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WEEKLY UPDATE SERVICE 05/92

Contained in this weekly update are an external item on Haiti, El Salvador and Sri Lanka.

1. NEWS INITIATIVES - INTERNAL

Philippines - 26 February 1992

An international news release and possible questions and answers to go with a document on extrajudicial executions. The campaign launch is tentatively planned for Manila.

Tunisia - 4 March 1992

(NEW INFORMATION)

A document and news release, tentatively titled "The collapse of human rights". More details next week.

India - 25 March 1992

An international news release for the campaign against rape, torture and deaths in custody. A major international launch is planned for London.

Togo - tentatively 8 April 1992

(NEW INFORMATION)

A document and targeted news release about impunity are tentatively scheduled for 8 April 1992, to coincide with the anniversary of a massacre on 10 April 1991.

POSSIBLE NEWS INITIATIVES, STILL TO BE CONFIRMED

Western Sahara

(NEW INFORMATION)

The tentatively news release mentioned last week now looks more likely to be a weekly update item in late February, early March.

South Africa

The research team is planning a document, but as yet cannot give a definite date. It will have an international news release - we will keep you informed of a date.

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2. AMR 36/WU 01/92 EXTERNAL
7 February 1992

HAITI: AI CONDEMNS US RETURN OF HAITIAN ASYLUM SEEKERS

AI condemns the actions taken by the US authorities to begin returning large numbers of Haitian asylum-seekers from the US naval base at Guantánamo, Cuba

AI recognizes that, since the screening procedure on Guantánamo commenced in November, a number of the Haitian asylum-seekers have been assessed as having a plausible claim to asylum and therefore are entitled to proceed to the US to lodge an asylum claim.

Nevertheless, AI reiterates its concerns about the deficiencies in the screening procedure on Guantánamo, most notably the absence of appropriate legal advice and the right of an effective appeal against a negative decision. In late December 1991 the US authorities refused AI's request to send delegates to Guantánamo to interview asylum-seekers and to evaluate the screening procedures followed there.

In view of the deficiencies in the screening procedures followed at Guantánamo, AI is concerned that some of those screened out could be at risk of human rights violations after return to Haiti. Its concern on this point is heightened by recent reports of continued widespread human rights violations such as extrajudicial execution, arbitrary arrest, torture and ill-treatment, and by the 25 January attack on a meeting of political leaders by armed men in civilian clothes identified by victims as belonging to the police force. Prime Minister designate René Théodore, former presidential candidate Louis Déjoie and eight other political leaders were beaten and kicked in the head, and René Théodore's bodyguard, Yves Jean-Pierre, was shot dead by the assailants.

AI is therefore deeply concerned that this repatriation is going ahead. Moreover, this is being done without any reliable guarantees for the security of those being returned.

3. AMR 37/WU 01/92 EXTERNAL
7 February 1992

EL SALVADOR: ARMY OFFICERS SENTENCED TO 30 YEARS FOR KILLING JESUIT
PRIESTS

On 24 January a colonel and a lieutenant of the Salvadorian army were sentenced to 30 years in prison for the murder of six Jesuit priests, their housekeeper and her daughter at the Universidad Centroamericana (UCA) during a night-time raid by troops of the Atlacatl battalion in November 1989. Amnesty International considers these sentences to be an important step, but nevertheless remains concerned about serious irregularities in the investigation and trial.

Colonel Guillermo Benavides, director of the military academy at the time of the killings, had been convicted in September 1991 on all eight counts of murder. Lieutenant Yushy Mendoza, who coordinated the operation, had been found guilty of murdering Celina Ramos, the 15-year-old daughter of the UCA housekeeper (see Weekly Update 37/91). Both were given maximum sentences.

Another two officers were sentenced to three years each for conspiracy to commit acts of terrorism. They and five other lower ranking soldiers of the Atlacatl battalion had been acquitted of murder by the court in September, despite their admission in the course of the trial to having carried out the killings. In related proceedings, a lieutenant who was second in command at the Military Academy was sentenced to three years for destroying evidence during the investigation.

Colonel Benavides is the highest ranking military officer to have been convicted and sentenced for a gross human rights violation in El Salvador. The unprecedented sentences were handed down eight days after the signing of a peace accord between the government and the armed opposition Frente Farabundo Martí para la Liberación Nacional, which included agreements aimed at ending impunity and guaranteeing respect for human rights. AI considers that the sentences mark a crucial first step towards holding the armed forces accountable for human rights violations.

Nevertheless Amnesty International remains concerned about numerous irregularities at the investigative and trial stages of the proceedings. For example, it was never made clear how the nine officers and soldiers accused were originally identified as the only suspects by the military Commission of Honour in early 1990. The Commission later denied having made a definitive selection of suspects, yet the subsequent investigation limited itself to the scope defined by the Commission. Although considerable circumstantial evidence indicated that Colonel Benavides may have been acting on higher orders, the possible involvement of superior

officers was never probed. Senior military officials are said to have attended a meeting the day before the killings at which the order to murder the priests was given, yet the officials implicated were not called to testify. Military personnel presented obstacles throughout the investigations by providing false or contradictory information to the court and covering up or destroying key evidence.

Amnesty International, which observed the jury stage of the trial in September 1991, was also concerned at apparent inconsistencies in the jury's verdict. The jury acquitted the seven lower-ranking soldiers who admitted to carrying out the killings under Colonel Benavides' orders, despite the fact that under both Salvadorian and international law a soldier cannot be absolved if he or she has carried out a manifestly illegal order. In a seemingly inconsistent decision, Lieutenant Mendoza was convicted for the killing of Celina Ramos, although another of the accused had admitted shooting both Celina and her mother with the same burst of gunfire. Amnesty International concluded that the verdict, which absolved those who pulled the trigger, and limited the investigation of chain-of-command responsibility, appeared to have been influenced by political considerations.

Unprecedented steps were taken to hold the military accountable for its actions in this case, largely due to the prominence of the victims and the international pressure exerted on the authorities. However, hundreds of killings and "disappearances" of less prominent Salvadorians allegedly carried out by the Salvadorian military and security forces in the course of the 12-year war have gone uninvestigated and unpunished. Moreover, the recent outcome of several other less publicized trials indicates that, despite the landmark result in the Jesuit case, there is a continuing lack of political will to prosecute human rights violators within the military.

Amnesty International believes that investigations should continue to determine the extent of the alleged involvement of senior officials in planning, condoning or covering up the killings at the UCA. It has noted that the Legislative Assembly has been requested by relatives and colleagues of the murdered priests to create a commission of investigation for that purpose. Amnesty International believes that all those found to have been involved in the killing, at any stage, must be brought to justice so as to send an unequivocal message that human violations will no longer be tolerated.

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4. ASA 37/WU 02/92 EXTERNAL
7 February 1992

SRI LANKA: AMNESTY INTERNATIONAL URGES THAT SOLDIERS RESPONSIBLE FOR CIVILIAN KILLINGS ARE BROUGHT TO JUSTICE

Amnesty International has written to the Sri Lankan government urging that soldiers alleged to have massacred 67 civilians in June 1991 are brought to justice.

On 30 January, the government made public the preliminary report of the Presidential Commission of Inquiry into allegations of extrajudicial executions at Kokkadichchola, Batticaloa District, on 12 June 1991. The report concluded that soldiers from a local army camp had deliberately killed 67 civilians in retaliation for the death of two of their colleagues in a landmine explosion earlier that day. This confirmed information published by Amnesty International in a September 1991 report on violations in northeast Sri Lanka.

According to reports, the Minister of Industries, Science and Technology told journalists the government is awaiting the full report before deciding what action to take. A military officer reportedly stated that five soldiers, including one officer, were in military custody and could face court martial proceedings.

In a letter to the Presidential Adviser on International Affairs of 4 February 1992, Amnesty International urged the government to establish an independent commission of inquiry to ensure effective and impartial investigations are carried out into all cases of human rights violations, including the tens of thousands of extrajudicial executions and "disappearances" which have occurred in Sri Lanka during the last nine years.

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ADDITION TO WEEKLY UPDATE SERVICE 05/92

Contained in this addition is an external item on Bhutan.

Due to a research training programme this week, many researchers will be unavailable, which may result in the weekly update being late again. Apologies in advance.

1. ASA 14/WU 01/92 EXTERNAL
10 February 1992

BHUTAN: AI WELCOMES RELEASE OF POLITICAL PRISONERS, BUT REMAINS CONCERNED ABOUT HUMAN RIGHTS VIOLATIONS BY SECURITY FORCES

Amnesty International welcomes the news that 313 political prisoners were released on 4 February 1992 in an amnesty declared by the King of Bhutan. The February releases bring the number of political prisoners whose release the government has announced in successive amnesties since early 1990 to 1348.

Among those released on February 4 were Jogen Gazmere and Sushil Pokhrel, two of six prisoners of conscience who had been detained for over two years without charge or trial. Three of the other prisoners of conscience - Ratan Gazmere, Bakti Prasad Shama and Biswanath Chhetri - were released last year on 17 December, the National Day of Bhutan. Amnesty International is continuing to call for the unconditional release of Tek Nath Rizal who is starting a third year in detention without trial at Wangdi Phodrang prison. The six men were held responsible by the government

for initiating opposition in southern Bhutan to the government policy of "national integration". The organization continues to be concerned that between 200 and 300 political detainees are still held without charge or trial for alleged "anti-national" activities.

Amnesty International has also been concerned about reports received during 1991 that hundreds of Nepali-speaking people from southern Bhutan were subjected to arrest, ill-treatment and in some cases torture, including rape, at the hands of the security forces. Government opponents, termed "anti-nationals" by the authorities, are also reputed to have arbitrarily and deliberately killed civilians. These events have occurred in the context of opposition in southern Bhutan to the government policy of "national integration" and to the carrying out of the national census initiated in 1988, under which many Nepali-speaking people in southern Bhutan have been classified as illegal immigrants. Some are reported to have been forcibly evicted from their homes and land. Following widespread disturbances in late 1990, hundreds of people of Nepali origin were arrested on suspicion of being "anti-nationals" - that is members or sympathizers of opposition groups, including the Bhutan People's Party (BPP), a political organization founded in India in June 1990.

At the invitation of King Jigme Singye Wangchuck, Amnesty International visited Bhutan for the first time in January 1992. Whilst there, the three-member delegation had an audience with the King, met ministers and officials to discuss human rights and also visited Samchi District in southern Bhutan. The Amnesty International delegation expressed concern about the prolonged detention without charge or trial of suspected government opponents and reports of torture and ill-treatment, deaths in custody and the practice of keeping prisoners in shackles.

Since the delegation's visit, a high level team led by the Home Minister conducted investigations into allegations of forcible evictions, beatings and rape in two districts of Southern Bhutan. It has stated that there had been misuse of authority and violations of laws both by the civil administration and the security forces in one district, although many allegations were "baseless and grossly exaggerated." The Cabinet has ordered written allegations to be forwarded to the High Court so that people responsible for violations of the law could be brought to justice.