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WEEKLY UPDATE SERVICE 31/93

Contained in this weekly update are external items on Malawi and the new Catechism of the Roman Catholic church.

NEWS INITIATIVES

INTERNATIONAL NEWS RELEASES

Chad - 21 April

\*Please Note\*

The document to go with this campaign has been sent out to sections dated February. Please inform your section campaign coordinators and anyone else who may receive it that it is EMBARGOED FOR 21 APRIL.

Chad Campaign, document, news release, Q&A and ENR. The news release will be sent to you today, the Q&A hopefully this week or early next.

Bangladesh - 28 April

Document on serious human rights violations in Bangladesh, accompanied by an embargoed weekly update item.

Tadzhikistan - 5 May

Publication and news release on killings in the context of civil war - with striking similarities to Bosnia-Herzegovina.

TARGETED AND LIMITED NEWS RELEASES

Morocco - 14 April

Document and weekly update item - the IS will be sending this only to selected media (largely Arabic speaking). The weekly update item should be ready this week.

China - 16 April

Document and embargoed weekly update item on torture, timed to coincide with China reporting to the UN Committee Against Torture (CAT). China is scheduled to appear on 23 April - media are entitled to

attend and we will be encouraging contacts to do so.

#### Brazil - 7 May

Document on prison massacre, including new forensic information. Weekly update item to go with it. Sections are also being asked to carry out campaign work in connection with this document.

#### Unconfirmed news initiatives

News releases or embargoed weekly update items are being considered on the following subjects:

Malawi (May)

Indigenous people (to go with May Focus article)

Guatemala (May)

Egypt (late May)

World Conference (early June)

Nagorno-Karabakh (to go with possible action, May)

Aceh, Indonesia (July)

#### Section Initiatives

##### French Section - European Press Officers' Meeting

The second European Press Officers' meeting will take place in Paris this year. The date of this meeting is now fixed for 15 and 16 May as the majority of you asked for. It will be focused on two themes: Audiovisual work (production and TV experiences) and how to improve it; and the UN World Conference on Human Rights in Vienna.

##### European World Conference Press Briefing in June

The British Section Press Office has been talking to the EC project office and the Francophone Belgium Press Officer about holding a European press briefing in Brussels for MEPs and for journalists who will be covering the World Conference. The date will probably be Tuesday, June 8th in the morning. The aim will be to look at the EC's role as a whole in terms of its internal shortcomings (Asylum issues, etc), external policies - aid/development, etc, and also to look at Europe's role within the UN.

Although the idea has been suggested by the British Section, it is hoped that all European Section Press Officers will be interested in being involved. For further information please contact either Daphne Davies, in the British Section Press Office or Johannes in the EC project office.

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2. AFR 36/WU 03/93 EXTERNAL

5 April 1993

## **INTERNAL**

**For further background information please see recent Urgent Actions and the Trade Unionists Action 1993 (AI Index, ACT 73/02/93), which features the case of Chakufwa Chihana. A photograph is also available.**

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## **EXTERNAL**

### MALAWI: AI CALLS FOR THE RELEASE OF TRADE UNIONIST CHAKUFWA CHIHANA

Chakufwa Chihana, an international trade unionist jailed for two years for sedition in December 1992, has lost his appeal to have his conviction quashed. Chief Justice Richard Banda upheld the conviction on 29 March 1993 but reduced the original sentence of two years' imprisonment with hard labour to nine months with hard labour.

Chakufwa Chihana had been convicted on two counts of sedition: for possession of a paper he delivered to a conference in Zambia calling for multi-party democracy in Malawi and for illegally importing his paper into Malawi. Amnesty International adopted him as a prisoner of conscience, imprisoned for peacefully expressing his non-violent opinions.

AI is concerned about the health of Chakufwa Chihana, who is suffering from chest and throat infections, severe headaches and serious weight loss as a result of harsh conditions, including the denial of proper medical treatment and poor diet. He has had to carry out the court-imposed "hard labour" - cutting grass and carrying water - even when ill. He is allowed only occasional visits by his family and lawyer. AI is concerned that his condition may amount to cruel, inhuman and degrading treatment or punishment in contravention of the United Nations Declaration against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The upholding of Chakufwa Chihana's conviction has serious implications for Malawi's forthcoming referendum on whether or not to retain the current one-party system or introduce multi-party democracy, which is due to take place on 14 June 1993. The presiding judge confirmed that the UN Charter's human rights standards should be applied in Malawi but added that they were subject to constitutional limitations. In fact, the Malawian constitution, as well as the country's laws on sedition and its one-party system, restrict and violate internationally-recognized basic human rights. Judgment in this case, therefore, established in effect that advocacy of multi-party democracy is "seditious" and an imprisonable offence.

Although opposition parties are technically illegal in Malawi, two pressure groups, the Alliance for Democracy (AFORD) and the United Democratic Front (UDF), are in fact campaigning against the one-party system and Life-President Kamuzu Banda's government. Since late 1992 political opponents identified with the movement for multi-party democracy have been harassed, some have received death threats, and there have been regular short-term arrests often followed by charges such as sedition or "incitement to cause a breach of the peace".

Chakufwa Chihana has served almost four months of his sentence and would normally be eligible for remission of a third of the reduced nine months' sentence, good behaviour permitting. He will therefore possibly be released on 15 June 1993 - just one day after the referendum on the multi-party issue. Since he is the interim chairman of AFORD, he is effectively being barred from participating in both the referendum campaign and from voting in the referendum.

Amnesty International is repeating its appeals for the immediate and unconditional release of Chakufwa Chihana as a prisoner of conscience who did not receive a fair trial or appeal hearing by an independent court, and who was convicted under a law which contradicts the internationally-recognized right to freedom of expression.

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3. ACT 50/WU 01/93 EXTERNAL

5 April 1993

## **INTERNAL**

**Following is an external statement for use by Amnesty International members in response to questions about the reference to the death penalty in the new "Catechism of the Catholic Church".**

**As can be seen, the Catechism does not contain an absolute prohibition on the use of the death penalty. It therefore falls short of the position adopted by Amnesty International. However, Amnesty International's strategy in pursuing worldwide abolition of the death penalty can be enhanced through reference to the Catechism as this places state authorities under a responsibility, whenever possible, to use means other than the death penalty when punishing those who commit even the gravest crimes. In practice, Amnesty International believes that such means are always available. Consequently, rather than focusing criticism on the shortcomings of the Catechism statement, real though these are, Amnesty International's approach should be to point to the fact that it actually places a responsibility on state authorities to use means other than the death penalty when seeking to punish even the most serious crimes.**

**Amnesty International may, therefore, without taking any position on the theological debate within the Roman Catholic Church, point to this aspect of the Catechism when appealing to relevant state authorities to prevent executions or prohibit the use of the death penalty. Relevant state authorities will be those in predominantly Roman Catholic countries (or, for example, US states) or countries in which the authorities can be expected to be particularly sensitive to the teachings of the Roman Catholic Church.**

**It may also be useful to note that: the Holy See in Rome itself abolished the death penalty in 1969; the Pope has often intervened directly with state authorities to prevent executions; and in many countries Catholic Bishops' Conferences have taken positions in opposition to the death penalty or in favour of abolition. Since the publication of the Catechism, abolitionist theologians and clergy within the Catholic Church have openly criticized the fact that the Catechism fails to condemn outright the use of the death penalty.**

**A summary of AI section activities in connection with lobbying on the Catechism will be sent to sections shortly. This will also contain reference to replies to members' letters from members of the Catholic hierarchy in their country.**

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### DEATH PENALTY: NEW CATECHISM CLARIFIES ROMAN CATHOLIC CHURCH POSITION

In December 1992, the Vatican issued a new "Catechism of the Catholic Church". Developed over several years, this updates and effectively replaces the Catechism of the Council of Trent of 1566 as the main compendium of Roman Catholic Church teachings for use by Roman Catholic clergy and laity. Among other things, it provides clarification regarding the current official view of the Roman Catholic Church in relation to the death penalty.

Amnesty International takes no position in relation to the theological beliefs or teachings of particular religious groups. Its own position in relation to the death penalty is clear and unambiguous: Amnesty International opposes the use of the death penalty in all cases as a violation of the right to life proclaimed in the Universal Declaration of Human Rights and as the ultimate form of cruel, inhuman and degrading punishment.

The new Catechism does not forbid the use of the death penalty in clear and unequivocal terms but it does state emphatically that those in authority should, whenever possible, use means other than those which involve "shedding blood" (i.e. the death penalty) in punishing wrongdoers.

The Catechism acknowledges that the "traditional teaching" of the church has recognised the right and obligation of legitimate public authorities to punish offenders, including "in extreme cases" with the death penalty. However, it then goes on to add that those in authority, when seeking to protect lives,

public order and personal security against aggression, should use means that avoid "shedding blood" when these are available, as such means "correspond better to the conditions laid down for common good and conform with human dignity".

The English version of the Catechism will not be issued until May 1993. AI's unofficial translation of the full text of the relevant passage of the Catechism is as follows:

"The legitimate defence of those responsible for other people's lives, for the common good, for the family or the State can be not only a right but a serious obligation.

Preserving the well-being of the State entails the need to put aggressors out of harm's way. To this end the traditional teaching of the Church has recognized the well-founded right and obligation of legitimate public authority to punish offenders according to the gravity of the offence without excluding in extreme cases the death penalty. For similar reasons those in power have the right to use force to repulse any attack on the State which they are responsible for.

If means to defend human lives, protect public order and personal security against aggression are available, then the authorities should make use of them since they correspond better to the conditions laid down for common good and conform with human dignity."

It has been reported that some advocates of the death penalty have suggested that the Catechism can be interpreted as an endorsement of their view as it falls short of absolute prohibition of the death penalty. However, at a press conference announcing publication of the Catechism, Cardinal Josef Ratzinger, President of the Pontifical Commission which supervised its preparation, indicated that the Catechism should, in fact, be seen as part of an evolution in the Church's thinking regarding the use of the death penalty. He added that the Catechism places a heavy moral responsibility on state authorities to consider whether, however grave a crime, the purposes to be achieved in punishing the perpetrator can be achieved without "shedding blood" - that is without recourse to the death penalty or other cruel and inhuman punishment.