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AMNESTY INTERNATIONAL REPORT 1997 UPDATES

Selected events covering the period from January to April 1997

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Selected events in Africa from January to April 1997

The Great Lakes Region

In a January report, Amnesty International stressed how far the refugee crisis now envelops Central and part of Eastern Africa. The organization expressed extreme concern about the treatment of refugees by regional authorities and at the killings which continue in Burundi, Rwanda and Zaire. There were also fears that violence by armed opposition groups in Zaire may escalate further if effective preventative measures were not undertaken.

Governments and armed groups in the region forced refugees to return home to dangerous conditions against their will, in order to meet arbitrary deadlines for clearing camps. The international community often failed to make immediate and unequivocal protests against such expulsions. Thousands of Rwandese and Burundian refugees and displaced Zairians are reported to have died from starvation, disease and deliberate and arbitrary killings in Eastern Zaire.

Amnesty International repeatedly called on all regional governments to halt all forced repatriations to Burundi, Zaire and Rwanda, to stop promoting repatriation to these countries until an independent assessment of the human rights conditions indicates that it is safe to return, and to ensure that all refugees are protected from possible further human rights abuses.

The expulsion of two groups of Burundi refugees, one of at least 48 and another of 126 people, from Tanzania's Kitale camp in early January, led to tragedy. Only four people from the group of 126 possibly survived and escaped. The others were summarily killed by Burundi security forces shortly after their return. Returnees are among the hundreds of people killed in Rwanda in early 1997.

In March, Amnesty International appealed to the United Nations Security Council to set up a commission to investigate reports of thousands of atrocities in Eastern Zaire. Zairian soldiers retreating from the country's Kivu region pillaged, raped and killed with virtual impunity in recent months, with people in many towns and villages living in constant fear that they will become the next victims of such human rights violations.

There were reports that armed opposition groups, particularly the Alliance of Democratic Forces for the Liberation of Congo-Zaire, were responsible for widespread deliberate and arbitrary killings of unarmed Burundian and Rwandese Hutu refugees and Zairian Hutus.

The conduct of the first trials in Rwanda raised grave doubts about their fairness, prompting fears that in the future a large number of people may be executed after unfair trials. More than 15 defendants were sentenced to death. The use of judicial officials who are not adequately trained and may not be impartial could seriously jeopardize the process and outcome of trials, especially in view of their complexity, the gravity of the crimes and the severity of the punishment.

Americas Update

Selected events in the Americas from January to April 1997

Colombia

Army-backed paramilitary forces continued committing widespread human rights violations, particularly in Northern Colombia, including extrajudicial executions and “disappearances”. Their main target continued to be the civilian population. Armed opposition groups were also responsible for numerous human rights abuses, including arbitrary killings and the taking of hostages, some of whom were killed.

In March, the Attorney General’s Human Rights Unit ordered the arrest of a former Colombian army major implicated in the 1989 killing of 12 judicial officials in La Rochela, Santander department.

The military justice system continued to claim jurisdiction over investigations of human rights violations by military personnel, and persistently failed to bring those responsible to justice. In March, 34 military personnel were acquitted by a military tribunal of responsibility for the killing of 13 people, including six women in Riofrio, Valle del Cauca department, in 1993. The case had been claimed by the military justice system after civilian judges brought charges against the military personnel on the basis of strong *prima facie* evidence of their responsibility for the extrajudicial executions.

After withdrawing its constitutional reform bill in February, the government re-introduced another in March. The new bill again sought to remove the Constitutional Court’s control over the declaration of states of emergency, which could lead to extended periods of emergency rule and the arbitrary suspension of constitutional guarantees.

Guatemala

“*Guatemala -- state of impunity*”, an Amnesty International report covering human rights violations between 1994 and 1996, was launched this April. It asserted that despite the continuation of the peace process and the commenced demobilization of armed opposition groups in February, extrajudicial executions and torture, ill-treatment and death threats still occur in Guatemala. Peasants involved in land disputes, street youth, trade unionists and human rights defenders are the main targets.

Tens of thousands of people “disappeared” or were extrajudicially executed during the country’s more than 30 years of internal armed conflict. Yet most of the perpetrators remain unpunished, and some continue to carry out human rights violations.

Dozens of cases -- involving among others members of the security forces and of the armed opposition groups -- were submitted to the Courts in Guatemala, asking for exemption from prosecution according to the National Reconciliation Law, which was approved by Congress in December. Most of the cases brought to justice were awaiting the Court’s decision.

More than 100 people are currently in detention on a variety of charges, mainly killings and kidnapping, and face the risk of a death sentence. In many cases the appeal processes have not yet been completed.

Mexico

Despite the Mexican Government's professed commitment to eradicate torture by introducing legal reforms and administrative measures, the widespread use of torture and ill-treatment against political or common-law detainees in Mexico continues. By mid-March, Amnesty International had issued at least eight Urgent Actions concerning 18 individuals who suffered, or were at risk of suffering, torture.

The Inter-American Commission on Human Rights (CIDH) publicised its recommendation in mid-January to the Mexican Government to immediately release General José Francisco Gallardo, who was imprisoned in 1993 after calling for the appointment of an armed forces human rights ombudsman. The Ministry of Foreign Affairs in Mexico immediately issued a statement arguing that it was a case of "military discipline" and that the rights of General Gallardo had not been violated under the American Convention on Human Rights.

Peru

On 22 April, President Alberto Fujimori authorised a unit of Peru's special forces to storm the Japanese Ambassador's residence in Lima, where the *Movimiento Revolucionario Túpac Amaru*, Túpac Amaru Revolutionary Movement (MRTA), held 72 hostages since December 1996. The assault brought the hostage crisis to an end, and resulted in the death of one hostage, two members of the special force, and 14 members of the MRTA. The next day, President Fujimori publicly denied issuing orders not to take any of the hostage-takers prisoner. However, reports by Peruvian and international media indicated that some of the MRTA hostage-takers had surrendered but were summarily executed. On the same day, Amnesty International welcomed the safe release of 71 hostages, and called for a full and impartial investigation into all 17 killings.

The mandate of the *ad hoc* commission charged with proposing to President Fujimori that he pardon or show mercy to prisoners unjustly accused of crimes of terrorism -- thereby bringing about their immediate release -- was extended by Congress in February for a further six months. However, throughout the hostage crisis and up until the end of April, no such prisoners were pardoned and released, despite President Fujimori's public admission in February that "innocent prisoners" remain in jail. On 7 April, two weeks before the hostage crisis was brought to an end, Peru's Ombudsman informed an Amnesty International delegation visiting the country that no prisoners falsely accused of terrorism would be released while the hostage crisis remained unresolved. The day after the hostage crisis ended, the Amnesty International delegation publicly appealed to President Fujimori to immediately release these prisoners.

The organization also called for the immediate reinstatement of the system of visits denied to MRTA prisoners, including visits by relatives and delegates of the International Committee of the Red Cross, which were suspended during the hostage crisis. However, by the end of April, MRTA prisoners had been in incommunicado detention for over three months, in contravention of UN standards requiring all prisoners to have access to the outside world.

A chain of human rights violations reported during the first four months of 1997 reached a peak in April with a series of revelations about the use of torture and ill-treatment by members of the army. Victims included members of opposition parties and journalists critical of the government who suffered intimidation, 38 peasants from the Alto Yurinaki region, department of Junín, who were detained and subjected to torture and ill-treatment, and army intelligence agents accused of leaking plans to target and intimidate opponents of President Fujimori's administration, who were subjected to torture.

The United States of America

In Amnesty International's view the execution of Kirt Wainwright, one of three men who died by lethal injection in Arkansas on the night on 8 January 1997, clearly illustrates the extreme cruelty of executions. After Kirt Wainwright was strapped down onto the gurney, with the needle inserted into his arm, the US Supreme Court decided to examine a last-minute appeal by his attorney. For the next 40 minutes Wainwright remained on the gurney, fully conscious, with the needle in his arm until the Court decided the appeal was without merit and allowed the execution to continue.

However, the organization welcomes the decision by a Federal Magistrate Judge who in January ruled that the Alabama prison system should not be allowed to chain inmates to a metal bar for hours at a time. Prisoners have reportedly stood chained to the so-called "hitching-post" for up to seven hours at a time, in what amounted to cruel, inhuman and degrading treatment.

An Amnesty International observer in March attended a court hearing which marked the culmination of a 25-year fight to win a new trial for Elmer "Geronimo" Pratt, a former leader of the Black Panther Party (BPP), who is serving a life sentence for murder in California. New evidence could shed light on Pratt's allegation that he was "framed" by the FBI and the Los Angeles Police Department (LAPD) as part of a program to destabilize black political organizations.

Selected events in Asia/Pacific from January to April 1997

Cambodia

Rising political tension in Cambodia throughout the first half of 1997 was accompanied by serious human rights violations. The targeting of journalists continued, with Leng Sam Ang, a journalist on the pro-FUNCINPEC newspaper, being shot in the arm and body in January by people in police uniforms. Leng Sam Ang survived the attack. In the same month, demonstrations by garment factory workers calling for better pay and conditions were broken up by the police, who beat up a number of demonstrators and fired shots at the car of opposition leader Sam Rainsy.

In February, the cracks in the governing coalition spilled over into factional fighting in the northwest province of Battambang, with rival groups in the Royal Cambodian Armed Forces engaged in low level combat resulting in at least a dozen deaths.

In Phnom Penh, Srun Vong Vannak[m], a senior member of the unrecognised opposition party, the Khmer Nation Party (KNP), was arrested and held in incommunicado detention for almost a month. His detention violated both Cambodian and international law. He was apparently detained on suspicion of involvement in the murder of the brother-in-law of Second Prime Minister Hun Sen in November 1996. He remained detained, but has been given access to his family and a lawyer.

On 30 March a peaceful, authorised demonstration of KNP supporters gathered opposite the National Assembly, protesting about perceived corruption in Cambodia's judicial system. At 8.20 am, four high-explosive grenades were thrown into the crowd. Sixteen people were killed and over a hundred injured, many of them seriously. Eyewitnesses reported that police who gathered at the scene after the explosions did nothing to help the wounded and dying, and soldiers at the scene did nothing to apprehend the suspected perpetrators. Others reported that the attack appeared to have been well-planned, and that those involved intended to kill Sam Rainsy, who was leading the demonstration. He escaped injury, but one of his bodyguards was among the dead.

China

In January, Amnesty International protested at the trials and harsh sentences passed against human rights activists and suspected opponents in China at the end of 1996. In a letter to Prime Minister Li Peng, the organization reiterated its concern that state security and state secrets legislation had been used to convict individuals who had merely peacefully exercised their fundamental freedoms, on the grounds that their activities "threatened" national security.

Following the death of Deng Xiaoping in February, the organization urged the Chinese authorities to maintain the momentum of law reform. The revision in 1996 of China's Criminal Procedure Law (CPL), which came into force on 1 January 1997, was a positive step, but it still leaves the law far behind international human rights standards and is insufficient to protect detainees against arbitrary detention, unfair trials and torture.

February saw violent ethnic unrest in Yining, in the predominantly Muslim region of Xinjiang, reportedly involving more than 1,000 ethnic Uighurs calling for independence from China. While official sources reported that nine people were killed during the riots and up to 300 people initially detained, unofficial numbers of casualties and detentions were much higher. According to exiled opposition groups, the riots were provoked by recent executions of Muslim nationalists and growing restrictions on religious freedom in the region.

Six people accused of involvement in the Yining riots were tried in March, but no verdict was announced. Nine others were indicted for their alleged involvement in bombings in February in Urumqi, the regional capital of Xinjiang.

Hong Kong

An Amnesty International delegation visited Hong Kong in February to discuss the organization's concerns about human rights protection and promotion following the return of Hong Kong to Chinese Sovereignty. The delegation released a report; "*Hong Kong: Human Rights, Law and Autonomy -- the Risks of Transition*", which included recommendations that the incoming Hong Kong Special Administrative Region government (HKSAR) move quickly to secure the future of legal safeguards for freedom of expression and association, the independence of the judiciary and laws governing the military garrison in Hong Kong.

In January 1997, the Preparatory Committee for the HKSAR proposed the repeal of 16 laws and amendments to nine others, including the Bill of Rights. Some of these proposed changes, if implemented, would risk diluting human rights safeguards in Hong Kong. These include changes to the Public Order Ordinance and Societies Act which would give the authorities more leeway to ban peaceful demonstrations, such as the commemoration of the Tiananmen pro-democracy movement in China held every year in Hong Kong, and Non-Governmental Organizations that they deem to be undesirable.

The broad wording of Article 23 of the Basic Law -- which governs treason, secession, sedition, subversion and state secrets -- also raises concern that the peaceful exercise of fundamental rights could be curtailed.

Indonesia and East Timor

The crackdown against the opposition in Indonesia continued in the run-up to the May elections for the House of Representatives. Arrests, harassment and intimidation of peaceful government critics was on-going. There was also a marked increase in the use of the Anti-Subversion Law, a crude instrument used over the years to arrest and imprison of peaceful opponents of the government. At least 15 people were put on trial for subversion for peaceful political activities -- a charge which carries a sentence of death or life imprisonment. Many others were awaiting trial or were sentenced to terms of imprisonment for criticising the election process.

Arrests also took place in other parts of the country, including in Aceh, where recent military reports have prompted fears that the Free Aceh Movement (Aceh Merdeka) have planned attacks in the region. This may herald a resurgence of the grave human rights violations committed by security forces in context of the counter-insurgency against Aceh Merdeka between 1989 and 1993.

The situation in East Timor shows no signs of improvement. Arrests of people opposed to Indonesian occupation of East Timor, including those engaging in peaceful protests, remain common. Torture of detainees in East Timor remains routine and reports of extrajudicial executions and “disappearances” continue.

Myanmar

Following the worst year for human rights since 1990 in Myanmar, Amnesty International now fears for the fate of some 15,000 Karen refugees who fled to Thailand following the renewed offensive by the Burmese army against the last major armed ethnic group, Karen National Union (KNU), in February.

Thousands of refugees have been denied entry into Thailand, thus left at risk of ill-treatment, forced portering or possible unlawful killing by the Burmese army. Another 5,000 have been forcibly returned by the Thai authorities to the areas they fled from.

The movements of Daw Aung San Suu Kyi are still restricted by the military; the road to her house is barricaded and people often have difficulties getting into her house to see her. Freedom of expression and assembly are greatly restricted, no gatherings or speeches by her party, the National League for Democracy, are allowed, and arrests of party members continue.

Amnesty International continued to call on the international community to redouble pressure on the Burmese authorities in 1997.

Europe Update

Selected events in Europe from January to April 1997

Albania

The beginning of the year saw wide-spread anti-government demonstrations by protesters demanding the return of money they had lost in failed investment schemes. Opposition politicians and independent journalists increasingly became targets of arrest and ill-treatment by police and state security police, but also by armed gangs with apparent security force links. As protests escalated into armed insurgence in the south a state of emergency was declared in Albania on 2 March.

On 9 March, President Berisha and opposition parties reached an agreement on an all-party interim government pending elections by June. On 11 March parliament adopted a law granting amnesty to those who handed in arms within a week and to civilians and military who had committed crimes in connection with the protests -- except those who had committed murder.

Thousands of Albanians attempted to flee the country; by mid-April some 13,000 had reached Italy where the authorities offered them up to 90 days temporary protection, with the exception of around 1000 alleged criminals who were forcibly returned. At the end of March some 90 would-be refugees drowned in the Adriatic when their ship collided with an Italian vessel patrolling the coast with the aim of returning such arrivals.

The Russian Federation

Amnesty International urged the Russian Government to honour its pledge to the Council of Europe by immediately stopping executions and abolishing the death penalty following the adoption of a resolution by the Parliamentary Assembly of the Council of Europe on 29 January.

The resolution strongly condemned the continuing executions in Russia and threatened not to accept its delegation's credentials at the Council's next session unless a permanent stop was put to the execution of prisoners.

Amnesty International continues to call on the Russian authorities to confirm publicly the existence of an official moratorium on executions. The government should also reveal publicly the exact number of prisoners on death row at present and the number of executions which have taken place since it joined the Council of Europe, including the names of those executed and the places where they were buried.

The organization is also concerned for the safety of a number of journalists who have gone "missing" following abduction in the Chechen Republic during the past several months and earlier during the conflict in Chechnya.

Turkey

Amnesty International welcomes the amendment made to Turkish law in March concerning detention periods and access to legal counsel as a constructive step, yet it is still insufficient in scope to combat what has become an ingrained system of abuse and differs little from an earlier draft described by the European Committee for the Prevention of Torture (ECPT) as “unacceptable”.

Announced by the Turkish Government as a measure to combat torture and ill-treatment, the amendment became law on 6 March. It substantially shortens the maximum terms of police detention from 30 days to 10 days in provinces under a state of emergency legislation, and from 14 days to seven days throughout the rest of the country. People detained for offences within the jurisdiction of State Security Courts will be permitted access to legal counsel after the first four days’ detention

However, there is nothing in this law to support Deputy Prime Minister and Foreign Minister Tansu Çiller’s claim that “*from now on, Turkish norms conform with European norms on detention periods*”, as neither European human rights law nor international human rights law endorse four days’ incommunicado detention.

The Federal Republic of Yugoslavia

In January and early February police beat non-violent demonstrators in Belgrade and Kragujevac as they continued to protest against the annulment of local election results in November 1996 which gave the opposition victory in Belgrade and other Serbian towns. After nearly three months of protests, parliament reinstated the disputed opposition victories on 11 February.

In Kosovo province at the end of January some 100 ethnic Albanians were arrested by police seeking those responsible for a series of assassinations and attacks targeting Serb members of the police force and local Albanians suspected of “collaborating” with the Serb authorities. A clandestine organization, calling itself the Liberation Army of Kosovo (UÇK), claimed responsibility for these attacks. Three ethnic Albanians, allegedly suspected of being UÇK members, were shot dead by police who claimed to be acting in self-defence.

About 40 of those arrested were released within a few days, but many alleged that during detention they had been tortured by police. One of those detained, Besnik Restelica, was found dead in his cell. Police claimed he had committed suicide; other sources alleged his body showed marks of torture. In February, some 30 detainees were charged with terrorism; their lawyers alleged that many of them had been tortured or ill-treated.

Middle East and North Africa Update

Selected events in the Middle East and North Africa from January to April 1997

Algeria

More than 500 people were killed in the first three months of the year in attacks by armed groups and in “anti-terrorist” operation by security forces and militias. During the month of Ramadhan more than 200 people, including women and children, were slaughtered and mutilated in rural areas or died in car bomb explosions.

The Algerian authorities stated that armed groups, such as the *Groupe Islamique Armé*, GIA (Armed Islamic Group), were responsible for the killings, including the massacres of families of members or supporters of the *Armée Islamique du Salut*, AIS (Islamic Salvation Army - armed wing of the Front Islamique du Salut). However, there were allegations that some of the massacres had been committed by militias and/or security forces.

Security forces and militia groups killed more than 200 people in “anti-terrorist” operations. Among the victims were two women and two small children who were killed along with four men believed to be members of an armed group, in an apartment block in central Algiers in February.

A decree was passed in January regulating the activities of the government-backed militias. Amnesty International had previously called for the dismantling of all civilian militias and remains concerned that this decree will allow groups of armed civilians to carry out security operations which should only be carried out by law-enforcement personnel with the necessary training and who are operating within a framework which ensures accountability.

Egypt

The first three months of 1997 saw an alarming escalation in the number of civilians reportedly killed by members of armed Islamist groups. A total of 26 civilians were killed in three separate attacks, at least 22 of them Coptic Christians. Huge security operations were mounted in Upper Egypt following these incidents, resulting in the arrest of more than 1,500 suspected members or sympathizers of armed Islamist groups.

Amnesty International reiterated its concern over the continuing upsurge in the use of the death penalty in Egypt. At least 10 people were sentenced to death in the first three months of 1997. Three people who were sentenced to death in previous years were executed during the same period.

On 22 February 1997 the People's Assembly (Parliament) approved a presidential decree to extend the State of Emergency, enforced since the assassination of President Anwar al-Sadat in 1981, for a further three years. Both the Human Rights Committee and the United Nations' Committee Against Torture have stated in the past that the State of Emergency is a serious impediment to the implementation of the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Egypt in 1982 and 1986 respectively.

Iran

In January, Amnesty International condemned the rising number of executions in Iran and called on the Iranian authorities to take immediate steps to prevent further executions. The call followed news that two Iranians, detained for seven years before being tried, were executed mainly on political charges after what appeared to have been an unfair trial and despite repeated appeals by the organization for clemency.

The organization also raised concerns with the Iranian authorities about the arrest and detention of oil workers who were demonstrating in February in connection with negotiations over pay. Up to 50 other workers from other industries were also arrested. Two detainees reportedly died in custody.

In the first three months of 1997, Amnesty International raised a number of other cases with the Iranian authorities, mainly expressing concern over the fate of prisoners in detention, some of whom face execution on political or religious grounds.

Israel and the Occupied Territories

By the beginning of April, three Palestinians had been killed and scores wounded by live ammunition and rubber bullets fired by Israeli security forces, mostly during stone-throwing demonstrations against the Israeli Government's authorization to build a Jewish settlement in East Jerusalem.

An Amnesty International delegation visited Israel and the Occupied Territories in March but was not able to meet Israeli officials to raise the organization's concerns including the use of torture, administrative detention, and the unlawful use of lethal force. A request to visit Megiddo Prison in Israel to see a number of Palestinian administrative detainees held for years without trial was refused by the Israeli Ministry of Defence.

Amnesty International made an oral statement to the United Nations Commission on Human Rights in March concerning the Israeli Occupied Territories, stating that Israel has effectively legalized torture despite being party to the International Covenant on Civil and Political Rights and the UN Convention against Torture.

The Palestinian Authority

At the beginning of 1997 two more detainees died after torture in custody. The Minister of Justice, Freih Abu Meddein, in March publicly condemned the appalling torture of Yusef al-Baba.. Members of the military intelligence and leading officials in Nablus were subsequently arrested.

An Amnesty International delegation which visited the areas under the jurisdiction of the Palestinian Authority in March noted an improvement in respect for human rights since last year. President Arafat had, according to Palestinian Authority officials, issued directives against torture and drawn up new regulations defining the precise areas of work of the Palestinian Authority security services and forbidding anyone but the police to interrogate common law detainees. Delegates were also assured that those arrested for non-political offences now had immediate access to their families.

Since suicide bombs in March there was pressure, especially from Israel and the USA, for the Palestinian Authority to arrest “terrorists”, and improvements could be jeopardised if the international community continues to accept human rights abuses in the name of fighting “terrorism”.