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WEEKLY UPDATE SERVICE 32/92

Contained in this weekly update are external items on Saudi Arabia, Iran, and the USA and internal items on Yugoslavia, the USA and the Indigenous Peoples' Campaign.

1. NEWS INITIATIVES

INTERNATIONAL NEWS RELEASES

Uganda - 9 September

A report, news release, questions and answers and FOB (fold out brochure) to go with a campaign focusing on extrajudicial executions, detention and torture.

Indigenous Peoples' Campaign - 7 October

ENR

There will be an Electronic News Release video to go with the Indigenous Peoples' Campaign. If you would like a copy, please contact Anne Jenkins in the Audio-visual Department at the IS (Tel: 071 413 5585) by 24 August.

Discussions are currently under way at the IS about the media strategy for the report. We are currently considering media materials, speakers, how to present the material, etc. As this is the first time we have done a report like this, we would like your input and think there should be an opportunity to discuss problems in advance. If you are interested in a telephone conference call, please let us know.

Myanmar - 28 October

A document and news release on Myanmar, to go with a campaign to coincide with the General Assembly of the United Nations.

Turkey - 4 November (New Information)

A document and news release to go with a section level action about a wide range of human rights violations, including torture, extrajudicial executions and "disappearances".

Targeted and Limited News Releases

Haiti - 26 August

The news release has been sent out to you today and the document, which is about human rights violations since the coup last September, was sent in last week's weekly mailing.

Malawi - 3 September

Targeted news release to go with a document on human rights violations in Malawi this year.

Children/AI week - 21 October

A targeted news release on children to go with a Focus article in October.

2. MDE 23/WU 02/92 EXTERNAL
12 August 1992

SAUDI ARABIA: AMNESTY INTERNATIONAL DENIES NEWSPAPER CLAIMS

On 15 May 1992 the Arabic language Saudi Arabian newspaper al-Yawm (issue number 6909) printed on its front page what it claimed to be excerpts from an interview with Amnesty International's Secretary General, Ian Martin. The article entitled "The kingdom is among the leading states in the protection of human rights" claimed that Ian Martin had told the paper that "the organization is constantly receiving positive and encouraging reports on the life of the Saudi citizen" and that "the organization had never received a complaint from any citizen, whether Saudi, Arab or foreigner resident in the kingdom". The article continued by claiming to quote the Secretary General directly as having said that the organization had recorded Saudi Arabia "in its roll of honour of leading countries in the field of democracy and freedom for its people".

The Secretary General of Amnesty International did not give an interview to al-Yawm newspaper in Cairo and he did not make any statement which could be interpreted to mean that the organization saw Saudi Arabia's human rights record as exemplary. The article in al-Yawm inaccurately represented Amnesty International's concerns in the kingdom of Saudi Arabia and falsely quoted the Secretary General. Over the years Amnesty International has repeatedly expressed its concerns to the authorities about reports of grave human rights violations in the kingdom.

In January 1990 Amnesty International published an external document entitled "Saudi Arabia: Detention without trial of suspected political opponents" (AI Index: MDE 23/04/90) outlining the organization's concerns about a pattern of arrests of suspected political opponents without warrant and their detention for long periods without trial, sometimes for over two years. Many of those held are prisoners of conscience held solely for the non-violent expression of their conscientiously held beliefs. For example, in 1991 nearly 350 Christian worshippers and Shi'a Muslims were arrested for the peaceful expression of their religious beliefs. Amnesty International has also expressed concern over trials of political prisoners which fell short of international standards for fair trial. Often political prisoners are reportedly forced to sign "confessions" and have no access to legal counsel. In October 1991 Muhammad al-Fasi, a Saudi Arabian businessman, was detained by Jordanian security forces in Amman and subsequently handed over to the Saudi Arabian authorities. He remains in incommunicado detention and has allegedly been subjected to torture or ill-treatment.

Amnesty International has repeatedly raised its grave concerns over the torture and ill-treatment of detainees, and has received several reports of deaths in custody as a result of torture. During the early stages of detention, while undergoing interrogation, political detainees are usually held in solitary confinement, routinely tortured or ill-treated, and often denied access to family or legal counsel. The most common methods of torture reportedly used in Saudi Arabia are falaqa (beating on the soles of the feet), beating all over the body, sleep deprivation, ta'liq (hanging by the wrists from the ceiling or a high window) and electric shocks. In April 1992 Muhammad bin-Fahd al-Mutayr and 'Abdullah 'Abbas died in separate incidents in police custody (see MDE 23/04/92 and MDE 23/03/92 respectively). Both had been detained for short periods before their deaths and allegedly died as a result of torture.

Furthermore, Amnesty International has repeatedly expressed its concern to the Saudi Arabian authorities over the continued use of the judicial punishments of amputations, flogging and the death penalty. So far this year at least four individuals have had their hands amputated from the wrists, scores of individuals have been flogged publicly and at least 10 individuals have been executed. Amnesty International opposes amputation and flogging as gross violations of the international legal prohibition of cruel, inhuman or degrading punishment. It also opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel inhuman and degrading treatment or punishment, as proclaimed in the United Nations Declaration of Human Rights.

Amnesty International has called on the editors of al-Yawm newspaper to publish a retraction

of the above-mentioned article which appeared in their 15 May 1992 issue, along with an apology and an explanation that the article had no basis in truth.

3. MDE 13/WU 06/92 EXTERNAL
12 August 1992

IRAN: AMNESTY INTERNATIONAL RESPONDS TO AYATOLLAH YAZDI'S INVITATION

On 27 July 1992 the Islamic Republic News Agency (IRNA) reported statements made by the Head of the Judiciary, Ayatollah Mohammad Yazdi. Explaining that he was responding to the "propaganda campaign of some foreign circles alleging human rights violations in the Islamic Republic of Iran", Ayatollah Yazdi invited "their representatives to visit Iran and find out the truth by seeing how justice is administered by the Islamic Republic's judicial system".

Ayatollah Yazdi made similar statements on 28 February 1992, according to IRNA, when he rejected the "false reports of an international body claiming unidentified prisoners and secret trials in Iran", and said "we have announced time and again that anyone who wants can attend the trial proceedings in the Islamic Republic".

Amnesty International has received a number of inquiries in connection with Ayatollah Yazdi's invitation to international human rights organizations. It is therefore re-stating its position as follows.

Since April 1979 Amnesty International has repeatedly proposed sending delegates to the Islamic Republic of Iran. To date, none of its many requests to meet with government and other officials, to observe trials and to conduct research into human rights violations in Iran, has received a positive response.

In October 1981 Amnesty International received a response from the Iranian Ministry of Foreign Affairs laying down certain conditions to be met by the organization before a delegation would be received. Amnesty International was unable to accept the conditions proposed, and explained, in a letter to the Prime Minister, the policy and guidelines regulating its missions. It reiterated its wish, at that time, to discuss human rights violations with members of the government, and many times since then has repeated its request to send a delegation to Teheran for high level talks. These included a proposal in August 1986, when Amnesty International submitted a memorandum to the Government of the Islamic Republic of Iran, outlining its concerns and making a series of recommendations to safeguard human rights in Iran. In submitting this document, it once again renewed its proposal to hold talks in Teheran, particularly to discuss the contents of the memorandum. No positive response was received.

In May 1991 an Amnesty International fact-finding team was allowed access to Iran solely to interview refugees who had fled from Iraq following the Gulf War. The purpose of the visit was to gather information on human rights violations in Iraq. In discussions at that time with Iranian officials in Teheran, delegates once again repeated Amnesty International's request for access to the country in connection with its concerns in Iran.

In 1990 and 1991 the organization made repeated proposals to send delegates to observe the trials of nine prisoners of conscience arrested in June 1990, which included a letter dated 14 August 1990, addressed to Ayatollah Yazdi. These requests were denied. The prisoners were tried in May and June 1991 and sentenced to prison terms and lashes. A request to observe any appeals proceedings remained without response. (They were among 108 prisoners pardoned in April 1992).

On 20 February 1992 and again on 29 April 1992 Amnesty International sent letters to the relevant authorities seeking information about the trials of seven political prisoners and proposing to send delegates to observe their trials if they were yet to take place. To date the organization has received no response.

Following Ayatollah Yazdi's reported statements of 27 July 1992, Amnesty International has once again conveyed its request to the Iranian authorities to send representatives to Iran.

Amnesty International remains deeply concerned about continuing serious human rights violations in

the Islamic Republic of Iran, and regrets that it has continually been denied access to the country to discuss its concerns there. It has been unable to discuss its concerns directly with the relevant authorities and this continuing lack of access does nothing to allay its concern regarding the human rights situation in the country.

4. AMR 51/WU 10/92 EXTERNAL
12 August 1992

USA: KIDNAPPING OF CRIMINAL SUSPECTS SANCTIONED BY UNITED STATES SUPREME COURT

On 15 June 1992 the United States Supreme Court ruled by 6-3 votes that the US government can kidnap a criminal suspect from a foreign country and bring him/her to trial in the US.

The Court was considering the case of a Mexican doctor accused of participating in the killing, in Mexico, of an agent of the US Drug Enforcement Administration (DEA). The majority judges, reversing a Court of Appeals decision, held that the doctor could be tried in a US court even though US authorities had forcibly abducted him from Mexico instead of applying for extradition under the formal extradition treaty between Mexico and the US.

The judges argued that the extradition treaty "says nothing about either country refraining from forcibly abducting people from the other's territory or the consequences if an abduction occurs". Because they considered that the treaty neither expressly nor by implication prohibits abduction, the failure to go through the usual extradition procedure was not a defence to being tried by a US court. The Court expressly rejected the argument that the practice of nations reveals a rule of international law prohibiting international abductions.

Although the criminal case which led to the Supreme Court ruling does not fall within Amnesty International's mandate, the organization is concerned about the implications of this judgment, which sanctions abduction as an alternative to seeking extradition. Specifically, Amnesty International is concerned that the judgment could open the way for forcible abductions from Mexico or other countries of persons who could face the death penalty in the USA and whose extradition might be refused on such grounds by the authorities of the countries concerned. Similarly, should such an approach be adopted by other countries it would grossly undermine the rights of the individual to be protected from forcible transfer or return to the jurisdiction of governments which would subject them to imprisonment as a prisoner of conscience, torture or execution.

Amnesty International also notes that the United Nations Human Rights Committee, established under the International Covenant on Civil and Political Rights (ICCPR), has more than once expressed the view that the abduction of a person from one state to another, by agents of that other state, constitutes arbitrary arrest and detention, in contravention of Article 9 of the ICCPR which states "No one should be subjected to arbitrary arrest or detention". For example, in 1979 a Uruguayan citizen, who was forcibly abducted by Uruguayan agents into Uruguay's territory from Brazil with the connivance of two Brazilian police officers, submitted her case to the Human Rights Committee. In July 1981 the Committee adopted the view that her rights had been violated, in particular, "Article 9 (1), because the act of abduction into Uruguayan territory constituted an arbitrary arrest and detention".

Weekly Update NWS 11/32/92

5. EUR 48/WU 08/92 INTERNAL
12 August 1992

YUGOSLAVIA: UN COMMISSION ON HUMAN RIGHTS TO HOLD SPECIAL MEETING ON FORMER
YUGOSLAVIA

The UN Commission on Human Rights is holding a special meeting about the former Yugoslavia, starting on Thursday 13 August. AI is expecting to make an oral statement at this meeting - if so, the IS Press Office will make it available to media and will send the text of the statement to sections immediately that it is made. At this stage it is impossible to say when AI will make its statement, but the text will not be finalized until it is presented to the Commission.

6. AMR 51/WU 11/92 INTERNAL FOR RESPONSE
12 August 1992

USA: AMNESTY INTERNATIONAL'S POSITION ON THE CASE OF JONATHON POLLARD

Some sections have received inquiries about Amnesty International's position on the case of US prisoner Jonathan Pollard. The following information may be of assistance to sections in responding to inquiries.

Jonathan Pollard is a former US Navy intelligence analyst who in 1987 was sentenced to life imprisonment on espionage charges. (He pleaded guilty to the charges which were providing Israel with classified US documents relating to the military capability of Arab states.) Jonathan Pollard is being held in K Unit of the federal penitentiary at Marion, Illinois. K Unit is a special unit within Marion prison which houses six or seven inmates in conditions of maximum security.

Several letters have recently appeared in the Israeli press questioning why Amnesty International has not taken up Pollard's case, in particular his alleged solitary confinement. Reference has been made to an external document issued by Amnesty International in October 1991 calling for an end to the solitary confinement of Israeli prisoner Mordechai Vanunu on the ground that this constitutes cruel, inhuman or degrading treatment. No such position to date has been taken by Amnesty International with regard to Jonathan Pollard's case. It has been suggested by some people that Amnesty International may be applying different standards to the two cases.

Amnesty International has responded to these charges by pointing out that to its knowledge Jonathan Pollard's conditions of confinement are not of the same severity as those imposed on Mordechai Vanunu. Unlike Vanunu, who has not had contact with any other prison inmate, Jonathan Pollard is allowed some daily contact with other inmates in his unit. The physical and occupational facilities available to him in his cell and in the unit are superior to those afforded to Vanunu. While Mordechai Vanunu's access to his family has been severely restricted, Jonathan Pollard may spend most of one day a month with his family, has access to his lawyers and other visitors and may make regular telephone calls. According to Amnesty International's information Jonathan Pollard is not treated differently from the other inmates in K Unit.

Amnesty International has, however, recently raised concerns with the US federal prison authorities about the long-term nature of the small-group isolation of inmates in K-Unit including Jonathan Pollard. It is currently awaiting a response to inquiries it has made with the Bureau of Prisons regarding, among other things, the amounts of out-of-cell time afforded inmates in K-Unit and the facilities available to them, the criteria for placement in the unit and whether this is subject to review and possible transfer in the case of long-term prisoners to other units. Amnesty International will continue to review the conditions in K Unit and take action where appropriate.

Amnesty International has not adopted Jonathon Pollard as a prisoner of conscience, as he was convicted of a recognizably criminal offence. The organization has not identified any fair trial concerns falling within its mandate.

Sections who receive further inquiries about the case which they still feel unable to deal with should forward these to the IS for response.

Weekly Update NWS 11/32/92

7. AMR 01/WU 01/92 INTERNAL
12 August 1992

INDIGENOUS PEOPLES: CLARIFICATION OF FIGURE IN FOLD OUT BROCHURE

We would like to draw the attention of sections participating in the Indigenous People's action to the figure used for the indigenous population in Canada.

The figure used in the English-language version of the FOB is 400,000. This figure reflects what are known as indigenous people of "single origin", in other words people from a solely indigenous background.

The Canadian Section (English speaking) has drawn to our attention that the official and commonly used figure in Canada is around 750,000. This figure reflects also those known as indigenous people of "multiple origin", in other words people from a mixed background.

The Canadian and US sections are using the 750,000 figure in their versions of the FOB. The international, English-language version of the FOB, which was printed before the other figure was drawn to our attention, includes the figure of 400,000.

Although both figures are correct, reflecting different interpretations of the term "indigenous peoples", we agree with the Canadian section that it is worth clarifying the figure. Sections do not need to change the figure in the FOB, but may wish to do so.

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ADDITION TO WEEKLY UPDATE SERVICE 32/92

Contained in this addition to the weekly is an external item on Nicaragua.

1. AMR 32/WU 04/92 EXTERNAL
14 August 1992

UPDATE

NICARAGUA: AI CONCERNED AT PROPOSED TIGHTENING OF LAWS ON HOMOSEXUALITY

Follow-up to AMR 43/WU 02/92 and 03/92

Amnesty International has recently learned that the package of proposed reforms to the Nicaraguan Penal Code, including an amendment to Article 205 concerning homosexuality, has been ratified by President Chamorro. AI is concerned that the amendment to Article 205 could lead to the prosecution and imprisonment of individuals for advocating homosexual rights or for practising homosexual acts between consenting adults in private.

The reforms to the Penal Code were approved by the National Assembly on 11 June and ratified by the President on 8 July. However, news of the ratification was not made public, and did not reach sources in Nicaragua until early August. The legislation has not been published in the official diary **La Gaceta** and has thus not entered into force.

Amended Article 205 (now Article 204 of the reformed Penal Code) provides that "anyone who induces, promotes, propagandizes or practices in scandalous form sexual intercourse between persons of the same sex commits the crime of sodomy and shall incur 1 to 3 years imprisonment". It also states that if one of the people engaging in sexual intercourse is in a position of power or authority over the other, even if in private, s/he will be punishable with 2 to 4 years in prison for unlawful seduction.

In a letter to President Chamorro on 30 June, Amnesty International expressed its concern that the broad and undefined provisions of the proposed legislation could be applied in a way that would criminalize the expression of homosexual identity in a broad range of forms. Individuals detained or imprisoned solely on the basis of their homosexuality, including for homosexual acts between consenting adults in private, would be considered by Amnesty International to be prisoners of conscience. The organization would demand their unconditional release.