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WEEKLY UPDATE SERVICE 33/91

Contained in this weekly update are an external item on Papua New Guinea, and the News Release and Questions and Answers on Mexico, both embargoed for 18 September 1991.

IS press officer Anita Tiessen is now back from her leave. Many thanks to Susanne Erdl, press officer from the FRG section, who did an excellent job filling in for her for the last five weeks.

1. NEWS INITIATIVES - INTERNAL

ICM - 29 August to 7 September

Information should be sent to you shortly about the ICM. Until 7 September, if you get any queries please refer them direct to the ICM press office in Yokohama (tel +81 45 2236031, fax +81 45 2236032).

Sri Lanka - 11 September
ASA 37/14/91

An international news release was sent to you in Weekly Update 31. Please note the embargo date.

Mexico - 18 September
Mexico - Torture with Impunity AMR 41/04/91

The news release and questions and answers are included in this Weekly Update, and the news release will also be sent to you in the Weekly Mailing. Please note the embargo date of 18 September 1991.

China - 26 September

Report on administrative detention - news release and possible questions and answers to come shortly.

USA - 9 October

USA - The Death Penalty and Juvenile Offenders AMR 51/23/91

International news release to accompany the external document.

Egypt - 23 October

Egypt - Ten years of torture MDE 12/18/91

News release to go with an external document on torture, including strong individual cases and photo material.

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2. AMR 41/08/91 EXTERNAL

4 September 1991

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Embargoed for 0001 hrs gmt Wednesday 18 September 1991

MEXICO: TORTURE IN CUSTODY A DAILY FACT OF LIFE

Torture is reported almost daily in Mexico and anyone arrested is at risk from the minute they are picked up by the police or army, Amnesty International said today.

"Despite the seriousness of the problem, the Mexican authorities are doing little to put an effective stop to torture and ill-treatment," the worldwide human rights organization said.

Complaints of torture are rarely investigated by the courts and torturers almost never brought to justice -- all of which in practice fuels this abuse in the country.

Within the last two years Amnesty International has received reports about hundreds of cases of torture, including many where the victims died, although the organization believes the true number to be much higher.

Main torture methods are brutal beating and kicking, near-asphyxiation in water or with plastic bags, forcing mineral water mixed with chili powder into the nostrils, and electric shocks, Amnesty International said. Death threats and mock executions of detainees are also commonly reported.

In one case in the state of Michoacán, the mayor of Aguililla was badly tortured when he complained about human rights violations committed during an anti-drugs operations in his region. Salomón Mendoza Barajas was arrested on the spot when he appeared at the local security headquarters to contact the commander. Police officers reportedly blindfolded, beat, kicked and stepped on him and a plastic bag was placed over his head while he was punched in the face and stomach.

He was held for seven months, then released without charge in December 1990 after international protest. Judicial investigations following his release have been totally inadequate and most of those responsible for his torture remain at large.

More recently, in the state of Chihuahua, Víctor Manuel Oropeza, a doctor and human rights activist, was stabbed to death in July 1991 in his surgery. He had been receiving death threats after publishing a series of articles in the local press complaining about human rights abuses by security agents. Oropeza was apparently tortured before being killed. Relatives, local human rights organizations and even some government officials criticized apparent irregularities in the subsequent police investigations.

Torture victims in Mexico come from a wide range of backgrounds --

they include people detained for political reasons or in the context of land disputes, human rights and indigenous activists, trade unionists, lawyers and criminal suspects. Even children have been subjected to brutal torture according to many cases reported to Amnesty International.

"This terrible pattern of violations clearly contradicts the government's repeatedly stressed commitment to human rights," the organization said. "Since 1986 a series of legal and administrative measures were adopted to end human rights abuses in Mexico, but these have failed to stop torture and ill-treatment."

Mexico has ratified nearly all international human rights treaties, including the United Nations Convention against Torture. The authorities have set up a National Human Rights Commission and made numerous statements in favour of a greater respect of human rights. Additionally the Mexican Congress adopted a federal anti-torture law which explicitly defines torture as a crime and provides for the imprisonment of those found guilty of inflicting or ordering it. Many Mexican states have adopted similar measures.

Yet Amnesty International continues to receive a great number of reports of human rights abuses. Constitutional safeguards are routinely violated and the victims of torture and their relatives are provided with few and inadequate means of seeking redress. When they complain they face harassment, intimidation and in some cases abduction or torture.

In court cases where medical or other testimonies clearly support the detainees' allegation of torture, judges have often decided that this has no bearing on the confession, and have refused to open investigations.

Amnesty International urges the Mexican government to take immediate and effective measures to end the continuing pattern of human rights violations. Arbitrary arrests and incommunicado detention must be prevented, strict controls over interrogation procedures should be guaranteed, the use of confessions extracted under coercion prohibited and judicial safeguards implemented.

"There is an urgent need for all reports of torture to be investigated by the courts and for those responsible to be brought to justice, to ensure that such abuses are no longer tolerated," Amnesty International said.

EMBARGOED FOR 0001 HRS GMT WEDNESDAY 18 SEPTEMBER 1991

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3. AMR 41/11/91 INTERNAL (For response only)
4 September 1991
Distr: PO

MEXICO: QUESTIONS AND ANSWERS

The following can be used to answer media inquiries on the Mexico report (AI Index AMR 41/04/91), embargoed for 0001 hrs gmt Wednesday 18 September 1991. This document is for response only and should not be given to the media or any member of the public.

Q1) How many cases of torture are known to Amnesty International in Mexico? What might be the true number ?

A: In the past couple of years we've documented hundreds of cases, but we believe the true number is much higher. Thousands of people are arrested and interrogated in custody every year in Mexico and several Mexican human rights organizations estimate that over 90 percent of them are tortured or ill-treated while in police custody, usually to extract information or force confessions.

Q2) Who are the main torture victims ?

A: The vast majority of those tortured in custody have been arrested on criminal charges, but political activists, trade unionists, lawyers and their families have also been targeted for this brutal abuse. Most victims are men, although Amnesty International knows of dozens of cases in which women and even children have been subjected to terrible beatings, near-asphyxiation or, in some cases, even electric shocks. The fact is that virtually nobody who is held for questioning is safe from torture in Mexico. And the poorer and more marginalized the suspect the greater the risk of violation.

Q3) What action has the government taken in recent years to stop these abuses ? Have these been serious measures or merely cosmetic ?

A: In the past few years the Mexican authorities have announced a whole range of administrative and legislative measures. They've ratified almost all international human rights treaties and set up various bodies to deal with human rights at both federal and state level -- for example the National Human Rights Commission. But these measures have so far had little impact on the security forces' behaviour. Torture and ill-treatment continue to be reported on a large scale. And the perpetrators continue to be allowed to get away with it. In a few cases that provoked national and international outcry, the authorities did indeed take some action by for

example releasing a few prisoners -- but this was a drop in the ocean. The Mexican government has failed to put an end to torture and ill-treatment.

Q4) Have torture victims or their relatives ever received compensation from the Mexican authorities ?

A: This seems to be unheard of in Mexico. We know of no torture victim who's received any financial redress from the authorities. Nor have the victims' families been given any support either. Amnesty International has been urging the Mexican government for years not only to end torture in custody, but also to help the victims' rehabilitation financially.

Q5) What are Amnesty International's sources of information ?

A: In all our country research our aim is to get as wide a range of sources as possible and then analyse and cross-check the information, taking nothing at face value. So in gathering information for this report our sources included government officials and reports, such as those published by the National Human Rights Commission. We contacted former prisoners, victims' relatives and witnesses, followed up leads in official and unofficial news media and checked information with independent observers. Amnesty International's delegates have visited Mexico on a number of occasions. Most recently we sent a fact-finding mission there in May and June 1990 to assess reports of human rights abuses on site. In Mexico we have close contacts with several independent human rights monitors and organizations -- in many of the country's states, particularly in the remote rural areas, these are our most important sources of information about human rights violations.

Q6) Has torture been as commonplace under previous governments in Mexico? Has the situation become worse in recent years ?

A: The widespread and continuing use of torture and ill-treatment against detainees has been reported to Amnesty International for many years. The abuse has been so pervasive in Mexico for so long that one shouldn't try to compare the present with the past. Our concern is that the situation is terrible now and we're campaigning to have that changed. The authorities have announced some administrative and legislative measures to stop human rights violations -- and that's to be welcomed. But in practice they have failed to end torture and that means they've failed to safeguard their people and failed to meet their international obligations.

Q7) Is there much public discussion about torture in Mexico or are human rights issues a taboo subject ?

A: In recent years there has been a growing debate on human rights in Mexico. An increasing number of human rights monitors, some of the media, and the National Human Rights Commission are focussing on the subject of human rights education. But many people, particularly the poor, are still

not fully aware of their rights. And the violations of these rights are such a daily fact of life that many detainees, for example, still believe that torture and ill-treatment are normal procedures in criminal investigations, and so they fail to lodge complaints. And of course, others are, with reason, simply too afraid to do so.

Q8) What are Amnesty International's other concerns in Mexico ?

A: Our present focus is on the massive use of torture in Mexico, but unfortunately this is not our only concern. Amnesty International is still asking the Mexican authorities to clarify the fate of more than 500 people who "disappeared" after their arrest in the 1970s and early 1980s. Although the rate of "disappearances" has decreased sharply in recent years, at least eight people have "disappeared" while the present government has been in power. They include José Ramón García, a member of the Partido Revolucionario de los Trabajadores (Revolutionary Worker's Party). He "disappeared" in December 1988 on his way to a political rally. His whereabouts -- and those of most of the other "disappeared" -- have remained unclarified.

Amnesty International has also continued to receive allegations of extrajudicial executions and arbitrary killings by law enforcement agents. In many of these cases the victims had reportedly been tortured before death.

Q9) For how long has Amnesty International worked on human rights in Mexico?

A: We've been receiving reports of human rights violations in Mexico for many years - Mexico has appeared in our annual report every year for the past two and a half decades and our first major report about our concerns in Mexico was published in 1986. So our present report is a continuation of years of campaigning by AI members around the world to end human rights violations in Mexico as in all other countries - and we shall continue campaigning until the authorities take effective steps to put their human rights record in order.

Q10) What is AI's opinion about the Comisión Nacional de Derechos Humanos, National Human rights Commission ?

A: This commission was created in June 1990 by presidential decree, and its main function is to receive and investigate complaints of human rights violations. It is also entitled to make recommendations to the relevant authorities based on its findings. However, the commission has been given neither the broad investigative powers nor the constitutional authority to carry out its tasks comprehensively. Despite these limitations, the National Human Rights Commission has already received thousands of complaints of human rights abuses and Amnesty International has noted with satisfaction that it has in several cases issued very detailed

recommendations. Unfortunately, most of these proposals have still not been fully implemented by the relevant authorities and almost all those responsible for abuses remain at large.

The commission is also responsible for human rights education in Mexico and has helped to raise the profile of human rights in the year since it was set up.

Q11) There have been some significant human rights advances recently. Are these developments reflected in Amnesty International's report?

A: Indeed there have been developments in two well-known cases as well as a series of measures announced by the Mexican government since our report was printed in May 1991. We therefore drafted an update which is now distributed together with the report itself. This update refers to all principal recent developments relevant to the issue of torture in Mexico. It also stresses that despite the progress achieved in some individual cases Amnesty International in general remains gravely concerned about the continuing and widespread use of torture in Mexico.

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4 September 1991****PAPUA NEW GUINEA: DEATH SENTENCE REINTRODUCED FOR VIOLENT
CRIMES**

Papua New Guinea's parliament reintroduced the death penalty for murder, rape and other "crimes of extreme violence" on 28 August 1991. Parliamentarians voted 48 to 19 in favour of the restoration of capital punishment which was abolished for all crimes except treason and piracy shortly after independence in 1975. The penalty will not be mandatory but at the discretion of a trial judge.

Amnesty International wrote to the Papua New Guinea government this week expressing its deep regret at the decision, which it said was a retrograde step in the context of the worldwide trend towards abolition of the death penalty.

The government of Prime Minister Rabbie Namaliu, which announced plans for the restoration of the death penalty more than a year ago, said it was intended as a deterrent to serious crime in Papua New Guinea. There had been increasingly frequent calls in recent years, sometimes from government ministers, for the restoration of the death penalty for murder and other violent crimes. Other anti-crime measures recently proposed by the government include the tattooing of convicted criminals.

Shortly after the vote in parliament, the Prime Minister said: "...we've tried to liberalise forms of punishment including the abolition of the death penalty. But we've brought it back because the parliament believes very strongly that it is the best form of deterrent." He justified the restoration saying that the death penalty reflected "traditional" views of punishment. "In traditional society, if a person was found to kill somebody else then the punishment was simple - you'd do to him what he did to that person." The death penalty was also supported by the Foreign Minister Sir Michael Somare while the Minister for Justice, Bernard Narokobi, voted against the bill.

The letter sent by Amnesty International's Secretary General noted that research on the subject indicated that the death penalty is not, in fact, a more effective deterrent to crime than other forms of punishment and that its application is subject to misuse. It said that the decision was incompatible with fundamental human rights standards enshrined in Papua New Guinea's Constitution and various international covenants, including the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, and called upon the government to display moral leadership and a commitment to guaranteeing the basic rights of its

citizens by abolishing the penalty at the earliest opportunity.