
AMNESTY INTERNATIONAL NEWS SERVICE 45/95

TO: PRESS OFFICERS AI INDEX: NWS 11/45/95
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NEWS SERVICE ITEMS: EXTERNAL - **SOUTH KOREA** (this item will be sent to S Korean media and possibly selected British media by the British Section); **WESTERN SAMOA** (this item is of particular interest to the New Zealand and Australian Section)

INTERNAL: ITEM 12 STATEMENT TO THE UN COMMISSION FOR HUMAN RIGHTS (for your information -- this has been distributed to governments etc.)

PLEASE NOTE: President Kim of S Korea will be visiting the following countries: **France, Germany, UK, Denmark, Belgium** and the **Czech Republic**. This will give respective sections the opportunity to use the S Korea news release enclosed during his visit.

INTERNATIONAL NEWS RELEASES

Campaign on Women - 7 March - SEE NEWS SERVICE 12/95, 34/95, 37/95, 42/95 & 44/95

Brazil - 27 March - SEE NEWS SERVICE 29/95

RWANDA - 6 April - SEE NEWS SERVICE 37/95

SYRIA - 11 April - SEE NEWS SERVICE 32/95

TARGETED AND LIMITED NEWS RELEASES

CAMBODIA - 14 MARCH - SEE NEWS SERVICE 37/95

EVENTS AND MISSIONS

NB: The details below are for your information only, and there may or may not be media work involved. Can you please not publicize anything until further notice from the IS.

MISSION TO KENYA 16 March - 2 April - SEE NEWS SERVICE 37/95

MISSION TO BURUNDI 27 February - 14 March - SEE NEWS SERVICE 37/95

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SOUTH KOREA: AMNESTY INTERNATIONAL PUTS HUMAN RIGHTS ON THE AGENDA OF PRESIDENT'S EUROPEAN MEETINGS

As South Korean President Kim Young-sam set out for meetings today with the governments of six European countries, Amnesty International is seeking to put human rights on the agenda.

"Even though President Kim Young-sam promised a new era of freedom and democracy when he took office in February 1993, human rights reforms were largely overlooked," Amnesty International said. "Dozens of prisoners of conscience are still imprisoned, and new arrests have occurred throughout the past 12 months."

The National Security Law is used increasingly to imprison people for the non-violent exercise of their rights to freedom of expression and association. While the South Korean government argues that this law is necessary to protect state security, because of the state of tension on the Korean Peninsula, many of its provisions violate international human rights standards.

During 1994 dozens of people were arrested and held as prisoners of conscience under the National Security Law. Many were accused of belonging to groups alleged to be pro-North Korean, for disseminating leftist material or for expressing condolences on the death of North Korean President Kim Il Sung. At the end of the year there were some 500 political prisoners in South Korea, almost double the number held the previous year.

One case is that of Ahn Jae-ku, a 62-year-old former mathematics professor. He was arrested in June 1994 and sentenced to life imprisonment for "anti-state" activities which amounted to no more than the exercise of his rights to freedom of expression and association. He has already spent almost a decade in prison. His future is now uncertain.

Dozens more prisoners, sentenced to life terms under previous governments, remain in prison with little hope of release. They were sentenced after trials which fell short of international standards. They include Kim Song-man and Hwang Tae-kwon, arrested in 1985 and convicted of "espionage", and Yu Chong-sik who has already spent 19 years in prison and is in poor health.

South Korea holds two of the world's longest-serving prisoners of conscience. Kim Sun-myung and Ahn Hak-sop have been held for over 40 years in virtual isolation from the outside world. The authorities will not consider releasing them on parole because of their refusal to sign a statement of "conversion", renouncing their alleged communist beliefs.

Those arrested under the National Security Law may be held for up to 50 days before charge. They are routinely deprived of sleep during interrogation by the police or by South Korea's main intelligence agency, Agency for National Security Planning (ANSP). Some are beaten, threatened and coerced into signing a "confession".

The ANSP's excessive powers of investigation in national security cases has led to a disturbing pattern of abuse. In October 1994 a former ANSP informer admitted in public that he had helped to fabricate "espionage" charges against Kim Sam-sok, a 28-year-old prisoner of conscience who is currently serving a four-year prison sentence under the National Security Law.

The death penalty also became an issue of increased concern in 1994 when 15 people were executed in

October on a single day. Some 50 others, convicted of murder, remain under sentence of death.

On the occasion of President Kim Young-sam's visit to Europe, Amnesty International is renewing its calls on European government leaders to raise human rights concerns in South Korea during meetings with their South Korean counterparts.

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WESTERN SAMOA: SEDITION CHARGES AGAINST POLITICAL LEADERS SHOULD BE DROPPED

Sedition charges against two political leaders involved in a peaceful demonstration represents a fundamental denial of the right to freedom of expression and association, Amnesty International said today.

The organization believes that if the Government of Western Samoa cannot charge the men with a recognizable criminal offence, the current charges against them should be dropped.

"No government should pass laws which criminalize the right to freedom of expression and lead to the incarceration of prisoners of conscience," Amnesty International said.

Faamatuainu Tala Mailei is a former parliamentarian and Chairman of Tumua and Pule -- the traditional political group of high-ranking chiefs. He and group member, Toalepaialii Toesulusulu, were charged in connection with a peaceful demonstration against government taxes which took place in March last year.

Some of the charges against the two men are extremely vague. They are accused of "speaking seditious words with intention to excite disaffection against the Government of Western Samoa" and "publishing a press statement containing seditious libel with the intention of exciting disaffection". The charges carry a maximum prison term of two years.

Local police have reportedly denied that the charges were brought as a warning to other people planning to take part in another protest march, but Amnesty International is concerned that the charges may be politically motivated. The organization believes that the laws under which the men have been charged may be in breach of international human rights standards.

The rights to freedom of association and expression are guaranteed in the Western Samoan Constitution, and international human rights law. Amnesty International wrote to the Western Samoan Government in February expressing concern about the cases of the two men. The government denied that the men's human rights were being infringed, and said that they had broken the law.

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UN Commission on Human Rights
51st session
Agenda item 12 Delivered 1 March 1995

GOVERNMENT EXCUSES FOR HUMAN RIGHTS VIOLATIONS AND THE DUTY OF THE COMMISSION ON HUMAN RIGHTS TO ACT

When confronted with well-attested evidence of human rights violations governments often counter with a range of excuses to obscure or disown the brutality they inflict on their citizens. Too often members of this Commission accept these excuses without question, especially when they would rather be silent because of their own perceived economic and strategic interests.

It is a myth that drug-trafficking has been the principal cause of political violence in **COLOMBIA**. The majority of political killings are committed by the army and their paramilitary allies. More than 1,000 people were extrajudicially executed last year. At least 100 others "disappeared" after detention and hundreds of prisoners were the victims of torture. The government led by President Ernesto Samper has acknowledged the gravity of the human rights crisis, has welcomed UN experts and Amnesty International to the country and has announced a human rights program. Public commitments, however, will not reduce the number of people extrajudicially executed, "disappeared" or tortured until the government removes the impunity protecting the army, the security forces and the paramilitary groups.

Amnesty International is calling for vigorous action by the Commission. This high level of attention is essential to ensure the government fulfils its promises of reform. The government should implement the recommendations of the thematic rapporteurs who visited the country last year and invite them to return this year to review progress.

In **INDONESIA** the government dismisses criticism of its human rights record as politically motivated or an interference in its internal affairs. While the visit to East Timor by the Special Rapporteur on extrajudicial, summary or arbitrary executions was a welcome step, it is disturbing that the government has dismissed his report and recommendations as "unbalanced and not based on fact". Meanwhile serious violations, including extrajudicial executions, continue in East Timor. These violations give credence to the Special Rapporteur's conclusions and highlight the urgent need to implement his recommendations. The Government has also failed even to begin to implement all but one of the recommendations made by the Special Rapporteur on torture following a 1991 visit to East Timor.

Serious human rights violations throughout the archipelago, including East Timor, Aceh, Irian Jaya and Java, have been a persistent part of Indonesia's official response to political opposition and a way of removing perceived obstacles to economic development. The Asia Pacific Economic Cooperation summit last November in Jakarta was one of the latest pretexts for a crack-down. It included an attack on freedom of the press, freedom of assembly and freedom of association. Government critics, labour activists and others were arbitrarily arrested, some were tortured or ill-treated or convicted after unfair trials. Amnesty International believes the Commission has a duty to address the long-standing pattern of grave human rights violations throughout Indonesia and East Timor.

Political violence presents one of the gravest challenges to international human rights and humanitarian law. Amnesty International takes no position on the legitimacy of resorting to violence for political purposes. It may be hard for governments to accept that non-governmental organizations will not condemn their opponents as "terrorists", but our use of the neutral term "armed opposition group" confers no legitimacy. We do, however, clearly condemn and act against abuses of humanitarian law by armed opposition groups.

In situations of internal armed conflict both governments and their opponents must observe legally binding obligations laid down by international humanitarian law. In addition, it is governments which have adopted and which are bound by international human rights law. Governments are prohibited from suspending certain fundamental human rights - including the right to life and the right not to be subjected to torture - even in emergency situations which threaten the life of the nation. Violence by

opposition groups can never justify the abandonment of these fundamental principles. Abuses by such groups should never be used as a means to divert attention away from, still less to justify, human rights violations by governments. It is governments who are accountable to this Commission for their failure to honour their most basic commitments under international law.

In **ALGERIA** tens of thousands of people have been killed by security forces and armed opposition groups over the past three years. While the authorities claim that those killed by the security forces were killed in armed clashes, the reality is that many were extrajudicially executed. No public or independent inquiry has been carried out into cases of torture, extrajudicial executions and "disappearances" at the hands of the Algerian security forces since 1991. We note recently announced reforms to the legal codes, but any amendments must comply with international human rights standards.

Members of the Commission can no longer accept assertions by the Government of Algeria that its forces have not committed human rights violations and that only the armed opposition is guilty of killings and other attacks on civilians. The armed opposition groups have repeatedly committed deliberate attacks on civilians resulting in terrible loss of life. However, such violence cannot justify the recourse by the security forces to torture, extrajudicial executions and "disappearances". Amnesty International believes that visits by the Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions would be an important step. Their recommendations could help the authorities take urgent and practical remedial measures.

Human rights violations by the Indian security forces in the state of **Jammu and Kashmir** have reached alarming proportions with more than 700 people reported to have died in custody since the present conflict started in late 1989. The government, in its latest response to Amnesty International, has again denied responsibility for most of these deaths by claiming that the majority were "killed in encounters with the security forces". However, the government has not provided a single report of a thorough, prompt and impartial investigation, as required by UN standards, to support this conclusion. Medical and police reports and the testimony of survivors show that in many cases these deaths were the result of torture. Amnesty International has condemned numerous abuses by armed opposition groups, but these abuses cannot justify the government's failure to address gross violations perpetrated with virtual impunity by the security forces. The government's own responses show that none of the perpetrators have so far been brought to justice.

This Commission should cut through the acute politicization of the human rights debate on Jammu and Kashmir. It should ensure the Government of India implements its stated commitment to transparency by inviting the Special Rapporteurs on torture and extrajudicial, summary or arbitrary executions to visit Jammu and Kashmir and by allowing access to international human rights organizations, including Amnesty International.

Amnesty International is fully aware of the abuse of humanitarian law by armed opposition groups in **TURKEY** but the government cannot use these abuses to shield its own violations of international law. Extrajudicial executions and "disappearances" of civilians only emerged in 1991. Their subsequent alarming increase cannot be dismissed as an unfortunate consequence of the counter-insurgency operation. The Commission has failed abysmally to voice any concern about Turkey. How can it not act after the UN Committee against Torture stated publicly more than one year ago that "...the existence of systematic torture in Turkey cannot be denied"?

The credibility of the UN human rights system will be seriously damaged if the Commission continues to accept excuses from the governments of **Algeria, Colombia, Indonesia, India and Turkey**. Governments scrutinizing their peers at the Commission, being open to scrutiny themselves, and acting swiftly in the face of violations, *can* make a difference. But a resounding silence sends an even stronger message to governments that they can trample on their people's human rights and the world will only stand by and watch.