
AMNESTY INTERNATIONAL NEWS SERVICE 39/94

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NEWS SERVICE ITEMS: EXTERNAL - ROMANIA, DENMARK

PLEASE NOTE: Enclosed is an embargoed internal item on Colombia which is the text of an advert by the IS which will be placed in one Colombian magazine after the launch of the campaign. It can be used by press officers as a guide for Section adverts in national media, but please remember that it may be subject to change.

NEWS INITIATIVES - INTERNAL

INTERNATIONAL NEWS RELEASES

Women - 8 March - SEE NEWS SERVICE 161/26

TARGETED AND LIMITED NEWS RELEASES

South Korea - 9 March - SEE NEWS SERVICE 32/94

Jordan - 22 March - SEE NEWS SERVICE 37/94

South Africa (Bophuthatswana) - 11 March - SEE NEWS SERVICE 36/94

Turkey - 6 April - SEE NEWS SERVICE 26/94

Hong Kong - 21 April - SEE NEWS SERVICE 36/94

FORTHCOMING NEWS INITIATIVES

Colombia - 16 March - SEE NEWS SERVICE 123 + UAs AMR 23/56+57/93

South Africa - 31 March - POSTPONED INDEFINITELY

Saudi Arabia - 10 May - NOTE CHANGE OF DATE - more details to follow Burundi - 16 May - SEE NEWS SERVICE 36/94

INTERNAL

EDAI PLEASE NOTE: THIS ITEM HAS ALREADY BEEN TRANSLATED BY THE IS. ANA WILL SEND YOU THE SPANISH VERSION FOR YOUR DISTRIBUTION.

AI INDEX: AMR 23/WU 01/1994
EMBARGOED FOR 16 MARCH 1994

COLOMBIA - TEXT FOR ADVERT

These two young people are in Cauca. On their knees in a cemetery, they tend the grave of someone they lost, perhaps a parent, perhaps a brother or a sister. One of the 20 Paez Indians massacred on the El Nilo ranch near Caloto in December 1991.

Strong evidence suggests that police officers participated in the massacre - eye-witnesses identified them. Even so, over 2 years later they have not been brought to justice or even suspended from their posts.

This is not the only incident where the guilty have gone free. Despite overwhelming evidence of the responsibility of armed forces and police personnel for continuing widespread human rights violations, those responsible have rarely been brought to justice.

In January, two naval officers ([sub oficiales] told the Fiscal General de la Nación how a naval intelligence unit in Barrancabermeja had killed nearly one hundred trade unionists, teachers, human rights activists and other people, on the orders of a senior naval officer.

Can we expect the killers and the navy officer who gave them their orders to be brought to justice? A dangerous, deadly sense of impunity pervades the security forces - gathering strength because successive governments have not taken decisive action to ensure the armed forces act within the law. Nor have they fulfilled their promises to disband paramilitary forces, which continue to sow terror in rural areas.

Every day Amnesty International receives news of more innocent people gunned down, tortured or "disappeared" for political reasons. And yet the killers go free - free to kill again. In 1988, an arrest warrant was issued against an army officer in connection with the murder of 21 banana plantation workers in Urabá. Shortly afterwards, he was promoted. In October 1993, the same officer claimed responsibility for the massacre of thirteen civilians in Riofrio, Valle de Cauca.

And so it continues...

Guerrilla abuses

Political violence is not confined to the armed forces and their paramilitary allies. All the main guerrilla organizations have been responsible for deliberate and arbitrary killings, kidnapping and hostage-taking.

Amnesty International opposes abuses like this by armed groups just as vocally as we condemn killings by the security forces and inaction by the government. We base this condemnation on international humanitarian law.

International standards are clear. No one should torture or kill their captives: all prisoners must be treated humanely. No one should deliberately and arbitrarily kill those who are utterly defenceless: the

lives of civilians, the sick and the wounded and those who are detained or who surrender must be respected. No one should take hostages.

Time for action

The Colombian government says it is tackling human rights violations. Amnesty International says it is not - and until we see those who kill for political reasons brought to justice, there can be little hope for an end to the violence.

Our message is simple - more can and must be done. What is needed now is the political will to act.

Recommendations to the government:

- ◆ End impunity: bring perpetrators to justice
- ◆ Dismantle the paramilitary forces
- ◆ Protect human rights defenders
- ◆ Establish an independent commission of inquiry

Recommendations to guerrilla groups

- ◆ Prohibit the killing of prisoners and civilians
- ◆ End the practice of hostage-taking

Amnesty International's current report on Colombia, Political violence in Colombia: Myth and Reality gives details of many human rights abuses in Colombia - and what we believe should be done to end them.

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News Service 39/94

AI INDEX: EUR 39/WU 01/1994
1 March 1994

ROMANIA: AMNESTY INTERNATIONAL CONCERNED BY PROPOSED REVISIONS TO PENAL CODE

Amnesty International is concerned that proposed provisions of the Draft Law for the Revision of the Romanian Penal Code will contravene international human rights treaties ratified by Romania.

Amnesty International wrote to Adrian Nastase, President of the Chamber of Deputies, on 16 February expressing its concern about a number of provisions which, should they come into force, would impose arbitrary and excessive restrictions on the right to privacy, the right to free expression, assembly and association with others and may lead to imprisonment of people who would be considered prisoners of conscience.

In March, April and December 1993 Amnesty International wrote to the Romanian authorities expressing its concern about Article 200 of the Romanian Penal Code which allows for the arrest, prosecution and imprisonment of consenting adults for engaging in homosexual acts in private. At the same time Amnesty International called for the release of prisoners who were charged or convicted under this law.

Amnesty International urged the Romanian Government to reform the Romanian Penal Code to ensure that the proposed legislation governing sexual offences would not permit the imprisonment of people solely because of their homosexuality.

Amnesty International is concerned that the amendment of Article 200 in the Draft Law for the Revision of the Penal Code, which has been forwarded for adoption to the Chamber of Deputies, does not fulfil these standards. Paragraph 1 of this article states: "Sexual relations between persons of the same sex, if they cause public scandal, are punishable by one to five years' imprisonment."

This incorporates a legal standard - public scandal - into the law in force. Amnesty International believes that the breadth of this legal standard could lead to varying and contradictory judicial interpretation. The human rights organization is concerned that "causing public scandal" could be interpreted to allow the prosecution in Romania of adults solely because of consensual homosexual acts in private, which are not criminal if carried out in similar circumstances by heterosexuals.

This would be considered by Amnesty International to be a violation of the non-discrimination principle provided in the International Covenant on Civil and Political Rights (ICCPR), which has been ratified by Romania. The principle guarantees to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Amnesty International would also consider the prosecution of adults for practising homosexual acts in private to be an arbitrary interference in people's privacy, also in violation of ICCPR which states that no one shall be subjected to arbitrary and unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

Paragraph 5 of the proposed Draft Law on the revision of Article 200 states: "Enticing or seducing a

person to practise acts contained in the above paragraphs as well as propaganda, associations or other forms of proselytizing carried out with the same aim are punishable by one to five years' imprisonment."

Amnesty International considers that the formulation of this provision is also vague and ambiguous and that its implementation could result in the prosecution of persons solely for having exercised their universally recognized right to free expression and the right to free assembly and association with others.

Amnesty International is also concerned that the proposed draft criminalizing outrage (Article 239), defamation of the state or nation (Article 236) and dissemination of false news (Article 168), might lead to contravention of the right to freedom of expression warranted by the ICCPR and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Such provisions would not only particularly affect the right of journalists in Romania to freedom of expression and their right to impart information and ideas without interference by public authority, but also the right of other Romanians to receive such information and ideas.

Amnesty International urged the members of the Chamber of Deputies to reject the proposed Draft Law. Amnesty International also called on the Romanian Parliament to abolish Article 200, paragraphs 1 and 4 of the Penal Code and to ensure that future penal laws do not place at risk the rights to privacy, freedom of conscience, freedom of expression and the right to information, guaranteed by the Romanian Constitution, and that the adopted laws conform to all international human rights treaties which Romania has ratified.

ENDS/

News Service 39/94

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1 March 1994

DENMARK: AMNESTY INTERNATIONAL WELCOMES RATIFICATION AGAINST THE DEATH PENALTY

Amnesty International today wrote to Poul Nyrup Rasmussen, the Danish Prime Minister, welcoming the Danish government's ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights.

The protocol aims at the abolition of the death penalty, which Amnesty International regards as an important step towards the complete eradication of the death penalty in Europe and eventually worldwide.

Amnesty International hopes that the Danish government will join the human rights organization in urging other European states to sign and ratify this legislation.

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