

FREEDOM FROM RACIAL DISCRIMINATION

AI Index IOR 41/003/2001

THE RIGHT TO BE FREE FROM RACIAL DISCRIMINATION

Racism, racial discrimination, xenophobia and related intolerance attack the most basic notion of human rights – that everyone is equal in dignity and worth. Yet they occur in every country of the world. Torture and ill-treatment, and discrimination in the justice system, are part of a broad pattern of abuse inflicted on people because of their race, colour, descent or national or ethnic origin. Racial discrimination is often compounded by discrimination based on other grounds, such as gender or age.

In 1965 the United Nations adopted the International Convention on the Elimination of All Forms of Racial Discrimination. This obliges states which are party to the treaty to ensure to all people, regardless of their race, colour, descent, nationality or ethnic origin, the right to equality before the law and protection from harm. States must take measures to prevent any discrimination, not only by their own officials, but also by private individuals.

The Committee on the Elimination of Racial Discrimination was set up to monitor how states implement the Convention. However, less than a third of the 157 states that are party to the Convention have agreed to allow the Committee to consider complaints from individuals or groups who claim they are victims of racial discrimination. It is important that all states agree to this, which they can do by making a declaration under Article 14. When they do, they take an important step towards ensuring that the rights protected in the Convention become a reality for the victims of racial discrimination all over the world.

Amnesty International is a worldwide voluntary human rights movement that campaigns for the release of prisoners of conscience, fair trials for political prisoners, and an end to torture and the death penalty, “disappearances” and political killings all over the world. Amnesty International works impartially to promote all the human rights enshrined in the Universal Declaration of Human Rights and other international standards.

For more information about Amnesty International and our work on increasing awareness of human rights violations to which people are subjected because of racism, xenophobia or ethnic hatred, contact Amnesty International in your country or write to:

*Amnesty International, International Secretariat, 1 Easton Street,
London WC1X 0DW, United Kingdom*

www.amnesty.org

In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Article 1, International Convention on the Elimination of All Forms of Racial Discrimination

Austria

Police officers allegedly acted towards the asylum-seekers in a disparaging manner, laughing at those who showed they were suffering pain while being searched internally, and using degrading language.

Asylum-seekers targeted by police

On the evening of 17 January 2000, around 130 police officers raided a building used to house asylum-seekers in Traiskirchen, Lower Austria, searching for drugs. During the search around 80 residents were confined by police to certain areas of the building, such as their bedrooms and kitchens. Many reportedly had their hands painfully bound with plastic ties while they were systematically searched for drugs. Some people were reportedly subjected to degrading internal body searches in view of other residents as well as police officers. A number of people were allegedly searched internally by officers using the same pairs of latex gloves. Police officers allegedly acted in a disparaging manner, laughing at those who showed they were suffering pain while being searched internally, and using degrading language.

The police raid reportedly lasted for approximately four hours, during which 80 asylum-seekers were temporarily deprived of their liberty, many of them strip-searched and subjected to internal body searches. Fifteen people were eventually arrested, reportedly for possessing small amounts of drugs.

Amnesty International (AI) is concerned that the police operation targeted the entire population of block three of the residence in order to apprehend a small number of possible drug users and drug dealers. While AI recognizes the right of the Austrian authorities to combat drug dealing, this should not be achieved in a manner which violates human rights.

AI's concerns about the police raid in Traiskirchen echo the organization's wider concern that, in the course of the campaign against drugs in Austria, people have sometimes been targeted by police without reasonable grounds and apparently on the basis of their ethnic background rather than on reasonable suspicion that individuals were engaged in crime.

In recent years, AI has received an increasing number of allegations of ill-treatment by police in Austria. A large number of these claims involve ill-treatment of non-Caucasian foreign or Austrian nationals and the use of racist language by police officers. A number of alarming incidents have been documented.

In May 1999, 25-year-old Nigerian asylum-seeker Markus Omofuma died while being deported by three Austrian police officers. He was allegedly gagged and bound "like a mummy" with adhesive tape. The criminal case against the police officers charged in connection with his death is not expected to come to trial until sometime in 2001.

In November 1998, a black Austrian citizen was stopped by the police for reversing into a one-way street. The police officers used racist language, beat him to the point of unconsciousness and resumed beating him when he regained consciousness. While the police officers involved were tried, and, after an appeal in July 2000, convicted and sentenced to two-month suspended prison sentences for intentionally physically assaulting the 39-year-old detainee, the victim was also tried, convicted and sentenced in August 1999 to a suspended prison term of four months for resisting state authority.

AI has also expressed concern that investigations into police ill-treatment have been slow, lacking in thoroughness and often inconclusive, and that counter-charges such as resisting arrest, physical assault or defamation were often brought against those who lodged complaints and eyewitnesses of ill-treatment by police officers. In July 2000 AI was threatened with court action after the organization asked the authorities to investigate the alleged police ill-treatment of a 13-year-old boy of Turkish origin.

Throughout 1999 and 2000 AI repeatedly called on the Austrian government to address racism in the police force, thoroughly investigate all incidents of ill-treatment, send a clear message to police that ill-treatment is unacceptable, and bring the perpetrators to justice.

In May 2000 the Ministry of the Interior stated that an investigation had been launched into the allegations of ill-treatment by police at Traiskirchen. On 10 July 2000 the Lower Austrian Independent Administrative Tribunal in Saint Pölten also heard the first of a series of testimonies about the police raid from some of the asylum-seekers who brought complaints against the police. The findings of the investigations have not yet been made public.

WHAT YOU CAN DO

Please send letters or faxes urging the government to:

- * protect the rights of all people, without distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin, including asylum-seekers
- * inform the public of the findings of the investigation into the police raid on a house of asylum-seekers in Traiskirchen, and take appropriate measures against those responsible for cruel, inhuman or degrading practices
- * implement effectively the International Convention on the Elimination of All Forms of Racial Discrimination and make a declaration under Article 14 of the Convention to permit individuals to complain to the Committee on the Elimination of Racial Discrimination

Address your letters or faxes to:

Herrn, Ernst Strasser, Bundesminister für Inneres
Bundesministerium für Inneres, Herrengasse 7,
1014 Wien, Austria
Fax: + 43 1 531 26 39 10

Dieter Bönmdorfer, Bundesminister für Justiz, Museum Straße 7, 1070 Wien, Austria
Fax: + 43 1 521 52 727

Front photo: Traiskirchen Asylum Centre. © Rudi Handl

BULGARIA

Tsvetalin Perov said that a police officer beat him unconscious. The next thing he remembered was being awoken by the pain of being on fire.

A 16-year-old boy severely burnt in police detention

On the evening of 29 April 2000, Tsvetalin Perov was arrested in Vidin, Bulgaria. He was taken to the police station and placed in a locked room. At around 9pm Tsvetalin Perov was taken from the police

station to Sveta Petka hospital. He had third-degree burns to 15 per cent of his body, some so deep that they required skin grafts.

Tsvetalin Perov is a 16-year-old Roma boy. He is an epileptic and was reportedly expelled from a school for children with learning difficulties for persistent stealing. He is reported to have been arrested and detained by police often, and on several occasions was allegedly ill-treated by police officers who interrogated him. His sister claims to have seen him returning home from such interrogations covered in blood on several occasions.

The account given by Tsvetalin Perov of the events of 29 April seems to point to him catching fire as a result of action by a police officer. After his release from hospital he told the non-governmental organization Drom that he was locked in a room at the police station with a police officer who punched him and kicked him, knocking him unconscious. He says that the next thing he remembers was being awoken by the pain of being on fire and that his screams brought other police officers, who extinguished the fire.

The police reportedly issued no information about the incident, and an investigation was not initiated until Drom and a local journalist publicized it. It is reported that police officers told the military prosecution investigator that duty officer Lyudmil Ivanov heard Tsvetalin Perov screaming in the locked room in which he had been left by himself. According to the police, officer Ivanov called senior sergeant Vanyo Milkanichov to assist him. They found Tsvetalin Perov on fire and took him out into the corridor, where the fire was extinguished.

The Vidin police officers who interviewed Tsvetalin Perov on 4 May 2000 reported that he claimed to have retained some cigarettes and a disposable lighter in a cigarette packet during his detention at the police station. Reportedly, it was with these items that he set himself on fire. However, it is obligatory Bulgarian police procedure to remove even shoelaces from detainees. After the incident, the police were unable to find the cigarettes and lighter or matches which Tsvetalin Perov was said to have had.

In November 2000 the Ministry of the Interior confirmed that the police searched Tsvetalin Perov before he was placed alone in a cell. According to the ministry, the Vidin Military Prosecutor has opened an investigation into the circumstances leading to the burning of Tsvetalin Perov.

Amnesty International is concerned about the high incidence of reports of ill-treatment by Bulgarian police officers, which appears to be a systemic, institutional problem. A questionnaire survey conducted among nearly 1000 convicts in Bulgaria's prison system on behalf of the Bulgarian Helsinki Committee, a local human rights non-governmental organization, in early 1999 revealed that over half claimed that they were tortured or ill-treated during arrest or when detained at a police station. When broken down by ethnic group, the results showed that the highest incidence of alleged ill-treatment by police officers was reported by Roma respondents. Sixty per cent of the Roma prisoners surveyed claimed that they were ill-treated in police detention.

WHAT YOU CAN DO

Please send letters or faxes urging the government to:

- * protect the rights of all people, without distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin, including members of the Roma community
- *ensure that impartial and thorough investigations are promptly initiated into all allegations or reports of ill-treatment by police officers of members of the Roma community, including the burning of Tsvetalin

Perov, and that the police afford all necessary cooperation enabling the perpetrators to be brought to justice

* initiate effective training programs for police officers to ensure understanding and implementation of national and international human rights standards

* implement effectively the International Convention on the Elimination of All Forms of Racial Discrimination and make a declaration under Article 14 of the Convention to permit individuals to complain to the Committee on the Elimination of Racial Discrimination

Address your letters or faxes to:

Mr Emanuil Yordanov, Minister of the Interior,
6 Septemvri 29, 1000 Sofia, Bulgaria
Fax: + 3592 987 7967, + 3592 982 2047

Mr Nikola Filchev, Chief Prosecutor, 2 Vitosha Blvd.,
1000 Sofia, Bulgaria
Fax: + 3592 986 2270

Left and front: Tsvetalin Perov in hospital three days after suffering third-degree burns in a police cell.
© AI. Photo courtesy of Vanya Stavre

EQUATORIAL GUINEA

“One of his feet became infected because of the torture, gangrene set in, and he went crazy.”
Eyewitness description of Ireneo Barbosa Elobé who died in detention

Imprisonment, torture and ill-treatment of ethnic Bubis

Ireneo Barbosa Elobé was one of about 500 people arrested in Equatorial Guinea in January and February 1998 following attacks on several military barracks on Bioko Island. Most of the people arrested were members of the Bubi ethnic group, the indigenous population of Bioko Island.

After the attacks on the barracks, in which four soldiers and three civilians died, the authorities unleashed a systematic program of repression and arrests against large sections of the Bubi population. Security forces beat, insulted and harassed Bubis in the streets and in their homes. Members of the security forces watched without intervening as mobs beat and raped Bubis. Relatives of people wanted by the security forces, including women and the elderly, were taken hostage to force those who had fled or gone into hiding to give themselves up. Villages were looted and a number of people were extrajudicially executed.

Many of those arrested appear to have been detained solely because of their ethnic origin. At least six detainees, including Ireneo Barbosa Elobé, died following torture by the security forces while in detention.

In May 1998 more than 110 people were tried in connection with the attacks on the military barracks. The five-day summary military trial did not respect international standards of fair trial. The military court pronounced 15 death sentences – later commuted to life imprisonment – and sentenced some 70 people to prison terms ranging from six to 26 years. All the convictions were apparently based on confessions made under torture. An Amnesty International (AI) delegation observing the

trial saw clear signs that the defendants had been tortured. Some had fractured bones in their feet and hands and at least 10 had had part of their ears cut off with razor blades.

Since their trial and conviction, the prisoners have been held in extremely harsh conditions without adequate food or medical treatment and many are said to be very weak. Most have been relying on relatives to bring them food and medicine. Ill-treatment and lack of care reportedly led to the death of one prisoner, Martin Puye, in July 1998 and a second, Diego Sepa Tobachi, in October 1999.

On 3 March 2000 some 40 prisoners were transferred from prison in the capital Malabo, on Bioko Island, to Evinayong, some 500 kilometres east of Malabo, making it very difficult for their families to provide them with medicine, food and moral support. In December 2000 President Teodoro Obiang Nguema Mbasogo issued a decree pardoning 14 of these prisoners, including Milagrosa Cheba, the only woman of the group.

AI considers that most of the people arrested and sentenced in 1998 are prisoners of conscience imprisoned solely because of their ethnic origin. AI has publicly called on the authorities of Equatorial Guinea to release the prisoners of conscience and to improve the prison conditions of all the prisoners.

In February 1997 the President publicly admitted for the first time that human rights had been systematically violated in his country and announced that measures would be taken to end these abuses. Yet the massive human rights violations which followed the January 1998 attacks showed that for the Bubi people, this presidential statement was no more than an empty promise.

WHAT YOU CAN DO

Please send letters or faxes urging the government to:

- * protect the rights of all people, without distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin, including the Bubis, an indigenous group
- * release unconditionally all Bubis unfairly convicted in May 1998 solely because of their peaceful political activities or on account of their ethnic origin
- * take measures to ensure that all detainees receive adequate food and medical care
- * allow international humanitarian organizations such as the International Committee of the Red Cross access to the prisoners
- * ratify the International Convention on the Elimination of All Forms of Racial Discrimination and make a declaration under Article 14 of the Convention to permit individuals to complain to the Committee on the Elimination of Racial Discrimination

Address your letters or faxes to:

General Teodoro Obiang Nguema Mbasogo, Presidente de la República, Gabinete del Presidente de la República, Malabo, República de Guinea Ecuatorial
Fax: + 240 9 3313/3334

Santiago Nsobeya Efuman, Ministro de Asuntos Exteriores, Ministerio de Asuntos Exteriores, Malabo, República de Guinea Ecuatorial
Fax: + 240 9 3132/2320

Above: A defendant with cut ears © Gervasio Sanchez

Front: Martin Puye, a defendant, at the trial © Gervasio Sanchez

HONDURAS

His body was found on the side of the road, riddled with bullets and injuries from a knife or machete.

Indigenous leader murdered

Cándido Amador Recinos was murdered on the night of 12 April 1997 in Copán Ruinas, Honduras. His body was found on the side of the road, riddled with bullet wounds and injuries from a knife or machete. He had deep wounds on the face, neck, arms and hands. One wound to his right hand was so deep that the index finger was severed. The autopsy determined the cause of death to be an injury to the brain, and considered that the wounds in the hands and arms were inflicted when Cándido Amador tried to defend himself from the attack. There were reports that many cigarette butts were found in the place where he was killed, suggesting his attackers had been waiting for him for some time.

Cándido Amador, 38, was a Chorti, one of the indigenous peoples of Honduras. The General Secretary of the Advisory Committee to Honduran Indigenous Groups, for many years he had been involved in the struggle to secure lands for indigenous groups and improve their living conditions.

Indigenous people are probably the most marginalized in Honduran society. Many communities live under constant fear of losing the lands where they live as, despite obligations under national and international law, the government has failed to provide them with deeds to protect their right to live on and use the land. Disputes with landowners, multinational logging companies and tourist enterprises over the recognition of land rights have led to abuses against indigenous leaders, including violence, intimidation and death threats. The authorities have consistently failed to properly investigate such abuses, or to offer adequate protection against them.

Indigenous peoples' organizations claimed that landowners were responsible for the death of Cándido Amador. Only a few days before his death he had informed colleagues that he had received numerous death threats.

An official investigation into the killing led to the arrest of one man in late April 1997, but he was released due to lack of evidence. In May 1997 two labourers were arrested following allegations from a young man, but he later recanted and the men were released.

No further attempts appear to have been made to find those responsible – actual perpetrators or instigators – for the death of Cándido Amador Recinos. The Chorti people and indigenous peoples in general in Honduras continue to call for the authorities to carry out a thorough and independent investigation of his killing and to bring those responsible to justice.

Abuses against indigenous peoples in Honduras and the failure to investigate them and bring those responsible to justice have been a matter of concern for Amnesty International for many years. Over the past decade some 25 indigenous people in Honduras have been killed by individuals or groups allegedly linked to local authorities or the military. Other indigenous leaders have been injured or threatened and harassed, reportedly by landowners or other private individuals, with the alleged or apparent collusion of local officials.

In September 2000 the government and indigenous groups signed an agreement in which the government made a number of commitments, including the creation of a Special Programme of Investigation into the killings of indigenous leaders, including Cándido Amador Recinos. However, no progress has been reported on this. While impunity prevails over justice in Honduras, indigenous people continue to suffer.

WHAT YOU CAN DO

Please send letters or faxes urging the government to:

- * protect the rights of all people, without distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin, including indigenous groups
- * carry out a prompt, full and impartial investigation into the killing of Cándido Amador Recinos, an indigenous leader, make public the results and bring those responsible to justice
- * ensure that, in accordance with international standards, all victims of human rights abuses receive reparation, including compensation
- * ratify the International Convention on the Elimination of All Forms of Racial Discrimination and make a declaration under Article 14 of the Convention to permit individuals to complain to the Committee on the Elimination of Racial Discrimination

Address your letters or faxes to:

S.E. Carlos Roberto Flores Facussé, Presidente de la República de Honduras, Casa Presidencial, Boulevard Juan Pablo Segundo, Palacio José Cecilio del Valle
Tegucigalpa, Honduras
Fax: + 504 234 1484

Dr. Roy Edmundo Medina, Fiscal General de la República, Fiscalía General, Ministerio Público
Edificio Castillo Poujol, 4 Avda, Colonia Palmira, Boulevard Morazán, Tegucigalpa, Honduras
Fax: + 504 239 4750 / 239 3698 / 393687

Left and front: Cándido Amador Recinos © Private

INDIA

They left him for for dead, and told the police that they had killed him.

Brutal attacks on dalits

On the evening of 23 October 2000, in the village of Guthakar in Rajasthan, India, half a dozen men attacked Laxman Singh. They beat his legs with stones and a heavy iron bar from a tractor. They stuffed his mouth with a cloth so that he could not cry out and took money and food from him. Leaving him for dead, the men informed the police that they had killed him.

The police took Laxman Singh to Bharatpur hospital, where he was not given a bed or immediate treatment for his injuries. The attackers reportedly gave a doctor money to falsify the medical records and told him that it did not matter if he died. Laxman Singh was later transferred to a hospital in Jaipur where doctors told him that, because of the poor treatment given at Bharatpur hospital, his legs had developed gangrene and would have to be amputated.

Forty-year-old Laxman Singh and his family are dalits, a disadvantaged social group formerly known as “untouchables” who suffer severe discrimination throughout India. In Guthakar the 10 dalit families live apart from the other villagers, mainly members of the higher Gujjar caste. They are not allowed to take water from the village well or to touch eating implements belonging to others, and are forced to work for higher caste villagers, often with no payment.

In June 2000 Gujjar villagers began to put pressure on Laxman Singh, his brother and son to build them a house. Since they had received no payment for previous work done for them, they

refused. Several violent confrontations followed, including the beating of Laxman Singh's brother and his wife by Gujjars. Local police officials – of a similar level caste to the Gujjars – ignored the brothers' complaints and verbally abused the dalits for daring to file complaints against the Gujjars.

Even after a complaint was finally filed, in early October, through the intervention of a local dalit representative, no protection was offered to Laxman Singh and his family and no action was taken against police officials who had refused to file the complaints.

It is reported that the police officer who had refused to file complaints by Laxman Singh and his brother told the Gujjars that if they killed Laxman Singh, the police would protect them. A few weeks later the Gujjar men attacked Laxman Singh.

Police wrote the initial complaint about the incident before they took any testimony from Laxman Singh. There are reports that pressure was put on the police not to list all the names of the attackers in the complaint, that the leaders of the attack were not named and that there has been no police investigation to identify them.

Three Gujjar men were arrested and charged with offences including attempted murder. When they were brought before a magistrate, they took the opportunity to warn villagers that if Laxman Singh and his family did not compromise they would be killed. The three men were remanded to judicial custody but released on bail in January 2001.

Following repeated appeals by human rights organizations, on 13 December 2000 the authorities in Rajasthan reportedly promised to pay Rs.35,000 [\$US756] in compensation to Laxman Singh and his family. The family continue to receive threats and have had to leave the village.

WHAT YOU CAN DO

Please write letters or faxes calling on the government to:

- * protect the rights of all people, without distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin, including members of the dalit community
- *ensure that all those responsible for the attacks on Laxman Singh, a dalit, and his brother are brought to justice and, if found guilty, receive appropriate penalties
- * investigate all reports of the connivance of police and other agents of the state in discrimination against dalits, take action against those found guilty, and pay compensation to the victims
- *make a declaration under Article 14 of the International Convention on All Forms of Racial Discrimination to permit individuals to complain to the Committee on the Elimination of Racial Discrimination

Address your letters and faxes to:

Mr A.B. Vajpayee, Prime Minister of India, Office of the Prime Minister, South Block, New Delhi
110 001,

India

Fax: + 91 11 301 6857

Mr Jaswant Singh, Minister of External Affairs, Ministry of External Affairs, South Block, New Delhi
110 001,

India

Fax: + 91 11 301 0700/301 0680

Above and front: Laxman Singh recovering in hospital. © AI

ISRAEL

“In normal circumstances, the police serve the people; they do not kill them”

The father of Asil Hassan ‘Asleh, who was killed by a police bullet on 2 October 2000

Excessive force used on demonstrators

On 2 October 2000 Asil Hassan ‘Asleh, a 17-year-old Palestinian boy, joined a demonstration in his village of Arrabeh, Israel. The demonstrators were protesting at the killing by Israeli security services of more than 20 Palestinians, and the injury of over a thousand more, at demonstrations and riots throughout Israel and the Occupied Territories over the previous four days.

Around 200 demonstrators gathered in Arrabeh and marched out of the village to a location symbolic of the village’s confiscated lands, in olive orchards near a rubbish dump. It was a place where demonstrators posed no danger to life or property. Yet police, army and special forces charged the demonstrators, firing rubber-coated metal bullets and live ammunition as they scattered. Asil ‘Asleh and another young man, Ala Khaled Nassar, were killed.

Witnesses say they saw Asil ‘Asleh chased and beaten to the ground by security forces and that he was shot in the neck at close range.

The car in which he was transported to hospital was delayed at several police checkpoints. When he arrived at hospital doctors tried to operate, but he could not be saved.

Asil ‘Asleh had been an active member of “Seeds of Peace”, an international group which worked for Jewish-Arab friendship. The death of this young man is just one example of the excessive use of force by the Israeli security services against Palestinian demonstrators in the days after 29 September 2000, when five people were killed after police charged demonstrators at the Al-Aqsa mosque in Jerusalem. During the demonstrations that took place in over 30 towns and villages throughout Israel, 13 Palestinians were killed and hundreds wounded.

Although in the Occupied Territories (where Israeli security forces have killed more than 350 Palestinians since 29 September 2000) Palestinians have used firearms, the demonstrators in Israel and East Jerusalem were armed with nothing more than stones. Demonstrations which were not opposed by the police passed off peacefully, without loss of life. Yet, in other cases, the police met demonstrators with force, which rapidly escalated to the firing of lethal rubber-coated metal bullets and live ammunition, often without attempting to use non-lethal means of dispersal. Amnesty International investigators, including a former senior UK police officer who specialized in riot policing, found that Israeli security services contravened United Nations standards by firing at demonstrators when no lives were in imminent danger.

The Israeli security forces’ ability to police violent demonstrations without the use of firearms is shown in their policing of demonstrations by Jewish groups. Tal Etlinger, of the Border Police patrol unit, told the Israeli newspaper *Yedioth Ahronoth*, “We handle Jewish riots differently. When such a demonstration takes place, it is obvious from the start that we do not bring our guns along. Those are our instructions.”

Following the killing of the 13 Palestinian citizens of Israel during the demonstrations after 29 September 2000, the Israeli police did not carry out investigations into how they came to be killed. It

took nearly two months of protests throughout Israel by Palestinian citizens of Israel and civil rights groups before the Israeli Government eventually set up a judicial Commission of Inquiry into the killings.

WHAT YOU CAN DO

Please send letters or faxes urging the government to:

- * protect the rights of all people, without distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin
- * ensure that the death of Asil 'Asleh is fully and impartially investigated and that, if it is shown that he was unlawfully killed, those responsible be brought to justice
- * end discriminatory policing of Palestinian demonstrations
- * make a declaration under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination permitting individuals to complain to the Committee on the Elimination of Racial Discrimination

Send your letters or faxes to:

Ariel Sharon, Prime Minister, Office of the Prime Minister, 3 Kaplan Street, PO Box 187, Kiryat Ben-Gurion, Jerusalem 91919, Israel
Fax: + 972 2 651 2631

Moshe Katsav, President of the State of Israel,
The Office of the President, Hanassi Street,
Jerusalem 92188, Israel
Fax: + 972 2 561 0037

Front: Asil 'Asleh with friend's at a "Seeds of Peace" camp.

Above: The last photograph taken of Asil, with his cousin's daughter ©

MEXICO

Security forces ransacked houses, stealing possessions and creating a climate of fear among the population.

Indigenous activists attacked

On 5 September 1999, in Oaxaca, southern Mexico, Juan Cruz López was shot in the back. His friend, Joel Díaz López, filed a complaint with the police and on returning to his house found a group of armed men who fired four shots, one of which struck him. Although seriously injured, both men survived. In both cases the assailants were thought to be supporters of the Institutional Revolutionary Party, PRI, the ruling party of Mexico until December 2000.

Juan Cruz López and Joel Díaz López are members of the Committee for the Defence of Indigenous Customs, an organization established in the community of Santiago Xanica, Oaxaca state, to promote and protect indigenous rights. Although the ground-breaking Law of Indigenous Customs was passed in the state of Oaxaca in 1998, indigenous people are often denied their rights in practice. There have been persistent reports of the security forces perpetrating human rights violations, mainly against members of the indigenous population.

Over the last two years, inhabitants of Santiago Xanica have developed high levels of community organization and have made broad links with other indigenous groups in order to peacefully defend their rights. This activism has been met with violence and intimidation, reportedly at the hands of the military, police and supporters of the PRI.

Juan Cruz López and Joel Díaz López were two of six members of the Committee for the Defence of Indigenous Customs to be attacked between April 1999 and January 2000, reportedly by PRI supporters.

Members of another local indigenous group, the Popular Indigenous Council of Oaxaca, have also experienced many incidents of harassment and death threats.

On 1 December 2000 a new government, led by President Vicente Fox Quesada of the National Action Party, took office in Mexico, ousting the PRI after more than 70 years in power. The new President has pledged to fully respect the rights of the indigenous people of Mexico. However, the governorship of Oaxaca remains in the hands of the PRI. In many parts of the state the PRI reportedly continues to play an important role in protecting those responsible for human rights violations, allowing perpetrators to continue committing crimes with impunity.

In early January 2001 the military and police increased their presence in the region of Santiago Xanica, supported, according to reports, by an armed civilian group allied to the PRI. On 3 January soldiers began to intimidate and interrogate people from the community, asking for information about members of the Committee for the Defence of Indigenous Customs. Soldiers also ransacked a number of houses in the neighbouring community of San Lovene, stealing possessions and creating a climate of fear among the population.

The authorities have failed to take effective steps in response to numerous official complaints and as a result tensions are high, threatening further violations. Nearby communities fear that they may be targeted next. Amnesty International is concerned for the safety of all of them.

Such racial discrimination is not limited to southern Mexico. Amnesty International receives reports of human rights violations against indigenous people throughout Mexico.

WHAT YOU CAN DO

Please send letters or faxes urging the government to:

- * protect the rights of all people, without distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin, including members of indigenous groups
- * carry out prompt, full and impartial investigations into the shootings of Juan Cruz López and Joel Díaz López, members of a local indigenous group, and the incidents of military harassment in January 2001, make public the results, and bring those responsible to justice
- * guarantee the safety of the inhabitants of Santiago Xanica and neighbouring communities, and particularly members of the Committee for the Defence of Indigenous Customs, ensuring that they are able to freely exercise their rights without risk of intimidation
- * make a declaration under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination to permit individuals to complain to the Committee on the Elimination of Racial Discrimination

Address your letters or faxes to:

Lic. Vicente Fox Quesada, Presidente de los Estados Unidos Mexicanos, Palacio Nacional, Patio de Honor, Primer piso, Col. Centro, México D.F. 06067 México

Fax: + 52 5 277 2376 /515 5729

Lic. José Murat Casab, Gobernador del Estado de Oaxaca, Palacio de Gobierno, Bustamente s/n,
Oaxaca 68000 México
Fax: + 529 516 3737

Above and front: Meeting on indigenous rights held in Santiago Xanica and attended by people from neighbouring communities, February 2000. © Private

MYANMAR

*“I thought I was crazy, I could not cry, I could not speak, I could not eat.
My whole family was crying and leaving the village.”*

Driven from their lands, forced into labour

“He was taken out of the village and beaten severely so he became unconscious. The troops beheaded him and left the dead body on the spot. The people did not dare collect the dead body but could only look. The troops put mines around the body. They [the villagers] could not retrieve it. I left the next day. I thought I might face the same fate myself... I thought I was crazy, I could not cry, I could not speak, I could not eat. My whole family was crying and leaving the village.”

A Karen refugee in Thailand describes the extrajudicial execution of her brother, for allegedly passing information to an armed opposition group. It was the final episode in a series of events that led her to flee her home in the Papun District of the Kayin State, Myanmar.

The woman, whose name has been withheld to prevent reprisals should she return to Myanmar, told Amnesty International how a month before her brother's death, troops arrived in her village demanding 20 porters. Such forced labour is a regular occurrence in the region, where men, women and even children can be forced to work for the military for days at a time, receiving no pay and having to leave their farms unattended. Anyone who refuses or cannot manage the arduous workload risks being beaten or killed. The woman described how she saw the troops open fire on students leaving the village Bible school, killing a 16-year-old boy and an 18-year-old woman.

The woman who described this is just one of approximately 110,000 Karen refugees in Thailand who have fled the brutal methods of the Myanmar army's counter-insurgency campaigns against ethnic minority armed opposition groups.

Some were forced out of their villages by the army and had been living in the forest, unable to farm, at risk of malnutrition and disease, and under the constant fear of being shot by the military because they occupied “black spots” where insurgents were allegedly active. Others fled their homes to escape village burnings, the military's constant demand for forced labour, looting of food and supplies and extrajudicial killings. They have lost their land, their homes, and their possessions. Mostly subsistence rice farmers living in small settlements, they were victimized simply because of their ethnic origin or perceived political beliefs.

According to Myanmar's military government there are 135 “national races” in the country, including the Karen people. The ruling Burman authorities claim that they are striving to “...preserve and understand the culture and good traditions of the national races...”. Yet non-Burman ethnic minorities such as the Karen people are suffering human rights violations, including forced relocations, forced labour, torture and ill-treatment, and extrajudicial executions, on a massive scale.

WHAT YOU CAN DO

Please send letters or faxes urging the government to:

- * protect the rights of all people, without distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin, including members of the Karen ethnic minority
- * take all necessary steps to put an end to human rights violations against members of ethnic minorities in Myanmar, and to ensure that their fundamental rights are respected and upheld
- * investigate allegations of human rights violations against ethnic minorities and bring those found responsible to justice
- * ratify the International Convention on the Elimination of All Forms of Racial Discrimination and make a declaration under Article 14 of the Convention to permit individuals to complain to the Committee on the Elimination of Racial Discrimination

Address your letters or faxes to:

Lieutenant General Khin Nyunt, Secretary 1, State Peace and Development Council, c/o Ministry of Defence, Signal Pagoda Road, Dagon Post Office, Yangon, Union of Myanmar
Fax: + 95 1 222 950

Colonel Hla Min, Office of Strategic Studies, Department of International Affairs, c/o Ministry of Defence, Signal Pagoda Road, Dagon Post Office, Yangon, Union of Myanmar
Fax: + 95 1 222 950

Above: Karen refugee. © Ben Bohane

Front: Myanmar refugee in Thailand © Aung Myo Min

SAUDI ARABIA

“The officer put his shoe in my mouth, beat me up, put me in a cell, and did not allow any visits. He threatened me with worse treatment if I refused to agree to the confession in court. Under these circumstances I ratified the confession in the hope that someone would listen to me in court.”

Abdul-Karim al-Naqshabandi, a Syrian man executed in Saudi Arabia for “witchcraft”

Migrant worker at risk of execution

Somewhere in Saudi Arabia, Sit Zainab binti Duhri Rupa sits in jail. The 32-year-old migrant worker from Indonesia is alleged to have “confessed” to the murder of her employer under police interrogation. The crime carries the penalty of execution by beheading. According to reports, police suspect that she is psychologically ill.

After her arrest in September 1999, Sit Zainab binti Duhri Rupa was not given access to Indonesian embassy representatives for at least 11 months. She has been allowed no contact with a lawyer, her family, or friends. No information is available about any trial that may have taken place. If there was a trial, it would probably have taken place in secret, following summary proceedings, and she would have had no legal representation.

Sit Zainab binti Duhri Rupa is one of the millions of foreign nationals who make up 60 to 80 per cent of the Saudi Arabian workforce. Most, like her, are from developing countries in Africa or Asia. The opportunity to work in Saudi Arabia offers workers a chance to escape from poverty and provide their families with a better future. Yet with that opportunity come terrible risks. Many migrant workers suffer at the hands of their employers, on whom they are completely dependent. Some are

not paid. Some are beaten. Some are raped. Forbidden to change jobs or travel from the place where they work, they have little chance of escape and no one to turn to for help.

But it is not just at the hands of private individuals that migrant workers suffer abuse and discrimination. Those who come into contact with the Saudi Arabian criminal justice system are particularly vulnerable.

Many of those arrested suffer torture and ill-treatment in detention. They may be tricked or physically coerced into signing a statement which they do not understand.

Denied access to a lawyer and usually to representatives from the embassy of their home country, friends or family who might help them, they are frequently convicted and sentenced after secret and summary trials. Almost all of them lack support to seek commutation or reduction of their sentence. As a result they are more likely than Saudi Arabians to be denied justice and be imprisoned or subject to flogging, limb amputation or execution as punishment after an unfair trial.

Sit Zainab binti Duhri Rupa's situation is perilous. On 19 June 2000 another Indonesian domestic worker, Warni Samiran Awdi, was executed on charges of murdering her employer. Hers was one of 123 executions recorded by Amnesty International in Saudi Arabia in 2000, of which 71 were of foreign nationals. Amnesty International fears that unless sufficient pressure is put on authorities, Sit Zainab binti Duhri Rupa is at imminent risk of execution.

WHAT YOU CAN DO

Please send letters, faxes or telegrams urging the government to:

- *protect the rights of all people, without distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin, including foreign workers
- * give assurances that Sit Zainab binti Duhri Rupa will not be sentenced to death and executed
- * allow Sit Zainab binti Duhri Rupa immediate access to lawyers, family and medical attention
- * ensure that she is tried in proceedings that meet international standards of fairness
- * make a declaration under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination to permit individuals to complain to the Committee on the Elimination of Racial Discrimination

Address your letters, faxes or telegrams to:

His Majesty King Fahd bin 'Abdul 'Aziz al-Saud, Office of His Majesty The King, Royal Court, Riyadh,

Telegram: H.M. King Fahd, Riyadh, Saudi Arabia

His Excellency Dr Abdullah bin Muhammad bin Ibrahim al-Sheikh, Minister of Justice, Ministry of Justice, University Street, Riyadh 11137, Saudi Arabia

Fax: + 966 1 401 1741

Left and front: Sit Zainab binti Duhri Rupa.

© Documentation of CIMW

UNITED STATES OF AMERICA

“It was the practice of the prosecutors in Clark County to attempt to remove all African-American jurors in cases in which the defendant was African-American”

Racism and the death penalty

Thomas Nevius, 45 in April 2001, has been on death row in the state of Nevada for nearly 19 years. He was convicted of shooting dead David Kinnamon during a burglary of his apartment in Las Vegas in July 1980.

Thomas Nevius is African-American. David Kinnamon was white. At the 1982 trial, the judge, the defence lawyer and the prosecutor were all white. So, too, was the jury. An all-white jury was formed after the Clark County prosecutor removed all four black and both Hispanic jurors during jury selection using “peremptory strikes”, the right to exclude jurors without giving a reason.

At a hearing after the trial, the prosecutor attempted to defend his actions, but appeared to confirm that he excluded African-Americans from juries as a matter of course out of a “fear” that black jurors would sympathize with black defendants. He admitted that, “I think that it’s impossible for me to separate the reasons that I excused them... from the fact that they were black”.

A former prosecutor in the Clark County District Attorney’s office and a subsequent member of the Board of Regents of the University of Nevada has said that, until 1986, “it was the practice of the prosecutors in Clark County to attempt to remove all African-American jurors in cases in which the defendant was African-American.” Other lawyers have signed affidavits making the same claim.

Thomas Nevius’s trial lawyer alleged under oath that the prosecutor said to him after the trial, “You didn’t think I wanted all those niggers on my jury did you?” The prosecutor has stated that he cannot remember making this comment, but states that if he did it was in response to the defence lawyer’s own use of the term “niggers” in a question about the state’s use of peremptory challenges. Without holding an evidentiary hearing, the Nevada Supreme Court ruled that the allegations were not credible – thereby suggesting that the defence lawyer, who is now an administrative law judge, committed perjury – and upheld the conviction and death sentence of Thomas Nevius.

In 1998, the Chief Justice of the Nevada Supreme Court broke ranks from the majority and dissented in the Nevius case: “What this case is really about is whether Nevius, a black man, must go to his death by verdict of a jury that was chosen in a manner that appears to have involved the deliberate exclusion of jury members of his race... I think that it is time at last that this court put a stop to what is seen by some as rampant racial bias in the criminal justice system in this state.”

Thomas Nevius, a mentally disabled man with an IQ of 68 whose background is one of appalling poverty and deprivation, remains on death row with a clemency hearing set for 11 April 2001.

The history of the death penalty in the USA is one of racist use, and race still plays a key role in who is sentenced to death.

Studies have consistently shown that capital crimes involving white victims are more likely to result in a death sentence than those involving minority victims after all other factors are taken into account.

Some 700 people have been executed in the USA since it resumed judicial killing in 1977. In over 80 per cent of cases, the crime involved a white victim.

In 1994, a US Supreme Court Justice said: “Even under the most sophisticated death penalty statutes, race continues to play a major role in determining who shall live and who shall die.”

WHAT YOU CAN DO

Please send letters or faxes which, while expressing sympathy for the family and friends of David Kinnamon:

- * urge the authorities to protect the rights of all people, without distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin
- * in appeals to the Governor, call for the State of Nevada to investigate the claims of racial discrimination in the trial of Thomas Nevius and urge that the death penalty be commuted (check with your country AI section for an update on the case before making this request)
- * in appeals to the President, call on the government to make a declaration under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination permitting individuals to complain to the Committee on the Elimination of All Forms of Racial Discrimination

Address your letters and faxes to:

The Honourable Kenny Guinn, Governor of Nevada, Capitol Building, Carson City, Nevada 89701, USA

Fax: + 1 775 684 5683

President George W. Bush, The White House, 1600 Pennsylvania Av NW, Washington DC 20500, USA

Fax: + 1 202 456 2461

Above and front: Thomas Nevius on death row at Ely State Prison, Nevada, 2000 © Private