
AMNESTY INTERNATIONAL NEWS SERVICE 98/94

TO: PRESS OFFICERSAI INDEX: NWS 11/98/94

FROM: IS PRESS OFFICEDISTR: SC/PO

DATE: 10 MAY 1994

NO OF WORDS:2339

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INDIA: AMNESTY INTERNATIONAL CALLS FOR RELEASE OF PRISONERS OF CONSCIENCE

Amnesty International is concerned that two political leaders of the All-Party Hurriyat Conference in Jammu and Kashmir were reportedly re-arrested under laws providing for detention without charge or trial on Friday 6 May, immediately after the Supreme Court had ordered their release.

The two men, Sayed Ali Shah Geelani and Abdul Gani Lone, are believed to be prisoners of conscience. Both were first arrested in October 1993 after leading demonstrations in Jammu and Kashmir against an army siege of Kashmir's holiest Moslem Shrine which was being occupied by militants. The men have been detained since then under the Public Safety Act.

Amnesty International has sought clarification from the Indian government about the reasons for their arrest and whether there are any criminal charges against them but has not received any response. Amnesty International believes they are being held for the peaceful expression of their political views.

On 16 October 1993, the Indian Army surrounded the Hazratbal Mosque -- regarded as a holy shrine by Muslims in the troubled region of Jammu and Kashmir -- because between 20 and 50 armed Kashmiri separatists had entered the shrine. The government said they had information that there was an attempt to steal a religious relic which is housed there but recent reports suggest that they cordoned off the mosque because they believed that a militant leader was hiding there. Around 150 civilians were reportedly trapped inside the mosque.

During the month which followed there were many clashes between local civilians and Indian security forces, strikes were called and round-the-clock curfews were imposed in several areas. Sayed Ali Shah Geelani and Abdul Gani Lone were arrested after leading one of the demonstrations, and are not known to have used or advocated violence.

Amnesty International urges the government to immediately and unconditionally release Abdul Gani Lone and Syad Ali Shah Geelani.

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CHINA: ARRESTS CONTINUE AS CHINA'S PARLIAMENT CONSIDERS NEW LEGISLATION WHICH WILL INCREASE POLICE POWERS TO DETAIN DISSIDENTS

Amnesty International calls for the release of four members of the Shanghai-based Human Rights Association, three of whom were reportedly detained last week in Shanghai and the other reportedly held since mid-April.

Li Guotao, the chairman of the Shanghai Human Rights Association, was detained on 1 May. The other two members recently arrested were Dai Xuezhong, a local activist detained two days after Li Guotao and Ling Muchen, an artist who was detained on 6 May as he was about to board a flight to go and study in the USA.

Another member of the association, which was refused official registration last year when it applied to the Shanghai authorities, was detained last month during the visit to Shanghai of the French Prime Minister. Wang Fuchen has not been seen since. Their arrests are the latest in a series of arrests of dissidents in both Shanghai and Beijing over the past two months.

The news of these arrests follows closely on a report by the official New China News Agency (NCNA) on 5 May that the Standing Committee of the National People's Congress - China's parliament - was considering a draft text of supplementary provisions to an existing law on public order offenses. If the text is adopted, it will add 18 new public order offenses to those already covered under the existing law.

Amnesty International is concerned that several of the 18 new offenses appear to be aimed at cracking down on members of unapproved religious groups, members of ethnic groups who call for national independence and political dissidents.

The proposed new offenses reportedly include, for instance, "disturbing public order and damaging people's health through religious activities"; "stirring up conflicts between nationalities, hurting their unity and inciting separation of nationalities"; "carrying out activities under the name of a social organisation without registration" or "continuing to work under the name of a social organisation after its registration was revoked, it has been ordered to disband or simply banned"; and "disobeying supervisory provisions" while being placed under surveillance, or deprived of political rights, or on probation or parole.

This latter provision will particularly affect former political prisoners, who are usually subjected to various restrictions after their release, if they are deemed to have violated the restrictions imposed on them.

The proposed supplementary provisions will complement a law on public order which came into force in 1987. Under the law, people can be fined, detained for up to 15 days or receive a formal warning for minor public order offenses, such as hindering traffic or fighting in a public place. It is not known whether the scope of the punishments it provides will remain the same for the new offenses.

This law comes under the category of administrative law. It gives the police the power both to determine whether an offence has been committed and to impose punishments provided by the law. Thus, fines or periods of detention can be imposed by the police alone, without any judicial process, for infringements of the law which are not considered serious enough to be dealt with through due legal process under China's Criminal Law.

Amnesty International is concerned that the proposed legislation, if adopted, will increase the already extensive powers of the police in China to detain and punish, on their own authority, anyone whom they deem is opposed to official policies. The human rights organization urges the Chinese legislators not to adopt provisions which will lead to human rights violations.

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AI INDEX: AMR 43/WU 01/94
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NICARAGUA: TEST CASE INDICATES PERSISTENCE OF IMPUNITY

Jean Paul Genie Lacayo was killed in October 1990. Three years on his case still remains unresolved. But the trial of his suspected killers, in a military court, has come to be seen as a test case of the subordination of the military to civilian authority in Nicaragua.

In August 1993 the Nicaraguan government passed an Amnesty Law in response to spiralling political violence. They indicated that one of the objectives behind the legislation was to achieve public confidence in the state's commitment to investigate grave human rights violations and prosecute those responsible.

"The current trial for the killing of Jean Paul Genie Lacayo is just one of many cases which prove that Nicaragua's government has so far failed to do so", Amnesty International said today.

The human rights organization has serious doubts about the appropriateness of military jurisdiction in this case. Amnesty International detailed its concerns in a recent letter to the President of Nicaragua and stated that it does not consider the country's military judicial system to offer guarantees for an impartial trial in this case. The organization is particularly concerned since every stage of the investigation into the killing appears to have been obstructed by members of the armed forces.

Amnesty International also fears that the next stages of the trial will not proceed according to international standards due to Nicaragua's current legislation regarding appeals under military jurisdiction. An appeal against the Military Prosecutor's ruling can be referred to the High Command of the Sandinista Popular Army to determine whether the appeal is admissible. If the appeal is accepted it will be considered by the Supreme Court of Justice, to which four members of the military can be appointed -- as additional members of the Court -- by the Army High Command.

Amnesty International is particularly concerned by the level of military involvement in the case, because the current Commander in Chief of the Sandinista Popular Army is himself accused of covering up Genie's killing.

"The undue intervention by the military authorities, permitted because the case comes under military jurisdiction, constitutes a blatant violation of internationally established standards of fair trial", Amnesty International said.

The human rights organization believes that this case is just one of many instances that demonstrates a pattern of persistent impunity for abuses by government forces and armed rebel groups in Nicaragua, despite the government's assertions when passing the Amnesty Law.

Amnesty International is urging the Nicaraguan authorities to take all appropriate measures to ensure that the case of Jean Paul Genie, and other cases of alleged human rights violations by government forces, be referred to competent tribunals which can guarantee a fair, prompt and impartial trial.

"Future legislation should be passed in such a way that all investigations into alleged human rights violations involving members of the security forces are carried out before civilian courts", Amnesty International said.

Amnesty International is also urging a thorough investigation into all indications of obstruction throughout the process of the Genie case, and that those responsible for carrying out the crime or blocking the investigations be brought to justice.

"This would be an unequivocal message to Nicaraguan society from the government that there will be no impunity for those who violate human rights", the human rights organization said.

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AI INDEX: AMR 46/WU 03/94
EMBARGOED FOR 11 MAY 1994

AMNESTY INTERNATIONAL'S SECRETARY GENERAL VISITS PERU

Amnesty International's Secretary General, Pierre Sané, will be visiting Peru from 14 to 21 May. During his visit he intends to raise the organization's human rights concerns in the country with President Alberto Fujimori and other high level officials.

Amnesty International is particularly concerned at recent reports that scores of civilians in the Alto Huallaga region may have been extrajudicially executed by members of the army, during counter-insurgency operations in the first half of April.

In a letter to President Fujimori earlier this month, the Secretary General said that if the allegations of gross human rights violations in the region prove to be correct, they stand to undermine the credibility of the government's efforts to put an end to all abuses by the army.

In the letter, the Secretary General also called on the President to establish a Presidential Commission of Notables to ensure that the investigations into the killings, that have already been set in motion, are conducted "with rigour and transparency". The Commission should be presided over by a jurist or other person of recognized independence.

"Such a measure, backed by the necessary political will, would send a clear message to the national and international community that the investigations already under way will not result in a cover-up", the Secretary General said.

During his visit the Secretary General will also be discussing Amnesty International's other human rights concerns in Peru, including the country's current anti-terrorism laws. The organization believes these preclude defendants from being given a fair trial and have resulted in possibly hundreds of innocent people being imprisoned on false charges of terrorism.

The Secretary General will also stress publicly Amnesty International's unequivocal opposition to the continuing human rights abuses perpetrated by the Partido Comunista del Perú (Sendero Luminoso), Communist Party of Peru (Shining Path).

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AI INDEX:EUR 25/WU 02/94
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GREECE: HUMAN RIGHTS VIOLATIONS OF MACEDONIAN MINORITY DEFENDERS

Amnesty International today wrote to the Government of Greece expressing concern about two men and a woman whose human rights have reportedly been violated by the Greek authorities purely because of their non-violent activities on behalf of the Macedonian minority in Greece.

Archimandrite Nikodimos Tsarknias and his sister, Maria Tsarknias, were reportedly beaten by Greek border guards on 4 May when crossing the border check point of Nikki between the towns of Bitola in the Former Yugoslav Republic of Macedonia (FYROM) and Florina in Greece.

Archimandrite Tsarknias was arrested and sent to the Regional Office of the Department of Defence in Florina for further interrogation. He collapsed there and was transferred to the General Hospital of Florina for medical treatment. It is not clear on what charges he was arrested; however the charges were later dropped and he was released.

Archimandrite Tsarknias has been outspoken in defending the rights of the Macedonian minority in Greece and Amnesty International believes that this may be the reason that he and his sister suffered ill-treatment by the border guards.

Another man, Christos Sideropoulos, is awaiting trial on 25 May charged with "spreading false information which may cause disruption of the international relations of Greece". This charge refers to a statement he reportedly made at a press conference in Copenhagen, Denmark, on 10 June 1990. He reportedly declared to the journalists present that he belongs to the "Slav Macedonian" minority living in Greece and that his cultural rights were violated.

Soon after elections in October 1993 Georgios Kouvelakis, the Greek Minister of Justice, proposed amendments to articles of the Greek Penal Code which restrict the right to freedom of expression, on the grounds that "people have the right to say whatever they think". He also gave assurances, referring to trials brought against people who have been exercising their freedom of expression, that "there will not be a repetition of such trials in future".

Despite this, Christos Sideropoulos is still to be tried on charges which seriously breach his right to freedom of expression. Moreover, the prosecution against Christos Sideropoulos should be legally inadmissible because Article 6 of the Greek Penal Code states that a Greek citizen can be prosecuted for a criminal act committed in a foreign country only if: this "act is punishable under the laws of that country"; or there is "an application from the government of the country wherein the misdemeanour was committed". Neither of these two preconditions have been fulfilled.

Amnesty International believes that if Christos Sideropoulos is imprisoned he will be a prisoner of conscience and should be immediately and unconditionally released. The organization also urges the Greek Government to ensure that the serious allegations of ill-treatment of Archimandrite Nikodimos Tsarknias and Maria Tsarknias are fully investigated by an impartial authority and that any persons found

responsible are brought to justice.

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