
AMNESTY INTERNATIONAL NEWS SERVICE 144/93

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Please bring to the attention of section directors, Iran/Middle East and Refugee Coordinators.

IRAN: AMNESTY INTERNATIONAL OFFICE IN SWEDEN OCCUPIED BY IRANIAN REFUGEES

A branch office of the Swedish Section of Amnesty International in Gothenburg was occupied for a couple of hours today by Iranian refugees. Apparently, they were concerned about the protection and treatment of Iranian asylum-seekers in Turkey, and also were expressing their dissatisfaction with the assistance and protection offered to these refugees by the branch office of the United Nations High Commissioner for Refugees (UNHCR) in Ankara. In addition, they complained in general about the restrictive asylum policies in European countries. The Iranian refugees left the office peacefully but did indicate that they intend to return tomorrow. They are demanding that Amnesty International does more to protect Iranian asylum-seekers in Turkey: in particular, that it should press the UNHCR in Ankara to negotiate with a group of Iranian refugees on hunger strike in Ankara who, though recognized as refugees, are still awaiting re-settlement in third countries; and to press the governments of countries receiving refugees to resettle them more speedily.

At this point, we do not believe there is a significant risk that other Amnesty International offices in European countries will be occupied, although there are Iranian refugees and asylum-seekers in most European countries. If sections receive queries, the following information may be used for response:

Amnesty International has, for several years, been actively involved in work to prevent the forcible return from Turkey of Iranian and other asylum-seekers to Iran or other countries where they would be at risk of imprisonment as prisoners of conscience, torture or execution. Amnesty International has expressed its concerns to the Turkish Government in direct talks, as well as many written communications, with regard to instances where attempts were reportedly made to forcibly return Iranian asylum-seekers to Iran. Recently, we have also expressed concern at the killing in Turkey of two Iranians associated with the Kurdistan Democratic Party of Iran, (Index: MDE 13/WU 03/93 dated 1 September 1993), which is opposed to the Iranian government, in light of many previous incidents of abduction and assassination of Iranian opposition activists outside Iran in circumstances suggesting official Iranian involvement.

When we believe individual Iranian asylum-seekers in Turkey to be at imminent risk of forcible return to Iran, where they would face serious human rights violations, Amnesty International raises their cases with the UNHCR office in Ankara. Amnesty International is concerned at recent reports that a number of Iranian asylum-seekers in Turkey are being harassed by the Turkish police, and that it appears their safety and security in Turkey are increasingly at risk. We are actively following up on this issue.

With regard to asylum policy in other European countries, Amnesty International's concerns have been set out in numerous reports over the past few years issued by the International Secretariat, the EC Project in Brussels, and national sections in several European countries. Most recently, for the meeting of UNHCR's Executive Committee in October 1993, Amnesty International issued a report calling on the Executive Committee to take action to support the international system of refugee protection which, in Amnesty International's view, is being threatened by developments in asylum policy among member states of the European Community, (AI Index: POL 33/06/93).

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JAMAICA: DECISION IN CASE OF TWO JAMAICAN PRISONERS SHOULD SAVE PRISONERS' LIVES ACROSS THE CARIBBEAN

Two Jamaican death row prisoners had their sentences commuted to life imprisonment today, in a crucial decision made by the Judicial Committee of the Privy Council in London, which ruled that their long wait for execution constituted inhuman or degrading punishment or treatment.

The two prisoners, Earl Pratt and Ivan Morgan, who have been on death row for 14 years, were close to execution on three occasions in the last six years and made their final appeal in March 1991 to the Judicial Committee of the Privy Council (JCPC) - the final court of appeal for Jamaica and a number of Commonwealth countries.

"This is a momentous decision, which lifts the hangman's noose from above the heads of dozens of prisoners under sentence of death, mainly from Jamaica and Trinidad and Tobago, but there may also be cases in The Bahamas and Barbados," said Amnesty International.

The importance of this appeal was reflected by the fact that seven Law Lords were included in the panel which heard the appeal - the usual number for a full hearing is five. This was reportedly because the JCPC was re-considering the issue that delay in execution would constitute inhuman punishment and treatment, which it had decided against in 1982 in the case of Noel Riley and others; none of the seven members was part of the panel that considered the Riley appeal.

Earl Pratt and Ivan Morgan were convicted of murder in 1979 and sentenced to death. Their appeal was dismissed in 1980 but the Court of Appeal took three years and 10 months to put its reasons in writing - a delay which prevented them from lodging an appeal to the JCPC. Although they were later refused leave to appeal, the judges said they were "disquieted by the fact that in a case involving a capital sentence there would be such a long delay between the date of hearing an appeal and the date of the reasons".

Warrants for their execution were issued in February 1987, March 1988 and March 1991. The March 1991 death warrant was issued despite the recommendation of the Human Rights Committee in 1989 that their sentences should be commuted because of a violation of the International Covenant on Civil and Political Rights in their cases.

In their decision the JCPC has acknowledged that it is part of "the human condition that a condemned man will take every opportunity to save his life through the use of the appellate procedure" and prisoners who take advantage of the procedures should not be blamed for this. It also stated that the appeals to the Inter American Commission on Human Rights and the Human Rights Committee cannot be considered as "frivolous procedures".

The JCPC concluded that "in any case in which execution is to take place more than five years after sentence there will be strong grounds for believing that the delay is such as to constitute inhuman or

degrading punishment or other treatment".

Amnesty International is calling on authorities in the English-speaking Caribbean to rapidly implement the recommendation of the JCPC to exercise their prerogative of mercy in all relevant cases and to commute death sentences, thus avoiding unnecessary, lengthy and costly judicial procedures.

"On the other hand, we hope that governments will not see the end of this lengthy appeal process as a signal to start executing other prisoners who do not fall within the issue of this judgment," said Amnesty International.

It should be noted that there are many prisoners who have submissions pending before the United Nations Human Rights Committee, which supervises implementation of the International Covenant on Civil and Political Rights; and others in whose cases the Human Rights Committee has made recommendations for commutation of sentence or release which have not been acted upon by the government.

"Governments should note the comments of the JCPC regarding appeals to these bodies and facilitate these procedures," said Amnesty International.

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