forces broke up a strike by local dockworkers. He was released on 11 November.

In January the Minister of the Interior replied to a letter of December 1986, in which Amnesty International explained its position on extradition of Basques to Spain and described the case of José María Bereciartua. The Ministry gave no assurance that the French Government would seek appropriate guarantees from the Spanish Government.

In March Amnesty International again wrote to President François Mitterrand and Prime Minister Jacques Chirac, appealing against expulsions of Basques to Spain who might be at risk of torture. The Ministry of Foreign Affairs replied on 30 April, emphasizing that those expelled were not refugees and that they constituted "a particularly serious threat to public order". The government did not comment on the risk of torture. However, in October 1987 the Minister of the Interior said in reference to Amnesty International's statements on torture that the French Government could not make judgments on such statements concerning a democratic state which was a neighbour and friend.

In July Amnesty International wrote to the Minister of Justice about the conduct of

judicial inquiries into the clashes over independence in late 1986 in Thio, New Caledonia. In particular, Amnesty International was concerned that because the investigating judge conducted one inquiry into the stoning and a separate inquiry into the killing and wounding, he prevented the court in each case from examining all the relevant evidence gathered in the other case.

In August Amnesty International submitted information about its concerns in New Caledonia to the UN Committee on Decolonization.

GERMAN DEMOCRATIC REPUBLIC



There were many prisoners of conscience, most of whom were imprisoned either for asking or attempting to leave the country. However, in a major development on 17 July the Council of State announced a general amnesty and the abolition of the death penalty. All known prisoners of conscience were among those released.

Information was received during the year about some 150 people who were considered likely to be prisoners of conscience, but these were thought to be only a proportion of the total. No trials of prisoners of conscience were reported in the press; all those about which Amnesty International had details took place *in camera*. Other factors inhibited the flow of information out of the country; for example, laws which proscribe sending abroad

information, including information not categorized as secret, if it is considered contrary to the interests of the German Democratic Republic (GDR).

To leave the GDR for any purpose requires permission, which is difficult to obtain except for a holiday to other Warsaw Pact countries. Most known prisoners of conscience had attempted to leave without permission and were charged or convicted under Article 213 of the penal code for "illegal crossing of the border". For example, Anke Birkenhagen was sentenced to 22 months' imprisonment under Article 213 in January 1987. She had been arrested with two others in September 1986 while trying to cross the border from Czechoslovakia to the Federal Republic of Germany (FRG) and returned to the GDR by the Czechoslovak authorities. She was released and permitted to emigrate to the FRG in August.

A number of those who persisted in their efforts to obtain permission to emigrate were convicted on charges such as "treasonable passing on of information" (Article 99 of the penal code), "taking up illegal contacts" (Article 219), "public vilification" (Article 220) or "interfering with public and social activity" (Article 214). Amnesty International considers that these laws were applied to people peacefully exercising their right to freedom of expression. For example, Wilfried and Barbara Mau were arrested in December 1986 after a number of unsuccessful applications to emigrate, and sentenced in May 1987 to prison terms of three and a half years and two years respectively under Article 99 of the penal code. This article proscribes sending non-secret information to foreign organizations, if it is "to the disadvantage of the interests" of the GDR. The charges indicate that they were suspected of having informed people outside the country of their efforts to emigrate legally.

Other prisoners of conscience included Thomas Wiener, a conscientious objector to military service. He was arrested in November 1986 and sentenced in December 1986 to 22 months' imprisonment for "refusing to do military service" under Article 43 of the Law on Military Service. As there is no civilian alternative service, Amnesty International considers those imprisoned for refusing on grounds of conscience to do military service to be prison-

ers of conscience.

In July the Council of State issued a decree announcing a general amnesty. The decree stipulated that the amnesty would benefit all prisoners except those "convicted of Nazi or war crimes, crimes against humanity, espionage or murder". All prisoners of conscience known to Amnesty International were released. Also freed were all prisoners whose cases were being investigated as possible prisoners of conscience, with one exception.

Before the amnesty a number of political prisoners, including prisoners of conscience, were released before completing their sentences and allowed to go to the Federal Republic of Germany in return for payment by the FRG Government.

Information was received about five prisoners likely to be prisoners of conscience, who were arrested between 7 October and the end of the year, and who were therefore not amnestied. A number of people were also detained briefly in November apparently on suspicion of involvement with the production of "Border Case", an unofficial publication.

In September the GDR ratified the United Nations Convention against Torture.

New information was received from several former political prisoners about their treatment and conditions in prison. Most of them said that they had not been physically ill-treated, but a few alleged that they had been beaten, chained to beds or held for prolonged periods in solitary confinement.

A prisoner who suffered ill-treatment over many years was Josef Kneifel. By his own account, he was held almost continuously in solitary confinement from his arrest in 1980 until his release in August 1987. For the first two years he received no visits; his wife was also imprisoned at the time and he was not allowed visits from his son. After his wife's release she was allowed to visit him once every two months under the terms of the Prison Law, but visits were frequently cancelled. He alleged that he was beaten several times by fellow-prisoners who were required to take his food to his cell and who were encouraged to assault him by prison staff. He stated that in January 1987 he was chained to a steel bench for four days. He was released in August and permitted to emigrate.

In July the Council of State also issued a

decree which abolished the death penalty. This, the decree stated, was done "in accordance with the recommendations within the framework of the organization of the United Nations for the gradual removal of the death penalty from the lives of nations". The People's Chamber confirmed the abolition and approved the necessary legislative changes on 18 December.

Previously the death penalty could be imposed for a number of crimes including murder, genocide, treason, espionage and sabotage. All the available evidence indicates that no executions had taken place for several years.

Amnesty International campaigned for the release of all known prisoners of conscience. On 5 August the organization wrote to Erich Honecker, Chairman of the State Council, welcoming the news of the amnesty and the abolition of the death penalty. It pointed out, however, that the effects of the amnesty would be short-lived unless changes were also envisaged in laws restricting human rights and in their application by the authorities.

GERMANY, FEDERAL REPUBLIC OF



Several people who had applied unsuccessfully for recognition as conscientious objectors were convicted for refusing to perform military service, although none of them were imprisoned for more than a few days. A number of people alleged ill-treatment in prison or police custody.

At least three conscientious objectors to military service were charged either with

"desertion" or "refusal to obey orders" or with both offences. They had previously made unsuccessful applications for recognition as conscientious objectors. All three men were fined and one of them, Siegfried Schierle (see Amnesty International Report 1987), was also given a nine-month prison sentence, suspended for two years. He had been called to serve in the army for the second time early in 1987. He did not respond to the call-up and, when taken forcibly to his barracks, refused to comply with orders. He was then charged again with "desertion" and "refusal to obey orders". An Amnesty International observer attended his trial, which took place in Marburg on 29 May. The organization interceded on behalf of the three men because evidence indicated that their objections were based on reasons of conscience and because they had declared their willingness to do civilian alternative service. If imprisoned, they would have been adopted as prisoners of conscience.

Members of the organization "Relatives of political prisoners in the FRG" alleged ill-treatment while in police custody following their arrest during a demonstration in Bonn in October 1986. One of those arrested, Georg Kreuzer, said that his arm was broken. A formal complaint alleging "bodily harm" was lodged by his lawyer with the Bonn Prosecutor. Amnesty International wrote to the Prosecutor in February asking to be informed of the outcome of the investigation. No reply had been received by the end of the year.

Several prisoners alleged that although they were not classified as insane, they had been treated against their will in 1987 and in previous years with neuroleptic drugs. These anti-psychotic drugs can cause various forms of suffering. Medical treatment of prisoners without their consent is permitted in certain circumstances by Article 101 of the Prison Law (Strafvollzugsgesetz), which states, "Forcible medical examination and treatment as well as feeding are permissible only in cases of danger to life, serious danger to the health of the prisoner or to the health of other prisoners." On 13 April Amnesty International wrote to the Federal Minister of Justice inquiring about the interpretation of Article 101 in relation to the forcible administration of neuroleptic drugs. The Minister replied that he had no information to impart, as the enforcement of

prison sentences lay within the jurisdiction of the federal states.

GREECE



More than 300 prisoners of conscience, all of them conscientious objectors to military service, were held in Greek prisons. Most had been sentenced to four years' imprisonment. Allegations were made that a number of criminal suspects were ill-treated in police custody.

Michalis Maragakis was the first conscientious objector to refuse on non-religious grounds to perform military service. He was sentenced to four years' imprisonment on 25 June by Thessaloniki Military Court after a trial which was attended by an Amnesty International observer. He was released in August after a ministerial decision to offer shortened unarmed service to men over 30. He was called up again and refused to perform the shortened unarmed service. He was tried on 13 October by Kavala Permanent Military Tribunal and again sentenced to four years' imprisonment. At the end of 1987 he was serving his sentence in Avlona Prison. His appeal was scheduled for February 1988.

All of the other imprisoned conscientious objectors were Jehovah's Witnesses.

On 15 June Amnesty International representatives met the Vice President and Minister of Defence, the Minister of Justice and the Minister of Foreign Affairs. They discussed the imprisonment of conscientious objectors, allegations of torture and ill-treatment of criminal suspects and prisoners and the abolition of the death penal-

ty, to which the government had previously said it was committed. There have been no executions in Greece since 1972. The Ministers stated that the death penalty would be abolished in the near future but no progress had been achieved by the end of 1987.

At the same meeting the Vice President stated that 380 conscientious objectors were currently serving terms of imprisonment. He said that the government had no intention of introducing a civilian alternative to military service. The Minister of Justice promised to look into all allegations of torture and ill-treatment raised by Amnesty International and to send a detailed reply to Amnesty International's letter of 23 December 1986 on this subject, to which the government had not responded (see *Amnesty International Report 1987*). However, no response had been received by the end of 1987.

Allegations of ill-treatment in police custody continued. One such case was that of Vangelis Katsikoyannis, who alleged that after his arrest on 12 October for suspected drug offences, he was beaten with whips and clubs, hung upside down and beaten on the soles of his feet by five police officers at Hersonisos police station. In December Amnesty International wrote to the new Minister of Justice about the allegations of ill-treatment.

HUNGARY

Eleven known prisoners of conscience were held for refusing military service on conscientious grounds and according to reports, approximately 150 other conscientious objectors were imprisoned. Several people were convicted, and in one case detained on apparently false charges, in violation of their right to free expression. At least two people were sentenced to death.

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 provides for up to five years' imprisonment (five to 15 years in time of war) for refusing military service. Since 1977 members of some small Christian sects, including the Nazarenes and Jehovah's Witnesses, have been allowed to do



unarmed military service. However, the authorities have refused to extend this to Roman Catholics on the grounds that their church does not expressly forbid the use of arms. According to reports, in 1987 there were approximately 150 conscientious objectors serving sentences in Baracska Prison, where conscientious objectors are usually held. Most were Jehovah's Witnesses who refused to do any form of military service, including unarmed military service.

No information was available about these prisoners, except for two Jehovah's Witnesses, one Seventh Day Adventist and seven Roman Catholics who belonged to small pacifist "basis communities" which advocate strict adherence to the teachings of the Bible. One, Zsolt Locsmadi, was sentenced in October by the Györ Military Court to 33 months' imprisonment under Article 336, reduced on appeal to two years.

The only non-religious conscientious objector known to be imprisoned was Zsolt Keszthelyi. He was arrested on 25 February and sentenced on 27 April by the Budapest Military Court under Article 336 to three years', reduced on appeal to two and a half years', imprisonment. He had sent the authorities a declaration that he would not perform military service in an "army which is not placed under the control of a government elected by universal suffrage involving competing political programs".

Ferenc Koszeg, one of the editors of *Besselo*, a quarterly unofficial journal critical of government policy, was ordered to serve a 20-day prison sentence beginning on 30 October. He had refused to pay a

fine of 6,000 forints (US\$137) imposed in July for possessing a duplicating machine. In recent years the authorities have sentenced people, some repeatedly, to fines of up to 10,000 fts or 40 days' imprisonment for activities connected with unofficial publications. However, the case of Ferenc Koszeg was the first known to Amnesty International in recent years involving orders to serve a prison sentence for such activities, although the charge against him was eventually dropped and the sentence cancelled.

In a similar case, Andras Nagy, a sociologist, was ordered to report to Baracska Prison on 20 November for refusing to pay a 10,000 fts fine imposed for possessing unofficial publications after police had searched his home in March. However, the imprisonment order was cancelled on 13 November without any explanation.

Laszlo Rusai, a 32-year-old former teacher from Hatvan, was arrested on 9 November and charged with "violating the community" after slogans were chalked on a monument to the Soviet army's losses in the Second World War. Six days earlier he had hung a flag commemorating the 1956 Hungarian revolution in his window. He denied the charges but was still detained without trial in the psychiatric wing of Budapest Prison at the end of 1987. Laszlo Rusai had been active previously in opposition circles and unofficial publications (see *Amnesty International Report 1987*).

At least two death sentences were imposed for murder in 1987, but it was not known if there were any executions.

Hungary ratified the United Nations Convention against Torture in April.

Amnesty International continued throughout 1987 to call for the release of all people imprisoned for refusing on conscientious grounds to perform military service. Amnesty International also wrote to the authorities urging them not to imprison Ferenc Koszeg and Andras Nagy and calling for the release of Laszlo Rusai, who was adopted by Amnesty International as a prisoner of conscience.

ITALY



Approximately 1,000 conscientious objectors were believed to be imprisoned for refusing to undertake military service or the alternative civilian service. Sixteen members of a political group seeking autonomy for the Alto Adige – South Tyrol region were held briefly for alleged "anti-national" activities abroad. Significant developments occurred in important political trials in which many of the accused had spent excessively long periods in preventive detention. Amnesties and provisional liberty were granted to some police and prison officers who had either been under investigation in connection with torture or ill-treatment or accused of having committed such offences.

Proposals for major judicial reforms which could have important consequences for the protection of human rights were under discussion at the end of the year. They were put forward in response to what were seen as severe problems in the legal system arising from its excessively complex and lengthy judicial procedures. A major proposal envisaged a new Code of Penal Procedure to replace the "Rocco" Code of 1930, which had been introduced under Mussolini. The new code is intended to simplify the law and speed up its implementation. The length of legal procedures gave rise to concern that defendants in political cases did not get fair and prompt trials. In October the Minister of Justice announced that the text of the new code would be produced in August 1988.

Approximately 1,000 conscientious objectors, mostly Jehovah's Witnesses, were

reported to be imprisoned in 10 military prisons for refusing to perform military service or the alternative civilian service. Civilian service has been permitted since Italy recognized the right to conscientious objection in 1972. The law requires recognized objectors to perform alternative civilian service but many objectors refuse this option either on conscientious grounds or because they consider the length of service, which exceeds that of military service, to be punitive. Moreover, the law makes no provision for conscripts to apply for conscientious objector status after they have been called to report to the armed forces. Refusal to undertake military service or the alternative civilian service usually results in imprisonment for up to one year, although the law permits sentences of between two and four years' imprisonment.

Sixteen members of the Suedtiroler Heimatbund (South Tyrol Patriotic League) were arrested in August and charged with "anti-national activities abroad". The Heimatbund, part of a movement formed from the German-speaking majority of the Alto Adige – South Tyrol region, advocates full self-determination for the region and eventual separation from Italy. The accused were alleged to have publicly spread false information about Italy's internal conditions and to have attempted the undermining of its credit and prestige abroad. They had participated in a non-violent demonstration organized in Vienna in November 1986 by members of the Heimatbund on the occasion of the 35-nation Conference on Security and Cooperation in Europe. Leaflets and a signed statement were distributed in support of the Helsinki Accords and self-determination in the Alto Adige – South Tyrol region. Those arrested were granted provisional liberty on 10 August and six of the arrest warrants were subsequently annulled for lack of evidence. The Public Prosecutor appealed to the Court of Cassation against this decision.

Political trials, some of which have lasted many years, continued throughout 1987. In March Amnesty International observers attended the appeal hearing in Rome of the "7 April" case (see Amnesty International Report 1980 to 1986) which ended in June with the acquittal of many of the publicly prominent defendants. The court examined Carlo Fioroni, a key wit-

ness who had failed to appear at the first instance trial. Sixty-eight defendants had been sentenced at this trial to a total of over 500 years' imprisonment for belonging to subversive associations and armed bands directly or indirectly responsible for murder, kidnapping, robbery and arson. They were charged in connection with the activities of a collection of left-wing groups called Autonomia Operaia (Workers' Autonomy). Twelve of the accused had spent over five years in prison before the judgment at first instance. Amnesty International had been concerned about the length of the judicial proceedings and considered that the first instance trial breached European and international norms because the defendants had not received a fair trial within a reasonable time.

All the defendants charged with armed insurrection at the first instance trial were acquitted of that charge at the appeal hearing on the grounds that the insurrection did not take place. A number of the most prominent defendants were acquitted for lack of evidence on charges of forming or taking part in an armed band, and others were acquitted of crimes of violence.

Lengthy and often inconclusive judicial inquiries were conducted into the alleged torture or ill-treatment of a number of prisoners. In February the Criminal Court of Milan reportedly granted an amnesty to the 22 officials of San Vittore prison. Dr Luigi Dotti, the prison director, two physicians and 19 other officials had been committed for trial on charges connected with the ill-treatment of prisoners in September 1981 (see Amnesty International Report 1982 and 1986). Amnesty International sought confirmation and clarification of the amnesty from the Minister of Justice in April, but no reply was received.

In February the Minister of Justice informed Amnesty International that he would report any progress in the judicial inquiry into approximately 30 allegations of torture and ill-treatment in the Naples region, but nothing further was heard during the year (see Amnesty International Report 1987). Nor was there news of progress in the trial of 16 law enforcement agents, including both police officers and carabinieri, in connection with Salvatore Marino's death in custody in Palermo dur-

ing August 1985. An inquiry had established that he died from beating and ill-treatment.

During the year, Amnesty International appealed for the release of 14 imprisoned conscientious objectors, including Giuseppe Toffoli, a doctor who had been conducting research into new anti-cancer medicines. He was adopted as a prisoner of conscience in February after he had been imprisoned for disobeying orders to enter military service. He made three successive applications to be considered a conscientious objector because of his belief in non-violence. The Regional Administrative Tribunal suspended his call-up orders following his first two applications. The same tribunal rejected his third appeal, however, and ruled that his first application had not been made within the statutory time limit. He was discharged from military service because his wife gave birth in May.

MALTA



Several cases of alleged ill-treatment in the early 1980s were addressed during 1987.

Malta recognized the right of individual petition to the European Commission of Human Rights of the Council of Europe under Article 25 of the European Convention on Human Rights and simultaneously accepted the jurisdiction of the European Court of Human Rights under Article 46 of the Convention on 30 April 1987. The declaration took effect from 1 May 1987.

On 9 May a new government was elected. Dr Fenech Adami of the National-

ist Party succeeded Dr Mifsud Bonnici of the Labour Party as Prime Minister.

Amnesty International wrote to Dr Fenech Adami on 8 September asking the government to investigate allegations of ill-treatment in police custody in Malta. The organization had been corresponding with the former government about seven cases of alleged ill-treatment dating from 1980 to 1985 (see *Amnesty International Report 1986* and *1987*). In a reply of 17 November Amnesty International was told that these allegations were being thoroughly investigated. Included with the letter were press reports that some police officers had been charged with offences, among which was the murder of Leonard Debono, whose case had been raised by Amnesty International. On 30 December Amnesty International wrote to the Prime Minister welcoming his government's readiness to investigate the allegations of ill-treatment. It also pointed out that the death penalty had been abolished for ordinary offences only. It urged the government to ratify the Sixth Protocol to the European Convention on Human Rights and to amend the Armed Forces Act in order to bring about the total abolition of the death penalty in Malta.

NORWAY



At least two conscientious objectors to military service were imprisoned who were considered prisoners of conscience. Allegations that people in police custody in Bergen had been ill-treated were investigated by police from Oslo: their report was due to be published in 1988.

Norwegian law recognizes the right to conscientious objection to military service, but requires the objector to be opposed to all forms of armed service. Stein Roar Kringeland, who had already served part of his sentence for refusing to perform military service in 1986 (see *Amnesty International Report 1987*), was arrested in February after he failed to return to prison to complete his sentence. He was then held for the remaining two weeks of his 90-day prison sentence. In another case, Lars Aasen started a 95-day prison sentence in October after the Eidsivating Court of Appeal upheld a decision by the Ministry of Justice that his refusal to perform military service on political grounds was not purely pacifist. Because he was prepared under certain circumstances to take part in the defence system, the court said that he could not be exempted from military service. Amnesty International urged the government to release both prisoners immediately and unconditionally.

In June the Public Prosecutor, who had led a seven-month police investigation into allegations of police misconduct in Bergen, announced that a detailed inquiry had been completed into over 350 cases, 198 of which concerned allegations of police ill-treatment. Of these, 193 cases were dismissed, 141 of them because it was found that no punishable offence had been committed, 31 because of lack of evidence, and 21 because the time limit for prosecution had elapsed. The allegations had been made over a number of years by people who claimed that they were physically ill-treated after being arrested by police officers in Bergen. The report of the official investigation had not been published by the end of 1987. Amnesty International was concerned that there appeared to be a pattern of physical ill-treatment of detainees by the police in Bergen which continued in 1987. In September and December Amnesty International representatives visited Bergen to make further inquiries.

POLAND



At least 22 prisoners of conscience were held during 1987 for conscientious objection to military service and hundreds of others were reportedly imprisoned on similar grounds. Many people were subjected to arrest, short-term detention and other forms of harassment for the non-violent exercise of their right to free expression. Beatings of detainees were frequently reported. At least two people were executed after conviction for murder.

Trials involving political charges apparently ceased following the 1986 amnesty (see *Amnesty International Report 1987*). However, under legislation introduced in October 1986, cases of people arrested for participating in "activities designed to foster public disquiet", unauthorized publishing activities and membership of banned organizations were transferred to misdemeanour courts. These courts could impose a maximum sentence of three months' imprisonment or a fine of 50,000 zlotys (US\$134) and could apply an "accelerated procedure". Because of rapid proceedings, defendants often had insufficient time to prepare a defence.

Article 140 of the Law on the Universal Duty to Defend the Polish People's Republic provides for "alternative conscript service" but this alternative is not truly outside the military system. Those who refuse to accept alternative service for reasons of conscience are liable to imprisonment and if placed in custody, Amnesty International regards them as prisoners of conscience.

One such prisoner was Zenon Katulski, a Jehovah's Witness who remained in custody throughout 1987. He was sentenced to three and a half years' imprisonment on 23 December 1985 under Article 305 of the penal code for refusing on religious grounds to perform military service and, apparently, alternative conscript service. As many as 100 other Jehovah's Witnesses were reportedly serving prison sentences in 1987 for refusing to perform military service. Little information was available on individual cases but 14 Jehovah's Witnesses, in addition to Zenon Katulski, were identified. They were believed to be serving sentences of between two and a half and three years' imprisonment at the end of the year.

Some non-religious conscientious objectors were offered alternative conscript service, while others were not permitted this option. Jacek Borcz, who was arrested on 5 October and sentenced on 17 November to three years' imprisonment, was one of 12 prisoners of conscience from the unofficial peace movement "Freedom and Peace" (WiP) held in 1987 for refusing to perform military service after requests to perform alternative conscript service had been rejected.

Polish law allows the police to hold people for up to 48 hours without charge. This provision was used to prevent people from taking part in non-violent demonstrations. Leading members of the banned trade union Solidarity, Henryk Wujec, Wiktor Kulerski and Konrad Bielinski, were among those detained by the police in Warsaw on 30 April, apparently to prevent them from taking part in peaceful demonstrations planned for 1 May. Others apparently detained for similar reasons in Wroclaw included Tadeusz Jakubowski, a university professor; Zuzanna Dabrowski, a student; and Tomasz Wacko, a WiP activist. Gwido Zlatkes, another WiP activist, was arrested and detained for up to 48 hours twice between 4 and 8 May. He was arrested the second time within minutes of his previous release from custody, apparently to prevent him from taking part in an unofficial peace seminar in Warsaw organized by WiP. Some 20 other WiP members were reportedly detained and prevented from participating in WiP activities.

Beatings of detainees were frequently reported. In March Krzysztof Kowalski and Dariusz Stolarski were convicted of

possessing illegal publications and fined 50,000 zlotys by a Plock misdemeanour court under Article 52a of the Code of Petty Offences. Both men were reportedly beaten by security officials while detained before their hearing. Krzysztof Kowalski was said to have been punched in the stomach and beaten about the head and to have lost consciousness both before and after the court hearing. He was hospitalized after his court hearing and remained in hospital until at least 4 April with concussion and an eye injury. At the time of his arrest, he was undergoing treatment at a neurological clinic for injuries said to have been sustained when he was beaten previously during police interrogation on 16 December 1986.

In June Amnesty International wrote to the Minister of the Interior about the death of Miroslaw Bednarek, allegedly from injuries sustained while he was held in the custody of the security forces. On 21 December 1986 Miroslaw Bednarek was brought by the People's Militia to Kutno hospital suffering from a broken tooth and a cut lip. After an initial examination at the hospital, he was reportedly taken away by the People's Militia, then brought back the following morning unconscious and suffering from external head injuries, intracranial bleeding and severe bruises on his back and thighs. An emergency operation failed to save his life and he died on 29 December 1986. The commanding officer of the Kutno People's Militia reportedly claimed that Miroslaw Bednarek had sustained the injuries which led to his death by falling out of his prison bed. However, the information received by Amnesty International indicated that he died as a result of ill-treatment while in detention. The organization submitted his case to the United Nations Special Rapporteur on summary or arbitrary executions. Amnesty International received no reply from the authorities but the Permanent Mission of Poland to the UN acknowledged in October 1987 to the UN Special Rapporteur that "coercive measures were applied to him in the form of truncheons" during detention and that an investigation into his death was continuing.

Throughout the year Amnesty International appealed for the release of prisoners of conscience and called on the authorities to investigate allegations that detainees had been ill-treated.

ROMANIA



At least 35 people were known to be prisoners of conscience but up to several hundred others, whose identities were not known, were believed to be imprisoned either for the non-violent exercise of their right to free expression or for attempting to leave the country illegally. At least 19 prisoners of conscience were released after an amnesty announced in October. Many detainees were reportedly ill-treated in detention and some were denied an adequate defence.

Political trials were not reported in the official press and government censorship severely restricted information about individual prisoners. The number of prisoner of conscience cases on which information was available was believed to be only a fraction of the total. Hundreds of Romanians were believed to have been sentenced to imprisonment for attempting to leave the country illegally.

Several people remained in prison throughout the year for allegedly contravening Article 166 of the criminal code, which prohibits "propaganda against the socialist state" and carries a sentence of from five to 15 years' imprisonment. They included Ion Draghici, a prisoner of conscience and electronics graduate who was sentenced in 1983 to 10 years' imprisonment for distributing leaflets in Sibiu which called on people to unite in opposition to the government's policies. Ion Draghici had previously been refused permission to emigrate.

Most of the prisoners of conscience known to Amnesty International were

held for attempting to leave the country without official permission. Some Romanians are permitted to leave the country legally each year, but the right to emigrate is severely restricted. Those who apply to emigrate risk harassment, loss of work or demotion and, in some cases, imprisonment. Those who attempt or show "intention" to make unauthorized border crossings face prosecution under Article 245 of the criminal code and a prison sentence of between six months and three years.

Among those imprisoned in 1987 for seeking to leave the country was Heinrich Wolf, an ethnic German from Birda in Timis county. He was arrested on 4 April while attempting to cross the border into Yugoslavia and sentenced to 10 months' imprisonment on 12 May. He and his wife, two children and parents had sought permission to emigrate without success since 1979. Since 1982, when his brother left the country without permission and became a resident in the Federal Republic of Germany (FRG), the authorities have not even replied to emigration applications made by Heinrich Wolf and his family.

In at least one case a would-be emigrant was killed by a border guard. On 29 May Lioante Gheorghe was attempting an illegal crossing near the point where Romania meets both Hungary and Yugoslavia. He reportedly crossed into Yugoslavia and then into Hungary, where he was shot dead by a Romanian border guard who had followed him. In December the official Hungarian news agency announced that the border guard would be tried in Romania in connection with the death.

During the year, new information was received about the case of Valentin Paunescu, a director of a small plastics factory in Cervenia, whose 10-year prison sentence was confirmed on appeal in February. He had been arrested in May 1985, one month after he and his wife had been refused visas to visit their daughters living abroad, and had been warned not to make further visa applications. He was reportedly ill-treated and beaten until unconscious while in pre-trial detention and later tried on false charges. The authorities accused him of possessing "illegally obtained goods", although he apparently produced customs declarations and other relevant documentation for the items which had been seized at the time of his arrest.

Valentin Paunescu was tried in camera and on 15 November 1986 sentenced to 10 years' imprisonment for "misappropriation" and an additional three years for the "social danger of the crime". He retracted a confession made in pre-trial custody, alleging that it was given under duress and that witnesses had been forced to testify against him. Irregularities during his trial and appeal hearing in February 1987 were also reported. For example, during both proceedings he was silenced while lodging the above-mentioned allegations, and statements made and documents submitted by the defence were not considered.

Other reports of ill-treatment in detention concerned approximately 60 homosexuals who were arrested in Arad in June. Police allegedly beat them in order to extract information about other homosexuals. Approximately 40 other homosexuals were subsequently arrested and allegedly ill-treated. About half of all those detained were reportedly released after interrogation and the rest of them in the amnesty announced in October.

The Romanian State Council decreed an amnesty on 24 October to commemorate the republic's 40th anniversary. People serving terms of up to five years' imprisonment or corrective labour were pardoned and released. Sentences of between five and eight years were reduced by one-third and those of between eight and 10 years by one-fifth. Recidivists and people sentenced for crimes including murder, manslaughter, bribery and illegal abortion were excluded. At least 19 prisoners of conscience were released under this amnesty.

In November a number of workers in Brasov were arrested for taking part in a large demonstration on 15 November against living and working conditions in Romania and personal criticism of President Ceausescu. Subsequently, five people – Radu Filipescu, Doina Cornea and her son Leontin Iuhas, Florian Rusu and Mariana Botez – were arrested for giving interviews to foreign journalists about the Brasov events. All five, who had been active previously in opposing the policies of the Romanian authorities (see Amnesty International Report 1985 and 1987), were believed to have been released in late December.

Throughout the year Amnesty International appealed for the release of prison-

ers of conscience. In July the organization published a report, *Romania: Human Rights Violations in the Eighties*, which documented the persistent pattern of human rights abuses in Romania since 1980. Between 1980 and 1987 the authorities imprisoned their critics and jailed hundreds of other people for attempting to exercise their right to free movement by expressing a desire to leave the country. Some prisoners of conscience were beaten and jailed for years after unfair trials, while other critics of the government were placed under house arrest, dismissed from their jobs and then charged with "parasitism", or attacked in the street by people believed to be government agents.

Criminal Justice Law, the penal code and the Organic Law on Judicial Powers. The maximum period of incommunicado detention would be five days, as compared with 10 days under previous legislation. Detainees, however, would still be denied the right to designate their own lawyers. In addition, the National Court in Madrid would retain its special powers to investigate and try all cases under the anti-terrorist law. The government said it would extend these powers to courts in the areas where offences occurred, when judicial resources were available.

In November the Minister of the Interior stated that during 1987, 528 people had been held in incommunicado detention under the special powers of the anti-terrorist law. All detainees were held incommunicado for fewer than seven days; 85 per cent of them for fewer than three days.

According to Ministry of Interior figures published in November, 147 Basques were expelled from France to Spain between July 1986 and October 1987. On arrival in Spain, only 17 were freed by the security forces. The remaining 130 appeared before the judges of the National Court. Eighty-eight of them were committed to prison; 35 released without charge; six released on bail and one into provisional liberty. Eight of those imprisoned were tried under the anti-terrorist law, six convicted on criminal charges and two acquitted.

In October Spain ratified the United Nations Convention against Torture.

On 30 October the Constitutional Tribunal ruled that the 1984 law on conscientious objection was constitutional, following appeals from the ombudsman (Defensor del Pueblo) and the National Court. According to a Ministry of Justice statement issued in October, 24,059 people had been recognized as conscientious objectors since December 1984. Approximately 3,500 of them would be expected to perform alternative civilian service, once the service was established in 1988. However, at the end of the year, the law establishing alternative service was still pending approval by the government. According to Amnesty International's information, the only conscientious objectors imprisoned were those who had presented their applications after incorporation into the army. They were imprisoned on grounds of

SPAIN



Two conscientious objectors were imprisoned for refusing to perform military service and several others were awaiting trial. However, the majority of conscientious objectors were at liberty awaiting approval of a bill on alternative civilian service which had not been finalized by the end of the year. Allegations of torture and ill-treatment were made by detainees held under the anti-terrorist law.

Fifty people were killed in 1987 as a result of violent actions by the armed Basque group Euskadi Ta Askatasuna (ETA). The dead included members of the security forces and civilians. The anti-terrorist legislation remained in force but in November the government announced that a draft bill had been prepared which would reform the existing law by incorporating some of its central provisions into the

desertion or refusal to obey orders.

Miquel Rodríguez Méndez, a conscientious objector who was arrested on 16 January and charged with desertion and refusal to perform military service, was released into provisional liberty in May, pending trial. Francesc Alexandri Muchart was arrested in May 1986 on similar charges (see Amnesty International Report 1987) and remained under house arrest at the end of the year awaiting trial. He was, however, given permission to go to his place of work. Amnesty International appealed during the year for the removal of restrictions on his freedom of movement. In April the organization had appealed for the release of Miquel Rodríguez Méndez.

Francisco Javier Aya Zulaica was expelled from France in April and subsequently charged with belonging to an armed band (ETA-militar). In July he was acquitted after a brief hearing. The prosecution alleged that he had maintained links with ETA after he took refuge in France in 1976. Amnesty International observers attended his trial.

Many people detained under the anti-terrorist law reported that they had been ill-treated while in custody. Alleged victims included both people who had been expelled from France and people who had been detained in Spain. Roman Landera Martín, a Roman Catholic priest, was expelled on 3 October by an administrative order of the French Government. In January he had been appointed chaplain to the immigrants in the Basque part of the Bayonne diocese. On arriving in Spain, he was arrested by the Civil Guard and taken to their headquarters first in San Sebastian, then in Bilbao. He alleges that over a three-day period he was hooded, beaten, kicked and given electric shocks. The officers ridiculed his religious status and, during his transfer to Bilbao, threatened to shoot him. In Bilbao he was again beaten, then taken to another place where his head was submerged several times in a bath filled with urine. On the third day he saw a lawyer and was released without charge. To Amnesty International's knowledge, he filed no complaint.

José Luis Lekue, a bookseller in Bilbao, was arrested on 3 October and taken to the Civil Guard barracks at La Salve. He was held for two days before transfer to Madrid. He alleged that while in La Salve he

was hooded, forced to do strenuous exercises, kicked, beaten and given electric shocks. When he appeared in court the judge noticed his limp and bruises on his chest and ordered that he be taken to the Prison Hospital of Carabanchel, where José Luis Lekue observed blood in his urine. A judicial inquiry began in 1987 into his allegations of ill-treatment.

Complaints of ill-treatment were the subject of judicial inquiries but the procedure was lengthy and the inquiries usually inconclusive.

In April Amnesty International wrote to the authorities concerning allegations of torture and ill-treatment made in the National Court in Madrid in April 1986 by Sabino Alava García. He had been arrested and held incommunicado in Pamplona under the anti-terrorist law and charged with belonging to an armed band. He alleged that during his interrogation police subjected him to near-asphyxiation and near-drowning and struck him on his head, kidneys and testicles. He subsequently received hospital treatment for kidney trouble. The Territorial Court in Pamplona informed Amnesty International that inquiries into the complaint had been discontinued.

An inquiry was still open at the end of 1987 into complaints made in 1979 by two Basque brothers, Emilio and Julio Ginés. They had been detained and allegedly tortured for eight and seven days respectively, before they were released unconditionally. In 1986 the court admitted it had lost key evidence of the injuries Emilio Ginés had allegedly received in custody.

During 1987 the Minister of the Interior stated in a letter to Amnesty International and in press conferences that Spanish law provided adequate protection for detainees, including those detained incommunicado under the anti-terrorist law. He informed Amnesty International that eradicating illegal treatment was a priority, but acknowledged that in isolated instances there may have been cases of police exceeding their authority. However, he insisted that investigations showed most complaints to be unfounded.

Formal complaints of ill-treatment were rarely made by people who were not political prisoners. However, a group of local lawyers exercised their constitutional right to act as interested parties in the judicial inquiry into the death of Antonio

Cantó Ruiz. He was a vagrant who died in police custody in Malaga on 17 November. He had been arrested the day before his death, after a violent scuffle in which he shot dead one of the arresting officers. Antonio Cantó Ruiz required hospital treatment for head injuries which, according to the police, he received while resisting arrest. However, there was also evidence from witnesses that he was beaten and kicked by police officers after he was discharged from hospital and taken back to the police station. An autopsy indicated that his death was caused by a fragment from a ricocheting bullet, but it remained unclear whether he had been assaulted in custody and whether his death was the subject of an official inquiry.

On 23 June the Minister of the Interior replied to Amnesty International's letter of 29 December 1986 (see *Amnesty International Report 1987*) asking him to institute a full investigation into allegations of torture and ill-treatment made by people expelled from France to Spain. Amnesty International had cited the complaints of several detainees. The Minister supplied details of their movements and of the official steps in their interrogation without commenting on the allegations that the police had subjected them to ill-treatment.

intervals of up to a year between the imposition of the sentence and the imprisonment of the person concerned. Regular periods of military service are compulsory for all men aged between 20 and 50 and there is no provision for alternative civilian service outside the military system. Unarmed military service is available only to conscripts able to prove that the use of arms would result in "a severe conflict of conscience" on religious or ethical grounds.

Switzerland abstained when the Committee of Ministers of the Council of Europe adopted Recommendation No. R(87)8 on 9 April 1987, calling on member states to allow conscripts the right to refuse military service "for compelling reasons of conscience" and supporting the provision of alternative service. The Swiss representative stated that his government would be unable to comply with the text. Under Article 18 of the Swiss Constitution there is a binding obligation to perform military service. An alternative civilian service could only be introduced if the Constitution were changed by popular referendum, but two referendums in 1977 and 1984 decisively rejected this.

On 27 May the Federal Council, the government's executive branch, stated that "a complete decriminalization of conscientious objection is impossible within the present constitutional framework" when it presented a draft bill to Parliament modifying the Military Penal Code and the Federal Law on Military Organization. Under the provisions of the draft bill, which was still under consideration at the end of 1987, refusal to perform military service would remain a criminal offence. The punishment for those recognized by military tribunals as having objections based on religious or ethical grounds would be a period of compulsory work, ranging from one and a half times the length of military service up to a maximum of two years. If completed, no sentence would appear on the individual's record, thereby "decriminalizing" it. Those objecting on other, unrecognized, grounds would continue to receive prison sentences and a criminal record.

Article 81 of the Military Penal Code allows military tribunals to sentence people refusing military service to up to three years' imprisonment but, in practice, sentences rarely exceed one year. Where a

SWITZERLAND



Six hundred people were sentenced to imprisonment or suspended imprisonment for refusing military service and at least 292 based their refusal on religious, ethical or political grounds, according to official statistics. There are frequently

military tribunal recognizes an individual's "severe conflict of conscience" on religious or ethical grounds, a sentence of up to six months' imprisonment may be passed. Such sentences are normally served in the form of *arrêts répressifs*, allowing prescribed work outside the prison during the day, or in the form of "semi-detention", allowing objectors to continue their normal or approved employment outside the prison during the day. Sentences of less than six months' imprisonment imposed on "unrecognized" objectors are also frequently served in the form of "semi-detention".

Amnesty International appealed against the imprisonment of 35 conscientious objectors sentenced to between one and 12 months' imprisonment for refusing military service; the majority had expressed their willingness to perform an alternative civilian service.

Amnesty International wrote in September to a National Council committee examining the draft "decriminalization" bill, drawing attention to international recommendations on the issue. It stated that its concern would remain as long as the right to refuse military service on conscientious grounds was not recognized and conscientious objectors were punished for exercising their beliefs by sentences of imprisonment or compulsory work.

In October Switzerland ratified the Sixth Protocol of the European Convention on Human Rights, abolishing the death penalty for peace-time offences.

TURKEY

Thousands of people were imprisoned for political reasons, including hundreds of prisoners of conscience. The use of torture continued to be widespread and systematic. During the year 17 people were reported to have died in custody as a result of torture. Civilian and military courts passed 28 death sentences. At the end of 1987, 159 death sentences were awaiting ratification by Parliament, all legal remedies having been exhausted, and hundreds were still under legal review. Many Iranian asylum-seekers, including recognized refugees, were forcibly returned to

Iran, where they were at risk of execution, torture or imprisonment as prisoners of conscience.



The government lifted martial law in the last four of Turkey's 67 provinces on 19 July, but trials before military courts continued. In April the army stated that 5,179 people were on trial before military courts, of whom 1,025 were held in military prisons. Some had been in pre-trial detention for more than seven years. At the end of the year emergency legislation was in force in nine provinces. All, except for Istanbul, are in the southeast. Kurdish guerrillas have carried out violent attacks in the area since August 1984, and their actions and clashes with the security forces have resulted in more than 800 deaths.

A general election was held on 29 November, in which the ruling Motherland Party (ANAP) gained 292 out of 450 parliamentary seats. This party has been in power since November 1983.

In January the government recognized the right to individual petition to the European Commission of Human Rights of the Council of Europe under Article 25 of the European Convention on Human Rights.

Some prisoners of conscience were released during the year but many others were imprisoned. In November the Turkish Human Rights Association estimated that there were 18,000 political prisoners. Among several hundred prisoners of conscience were members of trade unions, legal and illegal political organizations and illegal Kurdish groups, journalists, religious activists and participants in peaceful demonstrations. In the trial of 1,477 members of the Confederation of Progressive Trade

Unions (DISK), which ended in December 1986, no detailed written verdict was presented by the Istanbul Military Court, so the appeal of the 264 convicted prisoners of conscience could not proceed (see Amnesty International Report 1983 to 1987).

A number of people were prosecuted during 1987 for belonging to political parties declared illegal in September 1980. Others were prosecuted for their religious activities or for alleged offences against the state, including so-called crimes of thought. Several journalists were brought to trial because of their writings.

In March the trial of 168 alleged members of the Turkish Workers' Party (TIP) before the Istanbul Military Court, known as the TIP-4 trial, concluded. Nineteen defendants were convicted and jailed for five years. Fifteen other alleged members of the TIP were still on trial before the Ankara State Security Court at the end of 1987. The TIP's Secretary General, Dr Nihat Sargin, and Haydar Kutlu, the Secretary General of the illegal Turkish Communist Party (TKP) were also in prison at the end of 1987. They were arrested on 16 November in Ankara after they returned to Turkey after several years in exile.

Members of banned political parties such as the TIP were tried under Article 141 of the penal code prohibiting "membership of organization/s trying to establish the domination of one social class over the others". Fifty-three members of the Turkish Socialist Workers' Party (TSIP) were tried on such charges before the Istanbul Military Court. On 14 May 12 were sentenced to prison terms ranging from one year to eight years, 10 months. They remained at liberty pending an appeal. The trial of seven other alleged TSIP members at the Izmir State Security Court began on 22 September and was still going on at the end of the year.

Alleged members of the TKP were also prosecuted under Article 141. In January 17 people accused of belonging to the Thrace-TKP were sentenced to prison terms of between four and eight years by the Istanbul Military Court. They remained at liberty pending appeal. In the Izmir State Security Court, 21 alleged members of the TKP were jailed for between four and 10 years on 25 June. Thirteen others were brought to trial before the same court in November, 10 of whom were still in prison at the end of 1987. In October the Military Appeal Court confirmed sentences of 104 alleged TKP mem-

bers from four years to 16 years and eight months, which had been imposed by the Ankara Military Court in March 1985. Most were believed to have been released, but at least four were still imprisoned at the end of 1987.

On 28 April the Istanbul Military Court delivered its verdict on 71 members of the Turkish Peace Association (TPA) who had been on trial since 1982 on charges of membership of an illegal organization. Most were acquitted but 12 defendants were sentenced to terms of imprisonment of between six months and four years, two months. They remained at liberty pending appeal (see Amnesty International Report 1983 to 1987).

The newspaper *Milliyet* reported on 20 August that 9,512 people had been detained between August 1984 and July 1987 in the provinces of Diyarbakir, Mardin, Siirt, Hakkari, Van and Sanliurfa, where most of the population is of Kurdish origin. The cases of 2,811 were reportedly transferred to military courts and those of a further 1,612 to civilian courts. The remainder had reportedly been released.

Many reports indicated that the illegal Kurdish Workers' Party (PKK) continued to take prisoners among the civilian population and frequently tortured or executed them outside their villages.

Most of the Kurdish activists known to Amnesty International were charged with violent offences, but some were prisoners of conscience imprisoned on account of their non-violent political or cultural activities. For example, Recep Marasli, a publisher, and Mehdi Zana, a former mayor of Diyarbakir, were held throughout 1987 in Diyarbakir Military Prison (see Amnesty International Report 1987). However, in March part of Mehdi Zana's sentence was quashed by the Military Appeal Court in Ankara. Mustafa Evlek and Ali Dogan were sentenced to prison terms of four years, two months by the Istanbul State Security Court on 2 June. They were both convicted of listening to a cassette of Kurdish songs and speeches. The appeal court confirmed their sentences in October and they remained in Istanbul Closed Prison.

The number of people prosecuted for their religious activities under Article 163 for "attempting to change the secular nature of the State" increased substantially in 1987. At the Istanbul State Security Court alone, 44 trials involving 128 defendants

began during the first seven months of the year. The defendants included people who had participated in peaceful demonstrations, members of legal political parties, journalists, writers, members of Islamic brotherhoods in Turkey and members of Islamic associations among Turkish workers abroad.

Writers, publishers and journalists were prosecuted or imprisoned under various articles of the penal code, including Article 142, "making communist propaganda"; Article 159, "insulting the state authorities"; and Article 312, "incitement to commit a crime". Hüseyin Kivanç, a publisher, was released from custody on 13 March but was still on trial at the end of the year (see Amnesty International Report 1987). Hasan Fikret Ulusoydan, former editor-in-chief of the periodical *Halkın Sesi* (People's Voice), who had been sentenced to a total of 75 years' imprisonment for "making communist and separatist propaganda", was imprisoned throughout 1987 in Metris Military Prison. In July he went on hunger-strike for 10 days to protest against the imprisonment of journalists and writers.

There were further trials of people accused of offences against the state, including so-called crimes of thought, at state security courts in eight provinces. In a number of cases it appeared that these courts failed to take account of allegations that defendants had been tortured, accepted as evidence statements allegedly extracted under torture, and failed to ensure the rights of the defence. There were serious doubts as to whether such trials were fair.

There were many new allegations of torture of political and criminal prisoners and suspects. Torture was mostly reported during incommunicado detention in police stations, but some prisoners in military and civilian prisons also complained of ill-treatment. Two alleged torture victims were Dr Nihat Sargin and Haydar Kutlu, both prisoners of conscience. It was alleged that they had been tortured with electric shocks, suspended by their arms, beaten, hosed with ice-cold water and forcibly injected with drugs while detained in Ankara Police Headquarters in the week following their arrest on 16 November.

Seventeen people were reported to have died in custody as a result of torture. Haydar Talay was arrested in Van on 20 November for an alleged traffic offence. Four hours later he was dead. His family claimed that

he was beaten to death by the police. Kemal Karapınar died on 2 December, leaving a wife and five children. He was detained on 22 October and charged with stealing sheep, released and then taken back into custody twice. A fellow detainee alleged that Kemal Karapınar had been beaten, given electric shocks to his genitals and hosed with hot water. The autopsy report stated that he had bruises on the face, in particular around the ears.

In August local journalists were permitted to visit several prisons following hunger-strikes by prisoners in various civilian and military prisons in protest against their conditions. In Metris and Mamak Military Prisons, Gaziantep Special Type Prison and Sanliurfa Half Open Prison, prisoners told journalists that they were beaten by guards.

There were no executions in 1987 but 28 people were sentenced to death by military and civilian courts. Some 700 death sentences had been imposed during the previous eight years. A number were confirmed by the appeal courts with the result that, by December, 159 people under sentence of death had exhausted all legal remedies. Other death sentences, however, were quashed on appeal. On 10 December the Turkish Human Rights Association presented a petition to Parliament with 130,000 signatures in support of the abolition of the death penalty and a general amnesty.

Throughout 1987 Amnesty International appealed to the authorities to release prisoners of conscience, investigate allegations of torture and abolish the death penalty. In April and October an Amnesty International observer attended several trials at military and civilian courts, including state security courts. The organization also published several short reports concerning a proposed revision of the penal code, trials of religious activists, the use of torture and the death penalty and other human rights violations.

The authorities responded to a number of torture allegations raised by Amnesty International. They stated that investigations were still in progress in some cases and that in others charges against police officers allegedly responsible for torture had been dropped because of lack of evidence. However, in most cases they denied that any kind of ill-treatment had taken place. In February the Minister of Justice denied reports that Kemal Bilget, an alleged member of the Turkish Communist Workers'

Party, had been tortured in June 1986 in Elazig. He said that there had been an investigation but no charges had been brought as a result. However, on 20 October the newspaper Cumhuriyet reported that two police officers alleged to have tortured Kemal Bilget were being tried before the Elazig Criminal Court.

Amnesty International also expressed concern to the Turkish authorities about the forcible repatriation of a number of asylum-seekers to Iran where they were at risk of torture, execution or imprisonment as prisoners of conscience. At least four Iranians were reported to have been executed after being returned to Iran. In particular, Amnesty International asked about the circumstances in which 11 Iranians were returned to Iran at the end of 1986, but there was no response from the authorities. In May Amnesty International called on the Turkish Government to ensure that no further Iranian asylum-seekers would be returned if there was a risk that they would become prisoners of conscience or be tortured or executed.

In May Amnesty International submitted a communication to the United Nations under its confidential procedure for reviewing communications about human rights violations.

was encouraging, there were as yet no changes in law that would protect Soviet citizens from being imprisoned for peacefully exercising their rights, prevent ill-treatment in places of imprisonment, or abolish the death penalty. At the end of 1987 at least 300 prisoners of conscience were still imprisoned, in exile, or held in psychiatric hospitals against their will. During the year at least 25 new death sentences were reported and at least eight people were executed.

In an article in Pravda in September, Mikhail Gorbachov, the General Secretary of the Soviet Communist Party, recommended a stronger role for the United Nations in promoting and protecting human rights. He also stressed the obligation of governments to make their own laws conform with international norms in this field. During 1987 the USSR ratified the UN Convention against Torture, and Soviet legislators were involved in a major review of the criminal law apparently aimed at bringing it more closely in line with international standards. They were said to be considering restricting the death penalty, giving suspects earlier access to a lawyer, and repealing the law against "circulating anti-Soviet slander" – one of two laws that specifically restrict freedom of expression. It was not known when the review would be completed.

In the context of this review the authorities initiated public discussion of the death penalty. For the first time in decades the media reported the views of readers, academic lawyers and others who favoured abolishing the death penalty and improving safeguards for people on trial for capital crimes. Some newspapers exposed cases where official corruption and incompetence had led to innocent people being sentenced to death and even executed. In November the USSR Minister of Justice announced that the death penalty would probably be abolished for all economic offences and for crimes committed by women, and by men of 60 and over. Because of the secrecy still surrounding statistics on the death penalty, it was impossible to assess the impact this would have. Only three women were known to have been sentenced to death since 1979 and newspapers rarely reported the age of condemned men. However, the data available suggested that abolition for economic offences could reduce death sentences by

UNION OF SOVIET SOCIALIST REPUBLICS



Changes in the political climate of the USSR gathered momentum in 1987. The authorities opened some discussion of human rights issues that were previously taboo. A large number of prisoners of conscience were freed and significantly fewer people were arrested on political grounds. But although the general picture

around one third. In a short report, *The Death Penalty Debate in the USSR*, issued in November, Amnesty International analysed the effect of the proposed changes.

The use of psychiatry for non-medical purposes also came under public scrutiny for the first time in 1987. In July *Izvestiya* charged that Soviet citizens could be put in psychiatric hospitals arbitrarily and that the law offered them no power of redress. The focus of its criticism was the civil commitment procedure, under which people who are mentally ill and physically dangerous may be forcibly confined for indefinite periods without being charged with an offence. A 1971 directive of the USSR Ministry of Health sets down guidelines for this procedure and stipulates that a commission of doctors must approve each commitment within 24 hours. *Izvestiya* said that the directive was not only inadequate but also widely disregarded. Many people were committed with no indication that they were dangerous, and frequently no medical commission reviewed their confinement. It gave as examples the cases of two women confined solely on the instructions of local Communist Party officials with whom they had been in conflict. Their cases illustrated the experience of many prisoners of conscience known to Amnesty International. *Izvestiya*'s criticism did not include the criminal commitment procedure, under which Soviet citizens have been forcibly confined on charges that in themselves contravened human rights.

In February an official announced the release of 140 prisoners and said the cases of a similar number were under review. At the end of 1987 Amnesty International could confirm the release of 259 prisoners, most of them known prisoners of conscience. This was probably the largest number of such releases in any one year since the 1950s.

However, the release process had some disturbing elements. For example, nearly 200 freed prisoners of conscience received individual pardons under secret decrees of the Presidium of the USSR Supreme Soviet. This procedure implied falsely that they were criminals and hid the fact that they had been unjustly imprisoned in the first place. It also enabled the authorities to free prisoners selectively, denying the possibility of release to scores of people im-

prisoned for their religious activities and to most of the human rights activists serving long sentences in the special regime camp Perm 36-1. Moreover, some prisoners of conscience had to accept major concessions in exchange for their freedom – such as agreeing to leave the USSR – and a number were moved to harsher conditions in isolation while they considered the conditions for release.

At least 32 prisoners of conscience were released from psychiatric hospitals after medical commissions reviewed their cases. Most had been confined under the criminal commitment procedure and held against their will in maximum security psychiatric hospitals, sometimes for 15 years or longer. They included three prisoners of conscience whose cases had attracted wide international support, who were released from psychiatric institutions on 3 December, only days before the summit meeting in the USA between General Secretary Gorbachov and President Reagan. They were a Baptist, Anna Chertkova, confined since 1973; Anatoly Pinyaev, a devotee of the Hare Krishna religion, confined since 1983; and a trade union activist, Vladimir Gershuni, also confined since 1983. Doctors had recommended Vladimir Gershuni's release two months earlier, but he remained confined until shortly before the summit.

Unconditional release was granted to some prisoners of conscience under an amnesty decreed on 18 June to mark the 70th anniversary of the Bolshevik Revolution. This amnesty, unlike previous ones, included people sentenced under three of the laws commonly used to imprison prisoners of conscience. However, the amnesty made release dependent on a prisoner's past behaviour, and since many prisoners of conscience had repeatedly been punished for continuing to express the views or practise the religious beliefs which led to their arrest, they were disqualified on these grounds. Amnesty International knew of only 27, mostly Baptists, who had benefited from the amnesty by the end of 1987.

New information came to light during the year from released prisoners and other sources about some 50 possible prisoners of conscience who were previously unknown. It was likely, therefore, that the total number of prisoners of conscience was higher than the 300 known to Amnesty

International at the end of 1987.

During 1987 the authorities allowed unusual freedom for Soviet citizens to demonstrate against government policies, to form independent discussion clubs, and to produce journals that by-passed state censors. No one was reported to have been prosecuted for these activities, although in late 1987 people who took part were increasingly searched, questioned, dismissed from work or put under administrative arrest. At least nine individuals who had staged peaceful vigils in public were placed in psychiatric hospitals for brief periods under the civil commitment procedure. They were mostly members of an unofficial peace group in Moscow or people campaigning to leave the USSR.

Religious believers continued to be prosecuted under the criminal law for acting according to their beliefs, and around 20 arrests were reported. At least five conscientious objectors who refused on religious grounds to bear weapons received sentences of up to five years' imprisonment. They were mostly Jehovah's Witnesses from Kazakhstan. Some 15 Baptists, Pentecostalists and a Seventh Day Adventist were also imprisoned for pursuing religious activities without official permission. A typical case was that of Sergey Bogdanov and Aleksey Mukhin, Baptists from Fergana in the Uzbek republic. They were accused of building a prayer hut in a private yard and of distributing home-made copies of the New Testament and a work by an English Baptist. In February they were sentenced to imprisonment for two and five years respectively for "violating the laws separating church from state", "engaging in anti-social religious activity" and "circulating anti-Soviet slander". Aleksey Mukhin was later pardoned and freed.

Most prisoners of conscience in corrective labour colonies were moved to a less severe regime under the terms of the June amnesty, and many in psychiatric hospitals were transferred from maximum security institutions to ordinary ones. Despite this, it seemed that they were still liable to arbitrary and sometimes cruel treatment from the officials in charge of them, and it was usually not possible for them to obtain redress. In one case, however, five orderlies at a psychiatric hospital in Chelyabinsk were dismissed from their jobs and prosecuted for brutally ill-treating a prisoner of conscience,

Nizametdin Akhmetov, in March. While drunk, they had dragged him into a bathroom and beaten him for over two hours.

Changes to the corrective labour law in October appeared likely to increase the risk that prisoners held in corrective labour colonies would be subjected to arbitrary treatment and severe conditions. Previously it was customary for first offenders and those given short sentences for petty crimes to serve their sentences in their native republics, near their homes. The changes allowed them to be sent to labour colonies in other republics far from their families. Previously too, prisoners were required to work eight-hour shifts for six days a week, but under the changes officials could make prisoners work on their free days. This appeared to increase the scope for prisoners to be punished for failing to meet work targets, which had already led to the victimization of many prisoners of conscience.

Although the use of the death penalty was under review, Soviet courts continued to pass death sentences throughout 1987. At least eight people were executed, all of them convicted of murder or atrocities committed during the Second World War. One was 78-year-old Fyodor Fedorenko, who had been deported in 1984 from the USA to stand trial for war crimes. Since no one was reported executed for economic offences in 1987, it seemed that executions for these crimes may have been suspended pending changes to the criminal law. In January the authorities commuted the death sentence passed on M. Ruzmetov on account of his "age and profound repentance". He had been sentenced in 1986 for taking bribes.

Amnesty International welcomed this commutation and throughout the year appealed for the commutation of every death sentence reported and for the unconditional release of all prisoners of conscience. In April it wrote to the USSR Minister of Justice to ask for clarification of the procedures being used to release prisoners of conscience and to restate its belief that they should be released unconditionally. In particular, it asked the authorities to publish the decrees under which prisoners were being pardoned and to issue lists of the prisoners freed. It submitted 114 names of prisoners still serving sentences for "anti-Soviet agitation and propaganda" and asked the authorities to indicate which of them would be freed. No reply was received. In April Amnesty International published a

short report on the releases of Soviet prisoners of conscience. As discussions of legal reforms continued in the domestic press, Amnesty International sought discussions with the authorities and with the Association of Soviet Lawyers on the changes being considered. One of the changes – a proposal to abolish internal exile as a form of punishment – was the subject of a short report issued by Amnesty International in December. Amnesty International also discussed with the Soviet authorities its wish to send a delegation to the USSR to discuss its human rights concerns with representatives of the government and appropriate organizations. At the end of 1987 this proposal was under consideration by the Soviet authorities.

UNITED KINGDOM



The results of the official police inquiry into the killings of suspected government opponents by security forces in Northern Ireland in 1982 were still not made public in 1987. Some people who were detained in Northern Ireland under anti-terrorist legislation alleged that they were ill-treated while in police custody. Similar allegations were made by some people detained in Britain. Trials held in connection with disturbances in 1985 at a London housing estate may have been prejudiced by pre-trial detention procedures. The cases of six people convicted in 1975 of pub bombings in Birmingham were referred by the Home Secretary to the Court of Appeal. The Home Secretary was still considering at the end of 1987 the cases of four people who had been convicted in 1975 of pub bombings in Guildford and Woolwich.

An official police inquiry into the killing of suspected government opponents by security forces in Northern Ireland in 1982, which began in 1984 under Deputy Chief Constable John Stalker, continued under Chief Constable Colin Sampson from June 1986 until its conclusion in 1987. The full three-part report of the inquiry was submitted to the Director of Public Prosecutions in April 1987. By the end of the year, the government had still not made public its findings.

Since 1985 Amnesty International has repeatedly asked the government to establish an independent judicial inquiry into the procedures used to investigate killings by the security forces and to make public the findings. In particular, three incidents in late 1982 in which six unarmed people were killed remain unexplained. Five of the victims were members of republican paramilitary groups (see Amnesty International Report 1986 and 1987). In February Amnesty International delegates discussed the organization's concerns with government representatives from the Northern Ireland Office and reiterated the request for a judicial inquiry. The Minister of State said that the government was awaiting results of the official police inquiry into the 1982 incidents and would not contemplate setting up a judicial inquiry at that time. In August Amnesty International wrote to the authorities stating that further delay in providing a full account was unacceptable.

Since 1983 Amnesty International has been monitoring the judicial procedures and rules of evidence used in the "Diplock Courts" in Northern Ireland. These courts have a single judge and no juries. Uncorroborated evidence of alleged former accomplices, commonly known as "supergrasses", has served as a basis for prosecution. Some 217 people, including alleged members of both republican and loyalist paramilitary groups, were defendants in 10 "supergrass" trials between 1983 and 1985. Sixty-five of the 120 defendants who were convicted at the trials were prosecuted and convicted solely on the basis of the uncorroborated testimony of "supergrasses". Sixty-four of the 65 were acquitted on appeal.

There have been no trials in "Diplock Courts" based on uncorroborated accomplice evidence since 1985. Amnesty International remained concerned, however,

that the government continued to maintain that the procedures applied were satisfactory in guaranteeing the defendants' rights to a fair trial. The organization was also concerned about the use of uncorroborated evidence provided by accomplices as the sole basis of prosecution.

Some accused people were kept in custody for several years while awaiting trial on charges based on evidence of successive "supergrasses". Over half of the trials had more than 20 defendants, the largest involving 37 defendants. During some trials there had not been full disclosure of inducements offered to the "supergrass" to obtain his testimony.

In 1987 Amnesty International submitted a detailed memorandum to the government outlining its concerns about the fairness of the trials and proposing a number of specific recommendations. The recommendations included adopting a policy against authorizing prosecutions based solely on the uncorroborated evidence of a "supergrass"; reviewing the number of defendants tried concurrently and the complexity of such trials; and ensuring that the trials took place within a reasonable time.

Amnesty International continued to be concerned about people arrested under anti-terrorist legislation in Northern Ireland and who alleged that they had been ill-treated by the Royal Ulster Constabulary (RUC) while in police custody. Brian Hunter and Thomas Maguire were arrested in August and taken to Castlereagh Police Centre. They claimed that immediately after arrest as well as during interrogation they were subjected to ill-treatment including slapping, hitting, punching and verbal threats. Thomas Maguire suffered a perforated eardrum which required hospital treatment. They claimed that as a result of ill-treatment they made statements of admission to serious offences for which they were subsequently charged.

In December Amnesty International sent an observer to the civil proceedings in which Paul Caruana sued the RUC for alleged ill-treatment in police custody during 1984 in Northern Ireland (see Amnesty International Report 1985 and 1986). Paul Caruana's claim was unsuccessful as the judge stated that his injuries might have been self-inflicted and that the police had behaved properly. Paul Caruana said he would appeal against the judge's decision.

The police arrested approximately 400 people following disturbances on Broadwater Farm Estate which took place in 1985 in a highly charged political atmosphere in north London. The detainees, including juveniles, were routinely denied access to lawyers and to their families. A wide range of detainees consistently alleged that the police used oppressive interrogation methods, such as threats and intimidation, and forced them to make admissions.

A 13-year-old boy, who had been denied access to a lawyer and his family, was interrogated for a total of 15 hours, most of that time permitted to wear only his underwear. At his trial the judge ruled that the police had, without reasonable cause, refused him access to a lawyer and that "unjust and unreasonable burdens were put on the child". The judge ruled his admission to the murder of a police officer unreliable as it was obtained in oppressive circumstances.

The incident which sparked off the disturbance was the heart attack and death of a black woman during a police search of her home. The police had pushed her in gaining access to the home. A peaceful protest against the police action later developed into a riot during which a police officer was attacked by a group of youths and died from multiple stab wounds.

Approximately 70 people were tried for serious offences arising from the disturbances. The prosecution based its evidence against 41 of them on statements they made while in police custody and 19 were convicted on the basis of their own statements. In some trials for serious offences, the judges ruled the statements inadmissible because they were obtained through oppression or in other unacceptable circumstances. At the end of 1987 most requests for appeal had been turned down at the first stage of the appeals procedure.

Amnesty International wrote to the government in November 1987 expressing doubt about the fairness of convictions on the basis of statements made in the absence of a lawyer and allegedly obtained as a result of intimidation. The organization urged a review of these cases and called for it to be made mandatory that police tell those arrested of their rights to access to a lawyer and to have someone outside the place of detention informed of their arrest. These rights are contained in the Codes of

Practice issued under the Police and Criminal Evidence Act 1984 but they do not have the force of law.

The government replied in December that the treatment of the people in police custody and allegations that they were denied access to lawyers were being investigated by the police under the supervision of the separately administered Police Complaints Authority. It said that these investigations might affect the decision on whether there were grounds to refer particular cases to the Court of Appeal. The government also said that it considered the Police and Criminal Evidence Act 1984 sufficient to protect people who were arrested.

At the end of December Amnesty International wrote again to the government, restating its concerns and emphasizing that knowledge of rights to legal advice is of vital importance to fair treatment of detained people and should be incorporated into the law.

New evidence came to light during 1986 and 1987 in connection with the convictions of 10 people for pub bombings in Birmingham, Guildford and Woolwich in 1975 (see Amnesty International Report 1987). The bombings caused many deaths and serious injuries. In February 1987 the Home Secretary referred the cases of six people convicted of the bombings in Birmingham to the Court of Appeal. The hearing took place between 2 November and 9 December and judgment was reserved until 1988. Amnesty International sent an observer to the appeal hearing of the six people convicted of the Birmingham bombings. The government stated in February that there was insufficient new evidence to reopen the cases of four people convicted of the bombings in Guildford and Woolwich. However, in August the Home Secretary ordered a police investigation into new evidence to establish whether these cases should also be referred to the Court of Appeal. No decision had been made by the end of the year.

Amnesty International's concern in the bombing cases was that prisoners had been convicted largely on the basis of confessions allegedly obtained through physical ill-treatment and intimidation, and on the findings of forensic tests cast into doubt by new evidence. In December 1986 Amnesty International asked the government to review the cases of the 10 people still impris-

oned after conviction for the pub bombings. In April 1987 it urged the government to reconsider its decision not to refer the cases of the four people convicted for the bombings in Guildford and Woolwich to the Court of Appeal.

Some criminal suspects were allegedly ill-treated while in police custody. Amnesty International asked the government to provide a full and public account in the cases of Trevor Monerville and Mohammed Hajiazim, both of whom required hospital treatment following their detention in different London police stations. The organization also expressed concern that for several days the police had refused to acknowledge the detention of Trevor Monerville.

YUGOSLAVIA



At least 200 prisoners of conscience were held in Yugoslavia, of whom over 40 were convicted during 1987 of non-violent political offences under the federal and republican criminal codes. Many more were summarily jailed for up to 60 days for minor political offences. The total number of political prisoners was variously reported in the Yugoslav press as 500 and 800; other, unofficial, estimates were higher. Many political prisoners were denied a fair trial. There were allegations that certain political detainees had been ill-treated during pre-trial proceedings. Conditions in some prisons where prisoners of conscience were held were harsh. At least three people were sentenced to death and three others were executed, all for murder.

In recent years, the majority of people charged with political offences have been ethnic Albanians from Kosovo province, where since 1981 there has been continuing nationalist unrest. During 1987 tension increased in Kosovo province between the ethnic Albanian majority and the Serbian and Montenegrin minorities, who continued to complain of harassment and intimidation. In October federal police were sent into Kosovo to maintain order.

According to official reports from Kosovo, in the first eight months of 1987 police reported 31 ethnic Albanians for political crimes and 128 for minor political offences. On the basis of official statistics, between 1981 and October 1987 at least 1,500 ethnic Albanians from Kosovo were charged in regular courts with political offences and a further 6,650 were convicted of minor political offences under summary procedures. In addition, in September Yugoslavia's Defence Minister announced that since 1981, 1,435 ethnic Albanian soldiers had been discovered plotting subversion and armed rebellion in the army (such cases came under the jurisdiction of military courts, and were rarely reported in the press). Most defendants were accused of activities in support of the demand for Kosovo to be given republic status and to cease to be part of the Republic of Serbia, or for an Albanian republic to be created within Yugoslavia, composed of Kosovo and other regions with large ethnic Albanian communities, with a view to its eventual unification with Albania.

Political detainees were generally charged under Article 133 of the federal criminal code dealing with "hostile propaganda" or under Article 136 (and connected articles) concerning "association for hostile activity". One prisoner of conscience was Muhamrem Kurti, an ethnic Albanian who went to Albania in 1981 and returned to Yugoslavia in 1987. In September a court in Pec jailed him for 18 months for "hostile propaganda". He was found guilty of writing letters from Albania to his brother in which he praised the activity of Albanian nationalists in Yugoslavia, "glorified" the Albanian nation and "insulted the Yugoslav political system".

In April, 10 ethnic Albanians went on trial in Pec. Charges of belonging to an illegal nationalist organization (under Article 136) were dropped, but they were

then accused under Article 133 of writing and distributing pamphlets and hostile slogans such as "Kosovo Republic". A graphologist reportedly told the court that the texts had all been written by one person and that none of the defendants, with the possible exception of Musa Beqiraj, was that person. However, in May six of the 10 defendants were convicted: Xhavit and Musa Beqiraj were each sentenced to 18 months' imprisonment and four others received one-year sentences.

In April Januz Salih was sentenced to six and a half years' imprisonment in Gnjilane. He was convicted under Article 136, in connection with Article 114 ("endangering the social order"). He had been arrested in Belgrade in December 1986 after the Swiss authorities had refused his application for political asylum and forcibly returned him to Yugoslavia. At his trial he was accused of having joined an emigre organization called "Movement for an Albanian Socialist Republic in Yugoslavia" and of having propagated its goals among Kosovo Albanians living abroad. Further, he was said to have visited Albania in 1983 for two weeks. At his trial Januz Salih retracted much of his previous testimony alleging that he had given it under torture, an allegation which the court apparently did not investigate. He admitted to having taken part in demonstrations in Kosovo in 1981, to visiting Albania and to having been, for two months, president of a club for Kosovo Albanians living in Switzerland.

Besides ethnic Albanians, other Yugoslav citizens were also convicted of "hostile propaganda". In March Miladin Nedic, a mining engineer, was sentenced to three and a half years' imprisonment in Tuzla for statements he allegedly made at two parties and in private conversations. He was said to have expressed Serbian nationalist views and criticized the government. He also allegedly stated that freedom of expression was restricted in his country.

Two other prisoners of conscience, Fadil Fadilasic and Ibrahim Avdic, both engineers, were also convicted of "hostile propaganda" in June in Sarajevo and sentenced to four and two years' imprisonment respectively. They were alleged to have advocated in private conversations the creation of an "ethnically pure Muslim republic" in Yugoslavia to be governed by Islamic law, and to have claimed that religious

freedom was restricted and that Muslims were discriminated against in Yugoslavia. A third defendant, Munib Zahiragic, an imam, was alleged to have advocated the use of arms to achieve an Islamic state in Bosnia-Hercegovina. He was sentenced to five years' imprisonment. Amnesty International sought further details of the evidence against him.

There was renewed criticism in the press and in public discussion of Article 133 of the federal criminal code, covering "hostile propaganda". On 10 December, International Human Rights Day, participants at a meeting organized by the Belgrade Institute for Criminological and Sociological Research called for its abolition on the grounds that it punished the expression of opinion and violated the International Covenant on Civil and Political Rights, ratified by Yugoslavia in 1971.

At least 10 prisoners of conscience were serving sentences, mostly of three or three and a half years, for refusing on religious grounds to do military service. Most were Jehovah's Witnesses, and several had already served a previous sentence for the same offence. Among those sentenced in 1987 were Otto Kukli, Benjamin Majcen and Jozef Rakusa. In November the Constitutional Court of Yugoslavia rejected an appeal by a group of Jehovah's Witnesses from Maribor that the legislation providing for compulsory military service be declared unconstitutional.

The available information indicated that political prisoners were frequently denied fair trials. In several cases public officials or the press described defendants as guilty before their trials had taken place. For example, before Miladin Nedic's trial he was denounced in the press as a "proven nationalist" by the local committee of the League of Communists. He was subsequently convicted, largely on the basis of statements made by witnesses during pre-trial investigation proceedings which often differed significantly from their testimony in court. Defence attempts to find out what role the police had played in the preparation of the pre-trial statements were repeatedly blocked by the court. Press reports of the trial of Fadil Fadilasic and his co-defendants suggested that it suffered from similar flaws.

In a number of cases the courts appeared reluctant or unwilling to hear, let alone take account of, defence evidence.

For example, Dobroslav Paraga was convicted in April by a court in Zagreb which refused to examine any of the defence evidence. He had been charged under Article 197 of the Croatian Criminal Code, dealing with "spreading false information". Two Slovenian journals had published articles which described the harsh conditions and ill-treatment he had experienced while a prisoner of conscience from 1980 to 1984 (see Amnesty International Report 1981). The court refused to hear any defence evidence, including testimony from his fellow-prisoners. However, it accepted the evidence of a fellow-prisoner and officials about whom Dobroslav Paraga had complained, who would have been liable to punishment if his allegations of ill-treatment had been accepted. He was sentenced to six months' imprisonment suspended for three years and a three-year ban on any form of public expression. This sentence was confirmed on appeal.

Some political detainees, mostly ethnic Albanians, were alleged to have been ill-treated during pre-trial detention. For example, information was received during 1987 from an ethnic Albanian who was imprisoned in the Military Prison at Ljubljana in 1983. He alleged that state security police kicked and beat him and others with batons and fists on sensitive parts of the body such as the kidneys, the soles of the feet and stomach. Similar methods were reported to be used by security police in Pec, where one prisoner of conscience died in detention in suspicious circumstances in late 1986. Xhemal Blakaj was arrested on 3 November 1986 and sentenced the following day to 60 days' imprisonment after literature and tapes "with a nationalist content" were found at his home in Vrelje, Kosovo. He was said by the authorities to have committed suicide in Pec prison on 8 November 1986. His family were reportedly denied access to him from the time of his arrest until 11 November 1986 when they were instructed to collect his body – which is alleged to have borne marks of torture – from a hospital in Pec.

In May and June the daily newspaper Borba published a series of articles about political prisoners in Yugoslavia. In the absence of any official figures, it estimated their number at about 500. Another newspaper, 8-Novosti, put the figure at 800 in February. The Borba articles, which were

226 based on visits to several prisons, were dismissive of complaints of harsh conditions and ill-treatment made by former political prisoners, including prisoners of conscience. However, they did describe poor to bad conditions in Zenica, Lepoglava and Goli Otok prisons. (In July it was announced that Goli Otok prison would be closed at the end of 1988.) The articles criticized the use in Croatia and Serbia of the regime known as "strict observation", whereby prisoners can be summarily deprived of many of their rights.

At least three people were sentenced to death, two for multiple murder and one for rape and murder. Three people were executed, all for multiple murder.

During 1987 Amnesty International worked for the release or fair trial of more than 240 people, the majority of them prisoners of conscience, and raised with the authorities a number of allegations of ill-treatment of prisoners. It also pressed for death sentences to be commuted. Amnesty International observers attended the trials of Miladin Nedic and Dobroslav Paraga. In July the organization published a short report, *Yugoslavia: Conditions of Imprisonment of Prisoners of Conscience*. Amnesty International received no response from the government to its appeals and inquiries.

THE
MIDDLE EAST
AND
NORTH AFRICA

THE
MODERATE
NORTH AMERICA

BY RICHARD

WILLIAMS

WITH A FOREWORD

BY RICHARD

WILLIAMS

ALGERIA



Nine prisoners of conscience were held at the beginning of the year. All of them were released by the end of 1987. More than 20 people who may have been prisoners of conscience were placed under town arrest restrictions. More than 220 people were tried before the State Security Court in two separate cases and both trials were marked by serious deficiencies. There was one death in custody in suspicious circumstances and there were reports of torture and ill-treatment of prisoners. Four people were known to have been sentenced to death and five executions were carried out.

The nine prisoners were among 22 prisoners of conscience sentenced to prison terms of up to three years in 1985 by the State Security Court in Medea (see Amnesty International Report 1987). The charges included membership of two unauthorized organizations – the *Ligue algérienne des droits de l'homme* (LADH), Algerian League of Human Rights, and the *Association des fils des martyrs*, Sons of the Martyrs. The nine were released during the year after either completing their sentence or receiving a presidential pardon in April. The president and vice-president of the LADH, Maître Ali Yahia Abdennour and Ait-Larbi Mokrane, were arrested again in December 1986 and restricted under town arrest in southern Algeria. Two LADH members arrested with them were also restricted. More than 18 other people were reportedly placed under town arrest restrictions between November 1986 and March 1987. Among them were Abdelkarim Badjadja, an archivist; Ali Kechide, a lawyer; and Zertal Hachimi, deputy director of a film theatre. The authorities gave no reasons for restricting these people, who appeared to be prisoners of conscience.

In late March all known town arrest restrictions were lifted. The following

month, approximately 200 individuals who were sentenced in November 1986 to between two and eight years' imprisonment, reportedly for public order offences following demonstrations in Constantine and Sétif, were freed (see Amnesty International Report 1987).

Abdel Hamid Sellaoui, a journalist and member of the unauthorized opposition movement, *Mouvement pour la Démocratie en Algérie* (MDA), Movement for Democracy in Algeria, was arrested upon arrival at Algiers airport. He had been deported from Sweden, where he had unsuccessfully sought asylum. He was released after a week but was detained again for a short period in April and interrogated by military security agents about MDA activities. During his detention he may have been subjected to ill-treatment and torture.

There were two major political trials before the State Security Court in Medea. In the first, which concluded on 6 June, 22 alleged members of the MDA were tried, including four in absentia. The defendants were accused of conspiring and attempting to overthrow the government, distributing subversive leaflets and violating the currency regulations. Most of them had been arrested in 1985. The charges of conspiring and attempting to overthrow the government were dropped by the prosecution. Ten of the defendants were acquitted. The others were convicted on some charges, fined and imprisoned. Those who appeared before the court received sentences of between two and five years' imprisonment and 10-year sentences were imposed on those tried in absentia. Some of them were freed because of time already spent in pre-trial detention.

The second trial involved 208 Islamic activists and concluded on 10 July. The defendants faced several charges, including plotting to overthrow the government, murder, sabotage, armed robbery and membership of armed gangs. Some of those accused had been arrested in 1985 in connection with a number of violent incidents and clashes with security forces resulting in a number of deaths. Fifteen defendants were acquitted, four were sentenced to death, five to life imprisonment and the others to prison terms ranging from 10 months to 20 years.

Both trials fell short of international standards. Many defendants had been held incommunicado in pre-trial detention

beyond the maximum period of eight days permitted by Algerian law. Most of these defendants alleged that they had been tortured by police or military security agents. In both trials, confessions made by defendants during pre-trial custody and during examination by magistrates formed the basis of the prosecution evidence. Their statements were reportedly extracted under torture or made when detainees appeared without legal counsel before magistrates. The courts failed to investigate torture allegations adequately and the defendants had no right of appeal.

One death in custody appeared to occur in suspicious circumstances. Nabil Oumerzoug reportedly died on 28 July. He was arrested on 27 July and questioned about a theft. He was transferred to the emergency unit of a hospital in Algiers suffering from injuries which a subsequent autopsy reportedly identified as a ruptured spleen and head wounds. However, according to the authorities, his death was the result of suicide by hanging. The authorities also stated that an investigation into his death had been carried out. No results of the investigation were known by the end of the year.

Four people, all defendants in the Algerian Islamic movement trial, were sentenced to death, including one in absentia. At least five people were executed for murder and other criminal offences.

Algeria ratified the African Charter on Human and People's Rights in March.

Amnesty International intervened on a number of occasions with the authorities to urge the release of prisoners of conscience, seek information about individual prisoners and people restricted under town arrest orders, and to press for impartial investigation into allegations of torture. The organization also called for death sentences to be commuted. Amnesty International observers attended the two major political trials before the State Security Court and is concerned about procedural irregularities and allegations that some defendants had been tortured in pre-trial detention.

BAHRAIN



Over 100 political prisoners, including some who may have been prisoners of conscience, remained in prison at the end of 1987 serving sentences imposed after unfair trials. They included 14 people sentenced in October to prison terms for allegedly supporting the banned Bahrain National Liberation Front (BNLF). A number of other arrests, apparently politically-motivated, were reported during the year, but most of those held were released after short periods. Some of them were allegedly tortured or ill-treated. Three political prisoners who had been detained without trial for between three and seven years were released in May.

The three long-term detainees released in May had been held under the Decree Law on State Security Measures introduced in October 1974. This decree law permits people to be detained without charge or trial for renewable periods of up to three years if the Minister of the Interior considers them to be a threat to national security.

The trial of 18 alleged BNLF members, which had begun in December 1986, continued until October 1987. Fourteen of the defendants were sentenced to prison terms of three or five years. Another defendant received a one-year sentence and was released because of the time he had already spent in custody. Three defendants were acquitted. The trial took place before the Civil Supreme Court of Appeal, established in 1976 to try cases relating to national security. The court is not bound by the provisions of the 1966 Criminal Procedure Code: defendants may be convicted solely on the basis of their confessions, and they have no right of appeal to a higher court.

The defendants in the BNLF trial alleged in court that they had been held incommunicado for several months after their arrest and forced to make confessions

under torture. An examination by a forensic medical doctor found, in some cases, scarring on the bodies of the accused which was consistent with the timing and type of torture alleged. The defendants had also been denied access to legal counsel until shortly before their trial began. The defendants claimed that they had been involved only in activities such as producing and distributing leaflets calling for parliamentary elections, and for trade union rights and civil liberties. However, the articles of the Bahrain Penal Code under which they were charged refer to the use of violence. Because no copy of the court's judgment was made available to Amnesty International, it was not possible to be certain that the 14 were not convicted in part for advocacy of violence. However, no evidence of any of the defendants either using or advocating violence came to the attention of Amnesty International in the course of its inquiries, and the 14 men may have been prisoners of conscience.

Many other political prisoners sentenced after unfair trials by the Civil Supreme Court of Appeal remained in prison in 1987. They included 18 people sentenced to prison terms of either five or seven years in connection with the Islamic Enlightenment Society trial in 1984 (see Amnesty International Report 1986 and 1987); Sheikh Nasir Al Haddad, sentenced for membership of an illegal organization in 1981; and five men sentenced to prison terms in 1986 after being convicted of membership of the BNLF (see Amnesty International Report 1987).

Also still in prison were more than 70 people, some of whom were serving long prison terms, sentenced in connection with an alleged coup attempt in 1981. According to reports, they were held in harsh conditions. Some of the 73 prisoners convicted in the case have reportedly been denied family visits for years.

Reports of torture and ill-treatment continued during 1987, and basic safeguards against such treatment were lacking. Most allegations referred to beatings of suspected political opponents during interrogation. Other reports concerned prisoners beaten after sentencing. A number of people were reportedly arrested after political slogans had been shouted at Shi'a religious festivals. They were allegedly beaten during interrogation before their

release. There were further arrests in November and December, and three young men were charged with planning bomb attacks on oil installations. The three, Nabil Baqer Ibrahim Baqer, Ahmed Hussein Mirza Abdulkhalil and Khalid Abdurrasoul Muhammad Amiri, were held for approximately one month in *incommunicado* detention before making their confessions before an investigating judge.

An Amnesty International mission visited Bahrain in April for discussions with the government. The delegates met the Interior and Foreign Affairs Ministers, the Minister of Justice and Islamic Affairs and other officials to discuss Amnesty International's concerns about detention without trial, unfair trials and reports of torture and ill-treatment. Amnesty International observers attended sessions of the trial of 18 alleged BNLF members in April and June. A trial observer had been denied a visa in February.

Following the April mission, Amnesty International made detailed recommendations to the government about measures needed to protect human rights. These measures included a requirement that all political detainees be given prompt and regular access to lawyers, relatives and adequate medical treatment; a review of the Civil Supreme Court of Appeal procedures to bring them into line with international standards for fair trial; and amendment of the Decree Law on State Security Measures to provide more frequent judicial review to guard against arbitrary detention. In addition, Amnesty International urged the government to establish independent investigations into six deaths in custody between 1980 and 1986, allegedly as a result of torture, and into other allegations of torture. Practical measures were also suggested which, if implemented, would strengthen safeguards against the torture or ill-treatment of detainees, and improve procedures for the prompt and impartial investigation of allegations of torture or ill-treatment.

Amnesty International also urged the government to ratify major international human rights agreements, such as the International Covenant on Civil and Political Rights, its Optional Protocol and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

EGYPT



Several thousand suspected opponents of the government, many of whom may have been prisoners of conscience, were detained for weeks or months without charge or trial under state of emergency legislation which remained in force throughout 1987. There were reports of the torture and ill-treatment of prisoners, particularly from members of the *Gama'at Islamiya* (Islamic Groups). At least four people were sentenced to death and eight other people executed.

The majority of those detained under the state of emergency legislation were suspected supporters of the *Gama'at Islamiya*. Apart from a 17-month period in 1980 and 1981, this legislation has been in force almost continuously since 1967. In May thousands of alleged supporters of the *Gama'at Islamiya* were detained following the attempted assassinations of Major General Hassan Abu Basha, former Minister of the Interior, and Makram Muhammad Ahmed, a magazine editor. They included journalists, such as Dr Muhammad Mouru, and lawyers, such as Youssef Saqr and Muntasser Al Zayyat, who had defended detained supporters of the *Gama'at Islamiya*. Some detainees were held for days or weeks, others for several months. Further large-scale detentions followed an assassination attempt in August on another former Minister of the Interior, Major General Nabawi Ismail.

Among those detained in May were Magdi Gharib, Muhammad Al Buheiri and Farouq 'Ashour, who were charged with attempted murder of the former Interior Minister. The three men, released unconditionally after approximately seven months in detention, claimed that they had been tortured in attempts to force confessions. All three were arrested again on 22 December and held for some 48 hours, apparently to prevent them from

relating their experiences during detention at a press conference.

State of emergency legislation, which provides for administrative detention, has led to the holding of prisoners of conscience. Some individuals have been arrested repeatedly and have spent a total of many months or even years in prison without conviction for any offence.

Others arrested under emergency legislation included trade unionists detained in September for allegedly distributing leaflets stating opposition to the six-year extension of President Hosni Mubarak's term of office proposed in a referendum held on 5 October. They were released after the referendum without charge or trial. Hundreds of people were also detained throughout the country before elections to the People's Assembly in April. They included six young supporters of the National Progressive Unionist Party who were detained in Cairo in March for producing and distributing publications critical of the government. These detainees were also released without charge after short periods in detention.

While most detainees held under emergency legislation were released without charge, charges were brought against several groups of prisoners. These prisoners included 33 alleged members of a splinter group from the banned *Al Jihad* (Holy War) organization, who were charged with the attempted assassinations referred to above. The prosecution has called for 15 of the defendants to be sentenced to death.

Charges brought against a group of individuals arrested during May and June included forming an unauthorized organization. Further arrests occurred in September when about 20 alleged members of *Munazamat Thawrat Misr* (Egypt Revolution Organization) were detained. This group was said to be responsible for killing two Israeli Embassy officials in August 1985 and March 1986 and an attempt to kill two staff members of the United States Embassy in May 1987. The state security prosecution imposed a ban on media reporting of both groups' cases.

In February nine prisoners of conscience who had been held since May 1986 were released after the Court of Cassation annulled the sentences imposed in the Egyptian Communist Party case (see Amnesty International Report 1987). The

court ordered the retrial of those sentenced to prison terms, but no date for this trial had been set by the end of the year.

In April, 37 railway workers and trade unionists were acquitted by the (Emergency) Supreme State Security Court of all charges connected to a rail strike in July 1986. The judgment recommended that the right to strike provided in the International Covenant on Economic, Social and Cultural Rights, to which Egypt is a State Party, should be incorporated into Egyptian law. This judgment was reviewed by President Mubarak, in accordance with state of emergency legislation, who ordered a retrial. The 37 defendants remained at liberty, and no date for the new trial had been set by the end of 1987.

Prosecution and, in some cases, imprisonment on the grounds of religious belief continued during the year. In May 48 followers of the Baha'i faith were convicted, 34 of them in *absentia*, under Decree Law 263 of 1960, which ordered the dissolution of Baha'i assemblies. Two defendants who had recanted their faith were acquitted, but the 14 who appeared before the court were sentenced to three-year prison terms. Those convicted remained at liberty pending the announcement of the outcome of an appeal.

Other cases of imprisonment for religious beliefs included those of 13 prisoners detained in Alexandria for involvement in an unorthodox religious sect. They were acquitted in March of charges brought under Article 98 of the penal code, which renders punishable the formation of organizations seeking to undermine the fundamental principles of the state and to incite contempt or hatred of the state. Yohanna Beshoy, a member of the Coptic Orthodox Church who converted from Islam in 1968, was arrested in February after a clash between Muslims and Christians near a Coptic Orthodox Church. He was detained, possibly because of his religious beliefs, in Mazra'at Tora Prison for nine months before his release without charge.

There were many allegations of the torture and ill-treatment of detainees, particularly in parts of the Tora Prison complex, including the Tora Reception Prison, the centre for combatting terrorism and the police training institute. Torture at the Lazoghli and Doqqi State Security Intelligence centres in Cairo was also alleged. In

most cases, torture was reportedly inflicted to obtain confessions. Many reports cited torture during the period following the assassination attempt on Major General Hassan Abu Basha. Those tortured included the journalist Dr Muhammad Mouru, who was allegedly subjected to electric shocks, beaten with sticks and suspended by his wrists which were bound behind his back. He was stripped to his underclothes and blindfold throughout his interrogation. Others arrested during 1987 reported that electric shocks were administered by wires or a baton; cigarettes were extinguished on their bodies and they were suspended by the wrists, ankles or knees in the "parrot's perch" position and beaten on the back and the soles of the feet. Some detainees, such as Magdi Gharib and Mahmoud Mehelhil, were allegedly struck severely and repeatedly on the head while blindfold. Many months after the alleged torture, their scalps remained scarred and without new hair growth.

In addition to physical torture, many former prisoners complained that they had been subjected to psychological torture in the form of threats to arrest or rape relatives or forced exposure to the shouts and cries of others undergoing torture. In some cases, medical reports substantiated detainees' allegations. Such reports were based on the examination of detainees by doctors in the office of forensic medicine attached to the Ministry of Justice.

In November the Minister of the Interior stated in the People's Assembly that his Ministry considered torture unacceptable in all circumstances. He claimed that over 80 per cent of all torture allegations were fabricated but did not comment on specific allegations of torture made during the parliamentary debate.

The trial of more than 40 police and security officers accused of torturing alleged members of the Jihad organization between 1981 and 1983 continued during the year (see Amnesty International Report 1987).

There were at least eight executions in 1987; six of those executed were convicted of murder and two of abduction and rape. At least four other people were sentenced to death, all for murder. Amnesty International appealed for the commutation of these sentences, as well as death sentences passed in previous years on about 20 con-

victed drug-traffickers.

Amnesty International also expressed concern to the government on a number of occasions about widespread detention without trial under state of emergency procedures. The organization called for all prisoners of conscience to be freed and for other detainees to be promptly and fairly tried or released. Amnesty International expressed concern that detainees held by order of the Ministry of the Interior were unable to challenge the legality of their administrative detention before a judicial authority until 30 days after arrest. The Interior Minister's widespread use of the power to veto court decisions to release detainees was also of concern. This veto may follow the first court's ruling. Although the decision of a second court to release a detainee is considered to be final, the veto introduces an additional intervention of the executive in the judicial process and delay in release. Amnesty International urged the authorities to ensure that detainees were permitted immediate access to lawyers to safeguard against torture and to allow lawyers adequate time to prepare their defence.

In addition, Amnesty International expressed concern that safeguards against torture, particularly for those detained under state of emergency legislation, were inadequate.

In November Amnesty International sought clarification from the government of reports that powers of detention under the state of emergency were to be increased. The organization urged the government to bring state of emergency and other legislation into conformity with international human rights agreements to which Egypt is a party.

The government did not respond to any of Amnesty International's written inquiries but agreed in December to discuss the human rights situation with an Amnesty International mission. These discussions began in late December.

IRAN



Thousands of political prisoners, including prisoners of conscience, were reported to be detained without trial and suspected government opponents who were brought to trial continued to be denied legal representation and the right to appeal to a higher court. Torture of political prisoners remained widespread and thousands of people were subjected to lashings and other judicial punishments which constitute torture or cruel, inhuman or degrading treatment. There were at least 158 executions, although the true number was probably higher as executions of political prisoners continued to occur in secret.

Ayatollah Montazeri, Ayatollah Khomeini's designated successor, and Hojatoleslam Hashemi Rafsanjani, the Speaker of the Iranian Parliament, made statements during 1987 recognizing the importance of human rights. In June Ayatollah Montazeri urged military court officers to "be satisfied with the minimum number of arrests possible" and called for offenders to be prosecuted and brought to trial promptly. Later the same month, while addressing the Supreme Judicial Council, the highest judicial authority in Iran, he said that the state judicial apparatus should safeguard people's rights, and criticized the continued detention of people after their sentences had expired. He added, "if we can make our country a judicial example to other nations, our revolution will be imitated". Hojatoleslam Hashemi Rafsanjani was reported in August to have acknowledged the excesses of the early years of the revolution and to have expressed support for international human rights standards.

Despite these positive developments, many alleged opponents of the government arrested in previous years continued to be detained without trial throughout 1987 or to serve sentences imposed after

unfair trials. Some political prisoners were released under amnesties, reportedly on condition that they repented and undertook to take no further part in political activity. However, many other suspected government opponents were arrested. In March the Deputy Minister of Information announced the arrest of some 700 members and supporters of the People's Feda'i Organization. During 1987 many suspected supporters of the People's Mojahidine Organization and other opposition political organizations were also detained. Some had been involved in armed opposition to the government, but others were believed to be prisoners of conscience. Many were still held at the end of 1987. Some were not released despite having served their prison sentences.

Political prisoners were reported to have gone on hunger-strokes in Evin and Gohardasht prisons in protest against the continued detention of prisoners after the expiry of their sentences, the alleged increase in the number of secret executions, and the persistent torture and ill-treatment of detainees. Similar protest strikes are reported to have taken place in Qasr and Qezel Hesar prisons.

Torture of prisoners was reported to be widespread and many political prisoners held in Evin Prison were said to have been beaten. Many were reported to have been beaten on the soles of their feet. Former prisoners who left Iran in 1987 provided detailed testimonies of torture: some were subsequently examined by doctors who found injuries consistent with their allegations. In one such case, there was medical evidence corroborating a former prisoner's allegation that torturers using an electric drill had pierced her ankle and big toe.

Thousands of people were also subjected to judicial punishments which constituted torture or cruel, inhuman or degrading treatment for criminal offences. In March an official stated that 4,467 corporal punishments were carried out in the Iranian calendar year 1365 (March 1986 to March 1987) in the Tehran district alone. Most of these punishments were lashings, but some victims had their fingers amputated as a punishment for theft. Similar punishments were carried out in all parts of the country.

At least 158 people were executed during 1987, but as some executions were carried out secretly the true number may

have been considerably higher. Most executions reported in the official press were of people convicted of murder or drug offences. In September Ayatollah Khomeini was reported to have instructed the Supreme Judicial Council to take action against drug-traffickers: this may have contributed to an increase in reported executions in the following weeks. In at least eight cases, victims were flogged before they were hanged. One person was also reported to have been stoned to death and three to have jumped to their deaths from a cliff after having been made to choose one from among three methods of execution.

A number of people were executed on account of their political or religious views or activities. In October the Supreme Judicial Council was reported to have approved death sentences imposed on seven alleged members of "atheistic and hypocritical mini-groups" by Islamic Courts in west Azerbaijan, Isfahan and Ilam. Another six alleged members of "counter-revolutionary mini-groups" had their death sentences approved in November. Four adherents of the Baha'i faith were reported to have been executed, two in September and two in March, apparently because of their religious beliefs. A further 17 Baha'is were said to be at risk of execution in November. However, five of these were reportedly released on bail in December. The fate of the other 12 was unknown at the end of the year. Three alleged supporters of a Kurdish opposition organization were also said to have been executed at Orumieh, after they had been forcibly repatriated from Turkey in November 1986.

Scores of political detainees were alleged to have been executed in secret. Among them was a group of 40 allegedly executed in Evin Prison for leading or taking part in prisoners' hunger-strokes. There were also allegations that Iranian government personnel, or individuals acting on the instructions of the government, had been involved in attacks on Iranians abroad. Iranian exiles were killed during 1987 in Austria, the United Kingdom, Pakistan and elsewhere.

Prisoners sentenced to death by the courts had no right to appeal to a higher court as required by the International Covenant on Civil and Political Rights, to which Iran is a party. Instead, such death

sentences are considered by the Supreme Judicial Council, a body composed of senior clerics with an expertise in Islamic jurisprudence. The Supreme Judicial Council may exercise the authority to confirm death sentences or to refer them back to the courts for review.

Amnesty International continued in 1987 to draw international attention to human rights violations in Iran, and to press the Iranian authorities to take action to safeguard prisoners from abuse and ensure protection of human rights. The organization intervened repeatedly with the authorities to urge the release of prisoners of conscience, fair trials within a reasonable time for all political prisoners, and an end to torture and the death penalty. The government failed to provide any substantial response, however, and continued only to assert that there were no political prisoners or torture in Iran. While welcoming prisoner amnesties announced in the Iranian press, Amnesty International sought assurances from the government that these amnesties were not conditional on prisoners being forced to repent. The organization also urged the government to condemn attacks on Iranian nationals abroad and sought assurances that the government would never be involved in extrajudicial executions. No response on these points was received.

In February Amnesty International brought its concerns to the attention of the United Nations Commission on Human Rights, which renewed its appointment of a Special Representative to investigate human rights in Iran. However, he was denied access to the country throughout 1987. In October he stated that the "Iranian government has denied all the allegations without specifically referring to any of them."

In May Amnesty International published *Iran: Violations of Human Rights* and launched a major international campaign against human rights violations in Iran. Amnesty International called particularly for the release of all prisoners of conscience, for the introduction of procedures guaranteeing fair trials in all political cases and for effective safeguards against torture, including impartial investigation of all torture allegations and the abolition of judicial punishments which constitute torture or cruel, inhuman or degrading treatment. Amnesty Inter-

national appealed for death sentences to be commuted and referred such cases on a number of occasions to the UN Special Rapporteur on summary or arbitrary executions.

IRAQ



Thousands of political prisoners, including prisoners of conscience, continued to be arbitrarily arrested and detained. Many were held for long periods without trial or following summary trials. The routine use of torture by the security forces continued to be widely reported, as was the "disappearance" of large numbers of people, many of whom were feared executed. Hundreds of executions were reported, the majority being extrajudicial executions. Among the victims were children and relatives of suspected government opponents being sought by the authorities.

An amnesty was declared at the end of November for Iraqis living abroad who had been convicted or suspected of political or criminal offences, including those sentenced to death. It did not extend to government opponents in Iraq. It was not known whether anyone took advantage of the amnesty.

Among the thousands of political prisoners were suspected critics of the government and members of various prohibited political parties, including *al-Da'wa al Islamiyya*, Islamic Call; the Iraqi Communist Party (ICP); the Kurdistan Democratic Party (KDP); the Patriotic Union of Kurdistan (PUK); the Kurdistan Socialist Party - Iraq (KSP - I); and the Kurdistan Popular Democratic Party (KPDP). Others were army deserters and draft resisters refusing to fight in the war against Iran. A number of relatives of such people were also imprisoned as hostages, in lieu of suspects being sought by the authorities. Among them were two Kurdish children,

Jum'a and Lami 'Abd al-Baqi Taha, aged 13 and 14, who had been detained with their mother in 1985, apparently because of the activities of one of their relatives in the Kurdish opposition. Many of the prisoners were held without trial. Others were given summary trials by permanent or temporary special courts which fell short of international standards for a fair trial.

The routine torture and ill-treatment of prisoners continued to be widely reported. The victims included political prisoners who were tortured to force them to sign "confessions" or to renounce their political affiliations. Some political prisoners were reported to have been tortured shortly before being executed: for example, the bodies of 29 youths reported to have been executed without trial in early January were returned to their families bearing marks of torture. They had been among 300 Kurdish children and young people arrested in Sulaimaniya in 1985. Some were said to have had their eyes gouged out. One former detainee released in late 1985 from Fudailiyya Security Headquarters, where some of the youths are believed to have been held, said that a number of them had been beaten, whipped, sexually abused and tortured with electric shocks. Three were said to have been transferred to a military hospital and one to have died in his cell as a result of torture. The fate and whereabouts of over 250 children and young people from this group remained unknown following their "disappearance" in detention. Some may have been among over 150 detainees reported to have been executed in Abu Ghraib prison at the end of December.

Information was received during the year about the "disappearance" of 178 people arrested in Iraq between 1980 and 1985. The majority belonged to the Shi'a community and they included individuals whose families had been deported by the authorities to Iran because they were said to be of Iranian descent.

As in previous years, hundreds of people were reported to have been executed during 1987, but it was not possible to ascertain the precise number. Both judicial and extrajudicial executions were reported and most were carried out for political reasons. Those executed were said to have included members of banned political parties, other suspected government opponents, army deserters, students and

civilians arrested as hostages. Most were executed without trial or after summary and secret trials or, in some cases, after reportedly having been sentenced to periods of imprisonment.

Five officials who had been sentenced to death by Revolutionary Court in December 1986 had their sentences ratified by presidential decree in February. They included the former mayor of Baghdad, 'Abd al-Wahab Muhammad Latif al-Mufti. They had been convicted of accepting bribes from foreign companies operating in Iraq. It was not known whether the sentences were carried out.

Members of the Shi'a opposition were among those reported executed. Two theology students from al-Najaf – Sayyid Muhsin Sayyid 'Abbas al-Milani and Sayyid Hussain Sayyid 'Abbas al-Milani – were reported to have been executed on 9 January. Another student, Faiz Haidar 'Ali Taki al-Haidari, was also reportedly executed in early 1987 on charges of sabotage. A theology teacher, Mahmud al-Dawalibi, was reported to have been executed with three other detainees in Abu Ghraib prison on 28 May.

Members of the Kurdish opposition and their relatives were also reported to have been executed, including 29 youths aged between 17 and 23 whose bodies were returned to their families in January (see Amnesty International Report 1987 and above). Two KDP members were publicly executed in Sersenk barracks on 19 August, and another was executed by firing-squad in Kirkuk prison in September. None had apparently been tried.

As many as 360 people were reported to have been executed in separate incidents in November and December. Most of the 116 known victims were Kurdish political prisoners from the provinces of Sulaimaniya, Arbil, Kirkuk, Duhok and Zakho. Among them were 17 children aged between 14 and 17. In one incident on 11 November, between 100 and 150 Kurds were reported to have been summarily executed by government forces after house-to-house searches. Their village, Jiman, in Kirkuk province, was bombarded by the army after its inhabitants had returned, having earlier been forcibly evicted. Between 14 and 18 November, 32 Kurds from Shaqlawa, in Arbil province, were reported to have been executed without charge or trial. They had been arrested

in October after Pesh Merga forces (armed Kurdish units) had killed eight Iraqi officials, including Shaqlawa's mayor. The fate of 30 other Kurds arrested in connection with the same incident was not known. On 13 November a KDP member was executed in Abu Ghraib prison. An assistant veterinary surgeon, 'Abd al-'Aziz 'Abdallah Othman, had been detained since 1986.

Thirty-one Kurds, said to be KDP sympathizers, were reportedly executed after summary military trials in Fa'ideh garrison on 18 November and 10 December, and in Mosul training camp on 28 December. In the last two days of December, more than 150 prisoners were reported to have been executed by firing-squad in Abu Ghraib prison. They included Arabs, Kurds and Turcomans, some of whom were sentenced prisoners. Among them were eight children aged between 14 and 17. Forty-six were from Sulaimaniya and at least 30 from Duhok.

At least 40 Kurdish opponents of the government were reported to have been poisoned in separate incidents by the security forces in late 1987. The poison used was thallium, a heavy metal commonly used as rat poison. On 24 November 10 Kurds aged between 14 and 60 were said to have been poisoned in the town of Marga, in Sulaimaniya province. The poison was said to have been put in a yoghurt drink by a security forces agent working at a PUK member's home. Three of the victims died within 10 hours of being poisoned. Three of the most seriously affected of the survivors were flown to the United Kingdom via Tehran for emergency treatment in December. They were Mustafa Qader Mahmoud and Sami Shorash, both PUK members, and 'Adnan al-Mufti, a KSP-I member. A consultant physician who treated them in London confirmed that they were suffering from acute thallium poisoning.

On 15 March the bodies of two Iraqi students were found in Karachi, Pakistan, with their heads severed and their fingertips cut off. Ni'ma Hamdi Muhammad and Sami 'Abed Mahdi had reportedly been suspected of involvement in the alleged assassination of an Iraqi diplomat in Karachi in September 1986. Both were said to be opponents of the Iraqi Government and had been recognized as refugees by the United Nations High Commissioner for

Refugees. An inquiry into their deaths was instituted by the Pakistani authorities, amid allegations that the two men were killed by agents working for the Iraqi Government. Its outcome was not known. An Iraqi diplomat was reported to have gone into hiding in Karachi after being sought by police in connection with the killings.

During 1987 Amnesty International intervened with the government on a number of occasions, appealing for the commutation of death sentences and expressing concern at reports of judicial and extrajudicial executions. It expressed concern at allegations that some of the victims had been tortured before being executed. It also called for the release of children and youths held because of the political activities of their parents or relatives. In September and December, the authorities commented on the information on human rights violations in Iraq contained in Amnesty International Report 1986 and 1987. The authorities said the 1986 report "consists basically [of] a summary of previous allegations [to] which the Iraqi authorities have replied". Referring to executions described in the 1987 report, the authorities said these "would not only be a matter dealt with by the law of any country, but . . . where the society of any country would be bound to defend itself the more strongly under certain conditions, such as when it is at war. One example is that of deserters from the Iraqi armed forces". In January the authorities confirmed the execution of seven people in 1986 for economic corruption (see Amnesty International Report 1987), stating that they had been "sentenced by a special court where all legal guarantees were made available according to the procedures and regulations in force. A lawyer was appointed to defend them. They . . . pleaded guilty openly, the court found their actions detrimental to the economic security of Iraq". In September the government also confirmed that seven Kurdish youths, about whom Amnesty International had inquired in January, had been executed because they "committed criminal and subversive acts using arms and explosives". It stated also that "being adults according to Iraqi laws, they were tried by a special court where all judicial and legal guarantees were fully respected, including the right to have a court-

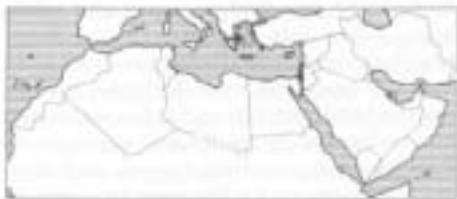
appointed lawyer to defend them". Another youth was said to have been "sentenced to life imprisonment due to his special case". Amnesty International had expressed concern about these executions in a speech before the UN Commission on Human Rights on 4 March, and had submitted details on their cases to the UN Special Rapporteur on summary or arbitrary executions.

order to conceal its interrogation methods and to ensure that the accused were convicted. It said the GSS had used harsh methods of interrogation on Palestinian detainees, but argued that the use of limited and clearly defined psychological and physical pressure during the interrogation of terrorist suspects was legitimate. It proposed guidelines for the GSS to adopt (though these were kept confidential), and said that supervision and control of the service by the government should be strengthened.

In December violent demonstrations against the Israeli occupation erupted throughout the West Bank and Gaza. Demonstrators, many of them children and young people, threw stones and petrol bombs at Israeli soldiers who responded with force, including the use of live ammunition. By the end of 1987, 23 Palestinians had been shot and killed, and up to 200 wounded. Soldiers were seen severely and often indiscriminately beating demonstrators, including women and children, with clubs and rifle butts. Many required hospital treatment for broken limbs, gunshot wounds or extensive bruising. Soldiers also forcibly removed wounded Palestinians from hospital in Gaza and beat them before taking them into custody. By the end of 1987, well over 1,200 Palestinians had been arrested and up to 300 brought before military courts, summarily tried and sentenced to between 20 days' and six months' imprisonment for participating in violent demonstrations. Lawyers in the Occupied Territories decided to boycott the quick trials, because, they claimed, they were prevented by the authorities from defending their clients properly and because of their clients' ill-treatment in detention. The trials proceeded despite the boycott.

During 1987, up to 360 political activists in Israel and the Occupied Territories were administratively detained or restricted to towns or villages. They included Palestinian journalists, students, trade unionists and members of women's and human rights organizations, as well as former security prisoners released in the 1985 prisoner exchange. For the first time since 1979, two Israeli Arabs were among those detained. Orders are mostly issued for six months (a few for three months), but are renewable. Thirty-five of those detained had served a previous detention

ISRAEL AND THE OCCUPIED TERRITORIES



In December at least 23 Palestinian demonstrators in the West Bank and Gaza were shot and killed by soldiers during widespread violent protests against the Israeli occupation. There were also severe and indiscriminate beatings of demonstrators, and hundreds were summarily tried and imprisoned. There was an increase in reports of ill-treatment and torture of detainees by members of the Israeli Defence Force (IDF) and the General Security Service (GSS). Political activists, including prisoners of conscience, continued to be administratively detained or restricted to towns or villages or imprisoned in violation of their right to freedom of expression.

In May the Israeli Cabinet ordered a judicial commission of inquiry into the interrogation methods of the GSS. This followed a Supreme Court ruling that the GSS had used illegal methods of interrogation and committed perjury in the case of a former IDF member sentenced in 1971 to 18 years' imprisonment for treason and espionage. The commission, headed by former Supreme Court President Moshe Landau, published its findings on 30 October. It said that the GSS had committed perjury in proceedings related to the admissibility of confessions since 1971 in

order in the recent past and at least 24 of those restricted had served three or more consecutive periods of town arrest.

Among those administratively detained was prisoner of conscience Faisal Al Hussaini, director of the Arab Studies Society in Jerusalem. He was served with a six-month detention order on 12 April. This was subsequently reduced to three months when, as required by law, his detention order was reviewed by a judge. The authorities said he was detained because he was involved with Al-Fatah (a faction of the Palestine Liberation Organization [PLO]), and had constituted a danger to public and state security by organizing demonstrations and strikes. On 12 September he was issued with another six-month detention order, which was again upheld at the review hearing on similar grounds.

Scores of people in the Occupied Territories were arrested, and in some cases convicted, for membership of an illegal organization, for possession or distribution of illegal or inciting literature or other political material, or for inciting demonstrations.

There were also many short-term detentions in the Occupied Territories. Many of those arrested were school children and students who were held for up to 18 days and released uncharged. Most were reportedly interrogated for information about political activities in their local community, or urged to cooperate with the Israeli authorities.

In Israel at least three reservists from among those who refused to carry out army reserve duty in the Occupied Territories were imprisoned as prisoners of conscience for between seven and 28 days.

The trial began on 27 June of four Israelis charged under Article 4 (h) of the Prevention of Terrorism Ordinance, which makes it an offence to have contact with an official of a "terrorist" organization. They were part of a delegation which attended a conference in Romania in 1986 and met officials of the PLO. If convicted, they face a maximum sentence of three years. The trial was still in progress at the end of 1987.

Mordechai Vanunu, a former technician at Israel's nuclear research centre, was brought to trial in August on charges of treason and espionage. This related to his disclosure to a British newspaper of confidential information about Israel's nu-

clear capability. He had been abducted from Italy in September 1986 by Israeli security agents and forcibly returned to Israel. His trial, which had not been completed by the end of the year, was held entirely in camera.

There was a marked increase in reports of torture and ill-treatment of Palestinian detainees to extract information or confessions or to harass and intimidate them. Detainees accused IDF personnel who carry out arrests and administer the detention centres of Al Fara'a and Dhahiriya in the West Bank, and "Ansar 2" in Gaza, and members of the GSS who conduct interrogations in the security wings of regular prisons and of detention centres. Detainees were reported to have been beaten, kicked and punched on arrest and while being taken into custody. During interrogation, detainees alleged they had been hooded; beaten all over the body, including the head, genitals and soles of the feet; and subjected to prolonged exposure to cold, sleep deprivation, threats, and solitary confinement for between two and 15 days. Some alleged that they had been hung by a rope from the ceiling and swung from wall to wall. Two detainees in Al Fara'a alleged in December that they had been subjected to electric shocks.

Some official investigations were carried out following complaints of ill-treatment. For example, in November six soldiers were convicted of ill-treating detainees in "Ansar 2": the authorities also ordered an inquiry into interrogation methods used in Al Fara'a. However, lawyers said that complaints of ill-treatment were often ignored or not thoroughly investigated by the authorities, and that some lawyers and detainees were threatened after making complaints.

In January an Amnesty International mission visited Israel and had discussions with the Ministers of Defence and Foreign Affairs and with officials from the Israeli Ministries of Justice and Defence. The concerns raised included the use of administrative detention and restriction orders which, Amnesty International argued, can be abused to detain or restrict people for their non-violent political activity, and which cannot be effectively challenged since recipients of such orders are never given the full reasons for the order. Although these orders are subject to confirmation and review at military court

hearings (or district courts in the case of residents of East Jerusalem and Israel), recipients are routinely denied access to information, shown only to the judge. The Israeli authorities responded that these measures were only used against those who played a leadership role in one of the factions of the PLO (such as recruiting others, distributing money or organizing unrest) and who were linked, albeit indirectly, with violent opposition to the Israeli authorities. Amnesty International's conclusion, however, after looking carefully at many individual cases, is that this link does not always exist.

During the year Amnesty International adopted as prisoners of conscience two administrative detainees, five people under town arrest, and three army reservists who refused on grounds of conscience to serve in the West Bank. The cases of eight administrative detainees and 19 others restricted, all possible prisoners of conscience, were investigated.

In June an Amnesty International observer attended part of the trial of four people charged under Article 4 (h) of the Prevention of Terrorism Ordinance.

In August an Amnesty International observer unsuccessfully sought entry to the trial of Mordechai Vanunu. Amnesty International had expressed concern to the Attorney General in April that Mordechai Vanunu was charged with a capital offence, and later received assurances that the prosecution would not ask for the death penalty. However, the fairness of the trial continued to be a concern in view of the secrecy surrounding the case; the authorities' refusal to acknowledge publicly the defendant's detention in Israel for four weeks; their persistent attempts to prevent disclosure, even in closed court, about the manner of his arrest; his almost total isolation in prison; and the refusal to allow any independent monitoring of the trial.

In October Amnesty International sent a memorandum to the Attorney General concerning the legislation under which people could be imprisoned in violation of their right to freedom of expression in Israel and the Occupied Territories. The legislation concerned included: Article 4 (g) of the Prevention of Terrorism Ordinance, applicable in Israel, which prohibits public expressions of support for a "terrorist" organization (such as waving the Palestinian flag); various Military

Orders applicable in the Occupied Territories which relate to incitement, public order offences, and the importing and distribution of unlicensed publications; Articles 85 and 88 of the Defence (Emergency) Regulations of 1945, as applied in the Occupied Territories, concerning the possession of banned books or publications of an illegal organization; and the Law of Sedition, as applied in the Golan Heights.

During 1987 Amnesty International urged the authorities to investigate 11 cases in which complaints of torture and ill-treatment of prisoners had been submitted to the authorities between 1985 and 1987. Amnesty International received a reply on only one of these cases.

In 1986 Amnesty International had written to the government about Adnan Mansour Ghanem, who alleged being tortured in Gaza prison by members of the GSS in December 1985 (see Amnesty International Report 1987). In January the Attorney General conceded that Adnan Mansour Ghanem had been subjected to "an intensive and taxing interrogation", but that there was "no persuasive evidence that he was tortured". The Attorney General stated that the prisoner had attacked one of the interrogators and had had to be subdued by force and tear-gas. This explanation did not allay Amnesty International's concerns, particularly as to how he came to have a head wound which was visible when he appeared in court. In addition, the prison medical records were inadequate as a record of the prisoner's state of health and as documentation to support the authorities' contention that ill-treatment did not take place. These concerns were raised in April in a letter from Amnesty International to the Attorney General, but there was no further response.

In July Amnesty International submitted information about ill-treatment and torture to the Landau Commission.

On 16 December Amnesty International expressed its concern to the Minister of Defence at the killing of 13 demonstrators in the Occupied Territories by IDF personnel. It said that even in the face of stone throwing, the response appeared to go well beyond what might be considered reasonable force, and urged prompt and thorough investigation of the beatings and killings. Amnesty International also called for urgent steps to be taken by the government to

ensure that all armed forces personnel were clearly instructed not to use unreasonable force and told that failure to observe such instructions would result in investigation and punishment.

During the mission to Israel in January, Amnesty International discussed with the Minister of Defence and other authorities its continuing concern about the incommunicado detention without trial and alleged torture and ill-treatment of detainees held by the South Lebanon Army (SLA) in Khiam Prison in Lebanon, in view of the IDF's presence in South Lebanon and close relationship with the SLA. In these discussions and subsequent correspondence Amnesty International urged the Israeli authorities to use their influence to persuade the leader of the SLA to allow the International Committee of the Red Cross regular access to all prisoners in its custody. (See Lebanon entry.)

by the code of criminal procedure and the law on evidence.

Among the prisoners of conscience still held at the end of the year was Mazen al-As'ad, a writer arrested in 1985 and sentenced to three years' imprisonment on charges of membership of the Organization of the Democratic Front in Jordan. Four students arrested in 1980 also remained prisoners of conscience, serving 10-year sentences for membership of the Palestinian Communist Workers' Party. All five prisoners had been tried by the Martial Law Court and were held in al-Jafr Prison in the southern desert, where conditions were said to be harsh.

Five other prisoners of conscience who had been tried by the Martial Law Court were released after the expiry of their sentences. They included Jamil al-Nimri and 'Amer Karadsha, both of whom served three-year sentences for membership of an illegal organization. Mahmud 'Uwaydah, considered to be a prominent member of the Islamic Liberation Party, was released in February 1987. He had been detained without trial since 1982 and may have been a prisoner of conscience.

Further politically-motivated arrests were carried out in 1987, mostly by the General Intelligence Department (GID). While some detainees were held without charge and released after a few weeks, others were still held without charge at the end of the year. Some of them were held incommunicado and in solitary confinement for prolonged periods. Among those still detained without charge in the GID headquarters and in al-Mahatta Central Prison in Amman were Mahmud Da'is, who was arrested in August 1986 on suspicion of smuggling arms and explosives, and 'Azmi al-Khawajah and Saleh Musleh, two prominent members of the Popular Front for the Liberation of Palestine (PFLP) arrested in January and March 1987 respectively.

At least six people were convicted by the Martial Law Court during the year, primarily on charges of membership of illegal organizations. They included Qays 'Abd al-Hafez and 'Id al-Shaykh Qasim, two young conscripts in the armed forces; Dr Sa'id Dhiyab, a physician, and Majed al-Khawajah, an accountant, previously detained without trial for about two years. Each received a three-year prison sentence after an unfair trial. As in previous years,

JORDAN



At least 10 prisoners of conscience, as well as over 100 people who may be prisoners of conscience, were held during 1987. More than 60 of them were arrested during the year. Some were detained without formal charge; others were tried by the Martial Law Court in proceedings which failed to meet international standards for fair trial. Torture continued to be reported. The government considered extending the death penalty to drug-related offences but new legislation was not introduced before the end of the year. At least five people were sentenced to death and one other was executed.

Martial law, declared in 1967, remained in force. Existing emergency provisions continued to allow detention without trial of suspected government opponents and imprisonment after trial by the Martial Law Court, which was not bound

defendants tried before the Martial Law Court had no right of appeal and it appeared that confessions allegedly extracted under torture or ill-treatment were accepted as evidence.

Torture, particularly in the GID headquarters in Amman, continued to be reported. The methods described included *falaqa* (beatings on the soles of the feet), *farruj* (suspension from a pole or pipe inserted under both knees, with the wrists bound to the ankles, accompanied by beatings) and *tomrin* (forced standing on the toes, then leaning against a wall for prolonged periods supported only by the index fingers). In one case, four alleged members of the PFLP arrested in January were reportedly tortured in the GID headquarters before transferral to ordinary prisons. All of them had been tried or were awaiting trial by the Martial Law Court at the end of the year, and all were still detained.

Forms of torture or ill-treatment were also said to have been used in Zarqa Military Prison. On 23 July security forces reportedly entered al-Mahatta Central Prison in Amman and beat several prisoners. The government stated that the prison was searched by police after a prisoner was stabbed by other inmates and that the police did not beat anyone.

Legislation introducing the death penalty for drug-related offences was discussed by the Cabinet but was not introduced before the end of 1987. At least five people were sentenced to death, three in *absentia*, after a special military court convicted them of selling land to Israelis in the Israeli-occupied West Bank. Nayef al-Bayed, a Palestinian, was executed by hanging on 29 January. He was convicted of murdering a member of the Executive Committee of the Palestine Liberation Organization in 1984. He had been tried by the Martial Law Court and did not have the right to appeal.

Throughout the year Amnesty International brought its concerns to the attention of the Jordanian Government and received several communications. The government denied holding prisoners of conscience in Jordan and categorically denied both torture and the beatings reported to have taken place in al-Mahatta Central Prison in July. Amnesty International delegates visited Jordan in March to investigate alleged human rights abuses.

In December, a memorandum on torture and ill-treatment of detainees within the GID headquarters in Amman was sent to the government. The organization urged that the use of the death penalty not be extended to drug-related offences and that all death sentences be commuted.

KUWAIT



Trials which may have fallen short of international standards took place before the State Security Court and some of the defendants may have been prisoners of conscience. Allegations of torture in custody continued to be received. An increasing number of death sentences were passed although no executions were apparently carried out in 1987.

At least 65 people were tried by the State Security Court during the year. Eight defendants were sentenced to death, including three tried in *absentia*; 22 received prison sentences ranging from six months to life imprisonment; and 35 were acquitted. The charges related mainly to acts of political violence, including bomb attacks carried out between 1985 and 1987, and to spreading ideas opposed to existing government policies, including distributing leaflets inciting violence. Four defendants were convicted for clashing in January with security forces. The security agents were apparently holding people in their homes in order to force some of their relatives, accused of involvement in bomb attacks, to give themselves up.

As in previous years, all trials before the State Security Court were conducted in *camera*, except for the introduction of the case and reading of the verdict, and the secrecy prevented an independent assessment of the proceedings and of the evidence produced in court. Amnesty International was unable to learn, for instance, whether leaflets presented as evidence in two cases did, in fact, advocate violence or

what evidence linked the leaflets to the six accused in these cases. Although all of the defendants were legally represented, they did not have the right to appeal against their conviction and sentence to a higher tribunal, contrary to international standards for fair trial. The defendants may have been prisoners of conscience.

Torture and ill-treatment during interrogation by the State Security Intelligence Agency continued to be alleged. The victims reportedly included prisoners held in Kuwait Central Prison awaiting trial or serving their sentences and people, mostly foreigners, awaiting deportation in a special detention centre. Reported methods of torture included beatings while blindfold, *falaqa* (beatings on the soles of the feet), electric shock, sexual assault, alternate dousing with cold and hot water, threats of death and threats against relatives. Some victims were also allegedly threatened with deportation to countries where they feared persecution.

Among those allegedly tortured were 12 detainees arrested in January and tried by the State Security Court on charges relating to bomb attacks in June 1986 and January 1987. They were said to have been tortured while undergoing interrogation in the custody of the State Security Intelligence Agency. Nine of them were allegedly subjected to further ill-treatment in Kuwait Central Prison after their conviction in June. In addition, one detainee in Kuwait Central Prison is said to have been sexually assaulted in his cell by two convicted prisoners, with the complicity of guards, before his trial and conviction in December on charges which included incitement to violence. Some detainees awaiting deportation, including non-Kuwaitis (residents of Kuwait without citizen status), were said to have been subjected to *falaqa*.

In September a criminal court convicted three members of the General Department of Criminal Investigations on charges of torturing a detainee accused of theft. They received a suspended sentence of three months' imprisonment, suspension from work for one year and a fine.

Five prisoners and three defendants tried in absentia were sentenced to death by the State Security Court. Their political trials were related to bomb attacks. They had no right of appeal to a higher tribunal but their sentences were not ratified by the

Amir (head of state). At least 10 other death sentences were passed by criminal courts in cases of murder and rape, but were later quashed by a higher tribunal or were still under judicial review at the end of the year. No executions were recorded by Amnesty International.

Amnesty International continued to seek information on prisoner cases and to appeal for the commutation of all death sentences. In April an Amnesty International delegation visited Kuwait and discussed with government officials its concerns over recent years. These included State Security Court trial proceedings, sometimes resulting in the imprisonment of people who may have been prisoners of conscience; allegations of torture and of death resulting from torture; and reported cases of deportation to countries where deportees feared persecution. The authorities promised to provide Amnesty International with relevant information and in June the organization wrote to the government requesting clarification of individual cases and making recommendations for human rights protection. Other communications relating to the organization's concerns were also sent to the government. However, no substantive reply was received to any of Amnesty International's communications.

LEBANON



Hundreds of people, some of whom may have been prisoners of conscience, were arrested and imprisoned by governmental forces and other armed militias. Most prisoners were held incommunicado for long periods without judicial procedures of any kind. The use of torture by governments and militias continued to be widely reported. At least 15 people were summarily sentenced to death by tribunals, and at least six of them were executed during the year. Scores of people were

victims of political killings by governments and militia forces.

Continued civil strife and the presence of several government and non-governmental forces vying for territorial control made the gathering of accurate and detailed information on human rights violations difficult. However, it was clear that all parties involved in the conflict, including governments and opposition groups alike, were responsible for abuses of human rights.

The Lebanese Government of National Unity was not in effective control of any part of the country during 1987. Brigades within the Lebanese Army (LA), acting in concert with non-governmental militias, maintained some territorial control. Syrian forces were deployed in West Beirut from 21 February, following several weeks of fighting there between rival militias, and the Syrian authorities continued to control territory around Tripoli and in the Beka' Valley. (For details of Syrian human rights abuses in Lebanon, see entry on Syria.) Israeli Government forces also maintained a military presence in the "security zone" in southern Lebanon.

Four major militias controlling territory also committed human rights abuses. Amal, a mainly Shi'a militia, controlled parts of the southern suburbs of Beirut and areas in south Lebanon around Tyre and Sidon. The Progressive Socialist Party (PSP), a Druze-based militia, controlled the Shuf mountains south of Beirut. The Lebanese Forces (LF), a mainly Christian militia, controlled East Beirut and the area north of Beirut. The South Lebanon Army (SLA), also a mainly Christian militia, controlled an area some 80 kilometres by 20 kilometres along the southern border with the assistance of the Israeli Defence Force (IDF) and the Israeli Intelligence Forces.

Amnesty International considered each of these four militias to have certain governmental attributes, such as effective authority within the territories they controlled, and the means and responsibility to protect human rights. Other non-governmental groups were also active, particularly in the southern suburbs of Beirut, in south Lebanon and in the Beka'a valley. Their territorial control, however, did not appear to be as effective as that of other authorities. Nevertheless, some of them, including *Hizbollah* and Islamic Jihad, were reported to be holding prisoners and

hostages, some of whom were tortured and killed.

All four main militias arrested and detained suspected political opponents, including members of rival militias or communities and dissident members of their own organizations, as well as people accused of criminal offences such as theft or murder. People were often arbitrarily arrested at roadblocks and checkpoints or during night-time house searches. Detainees were usually held incommunicado for prolonged periods with no formal judicial process, although visits by relatives and delegates of the International Committee of the Red Cross (ICRC) were allowed in some cases.

Amal, led by the Lebanese Justice Minister, arrested hundreds of Palestinians. Many of those arrested were summarily executed between October 1986 and February 1987 during a renewed outbreak of the "camps war". Amal blockaded Palestinian refugee camps in the southern suburbs of Beirut and in south Lebanon to prevent Palestinian combatants from regrouping. Those arrested near the camps, especially young men suspected of being combatants, were usually taken to Burj Al Murr in West Beirut. Many were placed in the custody of Syrian forces in February and subsequently could not be located. Amal reportedly released 625 other Palestinians from detention centres in Tyre and elsewhere in south Lebanon in February during a lull in the "camps war". Reports were received in early 1987 that Amal forces had killed a number of Palestinian detainees in a prison near Tyre on 4 and 23 December 1986.

Amal also allegedly carried out politically-motivated killings of Palestinian civilians. Some victims were reported to have been dragged from their homes and shot dead. Others were seen alive for the last time when arrested and their bullet-ridden or mutilated corpses were found dumped in streets. Nabil Ahmad Maarouf's corpse was found on 15 January, the day after he was arrested by Amal forces in Beirut.

During a period of sporadic fighting in July between Amal and Palestinians in south Lebanon, Amal arrested some 50 to 100 Palestinians and Lebanese during house searches at night in Palestinian refugee camps in Tyre. Most of those arrested were taken to a detention centre

near the Jabel Amel Hospital in Al Bass camp in Tyre. At least 42 of them were released at the end of July. Others remained in detention, although the precise reasons for their arrest were not known. Amal forces also reportedly arrested members of rival groups, such as the Lebanese Communist Party and the SLA, and Amal deserters.

The LF continued to detain scores of people, many of whom were suspected of supporting the former LF leader, Elie Hobeika, or members of rival groups or militias. The detainees were often held for several months in detention centres in Qarantina, Beirut and Byblos and in Adonis barracks in Jounieh. Those held included some 250 alleged supporters of Elie Hobeika, all of whom had been detained shortly after fighting in East Beirut between rival factions of the LF during September 1986. By the end of August 1987, 21 of the 49 whose names were known had been released and five others were known to be in detention. The whereabouts of other detainees were unknown. In November the LF announced that they had arrested 26 people, some of them LF officials, suspected of plotting the assassination of LF leaders in East Beirut. No further information was available at the end of the year on those arrested.

People were reportedly detained by the PSP for security reasons during the year but their number and identities were not known.

The SLA, sometimes operating in conjunction with the IDF, continued to carry out arrests. Most of these detainees were Lebanese Shi'a suspected of involvement in attacks against the SLA and Israeli troops in south Lebanon. Among those arrested in July were 75 villagers, including 18 women, from Houla in south Lebanon. At any one time, as many as 200 people were reported to be held in the SLA's main detention centre in Khiam. Most of them were detained incommunicado for many months, some for over a year, with no judicial procedures. A number of detainees from Khiam were transferred for further interrogation to prisons in Israel, where some were subsequently tried and sentenced to imprisonment for either belonging to or supporting illegal organizations. In June 120 detainees were reportedly released from Khiam detention centre.

According to reports, including first-hand testimonies, ill-treatment and torture of detainees held by Amal, the LF and the SLA were widespread during the year. In some detention centres administered by Amal and the SLA, torture routinely accompanied interrogation during lengthy periods of incommunicado detention. No reports of the torture of detainees by the PSP were received during 1987. The ICRC was permitted access to some detainees held by Amal, the LF and the PSP, but to no detainees held by the SLA.

Methods of torture reportedly used by Amal included beatings on the back, shoulders and soles of the feet with sticks and gun butts, sometimes while the victim was suspended from a car tyre or winch; electric shocks or cigarette burns on sensitive parts of the body; and mock executions and verbal humiliation. A Lebanese man who was released in August after about 25 days' detention in Tyre alleged that he had been beaten on his back and shoulders and that the fingernails of his right hand had been pulled out. Kamal Bawab, a Lebanese from Al Bass camp in Tyre, reportedly died under torture in July at Amal's detention centre in Tyre.

New evidence also emerged that the LF had tortured detainees in 1985 and 1986. The methods reported included beatings on the back and shoulders with sticks, electric shocks and burnings with cigarettes. No detailed information was available about the torture or ill-treatment of detainees held by the LF in 1987.

Former detainees from Houla village who had been arrested by the SLA in July 1986 alleged that they had been tortured in Khiam detention centre. They said after their release in May 1987 that during 22 days of interrogation about attacks on the SLA and Israeli troops, they had been beaten and whipped with iron bars and electric cables and had suffered electric shock torture on the legs, genitals and fingertips. It was also reported that Hussain Ali Mahmud, from Houla, died under torture in Khiam detention centre in July 1987. His body bore marks of torture when returned to his family.

Several detailed affidavits from former detainees stated that the SLA inflicted ill-treatment and torture and that Israeli personnel were sometimes present during torture and directed interrogation. Israeli defence and foreign ministry personnel

told Amnesty International on several occasions that they were not responsible for abuses in Khiam detention centre, because they consider the treatment of prisoners there to be the responsibility of the SLA command.

A number of people were sentenced to death or executed by Amal, the SLA and the PSP. In April the leader of the PSP ratified death sentences imposed on nine people from the Shuf district who had been accused of murder. It was not known whether the sentences had been carried out by the end of the year. In early May it was reported that an SLA member had been executed by an SLA firing-squad after a court martial had found him guilty of murder. Five people who had been accused of murder were summarily executed by an Amal firing-squad on 8 September in Tyre.

Amnesty International interceded several times during the year on behalf of victims of human rights violations. In May the organization urged the leadership of Amal to investigate allegations that their forces had committed extrajudicial executions. In September Amnesty International expressed concern about five executions carried out by Amal but received no response from Amal leaders.

In April Amnesty International asked the leader of the LF for information on the whereabouts and health of 49 detained supporters of Elie Hobeika and called for an investigation into alleged extrajudicial killings by LF forces. The LF did not respond.

Amnesty International urged the PSP to commute death sentences and expressed concern to the leader of the SLA and to the Israeli Minister of Defence about reports of torture in Khiam prison in south Lebanon. Amnesty International received no response from the SLA.

LIBYA

The killing of Libyans abroad and the execution of prisoners in Libya, in apparent implementation of the official "physical liquidation" policy against political opponents, continued. Hundreds of prisoners of conscience and political prisoners



were believed to be held without charge. Some of them were said to have been imprisoned after unfair trials or to have remained in custody despite acquittal or expiry of their sentences. Many prisoners were said to be held in secret detention centres and to be at risk of torture.

Attacks on Libyan exiles took place again during 1987. Muhammad Fehaima was assassinated in Athens on 7 January and Yusuf Kherbish in Rome on 26 June. Both men belonged to Libyan opposition groups. Ezzedin Ghadamsi, former Libyan ambassador to Austria, survived a second attempt on his life in Vienna on 20 May. It was not known whether those responsible for the attacks were acting on direct orders from the Libyan authorities, but the killings and attempted killings appeared consistent with a pattern of attacks against opponents for which the Libyan authorities have claimed responsibility.

The executions of nine Libyans, six by hanging and three by firing-squad, were televised in Libya on 17 February. Most of the victims were said to belong to an opposition group called al-Jihad. The nine men were reportedly sentenced to death by a "revolutionary court" in Benghazi after conviction on charges including the assassination of two Libyans and the attempted assassination of Soviet experts. In October 1986 Basic People's Congresses nationwide had called for the "physical liquidation" of eight people, described as "enemies of God", whose confessions were apparently televised (see Amnesty International Report 1987). Six of them were among those executed in February.

In a speech reported by Tripoli television on 23 May, Libyan leader Colonel Mu'ammar Gaddafi referred to executions as "very useful lessons". On 22 November, while addressing a meeting of the General People's Congress in Tripoli, Colonel Gaddafi was quoted as having said, "Anyone in the future who conspires against the people's authority we will execute in the square without any mercy or compassion. Let

everyone hear and let the present tell the absent." Earlier in the speech, he reportedly said in apparent reference to the executions in February, "Others execute someone or run him over with a car or give him poison. We do not do that. He whom we have executed we have executed on television."

Seventy-seven prisoners of conscience, arrested between 1973 and 1980, were said to be held throughout 1987, although their whereabouts could not be confirmed by Amnesty International. Most of them were convicted of membership of political organizations and sentenced to death or life imprisonment. They were tried, some of them more than once, before courts in which the proceedings fell short of basic standards for fair trial. These courts included the People's Court and courts established by revolutionary committees.

Some prisoners were reported to be held despite acquittal or after the expiry of their sentences. Most of them were arrested in 1973. They included alleged members of the Islamic Liberation Party, a Marxist organization, and the Ba'th party. Students arrested in 1976 for opposing government interference in student affairs and writers and journalists arrested in 1978 and later convicted of forming a political organization were also among the prisoners of conscience.

Hundreds of other people were believed to be held on political grounds, some since 1969. They included people who may be prisoners of conscience, held solely for their political beliefs, ethnic origin or familial relationship to political opponents. More than 50 of them were reportedly tried in previous years for membership of illegal organizations. Among them were a group of Berbers reportedly arrested in April 1980, after they formed an ethnic club called al-Baruni, and a group of Islamic activists said to have been arrested in September 1983. About 30 prisoners were believed to be held despite acquittal or the expiry of their sentences imposed for participating in coup attempts in 1969 and 1970.

Prisoners reportedly held without trial included at least 10 people arrested following an attack on Colonel Gaddafi's headquarters in Bab al-'Aziziyah in May 1984; two brothers of 'Uma al-Mahayshi, a senior officer believed to have been executed in 1983 after he was deported to Libya from exile in Morocco, arrested in 1984; five

brothers of Dr Muhammad Maqariaf, a former Libyan official and leader of the opposition National Front for the Salvation of Libya, believed to remain in detention following their arrest in 1982; and nine followers of Shaykh Muhammad al-Bishti, a preacher reported to have died as a result of torture shortly after his arrest in 1980. Some 26 alleged members of *al-Jihad*, apparently arrested in 1986 with some of those executed in February, were believed to be detained in 1987. Many prisoners were reportedly held incommunicado in unofficial detention centres controlled by the revolutionary committees, where they were at risk of torture or ill-treatment.

In March Libya ratified the African Charter on Human and People's Rights.

Following the televised executions in February, Amnesty International sought clarification of the fate of other people officially designated as "enemies of God", urging that no further executions take place. As in previous years, Amnesty International urged Colonel Gaddafi to condemn and end the policy of "physical liquidation" of political opponents. The organization continued to appeal throughout the year for the release of the prisoners of conscience and sought clarification of political prisoners' fates. No reply to any Amnesty International communication was received from the Libyan authorities during 1987.

MOROCCO AND WESTERN SAHARA



Many people, prisoners of conscience and possible prisoners of conscience, arrested in previous years remained in prison throughout 1987. Some were serving sentences imposed after trials which may not have been fair. There were new arrests of suspected government opponents, many of them students and some of whom were released after short periods of detention, but several of whom were brought to trial

and imprisoned. The government continued to withhold information about the fate and whereabouts of more than 100 prisoners, all former military personnel imprisoned since the early 1970s, some of whom appeared to be held despite completing their sentences. There were new reports that prisoners had been tortured or ill-treated in previous years and one criminal suspect died in custody in suspicious circumstances.

Thirty-nine prisoners of conscience sentenced in 1977 for alleged membership of various illegal Marxist-Leninist groups remained in prison throughout 1987. They had been tried together with around 100 other people, all since released, and sentenced to prison terms of up to life imprisonment on charges which included plotting against the internal security of the state. Among those held were Hassan El Bou and Ahmed Fessas, both of whom were reported to be suffering from mental illnesses.

More than 60 other possible prisoners of conscience sentenced to prison terms between 1984 and 1986 remained imprisoned throughout 1987. A number had been detained incommunicado for two months or more before being brought to trial. Some were alleged to have been tortured or ill-treated by police in order to extract confessions which were then used as evidence against them. Subsequent defendants' complaints of torture or ill-treatment do not appear to have been fully or impartially investigated by the courts. Most of the defendants appear to have been convicted on the basis of confessions allegedly extracted under torture. Among those held were 26 people, mostly students, who were jailed for up to 15 years in 1984 for alleged membership of a radical leftist student movement, the Qa'idiyin. They were also charged with conspiring to overthrow the government. Most of the other possible prisoners of conscience were sentenced in two separate trials in 1986 to imprisonment for up to 20 years for alleged membership of the clandestine opposition organization *Ila al Amam*. They had also been charged with plotting against the government (see Amnesty International Report 1987). At least three of those sentenced in 1984 were released in 1987 after completing their sentences.

No new information was obtained about the whereabouts or fate of some 100

military personnel imprisoned in connection with attempts on the life of King Hassan II in 1971 and 1972. They were known to have been moved from Kenitra Prison in 1973, but the Moroccan authorities have consistently refused to disclose where they were detained subsequently. The authorities have also withheld all other information about these prisoners, who are believed to be held incommunicado in severe conditions. Some apparently remained in custody although their sentences had expired. A number are believed to have died as a result of appalling detention conditions.

In April it was reported that four daughters of General Mohamed Oufkir, who had been held in a prison camp at Berrechid since 1972, had escaped from custody but were recaptured after several days. They were said to be held without charge or trial, and to have limited freedom of movement and limited access to visitors. They were believed to be held because of their family connection with General Oufkir, who was allegedly implicated in an attempted military coup in 1972. In October it was reported that the four women and other members of the Oufkir family had been granted an immigration visa by the Canadian authorities. However, by the end of 1987 they still had not been permitted to leave Morocco for Canada.

There were a number of arrests of suspected government opponents in 1987, particularly in connection with a series of students' strikes at universities and schools in protest against other students' arrests, dismissals and study conditions. In most cases those arrested were released after short periods in detention, although some detainees were said to have been held incommunicado in police custody for periods of more than four weeks and tortured or ill-treated.

Two students, Draibi Hassan and Sakhan Abderrazzak, and another man, Bouras Mohamed, who had been tried in November 1986 on charges related to public order offences, had their four- and five-year sentences confirmed by the Court of Appeal of Casablanca in May. They had been arrested in October 1986, accused of belonging to Qa'idiyin. There were reports of a number of irregularities in their treatment before the trial, which were noted by the defence. They had been held in prolonged *garde à vue* (incommunicado de-

tention) and the arrest dates in the police records had reportedly been falsified. The defendants, who denied all charges, alleged that they were tortured in incommunicado detention and that their confessions had been extracted under torture.

Six people were sentenced by the Court of First Instance in Al Hoceima to five years' imprisonment and fines in September. Two were sentenced in their absence. The charges against them included burning the national flag, not obeying orders and possessing and using drugs. The defendants included Daichi Ahmed, reportedly a member of the Union Nationale des Etudiants Marocains (UNEM), National Union of Moroccan Students; Bouizdan Aissa, Al Azrak Abdelmoumin and El Majdali Jamal. They were reported to have been arrested between 21 July and 5 August following strikes in secondary schools in Al Hoceima. They were said to have been held in incommunicado detention in police custody for more than a month, although the official police record apparently claimed that they had been arrested in September. The defendants were said to have complained in court about coercion and ill-treatment during police detention and some sources suggested some charges had been fabricated for the purpose of attempting to justify their imprisonment.

Five alleged members of *Ila al Amam* were brought to trial in December before the Criminal Chamber of the Court of Appeal in Casablanca. Bou Zeinab Mustapha, a labourer, Ould Abdelkader Ben Salem, a trainee teacher, and three others were charged with membership of an illegal organization, attempts against the internal security of the state and assisting two people being sought by the police to escape. They had been arrested in March and April in Tetouan and then held incommunicado in police custody in Casablanca until 29 April, when they appeared before an examining magistrate. The defendants were reported to have alleged in court that they were tortured while held incommunicado in pre-trial custody. Two were convicted of plotting against the government, for which sentences of 10 and 12 years' imprisonment were imposed. One was convicted of assisting people to escape and sentenced to be jailed for two years. The two remaining defendants were acquitted.

Reports continued of ill-treatment, in-

cluding beatings, in police custody and of isolation and inadequate medical treatment for both political and criminal prisoners. On 1 May it was reported that Al Bouzatii Abdel Mu'min had died shortly after being arrested, having been transferred, in a coma, to a hospital in Tetouan. He was said to have been in good health at the time of his arrest on 28 April, but when seen by relatives on 29 April, he was said to have been comatose and suffering from injuries to his face and other parts of his body. The authorities claimed that he had been arrested for criminal offences and that he had died of epilepsy and tuberculosis. An autopsy was carried out but there was no judicial inquest.

Bouabid Hassan, a juvenile prisoner, was reported in November to have been tortured by two prison guards in Ghbila prison in Casablanca in July. He had apparently protested against a decision to move him from the prison block for juveniles to a wing where conditions were much worse. The prison guards were reported to have encouraged other criminal prisoners to take part in the attack on him.

A series of hunger-strikes took place in different prisons during 1987 in protest of several conditions including inadequate medical care and ill-treatment of prisoners. There were disturbing reports that political prisoners were ill-treated or tortured to make them stop their hunger-strikes. For example, possible prisoners of conscience Mashrouhi Dhabi and Hamdani Najib, sentenced to 10 and six years' imprisonment respectively in 1986, went on hunger-strike in February 1987 in protest of their ill-treatment in Ain Borja prison. Mashrouhi Dhabi was reported to have been beaten and to have sustained serious wounds to one of his legs. Hamdani Najib was reported to have been beaten on the chest and to suffer from respiratory problems. Both were said to have been transferred to hospital in a coma on 17 March. Two other prisoners from this group were reported to have been severely beaten. Khamlischi Boubker and Ali Chbari had been sentenced to 20 and 10 years' imprisonment respectively. Khamlischi Boubker reportedly had his leg broken as a result of ill-treatment while he was on hunger-strike in January.

Six possible prisoners of conscience who went on hunger-strike in April 1985 and who were later transferred to Averroes hospital continued to be detained incommuni-

cado in the hospital. They were denied access to their families or to independent doctors, despite a number of appeals to the authorities by their families.

Amnesty International continued to urge the government to release prisoners of conscience and to ask for information about the cases of other prisoners who appeared likely to be prisoners of conscience. Amnesty International was concerned about reports that some detainees were held incommunicado in pre-trial custody for prolonged periods, tortured or ill-treated, and then convicted on the basis of confessions which they said had been extracted under duress. The organization continued to seek details of the arrests and trials that took place during 1987.

SAUDI ARABIA



There were reports of the arrest and detention of suspected government opponents, mostly from the Eastern Province, and it appeared that some might be prisoners of conscience. There were also reports of torture and at least two sentences of flogging were imposed. At least 54 death sentences were carried out, some of them under a new law on drug smuggling.

On 18 February the Council of Senior Ulema, senior religious scholars entrusted with interpreting Islamic law, unanimously issued Decision No. 138 on drug-trafficking. Under the decision convicted drug smugglers and those who receive and distribute drugs from abroad may be punished by death for bringing "corruption" to the country. The Ulema also reaffirmed a 1987 ruling, No. 85, under which drug traffickers and users who are first-time offenders face imprisonment, flogging, a fine or all three punishments at the discretion of the court and execution for a second offence.

The Ulema's ruling was approved by

King Fahd in March and he called on the Ministries of Justice and Interior to ensure that all courts in the country complied with the decision. A ministerial committee was formed to prescribe punishment for offences not specifically mentioned in the Ulema's ruling, such as drug smuggling for personal use, growing drug-producing plants, manufacturing drugs and a number of related issues.

The first execution under the new law was carried out in Riyadh on 29 July, when Muhaisin bin Falih bin Kami al-Muqati' was beheaded after conviction for smuggling and using drugs, as well as shooting and wounding a member of the patrol which arrested him. By the end of 1987 at least eight others, including two Jordanians and three Filipinos, had been executed for offences which included drug smuggling.

In July major clashes took place in Mecca between demonstrators, mainly Iranian pilgrims, and Saudi security forces. Hundreds of deaths and other casualties resulted and accounts of what had occurred conflicted. Iranian officials accused the security forces of firing live ammunition at the pilgrims but Saudi officials denied this charge and alleged that the pilgrims had been heavily armed with knives and other weapons. The Saudi authorities stated that 402 people had been killed, including 275 Iranians, 42 pilgrims of other nationalities and 85 security force members and other Saudis. Ayatollah Kharrubi, the Imam Khomeini's representative and the supervisor of the Iranian pilgrims, put the number of Iranian deaths at over 324, including 210 women.

Throughout 1987 Shi'a Muslims suspected of opposing the government were reportedly arrested. Most reports were received from the Eastern Province after the Mecca events. Many Shi'a Muslims arrested in previous years had been released by the end of 1986, including Makkiya 'Abdallah Hamdan (see *Amnesty International Report 1987*), but opposition sources continued to report further arrests. It was difficult to obtain independent confirmation of these reports and the Saudi authorities publicly denied holding any political prisoners.

In February Saudi police raided a home in Jeddah and detained 38 Ethiopian Christians belonging to the Meseret Christians (Mennonite) Church. The group had

been holding a prayer meeting. Most of the detainees were released and deported after several weeks but six remained in detention at Ruweiss prison in Jeddah. It appeared that they had previously fled Ethiopia to Sudan and then had entered Saudi Arabia illegally by boat. Those who remained in detention may have been arrested because of their religious beliefs and therefore may have been prisoners of conscience. The six detainees were released in November and deported to Sudan.

In February the Egyptian nationals who had been held without trial since November 1979 were released and returned to Egypt. They had been detained after an armed group occupied the Grand Mosque in Mecca (see *Amnesty International Report 1987*).

New information was received in 1987 about the torture and ill-treatment of prisoners during previous years. Allegations primarily concerned the treatment of people held on criminal grounds and interrogated by police immediately after arrest. In most cases, people had apparently been tortured to make them sign confessions. Torture often stopped after a confession had been signed.

Several accounts again named the Drug Detention Centre in Dammam as a place where torture frequently took place. Former prisoners and others alleged that methods commonly used included *falaqa* (beating on the soles of the feet), with the ankles secured through two rope loops to a raised pole, using cane sticks, wire hangers, wooden rods or knotted rope; forced standing for two to three hours, alternating with sitting for only one hour, over a period of days to weeks; forced knee-bends, sometimes with a wooden peg strapped behind each knee to cause severe pain; beating all over the body; burning sensitive parts of the body with lighted cigarettes; and submersion in ice-cold water.

One detainee stated that his feet were placed through two rope loops in a heavy stick which two policemen rotated to tighten the loops. Then his feet were lifted and his soles beaten with a half-inch wide stick 25 or 30 times, breaking two toes on his left foot.

Allegations of torture were also made by former detainees held at Dhahran Police Station and Dammam Central Prison.

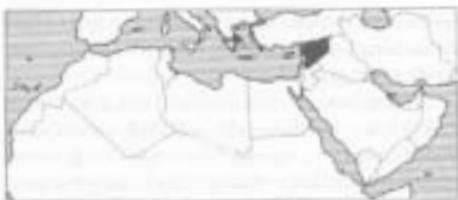
During 1987 there were at least two floggings imposed on Jordanian nationals as a judicial punishment. Waddad bint Muhammad al-'Aqla was sentenced to 10 years' imprisonment, 79 floggings every six months and deportation on completion of the sentence for her role as an accomplice in her husband's murder. Muhammad bin 'Ali al-Abush was sentenced to four years' imprisonment, 500 floggings and deportation on completion of the sentence for his role in a bank robbery. Corporal punishment is authoritatively considered to be a violation of the international legal prohibition of cruel, inhuman or degrading punishment.

At least 54 people were executed in 1987, including three women and 13 people of other nationalities. While at least nine victims had been convicted of drug-related offences, a majority of the others had been convicted of murder. All the executions were public, occurring in most cases after relatives of the murder victims had demanded *Qisas* (retribution). Under Islamic law the relatives of a murder victim may demand *Qisas* in the form of the death penalty or waive such a claim freely or by settlement. In four cases involving six offenders, executions were carried out between 18 months and 15 years after sentencing. In these cases the sentences could not be carried out until the heirs of the deceased had reached the age of maturity and consensus on the form of *Qisas*.

Amnesty International appealed on several occasions to the Saudi authorities, reiterating the organization's unconditional opposition to capital punishment and urging commutation of all death sentences. The organization also intervened in July on behalf of the six detained Ethiopians. No response was received to any of Amnesty International's inquiries.

SYRIA

Thousands of political prisoners, including prisoners of conscience, were detained under state of emergency legislation in force continuously since 1963. Some detainees had been held for several years but hundreds of others were arrested during the year in both Syria and Lebanon. Most of them were held without trial, although some political prisoners



also remained in custody after the expiry of their sentences. The use of torture by security forces was reported to be widespread and routine. Ten detainees were said to have died in custody either in Syria or parts of Lebanon controlled by Syrian forces. Several hundred people, including many civilians, reportedly "disappeared" after they were arrested by Syrian forces in Lebanon and others were said to have been killed. Five people were sentenced to death and five others were executed.

Many government opponents arrested in previous years continued to be detained without trial throughout 1987. They included some 260 prisoners of conscience and 180 others who may have been prisoners of conscience. Among those held were members of prohibited political parties, such as *Hizb al-'Amal al-Shuyu'i*, Party for Communist Action (PCA); *al-Hizb al-Shuyu'i-al-Maktab al-Siyassi*, Communist Party Political Bureau (CPPB); *al-Tanzim al-Sha'b al-Nasiri*, Popular Nasserist Organization (PNO); and *al-Ikhwan al-Muslimun*, Muslim Brotherhood. Members of several Palestinian groups, including *Fatah* and the Democratic Front for the Liberation of Palestine (DFLP), were also among those held. Amnesty International was unable to confirm reports of the release in November of 150 detainees, all supporters of Yasser 'Arafat, chairman of the Palestine Liberation Organization.

There were many arrests in 1987 in both Syria and areas of Lebanon under Syrian control. Among those held were 13 suspected members of the CPPB who were arrested between April and October by *Idarat al-Amn al-Dakhili*, Internal Security. Some of them were reportedly tortured. Muhammad Munir Missouti, a jurist and member of the CPPB's Central Committee, was arrested in September in Damascus. He had been sought by the authorities since 1980. He was still held without charge or trial at the end of 1987.

Several hundred suspected govern-

ment opponents and their relatives were detained in a wave of arrests in August and September. At least 150 of those arrested remained in detention at the end of the year and some were said to have been tortured. The majority of arrests took place in the cities of Homs, Aleppo and Lataqiyah, and were carried out by *Fara' Falas-tin*, Palestine Branch, a section of Military Intelligence. Those detained were suspected members or supporters of the PCA, some of whom had been sought by the authorities since 1980. Relatives of PCA members were also arrested and held as hostages.

Many hundreds of people, including Palestinians and Lebanese nationals, were also reportedly arrested by Syrian forces in Lebanon and taken back to Syria, where they were detained. Hundreds of such arrests occurred in and around Tripoli in northern Lebanon during December 1986 and January 1987. These arrests followed the reported killing of more than 200 people by Syrian troops and Syrian-backed militia in the city in December 1986 (see Amnesty International Report 1986). Some of those arrested were said to have been held in Tripoli for interrogation and then transferred first to 'Anjar in the Beka' Valley and subsequently to Damascus, where they remained in detention without trial. Many others allegedly "disappeared" in custody. Some detainees were tortured, according to reports, and three died in custody as a result.

Widespread arrests and "disappearances" were also reported during the first half of the year, following the deployment of Syrian troops in West Beirut in February. Dozens of people were said to have been arrested following raids on homes, shops and offices by Syrian troops in districts of the city previously controlled by the Progressive Socialist Party (PSP) and the Amal Movement. Those detained were believed to include members of the PSP and others suspected of having links with various militias. Some of the people arrested were transferred to detention centres in 'Anjar in the Beka' Valley. Several hundred detainees, many of them Palestinians who had been held by Amal in Burj al-Murr in West Beirut, were reportedly transferred by Syrian troops to detention centres between 21 and 25 February. Their fate and whereabouts were unknown at the end of 1987.

Further arrests were reported in October and November, when more than 200 people were said to have been detained in Tripoli, apparently on suspicion of carrying out operations against Syrian positions in the area. Their fate and whereabouts remained unknown, although some were allegedly transferred to 'Anjar.

Reports were received in mid-1987 suggesting that three Israeli soldiers who "disappeared" in 1982, following their capture after a battle in eastern Lebanon, were alive and in Syrian custody. However, the precise whereabouts of the three men – Zachary Baumel, Zvi Feldman and Yehuda Katz – was not known.

Torture and ill-treatment of prisoners was widely reported and appeared to be routine. Three Lebanese nationals arrested in December 1986 in Tripoli on suspicion of links with *Harakat al-Tawhid al-Islami*, Islamic Unification Movement, reportedly died in custody as a result of torture within a week of their arrest. The three men – Jihad 'Abs, Mahmud Ahmad Raslan and Jibril Idlibi – were interrogated by Syrian forces at Madrasat al-Amrican, American School, in Tripoli.

Six PCA members and three CPPB members were reportedly tortured during interrogation in September and October. They were arrested by Military Intelligence and Internal Security respectively. One PCA member, Akram al-Bunni, may suffer paralysis resulting from a form of torture known as *al-Kursi al-Almani* (German Chair). During this torture, the victim is tied by the hands and feet to a metal chair with moving parts. The back rest of the chair bends backwards, causing acute hyper-extension of the spine and severe pressure on the victim's neck and limbs. This torture is said to cause difficulty in breathing almost to the point of asphyxiation, loss of consciousness and, in some cases, fractured vertebrae. A CPPB member, 'Abdallah Qabbara, was also reported to be in danger of losing the sight of one eye as a result of torture.

Reports continued to be received that prisoners were deprived of essential medical treatment for serious illnesses or for injuries resulting from torture. One former prisoner of conscience, Muhammad Haitham Khoja, had suffered from chronic inflammation of the kidneys and died three weeks after his release in June. Another detainee, Ihsan 'Izzo, died on 14 November

in Saidnaya Prison. His heart condition had deteriorated following his interrogation under torture.

There were reports that Syrian forces in Lebanon deliberately killed civilians. Additional information was received about the killings of more than 200 people in the al-Tabbaneh district of Tripoli at the end of December 1986. During house-to-house searches by Syrian troops and commandos, unarmed civilians were reportedly dragged from their homes and executed. Women and children were among those found dead. Others had died when two residential buildings were dynamited. Dozens of bodies were allegedly buried in mass graves in al-Tabbaneh, including one site at al-Ghuraba' Cemetery. More than 40 bodies were buried in the Alawite Cemetery in the Syrian-controlled district of Ba'al Muhsin in Tripoli.

Twenty-three supporters of *Hizbullah* (Party of God), among them five women, were killed in February during the deployment of Syrian troops in the Basta district of West Beirut. Syrian troops reportedly apprehended the group in an apartment block, lined them up against a wall and shot them. Some of the bodies, which were taken to the Beirut Hospital, were also said to bear the marks of knife wounds. In March Syrian troops were reported to have summarily executed three men suspected of attacking a checkpoint in Beirut. The troops reportedly forced the victims to stand against a tree on the Beirut seafront and shot them dead in full view of passers-by.

Ten death sentences were reported in 1987. Five men were hanged in August for their alleged involvement in a series of bombings in Syria in 1986. In September five people were sentenced to death by the Economic Security Court after conviction of corruption, the first reported death sentences for this offence.

Amnesty International continued throughout 1987 to express concern to the government about reports of widespread arbitrary arrests, "disappearances", political prisoners detained without trial, torture and deliberate killings of civilians by its forces in Syria and Lebanon. There was no response from the government. In an oral statement delivered in March, Amnesty International drew the attention of the United Nations Commission on Human Rights to reports of civilians deliberately killed by Syrian forces in Tripoli. A Syrian Govern-

ment representative responded that "Syrian troops in Tripoli and other Lebanese cities are performing a task that the legal Lebanese authorities have asked for, in order to keep the peace and put an end to the fighting among the various factions. While they are performing these duties, the Syrian forces can be subjected to attacks by certain militias. Naturally, such attacks necessitate self-defence by Syrian troops."

In September Amnesty International submitted a memorandum to the government regarding the torture and ill-treatment of Syrian, Lebanese and Palestinian detainees by its security forces both in Syria and Lebanon. The memorandum contained information received by Amnesty International between 1984 and 1987 and recommendations for the prevention of torture. In an accompanying letter, Amnesty International reiterated its long-standing request for discussions with the government on its human rights concerns. No response was received. The memorandum was published in October in a report entitled *Syria: Torture by the Security Forces*.

TUNISIA



Hundreds of suspected government opponents, mostly alleged supporters of an Islamic movement, were arrested. Some of them were believed to be prisoners of conscience. A number of detainees were released without charge. Others were sentenced to prison terms, including some unfairly tried by the State Security Court. Torture and ill-treatment of detainees were reported and two detainees died in suspicious circumstances. At least eight people were sentenced to death and there were seven executions.

On 7 November President Habib Bourguiba was replaced as head of state by General Zine Al Abidine Ben Ali, who had been appointed Prime Minister in October. The new President announced immediate-

ly that certain reforms affecting human rights would be introduced. Within two weeks of the change of government, a new law was promulgated to introduce a 10-day maximum limit on incommunicado detention in *garde à vue*. During December the new President declared two amnesties which resulted in the release of more than 3,000 criminal and political prisoners. Some of those released may have been prisoners of conscience. One death sentence was also commuted in December and the State Security Court and office of State Prosecutor were abolished.

Tunisia signed the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on 26 August but had not ratified it by the end of the year.

Many suspected opponents of President Bourguiba's government were arrested in the months preceding his removal from office. They included numerous supporters of the *Mouvement de la tendance islamique* (MTI), Islamic Tendency Movement, an Islamic organization which advocates a more avowedly Islamic form of government. In March police arrested Rachid Ghannouchi, the leader of the MTI, who was tried with other MTI activists later in the year. MTI supporters demonstrated against his arrest and some of them had violent clashes with police. Large numbers of suspected MTI sympathizers were arrested; according to one estimate more than 2,000 by mid-1987. Many of those arrested were tried on charges such as distribution of leaflets, participating in demonstrations and other public order offences. Some received prison terms of up to six years but all were believed to have been released in the December amnesties.

Khemaïs Chamari, secretary general of the *Ligue tunisienne pour la défense des droits de l'homme* (LTDH), Tunisian League for Human Rights, was arrested on 28 April after he spoke to foreign journalists about recent arrests and political developments. He was charged with disseminating false information likely to disturb public order and with offending "the person" of the Prime Minister. He was released from custody on grounds of ill-health on 22 May, the day before his trial was to start. The trial was postponed and had not taken place by the end of the year.

Other detainees included supporters of

the opposition Parti communiste des ouvriers tunisiens (PCOT), Tunisian Workers Communist Party. Some of them were reportedly tortured or ill-treated while held incommunicado in police custody. Approximately 40 of them were convicted of belonging to an unauthorized organization and the appeal court sentenced some defendants to up to 10 years' imprisonment. Most of them were released in the December amnesties, including some who may have been prisoners of conscience. The remainder were released after they were sentenced with reprieve, or acquitted by the Court of Appeal.

At the end of May, 14 other prisoners were granted an amnesty by President Bourguiba. They had been convicted in November 1986 of membership of the Rassemblement socialiste progressiste (RSP), Progressive Socialist Assembly, and had received six-month sentences. They were released on bail pending an appeal, but in May the court of appeal confirmed their sentences.

More than 100 suspected supporters of the MTI, including army and police officers, were arrested after the change of government in November for allegedly plotting to overthrow the former government. Most of them were reportedly held incommunicado for long periods and remained in detention at the end of the year. Some detainees were allegedly tortured or ill-treated in custody and at least one reportedly died in detention.

Those released in the December amnesties included 18 former members of the military who may have been prisoners of conscience. They received prison terms ranging from five to eight years in 1983 after conviction of membership of an unauthorized political organization, the Parti de la libération islamique (PLI), Islamic Liberation Party. Prior to the amnesties, President Ben Ali had lifted the house arrest restriction on Habib Achour, former secretary general of the Union générale des travailleurs tunisiens (UGTT), Tunisian General Workers Union. Habib Achour may have been a prisoner of conscience (see Amnesty International Report 1987).

A major political trial of MTI members took place before the State Security Court in Tunis between 23 August and 26 September. Rachid Ghannouchi and 89 other alleged MTI members were accused

of committing crimes intended to change "the nature" of the state, incitement to violence, and other offences. Some 37 of the accused were tried in absentia. Fourteen defendants were acquitted and seven of those convicted were sentenced to death, including five in absentia. Rachid Ghannouchi and one other defendant were sentenced to life imprisonment with hard labour and the remaining defendants received prison terms ranging between two and 20 years. Sentences exceeding five years included hard labour.

The trial was marked by serious deficiencies. The State Prosecutor was appointed as the presiding judge and throughout the trial his conduct of the proceedings raised doubts about his impartiality. He interfered in cross-examination of witnesses by defence lawyers and adopted a hectoring attitude towards the defendants. The court admitted as evidence confessions which were allegedly extracted under torture while the defendants had been held incommunicado for over three months. Moreover, their lawyers received access to the copious case dossier only shortly before the trial began. The defendants had no right of appeal.

Thirteen of those sentenced in absentia were subsequently arrested and tried again before the State Security Court, which confirmed in November their original sentences. One of the 13, Ali al Aridh, had been sentenced to death. All sentences were upheld by the cassation court, but the death sentence on Ali al Aridh was commuted to life imprisonment with hard labour on 16 December.

In addition to the MTI prisoners sentenced in September, other detainees were allegedly tortured and ill-treated both before and after the change of government. In May Nabil Barakati, a teacher, was found dead on a street about 300 metres from Gaafour police station. He had been held incommunicado for 11 days in the station, where he was reportedly questioned about the circulation of a PCOT tract criticizing government intervention in trade union affairs. The police said he had escaped from custody and committed suicide but some sources suggested that his body was dumped in the street to conceal his death in detention. An official judicial investigation into his death was reported but its findings had not been

made public by the end of the year.

In early December officials said that Mohamed El Mansouri, an army captain and alleged member of the MTI, died of heart failure while detained incommunicado. He had been arrested on 16 November. His family reportedly requested an official investigation into his death but the authorities denied reports that he had been tortured. They said his death had already been the subject of an inquiry, although no details of the inquiry were known to have been disclosed.

Eight people reportedly received death sentences, two of which were commuted. Seven other prisoners were executed. Five of those executed had been convicted of criminal offences and the other two were sentenced to death at the MTI trial in September. No executions took place under the new government.

Amnesty International intervened several times for the release of Khemais Chamari, whom it considered to be a prisoner of conscience. Amnesty International representatives attempted to observe his trial, but the legal proceedings were postponed. In addition, the organization sought information about prisoners of conscience held under former President Bourguiba's administration. Amnesty International welcomed the December amnesties, as well as earlier releases. The organization also welcomed the new government's steps to limit incommunicado detention and to abolish the State Security Court.

Throughout the year Amnesty International also called for impartial investigation of alleged torture and for introduction of safeguards to protect prisoners from ill-treatment. The organization expressed particular concern about the conduct of the MTI trial before the State Security Court, part of which an Amnesty International observer attended, and about reports that many of the defendants had been tortured. Amnesty International also called for the commutation of death sentences.

UNITED ARAB EMIRATES



Several people were detained without trial, including one who may have been a prisoner of conscience. All of them were released before the end of the year. Some detainees were reportedly tortured. No executions were known to have taken place but one death sentence passed at the end of 1986 was confirmed in May.

Dhabia Khamis al-Mehairi was arrested at her home in the emirate of Sharjah on 28 May. She is a poet, writer and television presenter and had apparently published articles on topics including the status of Arab women. She was detained without charge or trial in Abu Dhabi for about 10 weeks and denied access to her family and lawyer. The authorities gave no reasons for her detention. She was released without charge in August.

Several Iraqi nationals residing or working in the UAE were detained and held incommunicado for periods ranging between several days and one month. Some of them were allegedly tortured. Most were detained after officials summoned them to discuss their residence or work permits. For example, two Iraqis were said to have been arrested in Abu Dhabi at the offices of the Ministry of Interior's Department of Immigration and Passports. They were reportedly transferred from there, blindfold, to a detention centre. In these and similar cases, detainees were apparently held for political reasons related to the authorities' investigations into the activities of Iraqi political groups. None of those detained was apparently shown an arrest warrant or informed of the reasons for arrest. Some detainees were reportedly held incommunicado, questioned about their political affiliations, and asked if they had links with the Shi'a opposition group al-Da'wa al-Islamiyya, Islamic Call. Membership of this group is a capital offence in Iraq. All

Iraqi detainees were dismissed from their jobs and expelled from the UAE shortly after their release.

Several Iraqis who were detained alleged after release that they had been tortured. One of them, who was arrested in January, alleged that he was subjected to falaqa (beating on the soles of the feet), beatings with canes, electric shocks and sleep deprivation for six days during incommunicado detention. He said he had been arrested after refusing to provide information on other Iraqis resident in the UAE. He also alleged that he was forced to run around in a small room while blindfold and that he lost consciousness as a result of head injuries sustained upon impact with the walls. He was released after about two weeks and expelled from the UAE.

Ghaleb al-Shabandar, who was held incommunicado for a month following his arrest in February in the emirate of Sharjah, alleged that he had been tortured with electric shocks, burned with an electric iron, beaten with sticks, subjected to falaqa, deprived of sleep for nine days while blindfold and forced to observe other victims of torture. The purpose of this treatment, he said, had been to compel him to inform against other Iraqis. Upon release in March, he was said to have been immediately escorted onto a plane and expelled from the UAE. According to his testimony, he was led to believe that he was being deported to Iraq, where he would be at risk of imprisonment or execution. He was, however, permitted to go to another country.

Haitham Makki Kubba, another Iraqi, was detained in Abu Dhabi from 8 to 14 March and subsequently expelled from the UAE. He alleged that he was held incommunicado, deprived of sleep for between five and six days, kicked, beaten with plastic hoses and sticks, and threatened with electric shock torture and deportation to Iraq, where he would be at risk of imprisonment or execution.

Other detainees alleged that they had been stripped naked and exposed alternately to hot and cold air and subjected to falaqa while suspended from the ceiling by their hands, which were tied behind their backs. This treatment reportedly caused dislocation of the shoulders. Detainees also stated that they were verbally abused and threatened with both sexual

abuse and indefinite detention.

Two other Iraqi nationals allegedly tortured during detention were Hakem Khalaf 'Abd al-Razzaq, a car dealer, and Abu Saleh, a butcher. Both men were detained in early May in Sharjah. According to reports, they were acquitted of criminal charges but continued to be detained by the security forces without further charge. They were reportedly released at the end of May.

No new death sentences or executions were reported during the year, but in May the High Court of Appeal in Dubai confirmed a sentence of death imposed in December 1986 on an Indian national convicted of murdering nine people.

During the year Amnesty International expressed concern about reports that a number of Iranians and Tamils from Sri Lanka were threatened with forcible return to their countries of origin, where they risked imprisonment, torture or execution. Two Iranian asylum-seekers were detained in Dubai in February and another was held in Abu Dhabi in May. Amnesty International was unable to identify the eventual location of the three Iranians. In March, 17 Tamils from Sri Lanka who were detained at Dubai airport were permitted to remain in Dubai temporarily while they sought asylum elsewhere. If returned to Sri Lanka, they may have become victims of arbitrary arrest, torture or killing.

During the year Amnesty International also expressed concern to the UAE authorities about reports of detention without trial and of torture. The ruler of Sharjah stated in June that no information was available about the two Iraqis who were reportedly detained during May after acquittal on criminal charges.

In late November the government commented through its embassy in Brussels on the Amnesty International Report 1986. The report criticized the practice in the UAE of judicial floggings as cruel, inhuman or degrading treatment or punishment and the possible increase of offences punishable by death. The government stated that its legal system was based on the Shari'a and "positive" law and that defendants had guaranteed rights of defence and appeal. The judicial punishments of flogging and amputation were severe, according to the government, but justified by the gravity of the offences and their harmful effect on society. "Those who are horrified

by the amputation of a thief's hand, why do they not worry about the crime of theft?" the government asked. The death penalty, it stated, was rarely used and applicable for crimes such as murder, rape and armed robbery.

YEMEN (ARAB REPUBLIC)



A number of people were reportedly arrested for political reasons and believed to remain in detention without trial at the end of the year. It was not known if the detainees included prisoners of conscience. The government announced in June that there had been arrests on security grounds but it gave no other details. Prisoners, including children, were reportedly subjected to ill-treatment, including restraint by chains. At least 13 prisoners were sentenced to judicial punishments of amputation and one to flogging. Twenty-five executions and five death sentences were recorded by Amnesty International.

On 9 June national media announced the arrest of "a group of saboteurs that planned actions aiming at disrupting security and compromising the national interests and the achievements of the revolution", adding that the group would be tried following interrogation. By the end of the year, however, no information was available about the number and identities of these detainees or about any trial proceedings.

Also in June, four men travelling from Aden in the People's Democratic Republic of Yemen (PDRY) to the Yemen Arab Republic (YAR) were reportedly arrested after crossing the border on suspicion of belonging to the opposition National Democratic Front (NDF). In late June or early July a YAR diplomat was said to have been arrested, possibly on political grounds. These five men were believed to be detained at the

end of 1987 by the Central Agency for National Security in Sana'a.

Information was obtained in 1987 about political opponents arrested in previous years. One report named Colonel Sultan al-Qirshi, a prominent official said to have been arrested in February 1978, as a political prisoner whose fate had remained unknown since October 1978.

Four children, aged 11 to 14, were arrested in June and held in various detention centres, including Sana'a Central Prison. They said after their release that they had been beaten on the soles of the feet and other parts of their bodies while in detention, possibly to obtain information about their father. The children's father is a member of the NDF and resides in the PDRY. The four children, who were on holiday in the YAR, returned to the PDRY following their release in August or September.

Islamic judicial punishments constituting torture or ill-treatment were reported during the year. At least 13 people received sentences of limb amputation for sariqa (theft) and one was sentenced to a flogging for shurb al-khamr (drinking wine).

Throughout the year prisoners continued to be shackled in their cells. The shackles were attached to prisoners' ankles and restricted leg movement. In some cases the prisoners' hands had reportedly been chained to their necks and ankles. It appeared that such shackling could injure prisoners, particularly while the chains were hammered into place or prised apart during removal. The United Nations Standard Minimum Rules for the Treatment of Prisoners prohibits the use of chains for restraint or punishment.

Twenty-five executions and five death sentences were recorded by Amnesty International during 1987. In all but three cases, the executions took place following convictions for murder in accordance with qisas (retribution), a category of Islamic punishment whereby the family of a murder victim may demand retribution, in the form of the death of the murderer, or may waive such a claim freely or by financial settlement. Three executions were implementations of the Islamic punishment for hiraba (robbery).

Amnesty International appealed throughout the year for the commutation of death sentences and judicial sentences

of amputation or flogging. In November the organization sought information from the authorities on the detainees it had learned about and expressed concern about the use of chains to restrain prisoners.

YEMEN (PEOPLE'S DEMOCRATIC REPUBLIC OF)



The trial of the former head of state and 137 others on charges relating to the fighting in January 1986 between rival factions of the Yemeni Socialist Party (YSP) ended in December with 102 convictions. Thirty-five of the defendants received death sentences and five of them were executed on 29 December. A group of detainees held without trial since the fighting was released in June, bringing the official figure of releases to over 4,700. At least one person was arrested in August, apparently in connection with the January 1986 events. Further evidence of torture during the early months of 1986 was also gathered during 1987. In February the People's Democratic Republic of Yemen acceded to eight international human rights instruments, including the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.

On 29 June 80 people officially described as the last group of detainees held without trial since the fighting in January 1986 were released. The releases took place under a general amnesty declared on 29 March 1986 and renewed several times, the last time on 31 December 1987. According to official sources, over 4,700 detainees were released under the amnesty, which also applied to citizens then residing abroad. Also released, reportedly after several weeks in detention on political grounds, were 10 students at a Soviet military academy who had been forcibly returned to Aden by Soviet authorities in mid-December 1986.

In August 'Abd al-Karim Shamsan, a former YSP official, was arrested in Aden and held incommunicado, apparently in connection with the fighting in January 1986. The authorities assured Amnesty International in October that he would be granted prompt access to family members and to a lawyer. By the end of the year, however, the organization had no confirmation that such access had been permitted.

Eleven members of the pro-Iraqi Ba'th Party, who may have been prisoners of conscience, were held in al-Mansura Prison in Aden. They were convicted of treason by the Supreme Court of the Republic in December 1985. A twelfth defendant in the case died in custody, apparently two months before delivery of the verdict (see Amnesty International Report 1986 and 1987). Amnesty International had been especially concerned about the 11 prisoners' fate in the wake of the fighting in January 1986. The organization continued to seek information about them in 1987.

The trial of 'Ali Naser Muhammad, the former head of state, and 137 other defendants began before the Supreme Court of the Republic on 2 December 1986 and ended on 12 December 1987. All of the defendants were charged with treason and some of them were also charged with terrorism and sabotage in connection with the fighting in January 1986. The defendants included senior state and party officials, as well as military personnel of many ranks.

Forty-four defendants were tried in absentia and 19 of them, including the former head of state, were sentenced to death. Of the 94 defendants present at the trial, 16 were sentenced to death and one, Dr Muhammad 'Ali Muftah, died in custody on 5 November. According to the court, he died of natural causes. Sixty-seven defendants, including some of those present before the court and some tried in absentia, were sentenced to terms of five to 15 years' imprisonment. Twenty-nine defendants were released by the court under the government's amnesty and six were acquitted.

On 27 December the Chairman of the Presidium of the Supreme People's Council ratified the death sentences passed on 'Ali Naser Muhammad, five other defendants tried in absentia and five defendants

who were present at the trial. Twenty-four other death sentences were commuted to 15 years' imprisonment. Two days later, the five prisoners sentenced to death were executed by firing-squad in al-Mansura Prison in Aden. They were Faruq 'Ali Ahmad, former vice-president of the Democratic Yemeni Journalists' Organization; Hadi Ahmad Naser, a former member of the Supreme People's Council; 'Alawi Husayn Farhan, former Deputy Minister for State Security; Ahmad Husayn Musa, former commander of the Air Force; and Mubarak Salem Ahmad, who commanded the bodyguards of the former head of state.

In a separate case, the Supreme Court of the Republic sentenced to death in February two people tried in *absentia* on charges of sabotage. Another defendant tried in *absentia* received a prison sentence, as did four defendants who were present at their trial. The four were reportedly arrested in November 1986 while planning bomb attacks in the province of Abyan.

During the year, Amnesty International continued to seek information about deaths resulting from torture, deliberate killings of detainees and "Disappearances" reported to have taken place during and following the fighting in January 1986. The organization also continued to appeal, as in previous years, for clarification of the fate of a number of prisoners arrested between 1967 and 1975. Several of them were considered to be prisoners of conscience and others may have been prisoners of conscience.

In October an Amnesty International delegation visited the country to observe final sessions of the Supreme Court trial which began on 2 December 1986 (see Amnesty International Report 1987). While in Aden, the delegates met with several government and judicial officials, including the Ministers of Justice, State Security, the Interior and the Deputy Minister for Foreign Affairs. The authorities stated that some of the prisoners known to Amnesty International had been released in previous years and that the fate of others, particularly people missing since the fighting in January 1986, was difficult to determine. Among the reasons given for such difficulty was the rapid decomposition of bodies in the heat, which had rendered most victims of the fighting impossible to identify. The authorities also conceded that during the fight-

ing, torture and killings were committed by both sides before central authority was restored. Amnesty International continued to seek information on several cases, particularly those of people said to have been taken into custody during and after the fighting and whose whereabouts remained unknown to relatives and friends.

Following the announcement on 12 December of the verdict by the Supreme Court of the Republic, Amnesty International sent urgent appeals to the authorities, urging the commutation of all 35 death sentences. After the sentences were ratified by the Chairman of the Presidium of the Supreme People's Council on 27 December, the organization urgently requested that the executions not be carried out.

MISSIONS ACCOMPLISHED BETWEEN 1 JANUARY 1987 AND 31 DECEMBER 1987

MONTH	COUNTRY	DELEGATE(S)	PURPOSE
January	Mauritania	— Nicolas Ulmer (USA/ Switzerland)	Research
January	Yugoslavia	— John Vervaele (Belgium) — Staff member of International Secretariat	Trial observation
January	Israel	— Secretary General of Amnesty International — Two staff members of International Secretariat	Discuss Amnesty International's concerns with government authorities/Research
January	South Africa (Venda)	— Peter Duffy (Member of International Executive Committee)	Discuss Amnesty International's concerns with local government authorities
January/February	Honduras	— Rona Weitz (USA) — Staff member of International Secretariat	Research
January/February	Central African Republic	— Biram Sy (Senegal)	Trial observation
January/February	Peru	— Staff member of International Secretariat	Research
January/February	Ecuador	— Staff member of International Secretariat	Research
February	Czechoslovakia	— Riikka Pyykko (Finland)	Trial observation/Observe appeal
February	United Kingdom	— Three staff members of International Secretariat	Discuss Amnesty International's concerns with government authorities
March	El Salvador	— Drew Saunders Days III (USA) — Norberto Liwski (Argentina) — Two staff members of International Secretariat	Research
March	Jordan	— Two staff members of International Secretariat	Research
March	Nepal	— Staff member of International Secretariat	Research
March/April	Venezuela	— J Samtleben (Federal Republic of Germany) — Two staffmembers of International Secretariat	Research
March	Italy	— John Vervaele (Belgium) — Staff member of International Secretariat	Observe appeal
March	Czechoslovakia	— Johanna Niemi (Finland)	Trial observation
March	Uganda	— Secretary General of Amnesty International — Two staff members of International Secretariat	Discuss Amnesty International's concerns with government authorities/Research
March	Czechoslovakia	— Alexander Milne (UK)	Trial observation
March	Jordan	— Lynn Welchman (UK)	Research
April	France	— Two staff members of International Secretariat	Research
April	Yugoslavia	— Hans Rau (Federal Republic of Germany) — Staff member of International Secretariat	Trial observation

April	Pakistan	— Nimal Senanayake (Sri Lanka) — Peter Duffy (Member of International Executive Committee) — Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities
April	Bahrain	— Secretary General of Amnesty International — Two staff members of International Secretariat	Discuss Amnesty International's concerns with government authorities/Trial observation
April	Kuwait	— Secretary General of Amnesty International — Two staff members of International Secretariat	Discuss Amnesty International's concerns with government authorities
April	Turkey	— Staff member of International Secretariat	Research
April	Hungary	— Alexander Isola (Austria)	Trial observation
May	Thailand	— Staff member of International Secretariat	Research
May	Korea (Republic of)	— Secretary General of Amnesty International — Two staff members of International Secretariat	Discuss Amnesty International's concerns with government authorities/Research
May	Federal Republic of Germany	— Staff member of International Secretariat	Trial observation
May/June	Central African Republic	— Biram Sy (Senegal)	Trial observation
May/June	Tunisia	— Bacre Waly Ndiaye (Member of International Executive Committee)	Trial observation
May/June	Colombia	— Yvon Le Bot (France) — John Vervaele (Belgium) — Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities/Research
June	Bahrain	— Mohammed Abdulqader Al Jassem (Kuwait) — Staff member of International Secretariat	Trial observation
June	Switzerland	— Staff member of International Secretariat	Research
June	Greece	— Alain Ottan (France)	Trial observation
June	Sierra Leone	— Henry Kayondo (Uganda) — Staff member of International Secretariat	Trial observation/Research
June	Guinea	— David Weissbrodt (USA) — Staff member of International Secretariat	Research
June	Israel/Occupied Territories	— Lawrence Kershen (UK)	Trial observation
June	Greece	— Franca Sciuto (Member of International Executive Committee) — Secretary General of Amnesty International — Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities/Research
June	Algeria	— Adel Amin (Egypt) — Staff member of International Secretariat	Trial observation
June	Algeria	— Amand d'Hondt (Belgium)	Trial observation

June	Singapore	— Soli Sorabjee (India) — Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities/Research
June/July	Brazil	— Louis Joinet (France) — Two staff members of International Secretariat	Research
June/July	Haiti	— Staff member of International Secretariat	Research
June/July	Cape Verde	— Plauto Rocha (Brazil)	Research
July	Tunisia	— Staff member of International Secretariat	Research
July	Philippines	— Diego Garcia-Sayan (Peru) — Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities
July	United Kingdom	— Wesley Gryk (USA) — Staff member of International Secretariat	Research
July	Spain	— Hans Rau (Federal Republic of Germany) — Staff member of International Secretariat	Trial observation
August	Uganda	— Bashir Kwaw-Swanzy (Ghana)	Trial observation
August/September	Israel/Occupied Territories	— Menno Kamminga (Netherlands)	Trial observation
August/September	Honduras	— Jaime Miralles (Spain) — Rona Weitz (USA) — Two staff members of International Secretariat	Discuss Amnesty International's concerns with government authorities/Research
September	Taiwan (Republic of China)	— Two staff members of International Secretariat	Discuss Amnesty International's concerns with government authorities/Research
September	Norway	— Wolfgang Heinz (Federal Republic of Germany)	Research
September	Tunisia	— Bacre Waly Ndiaye (Member of International Executive Committee)	Trial observation
October	Zaire	— Two staff members of International Secretariat	Discuss Amnesty International's concerns with government authorities
October	Turkey	— Staff member of International Secretariat	Research
October	Argentina	— Secretary General of Amnesty International — Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities
October	People's Democratic Republic of Yemen	— Adel Amin (Egypt) — Two staff members of International Secretariat	Trial observation/Discuss Amnesty International's concerns with government authorities
October/November	Jamaica Barbados Grenada Trinidad	— Two staff members of International Secretariat	Research
October	Thailand	— Harris van Beek (Australia) — Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities
November	Kenya	— Alexander Milne (UK)	Observe inquest
November	United Kingdom	— Stephanos Stavros (Greece)	Observe appeal hearing
November	United Kingdom	— Staff member of International Secretariat	Research

November	Spain	— Staff member of International Secretariat	Research
November	Austria	— Secretary General of Amnesty International — Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities
November	Malaysia	— Staff member of International Secretariat	Research/Trial observation
November/December	Venezuela	— Andrew Blane (USA) — Jaime Miralles (Spain) — Staff member of International Secretariat	Discuss Amnesty International's concerns with government authorities
November/December	United Kingdom	— Staff member of International Secretariat	Research/Attend court hearing
November/December	Nicaragua	— Yvon Le Bot (France) — Staff member of International Secretariat	Research
November/December	Brazil	— Staff member of International Secretariat	Research
December	Senegal	— Staff member of International Secretariat	Research
December	Israel/Occupied Territories	— Two staff members of International Secretariat	Research
December	Norway	— Staff member of International Secretariat	Research
December	Malaysia	— Staff member of International Secretariat	Observe habeas corpus appeal
December 1987/January 1988	Egypt	— Secretary General of Amnesty International — Two staff members of International Secretariat	Discuss Amnesty International's concerns with government authorities

STATUTE OF AMNESTY INTERNATIONAL

Articles 1 and 2

As amended by the 18th International Council,
meeting in Águas de Lindóia, Brazil, 30 November – 6 December 1987

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. investigate and publicize the disappearance of persons where there is reason to believe that they may be victims of violations of the rights set out in Article 1 hereof;
- k. 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;

l. send investigators, where appropriate, to investigate allegations that the rights of individuals under the aforesaid provisions have been violated or threatened;

m. 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;

n. promote and support the granting of general amnesties of which the beneficiaries will include prisoners of conscience;

o. 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.

AMNESTY INTERNATIONAL NEWS RELEASES 1987

28 January

Amnesty International calls for protection of imprisoned **South African** church leader

31 January

Amnesty International in urgent plea for authorities to spare lives of five scheduled to hang in **Jamaica** next week

9 February

"Dead" political prisoners in **Peru** interrogated in secret custody, says Amnesty International

19 February

US death penalty appears arbitrary, racially biased and violates treaties, Amnesty International says

20 February

Amnesty International says **Jamaican** execution would flout international human rights treaty

12 March

Amnesty International calls for inquiry into reported massacres by **Syrian** military and Syrian-backed forces in Lebanon

23 April

Amnesty International calls on **Benin** Government to release prisoners of conscience

11 May

Amnesty International says **Guatemalan** Government must investigate past atrocities by security forces

13 May

Amnesty International calls for **Iran** to abandon pattern of cruelty and inhumanity and abide by international human rights treaties

14 May

Amnesty International calls for immediate release of jailed human rights activist leader in **Tunisia**

27 May

Amnesty International says **Turkish** Government is sending hundreds of asylum-seekers back to Iran

29 May

Amnesty International calls on **Singapore** Government to free 16 believed prisoners of conscience

1 June

Amnesty International in last minute call to spare lives of 12 due to die in US, fears executions there could double this year

3 June

Thousands of **Kampuchean** political prisoners held without trial in recent years have been tortured and kept in cruel and inhuman conditions, says Amnesty International

22 June

Amnesty International calls on **Sri Lanka** Government to protect victims of torture and "disappearances" by security forces

26 June

Amnesty International calls for release of church workers and others held without trial under **Singapore's** Internal Security Act

8 July

Amnesty International cites political imprisonment, ill-treatment of detainees and harassment of government critics in **Romania**

22 July

Human rights under serious attack in **Kenya** – Amnesty International cites government program to silence opponents

13 August

Amnesty International in urgent call for release of **Indonesian** prisoners of conscience

8 September

Torture in **China** persistent and widespread, says Amnesty International

18 September

Amnesty International's "grave doubts" about **Tunisian** trial of Islamic movement leaders

22 September

Amnesty International cites indiscriminate killing of unarmed civilians by army in **Suriname**

28 September

Amnesty International calls for commutation of death sentences in **Tunisia**

30 September

Amnesty International says governments block refugees rather than tackle abuses that cause their plight

26 October

El Salvador: Amnesty International says Government must investigate killing of human rights leader

28 October

Palestinians among thousands tortured in **Syria** in recent years, says Amnesty International

29 October

Amnesty International calls for release of **Malaysian** prisoners of conscience

30 October

Amnesty International calls for end to arbitrary arrests in **Bangladesh**

12 November

Amnesty International reports on political imprisonment and torture in **Nepal**

18 November

Argentina's "Due Obedience" Law threatens human rights advances gained from landmark trial of junta leaders, says Amnesty International

30 November

Amnesty International urgently calls on **Haitian** authorities to prevent killings of unarmed civilians

6 December

Amnesty International announces global campaign against death penalty in new two-year strategy against human rights abuses

14 December

Amnesty International calls for commutation of death sentences in **People's Democratic Republic of Yemen**

17 December

Amnesty International calls for urgent inquiries into killings by **Israeli** soldiers

18 December

Amnesty International says torture unabated in **Turkey** since elections

AMNESTY INTERNATIONAL AROUND THE WORLD

There are now more than 3,860 local Amnesty International groups in over 60 countries around the world. In 47 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 150 countries and territories.

SECTION ADDRESSES

Australia:

Amnesty International,
Australian Section,
PO Box A159, Sydney South,
New South Wales 2000

Austria:

Amnesty International, Austrian Section,
Wiedner Gürtel 12/7 1040 Wien

Bangladesh:

c/o Amnesty International, CMD,
International Secretariat, 1 Easton Street,
London WC1X 8DJ

Barbados:

Amnesty International, Barbados Section,
PO Box 872, Bridgetown, 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:

Anistia 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

Côte d'Ivoire:

Amnesty International, Section
Côte d'Ivoire, 04 BP 895, Abidjan 04

Denmark:

Amnesty International, Danish Section,
Frederiksborghage 1, 1360 Copenhagen K

Ecuador:

Señores, Casilla 240, Sucursal 15, Quito

Faroë Islands:

Amnesty International,
Faroe Islands Section,
PO Box 1075, FR-110 Torshavn

Finland:

Amnesty International, Finnish Section,
Ruoholahdenkatu 24,
SF-00180 Helsinki

France:

Amnesty International, French Section,
4 rue de la Pierre Levée, 75553 Paris
Cedex 11

Federal Republic of Germany:

Amnesty International,
Section of the FRG,
Heerstrasse 178, 5300 Bonn 1

Ghana:

Amnesty International,
Ghanaian Section, PO Box 1173, Koforidua

Greece:

Amnesty International, Greek Section,
20 Mavromihali Street, Athens 106-80

Guyana:

Amnesty International, Guyana Section,
Palm Court Building, 35 Main Street,
Georgetown, Guyana

Hong Kong:

Amnesty International,
Hong Kong Section,
216 Beverley Commercial Centre,
87-105 Chatham Road, Kowloon

Iceland:

Amnesty International,
Icelandic Section,
PO Box 618, 121 Reykjavík

India:

Amnesty International, Indian Section,
c/o Dateline Delhi, 21 North End Complex,
Panchkuin Road,
New Delhi 110001

Ireland:

Amnesty International, Irish Section,
8 Shaw Street, Dublin 2

Israel:

Amnesty International, Israel Section,
PO Box 23003, Tel Aviv, 61230

Italy:

Amnesty International, Italian Section,
viale Mazzini 146, 00195 Rome

Japan:

Amnesty International, Japanese Section,
Daisan-Sanbu Building 3F, 2-3-22 Nishi-
Waseda, Shinjuku-ku, Tokyo 160

Luxembourg:

Amnesty International,
Luxembourg Section,
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,
PMB 59 Agodi, Ibadan, Oyo State

Norway:

Amnesty International,
Norwegian Section,
Maridalsveien 87, 0461 Oslo 4

Peru:

Señores, Casilla 581, Lima 18

Portugal:

Seccão Portuguesa AI,
Apartado 1642, 1016 Lisboa Codex

Puerto Rico:

Calle Cabo Alverio 562,
Ext. Roosevelt Hato Rey, San Juan 00918

Senegal:

Amnesty International,
Section sénégalaise,
126 rue Joseph Comis (ex 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,
c/o Amnesty International, CMD,
International Secretariat, 1 Easton Street,
London WC1X 8DJ

Sweden:

Amnesty International, Swedish Section,
Gyllenstiernsgatan 18, S-115 26
Stockholm

Switzerland:

Amnesty International, Swiss Section,
PO Box 1051, CH-3001 Bern

Tanzania:

Amnesty International,
Tanzanian Section,
National Secretariat,
POBox 4904, Dar es Salaam

Trinidad and Tobago:

Amnesty International,
Trinidad and Tobago Section,
PO Bag 231, Woodbrook PO,
Port of Spain, Trinidad, West Indies

Tunisia:

AI Section Tunisienne,
s/c 40 bis Rue Ibn Khaldoun,
Tunis 1001

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 Amnistía Internacional,
Apartado 5110, Caracas 1010

**COUNTRIES WITH LOCAL
AMNESTY INTERNATIONAL GROUPS,
BUT NO SECTION**

Aruba	Republic of Korea	Philippines
Argentina	Kuwait	Sierra Leone
Bermuda	Mauritania	Sudan
Colombia	Mauritius	Thailand
Costa Rica	Morocco	Uruguay
Dominican Republic	Netherlands Antilles	USSR
Egypt	Papua New Guinea	Zambia

APPENDIX IV

INTERNATIONAL EXECUTIVE COMMITTEE

Stephen R. Abrams / United States of America
 Peter R. Baehr / Netherlands
 Peter Duffy / United Kingdom
 Sofia Macher / Peru
 Bacre Waly Ndiaye / Senegal
 Ian Parker / International Secretariat
 Franca Sciuto / Italy
 Bill Shipsey / Ireland
 Patrice Worms / Brazil

SELECTED INTERNATIONAL HUMAN RIGHTS TREATIES

(PARTIES AS OF 31 DECEMBER 1987)

	International Covenant on Economic, Social and Cultural Rights (ICESCR)	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
Afghanistan	X	X		X
Albania				
Algeria	S	S		S
Angola				
Antigua and Barbuda				
Argentina	X	X	X	X
Australia	X	X		S
Austria	X	X	X	X
Bahamas				
Bahrain				
Bangladesh				
Barbados	X	X	X	
Belgium	X	X		S
Belize				X
Benin				
Bhutan				
Bolivia	X	X	X	S
Botswana				
Brazil				S
Brunei				S
Bulgaria	X	X		X
Burkina Faso				
Burma				
Burundi				
Byelorussian SSR	X	X		X
Cameroon	X	X	X	X
Canada	X	X	X	X
Cape Verde				
Central African Republic	X	X	X	
Chad				
Chile	X	X		S
China				S
Colombia	X	X	X	X
Comoros				
Congo	X	X	X	
Congo	X	X	X	
Costa Rica	X	X	X	S

	International Covenant Economic, Social and Cultural Rights (ICESCR)	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
Côte d'Ivoire				
Cuba				S
Cyprus	X	X	S	S
Czechoslovakia	X	X		S
Denmark	X	X	X	X
Djibouti				
Dominica				
Dominican Republic	X	X	X	S
Ecuador	X	X	X	S
Egypt	X	X		X
El Salvador	X	X	S	
Equatorial Guinea	X	X	X	
Ethiopia				
Federal Republic of Germany	X	X		S
Fiji				
Finland	X	X	X	S
France	X	X	X	X
Gabon	X	X		S
Gambia	X	X		S
German Democratic Republic	X	X		X
Ghana				
Greece	X			S
Grenada				
Guatemala				
Guinea	X	X	S	S
Guinea-Bissau				
Guyana	X	X		
Haiti				
Holy See				
Honduras	X	S	S	
Hungary	X	X		X
Iceland	X	X	X	S
India	X	X		
Indonesia				S
Iran	X	X		
Iraq	X	X		
Ireland	S	S		

	International Covenant on Economic, Social and Cultural Rights (ICESCR)	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
Israel	S	S		S
Italy	X	X	X	S
Jamaica	X	X	X	
Japan	X	X		
Jordan	X	X		
Kampuchea	S	S		
Kenya	X	X		
Kiribati				
Korea (DPR)	X	X		
Korea (Republic)				
Kuwait				
<hr/>				
Lao People's Democratic Republic				
Lebanon	X	X		
Lesotho				
Liberia	S	S		
Libyan Arab Jamahiriya	X	X		
Liechtenstein				
Luxembourg	X	X	X	S
<hr/>				
Madagascar	X	X	X	
Malawi				
Malaysia				
Maldives				
Mali	X	X		
Malta	S			
Mauritania				
Mauritius	X	X	X	
Mexico	X	X		X
Monaco				
Mongolia	X	X		
Morocco	X	X		S
Mozambique				
<hr/>				
Nauru				
Nepal				
Netherlands	X	X	X	S
New Zealand	X	X		S
Nicaragua	X	X	X	S
Niger	X	X	X	S
Nigeria				

	International Covenant on Economic, Social and Cultural Rights (ICESCR)	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
Norway	X	X	X	X
Oman				
Pakistan				
Panama	X	X	X	X
Papua New Guinea				
Paraguay				
Peru	X	X	X	S
Philippines	X	X	S	X
Poland	X	X		S
Portugal	X	X	X	S
Qatar				
Romania	X	X		
Rwanda	X	X		
St Lucia				
St Christopher and Nevis				
St Vincent and the Grenadines	X	X	X	
Samoa				
San Marino	X	X	X	
São Tome and Principe				
Saudi Arabia				
Senegal	X	X	X	X
Seychelles				
Sierra Leone				S
Singapore				
Solomon Islands	X			
Somalia				
South Africa				
Spain	X	X	X	X
Sri Lanka	X	X		
Sudan	X	X		S
Suriname	X	X	X	
Swaziland				
Sweden	X	X	X	X
Switzerland				X
Syria	X	X		
Tanzania	X	X		
Thailand				
Togo	X	X		X

	International Covenant on Economic, Social and Cultural Rights (ICESCR)	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
Tonga				
Trinidad and Tobago	x	x	x	
Tunisia	x	x		s
Turkey				
Tuvalu				
Uganda	x			x
Ukrainian SSR	x	x		x
Union of Soviet Socialist Republics	x	x		x
United Arab Emirates				
United Kingdom	x	x		s
United States of America		s	s	
Uruguay	x	x	x	x
Vanuatu				
Venezuela	x	x	x	s
Viet Nam	x	x		
Yemen (Arab Republic)				
Yemen (People's Democratic Republic)	x	x		
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.*

SELECTED STATISTICS

AMNESTY INTERNATIONAL MEMBERSHIP

At the beginning of 1988 there were Amnesty International Sections in 47 countries and 3,863 AI volunteer groups worldwide. There were more than 700,000 members and subscribers in over 150 countries.

PRISONER CASES AND RELEASES

In 1987 a total of 3,534 individuals were adopted as prisoners of conscience or under investigation as possible prisoners of conscience. During 1987, action began on 1,128 new prisoner cases and 1,689 prisoners were released.

URGENT ACTION APPEALS

During 1987 Amnesty International initiated 373 Urgent Action appeals on behalf of more than 2,000 people in 82 countries. Of these appeals, 67 were prompted by reports of torture and nine were made on behalf of prisoners in a critical state of health and urgently in need of medical treatment. One hundred and five appeals were issued in cases of arbitrary arrest, prolonged incommunicado detention, detention without charge or trial or unfair trial. Eighty-three appeals related to extrajudicial killings or "disappearances" and 82 were made on behalf of prisoners sentenced to death. Others were issued in

cases of death threats, sentencing to amputation, ill-treatment, death in detention, or hunger-strike in support of demands within Amnesty International's mandate.

REGIONAL ACTION NETWORKS

Amnesty International's Regional Action Networks cover human rights abuses in almost all of the world's countries. During 1987 participants in 19 of these networks remained ready to take action when abuses occurred in Africa, the Americas, Asia and the Pacific, Europe and the Middle East and North Africa. In 1987 the Regional Action Networks worked on the cases of more than 2,000 victims of human rights abuse.

AMNESTY INTERNATIONAL FUNDING

The budget adopted by Amnesty International for 1987 was £7,388,900. This sum represents approximately one third of the estimated income likely to be raised during the year by the movement's national sections. Amnesty International's national sections and local volunteer groups are responsible for funding the movement. There is no central fund-raising program and no money is sought or accepted from governments. The donations that sustain Amnesty International's work come from its members and the public.

AMNESTY INTERNATIONAL REPORT 1988

The international community declared 40 years ago — for the first time in history — that every human being has inalienable rights. The Universal Declaration of Human Rights committed governments to respect these rights in their own countries and to promote them throughout the world.

Today, in public, governments pledge to uphold the Universal Declaration. In practice, many governments deny their citizens fundamental rights and treat demands for human rights as "subversive".

This report, covering 135 countries, reveals that:

- in at least half the countries of the world, people are locked away for speaking their minds, often after trials that are no more than a sham;
- in at least a third of the world's nations, men, women and children are tortured and ill-treated;
- in scores of countries, governments pursue their goals by kidnapping and murdering their own citizens;
- in more than 120 states, the authorities have written into their laws the right to execute people convicted of certain crimes. More than 30 governments carry out such premeditated killings every year.

Governments have tried to suppress many of these facts. Amnesty International — the worldwide voluntary movement — brings them out into the open. Amnesty International investigates and publicizes such abuses with a single aim — to intensify the public pressure that can bring these outrages to an end.

