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# AMNESTY INTERNATIONAL NEWS SERVICE 101/93

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BRAZIL: AMNESTY INTERNATIONAL CALLS FOR PROTECTION OF INDIGENOUS COMMUNITIES FOLLOWING MASSACRE OF YANOMAMI INDIANS

Amnesty International is reiterating its calls for immediate and effective action to prevent future human rights abuses against Brazil's indigenous communities. This follows reports of the recent massacre of an estimated 40 Yanomami Indians from the Haximu village in northern Roraima state near Brazil's border with Venezuela.

Amnesty International said, "We have been raising cases of killings of Yanomami and members of other indigenous groups with the Brazilian authorities for years. It is tragic that it takes a massacre before the full seriousness of the situation is realised".

To Amnesty International's knowledge, of 16 cases of killings of Yanomami between 1984-92 in which police investigations were actually opened, not one has come to trial. In 1963 an estimated 30 Ureu-wau-wau Indians including women and children were massacred in the São Tomé rubber plantation in the western state of Rondônia. A case brought against the plantation owner for the killings has languished in the courts for thirty years and has still not come to trial.

In January 1993 Amnesty International published We are the Land': Indigenous Peoples' Struggle for Human Rights, AI Index: AMR 19/32/92, stressing the dangers of escalating violence against members of Brazil's 180 indigenous groups. It documented over 50 cases of violent attacks on members of indigenous groups in Brazil, including the Yanomami, and called upon the Brazilian Government to bring an end to impunity for such crimes.

Amnesty International alerted the government to the special vulnerability of isolated groups and suggested that the prompt resolution of demarcation disputes and conflicts between the indigenous and non-indigenous population was one of the most important ways of preventing future abuses. Although under the 1988 Constitution all indigenous lands should be demarcated by October 1993, since January the demarcation program has been stalled. The Brazilian Government did not even acknowledge Amnesty International's report.

News of the massacre of some 17 Yanomami Indians from the village of Haxumi reached a Catholic mission in the Xidea region on 17 August after terrified members of a neighbouring Yanomami village arrived to take refuge, having fled in fear of further attacks by gold prospectors (garimpeiros). They reported that gold miners had attacked the Haximu village - killing 10 children, five women and at least two men, slashing arms, legs and heads with machetes - and set the village on fire.

Members of the government's indian agency FUNAI, Fundação Nacional do Índio, investigating the massacre have subsequently interviewed survivors and on 19 August reached the site of the massacre, where they encountered mutilated bodies. According to a FUNAI spokesperson, "The number of Indians killed was much higher than believed, about 40 were murdered. The men were gunned down while the women and children were killed with machetes. Some of the children were decapitated".

Brazil's Minister of Justice, Mauricio Corrêa, and Attorney General, Aristedes Junqueira, flew to Roraima on 19 August accompanied by police and FUNAI officials. The Attorney General stated on television, "I

have no doubts about calling this genocide".

The Yanomami Indians who live in the forest on the border with Venezuela are officially estimated to number over 9,000. They are the largest of Brazil's tribal groups who, through their isolation, have managed to maintain their traditional way of life. At least 10,000 members of this tribal group live across the border in the southern part of Venezuela. Their lands are rich in mineral resources. Following the illegal entry of thousands of gold prospectors into Yanomami lands in 1987, some 1,500 Yanomami were estimated to have died from violence and disease. Since 1990 there have been several government attempts to remove illegal gold prospectors from the area and in November 1991 the government signed a decree officially demarcating 9.4 million hectares of land as the Yanomami Indian reserve. However, there are constant reports of re-entry of Brazilian miners into Yanomami lands both in Brazil and in Venezuela where their activities are prohibited in law. News of killing of another five Yanomami at the end of July by miners in the region, across the border in Venezuela, was also reported this week.

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TAIWAN: CONSCRIPT TORTURED TO DEATH IN TAIWAN -- AMNESTY INTERNATIONAL CALLS ON  
AUTHORITIES FOR PUBLIC INVESTIGATION

Chen Shih-wei, a 29-year-old army conscript in Taiwan (Republic of China), died on 16 July 1993. Compelling evidence indicates that he was tortured to death by officers of the Li-Teh Training Unit, a disciplinary army unit based on an island off Taiwan.

Amnesty International on 19 August called on President Lee Teng-hui to ensure that an independent and impartial investigation is carried out into the circumstances of Chen Shih-wei's death; that its findings are made public; and that those responsible for Chen Shih-wei's death are brought to justice.

According to information received by Amnesty International, Chen Shih-wei reported to his army unit in Ilan on 9 July 1993, about 36 hours later than permitted. As a punishment, he was immediately assigned to the Li-Teh Training Unit. At about 9am on 12 July 1993, he was admitted to the Li-Teh unit's infirmary. At that time he had reportedly lost consciousness, had stopped breathing and had a body temperature of about 40°C. He was then transferred to two successive hospitals. He died on 16 July of intra-cerebral bleeding and severe brain injury.

Photographs of Chen Shih-wei's body taken after his death show signs of bruising consistent with severe beatings. According to doctors, the intracerebral bleeding and injuries suffered by Chen Shih-wei may have resulted from beatings with a flexible plastic hose of a kind used to inflict corporal punishment in disciplinary army units. They also reported that Chen Shih-wei was still wearing handcuffs when he was admitted to the hospital.

Officers at Chen Shih-wei's unit in Ilan had reportedly instructed the Li-Teh unit's officers to single him out for severe punishment. Chen Shih-wei appears to have been imprisoned within the Li-Teh unit, handcuffed while imprisoned, and tortured over a period of more than two days - from the afternoon of 9 July to the night of 11 to 12 July 1993.

Officers at the Li-Teh unit have refused to provide a satisfactory account of the circumstances of Chen Shih-wei's death to his family. Indeed, they have denied on several occasions that anything illegal had occurred before his death. While Chen Shih-wei was being treated in hospital, Li-Teh unit officers gave to his father several successive and inconsistent explanations of the events which led up to his hospitalization.

Amnesty International understands that the commanding officer of the Li-Teh unit was relieved of his duties as a result of Chen Shih-wei's death. It also understands that officers of the Li-Teh unit have been suspended pending completion of an investigation by a Military District Attorney of the Military Police Command.

Amnesty International welcomes these preliminary steps. However, it regrets that no report of investigations by military authorities into the matter has yet been published, and that no one has yet been charged in connection with the death.

Amnesty International is calling for a thorough investigation of the circumstances of the death of Chen

Shih-wei. This should examine all rules and practices governing the imposition of disciplinary sanctions, including corporal punishment. It should establish in particular whether any sanction is permitted, or has been applied in practice, which amounts to torture or cruel, inhuman or degrading treatment or punishment.

Further, those responsible for the death of Chen Shih-wei should be brought to justice and given a fair and open trial in accordance with international standards, Amnesty International said.

In 1984, Chen Shih-wei had been sentenced to seven years' imprisonment, after completing one year of military service, for refusing to serve his full two-year term, apparently because of his conscientiously-held beliefs. He was released in April 1988 in an amnesty, after serving three years and nine months of his sentence. Had he served four full years of his sentence, he would have been discharged from his military obligations. However, having been released in the amnesty three months earlier, he was compelled to complete his remaining year of service by serving a series of short spells in the military. He died during one of these periods of service.

Amnesty International believes that every country which practices conscription should allow those who refuse to perform armed service because of their conscientiously-held beliefs to perform an alternative, civilian form of service. Amnesty International is calling on the Taiwan authorities to establish a civilian form of service which will be made available to conscientious objectors to armed military service.

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PAKISTAN: THIRTEEN-YEAR-OLD BOY AND TWO OTHERS DETAINED ON CAPITAL CHARGES

Amnesty International is seriously concerned that three people, including a 13-year-old boy, may be sentenced to death in Pakistan. They are currently detained on charges of religious blasphemy, which carry the mandatory death penalty. The organization is further concerned that the real reason for their arrest may have been malicious accusations made because they are Christians.

Salamat, a 13-year-old boy, was arrested with Manzoor Masih and Rehmat Masih in the second week of May 1993. The three, all members of the Christian religious minority, are believed to have been held in Gujranwala Central Jail, Punjab province, since their arrest. Salamat is accused of writing statements blasphemous to the Muslim religion, at the incitement of Manzoor and Rehmat - both Salamat and Manzoor are said to be completely illiterate. All three accused proclaim their innocence and say that the accusations are malicious in intent.

The offence of blasphemy is classified as "non-bailable" and detainees must remain in custody until brought to trial, which may take a year or longer. There appears to be no avenue for a judicial review of the reasons for their detention. Two others have been sentenced to death so far this year under the same legislation and there are several other cases of alleged blasphemy pending.

Amnesty International is concerned that Pakistani law permits the detention pending trial on broadly defined religious grounds of people who may be prisoners of conscience. It is a matter of great concern that the mandatory death penalty is prescribed for those detainees, if convicted.

Salamat, Manzoor and Rehmat were reportedly arrested following a period of sectarian conflict in the area: their arrests may have been the result of hostility by Muslims towards members of the minority Christian community. Since their arrests, their families have reportedly been harassed, attacks have been carried out on a Christian church, and demonstrations held to demand capital punishment for the accused. Local lawyers have been reluctant to represent the accused and some Pakistani human rights workers believe that a fair trial is not possible under these circumstances.

A further concern is that Salamat is detained with adult criminal detainees - despite a decision by the Punjab provincial government last year that juveniles should be detained only briefly before being released on bail. This is also despite requirements to the contrary in international human rights instruments, including the UN Convention on the Rights of the Child which Pakistan ratified in 1990. Amnesty International is urging action by the government to ensure the immediate release of Salamat.

Amnesty International has expressed to the Government of Pakistan its serious concern about the detention of the three, who are possible prisoners of conscience, on charges which carry the death penalty. International human rights instruments forbid the sentencing to death of persons under the age of 18, and Amnesty International has also raised its serious concern about the legal provision for the sentencing to death of children. The organization is urging the immediate withdrawal of those charges against Salamat which carry the death penalty.

Amnesty International is unconditionally opposed to the death penalty in all cases. The organization is urging that, pending complete abolition, the Government of Pakistan ensures that in future no death

sentences are carried out and that no children or prisoners of conscience are able to be detained on charges which carry the death penalty.

Amnesty International has repeatedly expressed its concern to the Government of Pakistan about the introduction in 1991 of the mandatory death penalty for blasphemy. The organization is also concerned about the broad grounds for arrest under the blasphemy laws which have led to the detention of prisoners of conscience of both Christian and Muslim faiths.

The first death sentence under this legislation was passed in January 1993 on a Christian, Gul Masih, who remains in custody pending an appeal hearing. Amnesty International regards Gul Masih as a prisoner of conscience and is urging his immediate and unconditional release. In February 1993 a Muslim was reportedly sentenced to death and his appeal is also pending. Reports received by Amnesty International indicate that in all cases there has been a background of personal conflict between the complainant and the accused.

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