

amnesty international



report 1992

Amnesty International is a worldwide voluntary movement that works to prevent some of the gravest violations by governments of people's fundamental human rights. The main focus of its campaigning is to:

– *free all prisoners of conscience*. These are people detained anywhere for their beliefs or because of their ethnic origin, sex, colour or language – who have not used or advocated violence;

– *ensure fair and prompt trials for political prisoners*;

– *abolish the death penalty, torture and other cruel treatment of prisoners*;

– *end extrajudicial executions and "disappearances"*.

Amnesty International also opposes abuses by opposition groups: hostage-taking, torture and killings of prisoners and other arbitrary killings.

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Amnesty International does not grade countries according to their record on human rights; instead of attempting comparisons it concentrates on trying to end the specific violations of human rights in each case.

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Cover picture: A Guatemalan soldier threatens a street vendor. In Guatemala, as in many other countries around the world, government failure to prosecute and punish those responsible for human rights violations has created an atmosphere in which the perpetrators of such crimes believe they can act with impunity. © Janice Rubin

AMNESTY INTERNATIONAL REPORT

1992

This report
covers the period
January to December
1991

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This report documents Amnesty International's work and its concerns throughout the world during 1991. The absence of an entry in this report on a particular country does not imply that no human rights violations of concern to Amnesty International have taken place there during the year. Nor is the length of a country entry any basis for a comparison of the extent and depth of Amnesty International's concerns in a country. Regional maps have been included in this report to indicate the location of countries and territories cited in the text and for that

purpose only. It is not possible on the small scale used to show precise political boundaries, nor should the maps be taken as indicating any view on the status of disputed territory. Amnesty International takes no position on territorial questions. Disputed boundaries and cease-fire lines are shown, where possible, by broken lines. Areas whose disputed status is a matter of unresolved concern before the relevant bodies of the United Nations have been indicated by striping only on the maps of the country which has *de facto* control of the area.

Amnesty International Report 1992

ERRATA

Introduction/Taking on New Challenges

Page 12, line 18: Statute should read mandate

Greece

Page 123, column 1, lines 4-8 should be replaced with the following:

...by beating. An investigation into Süleyman Akyar's death ordered by the Minister of Public Order was still continuing at the end of the year.

Honduras

Page 136, column 1, lines 47-48: Tegucigalpa should read San Pedro Sula

Israel and the Occupied Territories

Page 150, column 2, line 16: About 90 should read About 80

Page 152, column 1, line 58: About 90 should read About 80

Thailand

Page 252, column 2, lines 21-23 should be replaced with the following:

...against 80 members of the Santi-Asoke religious congregation to prevent them...

Turkey

Page 259, column 1, line 39: unofficial should read independent

Page 259, column 1, lines 45-46: 8 July should read 5 July

Union of Soviet Socialist Republics

Page 262, column 2, lines 31-32: Confederation should read Commonwealth

Appendix I — Amnesty International Visits Between 1 January and 31 December 1991

Page 291, lines 28-30 should read: September, USA, Research, Rod Morgan (UK), Two staff members of International Secretariat

Page 291, lines 31-33 should read: September, Bolivia, Research/Discuss Amnesty International's concerns with government authorities, Yvon Le Bot (France), Staff member of International Secretariat

Appendix IV — Amnesty International Around the World/Section addresses

Page 297, column 2, lines 9-12 should read:

Côte d'Ivoire: Amnesty International, Section Ivoirienne, Treichville Arras 2 (face ex-AITACI), Escalier 7, 2ème Etage, Porte 553, Abidjan

Page 298, column 2, lines 39-43 should read:

Spain: Amnesty International, Sección Española, Apdo 50318, 28080 Madrid

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INTRODUCTION

The first part of the book is devoted to a general introduction to the subject of the book. It discusses the importance of the subject and the scope of the book. It also discusses the organization of the book and the objectives of the book. The second part of the book is devoted to a detailed discussion of the subject. It discusses the various aspects of the subject and the various methods of study. It also discusses the various applications of the subject and the various problems that arise in the study of the subject. The third part of the book is devoted to a detailed discussion of the subject. It discusses the various aspects of the subject and the various methods of study. It also discusses the various applications of the subject and the various problems that arise in the study of the subject.



"Over the years, a certain dichotomy has marked the theme of human rights. This has become more pronounced in recent years. On the one side, there has been legitimate satisfaction at providing the world community with the International Bill of Human Rights, consisting of the Universal Declaration and the two International Covenants, followed by a corpus of other instruments. On the other, there has been dismay at the barbaric realities of the world in which we live, arising from the indiscriminate use of power to brutalize populations into submission. Public opinion now demands emphatically that the gulf between aspiration and fact be narrowed if the former is not to become totally ineffectual."

Javier Perez de Cuellar, United Nations
Secretary-General, September 1991

Getting away with murder

The abuse of power continues unabated. This report, covering 142 countries, describes gross human rights violations, including torture, killings, "disappearances" and arbitrary detention. One of the main factors contributing to these "barbaric realities" is the phenomenon of impunity: as long as the agents of repression believe they can kidnap, torture and murder without fear of discovery or punishment, the cycle of violence will never be broken.

With the dramatic political changes in various regions of the world, human rights have reached greater prominence in international relations than ever before. A record of human rights violations has become an increasingly acute embarrassment, not only at the United Nations but also in other relations between states. In 1991 the Commonwealth Heads of Government Meeting, the Organization of American States General Assembly, the Organization of African Unity, the Conference on Security and Cooperation in Europe and the Francophone Summit all gave heightened attention to human rights. The European

**An Iraqi Kurdish
refugee and her child:
the Iraqi army has
slaughtered thousands
of Kurds, forcing
hundreds of
thousands more to flee
their homes. This
photograph appears in
*Women in the Front
Line*, a report
produced by Amnesty
International in 1991
to highlight human
rights violations
suffered by women all
over the world.**



Community and other donors declared they would take human rights into account in their aid programs.

Countries whose rulers would not even have paid lip service to human rights a decade ago are now declaring their importance. Some are bringing their laws into line with international human rights standards or at least have promised to do so. Many have established new institutions to promote and protect human rights. In some cases, this reflects a real commitment by new governments. In others, it is an essential if unwelcome part of a strategy for survival in the new world order.

There is still no serious pretence of accountability in some countries where human rights are most brutally violated. In Iraq, since the end of the Gulf War, Kurds in the north of the country and Shi'a in the south have been massacred in their thousands by government troops. These are only the latest atrocities in a long history of massive human rights violations. In Myanmar (Burma), the military rulers have turned the country into a "secret state of terror" in their ruthless crackdown on those who oppose them.¹ In China, widespread human rights violations have continued in the aftermath of the suppression of pro-democracy protests in 1989. The number of people in administrative detention without charge in 1991 was believed to be in the millions. Hundreds, possibly thousands, of prisoners of conscience were held and thousands of people were executed, often after the most perfunctory of trials.

But in today's world, gross violations increasingly take place under elected governments with explicit human rights commitments and institutions. The gulf between commitments and practice can only be bridged if all unresolved human rights abuses are properly investigated and the guilty brought to justice. Victims, their relatives and society at large all have a vital interest in knowing the truth about abuses. Bringing the guilty to justice is not only important in the individual case, but also sends a clear message that violations of human rights will not be tolerated and that those who commit them will be held fully accountable. When members of the police and security forces are allowed to commit crimes with impunity, deadly attitudes and contempt for the rule of law flourish.

In Sri Lanka, tens of thousands of people were unlawfully killed or "disappeared" at the hands of government forces between 1987 and 1990 in a campaign of counter-terror against a Sinhalese armed opposition group. Since armed conflict with Tamil separatists (who themselves were responsible for atrocities) resumed in the northeast of the country in 1990, government troops have caused the "disappearances" or deaths of several thousand more civilians, including babies and elderly villagers. Virtually none of those responsible has ever been brought to justice.

In Peru, at least 4,000 people are estimated to have "disappeared" and hundreds more have been summarily killed



by the security forces since 1983. Massacres by soldiers have often followed armed attacks by the opposition group *Sendero Luminoso*, Shining Path, whose rebellion has been marked by brutal atrocities against civilians, or by other armed groups. Yet members of Peru's armed forces have acted with almost total impunity. In a few cases police officers have been tried and sentenced for abuses committed during counter-insurgency operations. But Peruvian military courts have conspicuously failed to investigate or convict armed forces personnel accused of human rights crimes.

In some countries, violations are carried out by paramilitary groups or so-called "death squads" which operate with official approval. In the Philippines, for example, the government's counter-insurgency strategy has involved semi-official armed groups it describes as "vigilantes" collaborating closely with official security forces. Although repeatedly implicated in grave human rights violations, their activities have not been curbed.²

In other countries governments claim to be powerless to control paramilitary groups and refuse to accept responsibility for bringing their abuses to an end. In Colombia, many human rights violations in recent years, including thousands of political killings and hundreds of "disappearances", have been attributed to paramilitary organizations. These have been described by the Colombian authorities as groups of right-wing extremists acting outside state control. However, judicial investigations have uncovered compelling evidence that many paramilitary groups have been made up of or supported by members of the Colombian armed forces. Similarly, in South Africa, a growing body of evidence has emerged linking "hit squads" responsible for political killings with covert police and military

Guatemala: the funeral procession for 13-year-old street child Nahamán Carmona López. Four police officers were convicted of his murder in 1991 but the convictions were overturned on technical grounds. Those who commit human rights crimes are rarely brought to justice.

operations. Hundreds of people have also been killed by members of the Inkatha Freedom Party with the active collusion of the police.

One technique used by governments and branches of the security forces to deflect criticism is to announce an investigation which then leads nowhere. Sometimes the announcements are made in good faith, but if they do not produce results they can end up simply acting as a barrier against uncovering the truth. Both the army and civil authorities in Uganda have announced numerous inquiries into reported extrajudicial executions by soldiers. So far these have only had the effect of prolonging the army's ability to act with impunity, for they appear never to have reached any conclusions. In mid-1991 Amnesty International was told that an inquiry started after killings in late 1988 was being relaunched, but it had still not made public any findings by the end of the year.

Even when investigations are carried out and judicial proceedings started, the institutions responsible for the administration of justice are often weak or inefficient. Frequently they are susceptible to pressure from other branches of government or the security forces. Prosecutors or judges sometimes behave with outstanding courage, only to flee into exile when their governments are unwilling or unable to protect them from the threats of the accused – usually members of their own security forces.

In Guatemala, even in those rare instances when the government has announced arrests and criminal proceedings in cases of human rights abuse, punishment has rarely been meted out. In 1991 four police officers were convicted of the murder of a 13-year-old street child, but the convictions were overturned on technical grounds. A retrial was ordered but it had not taken place by the end of the year. In another case two police officers found guilty of killing a 13-year-old boy were given three-year suspended prison sentences and released on bail pending appeal.

Official investigations of abuses by Israeli forces in the Occupied Territories since the beginning of the Palestinian *intifada* (uprising) in 1986 have often been inadequate. They rarely result in prosecutions. Those found guilty have received punishments which often did not appear commensurate with the offences committed.

The process of justice is sometimes subverted by measures such as transferring cases to special tribunals. Typically, as in Colombia, Guatemala and Peru, these are military tribunals which rarely pursue vigorously prosecutions against fellow officers in human rights cases. Often the accused are acquitted – sometimes even promoted. When in exceptional cases convictions are secured, the punishment rarely bears any relation to the crime.

The failure of state institutions to protect human rights discourages victims and their relatives from using important domestic remedies, such as *habeas corpus*. The fear of



reprisals can make such remedies useless. In Sri Lanka, for example, relatives of the “disappeared” who have made inquiries with government officials have subsequently received death threats, and lawyers and witnesses who testified before the courts have been killed. Witnesses and complainants in human rights-related cases in Peru and the Philippines have faced the same fate.

Some steps were taken in 1991 to break long-established patterns of security forces committing violations with impunity. In El Salvador, a colonel was convicted in 1991 for the 1989 murder of six Jesuit priests and two university staff. This was the first time a senior ranking military officer had been convicted of human rights violations, and was partly the result of enormous international and domestic pressure. However, in many other cases in El Salvador which did not receive such international attention the perpetrators have not been brought to justice.

In Brazil, two police officers were convicted of the murder of a young boy and the severe wounding of another and sentenced to 19 years’ imprisonment by a military court. In Peru, six soldiers were charged with homicide after 14 peasants were killed in Santa Bárbara, Huancavelica Department, in July 1991. They were to appear before a military court.

Amnesty laws which prevent prosecutions or close investigations and trials also undermine the search for truth and justice. Some regimes responsible for human

The bodies of two suspected members of an opposition group in Sri Lanka. Thousands of people have been killed or have “disappeared” after being detained by members of the Sri Lankan security forces, but virtually none of those responsible have ever been brought to justice.

rights violations, anticipating their loss of power, have pre-empted investigation by proclaiming amnesties. Successor governments have been placed under tremendous pressure to uphold such measures, or to concede them where they did not already exist.

Even in Argentina, the foremost instance of political or military leaders being held to account for human rights violations, the political retreat from full accountability has been rapid. In 1985 five of the military commanders who formed the juntas which ruled Argentina between 1976 and 1983 were convicted. They had waged a "dirty war" against "subversion" during which more than 8,000 people "disappeared" after abduction and torture. The Argentine Government's appointment of a national commission on the "disappeared" and its 1984 report *Nunca Más* (Never Again) were also pioneering official exposures of the truth of past impunity. Yet amnesty laws put a "*Punto Final*" (Full Stop) to further prosecutions and gave immunity to those who acted under orders (in "due obedience").

In Uruguay, an amnesty negotiated with the outgoing military government was challenged when a quarter of the electorate signed their names to a petition demanding a referendum to repeal the amnesty. However, the referendum in 1989 resulted in a defeat, with 42 per cent voting for repeal.

In Chile, 1991 saw the publication of the report of the National Commission for Truth and Reconciliation. Although it documented the massive scale of human rights violations under the previous military government, the report did not guarantee criminal investigations into those abuses. In fact, the Chilean courts continued to apply an amnesty law which had been passed by the former military government to close investigations into cases of human rights violations which occurred before 1978.

A law came into force in Honduras granting a broad and unconditional amnesty for certain political crimes. While 13 political prisoners were released as a result, the amnesty law also covered killings, torture and unlawful arrests committed by police and military personnel.

In various African countries in the past few years, governments have granted immunity from prosecution to former government and security officials in order to bring about rapid political settlements. In countries such as Benin and Congo, the overall effect of letting particular individuals act with impunity has been to avoid a close examination of the systems which allowed them to commit human rights violations, and to postpone reforms. Former President Mathieu Kérékou of Benin was the highest placed official in an African country to be formally granted immunity from prosecution in 1991.

Elsewhere in Africa the progress of investigations, even after governments have changed, has sometimes been so slow that governments have abandoned their initial

commitment to bringing human rights violators to justice. Undoubtedly the task of collecting evidence which can be presented to a court appears daunting in many cases. Many of those with immediate experience of past abuses are dead, or, having fled abroad, are still unwilling to risk return and possible reprisals for giving evidence. Much of the material evidence, too, is often destroyed – documents burned and bodies buried in secret graves. It is therefore vital that information is presented in a public forum, such as a public inquiry or trial. Otherwise the pressure not to proceed to a trial is enormous. In Ethiopia, six months after the downfall of Mengistu Haile-Mariam's government, hundreds of former government officials were being detained but no moves had been made to bring them to court. The new leaders of Chad initiated investigations into extensive killings and torture of prisoners under the previous government of President Hisssein Habré, but there were reports of new "disappearances" and other abuses from October 1991.

In Eastern and Central Europe, and in Germany, controversy raged about the accountability of those associated – even through communist party membership alone – with the former governments. Meanwhile the Cambodian peace settlement failed to include provisions to bring to justice those responsible for the massive human rights violations of the past.

Countries which have not undergone dramatic political changes also have to face up to the past in order to improve the future. For example, torture is endemic in many countries with relatively mature and sophisticated judicial systems. In 1991 Amnesty International drew attention to 10 years of torture in Egypt. Although civil courts had granted scores of compensation claims from torture victims, in only one political case had security, police or prison officials been put on trial on torture charges, and all were acquitted.

Torture has been prevalent in Turkey's police stations for even longer. However, a new Anti-Terror Law which came into force in 1991 contained provisions which made prosecuting torturers even more difficult than before. In India, the judiciary has taken some remarkable initiatives to protect human rights, yet torture remains routine throughout this vast country, with dozens of people dying each year as a result. Very few of those responsible for torture are ever prosecuted and convictions are extremely rare. Usually police officers are simply suspended during investigations, then reinstated. Some have even been promoted after committing their crimes. Torture is also widespread in Mexico, and torturers are rarely held accountable for their crimes.³

The debate over accountability in Eastern Europe has underlined the importance of guaranteeing the fundamental human rights of everyone, including those accused of



Demonstrators plead with soldiers in Myanmar (Burma). The country's military rulers have created a "secret state of terror" in their ruthless crackdown on all opposition.

be brought to an end, Amnesty International believes that all governments must fulfil certain fundamental responsibilities.

First, there should be thorough investigations into allegations of human rights violations. The object of such investigations should be to determine individual and collective responsibility and to provide a full account of the truth to the victims, their relatives and society. Investigations must be undertaken by impartial institutions, independent of the security forces, which must be granted the necessary authority and resources for their task. The results of the investigations should be made public. When human rights violations have become endemic in a society, investigations of individual cases may not be enough. A public commission of inquiry should investigate the entire pattern of abuses and the reasons why they occur. It should examine the institutions and agencies responsible and propose future changes to laws, institutions, administrative procedures and practices, training and accountability of personnel.

Second, those responsible for human rights violations must be brought to justice. They must be held to account even if they are officials of a past or current government

responsibility for human rights violations. Over the years Amnesty International has monitored the trials of many of those it had previously blamed for human rights violations. Even if people have been convicted of human rights crimes after fair trials, if they are sentenced to death Amnesty International appeals for their sentences to be commuted. In 1991 Amnesty International observed several trials in Kuwait. The defendants were accused of violations during the Iraqi occupation, violations which Amnesty International had condemned in 1990. Amnesty International called attention to the gross unfairness of the trials and campaigned against the carrying out of executions. The death sentences were eventually commuted.

If abuses by those responsible for law and order are to

and regardless of whether they are members of the security forces or of semi-official paramilitary groups. Those accused of human rights crimes should be tried, and their trials should conclude with a clear verdict of guilt or innocence. Amnesty International takes no position on what sentence should be passed, provided that the death penalty is not imposed. However, the systematic imposition of penalties that bear little relationship to the seriousness of the offences brings the judicial process into disrepute and does not serve to deter further violations. Respect for the rule of law cannot be promoted unless all trials are conducted in full conformity with internationally recognized standards.

Third, amnesty laws which prevent the emergence of the truth and accountability before the law are not acceptable. This applies whether the law is passed by those responsible for the violations or by successor governments. The interests of national reconciliation after a period of violence and confusion may be served by pardons after conviction: Amnesty International takes no position on this. But it does insist that the truth is revealed and the judicial process completed.

The protection of human rights requires action, not words. Allowing the perpetrators to commit abuses, however clearly prohibited by law, without consequences for themselves, perpetuates their crimes. Ensuring that they are brought to justice transmits throughout a society the clear message that violations will not be permitted to continue. In 1991 the rhetoric of human rights reached an unprecedented prominence in world affairs: in how many countries is it leading in 1992 to a reversal of the vicious spiral of torture, killings and "disappearances" committed with impunity?

1. Further information on abuses in these countries is documented in major reports by Amnesty International including *Iraq: Human rights violations since the uprising* (MDE 14/05/91, Amnesty International 1991) and *Myanmar: an Amnesty International briefing* (ASA 16/09/90, Amnesty International 1990).

2. For more information, see *Philippines: the killing goes on* (ASA 35/01/92, Amnesty International 1992).

3. For more information, see *Mexico: Torture with impunity* (AMR 41/04/91, Amnesty International 1991) and *India: Torture, rape and deaths in custody* (ASA 20/06/92, Amnesty International 1992).

Taking on new challenges

At its inception, Amnesty International was a small organization whose members were drawn together by their commitment to the release of prisoners of conscience. During the following 30 years of growth the organization has sustained its efforts on behalf of prisoners of conscience, while progressively taking on new challenges. Campaigns against torture and the death penalty, to confront the phenomena of forcible "disappearances" and extrajudicial executions, and to ensure fair trials for political prisoners are now permanent features of Amnesty International's work.

Decision-making on Amnesty International's role is the responsibility of its biennial International Council Meeting (ICM). This governing council, representing the organization's membership, is the sole body that can amend the organization's Statute (its formal statement of principles), and can agree new interpretations of the organization's mandate (its specific purpose and mission).

Decisions of the September 1991 ICM, held at Yokohama, Japan, extended Amnesty International's mandate in several areas. These decisions respond to the human rights challenges of a changing world – and to Amnesty International's desire to use its resources to best effect.

The new policy areas agreed, and outlined here, cannot be implemented as a program of action overnight. New programs are being developed in phases, taking into account the organization's limited resources and in accordance with priorities set by the ICM and by the organization's International Executive Committee. Some new policy areas, notably those concerning human rights abuses committed by armed political opposition groups, are already partly reflected in Amnesty International's campaigning and its published material. New mandate areas are not generally covered in the country entries in this report, however.

The decisions in Yokohama stated a commitment to the promotion of general human rights awareness and identified the particular sets of rights on which Amnesty International focuses.

As in the past, the right to hold and to express peacefully one's convictions is at the core of the mandate. People imprisoned in violation of this right are prisoners of conscience.

Secondly, the statute now also refers to discrimination by reason of ethnic origin, sex, colour or religion. Those imprisoned solely because of such discrimination have for many years been considered prisoners of conscience, but the explicit reference to discrimination in the organization's Statute is new.



Thirdly, Amnesty International focuses on the right to physical and mental integrity, through opposing torture, cruel, inhuman or degrading treatment or punishment, the death penalty, extrajudicial execution and “disappearance”.

A series of decisions offered new interpretations of Statute provisions which define prisoners of conscience, although the general definition is unchanged. Prisoners of conscience are people subjected to imprisonment, detention or other physical restrictions imposed by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour or language, provided that they have not used or advocated violence.

Amnesty International has worked for many years for the release of conscientious objectors to military service. One of the Yokohama decisions reiterated that Amnesty International considers those who would be willing to serve in some circumstances (frequently termed “selective objectors”) as prisoners of conscience, if they are imprisoned for refusing to serve – as the organization has done since the Viet Nam war. The decision also affirmed past policy by stating explicitly that it covers both conscripts and others in the armed forces, including volunteers, who develop conscientious objections to participation in the armed forces at any stage. Information on “selective objectors” whose conscientious objection to military service in

Amnesty International members from around the world at the September 1991 International Council Meeting in Yokohama, Japan. © K. Murata

the Gulf War led to imprisonment is included in the entries on the United States of America and the United Kingdom (UK). Also included is information on Israeli objectors refusing certain types of military service, such as serving in the Occupied Territories.

Another mandate decision concerned sexuality. Amnesty International now considers as prisoners of conscience people who are imprisoned solely because of their homosexuality, including sexual activity in private between consenting adults. Amnesty International is now looking into relevant laws and practices. Initial research has been conducted on the former Soviet Union, where homosexual activity between consenting adult males was punishable by up to three years' imprisonment. The absence of official statistics and the stigmatization of offenders made it difficult to assess the number of prosecutions.

The Statute changes at Yokohama also expanded Amnesty International's work by including opposition to involuntary exile. The organization now works to oppose forcible exile, where this is imposed by a government on account of a person's non-violent expression of their opinions or solely because of their ethnic origin, sex, colour or language. Amnesty International includes both people who are formally expelled from their country by government action, and those who while outside their own country are formally denied the right to return. Amnesty International does not include within its definition of forcible exile those people who flee or remain outside their country because they are under threat. It works for them by opposing the human rights violations that cause them to flee, and through its refugee policy.

In the past, formal exile has been widely used as a measure to exclude people who would, if detained, have been prisoners of conscience. The practice continues in most regions of the world. In the Americas, several Haitian opponents of the government in power in January 1990 were forcibly expelled from their country as part of a government crackdown on the opposition.

In Asia, people from Taiwan who while living abroad were believed to have joined organizations critical of the government have been denied the right to return. Placing them on a "black list" and denying them passports or visas, the government prevents their return. Some who have tried to return have been imprisoned as a result, and are considered to be prisoners of conscience.

In the Middle East, Palestinians have been forcibly expelled from the Occupied Territories by the Government of Israel. In Morocco, the government has used formal exile in conjunction with political imprisonment: Abraham Serfaty, a former prisoner of conscience sentenced to life imprisonment on whose case Amnesty International had worked since his arrest in 1974, was released and forcibly

expelled from his country in September 1991. Bahrainis working or studying abroad related to political prisoners or suspected opponents of the government were forcibly excluded from the country when they tried to return there in 1990 and 1991.

Amnesty International also decided to oppose the forcible relocation of a people to a particular area of their own country, when this is based solely on their religion, ethnic origin, sex, colour or language. It will conduct research into the issue of forcible relocation and the extent and nature of the practice.

The move away from an exclusive orientation on prisoners was also reflected in a decision to oppose the destruction and sealing of houses when this is a government measure to punish and to intimidate its opponents, their families or entire communities, and to study the full range of measures taken by governments against people for exercising their right to freedom of expression or on account of their ethnic origin, sex, colour or language.

Perhaps the most far-reaching decision taken in Yokohama was to expand Amnesty International's mandate in relation to abuses committed by opposition groups. Amnesty International has for many years condemned the torture or killing of prisoners held by opposition groups. It will now additionally oppose other deliberate and arbitrary killings and hostage-taking by armed political opposition groups. Deliberate killings of civilians and of others who are taking no part in a violent conflict is often a tactic of political opposition groups. So too is hostage-taking, when an opposition group detains a person in order to compel a third party, often the government, to do something as a condition for release. The expanded policy brings new concerns in many countries into the scope of Amnesty International's monitoring, reporting and action.

The deliberate killing of unarmed civilians – or of soldiers who have laid down their arms or are incapacitated – is arbitrary. Even the principles which regulate the use of force in war (notably those set out in humanitarian law) prohibit such actions. Amnesty International opposes deliberate and arbitrary killings whether the victims are assassinated individually or are killed in indiscriminate attacks. Such people may be singled out as individuals or as members of a group that is distinguished by its ethnic origin, sex, colour, language, religion or beliefs.

Killings and hostage-taking by political opposition groups within the scope of Amnesty International's revised policy occurred in most regions of the world in 1991. Many of the armed political opposition groups responsible are referred to in the country entries of this report, although the full range of the new policy is not reflected there.

In Africa, arbitrary killings by political opposition groups were reported in many countries, although the

ending of conflicts in some states in 1991 (Angola, Ethiopia, Senegal) led to a decrease in abuses there. Unarmed civilians often appeared to be regarded as a legitimate target by armed opponents of the government. In Mozambique, there were reports that in 1991, as in previous years, armed units of the *Resistência Nacional Moçambicana* (RENAMO), Mozambique National Resistance, were responsible for murdering and mutilating prisoners and carrying out dozens of attacks on unarmed civilians. The leadership of RENAMO refused to acknowledge these abuses or to take action to prevent them. In Sudan, after a split in August in the Sudan People's Liberation Army (SPLA) which controlled large tracts of the country, there were reports of executions following summary trials and arbitrary killings of one faction of supporters by the other. In countries such as Liberia and Somalia, where civil wars followed the overthrow of presidents responsible for massive human rights abuses, many of the parties to the conflict were responsible for killing prisoners or unarmed civilians, who were often targeted for their ethnic or clan origins.

Killings and hostage-taking were also a practice of armed opposition groups in the Americas. In Colombia guerrilla organizations such as the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Revolutionary Armed Forces of Colombia, and the *Ejército de Liberación Nacional* (ELN), National Liberation Army, carried out numerous attacks on military and economic targets, in which civilians were deliberately killed. Scores of people were kidnapped and held to ransom: some were killed in captivity. Others, including journalists and local government officials, were taken hostage by guerrilla forces and sometimes held for prolonged periods before being released, often carrying messages for the government about proposed peace talks. Other public officials were seized and held until the Colombian authorities complied with guerrilla demands to investigate the hostages' alleged corrupt practices. In Peru, arbitrary, individually targeted killings were carried out on a large scale by members of the *Partido Comunista del Peru "Sendero Luminoso"*, Communist Party of Peru "Shining Path". In 1991 victims of such killings included teachers, peasants and members of religious orders accused of collaborating with the government's counter-insurgency campaign, local government officials, agronomists and welfare workers aiding the poor in shanty towns. Shining Path was also reported to have regularly killed soldiers and police after they had been captured or incapacitated by wounds.

Armed opposition groups and movements in Asia and the Pacific, too, took hostages and killed unarmed civilians. Opposition abuses were already a feature of Amnesty International's reporting on Afghanistan, Bangladesh, Cambodia, India, Papua New Guinea, the Philippines and Sri

Lanka under its past policy. Afghanistan's Mujahideen opposition groups, which Amnesty International has in the past addressed to call for minimum humane standards, continued to carry out summary executions and deliberate and arbitrary killings of civilians during 1991. In India, deliberate and arbitrary killings by members of armed Sikh separatist groups were frequently reported in Punjab in 1991: these included random killings of Hindu civilians targeted during attacks on trains and selective assassinations of government officials and their relatives. In Kashmir, armed separatist groups have captured and killed civilians and taken hostages. In Sri Lanka, forces of the Liberation Tigers of Tamil Eelam (LTTE) accepted the surrender of hundreds of local police officers in 1990. They then reportedly killed most of the Sinhalese and Muslim officers in custody. Deliberate killings by the LTTE of captives and civilians were reported to have continued in 1991. In the Philippines, members of the New People's Army fired on a group seeking peace talks with insurgents in May 1991, killing three people.

Hostage-taking and deliberate and arbitrary killings were also a concern in Europe. In Northern Ireland, for example, members of the Irish Republican Army (IRA) bombed the military wing of a hospital in November 1991, killing two soldiers and wounding 10. The IRA also killed former members of the security forces and civilians. Other abuses were committed in Northern Ireland by Protestant groups such as the Ulster Volunteer Force (UVF) and the Ulster Freedom Fighters (UFF) which support continued union within the UK. They have attacked and killed members of the minority Catholic community in random attacks they said were "reprisals" for IRA violence. In Spain, members of the Basque separatist organization *Euskadi Ta Askatasuna* (ETA), Basque Homeland and Liberty, carried out attacks on civilians as well as members of the security forces. In Turkey, the Kurdish Workers' Party (PKK) has carried out "executions" of prisoners – including teachers, members of the government-organized village guard corps, and people suspected of being police informers. Members of the organization *Devrimci Sol*, Revolutionary Left, have also killed several of their own members who were suspected of being informers or of betraying the organization in some other way.

In the Middle East, hostage-taking and deliberate and arbitrary killings by armed political groups occurred in several countries. In Iraq, Kurdish opposition forces summarily executed about 60 Iraqi soldiers who had been captured and disarmed at Sulaimaniya in October, following attacks on residential areas by Iraqi government forces. Armed militias in Lebanon held both combatants and civilians as hostages and arbitrary killings by all parties were reported. In the Israeli-Occupied Territories, Palestinians believed to have been collaborating with the Israeli

authorities were killed by other Palestinians. Leading members of Palestinian organizations such as the Palestine Liberation Organization (PLO), while calling for restraint, have endorsed the killing of collaborators.

During armed conflicts governments often lose control over both territory and population. In such circumstances, even though the government is formally responsible for protecting the population from crime and violence, the reality is that it cannot. States not only often fail in their duty to protect the individual during armed conflicts, they are also often themselves directly responsible for gross violations of human rights. They seek to justify violations of fundamental human rights by their own forces by referring to atrocities committed by their opponents, as if this helped any of the victims.

Amnesty International's new policy allows increased action to protect individuals in the face of abuses by armed political groups when governments fail to do so. The object of the new policy is to influence opposition groups on behalf of victims, while maintaining Amnesty International's traditional focus on holding governments accountable in line with their international obligations.

Living proof that injustice can be overcome

An old man in his nineties, who could walk only with great difficulty, arrived an hour early for Amnesty International's first ever public meeting in East Berlin. He had seen it advertised in a newspaper and had walked for two hours to be there. He told the speaker he had seen the Nazis come and the devastation they had wreaked. He had seen the communists come and witnessed the inhumanity of their system. Now he had seen Amnesty International come. Now, he said, he could die in peace.

The living proof that injustice can be overcome has been a powerful motivating force in the rapid growth of Amnesty International in Eastern and Central Europe. One of the founder members of the first Amnesty International group in the Czech and Slovak Federal Republic is a woman whose father escaped from a Nazi concentration camp. He joined the Communist Party but refused to toe the party line and was imprisoned for many years. She carried on the struggle for human rights in her country. In Poland, a former prisoner, adopted by Amnesty International as a prisoner of conscience when he was interned under martial law in 1981, spoke at a public meeting in Krakow shortly after being elected to the Polish parliament. He described how a letter from an Amnesty International group in Australia had restored his sense of a future. Now he was going to work to release prisoners of conscience and end human rights abuses for people – strangers – around the world as they had done for him.

The changes have been dramatic. In 1989 Amnesty International had no groups or members in Eastern and Central Europe. There were just a few scattered, courageous subscribers to the *Amnesty International Newsletter*. In Poland, people who surreptitiously translated the newsletter were fined, harassed and sometimes had their typewriters confiscated. In East Germany, people were prevented by law from having contact with organizations



A former prisoner of conscience in the Czech and Slovak Federal Republic heads a 1991 march in Prague to press for the release of a Vietnamese poet. The poet has since been freed.

abroad for purposes not approved of by the state. In Romania, people were legally obliged to report all contacts with foreigners to the local police. In the Soviet Union, Amnesty International was still portrayed as part of a Western spy network and only the brave or foolhardy would risk being associated with it.

By the start of 1992, there were over 1,500 international members in Eastern and Central Europe receiving information and writing letters on behalf of prisoners in other countries. As political developments within each country allowed genuinely independent groups to operate openly, Amnesty International groups started, or were being set up, in every country of the region, amounting to over 40

groups overall. They were doing remarkable work in the face of severe domestic problems, from political upheavals to the sheer difficulty of communicating without easy access to photocopiers, telephones and even typewriters. For some, obtaining such basic materials as pens and paper was difficult.

In Moscow an information office assists by distributing materials about human rights. In September 1991 it held a successful seminar on the death penalty. Among the partic-

“Here in Marabá we received letters from countries from every continent ... all sending copies to the Brazilian authorities. This is a beautiful and extremely useful example of international solidarity. Besides having helped us enormously with solving our problems, it fills us with happiness and emotion to know that we are not alone and that our concerns about justice, human rights and peace are echoed with resonance and human sensitivity in many places of the planet. This gives us great strength to continue.”

Marcelo Silva de Freitas of the Society for the Defence of Human Rights in the state of Pará, Brazil, January 1991. Amnesty International had taken action following reports of violence committed by police against peasant families in the Marabá region.

ipants were people from the Russian Supreme Court and the Soviet Ministry of Justice. Amnesty International members came from Ukraine, Siberia, southern Russia and Moscow. As well as some 600 individual members in the former USSR, there were eight groups being formed.

Amnesty International is above all a people's campaign for fundamental rights. Its hundreds of thousands of supporters from all cultures and social groups give Amnesty International its unique identity and authority to voice worldwide condemnation when fellow human beings are tortured, wrongfully imprisoned or executed.

The movement grew first in a few countries in Western Europe and North America, but as time has passed it has spread to all continents. In 1991 Amnesty International held the two-yearly meeting of its international council – its governing body – in Asia for the first time. The decision to hold the meeting in Japan was a clear signal of how seriously Amnesty International takes the task of deepening its roots in the countries of Asia and the Pacific, where two-thirds of the world's population lives.

There are sections in Australia, Hong Kong, India,

Japan, New Zealand and the Philippines, and active groups in another eight countries of the region, as well as international members in several countries. Amnesty International material is regularly translated into several of the enormous number of languages of the region, including Bengali, Chinese, Japanese, Korean, Nepali, Tamil, Thai and Urdu.

Across the region, members use varied and imaginative methods to communicate their message to governments who are abusing human rights and to the public where they live. Petitions are one useful vehicle: a group in Dhaka, Bangladesh, collected around 20,000 signatures on a petition condemning gross human rights violations in Myanmar (formerly Burma). Meanwhile, a group in Nepal organized a talk program on Myanmar with speakers including the former acting Prime Minister of Nepal, the opposition leader in the House of Representatives and the former Foreign Minister. Doctors in Karachi, Pakistan, used a petition to raise with their colleagues the cases of over 90 Syrian doctors who had been in prison for more than 10



Free at last. After more than 16 years of wrongful imprisonment the "Birmingham Six" enjoy their first taste of freedom. Pictured above with a member of the British Parliament, Chris Mullin (centre), they are, from left to right: John Walker, Patrick Hill, Hugh Callaghan, Richard McIlkenny, Gerard Hunter and William Power. The six men were sentenced to life imprisonment in 1975 for the bombing of two pubs in Birmingham. They were convicted on the basis of contested confessions and scientific evidence later shown to be inconclusive. Throughout their long imprisonment the six claimed that they were innocent and that they had confessed only after being ill-treated. Their convictions were quashed in March 1991 by the Court of Appeal. Since 1986 Amnesty International had called for their cases to be reviewed.

years. They sent it to the Syrian Government and to the embassy in Pakistan. An article about the case was published in the official journal of the Pakistan Medical Association. Street theatre, pop concerts and art exhibitions were all used to raise human rights awareness by groups in the Asia and Pacific region.

The enthusiasm of one or two individuals can be crucial in the spread of human rights activism. In Mauritius, off the East African coast, a thriving Amnesty International section was born out of chance meeting between a holiday-maker active in the French Section and a local man. Together, they decided to hold a public meeting about Amnesty International's work, and soon more than 100 people had written to them wanting to join in. Ten years on, the Mauritian Section plays an active part in the international defence of human rights, together with sections and groups in 13 other African countries. To mark the fifth anniversary of the African Charter on Human and Peoples' Rights, Amnesty International members in Africa distributed thousands of copies of an illustrated guide to the charter in Arabic, English, French, Portuguese, Spanish and Swahili.

In Latin America, the past decade has seen the restoration of civilian government in countries across the continent alongside continuing political repression and economic instability. In these conditions Amnesty International has grown and spread, with sections in nine countries in the Americas, and groups active in another four.

An 18-year ordeal finally ended for a Moroccan family in February 1991 when Fatima Oufkir, her six children and one of her cousins were released from detention. They "disappeared" in 1972 after Fatima's husband, General Mohamed Oufkir, had died in suspicious circumstances after alleged involvement in a coup attempt. Only after four of the children escaped in 1987 was it discovered that the family was being held in secret detention. After the children were recaptured the family continued to be held and denied almost all contact with the outside world for four more years. Amnesty International campaigned on behalf of the prisoners, none of whom was ever charged with an offence.



"I would like to express my deep gratitude for your efforts which resulted in my release Saturday evening 23 February 1991... I felt that I was no longer alone, and the weight of insults, humiliation and physical abuse I had suffered became much lighter. Your efforts have strengthened my faith in our common movement for human rights, and have increased my confidence that our efforts are worth while."

Dr Mohamed Mandour, a psychiatrist and member of the board of trustees of the Egyptian Organization for Human Rights. He was arrested on 7 February 1991 and tortured while held in administrative detention. The authorities said an investigation revealed that torture had not occurred. Dr Mandour was unaware that any investigation had taken place.



The Caribbean membership has been organizing a number of regional promotional events to attract more members and spread awareness of Amnesty International. The 30th anniversary of Amnesty International was launched in May 1991 from Guyana where local celebrities appeared with representatives from the Amnesty International structure around the Caribbean for media purposes. One project launched in 1991, coordinated by the Barbados Section, involved UNICEF which sponsored a regional art competition in schools.

Despite the difficult conditions in the Middle East in the aftermath of the Gulf War, Amnesty International members in several countries of the region continued their work of international solidarity with the victims of human rights abuses in other lands.

All over the world, Amnesty International members search for innovative ways to publicize their message, alongside the continuing work of writing letters on behalf of prisoners. Members in every continent write letter after letter to government officials, judges, prison officers – anyone who might be able to help.

The transforming effect such letters have on prisoners' morale and conditions is frequently stressed by prisoners of conscience themselves. A former Supreme Court judge

held for nine years in an Ethiopian jail wrote: "One remarkable thing was the smuggling of the Amnesty International document into the cell by one of the soldiers who felt sympathetic to us. It really was a change in our psychological make-up. Just to find out right in the middle of the cell, in the middle of death, that someone, that some group which you didn't know and which didn't know you, was arguing for your cause in an international forum. That really was a great hope. A friend of mine came and told me: 'I was going to commit suicide. It was only this paper that saved my life'."

Former prisoners have often worked tirelessly to set up Amnesty International groups in their own countries so that other victims can be helped as they were. For example, in the 1970s a small group of prisoners of conscience in Tunisia pledged that on their release they would repay the international solidarity shown them by building Amnesty International groups in Tunisia. They were as good as their word. For seven long years they worked in very difficult conditions: the authorities would not allow them to register as an organization, but they never gave up and carried on applying for legal registration while writing letters on behalf of prisoners in other countries and

"Many thanks for...all the encouragement and support. The last thing I can be in this tiny cell is lonely with all the friends out there! Please give my regards to the enthusiastic friends at Amnesty International. Happy New Year!"

Kim Chin-yop writing from prison in South Korea in early 1991, shortly before his release. A dentist and an Australian citizen working in South Korea, he was arrested in September 1989 and sentenced to 18 months' imprisonment for helping a student representative to visit North Korea in defiance of a ban on unauthorized visits.





Mulugetta Mosissa (right), a former civil servant, was released from prison when opposition forces defeated the Ethiopian army and took the capital, Addis Ababa, on 28 May 1991. He had been arrested in 1980 with hundreds of other members of the Oromo ethnic group, including his wife Namat (left). Namat, herself a prisoner of conscience, was released in 1989 along with their son Amonsissa (centre), who was born and grew up in prison. Throughout their imprisonment, Amnesty International had campaigned for the release of Mulugetta and Namat Mosissa, and had highlighted the case of Mulugetta Mosissa in its 30th anniversary campaign.

promoting human rights. They needed both courage and ingenuity: meetings were banned, but they used the tradition of visiting friends and relatives during the holy month of Ramadan to take the campaign against the death penalty into hundreds of homes. Eventually, in 1988, they were granted registration. There are many other such examples.

But most of the people behind Amnesty International are ordinary people who simply will not remain indifferent to violent oppression, wherever it occurs. Some are trade unionists, others teachers, students, nurses, or politicians. Groups are sometimes formed by people in a neighbourhood, church or workplace. Each makes a distinct contribution: while members of parliament may help to introduce laws favourable to human rights, children can give tremendous joy to prisoners in far-away places by sending them drawings and cards. While a group in a big town may concentrate on public education campaigns in the community, a group in a small village may focus on its solidarity work with families of prisoners in other countries. In 1991 over a million people actively supported Amnesty International's work in 150 countries.

Worldwide, the movement has over 6,000 groups in more than 70 countries.

Wherever they are, Amnesty International members carry on and never give up until their message gets through. For years Amnesty International groups had written to the Moroccan Government asking it to account for hundreds of people from the Western Sahara who had "disappeared" in the mid-1970s. But the Moroccan authorities never replied: they resolutely refused to acknowledge the detainees or even the existence of the detention centre where they were believed to be held. There were those who argued that after a decade of silence the cases should be closed. The Amnesty International members refused to give up. In mid-1991 over 300 "disappeared" Western Saharans were suddenly released. Many had spent 15 years in captivity. Amid the joy at their release was the chilling realization that hundreds more remained unaccounted for. Shortly afterwards, 40 political prisoners were freed, among them 24 adopted prisoners of conscience. One, who had been imprisoned for 16 years, wrote: "Amnesty International intervenes affirming life's ascendancy over death, like a ray of life in the darkness. Amnesty International has been a shield against the brutality of blind repression, an invisible hand which has made the torturer's hands tremble...". Less than a month later, news came through that the secret detention centre, whose existence had always been denied by the Moroccan authorities, had been closed down and demolished.

Morocco was one of the countries whose human rights situation prompted Amnesty International to sustain a concerted international campaign to press for improvements during 1991. Another was Myanmar (Burma), a country whose military rulers have created a climate of terror, hidden behind a veil of secrecy. The widespread use of torture by the army



Caribbean members of Amnesty International meeting in Georgetown, Guyana, to mark the movement's 30th anniversary. Later in the year they organized a poster competition for young people to promote human rights.

or police in Mexico was the focus of a campaign demanding effective measures from state and federal authorities to stamp out the practice. Opposition to executions of juvenile offenders in the United States of America mobilized groups around the world to write calling for this clear breach of international human rights standards to stop. Most of the youths sentenced to death came from seriously deprived backgrounds, many were mentally ill or brain-damaged, and many had not had an adequate legal defence. Towards the end of 1991, Amnesty International



Ilker Demir, pictured here with his daughter, was released in April 1991 following the amendment of the Turkish Penal Code. A prisoner of conscience since 1984, he had been convicted of making communist propaganda and insulting the authorities. He was sentenced by military courts to a total of 48 years' imprisonment. Amnesty International groups in Brazil, Germany and the United Kingdom adopted him as a prisoner of conscience and campaigned for his release.

launched an international campaign against unlawful killings and "disappearances" at the hands of Peru's security forces.

When Amnesty International learns that someone has "disappeared" after being taken into custody, its response will often be to issue an Urgent Action. The Urgent Action network has an estimated 50,000 participants worldwide, although they will not all work on every Urgent Action. This network can be mobilized within hours of information reaching the International Secretariat. Members will write, fax or telegraph immediate appeals on behalf of the person who has "disappeared", or who faces torture or execution.

Governments know that sooner or later they will have to take world opinion into account. When Amnesty International heard that five prisoners were about to be executed in Grenada in August 1991, it mobilized not only its own members but also as many governments and prominent figures as it could to try to save their lives. Other organizations also intervened. The decision to commute the death sentences was announced on 14 August in a radio broadcast by the Prime Minister, who said that there had been "enough bloodshed in Grenada". He referred to the "many persons, groups and organizations at home and abroad who pleaded for clemency" and pledged to "give Grenada a positive image – an image of a peaceful and stable country which would help determine the kind of future our young people would enjoy".



Jack Mapanje, an internationally renowned poet, was among 88 political prisoners released in Malawi in the first half of 1991. He had been arrested in September 1987, apparently for the views expressed in his writings. He was held without being charged or tried until his release in mid-May.

Amnesty International members have a dual role: they help victims of abuse in other countries and contribute to creating a human rights culture in their own society. Although internal rules do not allow them to investigate or take action on individual cases in their own country, they can contribute to the prevention of future abuses by promoting social commitment and laws that protect the fundamental rights of all. Public education campaigns are often conducted through schools, but Amnesty International members also take part in courses for judges, law students, the police and the general public. They have organized puppet shows for underprivileged children in Mexico, street theatre for villagers in Pakistan, and an ambitious "Education for Freedom" campaign in the Philippines. In Brazil, they are helping to run courses for thousands of new police recruits. In several countries, Amnesty International members campaign to persuade public opinion and government authorities to respect the rights of refugees.

The Chilean National Commission for Truth and Reconciliation stated in its detailed report on human rights abuses in that country after the 1973 military coup: "The true cause of human rights violations was the lack of a national culture of respect for these rights... . Therefore, we believe that the introduction of the issue of human rights and respect for human dignity into the education system and the adoption of measures aimed at promoting these values are essential steps which cannot be postponed."

The death penalty

Amnesty International is unconditionally opposed to the death penalty and works for its worldwide abolition. Cruel, arbitrary and irrevocable, the death penalty is a violation of fundamental human rights. It is often used as a tool of political repression, and is imposed disproportionately on the poor and powerless.

Everywhere, experience shows that executions brutalize those involved in the process. Nowhere has it been shown that the death penalty has any special power to reduce crime or political violence. The organization regularly monitors death sentences and executions around the world and appeals for clemency whenever it learns of an imminent execution.

Progress towards worldwide abolition of the death penalty continued in 1991 with the death penalty abolished for murder in five British dependent territories in the Caribbean – Anguilla,

British Virgin Islands, Cayman Islands, Montserrat, and Turks and Caicos Islands. Moves for abolition were under way in several other countries. In Papua New Guinea, however, the death penalty was reintroduced for murder, although there were no executions in 1991 and none had been carried out since the country became independent in 1975.

By the end of the year over 43 per cent of all countries in the world had abolished the death penalty

in law or practice. Forty-four countries had abolished the death penalty for all offences and 16 for all but exceptional offences, such as wartime crimes. A further 21 countries and territories, while retaining the penalty in law, had not carried out any executions for at least 10 years.

Despite these encouraging trends, the use of the death penalty continued elsewhere. During 1991, 2,086 prisoners are known to have been executed in 32 countries and 2,703 people were sentenced to death in 62 countries. These figures include only cases known to Amnesty International: the true number is certainly higher. As in previous years, a very few countries accounted for the majority of executions recorded.

"I am so grateful for your enormous concern, your work and everything which your organization ... did on behalf of my only son Viktor. If it had not been for Amnesty International I would no longer have my son. Our Supreme Soviet of the Latvian Republic received letters from many countries thanks to Amnesty International and, because of this, was forced to review the appeal for clemency a second time... The death sentence passed on Viktor was commuted to 20 years' imprisonment. That is of course a terribly long time, but the main thing is that my son is alive..."

Inara Yanovna Smirnova, February 1991. Her son, who was sentenced to death for murder, had his sentence commuted in December 1990.

Working for refugees

Hundreds of thousands of people flee their homes every year in fear of their lives or safety. They are driven by fears for their personal safety in the face of wars, conflicts and situations in which human rights are repeatedly violated.

Some flee across treacherous waters in overcrowded boats. Others walk across deserts to cross into neighbouring countries. Some board international flights and travel across continents to countries where they hope to find safety.

But all too often their right to seek asylum, a right set out in the Universal Declaration of Human Rights, is hindered or even obstructed. Instead of finding a welcome, refugees are often met with rejection.

Amnesty International works on behalf of such people: refugees who have fled to another country and fear being sent back because they risk violations of their human rights. Amnesty International works to prevent any person being forcibly returned to a country where he or she risks imprisonment as a prisoner of conscience, "disappearance", torture or execution. It seeks to ensure that governments provide refugees with effective and durable protection, which should normally include legal protection, from being sent against their will to a country where they risk any of these human rights violations, or to a third country where they will not be granted such protection.

Amnesty International's work for asylum-seekers and refugees is based on international standards for the protection of refugees and people at risk of serious human rights violations. In particular, the internationally recognized principle of *non-refoulement*, set out in the 1951 Convention relating to the Status of Refugees, prohibits the forcible return of any person to a country where they risk serious human rights violations. The organization encourages governments which have not already done so to accede to international instruments that provide protection to refugees and asylum-seekers.

If refugees are to be given the protection they need, and which states are obliged to provide under international law, asylum procedures must be capable of identifying people who would be at risk of serious human rights violations if sent against their will to the country they have fled or to a third country. Amnesty International therefore calls on states to ensure that their asylum procedures include certain minimum safeguards required by international standards.

Amnesty International also works to ensure that no one seeking protection from violations of his or her fundamental human rights is obstructed from obtaining access to an

asylum procedure. If a government restricts entry to its territory, for example by imposing a visa requirement or some similar restrictive measure, Amnesty International calls on the government to demonstrate that the measure does not have an obstructive effect on asylum-seekers. If the government cannot demonstrate this, Amnesty International opposes the restrictive measure.

If asylum-seekers or refugees are detained, Amnesty International calls on the government concerned to show that such detention is lawful according to international standards: the detention must be for reasons which those international standards recognize as legitimate, and those detained must be given a prompt, fair and individual hearing before a judicial or similar authority to examine the legality of the detention. The organization opposes any practice of detaining asylum-seekers or refugees which does not fulfil these standards.

In carrying out its work on behalf of refugees, Amnesty International follows closely the work of the Office of the United Nations High Commissioner for Refugees (UNHCR). In 1991, as in previous years, the organization attended the annual meeting of the intergovernmental Executive Committee of the Programme of the UNHCR.

Refugee work done by Sections

A large part of Amnesty International's work on behalf of asylum-seekers and refugees is done by the organization's sections based in the countries where people seek protection. The sections provide information about human rights violations in asylum-seekers' countries of origin to governments, to those who make decisions on asylum claims, and to lawyers and others working on behalf of asylum-seekers. Amnesty International also monitors governments' asylum policies and practices to ensure that they are adequate to identify and protect those at risk. In some cases, Amnesty International intervenes directly with the authorities in an effort to prevent a forcible return.

In February 1991, for example, Amnesty International's New Zealand Section expressed concern to the government about the emergency asylum procedures in force in New Zealand during the Gulf conflict. These procedures allowed the authorities to return asylum-seekers to countries where they risked serious human rights violations if it was determined that the person concerned posed a security risk in New Zealand. These procedures did not give individuals an adequate opportunity to rebut such allegations, and Amnesty International received information which suggested that the New Zealand Government was arbitrarily considering all Muslim asylum-seekers arriving during the Gulf conflict as a security risk. In September the Section made a number of recommendations to the government to ensure that new legislation affecting asylum-

seekers was in accordance with international standards.

Amnesty International's Austrian Section launched a campaign in April 1991 to draw attention to the deficiencies in Austrian law and practice relating to the procedures and criteria for recognizing refugees. The campaign drew attention to problems at Austrian borders, notably the inadequate safeguards for ensuring that asylum-seekers have the opportunity to lodge an asylum claim. It also highlighted the indiscriminate practice by the Austrian authorities of detaining "illegal" immigrants, including asylum-seekers who, while in detention, are not given an effective opportunity to apply for asylum. The Austrian Section made a number of recommendations to the Austrian Government to remedy deficiencies in the procedures which put asylum-seekers at risk of being expelled to countries where they face serious human rights violations.

Following widespread human rights violations by Haitian security forces – including hundreds of extrajudicial executions and arbitrary arrests – after the military coup in Haiti, Amnesty International's United States (US) Section called on the US Government in October not to forcibly return Haitian asylum-seekers who were in the USA. The section also renewed its call for an end to the US Government's policy of interdiction at sea of Haitians fleeing to the USA. Under this policy, Haitian asylum-seekers are picked up by US Coast Guard boats in international waters and, after a cursory and inadequate "screening" to identify those who are at risk, most are returned to Haiti. In mid-November the US authorities forcibly returned to Haiti over 500 asylum-seekers whom they considered unlikely to have an asylum claim. A series of US court rulings, still in force at the end of the year, prevented any further forced returns in 1991. The US authorities took Haitians intercepted at sea to the US naval base at Guantánamo, Cuba, where they were interviewed to establish whether they would be allowed to proceed to the USA to lodge an asylum claim or be returned to Haiti. Amnesty International was concerned that the screening procedures still lacked essential safeguards required by international standards, notably the right to appropriate legal advice and an effective review of a rejected claim. In December the organization requested permission to visit Guantánamo to interview asylum-seekers and to evaluate these procedures, but the US authorities refused the request.

The US Section also raised concerns with the authorities about the detention of asylum-seekers and refugees. In addition it participated in human rights information training for a new group of Asylum Officers (government officials who interview asylum-seekers and decide on their case at the first stage of the asylum procedure).

Amnesty International's Hong Kong Section continued to raise concerns with the Hong Kong Government about aspects of the procedures used to "screen" Vietnamese

asylum-seekers. It urged the government to implement fully all of the recommendations set out in Amnesty International's January 1990 Memorandum regarding the protection of Vietnamese asylum-seekers in Hong Kong (see **Hong Kong** entry).

The moves by governments in Europe, particularly those of the European Community (EC), towards closer cooperation on matters affecting asylum-seekers continued during 1991 (see *Amnesty International Report 1991*). Amnesty International sections in Europe continued to bring the organization's concerns to the attention of their governments. These concerns focused on regional agreements affecting asylum-seekers which were being drafted and adopted by EC governments. Amnesty International believed that these agreements did not include satisfactory safeguards for the protection of asylum-seekers and refugees and that, in many cases, they would actually make it more difficult for asylum-seekers to seek and be granted protection in EC countries. As some EC governments began to make specific proposals for a coordinated policy on the procedures and criteria used to identify and protect refugees, Amnesty International issued a report in November 1991. The report reiterated the organization's concerns on these matters and proposed essential principles and safeguards to be included in any "harmonized" EC asylum procedures (see page 45).

Working with international organizations

The United Nations (UN)

In December Dr Boutros Boutros-Ghali became the new UN Secretary-General for a five-year term starting on 1 January 1992. He takes office at a time when the UN's role in international affairs has been enhanced. In particular, the UN is involved in an increasing number of political discussions and negotiations aimed at resolving long-standing conflicts such as those in Afghanistan, Angola, Cambodia, Guatemala and Western Sahara. This has given even greater prominence to the promotion and protection of human rights as an essential component of international peace and security. At the same time the UN still has difficulty in confronting pressing human rights issues directly or taking effective action in response to urgent situations of gross violations, particularly when dealing with unresponsive or uncooperative governments. Two examples in particular – El Salvador and Iraq – serve to highlight the often sharp contrast in the UN's effectiveness in addressing human rights concerns in different countries.

In El Salvador the UN established in July an unprecedented human rights monitoring operation for an initial period of 12 months. The UN Observer Mission in El Salvador (ONUSAL) is to verify the 1990 Agreement on Human Rights concluded, under UN auspices, between the Government of El Salvador and the armed opposition, the *Frente Farabundo Martí para la Liberación Nacional* (FMLN), Farabundo Martí National Liberation Front. ONUSAL's tasks include active monitoring of the human rights situation, investigating alleged violations and formulating recommendations to eliminate violations and promote respect for human rights. By the end of the year ONUSAL had established a network of regional and sub-regional offices in El Salvador. Two reports on its activities were published, indicating that it was taking up cases of violations with the competent authorities and undertaking a program of promotional and other activities.

By contrast, the UN took more limited steps to address the grave human rights situation in Iraq. At its 47th session in February the Commission on Human Rights, after several years of taking no action on Iraq, finally decided to appoint a Special Rapporteur "to make a thorough study of the violations of human rights by the Government of Iraq". The General Assembly, in Resolution 46/134 of 17 December, expressed its grave concern about the allegations of

human rights violations noted in the Special Rapporteur's interim report. However, no further action was taken pending the first visit of the Special Rapporteur to Iraq, scheduled to take place in early 1992. Furthermore, measures to address the grave human rights situation in Iraq were conspicuously absent from the cease-fire requirements in Security Council Resolution 687 (1991), adopted at the end of the Gulf War. On 5 April, in the face of the harsh repression by the Iraqi Government of the internal uprisings which followed the cease-fire, the Security Council adopted Resolution 688 (1991) calling for an immediate end to this repression. It expressed the hope that an open dialogue would take place "to ensure that the human and political rights of all Iraqi citizens are respected" and requested the UN Secretary-General to undertake humanitarian relief efforts in the country. However, a UN humanitarian program was put in place, under the protection of 500 UN security guards, although its mandate did not directly address the full spectrum of human rights concerns. In July, following the final withdrawal of the coalition forces protecting the "safe havens" established for the Kurdish population in the north of the country, Amnesty International submitted a proposal for a sustained UN human rights monitoring operation to be put in place in Iraq. It called on the UN to set up an on-site operation to investigate human rights violations, to protect the population against further abuses and to assist in establishing more durable guarantees and institutions for the future protection and promotion of human rights in the country.

Amnesty International also urged UN involvement in East Timor following the massacre there by Indonesian security forces in November. It called for an international inquiry into the massacre and its aftermath to be established under UN auspices. On 30 November the UN Secretary-General announced that he intended to send an envoy to East Timor in connection with the killings, but by the end of the year the Indonesian Government had not given its agreement and an envoy had not been sent.

Human rights issues in general assumed a higher profile at the UN as preparations began for the convening of a UN World Conference on Human Rights. In September the first session of the Preparatory Committee for the Conference met in Geneva. The World Conference, which is to be held in mid-1993, will be the first major high-level conference focusing on human rights since the International Conference of Human Rights was held in Tehran in 1968. The aims of the Conference will be to review and assess progress in the field of human rights since the adoption of the Universal Declaration of Human Rights in 1948; to examine the relationship between development and the enjoyment of human rights; and to examine ways to improve the effectiveness of the UN human rights program and the implementation of human rights standards.

Amnesty International attended the Preparatory Committee session. In an oral statement it urged the international community to use the Conference to initiate an in-depth and critical review of UN mechanisms and procedures in the field of human rights and, in particular, to consider new and more effective ways to deal urgently with situations of massive human rights violations. The organization proposed a standing UN mechanism capable of a coordinated, concrete and rapid response in such situations which might include, when necessary, sustained human rights monitoring. It urged the World Conference to focus attention primarily on the larger challenges in the field of human rights and not to preclude UN human rights bodies from considering other ways to improve their procedures in the course of their regular activities.

There was some progress by the UN during the year in the further development of its framework of protection of human rights. One important initiative was the establishment by the Commission on Human Rights at its 47th session of a five-member Working Group to investigate cases of arbitrary detention. This new thematic mechanism resulted from a study by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on administrative detention (see *Amnesty International Report 1991*). It is the first UN mechanism of universal scope mandated to investigate cases of prisoners of conscience and others detained in violation of international standards. It fills an important gap in the framework of protection established by the Commission's existing theme mechanisms dealing with "disappearances", summary or arbitrary executions and torture. Amnesty International, which worked to encourage the establishment of this Working Group, submitted to it cases from Bhutan, Cambodia, China, Cuba, Egypt, Equatorial Guinea, Iran, Laos, Libya, Malaysia, Malawi, Morocco, Myanmar (Burma), Nigeria, South Korea, Syria and Uganda. At the Working Group's invitation, it participated together with other non-governmental organizations in an exchange of views with the members on their methods of work during their first meeting in September.

The Commission also established three new mechanisms to investigate the human rights situation in individual countries. In addition to the Special Rapporteur on Iraq, it established a Special Rapporteur to investigate the human rights situation in Kuwait during the Iraqi occupation of that country and requested the Secretary-General to appoint a Special Representative to look into human rights concerns in Cuba. However, the appointment of these country-specific mechanisms was undoubtedly influenced by larger political considerations and did not necessarily signal a greater readiness by the Commission to address serious human rights situations impartially and objectively wherever they occur.

Indeed, in some other respects the Commission demonstrated its unwillingness to do so. Amnesty International drew its attention to reports of violations by the Kuwaiti authorities after the withdrawal of the Iraqi forces, but the Commission voted against extending the mandate of the Special Rapporteur on occupied Kuwait to investigate post-occupation violations. Although the Special Rapporteur on Iran was maintained for another year, the Commission's resolution on Iran was considerably weaker than in past years. It did not ask the Special Rapporteur to report to the General Assembly and indicated that the Commission would be considering discontinuing its scrutiny of Iran at its 1992 session. Amnesty International submitted a written statement on Iran drawing attention to a wide range of continuing concerns, including mass executions after unfair trials, arbitrary arrests and torture.

Amnesty International has repeatedly expressed its concern about the Commission's tendency to reduce its scrutiny of countries where grave violations are continuing by removing them from the agenda item dealing with human rights violations in particular countries and instead considering them under the advisory services program. The Commission did this with Haiti at its 47th session. Likewise, it decided to take up Guatemala under the advisory services program, but as in 1990 left open for its next session the question of the agenda item under which it would consider Guatemala. These decisions were taken despite the reports of the grave and precarious human rights situation in both countries from the Experts on Haiti and Guatemala appointed by the Commission. Amnesty International also submitted a written statement detailing the escalation of human rights violations in Guatemala. However, the mandate of the new Expert on Haiti was extended to include an examination of developments in the human rights situation in that country. The mandate of the Expert on Guatemala had been extended to include this human rights fact-finding element at the 1990 Commission session and this was maintained in 1991. A similar extension was also incorporated at the 47th session into the mandate of the Expert on Equatorial Guinea, another country which has been under the advisory services program since 1980, after the Expert expressed concern about recent information on the human rights situation submitted to him and about the lack of response and cooperation from the government in implementing his recommendations over the years.

There appears to be a trend emerging for the Commission to appoint experts to advise on the provision of advisory services and technical assistance to a country whose mandate also includes reporting on human rights violations there. It is, of course, important that the human rights situation is fully taken into account in determining advisory services programs in different countries. However, the fact-finding role of these experts is not always

compatible with recommending and monitoring advisory services and these dual mandates may exacerbate the Commission's tendency to move countries where grave violations are continuing to a lesser form of scrutiny under the advisory services program.

Other country rapporteurs on Afghanistan, El Salvador and Romania were maintained and the Secretary-General was again asked to report on Albania to the next session. Resolutions were also adopted, as in previous years, on the Israeli-Occupied Territories and South Africa, both countries on which Amnesty International submitted written statements. However, the Commission took no action in response to a Sub-Commission resolution asking it to consider the human rights situation in East Timor. In an oral statement Amnesty International emphasized the need for the Commission to take timely and adequate measures to address situations of grave human rights violations objectively and impartially wherever they occur and before they reach crisis proportions. Amnesty International referred to China, Guatemala, Haiti, Iraq, Myanmar and Sri Lanka as examples of countries where there has been some UN response to human rights violations but where much more sustained and effective action is needed. It also highlighted Sudan and Syria as examples of other countries requiring UN attention.

Progress on various standard-setting exercises by the Commission was limited. It was particularly disappointing that the draft Declaration on the Protection of All Persons from Enforced or Involuntary Disappearances, transmitted by the Sub-Commission for adoption, was referred for further study to a Working Group. Amnesty International made an oral statement on the continuing widespread practice of "disappearances", referring in particular to Colombia, Guatemala, Mauritania, Peru, the Philippines and Sri Lanka. Amnesty International stressed the urgent need for an international instrument in the form of the draft Declaration which would prohibit this practice and set out the steps to be taken to punish and prevent its occurrence. The Working Group met at the end of October and reached agreement on a revised text to put before the Commission's 48th session.

The draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, originally proposed by Costa Rica in 1980 and substantially revised by a group of independent experts and non-governmental organizations, including Amnesty International, was hardly debated by the Commission. However, it was agreed to examine this again next year as a separate sub-item of the agenda. The proposed Protocol would establish a preventive mechanism against torture and ill-treatment in the form of a body of experts. These would visit places of detention in countries which had ratified or acceded to the treaty and recommend

improvements for the protection of those deprived of their liberty.

The Commission did, however, adopt one new instrument – the draft Body of Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care. A Working Group had been revising this since a text was transmitted to the Commission from the Sub-Commission in 1989. This Body of Principles was subsequently transmitted through the Economic and Social Council (ECOSOC) to the 46th session of the General Assembly, which adopted this new instrument in Resolution 46/119 of 17 December.

The Sub-Commission continued to demonstrate its importance as a forum for new studies and initiatives in the field of human rights at its 43rd session. ECOSOC decided in May that the Sub-Commission could vote on resolutions concerning human rights violations in different countries by secret ballot if a majority of its members decided to do so. The Sub-Commission subsequently adopted by secret ballot a number of resolutions on individual country situations. In a landmark resolution on Tibet, the first for many years, the Sub-Commission expressed concern at continuing reports of human rights violations in Tibet and asked the Secretary-General to provide information on the situation there to the Commission. Amnesty International subsequently transmitted information on its concerns in Tibet to the Secretary-General and requested that this be brought to the Commission's attention at its next session.

In another resolution the Sub-Commission drew attention to reports of violations committed in Kuwait after the withdrawal of the Iraqi forces and hoped that the Special Rapporteur on occupied Kuwait would give due attention to these and report to the Commission. A third resolution noted the importance of measures to protect human rights in Cambodia in the context of the settlement process. It called for a UN mission to visit Cambodia and refugee camps in Thailand to examine the situation, formulate proposals to prevent further violations and report to the Co-Presidents of the Paris Conference. Its resolution on Iran, noting the deteriorating human rights situation there, was considerably stronger than the earlier Commission resolution. It adopted a further resolution on Iraq expressing concern at the "flagrant and massive violations" committed by the Iraqi Government. As in past years, it also adopted resolutions on El Salvador, Guatemala, the Israeli-Occupied Territories and South Africa.

Amnesty International made an oral statement continuing the theme of its earlier statement to the Commission. It said the Sub-Commission had an important role and a special responsibility to identify, objectively and impartially, situations of grave violations of human rights where no action had yet been taken by the UN and to bring to the

attention of the Commission recent developments in countries which have been the subject of some UN action but where further measures are clearly needed. It referred specifically to China, Iran, Iraq, Kuwait, Mauritania, Myanmar, Peru and Syria. Amnesty International also emphasized the need for the Sub-Commission to keep under review the different forms of UN action and to make new and constructive proposals for additional measures that could be taken.

The Sub-Commission took up a new issue of particular importance – the question of impunity for perpetrators of serious human rights violations – and asked two of its members to draft a working paper on impunity for consideration at its next session. The detrimental effects on human rights of the growing phenomenon of impunity had been given increasing attention by various human rights bodies of the UN but this represented the first step towards an in-depth study of the issue. Amnesty International made an oral statement to the Sub-Commission on impunity pointing out that it contributes to a self-perpetuating cycle of violations, that all governments have a responsibility to investigate allegations of violations and to bring those responsible to justice, and that amnesty laws which prevent emergence of the truth and accountability before the law should not be acceptable. Citing examples of the effects of impunity in Colombia, the Philippines and Sri Lanka, the organization called on the Sub-Commission to take into account the causes and effects of impunity in its ongoing work and to consider undertaking further studies on this subject.

The Sub-Commission's Working Group on Detention examined the question of *habeas corpus* as a right from which states should not derogate and requested two of its members to study this issue further. The Sub-Commission also transmitted a draft resolution to the Commission for consideration at its 1992 session. This would call on all states to establish a procedure such as *habeas corpus* by which anyone deprived of their liberty is entitled to challenge their detention before a court and to maintain the right to such a procedure at all times, even during a state of emergency. Another resolution recommended for adoption by the Commission asked the two Sub-Commission Special Rapporteurs undertaking a study on fair trial to consider whether other aspects of the right to a fair trial should be non-derogable. Amnesty International addressed the Working Group on Detention noting the particular vulnerability of detainees during a state of emergency and the importance of safeguards such as *habeas corpus* in such circumstances. It urged the Sub-Commission to study ways to ensure that such essential safeguards are recognized as non-derogable in international law.

The Sub-Commission endorsed the recommendations of the first report submitted by its Special Rapporteur on the

independence of the judiciary. These included the need to improve the effectiveness of the advisory services program, in particular to ensure that beneficiary countries demonstrate a basic respect for human rights standards. The two rapporteurs working on the right to freedom of opinion and expression were asked to prepare a report of their conclusions and recommendations for the next session. The Sub-Commission called on the Special Rapporteurs and thematic working groups of the Commission to pay special attention to those detained, ill-treated or discriminated against for having exercised their right to freedom of opinion and expression. The Working Group on Detention, which had been considering the question of the death penalty, particularly in the case of juveniles, also asked one of its members to present a paper to the next session on the death penalty.

There were significant developments aimed at establishing a more effective UN program on crime prevention and criminal justice, as called for by the 1990 Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders. An intergovernmental working group which met in August was followed by a Ministerial Summit in Paris in November and recommendations submitted to the General Assembly. In Resolution 46/152, adopted by the General Assembly on 17 December, it was decided to abolish the expert Committee on Crime Prevention and to replace it by a governmental Commission on Crime Prevention and Criminal Justice composed of 40 member states which would meet annually and report to ECOSOC, beginning in 1992. Notwithstanding attempts by some states to introduce more far-reaching changes in the UN's crime program, it was agreed that the Crime Congresses every five years would be maintained, although with only an advisory function to the new Commission and with a reduced preparatory process. There was considerable resistance by some states to the notion of establishing a standing expert body to advise the new Commission and assist it in its work, although it was agreed that the Commission would be able to call on experts to assist it on an *ad hoc* basis. Amnesty International, which attended the intergovernmental working group and the Ministerial Summit, called on the UN to reinforce explicitly the importance and validity of UN norms and standards in this field. It underlined the importance of the new Commission drawing on the experience of experts on a regular basis, with adequate budgetary provision being made for this purpose. In October Amnesty International also attended, as an observer, a meeting of an *ad hoc* group of experts at the UN office in Vienna, which formulated recommendations aimed at improving the implementation and monitoring of UN norms and standards in the field of criminal justice.

1991 marked the 25th anniversary of the adoption of the International Covenant on Civil and Political Rights (ICCPR)

and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Amnesty International stepped up its efforts to encourage states to ratify these core human rights instruments during the year. In addition, the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty entered into force on 11 July, having received the requisite 10 ratifications. It is the first abolitionist treaty of international scope.

A number of states became party to these and other international human rights instruments during the year (see Appendix VI). Seven countries ratified or acceded to the ICCPR and the ICESCR – Albania, Estonia, Grenada, Israel, Lithuania, Nepal and Zimbabwe – and Haiti also acceded to the ICCPR. By 31 December 1991 there were 100 States Parties to the ICCPR and 104 States Parties to the ICESCR. Australia, the Czech and Slovak Federal Republic, Estonia, Lithuania, Mongolia, Nepal, Poland, Ukraine and the Union of Soviet Socialist Republics acceded to the first Optional Protocol to the ICCPR, bringing the total number of ratifications to 60. Six countries ratified the Second Optional Protocol to the ICCPR – Finland, Iceland, the Netherlands, Norway, Romania and Spain – bringing the total number of ratifications to 10, while Austria signed this instrument. Nine countries ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – Cyprus, Estonia, Israel, Jordan, Monaco, Nepal, Venezuela, Yemen and Yugoslavia – bringing the total number of States Parties to this treaty to 64.

Amnesty International submitted information on eight countries under the UN procedure established by ECOSOC Resolutions 728F and 1503: Bahrain, Chad, China, Morocco, Myanmar, Somalia, Sudan and Turkey. Resolution 728F authorizes the UN to receive communications about human rights violations and to bring them to the attention of the government concerned. Under Resolution 1503 the UN examines these communications in confidential proceedings to determine whether there is evidence of a “consistent pattern of gross violations of human rights” in a country. At the 47th session of the Commission it was announced that the human rights situation in Chad, Myanmar, Somalia, Sudan and Zaire had been examined. Only consideration of Zaire was discontinued, leaving the other country situations under review.

During 1991 Amnesty International brought to the attention of the UN Working Group on Enforced or Involuntary Disappearances information on cases from 19 countries including Colombia, Guatemala, Peru, the Philippines and Sri Lanka. It submitted to the Special Rapporteur on summary or arbitrary executions information on cases of possible or threatened extrajudicial execution from 28 countries including Brazil, Colombia, El Salvador, Guatemala, Haiti, India, Indonesia, Iraq, Mali, Mauritania, Peru, the

Philippines, Sri Lanka and Uganda. Cases of death sentences imposed in apparent violation of international minimum standards were also submitted by Amnesty International to this Special Rapporteur from 20 countries, including China, Iran, Kuwait, Malaysia and the United States of America (USA).

Information about cases of torture from 56 countries was submitted to the Special Rapporteur on torture; these included China, Egypt, Guatemala, Kuwait, Mauritania, Mexico, Morocco, Myanmar, Pakistan, Peru, the Philippines, Sudan and Turkey. The organization also submitted information about Egypt and updated information on Turkey to the Committee against Torture, the monitoring body established under the Convention against Torture, for its consideration under Article 20 of that Convention. Under Article 20 the Committee may initiate an inquiry into the systematic practice of torture in a State Party. Submissions were made to the Special Rapporteur on religious intolerance concerning Egypt, Greece and Pakistan.

Amnesty International submitted relevant information to the UN Special Rapporteurs and Representatives on Afghanistan, Cuba, El Salvador, Iran, Iraq, Kuwait under Iraqi occupation and Romania, and to the Experts on Equatorial Guinea, Guatemala and Haiti. Information was also submitted to the Special Committee to investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and to the Ad Hoc Working Group of Experts on southern Africa. In August Amnesty International made a statement on East Timor to the UN Special Committee on Decolonization.

Seven new countries joined the UN in 1991: North and South Korea, the Baltic states of Estonia, Latvia and Lithuania, the Marshall Islands and Micronesia.

The United Nations Educational, Scientific and Cultural Organization (UNESCO)

In 1991, 14 new states joined UNESCO, bringing the total number of member states to 163. The three-week 26th General Conference of UNESCO opened on 15 October. Amnesty International attended the General Conference and also continued to submit information during the year to the Committee on Conventions and Recommendations which examines human rights violations against writers, teachers and others within UNESCO's mandate. Amnesty International brought to the Committee's attention new cases from Indonesia, Rwanda and Sudan.

The International Labour Organisation (ILO)

As in past years, Amnesty International attended the International Labour Conference of the ILO in Geneva in June as an observer. It followed the proceedings of the Committee on the Application of Conventions and Recommendations, which forms part of the ILO's supervisory mechanism for

the implementation of its conventions. Amnesty International raised its concerns about human rights violations relevant to the Committee's work in Brazil, Colombia, Pakistan, Peru and the Philippines, all of which were taken up by the Committee, and in Lesotho.

The Organization of American States (OAS)

Trinidad and Tobago acceded to the American Convention on Human Rights and, together with Nicaragua, made a declaration under Article 62 (recognizing the jurisdiction of the Inter-American Court of Human Rights). This brings to 23 the total number of States Parties to the Convention and to 14 the number of these States Parties recognizing as binding the competence of the Court (see Appendix VII). Panama ratified the Protocol to the American Convention on Human Rights to Abolish the Death Penalty, the only state so far to do so. Panama, Peru and Venezuela ratified the Inter-American Convention to Prevent and Punish Torture, bringing to 11 the number of States Parties to this Convention (see Appendix VII). Belize and Guyana joined the OAS but by the end of the year had not signed or ratified any of the OAS human rights instruments.

Amnesty International continued its practice of submitting to the Inter-American Commission on Human Rights (IACHR) information relating to its concerns in member states of the OAS, including Colombia, Guatemala and Peru. In June Amnesty International again attended as a "special guest" the General Assembly of the OAS held in Santiago, Chile. Before the session Amnesty International wrote to all member states expressing concern at the failure of the OAS General Assembly to consider a draft Convention to prevent and punish "disappearances" which had been prepared by the IACHR and was under examination by a working group of the Permanent Council of the OAS. Unfortunately, because few governments had commented on the draft Convention, it was decided to defer consideration of the text until the 1992 Assembly. Amnesty International's letter also deplored recent moves in Argentina, Brazil and El Salvador towards the reintroduction or widened application of the death penalty, as well as the continued use of the death penalty in a number of other states, including Guyana and the USA.

In February and October the IACHR held sessions to examine the case of the Cayara massacre in Peru, in which at least 31 people were killed by the army in May 1988. In 1990 Amnesty International had joined as co-complainant in the case, and had continued to urge the IACHR to submit the case to the Inter-American Court of Human Rights. Amnesty International delegates attended both these sessions of the IACHR and argued in support of transmitting the case to the Inter-American Court, but no decision had been announced by the end of the year. In December the Court gave judgment in *Aloeboetoe et al*, a case against Suriname

concerning killings by the security forces in 1988. The Court accepted the government's acknowledgement of liability but left open the judicial proceedings to fix compensatory damages and costs.

The Organization of African Unity (OAU)

The African Commission on Human and Peoples' Rights – the body of 11 experts established under the African Charter on Human and Peoples' Rights to monitor the Charter's implementation – met in two regular sessions. The first was in Lagos, Nigeria, in April. At this session the Commission considered for the first time periodic reports by States Parties (Libya, Rwanda and Tunisia) submitted under Article 62 of the African Charter on steps taken to implement that treaty. The second session was in Banjul, the Gambia, in October. The Commission declared admissible Amnesty International's first communication under Article 55 of the African Charter, which permits individuals or organizations to complain to the African Commission about violations of human rights by States Parties. That communication dealt with human rights violations in Sudan since the July 1989 military coup. Amnesty International submitted a second communication under Article 55 concerning extrajudicial executions and other violations of human rights in Mauritania.

During 1991 Amnesty International marked the 10th anniversary of the adoption of the African Charter in June 1981 and the fifth anniversary of its entry into force on 21 October 1986. It launched a major effort to make the African Charter accessible to the general public and to persuade members of the OAU which have not yet ratified the African Charter to do so. It began distribution throughout Africa of tens of thousands of copies of a Guide to the African Charter in different languages, including Arabic, English, French, Portuguese, Spanish and Swahili.

In June the OAU Assembly of Heads of State and Government adopted a resolution stating that "the promotion and protection of human and peoples' rights are essential factors for the progress of African citizens", appealing to member states which had not yet done so to ratify the African Charter. It called on States Parties to submit their periodic reports regularly and recommended that member states celebrate the anniversary of the entry into force of the African Charter.

In October Amnesty International attended a conference of representatives of non-governmental organizations and members of the African Commission in Banjul, the Gambia. The conference adopted wide-ranging recommendations for improving the effectiveness of the African Commission and amending the African Charter.

Amnesty International also continued to monitor the work of the OAU's Coordinating Committee on Assistance to Refugees in Africa, of which it is a member.

The Council of Europe

The Czech and Slovak Federal Republic and Poland joined the Council of Europe in February and November respectively, bringing the total membership to 26 states. Both countries signed the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Czech and Slovak Federal Republic also signed its Protocols Nos. 1 to 8. In March Malta ratified Protocol No. 6, bringing to 17 the number of states which have formally committed themselves to abolishing the death penalty by ratifying this Protocol (see Appendix VII).

Belgium, Greece and Liechtenstein ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, bringing to 23 the total number of States Parties to this treaty (see Appendix VII). The European Committee for the Prevention of Torture, set up under this treaty, completed its second year of work and Amnesty International continued to submit information to it. The Committee's members include medical doctors, experts in penitentiary systems, human rights specialists and jurists, who carry out regular inspections of places of detention and make recommendations in order to prevent the torture and ill-treatment of detainees. In 1991 the Committee conducted periodic visits to six countries – France, Germany, Portugal, Spain, Sweden and Switzerland – and undertook a further *ad hoc* visit to Turkey. The success of its policy of “constructive dialogue” with governments is evident from the fact that the governments of Austria, Denmark and the United Kingdom (UK) consented to the publication of reports of the Committee's 1990 visits to those countries, which generally would otherwise remain confidential.

Amnesty International continued to contribute as an observer to the biannual meetings of the Council of Europe's Steering Committee for Human Rights. At its May session, Amnesty International delivered an oral statement on the future of the Conference on Security and Cooperation in Europe as a human rights body and the role the Council of Europe could play in that process. Amnesty International also continued to observe the parliamentary Committee on Migration, Refugees and Demography and provided information to the Committee's members about its concerns.

The European Community (EC)

EC institutions were increasingly involved in the development of a more coherent and consistent human rights policy. This was recognized as an essential part of developing joint EC policies on foreign affairs and development cooperation, within the context of preparing for European Political Union. In June the European Council adopted a declaration on human rights, which set out the basic principles of a future EC human rights policy. Further

guidelines on human rights and development cooperation, based on a proposal by the EC Commission, were adopted by the EC governments in November.

Human rights issues were also increasingly on the agenda of meetings of ministers from EC member states and other governments, such as the EEC-Central American ministerial meeting in March, and the EEC-ASEAN ministerial meeting in May. Joint declarations adopted at these meetings reflected the growing importance attached to the promotion and protection of human rights.

There were also some moves towards addressing more effectively human rights violations within the EC itself. In particular, the European Parliament (EP) decided in future years to draw up an annual report on the human rights situation in member states. In October the EP adopted a report on miscarriages of justice in the case of the "Birmingham Six" in the UK. It called for further consideration of the ways in which guarantees of defence, in particular during police investigations, are provided for in EC member states.

On 1 September the Fourth ACP-EEC (Lomé) Convention came into force. In September the Joint Parliamentary Assembly, composed of representatives from 69 African, Caribbean and Pacific (ACP) states and members of the EP, held an unprecedented debate on the interrelationship between human rights and development cooperation policy. In February it also adopted a report on the human rights situation in Sudan.

As discussions continued on the harmonization of EC asylum and immigration policies, the EP again reiterated its concern that the agreements being adopted by EC governments lacked essential safeguards for the protection of refugees and asylum-seekers and called for parliamentary consultation and public debate on these issues. Amnesty International continued to bring its concerns about these developments to the attention of EC governments, national parliaments and the EP (see **Refugees**, pp 28 to 31).

The Conference on Security and Cooperation in Europe (CSCE)

1991 was another important year for development of the human rights process of the CSCE. The admission of Albania as a member in June, and Estonia, Latvia and Lithuania in September, brought the total number of participating states to 38.

A CSCE Parliamentary Assembly was set up in April to meet annually starting in 1992. The inaugural meeting of the Council of Foreign Ministers of the CSCE was convened in Berlin in June and discussed the full range of issues dealt with by the CSCE. The Ministers adopted a mechanism for consultation and cooperation with regard to emergency situations.

The third – and final – meeting of the Conference on the Human Dimension of the CSCE was held in Moscow from

10 September to 4 October. Amnesty International attended the conference and expressed its views about the future development of the CSCE human rights process, based on a paper distributed to all participating states in the preceding months. The detailed concluding document adopted in Moscow included a strongly worded declaration that human rights are a "direct and legitimate" concern of all participating states and "do not belong exclusively to the internal affairs" of individual states. A new mechanism was established for sending experts to investigate and help resolve human rights problems in member states, if necessary without the consent of the state concerned if six other states agree. It was unclear whether an expert mission which visited Yugoslavia at the end of the year was sent under this procedure. Other commitments adopted in Moscow related to the independence of the judiciary, control of law-enforcement personnel, rights of detainees and states of emergency. The document was unfortunately silent on conscientious objection to military service and failed to make any new commitments towards abolition of the death penalty – two issues on which Amnesty International had urged the CSCE to act. During the conference, Amnesty International organized a public seminar in Moscow on the death penalty entitled, *When the State Kills: International Perspectives on Abolishing the Death Penalty*.

The Commonwealth

The biennial Commonwealth Heads of Government Meeting (CHOGM), at which 43 of the 50 heads of government were present, took place in Harare from 16 to 22 October. The admission of Namibia as a member the year before was formally welcomed and a Declaration adopted pledging the Commonwealth and its member states "to work with renewed vigour" to protect and promote "fundamental human rights, including equal rights and opportunities for all citizens regardless of race, colour, creed or political belief". It also promised to work for "democracy, democratic processes and institutions which reflect national circumstances, the rule of law and the independence of the judiciary, just and honest government". The Declaration is an advance in that the Commonwealth member states expressly pledged to take steps to protect as well as promote human rights. However, it did not include any concrete steps to protect such rights. In a separate final communique the heads of government called on the Commonwealth Secretariat "to give greater impetus to its current activities to promote human rights", recognized the role that non-governmental organizations could play in this area and called on all member countries which had not yet done so to ratify the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights.

The human rights recommendations in the Declaration

and the final communique were the culmination of the work of two bodies established at the 1989 CHOGM – the Commonwealth Governmental Working Group of Experts on Human Rights and the High Level Appraisal Group on the Future of the Commonwealth in the 1990s and Beyond (see *Amnesty International Report 1991*). Prior to the Harare meeting Amnesty International reiterated its August 1990 recommendations submitted to the 50 heads of government for strengthening human rights in the Commonwealth. The 1991 CHOGM adopted a number of these recommendations, but regrettably it did not provide increased funding for human rights or recommend safeguards for those working to protect human rights.

The Francophone Summit

The fourth biennial conference of heads of state and government of francophone countries, at which most of the 39 member and associate states were represented, took place in Paris from 19 to 21 November. The participants adopted the Declaration of Chaillot, which reaffirmed democratic values based on respect for fundamental rights and freedoms, emphasized the link between freedom and development and included a commitment to further the process of democratization and the consolidation of democratic institutions. The Declaration did not, however, go further than the resolution on human rights adopted at the third Francophone Summit in 1989 and contained no concrete measures aimed at implementing these values. Amnesty International published a report detailing continuing violations of freedom of conscience and expression in francophone countries and called on the Summit to adopt stronger commitments to human rights.

Inter-Parliamentary Union (IPU)

The IPU, a non-governmental organization composed of members of parliament from 113 countries, maintains a special Committee on the Human Rights of Parliamentarians. During 1991 Amnesty International submitted information to this Committee on parliamentarians in Colombia, Honduras, Indonesia, Maldives, Myanmar and Sudan. Amnesty International delegates attended the April/May session of the Inter-Parliamentary Conference (IPC) in Pyongyang, North Korea, and delivered a statement under the agenda item "Policies to put an end to violence against children and women". In a second statement Amnesty International called on members of parliament to urge their governments to ratify and implement international human rights standards. Amnesty International also attended the October session of the IPC in Santiago, Chile, where the IPU Council adopted a strong resolution on the case of 65 elected members of parliament imprisoned in Myanmar and asked the government to authorize a visit by the IPU to the country.

The first paragraph of the text discusses the historical context of the study, mentioning the role of the state and the impact of the industrial revolution. It highlights the challenges faced by the working class and the need for social reform.

The second paragraph continues the discussion, focusing on the economic conditions of the time. It describes the growth of the middle class and the decline of the aristocracy, as well as the emergence of new social movements.

The third paragraph delves into the political and social changes of the period. It examines the rise of democracy and the influence of the press, along with the development of the welfare state.

The final paragraph concludes the text by reflecting on the long-term impact of these changes. It suggests that the social and economic transformations of the 19th century laid the foundation for the modern world.

AFGHANISTAN

COUNTRY ENTRIES

COUNTRY
ENTRIES

AFGHANISTAN



Hundreds of political detainees, including possible prisoners of conscience, were held without charge or trial. Hundreds more political prisoners were serving sentences imposed after unfair trials by special tribunals. Torture of detainees continued to be reported.

Armed conflict continued between the government, headed by President Najibullah, and several armed opposition groups – collectively known as the Mujahideen. The government retained control of the capital, Kabul, and other major cities, but the Mujahideen effectively controlled some rural areas and four provincial cities. Mujahideen groups held hundreds of captives and were responsible for torture and arbitrary killings. In May United Nations Secretary-General Javier Perez de Cuellar appealed to all parties involved in the conflict to begin a political dialogue “leading to the establishment of a broad-based government”. The proposal was accepted by the Kabul government and by some but not all Mujahideen groups, and by foreign governments supporting the various parties to the conflict.

Hundreds of political detainees, including possible prisoners of conscience, were held without charge or trial in interrogation centres and segregated prison blocks administered by the Ministry of State Security. Some had been held for as long as nine years. Mohammad Zahir Ofoq, who had been arrested following a March 1990 coup attempt, was one of the possible prisoners of conscience who remained in detention without charge or trial.

Political prisoners, whether suspected

of involvement in armed opposition or of non-violent anti-government activity, were held incommunicado in isolation cells during their initial interrogation, which often lasted several months. Many were then moved to detention centres run by the Ministry of State Security within certain prisons, and held indefinitely without trial. More than 1,000 such detainees were reportedly being held in Blocks 1 and 2 of Pul-e-Charkhi Prison near Kabul.

Hundreds of other suspected opponents of the government were serving sentences imposed after unfair trials by the Special Court of National Security and its predecessor, the Special Revolutionary Court. Amin Yusufzai and Haji Abdul Qudous Kaderi, two possible prisoners of conscience (see *Amnesty International Report 1990*), were released in October. However, those who continued to be held included Seyed Abdul Samad and Mohammad Nazar, both serving 16-year sentences (see *Amnesty International Report 1991*).

Most trials before special courts reportedly lasted only a few minutes, with defendants being denied legal counsel. Trials were usually held *in camera* before judges who lacked legal training but belonged to the ruling party. Defendants had no right of appeal. Sentences, including the death penalty, only required confirmation by the President.

President Najibullah announced in March that the Special Court of National Security was no longer in existence. However, he gave no information as to how those accused of political offences would be tried in future or any indication that those already imprisoned would have their sentences reviewed.

Torture of political detainees continued to be reported, although on a lesser scale than in previous years. Methods reported included electric shocks, sleep deprivation and beatings.

There was no further information about prisoners reported to have “disappeared” in previous years.

More evidence emerged about dozens of extrajudicial executions carried out by Ministry of State Security staff after a failed coup attempt in March 1990. Four generals – Asif Shour, Kabir Kawyani, Japar Sar Tir and Mohammad Pirooz – were among those reported to have been summarily executed at the *Riasat-e-Panj* interrogation centre in Kabul.

The authorities announced in January that President Najibullah had commuted 48 death sentences. However, more than 90 people sentenced to death for alleged involvement in the March 1990 coup attempt were later said to be awaiting the President's decision on their appeals for commutation. It was not known if there were any executions.

Seyed Hamza, who had been sentenced to death in 1988 (see *Amnesty International Report 1991*), was among Mujahideen prisoners exchanged for a Soviet prisoner held by a Mujahideen group.

In September President Najibullah was reported to have set up a legal commission to review the use of the death penalty, but no further information was available by the end of the year.

Mujahideen groups were also responsible for abusing human rights. They held hundreds of captives and were reported to have tortured and killed people suspected of links with the government or rival Mujahideen groups. After the fall of the city of Khost on 31 March, about 2,500 Afghan soldiers and scores of civilians suspected of supporting the Kabul government were taken captive. They were feared to be at risk of torture or execution: Mujahideen groups had reportedly shot dead a number of soldiers and unarmed civilians after capturing Tarin Kot in October 1990. In the Mujahideen-controlled area of Spin Buldak, an Islamic court was reported in April to have ordered the execution of one man for murder and the amputation of the right hand of his accomplice for theft. The sentences were reportedly carried out.

Mujahideen groups were also reported to have abducted and killed Afghan opposition figures living in Pakistan. Abdul Rahim Chinzai, a former senior Afghan government official living as a refugee in Peshawar, Pakistan, was abducted by armed men on 9 July. He was reported in October to be held by members of *Hezb-e-Islami (Hekmatyar)*, a Mujahideen group based in Pakistan. There was no further information about two aid workers abducted in 1989 from Pakistan by Mujahideen groups (see *Amnesty International Report 1991*).

In March Amnesty International published a report, *Afghanistan: Reports of Torture and Long-Term Detention without Trial*, and called publicly for an end to prolonged incommunicado detention and

other human rights violations. Amnesty International published a further report in August, *Afghanistan: Unfair Trials by Special Tribunals*, citing reports that over 8,000 people had been executed between 1980 and 1988 after being sentenced to death by special courts. Amnesty International called on the government to review the cases of all prisoners sentenced by special courts and to ensure that political prisoners received prompt and fair trials. After the announcement that the Special Court of National Security was no longer in existence, Amnesty International wrote to the government asking for information about what judicial process or body had replaced it, but received no reply.

Amnesty International also wrote to the President of the Afghan Interim Government – an alliance of Mujahideen groups in Pakistan – calling for all possible action to be taken to ensure that those taken captive at Khost were not tortured or executed.

ALBANIA



Between January and July all remaining political prisoners were released, including many hundreds of prisoners of conscience detained for attempting to exercise their rights to freedom of expression and movement. Police allegedly assaulted and beat people following demonstrations and when dealing with successive waves of mass emigration. In April four men died after being shot during demonstrations. Six people were sentenced to death; four of them were executed.

At the end of March multi-party elections took place and the communist party, renamed the Socialist Party, was returned

to power. However, in June the government resigned following widespread industrial unrest, and a coalition government was formed. As economic conditions worsened tens of thousands of people attempted to emigrate. Most of them went to Italy, which returned some 17,000 would-be emigrants to Albania in August.

Legislative changes promoting guarantees for the protection of human rights, which had begun in 1990, continued. On 29 April an interim constitution was adopted, pending the drafting of a new constitution. Unlike its predecessor, the interim constitution guaranteed "fundamental human rights and freedoms ... recognized under international treaties". It explicitly guaranteed freedom of religion and political association and provided for the depoliticization of executive bodies.

In June Albania joined the Conference on Security and Cooperation in Europe (CSCE) and in September accepted all the CSCE human rights commitments. In October Albania acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

In January 200 political prisoners were released by presidential pardon and at least 500 others were released in the following months. In July the authorities said the last political prisoners had been released including those convicted of "espionage, sabotage, terrorism, slandering state bodies and participating in illegal demonstrations". This was confirmed by unofficial sources. Those released included at least 50 people sentenced to up to 20 years' imprisonment in connection with anti-government riots in December 1990 (see *Amnesty International Report 1991*) and some 70 people convicted of participating in anti-communist demonstrations in February 1991. However, a large number of people previously detained for political reasons in internal exile, although formally free, were unable to leave their camps because of lack of alternative accommodation and employment. On 30 September the People's Assembly passed a law declaring all former political prisoners, except those who had committed acts of terrorism resulting in death or other serious consequences, to be innocent. The law was in response to the demands of about 200 former political prisoners who staged a hunger-strike.

On 20 February anti-communist demonstrators in the capital Tirana pulled down the statue of Enver Hoxha, the country's former leader. A call by a group of military officers and cadets to reinstate the statue led to further anti-communist demonstrations on 22 February outside the military academy in Tirana. During and shortly after these demonstrations at least three people died, one of them a policeman. Fifteen others were wounded, including several people who were assaulted in their homes by members of security forces. Among the wounded were Olta Cekciri, aged 13, and Dorian Doci, aged two. Up to 200 people were arrested in Tirana and elsewhere in connection with the demonstrations, although many were released a few days later. In a separate incident on 22 February, Artan Lenja was reportedly shot dead by an army patrol after he had intervened on behalf of two men who had been stopped by the patrol to examine their identity cards.

On 23 March border guards opened fire on a large group of Albanian citizens attempting to cross into Yugoslavia without official permission. Five or six were reportedly wounded.

On 25 March there were clashes in Durrës between would-be emigrants seeking to leave the country by sea and security forces attempting to turn them back. Eye-witnesses alleged that police beat several people they had arrested before taking them away in a truck. There were further reports that police officers in Durrës had beaten other would-be emigrants the following day.

Following the March elections there were anti-communist demonstrations in Shkodër on 2 April alleging vote-rigging. During the protests three men, Arben Broci, Besnik Ceka and Bujar Beshanaku, were shot dead by police. A fourth, Nazmi Kryeziu, was also shot by police and died shortly afterwards. Fifty-seven others were injured. Arben Broci, a leader of the local opposition Democratic Party, was reportedly shot in the back while appealing for calm to police and demonstrators gathered outside the Socialist Party headquarters in Shkodër. Opposition sources stated that demonstrators became violent only after police had opened fire. On 26 April a cross-parliamentary commission, established under opposition pressure to investigate the events of 2 April, blamed the security forces for the deaths of the four

and reported that seven people had been arrested in connection with the killings. On 29 July three of those arrested – the former police chief of Shkodër, his deputy and the head of Shkodër's internal affairs department – went on trial before a military bench of the district court in Shkodër. Two days later the trial was adjourned, after the prosecutor demanded that the case be sent back for further investigation. The trial had not been concluded by the end of the year.

Eleven offences were punishable by death, including embezzlement, theft of state property, treason, espionage and murder. Six men were sentenced to death for murder or other offences resulting in death. Four of them were executed: in June Oltion Mema and Ramadan Sadushi were executed after being convicted in separate trials of terrorism and murder respectively; in August two soldiers, Bujar Beqiri and Bujar Uzeiri, were executed for killing and robbing three people. One death sentence was commuted and the Supreme Court ordered a retrial in the case of the sixth person sentenced to death.

In January and March Amnesty International wrote to the authorities urging the release of all prisoners of conscience. In February and March Amnesty International urged the authorities to initiate investigations into the allegations of violations perpetrated by police in connection with the demonstrations in Tirana and Durrës. The organization also called for an investigation into reports that border guards had opened fire on Albanian citizens trying to cross into Yugoslavia. In June Amnesty International wrote to the Prime Minister expressing concern that in an interview published in the Italian press he had reportedly stated that, if necessary, Albanian coastal guards would shoot at Albanian citizens attempting to leave the country without official permission. The Prime Minister assured the organization that it was not government policy to shoot at would-be emigrants.

Amnesty International urged the authorities to commute the death sentences about which it learned.

In January Amnesty International published a report, *Albania: Legislative Change since May 1990 and Amnesty International's Concerns*.

ALGERIA



Thousands of suspected government opponents, including possible prisoners of conscience, were arrested and over 50 killed during widespread anti-government protests in June and July. More than 1,200 other suspected government opponents were administratively detained without charge or trial for up to eight weeks. Some of those arrested were beaten or otherwise ill-treated. At least 14 people were sentenced to death, four of them for financial crimes. No executions were reported.

President Chadli Benjedid proclaimed a state of siege on 4 June following widespread demonstrations and violent clashes between demonstrators and the security forces in which at least 55 people were killed and hundreds injured. The violence occurred after the *Front islamique du salut* (FIS), Islamic Salvation Front, called a general strike on 25 May. The state of siege remained in force until 29 September. A new administration under Prime Minister Sid Ahmed Ghazali was formed on 18 June to prepare for general elections, which were held on 26 December. FIS candidates gained a clear majority of seats decided on the first ballot; a second ballot was to take place in January 1992.

Thousands of demonstrators and suspected supporters of the FIS were arrested in June and July. Most were sentenced to between 15 days' and two years' imprisonment for offences such as disturbing public order or armed assembly. However, more than 1,200 people arrested after 30 June, including possible prisoners of conscience, were held in administrative detention without charge or trial at internment camps at Blida, Oran, Wargla and two other centres. Their families and lawyers were not told where they were or allowed access to them during the first 10 days of their detention. The detainees were held under state of siege regulations which permitted the authorities to hold them without charge or trial for an initial period of 45 days, which

could then be extended for a second 45-day period. In the event most were released within the first 45 days. Others whose detention orders were extended and who went on hunger-strike in protest were among 329 detainees released on 23 August. The remaining detainees, numbering about 100, had all been released by early September.

Those detained included two minors and a man suffering from mental illness, Kamel Khemais el-Khechna, who was reportedly arrested together with a political activist who was taking him to hospital at the time.

Under the state of siege civilians accused of serious crimes against state security could be tried by military courts. According to government figures, of 2,601 people prosecuted between 30 June and 12 August, 693 were prosecuted under the military justice system. They included the two main leaders of the FIS, Abbas Medani and Ali Belhadj, who were charged with various state security offences, and five other members of the party's *majlis al-shura* (council), all of whom were still held at Blida Prison at the end of the year.

Scores of people alleged that they had been beaten or ill-treated after they were arrested just before or during the state of siege. Some were apparently beaten with gun-butts while at least 30 FIS members were said to have been deliberately subjected to degrading treatment by having their beards shaved off.

In Mostaganem 13 victims of alleged ill-treatment in police custody brought charges against those said to be responsible. One of the victims, Rahmani Larbi, alleged that he had been beaten and pushed down a stairway, breaking his leg, by police officers who raided his apartment, and then beaten again until he lost consciousness. Three members of the *Corps national de sécurité* (CNS), National Security Corps, were arrested and charged with assault: they were still in custody at the end of the year.

Two prisoners sentenced to death in March were reportedly kept chained by the hands and feet. However, by the end of the month the chains were removed after protests by local lawyers.

It was feared that some of those killed during the mid-year unrest might have been victims of extrajudicial executions. The government said that at least 55

people, including five members of the security forces, had been killed and hundreds injured. Some of the victims appeared to have been shot while unarmed, or when posing no threat to the lives of members of the security forces, or for breaking the curfew. One, Amar Kacem, a primary school headmaster, was shot dead after he had left his house to stop his children throwing stones at the security forces. The government's Minister of Human Rights told Amnesty International in September that all incidents involving the use of force by the security forces had been investigated but no details of the findings of any such investigation were made public or, apparently, made available to the relatives of the deceased.

At least 14 people were sentenced to death, nine of them *in absentia*. In March four people, including two *in absentia*, were sentenced to death by the criminal court of Algiers after being convicted of large-scale embezzlement of public funds, corruption and mismanagement. They were the first people since 1969 to be sentenced to death for financial crimes. At least 10 other people were sentenced to death after being found guilty of murder, bringing the total number of prisoners under sentence of death at the end of the year to at least 85. No executions were known to have been carried out.

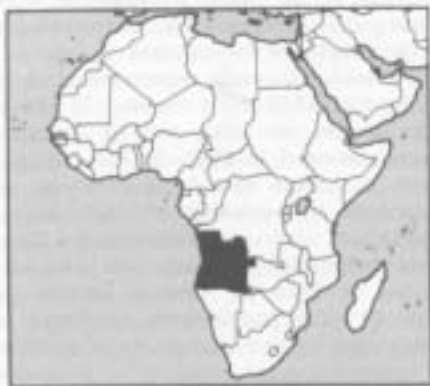
Amnesty International expressed concern at the high incidence of deaths as a result of shootings by the security forces and urged the government to establish a full, public and impartial inquiry into all the deaths.

ANGOLA

The conclusion of a peace agreement in May between the government and the armed opposition *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola, resulted in the release of about 2,000 political prisoners who had been held by the two sides to the conflict. The fate of many others, however, remained unclear and dozens of supporters of separatist groups were arrested in the Cabinda enclave both before and after the May peace agreement. All death

sentences were commuted, no new death sentences were imposed and there were no executions.

In March the People's Assembly approved amendments to the Constitution introducing a multi-party political system and increasing human rights safeguards. New laws extended press freedom and limited the circumstances in which a state of emergency could be declared. It was expected that the Constitution would be further amended in 1992 after consultation between the government, UNITA and political parties formed as a result of the constitutional amendment.



The agreement signed in May by President José Eduardo dos Santos and UNITA's leader, Jonas Savimbi, brought an end to the 16-year conflict in which thousands of civilians were killed or maimed, and thousands of others were displaced or sought refuge abroad. The agreement provided for the release of all those imprisoned as a result of the conflict, and for fundamental human rights and freedoms to be respected. Government and UNITA troops were required to move to and remain at specified assembly points. A Joint Political-Military Commission (JPMC) was established to supervise implementation of the agreement and a United Nations Verification Mission (UNAVEM), which had monitored the withdrawal of Cuban troops under an earlier agreement, supervised the movement of the troops to their designated assembly points. UNAVEM was also mandated to monitor the actions of the police.

The peace agreement effectively ended the fighting between the government and UNITA, and in September Jonas Savimbi returned to Luanda, where UNITA had already opened an office.

Following the agreement, the government released about 950 suspected UNITA supporters, which it said was the total number still held after the reported release of more than 3,000 prisoners in 1990 (see *Amnesty International Report 1991*). Among them were about 80 who had been taken prisoner in the early months of 1991. Around 250 were released shortly after the agreement and a further 700 in October.

In July UNITA released 272 prisoners from its headquarters at Jamba, but only 60 left Jamba, leading to allegations that some had been coerced by UNITA security officials into remaining there. By November UNITA had released about 1,000 prisoners: about 600 of them reportedly told representatives of the JPMC and delegates of the International Committee of the Red Cross monitoring the releases that they wished to remain in Jamba. UNITA said it was preparing to release a further 2,000 prisoners once the monitors had completed interviewing the first thousand.

Some arrests were made after the peace agreement but those held, including Albino Lohoka and Valentin Kalueyo, who were detained in Luanda in July for distributing pro-UNITA leaflets, were quickly released. The government also released 17 political prisoners in July: they included Moisés André Lina, who had been under death sentence since 1987, and 13 members of a religious sect convicted of violent offences in 1989, all of whom had received unfair trials (see *Amnesty International Reports 1988 and 1990*).

Despite the releases, thousands of people remained unaccounted for. They included hundreds of detainees who had "disappeared" in the custody of government forces, including suspected UNITA supporters and people detained in connection with an abortive attempt to overthrow the government in 1977. Others still missing included government soldiers and civilians taken prisoner by UNITA, and alleged dissidents within the organization who were said to have been secretly killed or publicly burned to death by UNITA in 1982 and 1983. There was no further news of two senior UNITA officials, Tito Chingunji and Wilson dos Santos, who apparently remained restricted in Jamba (see *Amnesty International Reports 1989, 1990 and 1991*).

In the Cabinda enclave, dozens of people suspected of supporting separatist

groups were briefly detained. They included Hilário Bala Cazo, a member of the *Frente da Libertação do Enclave de Cabinda* (FLEC), Cabinda State Liberation Front, who was held for several days in July after FLEC documents were found in his possession. Further arrests of supporters of separatist groups occurred after a demonstration in November in favour of Cabinda's independence. The authorities said the demonstration was violent, but FLEC claimed it was peaceful until troops opened fire. At least six people were killed and many others wounded. Cabindan separatists reportedly detained after the incident were said to be held in unacknowledged incommunicado detention. No official investigation was known to have been held into the November shootings.

The JPMC investigated the killing in September of Colonel Lourenço Pedro Makanga, UNITA's Deputy Secretary General, at a road-block near Malanje. The investigation's outcome was unknown. UNITA said he was shot by government soldiers but the authorities said that he was killed by common criminals.

The government commuted all death sentences in June but did not indicate how many prisoners benefited; at least five prisoners had been under sentence of death in Luanda. No new death sentences were imposed and there were no executions. In April the Congress of the ruling *Movimento Popular para a Libertação de Angola* (MPLA), People's Movement for the Liberation of Angola, called for the abolition of the death penalty.

Amnesty International sought information about Hilário Bala Cazo and others arrested in Cabinda who included possible prisoners of conscience, and called for an inquiry into the November shootings in Cabinda. There was no response.

In February Amnesty International submitted a memorandum to the commission drafting amendments to the Constitution urging the introduction of strong human rights safeguards. The organization published this memorandum in June in a report entitled *Angola: Human Rights Guarantees in the Revised Constitution*. The report also called for the inclusion of safeguards omitted from the Constitution when it was amended in March. There was no formal response from the authorities but several officials made statements favouring abolition of the death penalty.

ANTIGUA AND BARBUDA



One prisoner was executed. One person remained under sentence of death at the end of the year.

Tyrone Nicholas was hanged on 21 February. He had been sentenced to death for murder in June 1989; his appeal was dismissed in June 1990. He did not appeal to the Judicial Committee of the Privy Council (JCPC) in London, the final court of appeal for Antigua and Barbuda. Amnesty International was concerned that he may have been unaware of the possibility of appealing to the JCPC or of requesting financial assistance to pursue such an appeal.

Amnesty International wrote to the Prime Minister, Vere C. Bird Sr, expressing dismay at the execution. It stressed the importance of providing maximum safeguards for all prisoners sentenced to death, including appeals to the JCPC. Amnesty International had received no reply by the end of the year.

ARGENTINA

Allegations of torture and ill-treatment by the police continued, resulting in one case in a detainee's death. The authorities failed to clarify the fate of three people who reportedly "disappeared" in 1990. Human rights workers, critics of the government, judges and journalists were the target of death threats and attacks by unidentified groups. Investigations were not completed into allegations that people in custody had been extrajudicially executed, "disappeared" and tortured after an attack on La Tablada Barracks in 1989. President Carlos Menem restated his intention to reintroduce the death penalty.

Reports of torture and ill-treatment of detainees by police persisted during the year. On 16 March Pedro Molina Toledo was detained by police in Mendoza city, in connection with a fraud investigation. He was taken for questioning to the Economic Crimes Office at the Central Police Station. Pedro Molina Toledo was allegedly severely beaten while in police custody and died on the same day from his injuries. Two police officers were charged with manslaughter but at the end of the year remained on duty pending trial.



New information was published about ill-treatment in previous years. According to the National Human Rights Directorate of the Ministry of the Interior, between 1984 and 1986 there were 698 complaints of "unlawful coercion", which would include ill-treatment of detainees by the police, in different police units in the federal capital, Buenos Aires. Despite corroborating medical evidence showing that injuries had been sustained in 267 cases, no one was convicted. There were reportedly 879 further complaints of unlawful coercion in 1989 and 870 in 1990, but no information on the number of convictions was available. The National Human Rights Directorate criticized the judiciary and public prosecutors for their reluctance to investigate fully the allegations and concluded that the lack of convictions showed that impunity was rooted in the judicial system.

The authorities failed to clarify the fate of three people who reportedly "disappeared" in 1990. On 28 April 1990 Adolfo Argentino Garrido and Raúl Baigorria were allegedly detained by uniformed police in General San Martín Park, Mendoza. The car in which the two had been travelling was found two days later in a police dis-

trict (Number Five) in Mendoza and returned to their relatives, but the whereabouts of the two men remained unknown. The police denied arresting the men or having any record of their detention and the seizure of their vehicle. The third "disappearance" was that of Andrés Alberto Núñez (see *Amnesty International Report 1991*). He "disappeared" in September 1990 after reportedly being taken into custody by the Investigations Force of La Plata, Buenos Aires province.

Human rights workers, critics of the government, judges and journalists were subjected to death threats, attacks and other forms of intimidation. Hebe de Bonafini, President of the human rights organization *Madres de Plaza de Mayo*, Mothers of Plaza de Mayo, received telephone death threats in February, after she and other members of the organization were labelled "traitors to the motherland" by President Menem. This accusation followed a strongly worded attack by Hebe de Bonafini on the President's December 1990 decision to pardon members of the former military government for crimes, including gross human rights violations, committed during the period of military rule.

Between March and June the headquarters of the Mothers of Plaza de Mayo in central Buenos Aires were broken into four times. Money, recording equipment and confidential written material were among the items reportedly stolen.

On 22 May film director Fernando Solanas was shot and wounded by an unidentified assailant in Olivos, near Buenos Aires. The shooting took place three days after the publication in the newspaper *Página 12* of an interview in which Fernando Solanas publicly criticized President Menem. After the interview, President Menem filed a legal complaint against Fernando Solanas for slander. Apparently the police initially treated the shooting as a case of attempted robbery, but subsequently Interior Ministry officials acknowledged that the attempt on Fernando Solanas' life had been politically motivated.

In June and July Appeal Court Judges Jorge Casanova and Horacio Catani received death threats. The judges were both members of the *Excelentísima Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal*, National Federal Criminal and Correctional Appeal Court.

They were presiding over the appeal hearings of army officers sentenced by a military court for a failed military uprising in December 1990.

In July several journalists and foreign correspondents working in Argentina also received anonymous written death threats. On 6 August a parcel containing a fake explosive device was delivered to the house of Néstor Ibarra, an Argentine journalist from *Radio Mitre*. That morning Néstor Ibarra had conducted an interview with an opposition deputy who asserted that a secret group was disseminating government propaganda and defaming the opposition. A senior government official later issued a statement stressing the government's determination to uphold the freedom of the press.

More than two years after they began, investigations were still not completed into alleged abuses in 1989 of members of the *Movimiento Todos por la Patria* (MTP). All for the Fatherland Movement, who were involved in an armed attack on an army barracks at La Tablada, Buenos Aires province (see *Amnesty International Reports 1990* and *1991*). Significant evidence had supported allegations that two MTP prisoners were extrajudicially executed after they surrendered and that three others "disappeared" after giving themselves up to military personnel. There was also evidence that several MTP prisoners were tortured and ill-treated in military, police and prison custody.

In September President Menem reaffirmed his intention to reintroduce the death penalty. Following the kidnapping of a well-known businessman, President Menem declared his decision to send draft legislation to Congress to reintroduce the death penalty for certain crimes, including kidnapping resulting in death and drug-trafficking. However, after reported opposition to this initiative within his own cabinet, President Menem announced that any decision on the subject would be postponed until after a plebiscite in 1993.

During the year Amnesty International wrote to various government officials calling for thorough and impartial investigations into reports of "disappearances", torture and ill-treatment. In February Amnesty International wrote to President Menem expressing concern at a presidential pardon granted in 1990 to former General Carlos Suárez Mason before the

end of judicial proceedings against him (see *Amnesty International Report 1991*). He had been awaiting trial on 39 murder charges relating to human rights violations committed during the period of military rule. The organization stated that by pardoning him before conviction, the government had failed to demonstrate its commitment to preventing a recurrence of human rights violations.

In March Amnesty International published a report entitled *Criminal Investigations into the Attack on the Third Infantry Regiment of La Tablada*, which updated a previous Amnesty International report on the subject. It expressed concern that the failure to complete the investigations might indicate a lack of government determination to bring to justice members of the armed forces responsible for human rights violations.

In August Amnesty International urged the authorities to investigate the death threats and attacks on human rights workers, journalists, judges and critics of the government. It called on the authorities to ensure the safety of those threatened and to bring to justice those responsible. The organization stated that although no evidence directly linked the government or security forces to these incidents, a pattern appeared to be emerging in which individuals and organizations critical of the government were subjected to death threats and harassment.

AUSTRALIA



The Royal Commission into Aboriginal Deaths in Custody published its final report. Allegations of ill-treatment during police interrogation were published in the Human Rights and Equal Opportunities Commission (HREOC) report on racist violence.

Australia acceded to the first Optional Protocol to the International Covenant on Civil and Political Rights in September.

The Royal Commission into Aboriginal Deaths in Custody published its final report in May, the result of a three-year inquiry into 99 Aboriginal deaths in custody (see *Amnesty International Reports 1989 to 1991*). It concluded that none of the 99 deaths had resulted from unlawful, deliberate killing, as had been alleged in some cases. However, it found that there were "glaring deficiencies" in the standard of care afforded to many of the deceased which, in some cases, directly contributed to their deaths. Some commissioners recommended that their reports of inquiries into individual deaths should be forwarded to the appropriate authorities to decide whether criminal proceedings or disciplinary action should be taken against officials. In the final report one commissioner "strongly suggested" that the reports of all 99 deaths should be carefully studied and that, when appropriate, action should be taken against officials. At the end of the year no such actions had reportedly been taken.

A working party of state, territorial and federal government representatives was established to coordinate the government's response to the final report of the Royal Commission. The group was due to present a program for implementation of the Royal Commission's 339 recommendations in March 1992.

Evidence of police brutality to force confessions from Aboriginal and Torres Strait Islander juveniles was published in April in the HREOC report, *Racist Violence: Report of the National Inquiry into Racist Violence*. Most if not all of the alleged incidents had occurred in 1989 and 1990 during interrogations in police stations and lock-ups. Similar patterns of police behaviour in different states were revealed by the report. The federal government stated in late July that it was preparing a response to recommendations contained in the report, although to Amnesty International's knowledge none had been announced by the end of the year.

Amnesty International welcomed the Royal Commission's recommendations to strengthen safeguards against possible torture or ill-treatment of Aboriginal prisoners and to improve procedures for investigating deaths in custody.

AUSTRIA



Allegations of torture and ill-treatment in police custody continued. At least one conscientious objector to military service served a prison sentence; he was considered a prisoner of conscience.

Austria signed the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty in April. It had not yet ratified this instrument at the end of the year.

From 1 January complaints about torture or ill-treatment could no longer be made directly to the Constitutional Court. Initial responsibility for hearing such complaints was transferred to "independent Administrative Tribunals". Doubts were expressed about the independence of the Tribunals because of the requirement that at least one quarter of their members must be public employees, some of whom could be police employees. There was insufficient information to assess the Tribunals' handling of complaints about police ill-treatment.

In May the Ministry of Justice issued a decree to public procurators restricting the use of criminal proceedings for "defamation" (under Article 297 of the Penal Code) against people accusing the police of ill-treatment. Previously many people who complained about police ill-treatment had been prosecuted for defamation, and many other alleged victims said they were reluctant to make complaints for fear of such prosecution (see *Amnesty International Reports 1988, 1990 and 1991*). There was insufficient information to assess the way the decree was being put into effect.

The new Security Police Law, adopted in October, required statistics on complaints of police ill-treatment to be presented annually to Parliament by the Interior Ministry. Previously no official statistics relating specifically to complaints of police ill-treatment had been published regularly. The new law was scheduled to come into force in May 1993.

The European Committee for the Prevention of Torture (ECPT), a committee of experts set up under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, published a report in October on its first periodic visit to Austria, which had taken place in May 1990. The ECPT heard a large number of allegations of ill-treatment in police custody. The report, published with the consent of the Austrian Government, concluded that "there is a serious risk of detainees being ill-treated while in police custody".

In December an amendment to the Law on Alternative Military Service abolished the Alternative Service Commission. Previously all applicants for conscientious objector status had been required to appear before the Alternative Service Commission and to submit to an oral examination of their objection, on grounds of conscience, to military service. Under the new amendment applications are dealt with by the Interior Ministry in a purely administrative procedure.

In January three police officers were charged with ill-treating a detainee and perjury. A fourth officer was charged with perjury. The case concerned an 18-year-old Yugoslav who alleged that he had been tortured at Himberg police station (see *Amnesty International Report 1991*). In July all four officers were acquitted for lack of evidence. The Vienna Provincial Court concluded that in spite of strong elements of suspicion which pointed to ill-treatment, at least some of the injuries in question could have been self-inflicted. According to medical evidence the injuries included six second-to-third-degree burns on the man's back, signs of bleeding beneath two of his fingernails, and bruising and swelling to his penis.

In February the Constitutional Court concluded that in March 1989 Mustafa Ali had been pushed through a pane of glass by an unidentified police officer while in custody (see *Amnesty International*

Reports 1990 and 1991). In March 1990 the public procurator had decided to drop criminal proceedings against the police officers involved after an investigation into the incident by the Vienna police authorities. The police officers maintained that Mustafa Ali had thrown himself through the glass.

In March a 17-year-old Romanian citizen alleged that she had been raped by a police officer while detained in a police prison in Vienna before possible expulsion as an illegal immigrant. The officer accused was immediately suspended from duty and was later charged with rape and abuse of authority. He was found guilty of the latter offence in October and sentenced to one year's imprisonment.

Two officers who had allegedly forced a 19-year-old woman to have oral sex with them at Karlsplatz police station in Vienna in May 1990 (see *Amnesty International Report 1991*) were convicted in November of abusing their authority. The two officers had originally been charged with the additional offences of rape and sexual coercion. Both men were given a suspended sentence of one year's imprisonment.

In July the Supreme Court in Vienna rejected an appeal against a court decision which allowed statements allegedly obtained under duress to be considered in court. Qani Halimi-Nedzibi had been sentenced to 20 years' imprisonment for drug-related offences by Vienna Provincial Court in July 1990. He alleged that a police officer from the Lower Austria Drugs Squad had beaten him about the head, punched him in the stomach and forced his head into a bucket of water to force him to sign a false confession. The police officer denied the allegations. Qani Halimi-Nedzibi's lawyer had asked for his client's statements to be struck from the record because there was sufficient evidence that they had been obtained through physical duress. The court had refused, stating, as part of its judgment, that "Austrian law does not recognise such a procedure" and that it believed that the allegations of ill-treatment had already been adequately examined. However, a substantial number of the allegations had been made for the first time during the trial itself and therefore could not have been investigated. The court's statement thus appeared to conflict with the Justice Ministry's decree of September 1989. The decree contained guidelines for

public procurators and courts on the way in which the prohibition in the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on the use of evidence obtained through torture should be put into practice.

Wolfgang Ulrich served six weeks in prison in January and February for refusing to perform military service on grounds of conscience. His application for conscientious objector status, based on pacifism resulting partly from his Christian faith, had been turned down by the Alternative Service Commission and the Higher Alternative Service Commission. On 15 February he was sentenced to three weeks' imprisonment. However, as he had already been detained for six weeks in investigative detention he was released immediately.

In January Amnesty International called for the release of Wolfgang Ulrich.

The organization and the government engaged in extensive correspondence about the ill-treatment of police detainees. In December Amnesty International published *Austria: Torture and Ill-treatment, Update to report of January 1990*. The update welcomed the measures taken by the government to protect the rights of detainees but expressed concern that they were not being fully implemented. It expressed particular concern about the use of physical violence by the police against criminal suspects to obtain confessions or information and at the apparent reluctance of the government to take additional measures to combat this.

BAHAMAS



Two death sentences were imposed. No executions took place; the last execution was carried out in 1986. At the end of the year there were 23 prisoners on death

row. Parliament approved legislation to impose corporal punishment for certain offences.

A motion challenging the constitutionality of executions in the Bahamas was heard in September. The motion, filed in 1989 on behalf of three prisoners under sentence of death, argued that since neither the Constitution nor any other law specifies the method of execution, it would be unconstitutional to execute anyone. The court's decision was pending at the end of the year.

Bobby Penn and Dwayne Collie were sentenced to death on 6 November for a murder committed in August 1990.

In October Parliament approved an amendment to the Criminal Code reintroducing flogging for certain sexual offences and other crimes. This form of punishment had been abolished in 1984. The new punishment is specified as flogging with the cat-o-nine-tails (a device consisting of nine knotted cords or thongs of raw-hide attached to a handle) or whipping with another instrument as prescribed by the court.

Amnesty International wrote to the Attorney-General in December, expressing concern at the reintroduction of corporal punishment which violates international standards against ill-treatment. The organization urged the government to repeal the law.

BAHRAIN

Dozens of suspected government opponents were detained without charge or trial early in the year and held for several months. They included possible prisoners of conscience. Other government opponents were brought to trial, and between 80 and 90 political prisoners sentenced after unfair trials in previous years continued to be imprisoned.

Members of the majority Shi'a community continued to be subjected to arbitrary arrest and detention without trial on political grounds, particularly during the early part of the year at the time of the Gulf War. Dozens were arrested in Sitra, Bani Jamra and Ra's Roman and held under the 1974 Decree Law on State Security Measures, which empowers the Minister of the Interior to authorize administrative detention

without charge or trial for renewable periods of up to three years (see *Amnesty International Report 1990*). 'Abdallah Fakhrou, aged 60, was arrested at the end of January and detained without charge or trial for over four months, apparently because he was suspected of opposing Bahrain's involvement in the Gulf War. In March two Shi'a clerics, al-Sayyid 'Alawi al-Biladi and al-Sheikh 'Ali 'Ashour, were briefly detained following a peaceful demonstration held in Manama to protest against Iraq's treatment of Grand Ayatollah Kho'iy. Most of those held in administrative detention were believed to have been released by the end of the year.



Other Bahrainis were detained when they returned to the country from abroad, apparently because they were related to political prisoners or government opponents. Some, who appeared to be prisoners of conscience, were held for days or weeks and then expelled from Bahrain. They included 'Atiqa 'Ali Ibrahim, the wife of a political prisoner serving a 15-year sentence in Bahrain. She was arrested with her two children at Bahrain's international airport when she returned to the country from Syria and detained for one week before being forcibly returned to Syria. In September, however, she was allowed to enter Bahrain and remain in the country.

On 14 December Dr 'Abd al-Latif Mahmoud Al Mahmoud, assistant professor of Islamic studies at Bahrain University, was arrested at the airport following his return from delivering a lecture on future perspectives for unity among Gulf Cooperation Council member states at a seminar organized by the University of Kuwait. Dr Al Mahmoud, a prominent Sunni scholar, was held until 28 December, when he was released on bail.

Between 80 and 90 political prisoners sentenced after unfair trials in previous years remained in prison throughout the year. They included possible prisoners of conscience. Most were allegedly connected with banned Islamic groups such as the Islamic Front for the Liberation of Bahrain, the Islamic Enlightenment Society and *Hizbollah*, Party of God. They included several dozen people sentenced in connection with an alleged coup attempt in 1981 (see *Amnesty International Reports 1989 to 1991*). At least 30 other political prisoners were believed to have been released in March and April after completing all, or all but a few months, of their sentences. Those freed included Tawfiq al-Mahrous and several alleged members of the Bahrain National Liberation Front who had been jailed after an unfair trial in 1987 (see *Amnesty International Reports 1988 and 1989*). Others released later in the year included 'Omran Hussein 'Omran (see *Amnesty International Report 1990*).

At least 20 people were tried on political charges before the Supreme Civil Court of Appeal, whose procedures fall far short of international standards for fair trial (see *Amnesty International Report 1990*). 'Abd al-'Adhim al-Rayyis was sentenced early in 1991 to one year's imprisonment but was released as he had already spent a longer period in custody. The trial began of about 15 alleged members of a banned political organization who had been held since June 1990 and were said to have been tortured or ill-treated to make them confess. All but one were released on bail in October and their trial was still continuing at the end of the year.

Political prisoners continued to protest against harsh prison conditions and several hunger-strikes took place. Conditions reportedly improved in some respects later in the year and some prisoners were transferred to hospital for treatment.

Amnesty International sought information about possible prisoners of conscience, and expressed concern to the government about the use of prolonged incommunicado detention, which can facilitate torture, and unfair trials of political prisoners. It continued to urge the government to ratify the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and other international

human rights treaties, and to apply their provisions in law and practice to safeguard human rights.

In April Amnesty International submitted information about its concerns in Bahrain for United Nations (UN) review under a procedure established by Economic and Social Council Resolutions 728F/1503, for confidential consideration of communications about human rights violations. In May Amnesty International published a summary of its concerns in recent years in a report, *Bahrain: Violations of Human Rights*. In June the Minister of the Interior wrote to Amnesty International in response to the report and the organization's submission to the UN. He said that Amnesty International's allegations were "malicious rumour and disinformation". He stated that there were no prisoners of conscience in Bahrain and that "allegations of incommunicado detention and ill-treatment are utterly refuted". He also invited Amnesty International representatives to visit Bahrain, but by the end of the year no date for the visit had been agreed.

BANGLADESH



Most of those detained under the Special Powers Act (SPA) by the previous government in late 1990 were released; among the hundreds freed were possible prisoners of conscience and other political prisoners. However, new arrests were made. An amnesty in January benefited thousands of prisoners. An unknown number of people convicted by martial law courts between 1982 and 1986 continue to be

held. Several prisoners died in custody allegedly as a result of torture, and at least seven were killed by security forces during jail riots. Torture and extrajudicial executions were reported from the Chittagong Hill Tracts. At least 17 people were sentenced to death but no executions were reported.

Parliamentary elections held on 27 February under the interim government of Acting President Shahabuddin Ahmed were won by the Bangladesh Nationalist Party (BNP) led by Begum Khaleda Zia. She was sworn in as Prime Minister on 20 March. A constitutional amendment restoring the parliamentary system was unanimously adopted by Parliament on 6 August and confirmed by a national referendum on 15 September. Abdur Rahman Biswas became President in October.

The government continued to face armed opposition in the Chittagong Hill Tracts from the *Shanti Bahini*, Peace Force, a group seeking autonomy for the area. The *Shanti Bahini* were accused by the authorities of human rights abuses, including killing unarmed civilians.

In January, following riots in various prisons, the interim government announced a general amnesty under which more than 3,500 prisoners were released and the sentences of thousands of others were reduced.

Most of those detained under the SPA by the previous government (see *Amnesty International Report 1991*) were reported to have been released by April. However, new arrests were made under the SPA. The SPA empowers the authorities to detain without charge or trial anyone suspected of committing a "prejudicial act" likely or intended "to endanger public safety or the maintenance of public order". Such detention orders may be renewed indefinitely. Those detained were former ministers and officials of the government of President Hossain Mohammad Ershad, which resigned in 1990. Some had been detained in December 1990; others were detained in the first few months of 1991. The majority of those held were charged, most of them with corruption. Some, however, including former Prime Minister M. Rahman Chowdhury, were released when the High Court ruled their detention illegal. Former President Ershad was tried, convicted and sentenced to 10 years' imprisonment for illegal possession of arms; 12 other charges

against him were still pending at the end of the year.

It was not clear how many political prisoners sentenced after unfair trials by martial law courts between 1982 and 1986 remained in prison (see *Amnesty International Reports 1983 to 1987*).

Several deaths in custody allegedly as a result of torture were reported. Fakir Mohammed Mondol, a prisoner under trial, died suddenly on 13 August in Chuadanga Sub-Jail, allegedly as a result of torture. A post-mortem report found that he had died of natural causes, but cell-mates and family visitors said he had been in good health shortly before his death.

In April rioting broke out at Dhaka Central Jail. At least seven prisoners were said to have been killed after security forces were called in to quell the rioting by force. Eye-witnesses said the security forces sprayed prisoners in their cells with tear-gas and hot water, causing hundreds to suffer severe burns. Prisoners were also beaten and many reportedly sustained broken limbs as a result. The government denied that prisoners had been beaten or that any had been killed as a result of excessive use of force by the security forces. An inquiry was initiated but its findings were not made public.

Tribal people in the Chittagong Hill Tracts, where *Shanti Bahini* fighters were active, continued to be subjected to human rights violations by government forces. In one case, soldiers were reportedly disciplined for the rape of 14 young tribal women at gunpoint. This was the first time to Amnesty International's knowledge that any action had been taken by the authorities in a case of rape allegedly committed by security personnel. It was not clear, however, if criminal proceedings were initiated against the perpetrators.

Several tribal people were reportedly held in unacknowledged detention: one, Anil Bikash Chakma, may have been transferred to military custody after his reported arrest on 3 July but his family had not been able to trace him by the end of the year.

Several deaths of tribal people in military custody were reported: Tusher Kanti Chakma, who died in June, was alleged to have been severely tortured at Ghilachari army camp. His body also bore bullet wounds.

At least 17 people were sentenced to death, including one *in absentia*. Ten of

them were convicted of murder, six of drug-smuggling and one of kidnapping. One hundred and six prisoners were reported to be on death row, including 24 in Dhaka Central Jail. No executions were reported. Prime Minister Khaleda Zia told Parliament that there had been one execution in 1990.

Amnesty International appealed to both the interim government and the government headed by Prime Minister Khaleda Zia for an urgent review of the SPA to bring it fully into line with international human rights standards, and for other measures to be introduced to safeguard human rights. Amnesty International also called for Bangladesh to ratify relevant international human rights instruments and abolish the death penalty. The interim government told Amnesty International in February that it was considering "the desirability or otherwise" of the SPA and of Bangladesh acceding to international human rights treaties, but no steps had been taken by the end of the year.

Amnesty International expressed concern to the authorities about the case of an asylum-seeker forcibly returned from Sweden in October 1990 (see *Amnesty International Report 1991*), who was tortured by security officials at Dhaka airport. The organization called for an investigation into the case, for those responsible to be brought to justice, and for urgent steps to be taken to protect all detainees from torture.

Amnesty International also urged the authorities to investigate alleged human rights violations by government forces in the Chittagong Hill Tracts and to take all possible steps to protect the population there from human rights violations. However, there was no response.

BARBADOS

One woman and three men were sentenced to death and 13 prisoners remained under sentence of death. There were no executions; the last hanging took place in 1984. Sentences of corporal punishment continued to be imposed and at least two were carried out.

There was concern in March that executions were to be resumed but none was carried out.

Sentences of flogging continued to be imposed. Four men were sentenced to be whipped with the tamarind rod, and to serve prison terms, on conviction of aggravated robbery; two of these sentences were carried out in February. The sentence of



flogging with a cat-o-nine-tails (a device consisting of nine knotted cords or thongs of raw hide attached to a handle) was reintroduced in February. Five men, separately convicted of aggravated robbery or rape, were sentenced to prison terms and to between nine and 12 strokes with the "cat". Reportedly, none of these flogging sentences was carried out. Sentences specifying the use of the "cat" had not been passed since the early 1950s and were believed to have been last carried out in 1938.

Amnesty International wrote to the Governor General, Dame Nita Barrow, in March to express concern about reports that executions were to be resumed. The organization urged her to exercise her prerogative of mercy and stay any proceedings to execute prisoners which might have been in progress. It also urged her to commute all death sentences.

In December Amnesty International wrote to the government noting that flogging and other forms of corporal punishment constitute cruel, inhuman or degrading punishment and as such contravene Barbados' Constitution and international conventions ratified by Barbados. It urged the government to abolish flogging as well as the death penalty.

BELIZE

Five people were under sentence of death for murder. In two cases, the Court of Appeal dismissed the appeals. Three other

death sentences were overturned on appeal. The last execution took place in 1985.

Catalino O'Niel and Dean Vasquez were sentenced to death for murder in March and June respectively. The Court of Appeal dismissed the appeals in both cases and upheld the death sentences. Appeals for commutation were lodged with the Advisory Council, which advises the Governor General on the exercise of the prerogative of mercy. The appeal was turned down in the case of Catalino O'Niel and no decision had been made on the case of Dean Vasquez. At the end of the year both men were applying for special leave to appeal to the Judicial Committee of the Privy Council in London.



In February the Court of Appeal set aside the death sentences of three people: Luis Santos, convicted of murder in 1990; and Miguel Angel Marroquín Barillas and Ricardo Allen García Castillo Rivera, also convicted of murder in 1990. The court ordered a retrial in each case. All three were later convicted of lesser charges and sentenced to terms of imprisonment.

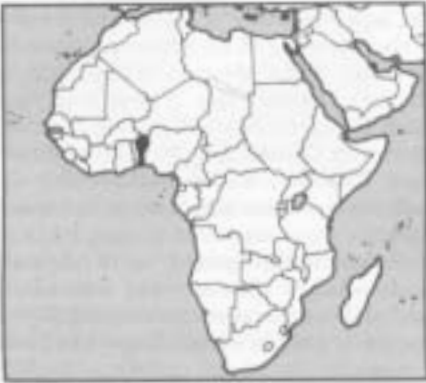
During the year Amnesty International appealed to the Attorney-General to commute the death sentences against Catalino O'Niel and Dean Vasquez.

BENIN

Five human rights activists were briefly detained. Two other government critics who were held for several months awaiting trial were possible prisoners of conscience. Two security officials were arrested in connection with the death in custody of a prisoner in 1984.

Parliamentary elections in February and a two-stage presidential election in March

completed the transition to a democratically elected government which had been begun in February 1990 by the National Conference (see *Amnesty International Report 1991*). Nicéphore Soglo, who had headed the transitional government, was elected President of the Republic, defeating former President Mathieu Kérékou. The former President was then granted a specific personal immunity from prosecution covering the 19 years since his seizure of power in 1972. Several associates of the former President, however, were arrested or held in custody awaiting trial on corruption charges.



The immunity granted to former President Kérékou provoked protest in view of the many cases of torture and killings of prisoners which had occurred under his government. In April five human rights activists, all members of the *Ligue pour la défense des droits de l'homme au Bénin*, Benin League for the Defence of Human Rights, were arrested while demonstrating against the immunity. They included the League's President, Maître Yansannu Magloire. All were held for three days at Cotonou's central police station. They appeared before a procurator who dismissed their case and criticized the police for bringing the prisoners before him in handcuffs.

Three people suspected of distributing a tract commenting on divisions between the north and the south of the country were arrested in May in Parakou, apparently because the tract was considered critical of the government. They were charged with public order offences and inciting hatred, although the tract apparently did not advocate violence. One was provisionally released in June; the others, Boun Badorou

Sabi and Gani Aliou Robert Dabo, were provisionally released in November awaiting trial in February, and were possible prisoners of conscience.

Others still held awaiting trial at the end of the year included at least 27 people arrested in northern Benin in March during the second stage of the presidential election. In all, about 150 people were arrested in connection with an outbreak of violence. It was not clear whether those held had used or advocated violence.

Two senior security officials were arrested in August charged with murder, embezzlement and torture. The arrests followed a formal complaint to the courts by a former prisoner, Mohamed Diawara, who disclosed that Baldé Samba Tenin, another prisoner, had died in the custody of the presidential security services in 1984. His death was said to have been caused by ill-treatment.

Amnesty International sought information about the two prisoners detained in Parakou for distributing tracts. It also sought information about those arrested in connection with pre-election violence in the north to establish whether any of them might be prisoners of conscience.

BERMUDA



One person was sentenced to death. There were no executions; the last hangings were carried out in 1977. The death penalty for murder was abolished in every British dependent territory in the Caribbean except Bermuda.

In March Milton Watson, a construction worker, was convicted of premeditated murder and sentenced to hang. His conviction was quashed on appeal in November;

the Attorney General was to decide whether he would be retried on the charges. He was the only prisoner under sentence of death during the year.

The death penalty was abolished for murder in five of the United Kingdom's (UK's) six dependent territories in the Caribbean, with the exception of Bermuda. However, the UK Government expressed the hope that Bermuda "would decide to follow this example as soon as possible". The Bermuda Government had taken no steps towards abolition by the end of the year. A non-binding public referendum in 1990 had favoured retention, although only about one third of registered voters participated. A debate and vote in Parliament were still pending.

BHUTAN



Six alleged opponents of the government, all prisoners of conscience arrested in 1989, remained in detention without charge or trial. Three were unconditionally released in December. Hundreds of other suspected government opponents were arrested for "anti-national" activities and held without charge or trial. Many were reported to have been ill-treated or tortured.

The government's policy of national integration and the carrying out of the census begun in 1988 continued to be opposed by Nepali-speaking people living in southern Bhutan, many of whom had been officially classified as illegal immigrants under the census. There was widespread unrest in the area, including killings of civilians. The government attributed the violence to "anti-nationals", who were

alleged to belong mainly to the Bhutan People's Party (BPP), which was founded in 1990 in India and seeks the establishment "of a constitutional monarchy guaranteeing fundamental and human rights" in Bhutan. Many schools were closed, some subsequently being used as army barracks; health services were disrupted; and hundreds of people seen as "anti-nationals" by government forces had their land confiscated and their homes burned or demolished.

Six prisoners of conscience who the government held responsible for initiating the unrest continued to be detained without charge or trial at undisclosed locations. They had been arrested in 1989. In December, however, three of them were released in accordance with an amnesty announced by King Jigme Singye Wangchuck on Bhutan's National Day. Those freed were Ratan Gazmere, Bakti Prasad Sharma and Biswanath Chhetri. The remaining three – Jogen Gazmere, Sushil Pokhrel and Tek Nath Rizal – were still held at the end of 1991.

Hundreds of people of Nepali origin living in southern Bhutan were arrested and held without charge or trial on suspicion of being members or sympathizers of opposition groups. By the end of the year the King had ordered the release of 1,035 such detainees in a series of amnesty measures. However, 685 other political detainees continued to be held without charge or trial at the end of the year.

Thousands of Nepali-speaking people from southern Bhutan were reported to have sought refuge in Nepal and India to escape human rights violations and other abuses by Bhutanese security forces. By the end of the year over 6,000 refugees had fled to Nepal. The refugees reported that hundreds of those detained had been beaten, tortured or ill-treated. The victims included women who had been raped by soldiers in their homes or while held at army barracks. In one case, a woman from Phipsoo, Sarbhang District, alleged that she had been repeatedly raped by soldiers while detained for a month at a local army camp.

Amnesty International appealed for the release of the six prisoners of conscience held since 1989 and sought information about their whereabouts. It also sought information from the government in October about more than 450 people reported to have been detained in southern Bhutan. King Jigme Singye Wangchuck invited

Amnesty International in December to send a delegation to Bhutan to discuss human rights. This visit was expected to take place in January 1992.

BOLIVIA



Dozens of trade unionists were detained for short periods and some were allegedly tortured. One peasant was reportedly beaten and killed during a police raid. No official investigations were carried out into the alleged torture during 1989 and 1990 of political detainees by security forces. Allegations of possible extrajudicial executions during a December 1990 joint operation by military and police were not investigated. Prosecution lawyers in a major ongoing trial concerning past human rights violations continued to be threatened and harassed.

Demonstrations and strikes by trade unionists during the first part of the year, in protest against high prices and the government's privatization policy, were forcibly disbanded by police. Dozens of participants were detained and released shortly afterwards without charge.

The *Central Obrera Boliviana* (COB), Bolivian Trade Union Confederation, denounced the torture of six miners allegedly by members of the security forces. The men were arrested in March during a demonstration in the capital, La Paz. They were taken in a vehicle said to have been used by the security forces to an unidentified place where they were interrogated and reportedly tortured. According to reports, during their interrogation the six miners were kept hooded, subjected to electric shocks and beaten. They were all released shortly after.

There were reports of human rights abuses committed by members of *Unidad Móvil de Patrulla Rural* (UMOPAR), Mobile Rural Patrol, a specialized narcotics branch of the Bolivian police force, during anti-narcotics operations to eradicate coca crops. On 22 March Alejandro Velasco, a coca leaf grower, was allegedly beaten and killed in front of his family during a raid by members of UMOPAR in the area of Isiboro Sécore, Cochabamba Department. No investigation into the killing was known to have been carried out.

No investigation was known to have been carried out into alleged torture by intelligence agents of men arrested in 1989 in connection with the killing of two Mormon missionaries from the United States of America (see *Amnesty International Reports 1990 and 1991*). In 1990 the murder charges against the detainees, who denied any participation in the killings, had been changed to armed uprising, terrorism and criminal association. Lawyers representing the men alleged that the trial continued to be subjected to undue delays and the proceedings were plagued with irregularities. The men's statements, reportedly obtained under torture, had been submitted as evidence by the Public Ministry.

Evidence emerged that several people detained in November and December 1990 in connection with the activities of the armed group *Comisión Néstor Paz Zamora-Ejército de Liberación Nacional* (CNPZ-ELN), Néstor Paz Zamora Commission-National Liberation Army, had been tortured or ill-treated while held incommunicado in La Paz. Among those arrested were four university students: Roberto Ibarguen, Carlos Pacajes, Elvis Vargas and Mercedes Nava Morales. The three men were reportedly beaten and subjected to electric shocks and *submarino* (repeated immersion in water) while in the custody of the *Centro Especial de Investigaciones Policiales* (CEIP), Police Intelligence Service and the Army's Second Section. Mercedes Nava Morales was denied special medication and medical attention that she required owing to a recent road accident. Roberto Ibarguen was released about four days after arrest and left the city in fear of his safety. At the end of the year, the other three remained in detention awaiting trial. No investigation into the reports of torture was known to have been carried out.

A police investigation was carried out into the December 1990 killing of Alejandro Escobar Gutierrez (subsequently identified as Evaristo Salazar), a Peruvian citizen who allegedly had been a member of the CNPZ-ELN (see *Amnesty International Report 1991*). Allegations that his body showed clear signs of torture were not known to have been investigated. Two police officers charged with the killing, who were released on bail and suspended from active duty, were awaiting trial at the end of the year.

No independent investigation was known to have been carried out into the killing of two members of the CNPZ-ELN, despite evidence strongly suggesting that they may have been extrajudicially executed during a joint military-police operation in December 1990 (see *Amnesty International Report 1991*) in which a third CNPZ-ELN member was also killed. The operation had been carried out to release a Bolivian businessman kidnapped by the CNPZ-ELN, but the businessman as well as the CNPZ-ELN members were killed. Following public outrage at the circumstances surrounding the killings, President Jaime Paz Zamora had promised a thorough report on the incident.

Lawyers acting for the prosecution in the *Juicio de Responsabilidades* (responsibilities trial) continued to receive death threats and be subjected to harassment. The trial against former president Luis García Meza and 54 co-defendants, which started in 1984, continued. The charges against them included killing and torturing government opponents between 1980 and 1981 (see *Amnesty International Reports 1981 to 1983*).

During a research visit in September, Amnesty International discussed its concerns with the Minister of the Interior. In November the Ministry of the Interior wrote to Amnesty International dismissing all allegations of torture and ill-treatment.

BRAZIL

Hundreds of children and adults were killed by death squads. Members and leaders of rural trade unions and their advisers were killed or threatened with death; in the vast majority of such cases the Brazilian authorities persistently failed to

take effective action to prevent the crimes. Investigations were not completed into the 1990 killings of three members of indigenous communities in the state of Pernambuco. Torture and ill-treatment of people in police custody continued to be reported. Twenty-four inmates of a prison in Rio de Janeiro died as a result of a fire allegedly started by prison officers. Evidence emerged about human rights violations under previous governments. A proposal to reintroduce the death penalty for certain crimes was under consideration by Congress.

Hundreds of street children and adults were killed by death squads. National figures for killings of children and young adults were difficult to corroborate, but a Parliamentary Commission of Inquiry reportedly found that some 7,000 homeless children had been killed in urban Brazil over the previous four years. Many had been killed by death squads formed by off-duty police officers. According to official figures, there were 306 recorded killings of children and adolescents in the state of Rio de Janeiro alone.



In January a working group to combat the killing of street children, established by the federal Minister of Justice, published a number of recommendations. The group compiled a list of seven test cases of violence against children and adolescents for investigation by the authorities. By the end of the year none of these cases had resulted in a conviction. In June the Federal Parliament set up a Parliamentary Commission of Inquiry to investigate the killings of children and adolescents. The Commission was expected to report its findings by early 1992. In October President Fernando Collor de Mello announced the creation of a

Federal Council for the Rights of Children and Adolescents.

In January the Minister of Health and the Child accused businessmen of funding death squads, allegedly to "clean up" their neighbourhoods by removing robbers and petty thieves. In September a Rio de Janeiro State legislative Parliamentary Commission of Inquiry on the killing of children and adolescents found strong evidence that police and members of the judiciary were involved with death squads. The Commission stated that the vast majority of the crimes remained unpunished.

Among the cases reported by the Commission was that of a former Police Commissioner for Minors, who was sentenced to six years in prison for the killing of a 15-year-old boy, but he did not serve his sentence. The Commission expressed astonishment at the authorities' failure to enforce the prison sentence, given that the whereabouts of the former Commissioner were widely known.

In the state of Pernambuco, between January 1986 and July 1991, there were 460 recorded killings of people under 18 years of age. In only 118 of the cases was a police inquiry completed and sent to the judiciary. In none of them was the accused brought to trial. However, in October in São Paulo, a military court sentenced two military policemen to prison terms of 19 years and eight months. They had been convicted of killing an adolescent and seriously injuring another in May.

Members of the judiciary who attempted to pursue legal proceedings against death squad members received death threats. Tania Maria Salles Moreira, Public Prosecutor of Duque de Caxias, Rio de Janeiro state, well known for prosecuting members of death squads accused of killings, was placed under police protection in February. She had reportedly received telephone death threats at work and at home.

One of the cases in which street children were killed was that of a 13-year-old boy killed in January in Rio de Janeiro, allegedly by a security guard who had been given the status of an *ad hoc* justice officer by a judge. A witness to the killing who had been prepared to testify in court, street child Marco Antonio Costa Silva, was assaulted in September, allegedly by members of the same firm that employed the security guard. His body was soaked in

paraffin and glue was poured over his head. In October he was shot and wounded by two unknown gunmen in Praça do Pacificador, a public square in Duque de Caxias, Rio de Janeiro. Marco Antonio Costa Silva was said to have subsequently been given police protection.

By the end of 1991 no one had been charged with the abduction of 11 people (including five minors) in July 1990, from a farm in Magé, Rio de Janeiro (see *Amnesty International Report 1991*). They were reportedly abducted by police officers, and their whereabouts remained unknown.

Human rights activists were also victims of death-squad-type killings and threats. On 13 August Fausto Ribeiro da Silva, a lawyer working for the Urban Squatters Movement, was killed by unknown gunmen in São Miguel Paulista, São Paulo East. Nobody had been brought to justice for the killing by the end of the year.

Peasants, trade union leaders, advisers and campaigners for peasant rights continued to be the targets of death threats and killings in rural areas, particularly in Pará and other states of the north and northeast. According to figures from the *Comissão Pastoral da Terra* (CPT), Pastoral Land Commission, 41 people were killed in incidents related to land disputes in 1991. By the end of the year no one had been convicted for these crimes. The persistent failure of the authorities to identify those responsible for such abuses and bring them to justice helped to create a climate of impunity that encouraged further violations of human rights.

On 2 February Expedito Ribeiro de Souza, President of the Rural Union Workers of Rio Maria, Pará state, was shot dead 200 metres from his home. He had been receiving death threats for more than a year. Expedito Ribeiro de Souza was the sixth leader of the Rio Maria Union to be killed since 1985. Three people were arrested for his killing. One of them, the person who allegedly ordered the crime, was freed on bail awaiting trial. A priest and four rural workers from the same town were placed under police protection after receiving death threats.

Official investigations into the killing of three members of indigenous communities at the end of 1990 made little progress and had stalled by the end of 1991. The victims were members of the Truka and Atikum communities in the state of Pernambuco.

Community leaders made repeated attempts to draw the attention of the state and federal authorities to the dangers faced by the communities. However, little action was taken against state officials who allegedly threatened the communities with violence, despite being responsible for protecting them.

Antonio Gilvan da Cruz, a Truka Indian, was abducted, tortured and killed and his body mutilated in November 1990. The Truka community had recently protested at the enclosure by a local landowner of a piece of land identified by the authorities as Indian territory. The family of Antonio Gilvan da Cruz, who believed that his abduction had been in part a police operation, was refused permission to see a lineup of local civil police personnel.

Abdon Leonardo da Silva was killed in December 1990 four months after being elected leader of the Atikum community in Floresta. His brother Abdias João da Silva was killed at the same time. Abdon Leonardo da Silva had travelled to Brasilia in April and September that year to complain about staff of the government's Indian Protection Agency, who he alleged were involved in illicit activities and had threatened him and other members of the community. He had repeatedly but unsuccessfully sought protection from the authorities. He left signed statements at the regional headquarters of the *Fundação Nacional do Índio*, National Indian Foundation, and gave press interviews drawing attention to his fears. Following the killings of Abdon and Abdias da Silva, their mother identified two of the alleged assailants, who were known to her, and a third was identified by another witness. According to reports, the civil police made no attempt to apprehend the suspects, claiming that they had no transport.

Torture and ill-treatment of detainees in police custody continued to be reported. On 23 July Miriam Pires Medeiros was taken to a police station in Queimados, Rio de Janeiro, for questioning about stolen goods. According to her statement, during interrogation police officers insulted her, sexually assaulted her, attempted to make her perform oral sex, beat her and gave her electric shocks. She was released later the same day without charge. In response to Amnesty International's expression of concern about the case, a police inquiry was set up and a police officer was charged

with indecent assault.

On 22 September Mauro Martins Solano, aged 17, was detained by agents of the civil police near his home in Cuiabá, Mato Grosso. Accused of theft, Mauro Martins Solano was taken to Santa Isabel police station where he was allegedly severely beaten and his head forced under water. He died on the same day in the police station, in the arms of his wife, who had been taken to the station later that day. According to the official death certificate, Mauro Martins Solano died from suffocation by being submerged in water. Two policemen were charged with his death. Street children from Cuiabá reported that they had been routinely beaten and tortured by the police, allegedly to extract contributions from their petty robberies.

Twenty-four inmates died as a result of a fire, allegedly started by prison officers, in a prison in Rio de Janeiro. Prison officers initially said that the fire was started by the inmates during a riot at the Ary Franco maximum security prison. Other sources later alleged that an incendiary device had been thrown into a cell by prison guards. Two prison guards were reportedly arrested and charged in connection with the deaths. A report by the Rio de Janeiro branch of the Brazilian Bar Association, described conditions in the Ary Franco prison as "unbearable".

Evidence came to light during 1991 about past human rights violations. Human remains exhumed in July from the Dom Bosco Cemetery, at Perus, São Paulo, were identified by forensic scientists as being those of three political detainees from the 1970s. A mass grave containing more than 3,000 bodies was found in a public cemetery in Rio de Janeiro. Among the unidentified bodies, the grave was believed to contain the remains of 13 political prisoners arrested during the years of military government (1964 to 1985).

A proposal for a constitutional amendment which would allow the death penalty to be reintroduced for certain crimes was being considered by Congress. If the constitutional amendment were passed by Parliament, public opinion would have to be polled within 18 months to ratify the amendment. In August the proposal was returned to the Constitution and Justice Commission for further study, following questions in parliament regarding its constitutionality.

In May Brazil's Minister of Health and the Child visited Amnesty International. The Minister outlined a number of specific measures undertaken by the government to combat violence against children and adolescents. Amnesty International welcomed the measures but noted that so far the legislative and administrative measures taken by the Brazilian authorities seemed to have had no significant impact on the incidence of violence against children.

In June Amnesty International sent a delegate to Brazil to join the organization's Brazilian Section in its campaign against the possible reintroduction of the death penalty.

In August Amnesty International issued a report, *Killings of Members of the Truka and Atikum Indigenous Communities in Pernambuco State*. The organization called on the authorities to investigate thoroughly the killings of three members of the Truka and Atikum communities, to investigate allegations of official complicity, to bring those responsible to justice and to guarantee the safety of members of both communities.

In September Amnesty International wrote to the president of the Federal Parliamentary Commission of Inquiry on the killing of children and adolescents. Amnesty International drew to the Commission's attention unsolved cases of killings by death squads and the police. It also submitted cases of beatings, threats and harassment of street children by the police in São Paulo. The organization stated its belief that the persistent failure of the authorities to identify those responsible for such abuses and bring them to justice has helped to create a climate of impunity that encourages further human rights violations against children.

In November Amnesty International published a report, *Torture of Street Children in Police Custody in Cuiabá, Mato Grosso*. The organization called for allegations of the torture of Mauro Martins Solano and other street children in Cuiabá to be thoroughly investigated and for those responsible to be brought to justice.

BRUNEI DARUSSALAM



Three suspected government opponents were detained without charge or trial but four others were released.

The three were held at the Jerudong Place of Detention outside the capital, Bandar Seri Begawan, under the Internal Security Enactment of 1982. This permits indefinite detention without charge or trial. Garip bin Timpus was arrested in February 1990 after returning to Brunei Darussalam from 14 years' residence in Malaysia. Garip bin Mangool was arrested in November 1990 after returning from a brief visit to Malaysia. Omar bin Tamin was arrested in June after returning from six years in Malaysia. The authorities did not make public the reasons for their arrest but it appeared that they were suspected of having links with the *Partai Rakyat Brunei* (PRB), Brunei People's Party. The PRB was banned after it staged an abortive armed rebellion in December 1962. Its leaders were detained without charge or trial until July 1973, when many escaped to Malaysia.

Four other suspected supporters of the PRB, including Osman bin Haji Besar and Jeluddin bin Suleiman, were released in April. They had been detained without charge or trial since March 1989 after returning to Brunei Darussalam from Malaysia.

It was not clear at the end of the year whether or not restrictions on the freedom of movement and expression of Abdul Latif Chuchu, a former prisoner of conscience, imposed at the time of his release in March 1990, had been lifted.

An Amnesty International delegation visited Brunei Darussalam in January, but its requests to meet officials of the government of His Majesty Sultan Haji Hassanah Bolkiah were not granted at that time.

BULGARIA



All prisoners convicted of political offences were released but reportedly at least one person was imprisoned for conscientious objection to military service. Police officers were alleged to have ill-treated Vietnamese nationals, two of whom died in unclear circumstances. There were few attempts made to investigate past human rights violations and to bring those responsible to justice. A moratorium on executions remained in force.

In January all remaining prisoners convicted of political offences were released following an amnesty of December 1990 (see *Amnesty International Report 1991*).

In July a new constitution, which included safeguards for human rights, was adopted by the parliament, the Grand National Assembly (GNA). As the GNA had fulfilled its objective, it was dissolved and new elections were held in October. They resulted in a narrow defeat for the ruling Bulgarian Socialist Party. The main opposition group, the Union of Democratic Forces, formed a minority government after it failed to form a coalition with the Movement for Rights and Freedoms, the mainly ethnic Turkish party.

Military service remained compulsory. Despite Article 59 of the new Constitution, which envisages an alternative service, no such alternative existed in Bulgaria. A number of people refused military service

on grounds of conscience and reportedly at least one was sentenced to 10 months' imprisonment.

In March two people died and many others were injured when police clashed with Vietnamese nationals in Sofia following a dispute between a Bulgarian taxi-driver and some Vietnamese passengers. Official reports stated that police opened fire after being attacked by hundreds of Vietnamese nationals armed with knives and clubs and after shots were fired at them. However, others alleged that police stormed the hostel where the Vietnamese lived and beat the inhabitants, and that the police opened fire when some bottles were thrown at them as they were leaving the building. A number of Vietnamese were arrested and allegedly ill-treated in custody before being released.

Information emerged on a number of earlier cases of alleged torture and ill-treatment of ethnic Turks detained for opposing the past assimilation campaign against the ethnic Turkish minority (see *Amnesty International Reports 1986 to 1991*). These events took place before the resignation of Todor Zhivkov as head of state in November 1989, but apparently there had been no investigation into them and those allegedly responsible remained in their jobs.

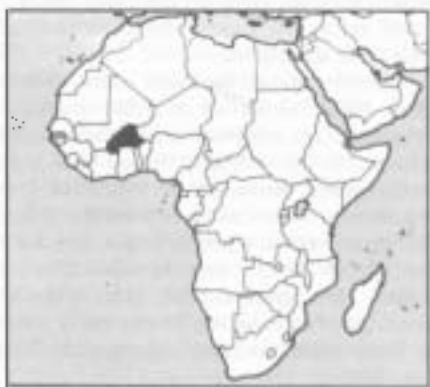
Amnesty International called for a full and impartial investigation into the circumstances of the deaths of the Vietnamese and the allegations of ill-treatment by the police. It also called for full and impartial investigations into the allegations of past torture and ill-treatment and for those responsible to be brought to justice. In June it urged the authorities to ensure that a number of human rights safeguards were introduced in the new Constitution and called for the formal abolition of the death penalty.

BURKINA FASO

All political prisoners arrested in previous years, including prisoners of conscience, were released by early May: they included 19 untried detainees held since December 1989 and 14 students detained without charge or trial since May 1990. Detainees arrested in December were reported to have been ill-treated. There was still no

official investigation into the circumstances of the deaths of two political prisoners in 1990.

A new constitution was adopted in a national referendum in June. Although the Constitution contains provisions for the protection of fundamental rights, in some areas it falls short of the human rights guarantees provided in international standards. For example, although it prohibits arbitrary arrest or detention, unfair trial, and torture or ill-treatment, the Constitution does not include adequate safeguards to prevent such abuses from taking place. The new constitution allows for a multi-party political system and more than 30 parties were formed during the year.



Following the referendum, the ruling Popular Front was dissolved. A new transitional government was appointed which included members of opposition parties. However, most subsequently resigned in September because of the government's refusal to hold a national conference to discuss the country's political future. For the same reason, opposition candidates boycotted the presidential elections in December in which the head of state, Blaise Compaoré, was elected unopposed. Over 100 people were arrested in Bobo Dioulasso following violent incidents at the time of the elections. On 9 December a prominent opposition leader, Clément Oumarou Quedraogo, was killed by a grenade and another was shot and injured in a separate incident. The government promised an inquiry to establish responsibility for these attacks. Elections to a new Assembly of People's Deputies, scheduled to take place in December, were postponed until 1992.

Several months after all political detainees had been released, the govern-

ment announced an amnesty in July for all political offences committed since independence in 1960 which led to prosecution or conviction.

In April the government passed a law granting an amnesty to untried prisoners detained since December 1989 in connection with an alleged conspiracy against the government (see *Amnesty International Report 1991*). Thirty-one people had been arrested; four were alleged to have escaped and eight had been released, four of them provisionally, during 1990. Some of the remaining 19 prisoners may also have been released on a provisional basis before the amnesty. Although all but two of those still in detention had been charged in 1990, they were not tried. Raymond Train Poda, a former Minister of Justice, and Moumouni Traoré, an economist, were held without charge until their release. It appeared that the two uncharged detainees were prisoners of conscience and that some of the others arrested with them were probably prisoners of conscience. One of those arrested with them, university lecturer Guillaume Sessouma, died as a result of torture in December 1989. The government, however, continued to maintain that he had escaped and had still not acknowledged his death at the end of 1991.

All remaining political prisoners arrested in previous years were released by early May when students held for a year without charge or trial were freed. Others appeared to have been released earlier in the year. Some 40 students had been arrested in May 1990 following demonstrations at the University of Ouagadougou (see *Amnesty International Report 1991*). Fourteen of them remained as prisoners of conscience at the beginning of 1991: six were in detention and eight had been forcibly conscripted into the armed forces. Despite the releases, there was still no official announcement about the circumstances of the death in custody in May 1990 of one student, Boukary Dabo (see *Amnesty International Report 1991*).

Over 100 people were arrested in Bobo Dioulasso in December at the time of the presidential elections. They were reported to have been ill-treated while held in a military camp before being transferred to police custody. Most were reported to have been released without charge by the end of the year.

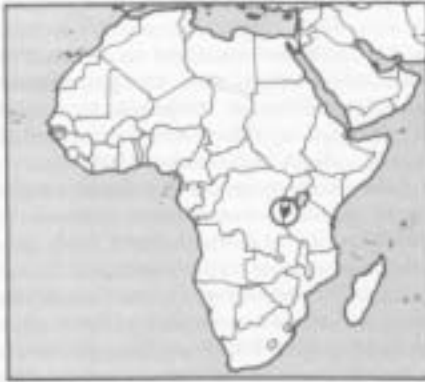
No death sentences or executions were

reported during the year. Although the new Constitution guaranteed the right to life, it did not expressly prohibit the death penalty.

Amnesty International called for the release of all prisoners of conscience before the releases in April and May. It urged the government to review detention procedures to ensure that no one would again be imprisoned on account of their non-violent political opinions. The organization continued to call for impartial investigations into the deaths in detention of Guillaume Sessouma and Boukary Dabo, but received no response.

In April Amnesty International called for stronger human rights safeguards to be incorporated into the Constitution. The human rights provisions were, however, adopted unamended.

BURUNDI



As many as 1,000 people were reported to have been extrajudicially executed by government soldiers following rebel attacks in November. More than 800 people were detained for suspected opposition to the government, including possible prisoners of conscience. Most had not been tried by the end of the year. Torture and ill-treatment of detainees was reportedly widespread. At least 35 people reportedly "disappeared" after being detained by the security forces.

Early in the year the government took steps to ease tensions between the majority Hutu ethnic group and the politically dominant Tutsi minority. For the first time in more than 20 years, an Hutu was appointed Secretary General of the ruling *Union pour le progrès national*, Union for National

Progress. In January a committee was established to supervise the return of refugees – mostly Hutu – who had fled from Burundi since the 1960s owing to repeated bouts of intercommunal unrest and killings of Hutu by the Tutsi-dominated armed forces. By the end of the year the government said several thousand refugees had returned.

In February a Charter of National Unity was approved by referendum (see *Amnesty International Report 1991*). A constitutional commission was appointed and in September it recommended the introduction of a multi-party political system, with parties obliged to recruit members from more than one ethnic group, and the inclusion of human rights protections in a future constitution. In October the State Security Court, set up in 1980 to conduct political trials, was abolished.

Intercommunal tensions were exacerbated by a series of violent attacks in November on military and other installations in the capital, Bujumbura, and northwestern Burundi in which at least two dozen Tutsi were reportedly killed. The government attributed the attacks to the illegal *Parti pour la libération du peuple Hutu* (PALIPEHUTU), Hutu People's Liberation Party, set up in the early 1980s by Hutu exiles to campaign against Tutsi domination.

As many as 1,000 people, mostly Hutu, were reported to have been extrajudicially executed by government forces following the November rebel attacks. Several dozen people were reportedly beaten or bayoneted to death by soldiers at Muha and at the paratroopers barracks in Bujumbura and at Bubanza gendarmerie brigade. In one incident soldiers from Muzinda barracks, near Bujumbura, were reported to have extrajudicially executed six members of farmer and businessman Isidore Ciiza's household, including three children and an infant.

Between July and November about 300 Hutu were arrested on suspicion of supporting PALIPEHUTU. The government claimed that the organization intended to instigate intercommunal conflict and killings of Tutsi, but PALIPEHUTU denied advocating violent change. The arrests took place mainly in Cibitoke, Muyinga and Gitega provinces. Most detainees were transferred to the capital, where they were interrogated by members of the national security service and the *Brigade spéciale*

de recherche (BSR), Special Investigation Brigade, a branch of the National Gendarmerie.

At the end of July seven people, including a Rwandese immigrant worker, were arrested in Cibitoke province at a meeting to plan a commemoration of the 1990 death in detention in Tanzania of the PALIPEHUTU leader, Rémy Gahutu. Six of them were reportedly beaten in custody. They remained in Mpimba prison at the end of the year. Although the authorities said they had been charged with serious security and public order offences, they were denied legal counsel. Antoine Ntirabampa, PALIPEHUTU Vice-President, was detained in September.

Hundreds of Hutu were detained following the rebel attacks in November; nearly 500 were still held without trial at the end of the year. More than 200 Rwandese nationals were also still in detention at the end of 1991. The authorities said they were being held for interrogation about possible involvement in the November rebel attacks.

Four people arrested after an armed attack on Mabanda military camp in August 1990 remained in custody without trial (see *Amnesty International Report 1991*). Their cases were reportedly being handled by the military justice system.

Two Hutu arrested in March in Rugazi district, Bubanza province, were tried on political charges. They had been arrested in 1990, apparently because they had encouraged peasant farmers to reclaim land taken from them by government and security officials. Emile Ruvyiro was charged with endangering the security of the state and inciting ethnic hatred. Ephrème Ndabwarukanye was charged with inciting members of the public not to obey lawfully given orders. The charges were later reportedly altered to those of assault. Ephrème Ndabwarukanye was convicted of the new charge and sentenced to 16 months' imprisonment. Emile Ruvyiro's trial was still continuing at the end of 1991.

Many detainees were reportedly tortured or ill-treated by the security forces. About 50 taxi-drivers arrested in June after a demonstration in Bujumbura protesting against a new tax were reportedly beaten in custody and made to sign self-incriminating statements.

About 60 people were arrested in late September and early October, including Alfred Ntahimpera, a nurse from Mabayi

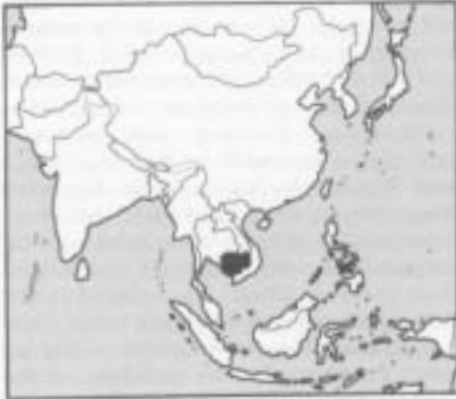
district in Cibitoke province, reportedly accused of illegally supplying identity cards to returning refugees, and Abdallah Sibomana, a former refugee who was arrested in Gitega. He was reportedly tortured by members of the security forces. Both he and Alfred Ntahimpera were held without trial at Mpimba prison at the end of 1991.

Elsewhere, detainees were reportedly tortured or ill-treated in Kirundo, Gitega and Bujumbura provinces. In Kirundo's Ntega district, for example, two Hutu were reportedly kept lying on a bare floor for several days with their arms tied behind their backs. In Gitega, Emmanuel Nkunzimana, an employee of a brick factory, was said to have been severely beaten after his arrest in September by members of the security forces who also pierced his genitals with a sharp object. He was later made to appear on television and repeat a "confession" he had made under torture. Hutu prisoners including Isidore Ciiza held at Bubanza gendarmerie brigade were for several weeks deprived of food in December and some reportedly died as a result.

About 35 people arrested by the security forces in the aftermath of the November attacks reportedly "disappeared": unofficial sources alleged that they had been detained but the authorities denied they were ever in custody and there were fears that they may have been killed.

In June Amnesty International submitted a memorandum to the government with proposals to ensure that human rights were guaranteed and protected by the new constitution. The organization pressed for an impartial investigation into alleged extrajudicial executions, torture and other human rights violations, and called for the introduction of safeguards to prevent their recurrence. In response to inquiries by Amnesty International, the authorities said that those arrested from March 1991 onwards were members of PALIPEHUTU seeking to overthrow the government and commit murder. They denied that any were prisoners of conscience and said that they would be quickly brought to trial.

CAMBODIA



Hundreds of political prisoners, including at least six prisoners of conscience, were released in early October, but hundreds of others were still believed to be held by the State of Cambodia (SOC) Government at the end of the year. An international peace agreement signed in October by the various parties to the Cambodian conflict provided for releases of prisoners by all sides. However, further political arrests were reported and it appeared that several people shot or beaten to death by government forces during riots in Phnom Penh in December may have been victims of extra-judicial executions.

An international agreement to bring peace to Cambodia was signed in October. It was signed by the SOC Government headed by Hun Sen, Chairman of the Council of Ministers, and three armed opposition groups – the *Partie de Democratique Kampuchea* (PDK or “Khmer Rouge”); the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC); and the Khmer People’s National Liberation Front (KPNLF). The agreement was also signed by 18 other countries, including the five permanent members of the United Nations (UN) Security Council. It followed a cease-fire earlier in the year and the formation of a Supreme National Council (SNC), chaired by Prince Norodom Sihanouk, to enshrine Cambodia’s sovereignty and to represent the country internationally during a transition period leading to multi-party elections.

The agreement provided for the establishment of a UN Transitional Authority in Cambodia (UNTAC) to supervise and control

those Cambodian agencies that could influence elections for a new government. UNTAC was authorized to supervise law enforcement and judicial processes to ensure the protection of human rights. UNTAC was also directed to provide for the investigation of human rights complaints and for corrective action. The agreement committed Cambodia to ensure respect for human rights and required all parties to the conflict to release all prisoners of war and political prisoners as soon as possible. The signatories to the agreement undertook to take “special measures” to ensure that the human rights policies and practices of the past would not recur. However, the agreement did not provide for those responsible for the massive human rights violations of the past to be brought to justice. By the end of the year, UNTAC had not yet been deployed.

Six prisoners of conscience who had been held since May 1990 for attempting to form an opposition political party were released by the SOC Government shortly before the peace agreement was concluded. The six were Ung Phan, Kan Man, Thun Saray, Nou Saing Khan, On Sum and Khay Matury (see *Amnesty International Report 1991*). Also shortly before the agreement, SOC officials were reported to have acknowledged holding some 1,200 “security case” political prisoners and 800 prisoners of war. These included political prisoners held without charge or trial or after unfair political trials for alleged involvement in the activities of the PDK, FUNCINPEC or KPNLF. Among them were a number whose arrests – but not names – had been announced in the official SOC news media between 1979 and October 1991. At the end of October, SOC officials announced that just before the peace agreement the government had released 487 political prisoners and 483 prisoners of war.

In December the SOC authorities said they were still holding 1,260 political prisoners and prisoners of war. The authorities undertook to release all except those who had committed serious crimes of a non-political nature. Among those whom the authorities indicated they would not release were Kang Tong Heang and Kuch Siek, both of whom were arrested in early October. They were accused of involvement in an alleged conspiracy to kill Hun Sen and other SOC leaders. At the end of

the year, they were still held without charge or trial.

After the agreement, the SOC Minister of Justice said that legislation outlawing "treason against the revolution" and permitting the detention without charge or trial of political suspects had been suspended. However, Hun Sen indicated that despite the agreement, SOC security forces would continue to arrest people who sought to undermine the SOC's authority by establishing local SNC bodies in the countryside. At least a dozen PDK, KPNLF and FUNCINPEC activists were arrested in November and December for their political activities. The SOC authorities also warned in October that opponents of the administration who tried "to take advantage of the agreements to incite political disorder" in towns would be arrested. In December about 40 students, workers and others were arrested during rioting which broke out following demonstrations protesting against alleged official corruption and human rights violations. It appeared at the end of 1991 that all had been released.

During the December unrest, at least eight people were shot or beaten to death in Phnom Penh by police and soldiers. It appeared that some of those killed may have been victims of extrajudicial executions.

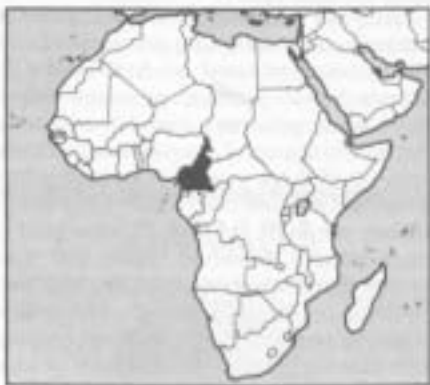
The PDK was also responsible for abuses of human rights. In September some of the leaders of Site 8, a camp in Thailand for refugees from Cambodia, were reportedly detained by PDK forces and held inside Cambodia. They were apparently suspected of opposing the PDK's plans for repatriating Site 8 residents. The site leaders were later reported to have been released. PDK forces also reportedly seized and executed local soc officials both before and after the October peace agreement in areas in which they were active. For example, in November they allegedly seized and then shot dead a sub-district chief in Kampung Speu province.

In March Amnesty International published the names of more than 230 political prisoners believed still to be held by the SOC, either without charge or trial or after unfair trials. They had been arrested between 1979 and 1990. In September the organization wrote to Prince Sihanouk and other members of the SNC welcoming the requirement under the peace agreement for the release of political prisoners. An

Amnesty International delegation visited Cambodia for the first time in December and met Prince Sihanouk, SOC officials and FUNCINPEC, KPNLF and PDK representatives. Amnesty International welcomed the releases of prisoners of conscience and other political prisoners, but expressed concern about the continued detention of political prisoners without charge or trial or after unfair trials. Amnesty International sought information about people arrested for political reasons since the peace agreement.

Earlier, Amnesty International wrote to the PDK in October about the reported detention of the Site 8 leaders and called for all possible steps to be taken to ensure their safety.

CAMEROON



Over 120 political prisoners arrested in previous years, including prisoners of conscience, were released by April. Hundreds of people were arrested and held, mostly for short periods, on political grounds. They included leaders of opposition organizations who were detained without charge or trial and in several cases reportedly tortured. More than 50 people were killed by the security forces during political disturbances.

Political unrest intensified during 1991 with strikes and demonstrations, some violent, spreading from the capital, Yaoundé, to towns throughout Cameroon. Protesters demanded political reform, the release of all political prisoners and a national conference to discuss Cameroon's future. In response, President Paul Biya granted an amnesty to political prisoners in April and

promised multi-party elections in 1992. Although meetings took place between the government, opposition and community leaders in November, the government continued to refuse to concede demands for a national conference.

Dozens of political parties were officially recognized, but opposition leaders continued to be harassed and detained. Seven of the country's 10 provinces were placed under military rule for most of the year and political gatherings were frequently banned, particularly in Yaoundé and Douala. In June the government declared an opposition coordinating committee illegal under laws passed in December 1990, and in July the activities of six human rights and other groups were banned under the same legislation. These laws, portrayed by the government as political reforms, proved in practice to be as repressive as the measures they replaced (see *Amnesty International Report 1991*).

Over 120 political prisoners arrested in previous years, including prisoners of conscience, were released by April under an amnesty for all political prisoners. About 80 of these prisoners had been arrested after an unsuccessful coup attempt in 1984. Some 60 of them were still serving prison sentences imposed after unfair trials before military tribunals. At least 20 were held in administrative detention: some had been neither charged nor tried; others had been acquitted or had completed their prison sentences but had not been freed. Among them were a number of prisoners of conscience, such as Oumarou Aman who was acquitted by a military tribunal in 1984 but rearrested in January 1985 and sent to Yoko prison. He was finally released on 15 January.

Restriction orders imposed on most of the 140 political prisoners released in 1990 were also lifted in March. Among those to benefit was prisoner of conscience Ahmadou Bello, a former airline executive, who had been restricted to Poli in Northern Province after six years' administrative detention.

There were hundreds of arrests of demonstrators, government critics and opposition leaders during 1991. In January Célestin Monga, an economist, was detained for a few days. He and Pius Njawe, editor of a Douala newspaper, were subsequently prosecuted for publishing an article, criticizing the government. They

were convicted of showing contempt for the National Assembly, given suspended prison sentences and fined; the maximum penalty for this offence had been increased in 1990 from one to three years' imprisonment.

A pattern emerged of short-term detention and ill-treatment in police custody. In early April over 200 students were briefly detained following demonstrations at the University of Yaoundé. Eye-witnesses reported seeing about 50 of the students being beaten in a police station. A further 250 students were arrested and two were said to have died during clashes between the security forces and students in Yaoundé in early May. All but two were released without charge shortly afterwards. Student leader Senfo Tonkam received a suspended prison sentence and another student was acquitted on charges of organizing an unauthorized public meeting. A judicial commission of inquiry into these disturbances concluded in July that no students had died as a result of brutality by the security forces. It found that many had been beaten, but said there was insufficient evidence to prosecute those responsible.

After the banning of public meetings in Yaoundé in early July, hundreds of people were arbitrarily detained to prevent them from joining demonstrations. Some of them, as well as many others arrested at demonstrations and political rallies during the year, were believed to have been held for short periods without charge. The government announced releases in November and December which included over 90 people reportedly held for several months. They appeared to have been detained illegally since no state of emergency was in force. Over 300 people were detained, mostly for a few days, after an opposition rally in Douala on 4 August. Over 70 were held without charge or trial until 31 August including four opposition leaders who went on hunger-strike demanding to be released.

Senfo Tonkam, previously arrested in May, was again detained on 18 November after attending an opposition meeting in Douala. Charged with carrying false papers, he was reported to have been kept in chains at Nkondengui prison in Yaoundé, and had not been brought to trial by the end of the year. The real reason for his detention appeared to be an open letter he had written to the President.

Some government opponents held for short periods were subjected to severe beatings or other forms of torture. At least 20 people were arrested after a demonstration on 4 September in Douala when journalists protested against the banning of seven independent newspapers under 1990 legislation. Two newspaper editors were said to have been brutally beaten by police.

Jean-Jacques Ekindi, founder of the *Mouvement progressiste* (MP), Progressive Movement, was arrested on 23 September when he tried to organize a political rally in Douala. An eye-witness recounted seeing him in his cell, his buttocks and the soles of his feet bleeding as a result of beatings. Some 15 opposition leaders were detained for about 24 hours when they organized a demonstration in protest at his detention. At least four were admitted to hospital upon their release, apparently as a direct result of ill-treatment in detention. One of them, Charles Tchoungang of the *Organisation camerounaise des droits de l'homme* (OCDH), Cameroon Human Rights Organization, said that they had been beaten on the soles of their feet with an iron bar and whipped with wire encased in a rubber tube.

Many of the prisoners released in the first part of the year had become seriously ill as a result of inadequate diet and medical neglect. Several were reported to have been blind or nearly blind on their release.

More than 50 people were killed by the security forces during demonstrations and disturbances throughout the year. In some cases demonstrators had resorted to violence but the security forces were said to have opened fire indiscriminately. Four people, including a teenage boy, were shot dead by the police in Douala during political violence on 16 May. The police announced that an inquiry would be held but no news was received of its outcome. There were reports that at least two people were killed by the security forces at a rally in Bamenda on 26 May, and two others during demonstrations following the arrest of opposition leaders in late September.

Following weeks of peaceful demonstrations in Bamenda at least two people were shot dead when a political rally scheduled to take place on 2 October was banned by the authorities, and the security forces opened fire with live ammunition and grenades on demonstrators who were trying to disperse. At least 50 people were

reported to have been severely injured, some 10 losing hands or limbs. One, Joe Awah, lost a hand reportedly when a grenade was thrown by the security forces at John Fru Ndi, Chairman of the Social Democratic Front. Others were apparently forced to carry grenades at gunpoint. No inquiry is known to have been held into these killings, nor did it appear that any measures were taken by the authorities to prevent or limit the number of deaths caused by the security forces.

One death sentence was passed for murder. No executions were reported.

Amnesty International called on the government to release all prisoners of conscience and to introduce strict controls on members of the security forces, in accordance with international standards, to ensure that excessive force was not used against demonstrators. It appealed to the government to repeal or amend provisions in the legislation of December 1990 which allowed the imprisonment of prisoners of conscience or arbitrary administrative detention without legal safeguards. It also urged the government to introduce safeguards to protect all prisoners from torture and ill-treatment.

CANADA



Two fugitives were extradited to the United States of America (USA) where they faced the death penalty. Allegations of ill-treatment by several Mohawk Indians arrested during a land dispute in 1990 remained unresolved. At least one case, however, was under investigation by a police complaints body.

On 26 September Charles Ng and Joseph Kindler were extradited to the USA. Charles Ng was due to be tried on capital murder

charges in California and Joseph Kindler was already under a death sentence in Pennsylvania. The Canadian Government did not request assurances from the US Government that the death penalty would not be imposed or carried out in these cases, despite a provision allowing for this in the extradition treaty between the two countries. (Canada abolished the death penalty for all peacetime offences in 1976.)

The two men were extradited hours after the Canadian Supreme Court had ruled, by four votes to three, that their extradition to a country where they could face the death penalty would not violate provisions under the Canadian Charter of Freedoms barring cruel and unusual punishment and guaranteeing the right to "fundamental justice".

In December the Canadian Government sought assurances from the US Government that the death penalty would not be imposed in the case of Lee Robert O'Bomsawin, an Abenaki Indian and a Canadian citizen, as a condition of its extraditing him to Florida where he faced trial for murder (see *Amnesty International Report 1991*). A response from the US Government was pending at the end of the year.

Amnesty International appealed to the Canadian Government not to extradite Charles Ng and Joseph Kindler to the USA without assurances that the death penalty would not be imposed or carried out. In an *amicus curiae* brief to the Canadian Supreme Court, Amnesty International submitted that the death penalty was a violation of human rights both in general and as regards its application in the USA.

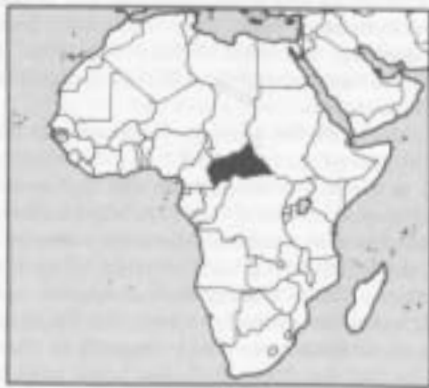
Amnesty International wrote to the Quebec Minister of Justice in February about allegations that six Mohawk Indians had been tortured or otherwise ill-treated by members of the Quebec police following their arrest during a land dispute at Oka, Quebec, in 1990 (see *Amnesty International Report 1991*). One of the six, Angus Jacobs, alleged that in August 1990 two members of the *Sûreté du Québec* (SQ) in plain clothes arrested him and took him to a farm where they kicked and beat him and squeezed his genitals. He alleged that later the same day Montreal Urban Community police beat him at St Eustache police station. Two other Mohawks were also allegedly ill-treated at St Eustache station on another occasion in August 1990.

Another of the six, Ronald Cross,

alleged that he was kicked and hit by members of the SQ in September 1990, after he had surrendered to the Canadian army. Medical reports and a photograph showed signs consistent with his allegations. The *Commissaire à la déontologie policière*, a police ethics commissioner, was reportedly investigating these latter allegations and a hearing was pending at the end of the year. It was not known whether the board had investigated the other cases of alleged ill-treatment of Mohawk Indians.

Amnesty International wrote to the government urging that a full, independent inquiry be undertaken into the allegations that Mohawk Indians had been ill-treated, and that the results be made public. No reply was received by the end of the year.

CENTRAL AFRICAN REPUBLIC



At least 40 trade unionists and other advocates of multi-party democracy who were arrested appeared to be prisoners of conscience. However, they and most other critics and opponents of the government arrested in previous years had been released by the end of 1991. Ten prisoners had their death sentences commuted to life imprisonment. No executions were reported.

The government of President André Kolingba came under renewed pressure from the *Comité de Coordination pour la convocation de la conférence nationale* (CCCN), Coordination Committee for the Convening of a National Conference, trade unionists and others to introduce multi-party democracy and convene a National

Conference to discuss the country's future. Government opponents repeatedly held meetings in defiance of a government ban, and called for strikes in support of their demands. In April trade unions representing government employees went on strike and a further major strike in the private sector followed in June. The government then banned trade unions in July, accusing them of acting like opposition parties. The ban was lifted in November. Demonstrations were frequent and some led to violent clashes between protesters and the security forces. One, in August, reportedly resulted in at least eight students being killed.

In the face of these protests, President Kolingba agreed in April to allow political parties other than the ruling *Rassemblement démocratique centrafricain* (RDC), Central African Democratic Alliance, but refused to hold a National Conference. A commission was established, chaired by the President of the Supreme Court, to amend the 1986 one-party Constitution to permit other political parties. At least 10 had been formed by the end of 1991. In August an extraordinary congress of the RDC recommended holding a National Conference and in October President Kolingba announced that one would be convened in February 1992.

Twenty CCCC members who had been arrested in September 1990 (see *Amnesty International Report 1991*) were brought to trial in February before the High Court of Justice, charged with state security offences. They were acquitted and released in March. Five others who had been arrested in October 1990 were charged with public order offences and with holding an illegal meeting in October 1990 which led to violence. They had not been tried when they were released in April under a pardon granted by President Kolingba. All 25 were prisoners of conscience.

General François Bozize, who had been forcibly repatriated with 11 others from Benin in 1989 (see *Amnesty International Report 1990*), also appeared before the High Court of Justice on state security charges between January and April, but his trial was adjourned each time. The 11 others were freed in April. General Bozize and six co-defendants were eventually acquitted of endangering state security, complicity to murder and other offences in September. However, General Bozize and three of his co-defendants were rearrested and

held at Ngaragba central prison in Bangui for unspecified reasons. He was freed on 1 December by presidential order. It was unclear whether his three co-defendants were also freed. After his release, General Bozize said his ribs had been fractured by beatings in custody, but no action was known to have been taken by the authorities to investigate or punish those responsible.

At least 45 political prisoners were released in April's presidential pardon. Those freed included prisoners of conscience such as Thomas Koazo, a journalist, and Jeanne-Marie Ruth Rolland (see *Amnesty International Report 1991*).

Among those arrested for political reasons in 1991 was Joseph Bendounga, an opposition party leader, who was detained in March after he wrote a letter to the authorities seeking permission to hold a political meeting. Charged with insulting the Head of State, he was tried in April before Bangui's Criminal Court, convicted and given a suspended prison sentence of one year.

At least 38 trade unionists were arrested in July and August and many of them appeared to be prisoners of conscience, held for participating in strikes or for continuing their trade union work despite the ban imposed by the government in July. Five were tried in August, convicted of involvement in riots and given suspended prison sentences. They included Jackson Mazette, a former prisoner of conscience and Secretary General of the Central African Teachers' Trade Union Federation. They were released at the end of August.

Other detainees who also appeared to be prisoners of conscience included André Gombako, an agricultural engineer, and Freddy Gaudeille, a medical doctor. They were both arrested in July while visiting Abel Goumba, an opposition leader and former prisoner of conscience, but released after a few days.

The authorities ordered an investigation into the death in custody of Pierre Wanga in December 1990, which was apparently the result of beatings, but its findings were not disclosed. Three others arrested with Pierre Wanga, who had also required hospital treatment, were still being held at the end of 1991, apparently on suspicion of involvement in the murder of a presidential adviser.

Ten people under sentence of death had

their sentences commuted to life imprisonment by President Kolingba in August. The identities of those who benefited were not disclosed, but they were believed to include three political prisoners who had been sentenced to death in 1982.

Amnesty International welcomed the April releases, urged the authorities to free other prisoners of conscience and sought information about the continued imprisonment of General Bozize and others following their acquittals in September. Amnesty International also welcomed the commutation of death sentences.

CHAD



At least 75 alleged government opponents, including possible prisoners of conscience, were detained without charge or trial. Some were reportedly tortured. At least 40 other suspected government opponents, mostly members of the Hadjeraï ethnic group, were reported to have been extrajudicially executed. Four people were publicly executed.

Following the overthrow of former President Hissain Habré in December 1990, the new government headed by Idriss Deby invited political exiles to return from abroad and provided for the formation of political parties other than the ruling *Mouvement patriotique du salut* (MPS), Patriotic Movement for Salvation. No additional parties had been formally established by the end of 1991. Official guidelines published in October, from which the MPS was exempt, required new political parties to have representatives in each of the country's 10 regions and to have a balanced

membership by sex, religion and profession.

The commission of inquiry into human rights violations and other abuses during President Habré's years in office, which the new government had established in December 1990, began its work in January. Chaired by a senior procuracy official, it heard evidence from former prisoners and others, including relatives of the "disappeared", and identified and visited the sites of mass graves where victims of extrajudicial executions had been buried, notably around the capital, N'Djamena. The commission, which was expected to complete its investigations in early 1992, estimated that at least 1,700 prisoners had died from torture and that about 10,000 others had been executed between 1982 and 1990.

The new government was faced with continuing tensions within the army. These surfaced in June when about 40 army officers from southern Chad were arrested in N'Djamena after signing an open letter demanding recognition of their seniority in terms of pay and responsibilities. They were detained at the former presidential offices in N'Djamena and reportedly deprived of food and denied family visits for several days. They appeared to be prisoners of conscience. They were released after about a month but reports suggested that some of them were then placed under house arrest. There were further outbreaks of violence within the army in September when mutinies in two military garrisons in northern Chad left dozens of soldiers dead.

Violent clashes broke out in October between members of the Hadjeraï ethnic group and those belonging to other ethnic groups. Maldom Bada Abbas, the MPS Vice-President and Minister of the Interior and Security, and several dozen others, mostly Hadjeraï, were arrested and accused of plotting to overthrow President Deby. No evidence to support these allegations was produced and they had not been brought to trial by the end of the year.

At least two journalists were detained or assaulted by soldiers. For example, Loumaye Ndombidje, a journalist with the newspaper *N'Djamena-Hebdo*, was arrested in August by soldiers and accused of taking photographs of a military plane, one of a number which had been sold to private individuals abroad. He was held for two weeks at the Territorial Brigade of the

National Gendarmerie in N'Djamena, then released without charge.

Some political detainees were reportedly subjected to beatings and other torture, including partial suffocation and starvation. Places that had been used for torture and illegal detention by the security police of the previous government, including a converted swimming pool in N'Djamena, were reportedly reopened. Raymond Natangar, Director of Studies at the Higher Teachers College in N'Djamena, was said to have died from injuries sustained under torture in October.

Following the alleged coup attempt in October, at least 40 people, mostly Hadjerai from N'Djamena, were said to have been extrajudicially executed by soldiers loyal to President Deby. Some were killed trying to prevent the seizure of their property; others were reportedly executed after being taken to a place about 25 kilometres north of N'Djamena.

In November President Deby issued a decree setting up a commission of inquiry, chaired by a N'Djamena Court of Appeal judge, to investigate human rights violations committed in the aftermath of the alleged October coup attempt. However, the commission had not started its work by the end of the year.

Three soldiers and a civilian were publicly executed in October before a large crowd in N'Djamena. They had all been sentenced to death between June and August after unfair trials before a military court which had been established in April to combat a rise in crime, particularly by soldiers. The four, who had no right of appeal, had been convicted of murder, armed robbery and other criminal offences.

Amnesty International expressed concern to the government about reports of torture and extrajudicial executions, and called for urgent government action to halt the violations, and investigate those that had occurred. Amnesty International protested against the public executions in October and urged the authorities to prevent further executions.

In March an Amnesty International delegation visited Chad to collect information about past human rights violations and to urge the new government to introduce full safeguards against future human rights violations. The delegation, which met President Deby and several government ministers, called for an end to the use

of incommunicado detention, which had facilitated torture, "disappearances" and extrajudicial executions.

In April Amnesty International submitted updated information about its concerns in Chad for United Nations review under a procedure established by Economic and Social Council Resolutions 728F/1503, for confidential consideration of communications about human rights violations.

CHILE



At least 20 cases of torture and ill-treatment by the security forces were reported. Scores of prisoners arrested during the former military government for politically motivated offences were released, but dozens remained in prison. One journalist was detained, and several others continued to face charges, for criticizing the role of the military in past human rights violations. Military courts continued to close investigations into human rights violations on the basis of the 1978 Amnesty Law. Most cases of human rights abuses not covered by the Amnesty Law remained unresolved. One political prisoner remained under a recommended death sentence.

In March President Patricio Aylwin announced the publication of the report of the *Comisión Nacional de Verdad y Reconciliación* (CNVVR), National Commission for Truth and Reconciliation (see *Amnesty International Report 1991*). Out of a total of 2,115 extensively documented cases – some involving multiple victims – the Commission found that at least 2,025 people had suffered serious human rights violations, including 957 "disappearances",

carried out by state agents, and that a further 90 had been killed by civilians on political pretexts. The Commission also found that 164 people had been victims of "political violence", including illegal executions. The Commission could not reach conclusions on 641 additional cases and recommended further investigations.

The 2,000-page report criticized the judiciary for failing to grant adequate protection against human rights abuses and for creating an atmosphere in which the military and the police believed they could act with impunity. The report included a number of recommendations for compensating victims' families and for measures to prevent future abuses, including investigations into past abuses and bringing those responsible to justice. President Aylwin noted that the Commission had passed information about its findings to the courts, and called on the judiciary to carry out full investigations, particularly into the whereabouts of the "disappeared". He said the 1978 Amnesty Law should not be an obstacle to such investigations.

Proposals for legal reforms relevant to human rights issues, including the abolition of the death penalty, suffered substantial modifications in Congress before their enactment in January and February. The death penalty, for example, was retained for more than 20 offences.

In April Senator Jaime Guzmán of the *Unión Democrática Independiente* (UDI), Independent Democratic Unity, who was a close supporter of General Pinochet, was killed in Santiago by armed civilians. His murder remained unresolved. Other incidents of political violence included armed attacks by the *Movimiento Juvenil Lautaro*, Lautaro Youth Movement, which in March reportedly killed police chief Hector Sarmiento in Concepción. The *Frente Patriótico Manuel Rodríguez Autónomo*, Autonomous Manuel Rodríguez Patriotic Front, was blamed by the authorities for the killing in March of Carlos Pérez Castro, a retired army doctor, and his wife Ana Schlager in Rancagua.

In April the homes of two local leaders of *Partido para la Democracia*, Party for Democracy, in Parral were targets of shooting attacks. One of the leaders, human rights lawyer Guillermo Ceroni, had been involved in the *Colonia Dignidad* judicial proceedings. The leaders of *Colonia Dignidad*, a closed German community, had

been repeatedly accused of fostering gross human rights violations during the military rule. The attackers, members of the group *Amigos de Colonia Dignidad*, Friends of Colonia Dignidad, were briefly detained but were released on bail pending trial.

At least 20 complaints of torture were presented to the courts, despite repeated announcements by the government that torture would not be tolerated, and the enactment of legal reforms in February which limit incommunicado detention and provide for the medical examination of detainees. None of those responsible for the torture was brought to justice. In May, for instance, Galia Gimpel Martínez was arrested in Santiago. While in police custody she was reportedly beaten, sexually molested, and deprived of food and sleep for several days before being transferred to prison and charged with politically motivated offences. In October Ricardo Parra Flores died as a result of injuries allegedly sustained under torture, which included beatings on the head, while he was in police custody in the southern town of Lebu in July. He underwent surgery in a local clinic but failed to recover. No progress was reported into the investigation announced into his death.

Scores of political prisoners were released, including Juan Díaz Olea and Cristián Vargas Barahona (see *Amnesty International Report 1991*). More than 50 others remained in prison at the end of the year; many of them had been convicted during the military government in trials marked by serious irregularities, and continued to be held despite recent legislative reforms aimed at resolving their cases. In October six political prisoners in Santiago went on a hunger-strike which lasted 44 days, demanding the release of those still imprisoned. During the year at least 30 people were arrested and charged with politically motivated offences, including terrorism.

In September Manuel Cabieses, director of *Punto Final* magazine, was briefly detained on the orders of a civilian court on charges of "offending the armed forces". He had published an allegedly offensive cartoon of General Augusto Pinochet. He was released on bail but was briefly re-arrested in October on the orders of a military court. He was again released on bail and was awaiting trial at the end of the year.

Twenty-nine cases filed against journalists in 1990 were transferred to civilian courts in February, but Andrés Lagos and Guillermo Torres continued to face charges before military courts. More than 20 journalists whose cases were transferred to civilian jurisdiction, including Alfonso Stephens, were acquitted (see *Amnesty International Report 1991*).

The military courts continued to claim jurisdiction over human rights cases in civilian courts, and to close those cases covered by the 1978 Amnesty Law. The Supreme Court upheld most of these claims. In January the Supreme Court suspended an Appeals Court judge for two months on half salary for refusing to close an investigation into 13 "disappearances" in 1976. The judge had argued against the applicability of the Amnesty Law, based on an interpretation of national law and international human rights standards.

In March investigations into illegal executions and clandestine burials by the military in Pisagua in 1973, for which no one had ever been brought to justice, were closed by a military court on the basis of the Amnesty Law. In June the Supreme Court upheld a military court decision, based on the Amnesty Law, to close the investigation into 26 illegal executions and clandestine burials by the military in the northern town of Calama in 1973. Human remains had been recovered and one victim identified in a preliminary investigation by a lower civilian court.

In September, 127 unidentified bodies, reportedly of victims of illegal executions, were exhumed by forensic experts from a sector of the Santiago cemetery, as part of an investigation into their illegal burials conducted by a civilian court. The results of the investigation had not been made public at the end of the year.

In September General Manuel Contreras and Colonel Pedro Espinoza, director and chief of operations respectively of the disbanded *Dirección de Inteligencia Nacional* (DINA), Directorate of National Intelligence, an agency responsible for most of the "disappearances" and other gross human rights violations committed between 1974 and 1977, were arrested on charges of planning the murder of Orlando Letelier in 1976. They were released on bail in December, pending trial. A prominent critic of the military government, Orlando Letelier was killed in a bomb attack with his assistant

Ronnie Moffitt in Washington DC. The case, which was exempted from the 1978 Amnesty Law, had lain dormant until it was transferred to the civilian courts following legal reforms enacted in February.

Little progress was reported in cases of human rights violations not covered by the 1978 Amnesty Law, most of which remained unresolved. In May the Supreme Court upheld a decision by a lower court to acquit a former member of the disbanded *Central Nacional de Informaciones* (CNI), the state security police, who had been accused, based on the testimonies of several witnesses, of the 1986 abduction and killing of journalist José Carrasco (see *Amnesty International Report 1987*).

A death sentence recommended by the prosecution continued to stand against Hugo Gómez Peña, a political prisoner charged with killing a police officer during an attack on a shop in 1986. Eight political prisoners had their death sentences commuted to life imprisonment.

In an April meeting with the Foreign Minister, Amnesty International welcomed measures adopted by the government, including the publication of the CNVYR's report, but expressed concern about continuing reports of torture and the failure to bring those responsible to justice. The minister informed Amnesty International that investigations would be opened into any case brought to the authorities' attention. In May Amnesty International wrote to the Interior Minister expressing concern about several cases of torture reported since March 1990, and calling for full investigations and for those responsible to be brought to justice.

In September Amnesty International published *Chile: Reports of Torture since March 1990*, which documented more than 40 cases of torture and urged that effective measures to stop such practices be implemented. In November the organization wrote to the President and senior government officials urging a solution to the serious delays in the judicial proceedings against political prisoners.

CHINA



Thousands of political prisoners remained in prison, including hundreds of prisoners of conscience. Scores of prisoners of conscience were serving prison sentences but others were detained without charge or trial. At least 26 prominent pro-democracy activists were sentenced to terms of imprisonment in early 1991 after highly publicized political trials. Political and religious activists, including Tibetan nationalists, continued to be arrested and hundreds of thousands of people were held without charge under various forms of administrative detention. Trials continued to fall far short of international fair trial standards. Torture of detainees by police and harsh prison conditions were frequently reported. The dramatic increase in the use of the death penalty that began in 1990 continued. Amnesty International recorded 1,650 death sentences and 1,050 executions, but believed that the true number was far higher.

The police and security forces continued to exercise extensive powers of arbitrary arrest and detention under a variety of laws and government regulations. Public meetings and demonstrations remained severely restricted. No public inquiry was known to have been carried out into the 1989 killings of more than 1,000 civilians by government forces in Beijing; nor was there any inquiry into the killings of Tibetan demonstrators by security forces in the Tibetan capital, Lhasa, between 1987 and 1989.

In November the government issued a "white paper" defending its human rights record, which argued that the most fundamental human right was the right to

subsistence. The report did not mention individual cases of prisoners. It denied that there were any political prisoners in China, stating that "ideas alone, in the absence of action which violates the criminal law, do not constitute a crime". While describing at length certain rights and procedures provided by Chinese law, the report failed to acknowledge that human rights violations occurred both under and in breach of the law. It conceded, however, that there was still "much room for improvement" and said China was ready to work with the rest of the world to uphold and promote human rights. Publication of the report followed changes in the government's traditional refusal to discuss human rights issues with foreign governments. Several foreign delegations were admitted to discuss such issues.

Hundreds of prisoners of conscience arrested in connection with the 1989 pro-democracy protests were held in prison throughout 1991, but the fate of thousands of others remained unknown. Many were held without charge or trial, but some were serving prison sentences imposed after unfair trials.

In the first three months of the year at least 26 prominent dissidents were sentenced to terms of imprisonment for "counter-revolutionary" offences after highly publicized and grossly unfair trials in Beijing. Most of them had been held for more than a year without charge.

On 5 January nine political prisoners were convicted of "counter-revolutionary propaganda and agitation" by Beijing's Intermediate People's Court after a two-hour trial. Seven were sentenced to prison terms ranging from two to four years; two were "exempted from criminal punishment". Among those sentenced were four student leaders from a list of 21 "most wanted" students issued by the government after the June 1989 crackdown. On 26 January three prisoners of conscience – Wang Dan, Ren Wanding and Bao Zunxin – were sentenced by the same court to prison terms ranging from four to seven years. They were convicted of "counter-revolutionary propaganda and agitation" (see *Amnesty International Report 1991*). Two others – Guo Haifeng and Yao Yunlin – were sentenced to four and two years' imprisonment respectively on charges of "counter-revolutionary sabotage". On 12 February Chen Ziming and Wang Juntao,

two intellectuals accused of masterminding the 1989 protests, were both sentenced to 13 years' imprisonment and a further four years' deprivation of political rights (see *Amnesty International Report 1991*).

Less prominent dissidents and those tried outside Beijing often received more severe sentences, but details of such trials were rarely publicized. It emerged that Chen Lantao, a pro-democracy activist from Shandong province, had been sentenced in September 1989 to 18 years' imprisonment for "counter-revolutionary" offences.

The authorities announced in April that 787 people had been tried in Beijing in 1990 in connection with the pro-democracy protests. However, they did not account for the thousands of others who had been detained. The authorities also stated in early 1991 that 69 dissidents had been released or exempted from criminal punishment in the previous months. Several other prisoners of conscience were released later in the year. Among them was Luo Haixing, a Hong Kong businessman, who was freed in September. He had been sentenced in March 1991 to five years' imprisonment after being convicted of "harbouring" dissidents Chen Ziming and Wang Juntao who were trying to flee the country.

About 200 advocates of Tibetan independence, including Buddhist monks and nuns, were believed to be detained in Lhasa. Some had been held without charge or trial for up to three years. In April the authorities reported that 1,025 people had been arrested during pro-independence demonstrations in Tibet since September 1987: of these, they said, 807 had been released and 218 had either been sentenced by the courts or "sent to receive re-education through labour".

Jampa Ngodrup, a medical doctor in Lhasa, was reported to have been sentenced to 13 years' imprisonment in December 1990 for compiling a list of political prisoners and "passing it on to others". Thupten Tsering, a technician, and Tseten Norgyal, a clerk, were sentenced in February 1991 to prison terms of five and four years respectively for printing and distributing leaflets advocating Tibetan independence.

Several dozen of the more than 100 Roman Catholic priests, bishops and lay leaders arrested in the previous two years

remained in prison, some without charge or trial. A few were reportedly released in mid-1991.

Dozens of political and religious activists, advocates of Tibetan independence and others were arrested during the year. Some were released but others remained held without charge or trial at the end of the year. Among Tibetans arrested were five monks from Toelung Dechen who were detained in March when they unfurled a Tibetan nationalist flag. A witness alleged that the monks were beaten by officers of the Public Security Bureau. In Inner Mongolia, two intellectuals – Wang Manglai and Huchin Togos – were arrested in April in connection with a crackdown on two "illegal organizations" accused of "instigating ethnic divisions" in the region. A third, Ulaanshuvuu, was reportedly detained in late July and other members of the banned organizations were reportedly placed under surveillance. The three men were believed to be still held without charge or trial at the end of 1991.

Some 60 Roman Catholics were detained in mid-December 1990 in Hebei province for their involvement in peaceful religious activities. They belonged to the "underground" church, which remains loyal to the Vatican and refuses to join the official church. Most were detained for short periods, but at least a dozen were reported to be still held without charge or trial at the end of 1991. Unofficial sources reported that a new crackdown on "illegal" religious groups had been launched by the authorities in late 1991. Members of independent Protestant groups were reportedly arrested in several provinces, but few details were available.

Hundreds of thousands of people were held without charge or trial under various forms of administrative detention. Some were political or religious dissidents, but the overwhelming majority were people of low social status – vagrants, the unemployed, rural migrants and people regarded as "social deviants". Regulations which permit administrative detention without judicial approval or review, and illegal practices which have become the norm, continued to facilitate prolonged detention without charge or trial.

According to official sources some 50,000 people are sent each year to labour camps under a law on "re-education through labour", which allows detention

without charge or trial for up to four years. Among those held in such camps in 1991 was 75-year-old Father Francis Wang Yijun, the Vicar-General of Wenzhou diocese in Zhejiang province. He was sentenced in February 1990 to three years' "re-education through labour". The order, issued on the day he completed an eight-year prison sentence as a prisoner of conscience, stated that Father Wang Yijun "still refused to repent".

Trials continued to fall far short of international standards for fairness. Minimum standards for fair trial are not provided for in Chinese law, such as the right to have adequate time and facilities to prepare a defence, the right to be presumed innocent until proved guilty in a court of law, and the right to cross-examine prosecution witnesses and to call defence witnesses. In practice, in China the verdict and sentence are often decided by the authorities before the trial. Extreme limitations on the role of defence lawyers, the use of torture to induce "confessions", and interference by political authorities in the judicial process are other major obstacles to fair trial.

Many of these features applied in the cases of the pro-democracy activists tried in Beijing in early 1991. They also applied in the case of Tang Yuanjuan, who was sentenced in 1990 to 20 years' imprisonment. His four co-defendants received sentences ranging from two to 13 years. The five, all employees in a car factory in Changchun, were charged with involvement in a "counter-revolutionary group". The trial, heard before the Changchun Intermediate People's Court on 27 November 1990, was a mere formality. The public prosecutor reportedly stated that the case had been collectively analysed by the police, procuracies and local courts, and had been "agreed upon" by the relevant leaders of the city and province. At the end of the one-day trial the judgment and sentences were announced, apparently having been prepared in advance. An appeal against the verdict was rejected by the High People's Court of Jilin province in March 1991.

Torture and ill-treatment of prisoners continued to be reported. The methods of torture most commonly cited included severe beatings, shocks with electric batons and the use of shackles in positions deliberately intended to inflict pain. Deprivation of sleep or food, exposure to cold and

being made to adopt exhausting physical postures were also reported to be common during interrogation.

Many allegations of torture and ill-treatment concerned Tibetan political detainees. On 27 April Lobsang Tsondrue, a 76-year-old Buddhist monk and prisoner of conscience, was reportedly beaten severely in Drapchi prison, Lhasa, with about 20 other political prisoners. Lobsang Tsondrue, who was reportedly seen with bloodstains on his face and clothes after the incident, was later held in solitary confinement for a prolonged period. Another Tibetan political prisoner in Drapchi prison, Lhakpa Tsering, was reported to have died on 15 December 1990 owing to lack of medical care. He had reportedly been beaten by prison guards shortly before his death. To Amnesty International's knowledge, no public inquiries were carried out into allegations of torture or ill-treatment.

Many prisoners were reported to have fallen ill owing to harsh prison conditions. In August Wang Juntao, who had hepatitis, and Chen Ziming went on hunger-strike in protest against prison conditions. The two men, along with three other prisoners of conscience, had been held in solitary confinement in Beijing's Prison No. 2 for several months following their trial in February on "counter-revolutionary" charges. They were reported in September to have ended the hunger-strike when Wang Juntao was transferred to a prison hospital.

The dramatic increase in the use of the death penalty begun in 1990 during an anti-crime campaign continued in 1991 (see *Amnesty International Report 1991*). In May the government announced that it was stepping up the anti-crime campaign by assigning military units to help the police. More than 1,650 death sentences and 1,050 executions were recorded by Amnesty International, but the organization believed the actual figures were much higher. Many defendants were tried under legislation which allows for summary procedures in death penalty cases: several people were tried and executed within a few days of being arrested. Groups of prisoners sentenced to death were taken to mass sentencing rallies and paraded in public before execution, a practice which in Amnesty International's view constitutes degrading treatment.

Amnesty International continued throughout the year to press for the release of prisoners of conscience, for the fair trial of all political prisoners and for commutation of all death sentences. However, the Chinese authorities did not reply directly to any of these appeals, nor allow the organization to attend political trials or visit the country.

In April Amnesty International submitted information about its concerns in China for United Nations (UN) review under a procedure, established by Economic and Social Council Resolutions 728F/1503, for confidential consideration of communications about situations of gross and systematic human rights violations. In oral statements to the UN Commission on Human Rights in February and to its Sub-Commission on Prevention of Discrimination and Protection of Minorities in August, Amnesty International included reference to concerns in China: the detention and unfair trials of pro-democracy activists charged with "counter-revolutionary" activities, the rise in the number of executions, and the lack of safeguards against the use of torture.

The organization also published several reports about human rights violations in China: in February, *The Death Penalty in 1990 and Trials of Dissidents: Sentences and Releases in Beijing*; in April, *Violations of Human Rights and Trials and Punishments since 1989*; in July, *The Case of Tang Yuanjuan*; in September, *Punishment Without Crime: Administrative Detention*; and in October, *Recent Reports on Political Prisoners and Prisoners of Conscience in Tibet*.

COLOMBIA

Several hundred people were executed extrajudicially by members of the armed forces or paramilitary groups working with their support or acquiescence. In urban areas scores of people, including suspected delinquents and "street children", were killed by "death squads" linked to the National Police. Over 150 people were reported to have "disappeared". Little progress was made in bringing to justice members of the security forces responsible for human rights violations. Twelve civilian paramilitary

members were convicted *in absentia* for a series of massacres in 1988.

In July a new constitution containing extensive references to human rights was introduced and the government lifted the state of siege, in force throughout the country since 1984. In June the Constituent Assembly dissolved Congress. A new Congress was elected in October and installed in December.



Three more guerrilla organizations demobilized after reaching peace agreements with the government: the *Partido Revolucionario de los Trabajadores*, Revolutionary Workers' Party, the *Ejército Popular de Liberación* (EPL), Popular Liberation Army, and the indigenous peoples' organization *Quintín Lame*.

A coordinating body of armed opposition organizations, the *Coordinadora Nacional Guerrillera* (CNG) – representing the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Revolutionary Armed Forces of Colombia; the *Ejército de Liberación Nacional* (ELN), National Liberation Army; and a dissident faction of the EPL – entered into talks with the government in June. No cease-fire agreement was reached by the end of the year. Negotiations were suspended by the government for several weeks in September after a series of attacks by guerrilla forces against senior members of the ruling Liberal Party and other politicians campaigning for congressional election. The ELN admitted responsibility for an attack in Cauca department in September against the former president of Congress, Aurelio Iragorri Hormaza, in which seven people accompanying him were killed. The CNG was responsible for numerous attacks on economic and military targets in which civilians were killed.

Dozens of execution-style killings in shanty towns surrounding Medellín, capital of Antioquia department, were attributed by state officials to a relatively new grouping known as *Milicias Populares*, Popular Militias. These civilian vigilante squads, some of which were reported to have links with guerrilla organizations, were responsible for killing dozens of local drug dealers and people accused of crimes against shanty town residents.

Killings of so-called "social undesirables" such as prostitutes, homosexuals, vagrants, the mentally disturbed and "street children" by shadowy "death squads" were increasingly widespread. Victims were seized from city streets by heavily armed men and driven away in unmarked vehicles. Their bodies, often with signs of severe torture, were found dumped by roadsides, in rivers or on municipal rubbish dumps. They frequently bore messages claiming the killing in the name of "death squads" such as "*Kan Kil*", *Mano Negra* (Black Hand) or *Los Magnificos* (The Magnificent Ones). Other victims were shot dead as they slept on the streets. Only rarely were bodies identified and investigations opened. However, in several cases evidence emerged that so-called "death squads" were made up of members of the National Police, frequently operating with the support of local tradespeople. In November the Director of National Police and the Procurator General announced the results of a joint police-Public Ministry investigation into the killing of 60 vagrants in Pereira, Risaralda department, during a 20-day period in July. As a result, 13 police agents and two officers were dismissed from service for participating in the murders.

Coinciding with a major guerrilla offensive at the beginning of the year, there was a renewed wave of killings and "disappearances" of members of the legal left-wing *Unión Patriótica* (UP), Patriotic Union party. UP leaders reported that in the first two months of the year 50 party activists had either "disappeared" or been killed. The killing of UP members continued throughout the year. In August UP activist Antonio Palacios Urrea, three of his children and his son-in-law were shot dead by soldiers who broke into their home on the outskirts of Fusagasugá, Cundinamarca department. A statement issued by the Commander of the XIII Army Brigade

alleged that those killed were members of a guerrilla group who had died during an armed confrontation with soldiers. This was contradicted by forensic evidence and eye-witnesses. The only adult survivor of the attack testified to the military court investigating the killings that her relatives were shot through the back of the head after being made to lie face down on the floor. At the end of September, a military investigating court issued arrest warrants against a second-lieutenant, a sergeant and five privates in connection with the killings.

In September Carlos Vélez Rodríguez, his wife, brother and eight-year-old son were killed when their vehicle was intercepted near the town of Mesetas, Meta department, by a group of heavily armed men who opened fire on the family as they tried to escape. Carlos Vélez was a UP deputy in the departmental assembly. In March he and two other UP members had been seriously injured when the UP headquarters in Mesetas was attacked by machine-gun fire and hand grenades. On both occasions, the assailants escaped.

Unarmed civilians were extrajudicially executed by counter-insurgency troops in remote rural areas where armed opposition groups were active. In April a counter-insurgency patrol, reportedly commanded by a lieutenant from the José Hilarion López Battalion based on Popayan, stopped a public transport bus near the village of Los Uvos, municipality of Bolívar, Cauca department. Fourteen men and three women were forced to get off the bus and lie face down on the road; they were then shot. Regional army and police authorities immediately attributed the attack to ELN guerrillas. However, a conscript soldier who had formed part of the patrol later testified that three soldiers had shot the passengers on the orders of the lieutenant who claimed the victims were guerrilla sympathizers.

Paramilitary forces – whose legal basis was withdrawn in 1989 – continued to commit human rights violations throughout the country. Unidentified gunmen killed Julio Chaparro Hurtado and Jorge Torres Navas, journalist and photographer with the daily *El Espectador* newspaper, shortly after they arrived in the town of Segovia, Antioquia department, in April. They were investigating political violence: in 1988 over 40 people had been killed in

Segovia during an indiscriminate attack by paramilitary forces supported by army officials (see *Amnesty International Report 1989*). No one had been convicted of responsibility for the killings despite evidence of military involvement.

Teachers in rural areas were also among the targets for paramilitary groups. José Santos Mendivelso, a teacher and human rights worker, was shot dead by unidentified gunmen outside his house in Turmeque, Boyacá department, in April. Witnesses alleged that the gunmen were later seen in the company of members of the National Police. According to the national teachers' union *Federación Colombiana de Educadores*, 47 teachers were killed in the first nine months of the year and more than 400 received death threats.

Over 50 members of a paramilitary organization based in Puerto Boyacá, Santander department, surrendered to a judge in November under a new government program offering leniency in exchange for confessing to a crime. All confessed to possession of illegal weapons – an offence which the government had recently decriminalized – and were immediately released.

Over 150 people were reported to have “disappeared” after being detained by the security forces or paramilitary groups. In several cases people reported as “disappeared” were later found dead. Alvaro Moreno Moreno, a student, was detained by members of the National Police in Santafé de Bogotá, the capital, in January. Although his detention was initially acknowledged by the police, it was later denied. The following day his body, bearing signs of torture, was found north of Bogotá and taken to a morgue, where it went missing. Over a month later a body was exhumed in the town of Chocontá in the presence of judicial officials and relatives and identified as Alvaro Moreno.

Little progress was made in the investigations of human rights violations. In the vast majority of cases, perpetrators were not identified and investigations were suspended for lack of evidence. When members of the armed forces were implicated, trials in military courts generally resulted in acquittal, and in the rare cases when the accused were convicted, sentences were overturned on appeal. However, 12 civilian members of paramilitary forces were convicted *in absentia* by a civilian court of a

series of massacres of banana plantation workers in the Urabá region of Antioquia department in 1988 (see *Amnesty International Report 1989*). They were sentenced to 20-year prison terms. Two of those convicted were later killed in unclear circumstances. At the end of the year, none of those convicted had been arrested and imprisoned. Four army officers had been charged with participating in the organization of the massacres. Their trial was passed in May to the military courts following a decision by the *Tribunal Disciplinario*, the court that rules on disputes of jurisdiction between military and civilian courts. It ruled that the crimes were “acts of service” and therefore fell within military jurisdiction.

Judges and lawyers attempting to investigate human rights violations and bring those responsible to justice continued to be threatened and sometimes killed. Human rights lawyer and law professor Eduardo Umaña Mendoza received death threats throughout the year. They intensified after Dr Umaña agreed to represent the surviving members of the Palacios family (see above).

In November, eight members of a judicial commission – a judge, a pathologist, five judicial police and a regular police officer – died when their vehicles were attacked by a group of heavily armed men near Usme, Cundinamarca department. The wounded occupants of one of the cars were reportedly then shot through the head. Responsibility for the attack was immediately attributed by police and army officials to the FARC. Documents allegedly confiscated from FARC guerrillas by military intelligence reportedly described the attack as an “accident” and a “tactical error”. The FARC denied involvement in the attack, and attributed it to a paramilitary group linked to the army's Artillery School.

In September the Procurator General released a report on human rights covering January 1990 to April 1991. The report registered 3,087 complaints affecting 5,285 victims of abuses by the armed forces, including extrajudicial execution, torture and “disappearance”. The Procurator General said that, “In areas where there is guerrilla violence and scarce state presence, the state agents most frequently accused are the military. The most common types of violations in which the military are implicated are massacres, torture and enforced disappearances. The majority of victims are

peasants." The Procurator General revealed that the majority of cases were still in the investigative stage and that disciplinary sanctions had been imposed against only 61 of the 622 members of the armed forces implicated in abuses. "In urban areas with state presence and little guerrilla violence, the National Police is the force most implicated and punished in disciplinary investigations. The most common types of violations in which the National Police are implicated in these areas are 'disappearances', bodily injury, threats and arbitrary detentions." Disciplinary sanctions had been imposed against 261 police officers. A further 84 had been acquitted. On presenting the report the Procurator General described the human rights situation as "alarming" and said it deserved immediate corrective measures on the part of the state.

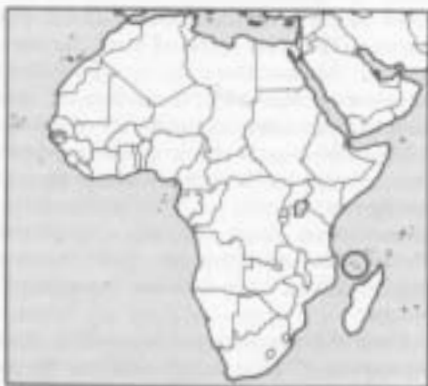
In February Amnesty International submitted a series of recommendations to the Constituent Assembly urging it to incorporate into the new Constitution comprehensive human rights safeguards. In May an Amnesty International delegation met the President, government officials and others to discuss its human rights concerns. Also in May Amnesty International was invited to address the Assembly. In his speech Amnesty International's Secretary General said the organization was aware that human rights violations have taken place in Colombia in a context of grave political and social violence in which serious abuses have been perpetrated by armed opposition groups and criminal organizations. The Secretary General stated that such abuses cannot be used to justify or excuse human rights violations by government forces. He stressed the need to include provisions in the Constitution to establish and regulate the armed forces' accountability to the constitutionally elected authorities, in view of mounting evidence of their responsibility for widespread and systematic human rights violations. The Minister of the Interior rejected the speech which he called "one-sided" and "exaggerated" and defended the government's commitment to human rights.

In December Amnesty International wrote to President César Gaviria Trujillo welcoming measures taken to improve the investigation of human rights violations but expressing concern that so far the measures had produced few concrete results. The letter called on the government

to take steps to bring those responsible for human rights violations to justice and to dismantle paramilitary forces.

In oral statements to the United Nations Commission on Human Rights in February and its Sub-Commission on Prevention of Discrimination and Protection of Minorities in August, Amnesty International included reference to its concerns in Colombia about "disappearances" and the impunity of paramilitary organizations operating with the support of members of the armed forces.

COMOROS



Five Supreme Court judges arrested in August appeared to be prisoners of conscience. Four other people arrested in 1990 in connection with an alleged coup attempt were held without trial throughout the year, but about 20 others arrested with them were released. There were reports that political detainees were held incommunicado and ill-treated.

Opposition leaders held a series of meetings advocating a national conference to determine the country's political future. Politicians from Moheli island called for equitable power-sharing, claiming their island was inadequately represented in government. President Saïd Mohamed Djohar said that political reforms would take place but their precise nature and the timetable remained unclear.

Five Supreme Court judges led by the Supreme Court President, Ibrahim Ahmed Halidi, announced in August that they had deposed President Djohar as head of state. The judges declared that the President, himself a former Supreme Court President, was unfit to rule and invoked provisions of

the Constitution to replace him with the serving Supreme Court President. However, President Djohar did not step down: he imposed a state of siege and the five judges were detained and placed under house arrest. The attempt to depose President Djohar was followed by violent clashes in the capital, Moroni, between supporters and opponents of the government in which at least four anti-government demonstrators were reportedly shot and wounded by the police. Demonstrations were reportedly then banned for one month. The state of siege was lifted in September.

The five judges, who appeared to be prisoners of conscience, were released in early December. It was unclear whether they had been charged. An independent radio journalist, Cheick Ali Bacar Kassim, who was detained in August because his radio station broadcast news about the judges' action, was released in December.

Six supporters of the opposition *Union nationale pour la démocratie aux Comores* (UNDC), National Union for Democracy in the Comoros, who had been among at least 24 people arrested in August 1990 in connection with an alleged coup attempt (see *Amnesty International Report 1991*), were released in January. About 14 others were freed in September after they had reportedly sought their provisional release on the advice of the judicial authorities. Four others, however, including Ali Soihili, a journalist, and Abdou Bakar Boina, a former acting secretary general of the UNDC, continued to be held throughout 1991 without trial and without being given an opportunity to challenge their detention. All four reportedly refused to request provisional release on the grounds that they wanted a public trial.

They and other political detainees were denied visits and were not permitted to send or receive letters while in prison. In January some of the political detainees went on hunger-strike to protest against these conditions and to demand a date for their trial. Some required hospital treatment as a result. Ali Soihili and Abdou Bakar Boina were both said to be in poor health at the end of the year.

Amnesty International pressed for fair trial or release of those arrested in 1990 in connection with the alleged coup attempt, and for an independent and impartial investigation into their alleged torture in 1991. The government did not respond.

CONGO



Allegations of gross human rights violations in previous years were made during a National Conference convened in February to discuss the country's future. However, there was no official investigation into these allegations, which included the alleged killings of 3,000 people. Instead, the National Conference declared a general amnesty for all those responsible for political crimes, including human rights violations. At least four people remained under sentence of death but no new death sentences or executions were reported.

A National Conference to discuss the country's political future was convened in February following opposition demands. The government also lifted restrictions on the formation of political parties which it had imposed in December 1990.

The National Conference, in which more than 60 political parties and over 130 other groups participated, continued until June. Participants at the conference accused successive governments since Congo's independence in 1960 of responsibility for gross human rights violations, including some 3,000 politically motivated killings. The victims were said to have included Roman Catholic Archbishop Emile Biayenda, who was killed in 1977. Former President Massamba Débat and nine others were executed the same year for alleged involvement in the assassination of President Marien Ngoaubi after an unfair trial before the Revolutionary Court of Justice (see *Amnesty International Report 1977*). In response to these allegations, President Denis Sassou-Nguesso acknowledged that there had been human rights violations and asked the conference

participants for indulgence towards, and understanding for, the mistakes that he and his predecessors had committed. The conference, whose decisions had been given the force of law, subsequently agreed to grant an amnesty to all those responsible for political crimes, including human rights violations, in order to foster national reconciliation. Consequently, no investigations into past human rights violations, including the 3,000 alleged killings, were established, and no steps were taken to bring those responsible to justice. However, the state security service, which was accused of responsibility for some human rights violations, was dissolved in June.

The National Conference elected a new executive Prime Minister, André Milongo, to lead the government and assume overall responsibility for the armed forces. President Sassou-Nguesso remained as head of state but without executive powers. The Conference also established new institutions to guide the country through a one-year transitional period before multi-party elections scheduled for June 1992. It elected a 153-member transitional legislative body known as the *Conseil supérieur de la République* (CSR), Higher Council of the Republic, chaired, like the Conference itself, by Roman Catholic Bishop Ernest Kombo. One of the CSR's four commissions was given special responsibility for the Constitution, justice, human rights and electoral laws. The Conference dissolved special courts such as the Revolutionary Court of Justice and ordered that in future, any members of the CSR or the government accused of plotting against the security of the state, as well as any accomplices, should be tried by a special High Court of Justice with full rights of defence.

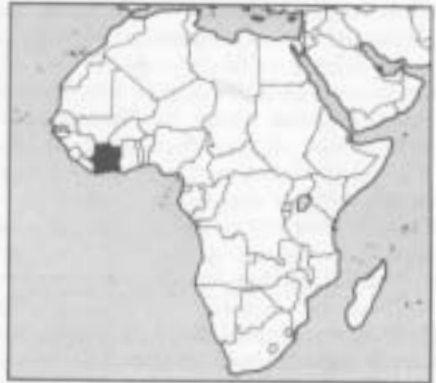
The text of a new draft constitution was published in November and approved by the CSR in December. It was expected to be put to a national referendum in early 1992. It incorporated two basic laws adopted by the National Conference – the Fundamental Transitional Instrument, which replaced Congo's 1985 Constitution pending adoption of a new one, and the National Freedom Charter, based on United Nations human rights treaties and the African Charter on Human and Peoples' Rights. The draft Constitution penalizes anyone giving, soliciting or carrying out arbitrary orders and requires the government to compensate anyone subjected to arbitrary

or unlawful arrest, detention or torture. Military coups are declared illegal, civil disobedience against any future military government is declared legal and human rights violations such as summary executions and torture are prohibited.

Four people sentenced to death in 1989 were believed to be still under sentence of death at the end of 1991. No new death sentences or executions were reported.

Amnesty International called for the commutation of all death sentences and urged the government to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

CÔTE D'IVOIRE



Four students and two journalists imprisoned for several months appeared to be prisoners of conscience. Other students were reportedly beaten in police custody and two soldiers were said to have died in custody in suspicious circumstances. One person was sentenced to death but there were no executions.

Strikes and demonstrations by students and teachers were met with considerable violence by the security forces. Following a confrontation between police and students, the military launched an apparently punitive raid on Abidjan University's Yopougon student residence on 17 May. According to some sources four students were killed but it was not clear, in fact, whether any deaths occurred. About 180 students were held for several days before being released uncharged. Some women students were reportedly raped by soldiers during the raid.

The army's action was widely criticized.

Georges Coffy, a journalist who wrote an article in the newspaper *Liberté* (Liberty) accusing President Félix Houphouët-Boigny of personally ordering the raid, and *Liberté's* editor, Jacques Kacou, were both arrested in early June and charged with insulting the Head of State. They were both convicted in July and jailed for three months, although Jacques Kacou's sentence was subsequently reduced to two months on appeal. Both journalists appeared to be prisoners of conscience.

Faced with continuing criticism, in June the government established a commission of inquiry into the army raid composed of parents of some of the students, judges, lawyers, members of parliament and religious leaders. However, neither its precise terms of reference nor its findings or details of its investigations had been made public by the end of the year.

The government banned the *Fédération estudiantine et scolaire de Côte d'Ivoire* (FESCI), Ivorian Federation of Students and School Pupils, in June, accusing it of responsibility for the murder of a student suspected of being a police informer. Four students were detained in Yopougon in July for allegedly trying to reorganize the FESCI. The four, who included Tanoh Kadio and Danite Kamabou, appeared to be prisoners of conscience. They were released uncharged in September.

Innocent Kobena Anaky, a leading member of the opposition *Front populaire ivoirien* (FPI), the Ivorian Popular Front, was released from prison under a presidential amnesty in September. He had been sentenced in February 1989 to 20 years' imprisonment on fraud charges amid suggestions that his prosecution was politically motivated. He did not appear to have received a fair trial.

Fifteen students detained in connection with the murder of a suspected police informer were reportedly beaten and ill-treated during interrogation in June. They were released in August when charges against them were dropped after negotiations between the government and teachers' representatives.

New reports of torture surfaced in July when a group of soldiers was arrested following dissent within the army and reportedly tortured. The state controlled press reported the deaths of two soldiers, but gave no other details. Opposition sources claimed that the two had been tortured to

prevent them disclosing information about the 17 May raid. There was no official inquiry into the deaths and the military refused to disclose details of the arrests, but implied that a number of soldiers had been planning violent and illegal acts. The army's chief of staff said that what had occurred was an internal army affair and that an internal investigation was under way.

In September one death sentence was passed for premeditated murder, but there were no executions. Since independence in 1960, all death sentences have been commuted by President Houphouët-Boigny.

Amnesty International appealed for the release of prisoners of conscience and called for an official inquiry into reports of torture and beatings of prisoners.

CUBA



There were scores of prisoners of conscience and possible prisoners of conscience, perhaps two or three hundred, at the end of 1991. Many were critics of the government or human rights activists detained in the course of their peaceful activities. Others were arrested for trying to leave the country without authorization. Access to defence lawyers in political cases continued to be severely limited. Reports of ill-treatment and, in isolated cases, torture were more frequent than in recent years. At least two executions were carried out.

The government of President Fidel Castro took increasingly harsh measures against internal opponents. Several organizations which had emerged in recent years, some overtly advocating political change and others concerned more specifically with respect for religious or human rights, faced growing harassment. None had had their requests for official recognition

granted. In June the authorities set up *Destacamentos Populares de Respuesta Rápida*, Rapid Response People's Detachments, to crack down on signs of unrest or dissent. Ordinary citizens were asked to volunteer for these units, which worked closely with the security forces and Communist Party activists.

Freedom of expression and association, including independent monitoring of human rights, continued to be severely limited. No independent international human rights monitors were known to have been allowed to visit the country. It was consequently difficult to obtain up-to-date, reliable information about political prisoners and other matters. However, prisoners held for political reasons were believed to number several hundred.

In February the United Nations (UN) Commission on Human Rights requested the UN Secretary-General to appoint a Special Representative to investigate the human rights situation in Cuba. The Cuban Government rejected the terms of the resolution and refused the Special Representative any cooperation, including access to the country.

In August the government reduced the age limit for people to apply to emigrate to 20. It had been reduced in 1990 to 35 for men and 30 for women. Bureaucratic delays and difficulties in obtaining visas from other countries meant that many people continued to try to leave without authorization.

From June onwards, when the Rapid Response People's Detachments were set up, several incidents known as "*actos de repudio*", "acts of repudiation", took place. Political opponents of the government and human rights activists were subjected to verbal and physical abuse in the streets or even inside their homes by large groups of people chanting pro-government slogans, believed to be members of the Brigades. In several cases, when security forces intervened the attackers went free but those under attack were detained. Some were released shortly afterwards; others were tried and sentenced to prison terms.

On 19 November one such incident resulted in the imprisonment of María Elena Cruz Varela, President of an unofficial opposition group called *Criterio Alternativo*, Alternative View. About 300 people, some of them armed and using walkie-talkies, were reportedly transported

to her home in Havana in official vehicles. According to eye-witnesses, members of the crowd forced their way in, shouting abuse, and assaulted the people inside, injuring several. Police detained her and two other people for several hours, released them, then rearrested her and several others. She was tried a few days later on charges of illegal association, clandestine printing and defamation, and sentenced to two years' imprisonment. Seven other members of the group received prison sentences of between one and two years on similar charges.

On 6 September four members of the *Movimiento Pacifista Solidaridad y Paz*, Solidarity and Peace Pacifist Movement, were arrested after attempting to hold a peaceful demonstration outside the headquarters of the *Departamento de Seguridad del Estado* (DSE), Department of State Security, in Havana. They were tried in a municipal court on charges of public disorder and incitement to commit a crime. They were sentenced to between 10 months' and two years' imprisonment. At the end of the year they were still held as prisoners of conscience.

Three other prisoners of conscience were arrested on 4 October. The three, members of the *Asociación Defensora de los Derechos Políticos* (ADEPO), Association for the Defence of Political Rights, were charged with illegal association, clandestine printing, and incitement to commit a crime after ADEPO had called a demonstration. They were tried in a municipal court only days after arrest and sentenced to between two years three months' and three years' imprisonment. ADEPO President Luis Alberto Pita Santos, who was arrested at the same time and who had been interned by the Cuban authorities in psychiatric institutions in the past, was sent to the Havana Psychiatric Hospital. A month later, he was reportedly transferred back to a Havana police station after being found fit to stand trial on similar charges to the others. However, in late November he was moved to the psychiatric wing of a military hospital in Havana.

On 20 December Yndamiro Restano Díaz, the President of an unofficial political group called *Movimiento de Armonía* (MAR), the Harmony Movement, was arrested in Havana and taken to the DSE headquarters. Three other members of the group were arrested on 26 December. By the end

of the year, no official information was available concerning the reason for their arrest but some reports indicated that they were being investigated on a charge of rebellion. They were believed to be prisoners of conscience.

Other prisoners of conscience were convicted of "enemy propaganda", the state security charge most commonly brought against non-violent opponents of the government. However, only in a few cases was detailed information available. For example, the case of Alexi Rodríguez Roque and two other youths came to light in August. They had been sentenced to between 18 months' and two years' imprisonment in December 1990 after being convicted of writing anti-government slogans in public places. They were released in November 1991.

Large numbers of people, most of them probable prisoners of conscience, continued to be arrested and held for trying to leave the country without permission.

Esteban González González and three men convicted with him remained prisoners of conscience (see *Amnesty International Report 1991*). Two others from the same case, Mario Jesús Fernández Mora and Edgardo Llopart Martín, were unexpectedly released in March, well before their prison sentences of six and three years respectively were due to expire.

Prisoner of conscience Dr Alfredo Samuel Martínez Lara, a leading member of the *Partido Pro Derechos Humanos en Cuba* (PPDHC), Party for Human Rights in Cuba, was found guilty in February of "rebellion" in association with "other acts against state security". He had been held for investigation in the DSE headquarters in Havana since March 1990 (see *Amnesty International Report 1991*). He was given a non-custodial sentence of three years' "restricted liberty", unusually lenient for such offences. Later in the year he was allowed to go to the United States of America.

Three other prisoners of conscience were released during the year. Huber Jérez Mariño, President of the unofficial *Comité Martiano por los Derechos del Hombre*, "Martí" Committee for the Rights of Man, was released in February upon expiry of his 18-month prison sentence. His co-defendant, Elizardo Sánchez Santa Cruz, President of the unofficial *Comisión Cubana de Derechos Humanos y Reconcil-*

iación Nacional, Cuban Commission for Human Rights and National Reconciliation, was conditionally released in May, three months before his two-year prison sentence was due to expire (see *Amnesty International Report 1990*). Orlando Azcué Rodríguez was unexpectedly released in July, 21 months before his sentence was due to expire. He had been arrested in April 1990, accused of distributing anti-government leaflets and sentenced to three years' imprisonment for "enemy propaganda".

The last two "*plantados históricos*" (political prisoners held since the 1960s and 1970s who refused to take part in prison rehabilitation programs or to obey certain prison regulations) were released. Ernesto Díaz Rodríguez was freed in March, purportedly on health grounds, after serving 21 years of a 40-year prison term imposed for two separate offences. The second sentence of 25 years' imprisonment was imposed for allegedly plotting to overthrow the government from inside prison. Mario Chanes de Armas was freed in July upon expiry of his 30-year sentence. Amnesty International had frequently urged a judicial review of the cases of the "*plantados históricos*" and had expressed concern about the harsh conditions in which they were held in earlier years.

Trials of political prisoners continued to fall far short of international standards. Political prisoners, including prisoners of conscience, were tried either in provincial courts (for crimes against state security) or in municipal courts (for public order offences). Trials before municipal courts usually took place within days of arrest, with little or no opportunity for the defendant to obtain legal counsel. Defendants in state security cases were often held for several months without access to lawyers before being brought before a court.

Reports of beatings were received throughout the year as well as isolated reports of torture in prison. In January, 13 political prisoners held in Combinado del Este Prison refused to wear their prison uniforms, demanding political change and respect for human rights. In response, the prison authorities transferred them to other prisons. Three prisoners taken to Kilo 7 Prison in Camagüey – Orlando Domínguez de la Coba, Israel López Toledo and Orlando Azcué Rodríguez – went on hunger-strike and continued to refuse to wear uniform. As punishment they were

reportedly held for more than 17 days with their arms outstretched and chained to the iron bars of their cells. They were also said to have been deprived of drinking water for several days. Israel López and Orlando Azcué were reportedly beaten by guards at least three times while they were in chains. Orlando Azcué was transferred to yet another prison after giving up his protest. He was later released. Israel López and Orlando Domínguez were eventually transferred to hospital.

Several prisoners involved in a riot at Nieves Morejón Prison in Sancti Spiritus in May, in the course of which at least seven prisoners died, were reported to have been beaten with chains and blunt instruments after they had been handcuffed and forced face down on the floor. It was not clear whether they were among those who died. At least two other prisoners were reported to have died after being beaten by guards in other prisons.

In June reports were received that four probable prisoners of conscience held in Alambradas de Manacas Prison, Santa Clara, had been threatened with additional sentences for trying to make public their complaints about prison conditions.

At least two executions took place during 1991, the first reported since July 1989. Jorge Luis González Norona was executed in March. He had been convicted of triple murder while on the run from prison. Joaquín Emiliano Dueñas Carbonell was believed to have been executed in April after being convicted of killing two police officers. No definite news was received about continuing reports that the authorities were considering extending the range of capital offences to include some drug-related crimes.

Amnesty International repeatedly appealed to the Cuban authorities to release all prisoners of conscience, to ensure adequate access to defence lawyers for political prisoners, to investigate all reports of ill-treatment and suspicious deaths in detention, and to end the use of the death penalty. No substantive response was received.

CYPRUS



Some 20 prisoners of conscience were held, all of them Jehovah's Witnesses who had refused on conscientious grounds to perform military service or reservist exercises. At least two people alleged that they had been tortured in police custody.

In July Cyprus ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Draft legislation first announced in 1988, which would recognize the right to conscientious objection, had still not been debated by the House of Representatives by the end of the year (see *Amnesty International Reports 1990 and 1991*). The draft legislation falls short of international standards in a number of respects. It proposes two types of alternatives to the ordinary military service of 26 months: a three-year unarmed military service; or a four-year "military service outside the military sphere" in the Civil Defence Force or a social service. All the services would come under the control of the Ministry of Defence and it was unclear whether a conscientious objector would have the right to choose between social service and the Civil Defence Force. The draft legislation provides for conscientious objection on religious grounds only, and it was unclear what provision would be made for people who developed conscientious objections after being conscripted into the armed forces.

Conscientious objectors were given prison sentences of up to six months. Those who continued to refuse military service or reservist exercises risked further prosecution and imprisonment following

their release. A number of conscientious objectors imprisoned during the year had already served sentences of up to a year prior to September 1985, when all imprisoned conscientious objectors were released following a decision by the Supreme Court (see *Amnesty International Report 1986*). Panayiotis Antoniou Kousoulou, who had served sentences for his conscientious objection during 1984 and 1990, was sentenced to two months' imprisonment in April for refusing to take part in reservist exercises.

In May Andreas Zinonos lodged a complaint against five policemen from the Limassol anti-narcotics squad alleging that they had beaten him with truncheons, kicked him and threatened to shoot and drown him in an attempt to make him confess to drugs-related offences. The five policemen were reportedly suspended on the orders of the commander of the anti-narcotics squad until an investigation had been carried out.

Amnesty International appealed repeatedly to the government of President George Vassiliou to release all imprisoned conscientious objectors. It urged the government to introduce alternative civilian service of non-punitive length; to widen the grounds for objection in the draft legislation; and to provide for objection which develops after conscription into the armed forces.

In August Amnesty International expressed concern to the government about the alleged torture of Andreas Zinonos and requested to be informed of the progress of the investigation. In September the Ministry of the Interior informed Amnesty International that charges had been brought in connection with the alleged offences and that the case was awaiting trial.

DENMARK

A judicial investigation into the treatment of asylum-seekers in Copenhagen prisons, established in August 1990, had not been completed by the end of the year. The government announced that this investigation would include allegations of ill-treatment made by two foreign visitors.

In September the government published the *Report to the Danish Government on the Visit to Denmark Carried Out by the European Committee for the Prevention of*

Torture and Inhuman or Degrading Treatment or Punishment. The committee had carried out its first periodic visit to Denmark in December 1990. During this visit, the committee heard from a wide range of sources about allegations that two foreign



tourists – Himid Hassan Juma and Babading Fatty – had been beaten in police custody. The report acknowledged that the Ministry of Justice had initiated an inquiry in both these cases. The committee asked to be informed of the findings and the measures which the authorities intended to take as a result. The committee reported that it "...was struck by the similarity of the allegations concerning the treatment of these two individuals, both from African countries. They suggest that there might be a problem of communication with nationals of states whose languages are little known or not known at all, especially when the behaviour of the individuals concerned, for a variety of reasons – for example, a failure to understand the reasons for their detention – is disturbed."

Amnesty International had written to the Danish Government in October and December 1990 about the allegations of ill-treatment made by Himid Hassan Juma (see *Amnesty International Report 1991*) and Babading Fatty (a Gambian tourist allegedly beaten in police custody in October 1990). In February the government replied, stating that the investigation into the treatment of asylum-seekers had been expanded to include these allegations.

DJIBOUTI



A leading opponent of the government was held in administrative detention without charge or trial for five months. He was a prisoner of conscience. Over 270 suspected government opponents were arrested in January and many of them were tortured. Most were released without charge but several were kept in custody and charged with involvement in an armed attack. Their trial, scheduled for December, was postponed. In September at least 10 prisoners died in a police cell as a result of alleged ill-treatment. In December over 30 people were extrajudicially executed in the capital during mass arrests. One prisoner was sentenced to death.

Djibouti remained a one-party state but the government promised constitutional changes in 1992 to allow a multi-party system. Tensions increased between the Somali Issa clan, which dominates the government, and two other groups – the Afar ethnic group and the Somali Gadabursi clan – and there were violent intercommunal clashes in the capital, Djibouti, in July, which resulted in several deaths. Armed attacks on military barracks early in the year were followed in November and December by sustained fighting in the north between government forces and the *Front pour la restauration de l'unité et de la démocratie* (FRUD), Front for the Restoration of Unity and Democracy, an armed Afar opposition group.

Djibouti ratified the African Charter on Human and Peoples' Rights in November.

Mohamed Moussa Ali (known as "Tour-tour"), leader of the *Mouvement pour l'unité et la démocratie*, Movement for

Unity and Democracy, an unofficial opposition party, was detained in April when he tried to register the party. Four other people were briefly detained during a demonstration calling for his release. Mohamed Moussa Ali, a prisoner of conscience, was held in administrative detention without charge or trial and was allegedly tortured. In August he staged a 24-day hunger-strike and was denied proper medical treatment. He was released in late September.

On 8 January 71 people were arrested and accused of holding a subversive meeting in Djibouti. Some hours later, an army barracks in Tadjourah in the north was attacked and the security forces arrested a further 100 suspected government opponents in the capital. The detainees were all members of the Afar ethnic group. Most were tortured during interrogation by the security police. Over 20 were kept in custody and charged with seeking to overthrow the government and involvement in the Tadjourah attack. Following protests against the arrests, over 100 other members of the Afar community were briefly detained.

Among those charged were Ali Aref Bourhan, a former prime minister, and his nephew Aref Mohamed Aref, a lawyer who had defended political prisoners. They were held in the remote Ali-Adde army prison in the south and at times were denied adequate medical treatment and food. They were among a total of 49 defendants, including 38 provisionally released, who were due to be tried in December by the Security Tribunal of the Republic, a special court whose judges include senior government officials. The trial was rescheduled for 1992 at the request of defence lawyers.

After the outbreak of fighting with FRUD rebels in the north in mid-November, the government said its forces had captured 232 guerrillas. Unofficial sources, however, claimed that these included government opponents who had not been involved in armed opposition. A spokesperson of the FRUD opposition group, Dr Abatte Eboh, who had been involved in negotiations in the capital to end the fighting, was arrested on 17 December and charged with seeking to overthrow the government.

Seventeen members of the Somali Gadabursi clan who had been detained and tortured after the 1990 bombing of a

restaurant in the capital, were released uncharged in February (see *Amnesty International Report 1991*). One man accused of planting a bomb at an army barracks in mid-1990 was still held awaiting trial at the end of 1991 (see *Amnesty International Report 1991*).

Torture of suspected government opponents, as well as criminal suspects, was reported. Among the Afars detained in January, all but the most prominent were tortured, particularly by being subjected to "the swing", in which victims are tied by their wrists and ankles to a horizontal pole, gagged with a sponge soaked in detergent, and beaten all over the body. Some were also given electric shocks, burned with cigarettes or had a bottle forced into the anus.

On 19 September at least 10 criminal suspects died in a police cell in the capital. A special inquiry by the Ministry of Justice led to four police officers being dismissed for responsibility for the deaths, which were attributed to suffocation in an overcrowded cell. The inquiry report was not published. Unofficial sources claimed that as many as 29 prisoners had been asphyxiated after they protested at overcrowding and a tear-gas canister was thrown into their cell. The dismembered bodies of about 10 victims were reportedly discovered later on a rubbish dump.

On 18 December, while fighting continued in the north, the security forces rounded up over 100 people in Arhiba, a poor Afar-inhabited area of Djibouti, and reportedly shot dead at least 30 people who tried to flee or refused to get into police trucks. Dozens of others were arrested and taken away: their fate and whereabouts were unknown at the end of the year. Government sources claimed that gunmen had fired at the security forces, killing three, after which soldiers and police returned fire, killing five and wounding 26.

The first death sentence since independence in 1977 was imposed. Adouani Hamouda Ben Hassan, a Tunisian national, was convicted in March of bombing a restaurant in the capital in 1987. His appeal to the Supreme Court had not been heard by the end of the year.

In January Amnesty International appealed to the authorities to stop the torture of the Afar detainees. An Amnesty International delegation visited Djibouti in April for talks with the government about

this and other human rights issues. The delegates interviewed political detainees and released prisoners. A doctor on the delegation concluded that many had been tortured. A memorandum submitted to President Hassan Gouled Aptidon in September urged the government to take steps to end torture, arbitrary arrests and the administrative detention of peaceful government opponents. The organization also called for Ali Aref Bourhan and his fellow-detainees, whom it believed might be prisoners of conscience, to be tried fairly or released. Amnesty International appealed for the commutation of the death sentence imposed and for the ratification of international and regional human rights treaties.

Amnesty International published its memorandum in November as part of a report, *Djibouti: Torture and Political Imprisonment*. In response the Minister of Justice denied that torture was routine but said he was studying some of the reforms which Amnesty International had recommended. He later informed Amnesty International of Djibouti's ratification of the African Charter and the introduction of a right of appeal to the Supreme Court for those convicted by the Security Tribunal of the Republic.

DOMINICAN REPUBLIC



Two detainees died after reported beatings by the security forces. One political prisoner remained in prison despite two judicial orders in 1989 for his release.

On 13 June President Joaquín Balaguer ordered the deportation of all foreigners aged under 16 or over 60 who worked in the sugar cane industry. The decree followed increasing international criticism of the government's treatment of Haitian

workers on the state-run sugar plantations. By August over 5,000 Haitians had been deported. Many of them were reportedly beaten or robbed by the armed forces during execution of the deportation orders. Thousands more returned voluntarily to Haiti.

Two detainees died following reported severe beatings by members of the security forces. Haitian citizen Joubert Pierre was arrested on 20 April and taken to a police station in Boca Chica, accused of theft. On 24 April he told visitors that he had been severely tortured and his face and chest reportedly showed injuries. A few days later his body was identified at a morgue by his mother and a Haitian Embassy official. Following an internal police inquiry a member of the National Police was reportedly discharged and the case referred to the judiciary. However, to Amnesty International's knowledge, no judicial proceedings had been initiated by the end of the year.

In February Julio (José) Samboy died while being taken by the security forces to the National Drugs Control Office in Santo Domingo. He had reportedly been arrested by a combined patrol of police and armed forces in Barahona for alleged drug-trafficking. An investigating commission, made up of an army general, a police general and a navy admiral, found that he had died as a result of beatings. The commission recommended that an army and a police officer be dismissed and that legal proceedings be initiated against them. However, reports indicated that no one had been brought to trial by the end of the year in connection with the case.

No one had been charged by the end of the year for the killing in September 1990 of Jesús Diplán Martínez. He was allegedly shot by members of the security forces after being arrested (see *Amnesty International Report 1991*).

Luis Lizardo Cabrera, arrested in May 1989 for alleged involvement in a bombing, remained in detention at the end of 1991 (see *Amnesty International Reports 1990 and 1991*). Judges had ordered his release on two separate occasions in 1989, but the police continued to refuse to comply with these orders. In early 1991 the office of the Presidency and the Attorney General urged the Chief of Police to release Luis Lizardo.

In May Amnesty International appealed for an investigation into the allegations of

torture and subsequent death of Joubert Pierre. The organization continued to seek clarification from the government about the imprisonment of Luis Lizardo Cabrera and urged that he be released if no legal basis existed for his detention. No response was received.

ECUADOR



An official commission of inquiry found a branch of the National Police responsible for the "disappearance" of two brothers in 1988 and for other human rights abuses. Detainees were tortured and ill-treated by members of the security forces; one detainee allegedly died under torture. The government failed to clarify numerous cases of "disappearance" and torture documented in previous years.

In February the armed opposition group *Alfaro Vive, Carajo*, Alfaro Lives, Dammit, handed over its weapons as part of a peace agreement with the government.

There were repeated violent clashes over land rights between Indian communities and paramilitary groups hired by local landowners. Some paramilitary groups were reported to be operating with the acquiescence of the official security forces. In April the Minister of Government and Police stated that the government would investigate the activities of paramilitary groups said to be operating illegally, but no investigation was known to have been undertaken.

In September the Report of the Special Commission of Inquiry into the "disappearance" of Santiago and Pedro Andrés Restrepo Arismendi was published. The

Commission concluded that members of the *Servicio de Investigación Criminal* (sic), Criminal Investigation Service, a branch of the National Police, were responsible for the "disappearance" in January 1988 of the two brothers, aged 17 and 14 respectively. Although their bodies had not been traced, the Commission also concluded that the brothers were dead. The Report stated that the sic's investigative methods included "systematic torture, arbitrary detention and the use of cruel, inhuman and degrading treatment". Following publication of the Report, a former Commander General of the National Police and about 30 police and other officials were arrested for their alleged involvement in the Restrepo case. By the end of 1991, summary proceedings in the Supreme Court against those accused had not concluded.

In the wake of the Report's publication, President Rodrigo Borja decreed the immediate dissolution of the sic and announced measures to form a new Judicial Police force. At the same time the President extended the mandate of the Special Commission to include the investigation of other past human rights violations by the security forces.

Reports of torture and ill-treatment of detainees by members of the sic continued until shortly before the dissolution of this force in September. In January official forensic certificates reported that Edison Roberto Sarasti and Eddy Pablo Rivadaneira Muñoz had wounds consistent with blows from a blunt instrument. The two men had been arrested by the police in December 1990 and taken to the sic headquarters in Ambato, Tungurahua province. Both men claimed they were hung by their thumbs and repeatedly beaten with a stick before being submerged in water until they nearly drowned. In March Isaac Rómulo Bustos Bermúdez was held incommunicado for four days at the sic headquarters in Babahoyo, Los Ríos province. He was reportedly kicked and beaten with clubs while hung from the wrists. Two independent forensic certificates, including one issued by the Office of the State Attorney General, documented injuries to Isaac Bustos which were consistent with his having been tortured. In June José María Cabascango, the secretary for human rights of the *Confederación de Nacionalidades Indígenas del Ecuador* (CONAIE), Confederation of Indigenous Nationalities of Ecuador,

was detained by soldiers during a protest over land rights. He was subsequently transferred to the sic in Ibarra, Imbabura province, where he was allegedly hit on the ears, hung by his thumbs and subjected to mock executions and death threats.

In April and September complaints were submitted to the authorities concerning at least eight men who were said to have been nearly drowned by police officers attached to the sic in Guayas province. In one such case, Milton Iván Crespo Dalgo, a university worker, claimed to have been taken off a bus on 8 August in Guayaquil by armed sic police and accused of theft. He was reportedly blindfolded, handcuffed and had his legs tied before being thrown into a river estuary. The police also allegedly kicked him and jumped on him. A lawyer reportedly submitted a complaint about his case to a prosecutor, but no judicial inquiry was known to have been opened.

Torture by members of the armed forces also continued to be reported. On 7 July Mayer Yoncer Mina Montaña, who had been detained by marines and accused of theft, allegedly died under torture at the navy base in San Lorenzo, Esmeraldas province. According to relatives, two days after being detained he was taken to his home by marines and beaten, then returned to the naval base. Hours later, he was transferred to a local hospital where he was found to be dead. The navy claimed that he drowned after throwing himself off a quay in an attempt to escape. However, an official autopsy documented extensive bruising and abrasions consistent with torture. His relatives reportedly filed a complaint before a judge in San Lorenzo, but no judicial investigation into the case was known to have been initiated.

The government failed to clarify numerous human rights cases from previous years. An investigation was said to have been ordered in June 1990 into the alleged torture of René Sangolqui, but no findings were published (see *Amnesty International Report 1991*). A judicial inquiry into the reported ill-treatment and subsequent death of Cayetana Farinango in November 1990 (see *Amnesty International Report 1991*) was closed after her relatives withdrew from the case. The fate of numerous people who had "disappeared" since 1984 remained unknown. They included Gustavo Garzón Guzmán who reportedly

"disappeared" in Quito in November 1990.

In April and May Amnesty International appealed to the authorities to conduct thorough and impartial investigations into reports of torture. In July the organization called for a full and independent investigation into the alleged torture of José María Cabascango. The government responded by submitting a police report issued in September which concluded that José María Cabascango had not been tortured. However, no independent investigation into the case had been initiated by the end of the year.

EGYPT



Thousands of people, particularly suspected members and sympathizers of Islamic groups, were detained without charge or trial under state of emergency legislation. Among them were prisoners of conscience. There were numerous reports that political detainees were tortured in security police custody. At least 11 people were sentenced to death and four executed.

In May the People's Assembly approved the extension of the state of emergency for a further three years. It had been in force without interruption since October 1981 (see previous *Amnesty International Reports*). Emergency legislation empowers the Minister of the Interior, as the President's delegate, to order the administrative detention without charge or trial of political suspects and to contest court decisions to release untried political detainees. Other emergency provisions allowing prolonged incommunicado detention have facilitated the torture of political detainees.

Thousands of people were arrested for political reasons under the emergency legislation, including scores of journalists, students, lawyers, and others who were detained for opposing the government's policy in the Gulf following Iraq's invasion of Kuwait. Suspected members or sympathizers of Islamic groups, Palestinians, Iraqis and other Arab nationals were partic-

ularly targeted for arrest. The majority were released uncharged after weeks or months in detention; some of them alleged that they had been tortured or ill-treated in custody.

For example, Magdy Ahmed Hussein, a journalist and deputy secretary general of the opposition Labour Party, was arrested on 25 January shortly after he had spoken against the Gulf War in a Cairo mosque. He was released on 21 February. Also arrested in January in connection with the war and later released without trial were two medical doctors, whose publishing company was planning to issue a statement on the Gulf War by the Egyptian Medical Syndicate. Others detained in February in connection with the war and later released included engineers, medical doctors, students and Mohammad 'Afifi Matar, a poet, who was reported to have been severely tortured in custody.

Sporadic arrests continued throughout the year of members and sympathizers of Islamic groups. Reports were also received of the arrest and detention of relatives when certain alleged opposition activists could not be found by the police. For example, following the escape on 19 April of a detainee, Safwat Ahmed 'Abd al-Ghani, during his transfer to a prison in Minya, about six of his relatives were arrested and detained without charge for up to several weeks, apparently to coerce him into giving himself up. Safwat Ahmed 'Abd al-Ghani was accused of complicity in the assassination of Dr Rifa'at al-Mahgoub (see below). Those held included his mother, sister, wife and two-month-old baby. He was eventually rearrested in July.

At the end of October more than 200 alleged members and sympathizers of the Muslim Brothers were arrested throughout the country shortly before Middle East peace talks began in Madrid. More than 60 were reported to have been held in connection with putting up posters or distributing leaflets which criticized the talks. They included students, office workers, trade unionists and former members of parliament. Most, if not all, were believed to be prisoners of conscience. A number of them had been released by the end of the year.

Three Christian converts - Mustafa Mohammad Sa'id al-Sharqawi, Mohammad Hussein Ibrahim Sallam and Hassan Mohammad Isma'il Mohammad - who had been held as prisoners of conscience since

October 1990, were released in July (see *Amnesty International Report 1991*). However, charges against them were not dropped and they could still face trial.

Some of those arrested in previous years were tried before (Emergency) Supreme State Security Courts. Under emergency legislation, verdicts of these courts are not considered final until approved by the Prime Minister, who is also empowered to reduce sentences or reject the judgment entirely and order a retrial. There is no right of appeal against conviction or sentence, nor any recourse to review before the Court of Cassation.

The trial of 20 alleged members of the Egypt Revolution Organization ended in April. Charges against them included the killing of two Israeli Embassy officials in 1985 and 1986 (see *Amnesty International Report 1988*). Some had been held in prolonged solitary confinement following their arrest in 1987. The (Emergency) Supreme State Security Court in Cairo sentenced the group's leader, former intelligence officer and diplomat Mahmoud Nour al-Din, to life imprisonment with hard labour. Others were given sentences of between 15 years' imprisonment with hard labour and six months' imprisonment. Five defendants were acquitted, including Dr Khalid 'Abd al-Nasser, son of the former president. Those sentenced to prison terms remained in prison pending approval of the judgment.

In June the trial began in the (Emergency) Supreme State Security Court of 25 people accused of assassinating the former speaker of the People's Assembly, Dr Rifa'at al-Mahgoub, in October 1990. About half of the accused were being tried *in absentia*. Defendants claimed they had been tortured while held incommunicado following their arrest in October 1990. Mamdouh 'Ali Youssef said that he had been beaten and punched, had cigarettes stubbed out on his chest, been suspended by his wrists bound behind his back, and had electric shocks applied to the genitals and other sensitive parts of his body. A forensic doctor who examined him later in the year said he was "in a state of extreme prostration, unable to stand upright or sit on a chair". The doctor observed that small scars around his genitals were consistent with having been caused by electrically charged instruments. The trial was still in progress at the end of the year.

On 25 December the writer 'Ala' Hamed was sentenced to eight years' imprisonment for writing a novel which was considered blasphemous to Islam. The (Emergency) State Security Court was also reported to have sentenced both his publisher, Fathi Fadhel, and the distributor of the novel, Mohammad Madbuli, to eight years in prison. The verdict had not been approved by the end of the year.

Many political prisoners were subjected to physical and psychological torture. The most common forms of torture reported were beatings, suspension, burning with cigarettes and electric shocks, often accompanied by threats. In many cases victims were stripped naked or to their underclothes, and also blindfolded so that they were unable to identify their torturers. The majority of victims were political detainees held in incommunicado detention without access to lawyers, relatives or doctors by members of the State Security Intelligence Police (SSIP) under emergency legislation. Most were alleged members or sympathizers of Islamic groups, or their relatives.

In February the authorities informed Amnesty International that investigations had been carried out into the alleged torture of six detainees in 1990, including Khalid al-Sharif (see *Amnesty International Report 1991*). The investigations concluded that in each case no torture had taken place. The authorities gave no further details of how these conclusions were reached. Amnesty International requested that the procedures followed, as well as the findings, be made public, particularly since some of the alleged victims and their lawyers were neither interviewed nor informed that any investigation had been initiated.

On 8 February Dr Mohammad Mandour, a psychiatrist and member of the Board of Trustees of the Egyptian Organization for Human Rights (EOHR), was arrested. Like many other political detainees, he was taken to the SSIP Directorate at Lazoghly Square, Cairo, where he said he was severely tortured. He was released without charge two weeks later. Official complaints of torture were filed on his behalf with the authorities by the EOHR. In May Amnesty International was told by the Egyptian authorities that an investigation had been conducted into the case and had concluded that his allegations were unfounded. However, Dr Mandour and

the EOHR were not contacted during the investigation, nor informed officially that an investigation had taken place, and it was unclear what evidence had justified the authorities' conclusions.

In August Mohammad al-Sayyid al-Sayyid Higazy, an Arabic teacher, was arrested under state of emergency provisions. He was held incommunicado for several weeks in the custody of the SSIP in Doqqi and then at the Lazoghly Square headquarters. During this time he was reportedly subjected to various forms of torture, including electric shocks, suspension in contorted positions and beating. He had been arrested several times previously for alleged involvement with Islamic groups.

At least 11 people were sentenced to death. One was convicted of smuggling heroin into the country. All the others had been convicted of murder and other charges. Four members of the same family – 'Abd al-Rahman 'Ali, Sayyid, Mohammad and 'Abd al-Nasser 'Amayra – were hanged in Asyut prison in February after being convicted of 12 murders.

Amnesty International appealed on several occasions to President Hosni Mubarak to commute death sentences. Responding to queries from Amnesty International, the authorities said that all had benefited from the right to appeal against conviction or sentence and to a review by the Court of Cassation.

In January Amnesty International wrote to the Minister of the Interior about a number of suspected extrajudicial executions, including the killing of Dr 'Ala' Muhy al-Din 'Ashour in 1990 (see *Amnesty International Report 1991*), and called for a thorough and impartial investigation to be carried out in all instances.

In May Amnesty International submitted further information about the case of Mustafa Mohammad 'Abd al-Hamid 'Othman (see *Amnesty International Report 1991*), a student from Qina who "disappeared" in Zagazig in 1989, to the United Nations (UN) Working Group on Enforced or Involuntary Disappearances, following the Egyptian Government's response that he had been released from prison on 28 December 1989. Amnesty International stated that this failed to take into account the testimony of friends who reported that he had been held with them in SSIP custody in January 1990; it

remained unclear that he had ever been released from custody.

In October Amnesty International submitted information about its concerns regarding the systematic use of torture in Egypt to the UN Committee against Torture, pursuant to Article 20 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Punishment.

During the year Amnesty International received replies from the government about a number of human rights issues, including a seven-page response to Amnesty International's October 1990 report about torture and arbitrary detention in Egypt (see *Amnesty International Report 1991*).

In October the organization issued *Egypt: Ten Years of Torture*, explaining how a pattern of torture became established after the state of emergency was declared in 1981, and referring both to individual cases and to the government's failure to take action to prevent torture. The report included the government's response to earlier communications from Amnesty International about torture.

EL SALVADOR



Dozens of people were reported to have been extrajudicially executed by the security forces. Some 35 further killings and numerous death threats were attributed to clandestine "death squads" believed to be linked to the armed forces. A colonel was convicted for the murder in 1989 of six Jesuit priests and two university staff, but the armed forces continued to evade accountability for hundreds of extrajudicial executions and "disappearances" in recent years. Torture was frequently used in police and military custody and legal detention procedures continued to be flouted.

Negotiations between the government

and the opposition *Frente Farabundo Martí para la Liberación Nacional* (FMLN), Farabundo Martí National Liberation Front, culminated in the signing of the New York Declaration on 31 December. This set dates for a cease-fire and for the signing of a definitive peace accord. Earlier talks mediated by the United Nations (UN) had produced agreements on military, judicial and socio-economic reforms.

Constitutional reforms to the judiciary, including the creation of a National Human Rights Procurator's Office, were ratified by the Legislative Assembly, although this office had not yet been established at the end of the year. Constitutional reforms concerning the police and military were awaiting ratification by the Legislative Assembly at the end of the year. These included the disbanding of certain military and security force units and the creation of a civilian controlled police force. A bill to extend the death penalty to cover certain crimes in peacetime was added by the governing *Alianza Republicana Nacionalista* (ARENA), Nationalist Republican Alliance, to the package of proposed constitutional reforms in April, but was defeated in the Legislative Assembly in October.

The government and the FMLN also agreed in April to set up a Truth Commission to investigate "acts of violence of singular importance" committed by government or FMLN forces since 1980. The agreement did not specify the precise criteria for selecting cases and gave the Commission no judicial powers. The three members of the Commission, which was to issue a final report after six months, were appointed by the UN Secretary-General in December. The government and the FMLN also agreed to a process of purging the armed forces, based on an evaluation of all their members by an *Ad Hoc* Commission.

In July the Human Rights Division of the UN Observer Mission in El Salvador (ONUSAL) was established. Its role was to monitor implementation of the July 1990 Agreement on Human Rights signed by the government and the FMLN in San José, Costa Rica (see *Amnesty International Report 1991*). Reports published by ONUSAL in September and November analysed the difficulties of verifying the Agreement before a cease-fire, summarized certain cases and presented preliminary recommendations to both sides.

Municipal and legislative elections took

place in March, amid allegations of fraud and instances of electoral violence. ARENA lost its absolute majority in the Legislative Assembly, while the left-wing coalition *Convergencia Democrática*, Democratic Convergence, won eight seats and entered the Assembly for the first time.

Despite the peace talks, the armed conflict continued to claim scores of casualties, civilian as well as military. Several execution-style killings by FMLN members of military and security force officers and suspected collaborators were reported. In January FMLN combatants shot down a United States (US) Air Force aircraft, killing one of the US military advisers on board. Two other occupants were taken prisoner and subsequently shot dead by their FMLN captors. The FMLN detained its members allegedly responsible, declaring that they would be tried by an FMLN court attended by international observers. However, in September the FMLN indicated that it would hand over the suspects to the authorities once the judiciary had been reformed and would refer the case to the Truth Commission. In July the FMLN captured and subsequently executed Serafin Orlando Merino Interiano, a member of the Treasury Police, claiming he had been found guilty of being a "repressive torturer".

Election candidates belonging to parties considered sympathetic to the FMLN were among those killed in circumstances suggesting extrajudicial execution by government forces. Heriberto Robles, candidate for the *Unión Democrática Nacional* (UDN), National Democratic Union, and his pregnant wife Vilma Palacios were shot dead on 21 February in San Salvador. Blanca Mirna Benavides, a UDN candidate in Santa Ana, was seriously injured on 6 March by shots fired at her from a vehicle which formed part of an ARENA procession in San Salvador.

A week after returning to El Salvador from eight years in exile in Honduras, Francisco Cruz Menjívar was shot dead on 30 March near his home in the repatriated refugee community of Nueva Trinidad. The authorities claimed he was killed in crossfire between the FMLN and the Atlacatl Battalion, but local residents said there had been no confrontation there that day and alleged that he had been deliberately killed by Atlacatl Battalion troops. An autopsy requested by his family had not been carried out by the end of the year.

On 25 September José Samuel Fuentes Marroquín was taken from his home in La Libertad by armed men in plain clothes, who identified themselves as members of various local military and police units and accused him of stashing arms for the FMLN. He was found dead in a field the next day, with his nose and ear severed and his throat slit. In a rare challenge to security force impunity, a police investigation led to the arrest of two police officers, although a sergeant alleged to have given the order to kill was not detained.

Repatriated refugee communities, mostly situated in conflict zones, frequently reported that soldiers had surrounded or entered their communities firing guns, mortars or tear-gas. On 2 September nine-month-old Maira Norelvis Salazar Hernández was playing at home in San José Las Flores, Chalatenango, when soldiers fired rounds of machine-gun fire from nearby hills. She was shot in the leg and died shortly afterwards. Residents alleged there was no FMLN presence in the community at the time.

Approximately 35 killings were attributed to clandestine "death squads", believed to be linked to the armed forces. Many of the victims were unidentified and their bodies mutilated. On the night of 6 October Gloria Linares de Castaneda was dragged out of her home in Santa Ana by four men in plain clothes who hacked her to death with machetes. A Salvadorian human rights organization claimed her killers suspected her of being an FMLN collaborator.

In two cases attributed to "death squads" – the massacre of 15 members of a peasant family in El Zapote in January, and the murder of Martín Ayala, night-watchman of the *Consejo de Comunidades Marginales* (CCM), Council of Marginal Communities, in July – the authorities subsequently arrested those allegedly responsible. Two women and three former members of the security forces were arrested in the El Zapote case, and two men and a woman in the Ayala case. Despite contradictions in the testimonies of the detainees and circumstantial evidence pointing to the involvement of the security forces in both cases, the governmental Criminal Investigations Commission maintained that the cases were fully resolved. The Commission denied that the killings were politically motivated, attributing the El Zapote killings to a family feud, and the CCM

killings to an act of vengeance by a former employee.

Several prominent critics of the government received written death threats in the latter half of the year, signed by a group calling itself the *Frente Anticomunista Salvadoreño* (FAS), Salvadorian Anticommunist Front. In September Mirtala López of the *Comité Cristiano pro Desplazados de El Salvador* (CRIPDES), the Christian Community for the Displaced of El Salvador, left the country temporarily after receiving four death threats. Similar threats were issued in December against Juan José Huevo, Secretary General of the *Federación Nacional Sindical de Trabajadores Salvadoreños* (FENASTRAS), National Trade Union Federation of Salvadorian Workers, after he publicly criticized the government's failure to investigate adequately the 1989 bomb attack which killed 10 FENASTRAS members (see *Amnesty International Report 1990*).

Most cases of killings and death threats, like hundreds in previous years, went uninvestigated and unpunished. Only in rare cases where international pressure was brought to bear were steps taken to hold the military accountable for its actions. In September a jury found an army colonel guilty of murdering six Jesuit priests, their cook and her daughter in November 1989 (see *Amnesty International Reports 1990 and 1991*). It was the first time that a senior ranking army officer had been convicted of human rights violations. A lieutenant was also convicted of the murder of the cook's daughter. However, the jury acquitted seven lower-ranking soldiers, including those who had admitted carrying out the killings on the colonel's orders. Amnesty International, which observed the trial, remained concerned about irregularities at the investigative and trial stages of the proceedings. These effectively allowed those who carried out the killings to go unpunished and prevented further examination of the possible involvement of senior members of the military in planning or covering up the murders. By the end of the year the judge had not passed sentence, as verdicts were still pending in connected proceedings against four of the accused for acts of terrorism, and against another four members of the military for perjury and withholding evidence during the trial.

In other, less publicized trials, the outcome allowed members of the armed forces who violated human rights to evade

accountability. Two weeks after the Jesuit trial, a jury in Sonsonate acquitted 13 former members of a civil defence patrol of the killing of at least seven people in Armenia, Sonsonate, between 1980 and 1982. Several of the defendants had confessed to the killings. In another case, Jorge Miranda was convicted of the killing in 1987 of human rights worker Herbert Anaya, after the Attorney General appealed against the judge's 1990 ruling that the murder charge against him should be dropped as his confession had been obtained by coercion (see *Amnesty International Reports 1988 to 1991*). Relatives and fellow human rights workers maintained that Jorge Miranda, an FMLN group member, had been convicted to cover up security force involvement in Herbert Anaya's killing.

Few new cases of "disappearance" by government forces were reported, although the unacknowledged detention of many detainees for periods in excess of legal limits led to initial fears that they had "disappeared". With only one exception, there were no effective investigations into hundreds of "disappearances" from previous years. The bodies of two members of the San Cayetano cooperative in Ahuachapán, who "disappeared" in December 1989, were found in August and four members of a civil defence patrol were arrested in connection with their killing (see *Amnesty International Report 1991*). The fate of another four "disappeared" members of the same cooperative remained unknown.

The effectiveness of the *Departamento de Información de Detenidos*, Department of Information on Detainees, set up in 1990, was severely restricted by the frequent failure of the security forces to provide lists of detainees promptly, by the department's lack of powers to apply sanctions to those who failed to comply with requests, and by the exemption of military units from providing lists of detainees.

Many detainees claimed they had been subjected to physical and psychological torture to force them to collaborate or "confess" to links with the FMLN. Most reported being subjected to psychological ill-treatment, including death threats. Torture was facilitated by the continuing practice of holding detainees incommunicado, despite clear instructions banning incommunicado detention issued by the Army High Command in 1990. Between April and July

scores of *campesinos* (peasant farmers), including minors, were arrested during operations in Morazán by soldiers from the *Destacamento Militar No. 4*, Military Detachment No. 4. They were held in military custody for several hours or days without access to lawyers or relatives. During interrogation many were reportedly tortured with the *capucha*, a lime-filled hood placed over the head, or by being hung by the feet or wrists. One detainee said he was beaten until he vomited blood. At least three detainees were held well beyond the 72-hour custody limit.

Amnesty International continued to press for full and impartial investigations into human rights violations and for those responsible to be brought to justice. It called on the government to ensure that the Truth Commission was mandated specifically to look into extrajudicial executions, "disappearances" and torture. In April Amnesty International called on Legislative Assembly deputies not to ratify the proposed reform extending the death penalty. It repeatedly urged the government to protect those who had received death threats.

EQUATORIAL GUINEA



Five prisoners of conscience and several untried political detainees were held throughout the year. Two other prisoners of conscience were released. Scores of people, most of whom appeared to be prisoners of conscience, were arrested for advocating political change. There were further allegations of torture and one person reportedly died as a result.

The Constitution was amended in November to introduce a multi-party political system following increased demands for political reform by government opponents at home and abroad. Some rights, such as the right to strike, were strengthened but the rights to protection against torture and arbitrary arrest were deleted from the Constitution. President Obiang Nguema Mbasogo was given the power to declare and prolong states of emergency almost without limitation, and was personally given immunity against prosecution for any acts undertaken before, during or after his term as President. No laws were passed to give effect to the constitutional amendments and no political parties other than the President's ruling *Partido Democrático de Guinea Ecuatorial* (PDGE), Equatorial Guinea Democratic Party, had been formally established by the end of the year. The national human rights commission established in 1990 (see *Amnesty International Report 1991*) was not reported to have taken any effective action to investigate or prevent human rights abuses.

Four prisoners of conscience, all supporters of an opposition group formed in exile, continued to serve sentences imposed after an unfair trial in September 1988 (see *Amnesty International Reports 1989 to 1991*). Two other prisoners of conscience – Julián Nguema Abogo and Jesús Ntutumu Nsong – who had been sentenced with them to 12 years' imprisonment, were released in August to mark the 12th anniversary of the President's accession to power. Sergeant Venancio Mikó, who had been convicted in an unfair trial in 1983 of plotting to overthrow the government and whose death sentence had subsequently been commuted was also released (see *Amnesty International Reports 1984, 1986, 1989 and 1991*).

Antonio Ebang Mbele Abang, another prisoner of conscience and former Vice-President of the Chamber of People's Representatives, Equatorial Guinea's Parliament, continued to be detained without charge or trial throughout the year. In August he was transferred from Mícome-seng, where he had been under house arrest, to prison in Bata after he reportedly refused a PDGE invitation to form a new political party. He had been arrested in November 1990 together with at least five other advocates of political pluralism (see *Amnesty International Report 1991*). At

least four of them remained in detention without charge or trial throughout the year and may have been prisoners of conscience.

Scores of people were arrested for advocating political reform. Dozens were reportedly confined to their homes in March but later released. However, at least two, Angel Masié Ntutumu, a former Interior Minister and a member of the Chamber of People's Representatives, and Ricardo Nvu Mbá Bindang, a farmer, were restricted to the vicinity of their homes for the rest of the year. These restrictions, which had no legal basis, were imposed after a letter they had addressed to President Omar Bongo of Gabon asking him to promote democracy in Equatorial Guinea was apparently intercepted by the Equatorial Guinean authorities.

In April, after Roman Catholic priests had criticized government policies from the pulpit and in a pastoral letter, several priests were briefly detained and accused of fomenting political unrest. In May there were reports that at least 40 people were briefly imprisoned or placed under house arrest after anonymous leaflets calling for political reforms appeared in the streets of Malabo, the capital on Bioko island, and Bata, the capital of the mainland province of Rio Muni. They included Alfonso Nsué Mokuy, a journalist who had been arrested on previous occasions for his opposition to government policies. Alfonso Nsué Mokuy was arrested again in August with three other people. They were accused of propagating subversive ideas and were still being held at the end of the year.

One political trial was reported. Andrés Abaga Ondo Mayé, whose two brothers had been briefly detained in May, was arrested after complaining that his family had received death threats. He was reportedly convicted of defaming the authorities and sentenced to three years' imprisonment by a military court in late July or early August. However, few details of the proceedings were available.

Government opponents and others arrested in 1991 were said to have been tortured or ill-treated and some sources suggested that at least one person had died as a result. One of those held was reported to have been tied up in a painful position, suspended with ropes and severely beaten.

Amnesty International called for the release of Antonio Ebang Mbele Abang and

the six prisoners of conscience convicted in 1988, and welcomed the release in August of two of the six. The organization called for an end to the unlawful imprisonment and house arrest of suspected government opponents. Amnesty International repeated its calls to the government for the introduction and implementation of safeguards against torture, but without response.

In a written statement to the UN Commission on Human Rights, Amnesty International described its concerns in Equatorial Guinea, including torture, unfair trials and the death penalty.

ESTONIA



Estonia gained independence in September after over 50 years' incorporation in the Union of Soviet Socialist Republics (USSR). One execution was announced, amid allegations that it had been carried out extrajudicially, and one person was believed still under sentence of death at the end of the year.

Following the failed August coup in the Soviet Union, the State Council of the USSR recognized Estonia's independence. In September the republic, headed by President Arnold Riiütel, became a member of the United Nations and the Conference on Security and Cooperation in Europe.

In October Estonia acceded to the International Covenant on Civil and Political Rights and its first Optional Protocol; the International Covenant on Economic, Social and Cultural Rights; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Following independence the Head of

the State and Border Defence Department, announcing plans for military conscription, was quoted as saying that "coercive methods" would be used against those not wishing to do military service. Call-up for this service, not exceeding 15 months in length, began in October. A law of March 1990, passed when conscription was for the Soviet Army, had established a program of alternative service lasting 30 months for conscientious objectors. There were no reports of people imprisoned for refusing conscription on grounds of conscience.

The Minister of Internal Affairs announced the first execution to have taken place in Estonia since 1968: previous sentences passed in Estonia had been carried out in the Russian Republic of the USSR. He said that Rein Oruste, who had been sentenced to death for murder, was executed on 11 September. However, unofficial sources alleged that Rein Oruste had been shot that day by prison officials while in the washroom in retaliation for an earlier altercation with prison guards. At least one other death sentence came to light, but it was not known if it had been carried out by the end of the year.

Amnesty International urged the authorities to ensure that conscientious objectors continued to be offered a civilian alternative to military service, and that it be of non-punitive length. It asked the Minister of Internal Affairs to clarify the circumstances of Rein Oruste's execution and urged a moratorium on death sentences and executions, the commutation of all pending death sentences and the publication of full death penalty statistics. No substantive response to these concerns had been received by the end of the year, although President Riiütel wrote affirming the republic's commitment to international human rights standards and stated that the death penalty was applied only rarely for especially grave crimes against the person.

ETHIOPIA (AND ERITREA)

Several hundred political prisoners, including prisoners of conscience, were freed in May when the government of President Mengistu Haile-Mariam was overthrown by opposition forces. Most had

114 been detained without trial, some for over a decade, and tortured. The Mengistu government was responsible for gross human rights violations, including extrajudicial executions, which continued until its overthrow. Both the new government in Addis Ababa and the newly formed government which took power in Eritrea in late May detained thousands of former officials and soldiers, who they said would be accused of war crimes and human rights violations and would receive fair trials. By the end of the year some had been freed but most remained in detention without charge.



The Ethiopian People's Revolutionary Democratic Front (EPRDF), headed by the Tigray People's Liberation Front (TPLF), launched a major military offensive against the Mengistu government in early 1991. The Eritrean People's Liberation Front (EPLF) also scored new victories in its military campaign for independence for Eritrea. President Mengistu Haile-Mariam fled the country on 21 May, and within a week Addis Ababa fell to the EPRDF and Asmara, the Eritrean capital, fell to the EPLF.

Peace talks arranged by the United States of America took place in London in May while the fighting was in progress: they resulted in an agreement between the EPRDF, EPLF and Oromo Liberation Front (OLF) about transitional government arrangements. An EPRDF government took power in Addis Ababa and the EPLF formed a new administration in Eritrea, which it governed as a separate area, no longer under control from Addis Ababa.

Both were provisional governments scheduled to hold office for a two-year transitional period, leading up to multi-party elections in Ethiopia and an internationally supervised referendum in Eritrea

to decide whether it should be fully independent. In July the EPRDF government gave way to a broad-based Transitional Government headed by the leader of the EPRDF and TPLF, Meles Zenawi, who became President. A Council of Representatives was appointed as the new legislature with members from the EPRDF, OLF and 22 other groups. A Transitional Charter, which replaced the suspended 1987 Constitution, declared support for the Universal Declaration of Human Rights, a democratic political system, an independent judiciary and the right of nationalities and peoples within Ethiopia to self-determination. The formation of political parties and the holding of meetings and demonstrations were permitted from August.

The fall of the Mengistu government ended 30 years of armed conflict in Eritrea. However, there was further fighting in the Gojjam region until August between EPRDF forces and the Ethiopian People's Revolutionary Party (EPRP), which had also fought against the Mengistu government. There was also new fighting in the east of the country in the second half of 1991 involving Oromo and Afar groups, and inter-ethnic clashes which resulted in scores of deaths.

The EPLF government in Eritrea forcibly expelled about 120,000 people from the territory in June. About 80,000 were captured Ethiopian government soldiers: the others, all non-Eritreans, were mostly relatives of the expelled soldiers but some were Ethiopian teachers and former officials. They were put across the border with Ethiopia without transport. Hundreds died of starvation or illness in transit camps or while making their way south.

The first part of the year saw a continuing pattern of political imprisonment, torture and extrajudicial executions under the Mengistu government.

In January government forces arrested scores of people in Asmara and surrounding areas in reprisal for EPLF military successes, and similar arrests of suspected supporters of other armed opposition groups occurred in Gondar and elsewhere. In April over a dozen famine relief truck drivers were detained for several weeks as suspected EPRDF supporters.

Political detainees continued to be tortured by security police in interrogation centres and special "safe" houses, including one in Addis Ababa known as the

"Bermuda Triangle" since prisoners taken there "disappeared". Torture methods included beatings on the soles of the feet while being suspended from a horizontal pole, electric shocks and near-drowning in a barrel of water.

At the beginning of the year, hundreds of untried political detainees and other political prisoners were being held in Asmara, Addis Ababa and elsewhere. Some had been held without charge or trial for years in appalling conditions. They included prisoners of conscience such as Aregai Gebre-Igziabeher, a Tigrayan student arrested in 1979; Tadelech Haile-Michael, a journalist and EPRP member who had initially been sentenced to death after she was caught trying to flee the country in 1979; Mulugetta Mosissa, an Oromo civil servant detained without trial since 1980; and many former government officials arrested in Tigray in 1984. Tesfa-Mariam Zeggai, a United Nations (UN) staff member, blinded by torture after his arrest in 1981, was serving a life sentence imposed after an unfair trial, and Genet Mebratu, another UN official, was detained without trial following a 1989 coup attempt in which her husband, the army commander and coup leader, was killed. Other prisoners included Eritrean combatants captured in the late 1970s, members of the Anuak ethnic group held in Metu in the southwest since 1986, and members of an opposition group from Somalia, the Democratic Front for the Salvation of Somalia (DFSS), held since 1985 and 1986.

Shortly before the fall of Addis Ababa in May, the outgoing government freed 187 political prisoners, mostly army officers held since the 1989 coup attempt. All remaining political prisoners were freed when the EPRDF and EPLF captured Addis Ababa, Asmara and other towns with prisons. Five prisoners were reportedly summarily executed in Asmara in January and a further 12 political prisoners were executed there in April. In Gondar, over 120 political prisoners were extrajudicially executed in April when EPRDF soldiers were about to capture the town.

Both main opposition forces were reportedly responsible for human rights abuses before they took power in May. Hagos Atsbeha continued to be detained by the TPLF following his abduction from Sudan in 1986, together with other dissidents within the organization, although

some were reportedly released in May. In Eritrea the EPLF assassinated leading supporters of the Ethiopian Government, and both the EPRDF and EPLF were said to have executed alleged criminals.

Immediately after taking power the EPRDF was faced with hostile demonstrations in Addis Ababa and other towns: they were forcibly suppressed, leaving several demonstrators dead. The new authorities then arrested thousands of people connected with the former government or ruling party as well as military and police officers. In June the government said the detainees would face war crimes and human rights charges and receive fair trials, open to observers from Amnesty International and other organizations.

In the second half of the year many former local government officials were arrested, together with members of the former ruling party, which was banned. Many had been publicly accused of committing human rights violations, particularly during the "Red Terror" campaign in the late 1970s (see *Amnesty International Report 1978*).

Several thousand of those arrested were freed unchanged before the end of 1991. However, hundreds of others remained in detention without charge or trial, or any opportunity formally to challenge their detention, while their cases were under investigation. None had been brought to trial by the end of the year.

The new detainees were held in civilian centres (such as a former political institute in Addis Ababa), local administration compounds, private houses, police or military barracks (some of them in remote areas), or in prisons previously used by the security police, such as Maikelawi prison in Addis Ababa. There were reports of poor conditions in some of these detention centres due to overcrowding and lack of facilities. Detainees, however, were allowed access to relatives, medical treatment and food from their families.

In November three leaders of the National Democratic Union, a new political party, were detained after disturbances at a demonstration in Addis Ababa. They were accused of inciting violence but were still held without charge at the end of the year.

There were also hundreds of arrests in Eritrea of former government and ruling party officials and soldiers when the EPLF assumed power in May. An amnesty was

declared in June for people who had worked for or collaborated with the overthrown government, except for those who were suspected of committing crimes. More arrests were reported later in the year which may have been politically motivated. Five hundred detainees were released in December but several hundred people were still detained without charge or trial at the end of 1991. Among them were believed to be several Eritrean opponents of the EPLF who were abducted from Addis Ababa at the end of May or in July. Nine hundred military officers detained in May were still held: the authorities said they would be returned to Ethiopia for investigation or trial.

There was no information about any court-imposed death sentences or executions in Ethiopia or Eritrea during the year. In May about 60 condemned prisoners in Addis Ababa went free when the government fell. No death sentences were known to have been pronounced in Ethiopia or Eritrea between May and December, but there were believed to have been dozens of summary executions of alleged criminals by EPRDF and EPLF soldiers, without formal judicial proceedings.

In the first part of 1991 Amnesty International continued to appeal to President Mengistu to release prisoners of conscience, to ensure that other political prisoners were given fair trials or released, and to stop torture and extrajudicial executions. There was no response.

In late May Amnesty International published a report, *Ethiopia: End of an era of brutal repression - a new chance for human rights*. This documented the gross human rights violations of the Mengistu years and proposed a "human rights agenda" to the new governments in Addis Ababa and Asmara, urging the introduction of safeguards to prevent any repetition of past human rights violations. It called for the fate of the "disappeared" to be clarified and for those responsible for torture, "disappearances" and extrajudicial executions under the former government to be brought to justice.

Amnesty International delegates visited Addis Ababa in July and met released political prisoners and others concerned about human rights. A further delegation to Ethiopia in December had talks with members of the government about human rights protection. Among other things, it urged that

detained former officials should be released if they were not to be formally charged with recognizably criminal offences.

Similar talks were held in December with the head of the Provisional Government of Eritrea, Issaias Afawerki, during the organization's first visit to Eritrea.

FIJI



Seven civil rights activists continued to face sedition charges. Eight chiefs had their 1989 sedition convictions quashed by the Court of Appeal. Charges of malicious publication against three journalists were dropped.

The government of Prime Minister Ratu Sir Kamisese Mara deferred elections scheduled for 1991 until July 1992. Three decrees were issued which appeared to limit peaceful political expression. The Suppression of Terrorism Decree was introduced in January with the stated aim of ensuring public safety against threats of international terrorism during the Gulf War. The decree allowed the Commissioner of Police to declare a "terrorist emergency" and to exercise wide-ranging powers, including the deployment of the armed forces, to counter it. It also imposed a ban on demonstrations and public meetings but this was lifted in April. In May two decrees outlawed strikes and boycotts in the major industries, and provided penalties of up to 14 years' imprisonment for those convicted under the decree. The government rescinded these decrees in July, following an agreement with trade unions.

Seven civil rights activists who had participated in non-violent protests against the country's new Constitution in October 1990 (see *Amnesty International Report 1991*) continued to face trial on sedition charges. The seven included Dr Anirudh

Singh, who had been abducted and tortured by army officers. The defendants, who were free on bail, continued to have restrictions placed on their freedom of movement. They were still awaiting trial at the end of 1991.

In June the Court of Appeal quashed the 1989 sedition convictions against eight chiefs from the island of Rotuman (see *Amnesty International Report 1990*). Charges of malicious publication against three journalists (see *Amnesty International Report 1991*) were dropped by a lower court on 15 August.

Amnesty International welcomed the decision to drop malicious publication charges against the three journalists. The organization remained concerned about the seven civil rights activists facing sedition charges and in May informed the government that the activists, if convicted and imprisoned, would be regarded as prisoners of conscience.

FINLAND



Three conscientious objectors to military service began serving prison sentences; one of them completed his sentence and was released. One conscientious objector imprisoned in 1990 was also released on completion of his sentence. All four were considered prisoners of conscience.

Draft legislation before the Finnish parliament proposed that alternative service for conscientious objectors be reduced from 16 months to approximately 13 months.

In December 1990 Finland had ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In April Finland

ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

Three conscientious objectors began serving their sentences. Janne Mäkinen, an editor, began serving a seven-and-a-half-month sentence in February. Kari Hämäläinen, a student, began serving a six-month sentence in September. Timo Tapani Karjalainen, a metal worker, began serving an 11-month sentence in October.

Two conscientious objectors were released after serving their sentences: Hannu Puttonen (see *Amnesty International Report 1991*) was released in June and Janne Mäkinen was released in October.

Amnesty International considered that the 16-month length of alternative service for conscientious objectors (twice the length of ordinary military service) could be deemed a punishment for the non-violent expression of conscientious beliefs. The organization therefore considered conscientious objectors who refused to perform alternative service to be prisoners of conscience.

FRANCE

Hundreds of conscientious objectors to the national service laws, the vast majority of them Jehovah's Witnesses, were considered prisoners of conscience. There were reports of ill-treatment in police custody.

The alternative civilian service available to recognized conscientious objectors remained twice the length of ordinary military service. Conscientious objectors who refused to conform to the national service laws continued to receive prison sentences.

According to unofficial estimates, over 500 Jehovah's Witnesses were imprisoned during the year for refusing military service. Amongst them were Eric Pawlac, Christophe Komorski and Frédéric Laboulais. They had not applied for conscientious objector status because they also rejected, on religious grounds, the option of alternative civilian service. On 11 January a Bordeaux court sentenced all three to 15 months' imprisonment for refusing to perform military service.

A few imprisoned conscientious objectors had been refused conscientious objector status on the grounds that they applied

after their call-up orders had been issued.

Tristan Defosse applied for conscientious objector status on 21 January, unaware that the stipulated time limit had passed. When ordered to report for active duty at an air force base on 5 February, he protested to the authorities. He was told that if he reported to the base his situation would be resolved. On arrival at the base, he declared his conscientious objection to military service and refused to put on military uniform. He was arrested, charged with refusal to obey orders, and on 21 February sentenced to four months' imprisonment. He was released in early April and a second application for conscientious objector status was granted on 16 April. The Ministry of Defence stated that it had been granted as an "exceptional measure".



Allegations of ill-treatment in police custody often concerned immigrants and French citizens of North African origin.

Aïssa Ilich, of Moroccan origin and a chronic asthmatic, was arrested on 25 May during a disturbance in Mantes-la-Jolie, near Paris. He died in police custody approximately 36 hours later, after a severe asthma attack. He was allegedly beaten by the police at the time of arrest; a medical certificate issued during his detention and a subsequent autopsy report both recorded injuries to his head and body caused by blows. It was also alleged that during his detention he was deprived of medication to alleviate his asthma and held in conditions likely to exacerbate it.

His family made a judicial complaint about his treatment and a judicial inquiry was immediately opened. The Minister of the Interior also ordered the *Inspection générale de la police nationale* (IGPN), General Inspectorate of the National Police, to

conduct an investigation. According to the court-appointed forensic specialists, Aïssa Ilich's death resulted from his asthma. Further forensic tests were apparently unable to establish any direct causal link between blows to his head and pelvis and the onset of the fatal asthma attack. The judicial inquiry was continuing at the end of the year.

In January the judge responsible for investigating the alleged ill-treatment of Abdelaziz Gabsi and Kamel Djellal by police in Echirolles in December 1989 (see *Amnesty International Report 1991*) ruled that there were no grounds on which to proceed. Abdelaziz Gabsi and Kamel Djellal appealed against the decision.

A judicial inquiry into Lucien Djossouvi's allegations of ill-treatment by the police in Paris in September 1989 (see *Amnesty International Reports 1990 and 1991*) had not concluded by the end of the year.

Amnesty International considered that, because of its punitive length, civilian service did not provide an acceptable alternative to military service. It also considered that individuals should be able to seek conscientious objector status at any time. The organization appealed throughout the year for the release of conscientious objectors whom it considered to be prisoners of conscience. It expressed concern to the authorities about allegations of ill-treatment in police custody and asked to be informed about the progress and outcome of inquiries opened into such allegations.

GAMBIA

A possible prisoner of conscience was imprisoned briefly and a criminal suspect died in custody, apparently as a result of torture.

In February the remaining 35 prisoners convicted in connection with a coup attempt in 1981 were released in an amnesty granted by President Dawda Jawara. Nine had been serving sentences of life imprisonment.

Hassan Sanyang was arrested in October, apparently because he is the brother of Kukoi Samba Sanyang, the exiled leader of the 1981 coup attempt who was suspected of plotting against the government again. Hassan Sanyang was held for four days,

released on police bail and then rearrested and held for a further eight days before being released uncharged. He appeared to be a prisoner of conscience. Several foreign nationals resident in the Gambia were also detained briefly in October for questioning about possible links with Kukoi Samba Sanyang but then released uncharged and expelled.



In August a suspected criminal, Mamudu Jarju, died in custody in Brikama, reportedly as a result of torture. He was arrested on 2 August with three others, all apparently suspected of involvement in a burglary at his workplace. He died at Brikama police station within one day of his arrest. A month later three police officers were charged with murder and assault. They went on trial before the Supreme Court in October and the case received considerable publicity throughout the country. A forensic report presented as evidence stated that Mamudu Jarju had suffered a dislocation of the spine which could only have been caused by excessive force being applied to the head and neck in a way which could not be self-inflicted.

Amnesty International continued to monitor the trial of the three officers charged with the murder and assault of Mamudu Jarju.

GERMANY

(FEDERAL REPUBLIC OF)

At least one prisoner detained under anti-terrorist legislation continued to be held in virtual isolation.

In March the former East German leader Erich Honecker was moved by the Soviet

military from a hospital near Berlin to Moscow where, according to the Soviet authorities, he was to undergo medical treatment. The German Government repeatedly requested his return from the Soviet Union to face manslaughter charges arising from orders issued to East German border guards to shoot people fleeing to the West.

In September the first trial of former border guards began in Berlin. Four men were charged with manslaughter for shooting Chris Gueffroy in February 1989 during his attempt to escape into West Berlin. Defence lawyers for the four former sentries argued that they were merely following orders from the military and political leadership. The four defendants admitted firing at the defector, but denied intent to kill. At the end of the year the trial was continuing.

The judiciary was criticized for its slowness in bringing charges against former East German state prosecutors, judges, security force members, communist officials and government officials in connection with human rights violations. The authorities attributed delays to the huge backlog of cases awaiting investigation and lack of staff.

At least one prisoner detained under anti-terrorist legislation continued to be held in virtual isolation. Prolonged isolation may have serious physical and psychological effects on prisoners and may constitute cruel, inhuman or degrading treatment. Barbara Perau-Hofmeier had been in investigative detention since



August 1986. Reportedly, her contact with other prisoners in Essen prison was limited to one hour of exercise a day, taken with prisoners who were only in the prison for a few days before being transferred. A

decision of the Düsseldorf Higher Regional Court of 16 May 1988 had stated that the window of her cell should be covered by a screen to prevent her contacting other prisoners through the window. The decision also prohibited her from participation in church services or any other communal activities apart from exercise.

During the year it was established that Andrea Sievering (see *Amnesty International Reports 1990 and 1991*) had been moved from Stuttgart (sometimes known as Stammheim) prison in September 1990. The German authorities had in the past described Stuttgart prison as unsuitable for the long-term detention of women prisoners.

An Amnesty International delegation comprising a psychiatrist, a forensic neuropathologist and a staff member of Amnesty International's International Secretariat visited Straubing prison in Bavaria in late February and early March. For several years the organization had received allegations that prisoners held at *Haus III*, the psychiatric unit attached to the prison, had been subjected to involuntary medication (see *Amnesty International Report 1988*). The delegation was unable to draw firm conclusions about specific allegations of forcible treatment. It noted, however, that transfer to *Haus III* was reported by many of those interviewed to represent a form of threat used by prison personnel to ensure compliance with prison discipline. The delegation expressed concern that the close link between the prison and the psychiatric facility tended to result in prison objectives being put before patients' needs.

Amnesty International wrote to the Federal Ministry of Justice in August about the alleged virtual isolation of prisoners held under anti-terrorist legislation. The organization asked whether the restrictions on Barbara Perau-Hofmeier remained in force and whether a review of them was planned. No reply to this letter had been received by the end of the year.

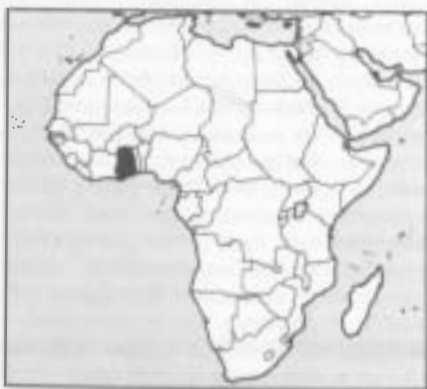
GHANA

Several critics of the government were detained during the year. At least 50 other political detainees, including prisoners of conscience, continued to be held without charge or trial: some had been held for

more than eight years. At least eight people were sentenced to death but no executions were known to have been carried out.

Internal and international pressure for political reform led the ruling Provisional National Defence Council (PNDC), headed by Flight-Lieutenant J.J. Rawlings, to promise elections in 1992 and a return to constitutional rule. However, laws allowing arbitrary detention were not repealed.

Several critics of the government were arrested, including former prisoners of conscience. The police brought charges against some of them, who were subjected to unsubstantiated allegations in the government-owned press. However, none was prosecuted. B.B.D. Asamoah, a former government official and prisoner of conscience, was arrested in May after distributing a leaflet in the capital, Accra, calling for the resignation of the government. He was held until July and charged with sedition and illegal possession of a firearm but then released.



Two leading members of the Movement for Freedom and Justice (MFJ), a human rights organization, were also arrested in May after putting up anti-government posters in Accra. One, Kwesi Pratt, a former prisoner of conscience, was reportedly beaten at the time of his arrest and later at police headquarters. However, he and Augustus Owusu-Gyimah were released two days later, after being charged with possessing seditious documents and assaulting a police officer.

Alhaji Ottman Danfordio, another MFJ activist, was detained in August by plain-clothed men who took him to Osu Castle, the seat of government in Accra. There he was reportedly beaten and had his head

shaved with a broken bottle by soldiers before being released uncharged.

Kwesi Armah, a lawyer and former government minister, and Nana Okutwer Bekoe, a former leader of the ruling party under the previous government, were detained in October by the armed forces. Nana Okutwer Bekoe was released after a few days but Kwesi Armah was held incommunicado and had not been released by the end of 1991. Their detentions followed the publication of an article criticizing members of the previous military government. George Naykene, editor of the *Christian Chronicle* in which the article was published, was also arrested and still held without charge at the end of the year. In December a *habeas corpus* action on behalf of them and other detainees was dismissed on the grounds that the High Court had no jurisdiction. In 1984 the power of the courts to challenge administrative detention was removed by the PNDC.

In December John Ndebugre, opposition leader and a former government minister, was arrested, allegedly for not standing up when the national anthem was played at a rally attended by the head of state. He was reportedly beaten and had his head forcibly shaved. He was acquitted on a charge of failing to show respect for the national flag, but was detained again briefly.

Major Courage Quarshigah and at least five other army and security police officers remained in detention without charge or trial (see *Amnesty International Reports 1990* and *1991*). Agnes Quicoo was also held for most of 1991, apparently solely because her son had escaped after being detained in connection with the same case. She was arrested in June 1990 and held incommunicado until her release, uncharged, in November. Ras Seth Djamah Tei, a businessman arrested in September 1989, apparently in connection with the Quarshigah affair, was released uncharged in August after receiving hospital treatment.

Twenty employees of the Ghana Oil Palm Development Corporation were detained in September following industrial action. The outcome of a *habeas corpus* action on their behalf in October was not known.

A number of businessmen were detained or prosecuted on charges of sabotaging the economy, a capital offence,

apparently because of their criticism of the government or to enable the state to seize their companies or force them to pay large fines. After the prosecution of Dr Kwame Safo-Adu, an opposition leader, and three others had resulted in acquittals, Flight-Lieutenant Rawlings publicly criticized the court decisions and the prosecuting authorities lodged appeals against them in November.

In June Shawky Makarem, a United Kingdom businessman, was arrested on a visit to Ghana and detained without charge for over a month in poor conditions at Police Headquarters in Accra. In September he was charged before the Public Tribunal with sabotage of the economy for allegedly withholding payment in a business transaction and remanded in custody for three weeks. In December he was convicted and sentenced after an unfair trial to 23 years' imprisonment or a fine of over US \$360,000. He was held for more than two weeks until he paid the fine.

At least 50 suspected opponents of the government arrested in previous years, including prisoners of conscience, continued to be held in administrative detention without charge or trial under the 1982 Preventive Custody Law. This permits indefinite incommunicado detention without charge or trial "in the interest of national security". Most of those held were members of the armed forces, many of whom were detained in the mid-1980s.

Jacob Jabuni Yidana, a former chief superintendent of police, was detained throughout 1991. He was reportedly served with an administrative detention order in July 1988 when he was eligible for parole, having served most of an eight-year prison sentence imposed in 1983 after he was convicted of involvement in a coup attempt. His trial was allegedly unfair and the real reason for his imprisonment may have been his involvement in an investigation which implicated members of the government in the murder of three judges and a retired army officer in 1982.

Daniel Opore Sarpong and Emmanuel Sawundi, both army corporals, also remained in detention without charge or trial throughout 1991. They were apparently suspected of involvement in plots to overthrow the government in 1984 and 1985 respectively. William Asiedu and Eric Ossei Yaw, both sergeants in the Forces Reserve Unit, had been detained without

charge or trial since January 1986, also apparently for political reasons.

Richmond Aggrey, detained without charge or trial since May 1990, was released in October. He had been arrested after returning to Ghana from the United States of America and held incommunicado for almost a year. The authorities gave no reasons for his detention.

Andrew Kwame Asare Pianim continued to serve an 18-year prison sentence. He was convicted of involvement in a November 1982 coup attempt, on the basis of what appeared to be inadequate evidence.

Eight people were sentenced to death after trials by Public Tribunals, special courts which may impose death sentences for a wide range of offences, including offences not previously punishable by death or even defined as offences in law. Seven people were sentenced to death for armed robbery (one *in absentia*) and one for murder. No executions were known to have been carried out.

Amnesty International continued to press for the release of prisoners of conscience and for a review of the cases of all other political prisoners. It called for the removal of legislation permitting arbitrary arrest and detention and for an end to the use of the death penalty.

In April an Amnesty International delegation visited Accra and met government officials to discuss human rights. Officials said that concerns about detention without trial and the use of the death penalty would soon be resolved by planned future constitutional changes and moves towards a multi-party political system. However, they provided little specific information. In December Amnesty International published a report, *Ghana: Political imprisonment and the death penalty*, detailing its concerns and recommending measures necessary for the protection of human rights.

GREECE

Some 400 prisoners of conscience, all conscientious objectors to military service, were held. There were numerous allegations of torture and ill-treatment in police custody, in one case reportedly resulting in death, and several from prisons.

Greece ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in August.

There is no alternative civilian service for conscientious objectors to military service and conscientious objectors were imprisoned in their hundreds. All but four known imprisoned conscientious objectors were Jehovah's Witnesses. The majority were serving four-year sentences which they could reduce to about three years in prison by working. By the end of the year some 45 other conscientious objectors who were not Jehovah's Witnesses had publicly declared their opposition to military service but were not imprisoned.



In January Jehovah's Witness minister Daniel Kokkalis was released from prison. He had served his entire sentence (taking into account usual reductions), despite the Council of State's ruling that he was a minister of a recognized religion and should therefore be exempted from military service (see *Amnesty International Reports 1990 and 1991*). In April the Council of State delivered a similar ruling in favour of Jehovah's Witness ministers Timothy Kouloubas and Dimitris Tsirlis. They were released from prison in May after acquittal at their appeal hearings (see *Amnesty International Report 1991*).

There were numerous reports of torture or ill-treatment in police custody and several from prisons. In some cases these allegations appeared to be inadequately investigated. Some alleged victims said that they did not make complaints because they feared that their trials might be affected adversely.

Stileyman Akyar, a criminal suspect, died in hospital in Athens in January,

allegedly after being tortured by members of the Drugs Squad. A post-mortem found multiple injuries all over his body caused by beating. An administrative inquiry reportedly concluded that the police had acted in self-defence. A suit filed by a group of lawyers did not result in a judicial investigation.

Seventeen-year-old Artan Malaj, who was held for two days without access to a lawyer at the General Security building in Athens in May, told the examining magistrate that he had been intimidated and hit by police. However, no medical examination was carried out and no investigation initiated.

In April police in Thebes allegedly punched, beat, kicked and threatened to kill three criminal suspects – Vasilis Makrinitzas, Vasilis Makripoulias and Argyris Kavatas. Vasilis Makrinitzas allegedly lost consciousness after he was beaten with a truncheon on his knee where he had recently had an operation. The three men lodged a complaint against the police. After a local member of parliament complained about the alleged torture the Minister of Public Order ordered an investigation.

There were also allegations of torture or ill-treatment from people detained in connection with violent demonstrations. For example, 17-year-old Stella Evgenikou formally complained that she had been thrown to the ground, beaten with truncheons and kicked all over her body during her arrest by some 10 police officers in July. In the ensuing days she suffered memory loss and nausea and had difficulty breathing and walking. A medical report recorded two fractured ribs. By the end of the year her case was waiting to be heard by the Council of the Criminal Court which would decide whether charges should be brought against the police.

An investigation into Dimitris Voglis' torture allegations (see *Amnesty International Report 1990*) concluded and his case was waiting to be heard by the Council of the Criminal Court.

Seventeen prisoners who were transferred from Larisa Prison to other prisons throughout Greece during February, following a hunger-strike, alleged that they were beaten by guards wearing hoods and armed with chains and truncheons. The public prosecutor initiated an investigation into the allegations but its outcome was

not known by the end of the year.

Amnesty International appealed repeatedly for the release of all imprisoned conscientious objectors and urged the government to introduce alternative civilian service of non-punitive length. It expressed concern about allegations of torture and ill-treatment and called on the authorities to investigate them promptly, thoroughly and impartially and to bring those responsible to justice.

The government informed Amnesty International that it was considering introducing alternative civilian service twice as long as ordinary military service, but by the end of the year it had not taken any steps towards doing so. The authorities responded to only one of Amnesty International's inquiries about alleged torture or ill-treatment. A reply sent in November stated that the Public Prosecutor of Thebes was investigating torture allegations made by Vasilis Makrinitzas, Vasilis Makripoulias and Argyris Kavatas.

GRENADA



Twenty-two people, including 14 former military and government officials in the People's Revolutionary Government (PRG), had their death sentences commuted to life imprisonment. One person was sentenced to death and four people remained under sentence of death at the end of the year. No executions had been carried out since 1978. At least six people were sentenced to be flogged, a cruel, inhuman or degrading punishment.

Grenada acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in September.

In an oral judgment delivered in mid-July, the Grenada Court of Appeal upheld the convictions and death sentences passed

on 14 members of the PRG and People's Revolutionary Army (PRA). They had been sentenced to death in December 1986 for the murder of PRG Prime Minister Maurice Bishop and 10 others in October 1983. The court also upheld long prison terms imposed on three other defendants convicted of manslaughter in the same case.

Maurice Bishop and the other victims had been killed at the PRA headquarters at Fort Rupert in October 1983 following a power-sharing dispute within the Central Committee of the PRG. Ten of the 14 sentenced to death were members of the Central Committee, who had not been present when the killings took place but were found guilty of ordering or instigating them. They included PRG Deputy Prime Minister Bernard Coard, Phyllis Coard and General Hudson Austin, Commander-in-Chief of the PRA. The defendants had refused to participate in the trial proceedings, except to make unsworn statements from the dock denying their involvement in murder. Their appeal against conviction, which began in May 1988, ended in September 1990 with judgment reserved (see *Amnesty International Report 1991*).

In late July, some two weeks after the dismissal of their appeal, Grenadian newspapers reported that a decision had been taken to execute five of the 14, including Bernard Coard. Although the government neither confirmed nor denied the reports, it was feared that the hangings would take place before 1 August – the date on which Grenada was due to return to the Organization of Eastern Caribbean States (OECS) court system (from which the PRG had withdrawn in 1979). A return to this system would restore the right of appeal to the Judicial Committee of the Privy Council in London, the highest court of appeal for many British Commonwealth countries.

On 29 July lawyers for the 14 filed an emergency motion before the Grenada Court of Appeal, seeking a stay of execution until after a complaint submitted to the Inter-American Commission of Human Rights (IACHR) had been considered. They also argued for the appeal to be reheard on various legal grounds. The complaint before the IACHR asserted that execution of the defendants would violate the American Convention on Human Rights, to which Grenada is a State Party, including Article 4 which states that, "In no case shall capital punishment be inflicted for political

offences or related common crimes". The complaint was still pending before the IACHR at the end of the year.

On 30 July, while the hearing of the emergency motion was pending, the Governor General revoked an earlier proclamation setting 1 August as the date for return to the OECS court system. He stated that it was "no longer expedient" to return on that date.

The emergency motion was dismissed by the Court of Appeal on 8 August after a one-day hearing and executions of five of the defendants were again feared to be imminent. On 14 August Prime Minister Nicholas Brathwaite announced that the Mercy Committee had recommended that the Governor General commute the death sentences of all 14 prisoners to life imprisonment. In an address to the nation, the Prime Minister said that the decision had been taken in a spirit of national reconciliation, that there had been enough bloodshed in Grenada, and that there had been "many persons, groups and organizations at home and abroad who pleaded for clemency". He also stated that the Mercy Committee would soon make a similar recommendation on behalf of other prisoners on death row. Two days later it was announced that Grenada had returned to the OECS court system on 15 August. On 27 September, eight other prisoners had their death sentences commuted. At the end of the year four prisoners remained under sentence of death: three whose legal appeals were still pending and one who was in hospital undergoing psychiatric evaluations.

During the year six people convicted in separate cases of sexual offences against children were sentenced to be flogged in addition to prison terms. Previously this punishment had not been imposed for several years.

Amnesty International appealed for clemency to be granted to the 14 PRG and PRA members in July after their appeal was dismissed and again when it was feared that five of them faced imminent execution, as well as to the other people under sentence of death.

In letters to the Prime Minister and the Mercy Committee on 29 July and 6 August, Amnesty International stressed that the resumption of executions in Grenada after 13 years would be a retrograde step for human rights. It expressed concern about the apparent speed with which the

decision to execute some of the prisoners had been taken, contrary to practice in other cases and before the written Court of Appeal judgment had been made available. Amnesty International urged the government, at the very least, to grant a stay of execution until the complaint submitted to the IACHR had been considered.

The organization also raised a number of concerns about the trial of the 14 which provided strong additional grounds for clemency. These included evidence suggesting bias on the part of members of the trial jury, and the conditions in which a number of the defendants were held following their arrest in October and November 1983. Several of the defendants had signed confession statements after being held in oppressive conditions and denied access to legal counsel for several weeks; some alleged also that they had been ill-treated during interrogation.

An Amnesty International delegation visited Grenada in early August and met the Prime Minister to present its concerns about the possible resumption of executions in Grenada.

Amnesty International warmly welcomed the decision to commute the death sentences. Amnesty International said that this was a valuable measure in promoting respect for human rights in Grenada and in the region, in keeping with international human rights standards and world progress toward elimination of the death penalty.

In December Amnesty International wrote to the Attorney General to express concern about the reintroduction of flogging as a punishment, pointing out that this was contrary to international standards prohibiting cruel, inhuman or degrading treatment or punishment.

GUATEMALA

Hundreds of people were alleged to have been extrajudicially executed by the security forces and their civilian agents. Scores of others "disappeared". The victims included indigenous people, human rights activists, trade unionists, street children and a police officer investigating human rights abuses. Members of popular movements, journalists and others were increasingly subjected to death threats

and harassment: several were abducted and tortured by unidentified armed men believed to belong to the security forces. Police officers were reported to have tortured or ill-treated criminal suspects and street children.

President Jorge Serrano Elías took office in mid-January 1991 and pledged to ensure the protection of human rights. However, extrajudicial executions, "disappearances", abductions and death threats continued.

Talks between the government and representatives of the armed opposition coalition *Unidad Revolucionaria Nacional Guatemalteca* (URNG), Guatemalan National Revolutionary Unity, opened in April but broke down in late October over human rights issues.



Despite the United Nations (UN) observed peace talks, armed conflict escalated. As in previous years, the army's counter-insurgency tactics included aerial bombings and attacks on *Comunidades de Población en Resistencia* (CPR), Communities of People in Resistance, in which scores of civilians were injured. The CPRs are communities which, having fled the army's counter-insurgency campaigns in the early 1980s, do not wish to return to areas under army control. A multi-party commission, including church members, the official Human Rights Attorney and several non-governmental organizations, was formed in early 1991 to investigate the situation of the CPRs.

In May the Human Rights Attorney announced the creation of an Investigatory Commission on the "Disappeared", to investigate "disappearances" under previous governments. Following pressure from the *Grupo de Apoyo Mutuo por el Aparecimiento con Vida de Nuestros Familiares* (GAM), Mutual Support Group for the Appearance of Our Relatives Alive, the Congressional Commission on Human Rights introduced a draft law proposing the creation of a national commission to

investigate "disappearances", which would include representatives of local human rights organizations. It had not become law by the end of 1991.

In June eight Guatemalan peasants initiated legal proceedings in the United States of America (USA) against former Minister of Defence Héctor Gramajo for the alleged extrajudicial execution by the army of 21 villagers in El Aguacate in 1988. Diana Ortiz, a US nun who had been abducted, raped and tortured in 1989, filed a further suit in the USA against General Gramajo (see *Amnesty International Report 1990*).

Human rights activists, trade unionists, students and members of popular movements were among the victims of widespread human rights violations by military personnel and their civilian agents. Other victims included indigenous villagers who refused to serve in the ostensibly voluntary civil patrols, people pressing for inquiries into past human rights violations, journalists and lawyers.

Some victims were shot dead or seized by security force personnel, either in uniform or in plain clothes in the guise of "death squads". Others were killed or seized by civil patrols, operating under military control. Some of the people seized "disappeared"; others were interrogated, ill-treated or tortured, then released.

The vast majority of human rights violations were not investigated and went unpunished, although in a number of cases the government announced arrests and criminal proceedings. In April, four policemen were convicted of the murder of 13-year-old Nahamán Carmona López (see *Amnesty International Report 1991*). However, the convictions were overturned on technical grounds in July and a retrial ordered. By the end of the year no retrial had taken place. Two policemen found guilty of murdering 13-year-old Marvin de la Cruz Melgar in May 1990 were given three-year suspended sentences and released on bail pending appeal.

Cases where there is evidence of military involvement are referred to military courts. In the few cases investigated by the military courts investigations and proceedings appeared to be irregular or incomplete. In October the commander and a sergeant of the Panabaj military detachment in Santiago Atitlán were sentenced to four and 16 years' imprisonment respectively for killing 13 T'zutuhil indigenous

people and wounding about 27 others in December 1990. However, the army investigation reportedly failed to interview witnesses or conduct a prompt on-site investigation, and witnesses and survivors said that more than two soldiers had carried out the killings. The testimonies of several witnesses and survivors were not admitted in court. In other cases, such as the killing of US citizen Michael Devine in 1990 and the killing of 11 people in the department of Escuintla in August 1991, the officers accused were released on grounds of lack of evidence. The Appeal Court, however, later ordered the proceedings against those implicated in the Escuintla killings to reopen.

During 1991 abuses continued against members of the *Consejo de Comunidades Etnicas "Runujel Junam"* (CERJ), Council of Ethnic Communities "We are all Equal", an organization working for indigenous peoples' rights. In February two indigenous members of CERJ from Chunimá, El Quiché Department – Juan Perebal Xirum and his son Manuel Perebal Morales – were shot dead by members of a civil patrol. Diego Perebal León, another son of Juan Perebal, was seriously wounded in the attack. He and his half-brother Manuel Perebal were witnesses of the abduction in October 1990 of Sebastián Velásquez Mejía, a CERJ and GAM member later found dead. A warrant had been issued in January 1991 against a civil patrol chief allegedly involved in the killing of Sebastián Velásquez, but he was not arrested. The attack on Juan Perebal and his sons was reportedly carried out by the same man. Several warrants were then issued for his arrest and that of another civil patroller. However, the two men were arrested only in late July, when the Inter-American Court of Human Rights, at the request of the Inter-American Commission on Human Rights, asked the government to take measures to ensure the safety of Diego Perebal León, CERJ president Amílcar Méndez, a judge and several Chunimá villagers threatened by the Chunimá civil patrol.

At least three more CERJ members and the 18-year-old son of another were reportedly extrajudicially executed during the year. Another CERJ sympathizer, Santos Toj Reynoso, was abducted in June by armed men believed to be linked to the security forces. He then "disappeared". CERJ president Amílcar Méndez was himself the

victim of an abduction attempt in April and received repeated death threats throughout the year.

A renewed wave of human rights violations was directed at trade unionists and members of popular movements. Many were killed or abducted; others went into exile after being subjected to harassment and death threats. The choice of victim and the manner of the abuses suggested they were carried out by official security forces in the guise of "death squads". Dinora Pérez Valdez, a member of the board of the *Fundación de Proyectos del Area Rural para Guatemala* (FUNDAGUA), Rural Projects Foundation for Guatemala, and member of the *Movimiento Político Guatemala Unida*, Political Movement for a United Guatemala, was shot dead by two armed men on a motor cycle in Guatemala City in April. FUNDAGUA offices were closed following threats to its staff, and many went into exile. Eva Gálvez, a member of the *Asociación de Representantes de Venta*, Association of Sales Representatives, was abducted by unidentified armed men in July, interrogated, sexually abused, then released after a few hours. She had received repeated death threats before her abduction. Other trade union leaders, including Sergio Guzmán and Byron Morales of the *Unión Sindical de Trabajadores de Guatemala* (UNSTRAGUA), National Union of Guatemalan Workers, received frequent death threats.

In August a member of the *Sindicato de Trabajadores del Instituto Nacional de Electricidad* (STINDE), electrical workers' union, and two students at the University of San Carlos, members of the *Asociación de Estudiantes Universitarios* (AEU), University Students' Association, were shot dead in Guatemala City. Both the AEU and STINDE had reported receiving repeated death threats.

Street children and those working on their behalf continued to be the victims of abuses. Very few of the perpetrators were punished, even though by the end of 1991 over 60 criminal suits were pending against National Police officers or private police agents for beatings, torture and killings of street children. At least two children were reported to have been extrajudicially executed in Guatemala City by private police agents operating under licence from the Ministry of the Interior during 1991. One, Francisco Chacón, was

shot dead in April by two private police agents who had allegedly threatened previously to kill him. In July four unidentified gunmen opened fire on a centre for street children in Guatemala City, shouting threats against staff and children. Throughout the year reports were received of street children in Guatemala City being beaten by National Police and private police agents.

In August José Miguel Mérida Escobar, head of the homicide section of the *Departamento de Investigaciones Criminológicas* (DIC), Department of Criminal Investigations, of the National Police, was shot dead in front of his family only metres away from the National Police Headquarters. He was in charge of the investigation into the killing of anthropologist Myrna Mack Chang in 1990 (see *Amnesty International Report 1991*) and had reportedly uncovered evidence of army responsibility. He had reported receiving threats and being under surveillance. The National Police later claimed that they had arrested a former police agent in connection with the killing, which they alleged was motivated by a personal vendetta.

Legal proceedings were initiated in connection with the killing of Myrna Mack Chang. Former President Vinicio Cerezo, a former Minister of the Interior and a former police chief testified in court. In December the officer of the Security Division of the Presidential Military Guard named as responsible for her killing was deported to Guatemala from the USA, where he had gone a year earlier. Two judicial officials working on the case as well as two journalists covering it reportedly received death threats in December.

In June a Mexican peasant was abducted by Guatemalan soldiers who entered Mexican territory (see Mexico entry). He "disappeared" and no investigation appeared to have been carried out by either government.

Successive governments failed to investigate secret mass graves containing some of the bodies of thousands of victims of extrajudicial executions and "disappearances" in the early 1980s. The only exhumations known to have been carried out during 1991 were the result of pressure by human rights activists and relatives of the dead, who were themselves subjected to death threats and harassment. In July and August an exhumation of a clandestine burial site was carried out in the village of

Chontalá, El Quiché department. Relatives of those buried in the clandestine grave, as well as members of the *Coordinadora Nacional de Viudas de Guatemala* (CONAVIGUA), National Coordination of Guatemalan Widows, GAM members and members of the exhumation team, received repeated death threats reportedly from the area civil patrol, which opposed the exhumation. By the end of the year 27 bodies had been recovered from that site. CONAVIGUA and GAM members reported many other death threats throughout the year.

Judges and lawyers were among the victims of reported human rights violations. Former judge Roberto Lemus Garza, who worked as a lawyer on human rights cases, reported receiving repeated anonymous death threats, as did other judicial officers and lawyers in various parts of the country.

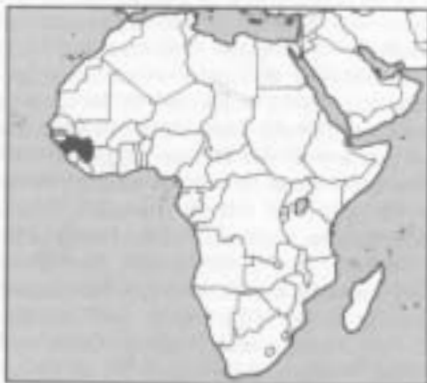
Journalists were also the target of death threats and harassment. In February Hugo Arce, a prominent critic of the government, was arrested by the National Police. He was released several days later, but continued to receive death threats. In July, three journalists reported receiving threatening telephone calls warning them not to report on several cases of human rights violations, and in August a bomb was found in a building housing several foreign news agencies in Guatemala City. At least four other foreign journalists left the country after reportedly receiving death threats.

Torture was reportedly used by members of the National Police against criminal suspects. Three men accused in August of the murder of nine people, including the two AEU students and the STINDE trade unionist killed in July, claimed they had been tortured and intimidated. They appeared scarred and bruised in photographs published in the national press. In October the head of the National Police resigned over the issue.

Throughout the year Amnesty International repeatedly called on the government to investigate the many reported incidents of human rights violations and to bring those responsible to justice.

In oral statements to the UN Commission on Human Rights in February, Amnesty International included reference to its concerns in Guatemala. The organization also submitted a written statement summarizing its concerns about human rights violations and the government's failure to end the abuses.

GUINEA



Dozens of supporters of an opposition organization and some trade unionists, including possible prisoners of conscience, were arrested during the year. At least three demonstrators were killed by police in October. New information emerged about 63 people who "disappeared" in custody in the mid-1980s.

Following a referendum at the end of 1990 which endorsed a new constitution to end military rule, the military government was officially dissolved on 16 January. It was replaced by a transitional government, the *Conseil transitoire de redressement national* (CTRN), Transitional Council for National Regeneration, whose members, mostly members of the outgoing government, were appointed by President Lansana Conté. Under the new Constitution the government is empowered to limit the number of political parties and defer elections for up to five years. However, in October the authorities announced that a law permitting political parties would be introduced in April 1992 to prepare the way for national elections in the following 12 months, and it appeared that an unlimited number of political parties would be allowed.

Despite this, dozens of people were arrested for supporting the *Rassemblement du peuple guinéen* (RPG), Guinean People's Rally, an opposition organization. Five RPG members were briefly detained in May for organizing a public meeting at which the RPG's Secretary General, Alpha Condé, who had just returned from more than 30 years abroad, was due to speak. The meeting was forcibly dispersed by the security forces

and a journalist and press photographer were also briefly detained.

About 60 other RPG supporters were arrested in June at Alpha Condé's house in Conakry. Most were held only briefly, but Alpha Condé's brother, Malick Condé, and nine others were tried at the end of the month. Malick Condé was charged with illegal possession of arms and the others with harbouring criminals, destroying public property and failing to obey orders. Malick Condé was fined but the others were all acquitted.

Togba Traoré, who had been briefly detained in 1989 for supporting the RPG, was rearrested twice and held for a few days.

In October seven workers from Kamsar were sentenced to terms of imprisonment for hindering freedom to work after they tried to organize a strike. They had already been held for two months awaiting trial and were released pending the outcome of an appeal.

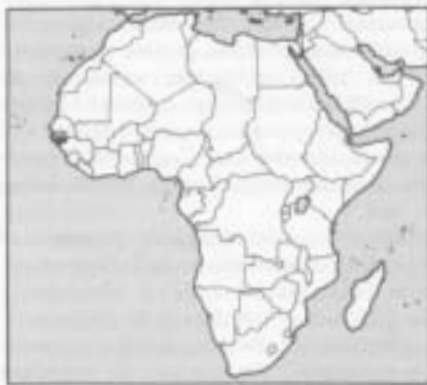
At least three demonstrators, possibly as many as seven, died in October when a Pro-democracy march in Kankan was forcibly broken up by the police. The government issued a warning against further political meetings in public, and later stated that it would investigate the killings. There was no further news about an inquiry which the government said it would establish into the killings of at least five students in late 1990 (see *Amnesty International Report 1991*).

New information emerged about people arrested in 1984 and 1985 who "disappeared" in custody (see *Amnesty International Report 1989*). Former prisoners provided details about secret extrajudicial executions in July and August 1985. Thirty-nine prisoners were reported to have been executed in July 1985. Six others, including former government minister Kabassan Keita, an army commander at the time of his arrest, were reportedly executed on 19 August 1985 after they had been told they were to be released. Several others died as a result of torture. A year after their executions, the prisoners were sentenced to terms of imprisonment or death in secret trials held between July and September 1986.

In December Amnesty International published a report, *Republic of Guinea: Amnesty International's concerns since April 1984*, which detailed human rights

violations under the government of General Lansana Conté. The report urged the new government to take steps to promote the rule of law and prevent violations of human rights by reviewing trial procedures before the State Security Court, safeguards against arbitrary arrest and detention, torture and ill-treatment. Amnesty International reiterated its call for an independent investigation into all cases of "disappearance" and deaths in custody.

GUINEA-BISSAU



Several supporters of opposition political parties were briefly detained, apparently as prisoners of conscience, and several were harassed. Four political prisoners who had officially been released under an amnesty in January 1990 did not leave the island where they had been confined until September 1991.

The Constitution was partially amended in May to introduce a multi-party political system and increase protection of fundamental rights and freedoms. Laws permitting greater press freedom and the formation of political parties and independent trades unions were passed. At least five political parties were formed.

Despite these changes, critics and opponents of the government faced official obstruction and harassment when exercising these newly recognized rights, and in some cases were arrested. Advocates of reform within the ruling *Partido Africano de Independência da Guiné e Cabo Verde* (PAIGC), African Party for the Independence of Guinea and Cape Verde, alleged that they were threatened with unspecified punishment by senior officials.

Those detained for short periods included João Guilherme Furtado. He was detained until late January following his arrest in December 1990 when he collected a package of documents from the *Resistência da Guiné-Bissau-Movimento Bafatá* (RGB-MB), Guinea-Bissau Resistance-Bafata Movement, an opposition group based abroad. No charges were brought but he was required to report regularly to the police station for a short period after his release.

Several people seeking to register new political parties were also briefly detained. Among them were two RGB-MB members. They were arrested in July while collecting signatures to comply with legislation requiring new political parties to produce at least 2,000 supporters' signatures to obtain official registration. Caetano Mendes Pereira was reportedly beaten at the time of his arrest. He and José Carlos Baldé were both held for several days before being released.

Others detained included supporters of the *Frente Democrática* (FD), Democratic Front. Three were held for a few days in May and four others briefly in September, in both cases after reportedly peaceful demonstrations. Four other FD members were arrested in November. They were beaten and detained for a short period for trying to recruit workers in the fishing industry.

Four political prisoners sentenced after an unfair trial in 1986 (see *Amnesty International Report 1987*) remained on Enu, the island where they had served their sentences, until September: the government had announced their release in an amnesty in January 1990. Apparently the authorities did not provide them with transport and they had no other means of returning to the mainland. They had initially been sentenced to death but their sentences were later commuted to prison terms. Colonel Buota Nam Batcha, who had been sentenced at the same trial and was subsequently rumoured to have died, also returned to Bissau from the island where he had been held. However, those released confirmed that another prisoner, Nfono Tchuda Nalagna, had died in custody in 1987 apparently as a result of poor conditions (see *Amnesty International Report 1991*).

Other information received in 1991 confirmed that Iafai Camara, the head of

the armed forces, had been released uncharged in November 1990 shortly after being put under house arrest for allegedly supplying arms to separatist rebels in the Casamance area of neighbouring Senegal (see *Amnesty International Report 1991*).

In July Amnesty International published a report, *Guinea-Bissau: Human Rights Guarantees in the New Constitution*. This contained the text of a memorandum which the organization had submitted to the government in May. It recommended additional human rights safeguards for incorporation into the amended Constitution, and called for the abolition of the death penalty. The government did not respond to either the memorandum or the report, nor to most of Amnesty International's inquiries about arrests of opposition party supporters.

GUYANA



Several people were reportedly tortured or ill-treated in police custody. A human rights worker was reportedly kidnapped briefly and threatened by unidentified men. At least four people were sentenced to death for murder and around 22 people were under sentence of death at the end of the year. However, no executions were carried out.

General elections, due to take place before the end of the year, were postponed because of concern that the voters' list was seriously flawed. The elections and the drawing up of a new electoral register were being monitored by the Carter Center (an organization headed by former United States president Jimmy Carter) at the invitation of the government.

There were a number of reports of

torture or ill-treatment by the police. Two male teenagers arrested at a party were allegedly beaten with bull-whips and subjected to electric shocks while held on 16 and 17 June at Vigilance police station. In another case, two men alleged that they were beaten by police at Providence station on 19 July; they had been taken into custody after the car in which they were passengers was stopped by the police. One alleged that he was beaten with a cricket bat after being forced to strip to his under-shorts. Their lawyer reported seeing injuries on both men while they were in custody and said that the police refused his request for the men to receive medical attention. Both men were released on 20 July after the lawyer appealed to the Divisional Commander. The Commissioner of Police was reported to be investigating both incidents, the results of which were not known at the end of the year.

In August a 17-year-old inmate of a reform school run by the Guyana National Service (GNS) was allegedly beaten severely on the buttocks with a hose-pipe. He was then locked in a cell for six days. The outcome of an investigation reportedly being held into these allegations was not known at the end of the year.

On 23 October an executive member of the Guyana Human Rights Association (GHRA), Shirley Howells, was reportedly seized by two masked men in a car with no number plates near the town of Linden. According to her statement, she lost consciousness briefly when a rag was placed over her face; she was then threatened with a knife and questioned about her connections with Guyanese Action for Reform and Democracy (GUARD), a political reform movement supported by her husband. They also allegedly questioned her about a recent meeting between the GHRA and members of the Carter Center. Some three weeks later there were two attempted break-ins at Shirley Howells' home and several threatening notes were left on the premises. The police were investigating the incidents, but the results were not known at the end of the year.

No executions were carried out during the year. This contrasted with previous years when there had been an increase in executions following a 15-year moratorium which ended in 1985 (see *Amnesty International Report 1991*).

The trial was still pending in the case of

six people charged with treason, which carries a mandatory death penalty on conviction (see *Amnesty International Report 1991*).

In January Amnesty International wrote to President Desmond Hoyte expressing concern that trials of prisoners sentenced to death appeared to have fallen short of international standards for fair trial. Amnesty International noted that many convictions were based solely on uncorroborated confessions which the accused alleged they had signed as a result of being beaten, threatened or subjected to other forms of duress. Amnesty International said that, in cases it had examined, suspects accused of capital crimes were routinely held incommunicado for prolonged periods in police custody and subjected to various forms of ill-treatment and duress, including being denied food and drink. In one case, a suspect's entire family was held in custody until a confession was signed.

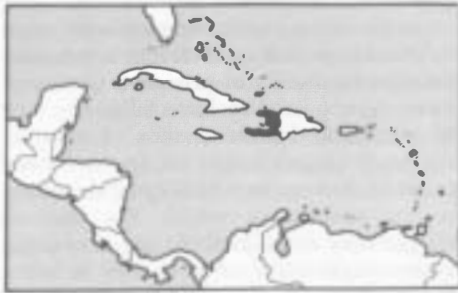
Amnesty International pointed out that international standards require that capital punishment be imposed only after a legal process which gives all possible safeguards to ensure a fair trial, and that statements obtained as a result of ill-treatment must never be used as evidence against a defendant.

Amnesty International urged the government to take steps to abolish the death penalty. Pending this, Amnesty International urged that international standards be observed in capital cases and that all existing death sentences be commuted.

Amnesty International expressed concern to the government about the allegations of ill-treatment of suspects at Vigilance and Providence police stations and of a youth at the GNS reform school. It urged that each of the incidents be thoroughly investigated and that those found responsible be brought to justice.

Amnesty International wrote to President Hoyte about the alleged kidnapping of Shirley Howells, urging that the perpetrators be brought to justice.

HAITI



At least 20 political prisoners detained by the government of President Jean-Bertrand Aristide were held for up to seven months without charge or trial; other political prisoners apparently received unfair trials. Five people were apparently summarily executed in July. Following a violent military coup in September, security forces shot and killed hundreds of unarmed civilians. More than 300 people, including many prisoners of conscience, were arrested arbitrarily, and many of them were detained without charge for longer than the constitutional maximum of 48 hours. Many detainees were tortured or ill-treated. Prison conditions continued to be harsh.

In January Roger Lafontant, a prominent member of deposed President Jean-Claude Duvalier's government and the former head of the armed civilian militia known as the *tontons macoutes*, led an attempt to overthrow the government by force. He and his accomplices intended to prevent Father Jean-Bertrand Aristide, who had been elected President in December 1990, from taking office. The coup attempt failed, but about 30 people were reportedly killed in the ensuing wave of violence.

President Aristide took office in February. His government initiated some prosecutions against those responsible for human rights violations under previous governments. In March a landowner was arrested in connection with the 1987 killing of more than 200 peasants at Jean-Rabel by people who were acting on behalf of local landowners and were believed to include members of the *tontons macoutes* (see *Amnesty International Report 1988*). Two other people implicated in the same killings were arrested in April. In April Elysée Jean-François was convicted of

murder in connection with the 1988 St Jean Bosco Church killings (see *Amnesty International Report 1989*) and sentenced to life imprisonment with forced labour. He was released after the September coup. *Chefs de section* (rural police chiefs), notorious for human rights abuses under past governments, were instructed to turn in their weapons and were placed under civilian authority in April. Some of those known to have committed the worst human rights abuses were dismissed. In August the government set up a commission of human rights workers and politicians to investigate human rights abuses committed between 1986 and 1990.

On several occasions crowds attacked or threatened suspected political opponents of President Aristide leading to violent incidents in which a number of people died. In August, for instance, a senator thought to support a proposed motion of no confidence in the government was attacked and beaten. President Aristide appeared to condone several such incidents.

On 29 September a military coup overthrew the democratically elected government of Haiti. President Aristide was deposed and went into exile in Venezuela. In October Supreme Court judge Joseph Nerette was appointed provisional president; Jean-Jacques Honorat, Executive Director of the *Centre haïtien des droits et libertés publiques* (CHADEL), Haitian Human Rights Centre, became provisional prime minister. The coup was condemned by the United Nations (UN) General Assembly and other international bodies. The Organization of American States (OAS) mediated in negotiations between the new authorities and deposed President Aristide, who was still in exile at the end of the year.

In December the *de facto* authorities granted an amnesty to all those "arrested, prosecuted, tried or convicted for political crimes committed between 16 December 1990 and 27 September 1991". Many of those covered by the amnesty had been convicted of committing serious human rights violations and had reportedly been released immediately after the coup.

In February Haiti acceded to the International Covenant on Civil and Political Rights.

During President Aristide's administration more than 20 people accused of plotting against the security of the state were

held for prolonged periods without charge or trial. At least two of them, Major Isidore Pongnon and Anthony Virginie St-Pierre, were former government officials allegedly involved in past human rights abuses.

Roger Lafontant and 21 others charged with crimes against state security following the failed January coup attempt were tried and convicted in July. Their lawyers were refused access to them before the trial, thereby infringing their right to have adequate time and facilities for the preparation of their defence. Roger Lafontant was sentenced to life imprisonment with forced labour, although the Penal Code stipulates a maximum sentence of 15 years' imprisonment for such an offence. He was shot and killed inside the National Penitentiary on 30 September in circumstances which remain unclear.

At least 21 men deported from the United States of America after completing prison sentences there were arrested upon arrival in Haiti early in 1991 and held for several months without any apparent legal basis at the National Penitentiary.

Ill-treatment by the security forces decreased after February but continued to be reported. In May lawyer Monique Brisson was beaten by a prison officer at the National Penitentiary when she presented a court order for the release of a client. According to her testimony, the officer refused to release the prisoner, then slapped Monique Brisson and hit her with a metal object on the head, causing her to bleed profusely. She was locked in a cell for several hours and denied medical treatment.

Five people were apparently summarily executed in July. Stevenson Desrosiers, an 18-year-old student, was shot dead by a police officer identified by eye-witnesses as the chief of the *Service d'investigation et de recherches anti-gang*, Anti-Gang Investigation Service. Four witnesses to the shooting, Jacques Nélio and three teenagers who had been in Stevenson Desrosiers' car, were taken away in a police vehicle. Their bodies were found at the General Hospital morgue the following day, riddled with shotgun wounds and bearing signs of ill-treatment. The police claimed that the young men were criminals killed while resisting arrest. One police lieutenant was arrested and the chief of the Anti-Gang Investigation Service was suspended during an investigation which had not been

completed by the time of the coup.

The days immediately following the 29 September coup were marked by violent repression, particularly in impoverished communities where support for President Aristide had been strongest. Many people were killed by soldiers in circumstances suggesting they had been extrajudicially executed. Soldiers deliberately opened fire into crowds, killing and wounding hundreds of people, including children, sometimes in the course of demonstrations against the coup. In Gonaïves, Artibonite department, six people were shot dead by the security forces after demonstrators set up barricades in the city. After a soldier was killed by a crowd in Lamentin 54, Port-au-Prince, soldiers reportedly raided private homes and shot more than 30 unarmed people dead, then forced relatives and other local people to bury the bodies.

Jacques Gary Siméon, known as Jacky Caraïbe, a journalist and director of Radio Caraïbe, was seized on 30 September by a group of soldiers who arrived at his home and beat him severely in the presence of his family. The soldiers took him to an unknown destination. His bullet-riddled body was later found in the Delmas 31 district of Port-au-Prince, bearing the marks of severe torture.

In the aftermath of the coup over 300 people, including many prisoners of conscience, were arbitrarily arrested by the military. They were often held without charge for longer than the 48 hours laid down by the Constitution before being released.

There were widespread reports of torture by members of the armed forces, including severe beatings and the use of the technique known as the *djak* – a baton is wedged under the thighs and over the arms of the victim who is then beaten repeatedly. Many torture victims who sustained serious injuries were repeatedly refused medical attention.

On 7 October Evans Paul, the mayor of Port-au-Prince and a prominent supporter of President Aristide, was arrested at the airport by about 20 soldiers. He was on his way to meet OAS representatives, and was then scheduled to travel to Venezuela for talks with the ousted President. Before his arrest, Evans Paul had reportedly received assurances of safety from General Raoul Cédras, commander-in-chief of the armed forces. Evans Paul was severely beaten and

otherwise ill-treated in custody. He suffered fractured ribs, a back injury, eye damage and severe burns. He was released late in the evening of 7 October and subsequently went into hiding.

In October soldiers arrested Aldajuste Pierre, the leader of a rural cooperative and a member of the *Mouvement paysan de Papaye* (MPP), Papaye Peasant Movement. He was reportedly accused of possessing a clandestine newspaper, and was severely beaten before being transferred to a military hospital in Hinche, where he remained in custody. At least two other MPP members were also briefly detained, apparently for their membership of that organization.

In November about 20 street children, aged between 10 and 15 years, were arrested and detained at the National Penitentiary. They were apparently held because they came from *Lafanmi Selavi*, the orphanage founded by President Aristide. They had reportedly been released by the end of the year.

On 12 November uniformed policemen and men in civilian clothes broke up an apparently peaceful student demonstration in support of the return of President Aristide, at the National University. According to their testimonies, many students were attacked with sticks and rifle butts. More than 100 students and eight journalists were arrested, and taken in army vehicles to the Anti-Gang Investigation Service and to the National Penitentiary, where they were again severely beaten. One student, Marie-Claude Paul, suffered a broken arm. About 30 students remained in detention without charge at the end of the year.

At least one person reportedly "disappeared" in military custody. In November a military street patrol in Port-au-Prince discovered Adelin Télémaque writing a pro-Aristide political slogan on a wall. The soldiers beat him severely in front of witnesses before taking him away. The military later denied holding Adelin Télémaque, and his fate and whereabouts remained unknown.

Conditions at the National Penitentiary, Saint-Marc, Gonaïves, Cap Haïtien and other detention centres were harsh throughout the year. Beatings and other ill-treatment were frequently reported. Many inmates suffered from malnutrition and lack of medical treatment. Boys aged between 11 and 17 were held with adults at the National Penitentiary and Cap Haï-

tien prison, sometimes for several months. In June, following a prisoners' protest at the National Penitentiary, the government promised to end prison beatings and to establish a permanent commission to examine prison conditions.

In May Amnesty International delegates visited Haiti, met human rights organizations and individuals, and presented the organization's concerns to the government. In October and November Amnesty International wrote to the new Haitian authorities to communicate its concerns in the aftermath of the coup. No response was received.

In February in an oral statement to the UN Commission on Human Rights, Amnesty International welcomed the Commission's decision in 1990 to give increased scrutiny to the human rights situation in Haiti.

HONDURAS



Campesinos (peasants) arrested in the context of land conflicts were among many political detainees allegedly tortured under police or army interrogation. Five unarmed *campesinos* involved in a land dispute were shot dead in May by members of the military in Atlántida, in circumstances suggesting they had been extrajudicially executed. An army colonel and a captain were prosecuted for the murder of a student. There were at least three other apparently politically motivated killings in circumstances suggesting the collusion of the security forces. An amnesty law introduced in July further obstructed investigations into past extrajudicial executions and "disappearances". Despite government pledges, few steps were taken to clarify the fate of the "disappeared".

The exiled leaders of several armed

opposition groups returned in January, after President Rafael Leonardo Callejas guaranteed their safety in exchange for a commitment to abandon armed struggle. Most armed opposition groups made this commitment and formed a coalition political party in March. The *Frente Patriótico Morazanista* (FPM), Morazanist Patriotic Front, did not join in these moves; it claimed responsibility for a bomb attack on a United Nations office in Tegucigalpa in July and for the killing of a right-wing student leader in October.

A law introduced in July granted a "broad and unconditional amnesty" to those prosecuted or liable to prosecution for certain political crimes or common crimes linked to them, including murder, torture and unlawful arrest committed by police and military personnel. The amnesty law created an additional barrier to investigation and prosecution of past human rights violations and reinforced the sense that such abuses could continue to be committed with impunity.

Thirteen detainees accused of arms trafficking in 1989 and 1990 were released following the amnesty decree. The evidence against them had been based largely on statements obtained under torture. Some had been denied access to legal counsel for several months. Scores of *campesinos* imprisoned for land invasions were also released.

Violent police and military actions aimed at ending land occupations by landless *campesinos* often resulted in the arrest and torture or ill-treatment of those forcibly evicted. Other detainees arrested in connection with "terrorist" offences also alleged they were tortured while under police or army interrogation. Torture was facilitated by the holding of suspects beyond the 24 hours permitted by law without being brought before a judge. Some of the detainees were interrogated in military bases by personnel without law-enforcement responsibilities. The effective use of *habeas corpus* was limited because members of the security forces frequently refused to comply with the judges' orders and the judiciary failed to punish those responsible for unlawful arrests.

Two *campesinos* were reportedly beaten in January when police removed around 300 *campesinos* occupying land in El Quebracho, Comayagua. Angel María Bonilla Donaires, a member of the *Confederación*

Nacional de Trabajadores del Campo (CNTC), National Confederation of Rural Workers, was arrested in February during a land eviction by police in Comayagua. He alleged that he was beaten savagely with a rifle butt, kicked and forced to kneel on an anthill.

Brothers Victor Manuel and José Leonidas Ramírez, arrested by police and military in February and accused of being members of the armed opposition group *Cinchoneros*, stated that they were beaten and kicked in the ribs on arrest, then held blindfolded and incommunicado for three days without food or water by the *Dirección Nacional de Investigaciones* (DNI), the investigative branch of the *Fuerza de Seguridad Pública* (FUSEP), the Public Security Force, in Danlí, El Paraíso. Only on the fourth day of their detention were relatives and the lawyer dealing with the *habeas corpus* petition allowed to visit them, and on the same day they were taken before a judge. Victor Manuel Ramírez sustained two fractured ribs and a broken tooth.

Torture was also used against criminal suspects. In June, a week after the head of the FUSEP announced that torture was prohibited in criminal investigation procedures, FUSEP agents arrested José Armando Andino Lobo, a public health ministry employee, in Tegucigalpa's Barrio Morazán. Accusing him of a petty crime, FUSEP agents reportedly kicked him in the face, beat him with cudgels and threatened to disfigure his face. He was released the following day, but warned not to report what had happened to him.

Five unarmed *campesinos* of the El Caral cooperative in Agua Caliente, department of Atlántida, were shot dead and seven others injured during a dawn attack on the cooperative by military personnel on 3 May. The massacre was allegedly ordered by a local army colonel who disputed the *campesinos'* ownership of the land. Sixty-year-old Felipe Huete Pedrano tried to negotiate with the attackers but was shot dead with a round of machine-gun fire. His son, Ciriaco Huete Castro, was shot and killed when he went to help him. Two commissions, one military and one within the National Congress, were appointed to investigate the incident. The colonel was subsequently detained and proceedings against him were initiated in a military court. Human rights groups

challenged the constitutionality of military jurisdiction in this case, but their appeal had not been resolved by the Supreme Court at the end of the year. Four people, including two minors aged 16 and 17, were also arrested in connection with the killings. The two youths claimed they were tortured by the FUSEP in La Ceiba to make them confess to involvement in the killings. Trial proceedings against the four accused were continuing in a civilian court at the end of the year.

A claim of military jurisdiction also obstructed investigations into the killing of 17-year-old student Riccy Mabel Martínez. On 13 July Riccy Martínez went to visit her boyfriend, who had been forcibly recruited by the First Communications Battalion in El Ocotal. She was refused permission to visit by a colonel and she was last seen being driven away from the barracks in a military truck. Her mutilated body was found on 15 July in Barrio Chile, Tegucigalpa, with signs of having been raped and beaten. On 19 July a low-ranking soldier confessed to the crime before a criminal court, but retracted his confession two days later, claiming he had been coerced by the DNI to confess. The court issued a warrant for the arrest of the colonel and a captain from the First Communications Battalion. The police, however, refused to carry out the arrest stating that the matter should be handled by a military court, which also issued an arrest warrant for the two suspects. Only after the colonel and captain were honourably discharged in September were they taken before a civilian court. Proceedings had not concluded by the end of the year and further forensic evidence was due to be presented to the court.

Two recently returned political exiles were killed in disputed circumstances. Carlos Alvarenga, a former leader of an armed opposition group, was murdered in Olancho in March. In July human rights worker Marco Tulio López was shot dead in Tegucigalpa. Official investigations attributed both killings to personal feuds, but family members alleged that circumstantial evidence pointing to the involvement of the security forces had not been thoroughly investigated.

Indigenous leader Vicente Matute Cruz, president of the *Federación de Tribus Xicaques de Yoro* (FETRIXY), Federation of Xicaques Tribes of Yoro, and his colleague Francisco Guevara, were shot dead in

September in Plan Grande, Yoro, by armed men believed to be at the service of local landowners. Vicente Matute had received death threats from the landowners after declaring publicly in May that civilians, members of the military and government personnel had unlawfully seized land belonging to indigenous communities. President Callejas expressed sorrow at the murder and ordered an investigation. Victor Matute was reportedly the ninth FETRIXY leader to have been murdered since 1987; none of those responsible had been brought to justice.

In August the Procurator General published a report compiled in 1984 by an Armed Forces Special Military Commission mandated to investigate the fate of over 100 people alleged to have "disappeared" following arrest between 1981 and 1984. The publication of the report, the contents of which had first been made public in 1985, again drew attention to the lack of thoroughness and impartiality that characterized the military investigation (see *Amnesty International Reports 1985 and 1986*). The report did not give detailed information about steps taken to investigate individual cases reported to the Commission, yet concluded that there was insufficient evidence to link the "disappearances" to the armed forces. Despite repeated pledges by the government since December 1990 that investigations into these cases would be reopened, no concrete measures were taken.

Amnesty International sent a memorandum to President Callejas in May, outlining the organization's concerns and recommendations relating to torture and official failures to investigate possible extrajudicial executions and past "disappearances". The concerns raised in the memorandum were made public in June in an Amnesty International report, *Honduras: Persistence of Human Rights Violations*. Amnesty International wrote to the government again in July requesting detailed information about members of the armed forces convicted of human rights abuses and inquiring about recent statements by the Procurator General regarding investigations into the fate of the "disappeared". Following the approval of the amnesty law by the Legislative Chamber in July, Amnesty International urged President Callejas not to ratify any measure which would allow blanket immunity from prosecution to military and

police personnel responsible for human rights abuses.

The governmental *Comisión Interinstitucional de Derechos Humanos* (CIDH), Inter-Institutional Human Rights Commission, replied in August that case concerns raised in the memorandum had been passed on to the appropriate authorities. The CIDH said 234 military personnel were in prison for alleged human rights violations, although it did not provide further details. It gave information about reforms to the police and judiciary, but did not address Amnesty International's concerns regarding the amnesty law. At the end of the year no further response had been received from the authorities concerning the cases raised in the memorandum.

HONG KONG



The screening process to determine the refugee status of tens of thousands of Vietnamese asylum-seekers detained in Hong Kong remained deficient. A program of forcible repatriation of "screened-out" Vietnamese asylum-seekers was initiated. A motion calling for the abolition of the death penalty was approved by the Legislative Council.

On 8 June the Bill of Rights came into effect, incorporating some provisions of the International Covenant on Civil and Political Rights (ICCPR) into Hong Kong law. The ICCPR currently applies to Hong Kong because it has been ratified by the United Kingdom, but it is unclear whether it will continue to do so once sovereignty over Hong Kong reverts to the People's Republic of China in 1997. The Bill of Rights lacks safeguards against the imprisonment of prisoners of conscience.

On 26 June the Legislative Council, which advises the executive, adopted a motion urging the government to abolish the death penalty in law. An earlier motion to urge the government to resume judicial executions was rejected. The death penalty is mandatory for murder: since 1966, however, the several death sentences passed each year have all been commuted. The Secretary for Security said in June that the government would consider bringing forward legislation to abolish the death penalty. The government confirmed in December its commitment to present such early legislation by early 1992.

Over 50,000 Vietnamese asylum-seekers continued to be held in detention centres. The majority had not yet undergone the screening process to determine whether or not they would be granted refugee status. The rest had been "screened out" (denied refugee status); they remained in detention and faced a threat of forcible return to Viet Nam. From the end of October the screening process for new arrivals was accelerated.

Significant shortcomings remained in the screening process, despite several improvements introduced in 1990 (see *Amnesty International Report 1991*). Legal advice and assistance for asylum-seekers remained inadequate, especially at the crucial first stage of the screening process when asylum-seekers are interviewed by an immigration officer. The written record of that interview, which is used as the basis for the decision on refugee status, is not read back in Vietnamese to the asylum-seeker for correction. Further, asylum-seekers do not have the right to appear in person when appealing against refusal of refugee status.

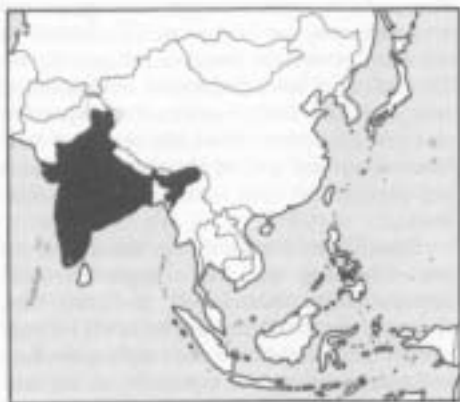
At the end of October an agreement was reached with the Vietnamese Government on the return to Viet Nam of asylum-seekers who had not been granted refugee status. By the end of the year 87 asylum-seekers had been forcibly returned.

Amnesty International called for a review of Hong Kong's detention policy for Vietnamese asylum-seekers and urged further improvements in the screening process, including legal advice for asylum-seekers at each stage of the process and an oral hearing when appealing against refusal of refugee status. It also called for a review of the cases of asylum-seekers who were denied refugee status before the 1990

improvements in the screening process. Amnesty International reiterated its concern about the screening process when a representative from the organization met government officials during a visit to Hong Kong in March and in a letter to the Governor, Sir David Wilson, after the announcement in October of the agreement with Viet Nam on forcible return.

After the Legislative Council vote to abolish the death penalty, Amnesty International urged the government to bring forward legislation rapidly to achieve this.

INDIA



At least 25,000 political prisoners, including some prisoners of conscience, were held without charge or trial under special or preventive detention laws. Torture and ill-treatment continued to be widespread and systematic, resulting in scores of deaths in custody. Hundreds of people "disappeared" or were extrajudicially executed in "encounters" staged by the police or security forces. The security forces deliberately killed unarmed civilians suspected of supporting insurgents. At least six people were judicially executed.

The minority government led by Prime Minister Chandra Shekar of the Janata Dal (Socialist) party resigned in March. During the subsequent election campaign, former Prime Minister Rajiv Gandhi, the Congress (I) Party leader, was assassinated. P.V. Narasimha Rao became Prime Minister following the Congress (I) Party election victory in June, heading a coalition with the National Front Alliance. The Hindu nationalist Bharatiya Janata Party formed the official opposition and won control of the

state assemblies in four northern states, including Uttar Pradesh.

In areas where the government faced violent opposition from armed separatist groups – notably Jammu and Kashmir, Punjab and Assam – grave and persistent human rights violations by the police and security forces continued to be widely reported. Torture during interrogation was routine and thousands of suspected separatists and their relatives were arbitrarily arrested. Scores of unarmed civilians were extrajudicially executed, many in retaliation for opposition attacks on the security forces.

In Punjab armed separatists killed several thousand government officials, soldiers and civilians during the year. In Assam and Jammu and Kashmir, separatists killed hundreds of government officials and kidnapped dozens of officials and civilians and killed some of them. In Kashmir, for example, one of these groups kidnapped Tassaduq Dev, the brother-in-law of a government minister, cut off one of his thumbs and sent it in October to the Press Trust of India. The group said it would kill Tassaduq Dev unless one of its members was released from detention. Amnesty International condemned the taking of hostages and deplored the threats against them issued by several armed groups, which in one case sought an inquiry by Amnesty International in Kashmir. The organization emphasized that it neither participated in prisoner exchanges and hostage negotiations, nor authorized anyone else to do so on its behalf.

Many thousands of political prisoners throughout India were held under preventive detention laws – the National Security Act (NSA) and the Jammu and Kashmir Public Safety Act – or under special "anti-terrorist" laws, notably the Terrorist and Disruptive Activities (Prevention) Act (TADA) and the Arms Act.

The Minister of State for Home Affairs said in December that the largest number of arrests under the TADA over the past three years, some 9,569, had been made in Gujarat, although no violent opposition activities in the state had been reported. In neighbouring Rajasthan those detained without charge or trial under the TADA had included members of the Muslim minority arrested after communal rioting, among them children under 16 years old. Some of the 228 TADA detainees held in the state as

of October had been held without trial since November 1989. In Tamil Nadu state those detained under the TADA reportedly included a lawyer representing suspects arrested in connection with the assassination of Rajiv Gandhi.

Although the Indian Government seldom issues relevant statistics on the number of people detained or imprisoned for political reasons, official sources suggested in May that 11,000 Sikhs were being held for political reasons in Punjab alone. Thousands of other detainees were held in Jammu and Kashmir: the state Governor said in October that 5,000 "militants" and 2,500 "accomplices" were being held but civil liberties groups suggested that the actual total could be 15,000. Legal safeguards against unacknowledged detention were routinely ignored and prisoners remained in illegal detention for weeks or sometimes months.

Few political prisoners were brought to trial and such cases were frequently delayed. Four "Naxalite" (Maoist) political prisoners in West Bengal (see *Amnesty International Report 1991*) had been denied the right to prompt and fair trial for over 10 years.

Torture continued to be endemic. Criminal suspects were routinely tortured to extract confessions or other information. They came predominantly from the most underprivileged groups: the rural and urban poor, tribal peoples, the scheduled castes, minority groups, landless labourers and children. Some people were arrested on false charges and tortured by police serving the interests of landlords or politicians.

In areas where armed opposition was active, the security forces used torture to gather information, to punish suspected supporters of separatist groups and in retaliation for attacks by armed groups. The most frequently reported methods were beatings, rape and electric shocks, with women and children among the victims.

In one reported incident in February, at least 23 women and girls, possibly more, were allegedly raped by soldiers who raided the village of Kunan Poshpora during counter-insurgency operations in Jammu and Kashmir. One 21-year-old pregnant woman was reportedly raped by seven soldiers. Men living in the village were also allegedly tortured. Several inquiries into the incident were initiated: a district

magistrate and the divisional commissioner both recommended that a comprehensive inquiry be held but an internal army investigation dismissed the rape allegations as "malicious and untrue". Two representatives of the Press Council of India who visited the village with military officials in June also expressed doubts about some of the rape allegations, but medical evidence contained in their report was not made public. Despite the gravity of the allegations, no judicial or comprehensive, impartial inquiry had been initiated by the end of the year.

Rape of women by soldiers in northeastern India was so persistent that the Guwahati High Court, which has jurisdiction over all seven northeast states, ruled in March that women should no longer be taken to or held at army camps for interrogation. In July the Supreme Court ordered the army to take special measures in the northeast to protect women from torture or harassment during military operations.

In exceptional cases the courts acted to prevent torture. In July the Guwahati High Court suspended five Tripura police officers accused of torturing detainees, and instructed the Director General of Police to initiate proceedings against them. The court also ordered the immediate transfer of the officer in charge of the police station where the torture occurred and directed the state government not to confine any prisoners there.

Other victims of torture or ill-treatment included tribal peoples, including some of those involved in political campaigns seeking compensation for lost land or greater autonomy for tribal regions. Such campaigns, while largely peaceful, have been supported by "Naxalites" and others involved in violent opposition to the government, leading the police to accuse many tribal people of supporting the armed opposition. Many hundreds were detained in 1991 as suspected supporters of the Naxalites and tortured or ill-treated.

Scores of people, mainly the poor and underprivileged, died in police or military custody allegedly as a result of torture. Many were said by the authorities to have died from natural causes or suicide but few such deaths were known to have been officially investigated as required by law. In Assam soldiers delivered the battered body of Dhruvajyoti Gogoi to local police in March, saying that he had died of

epilepsy. Both his arms had been broken, there were wounds on his legs and he had been stabbed. An autopsy found that he had a perforated liver and 28 other injuries consistent with torture. However, there was no official investigation into his death and no steps were taken to bring those responsible to justice.

The scale of the problem of custodial deaths was discussed in August, when the Minister of State for Home Affairs told parliament that the government was "determined to take deterrent action against those exceeding or abusing their powers". He also announced that an inquest into the death in police custody of 50-year-old Jairam Singh in Delhi on 19 August was in progress and that three police officers had already been charged with his murder. The outcome of the inquest was not known by the end of the year.

In Punjab suspected supporters of Sikh militant groups advocating a separate Sikh state were reported to have "disappeared" in custody or to be held in unacknowledged detention. Some detainees who were deliberately killed in custody were officially said to have died in "encounters" with the police or to have "escaped".

Hundreds of people "disappeared" or were extrajudicially executed. In February, for instance, witnesses saw Atamjit Singh and Mohan Singh, both students, being arrested in Ludhiana, apparently by two officers of the Central Investigation Agency. The police denied all knowledge of their arrests and their whereabouts remained unknown at the end of the year.

In Jammu and Kashmir the security forces reportedly committed extrajudicial executions and other human rights violations. In March, for example, Central Reserve Police Force (CRPF) personnel opened fire in Srinagar, killing three men and seriously injuring a 10-year-old boy, apparently in retaliation for the death of a CRPF officer in an ambush. It was not known whether any action was taken by the authorities against those responsible. In June, 24 people, including children, were shot dead in central Srinagar when soldiers fired indiscriminately at people in the streets.

In July police officers near Pilibhit, Uttar Pradesh, stopped a tourist bus and arrested 10 young men who had been on a pilgrimage to Sikh holy places. Local villagers said that police held the men

overnight, then took them to a nearby forest and shot them dead. The police claimed that the 10 were militants, who had been tracked down in forest hideouts and killed in "encounters" with the police. The Uttar Pradesh government ordered a judicial inquiry into the incident, the findings of which had not been released by the end of the year. In the interim, the Indian Supreme Court ordered the state government to pay compensation to the families of the 10 victims.

Police officers reportedly joined upper-caste Hindus in brutal attacks on members of the scheduled castes. In August more than 20 scheduled-caste residents of Chundur village in the Guntur district of Andhra Pradesh were murdered by upper-caste Hindus. Survivors alleged that the police took part in the killings. Police sources admitted that a large contingent of police officers present in the village had failed to prevent the attack, but denied allegations of police participation. An investigation into the incident resulted in the suspension of at least five police constables but no criminal charges were known to have been brought against them.

At least six people were executed. One of them, K. Gurusamy, had spent 10 years in prison, seven of them in solitary confinement, after being convicted of murder. At least two people were hanged in West Bengal, the first executions in the state for over 25 years.

In May Amnesty International released a report, *India: Human Rights Violations in Punjab: Use and Abuse of the Law*. This documented a seven-year history of rampant human rights violations in Punjab. The Indian Government responded by providing information about 24 of the 42 cases of torture and other human rights violations cited in the report, in most cases denying that the violations had occurred. Amnesty International provided further evidence to the government in August backing up its conclusion that the government's response had not invalidated the organization's findings.

Throughout the year Amnesty International investigated the detention of scores of political prisoners in Jammu and Kashmir. It urged the government to investigate allegations of extrajudicial killings and torture in that state as well as in Punjab and Andhra Pradesh, and appealed for clemency for those whose executions were

imminent. It also urged the government to change laws that grant immunity from prosecution to the security forces and facilitate violations of human rights.

In July the Indian Government refused to grant entry visas to an Amnesty International delegation scheduled to visit three southern states, and failed throughout the year to respond to outstanding requests from Amnesty International to visit Punjab, Jammu and Kashmir and the northeast states. Successive Indian governments have refused Amnesty International access to the country for research purposes for over 10 years.

INDONESIA/ EAST TIMOR



More than 150 real or alleged government opponents were prisoners of conscience or possible prisoners of conscience: most were serving lengthy sentences for subversion imposed after unfair trials. At least 200 other political prisoners also continued to serve sentences imposed after unfair trials in previous years. Hundreds of others were arrested in Aceh, North Sumatra and East Timor as suspected advocates of independence for these areas and were held without trial for up to several months. Torture and ill-treatment of political detainees and criminal suspects was common and reportedly resulted in deaths. In Aceh, hundreds of people were extrajudicially executed by government forces and in East Timor about 100 people were killed when government troops opened fire on a peaceful procession. Four people were sentenced to death for murder and one political prisoner was executed.

The government of President Suharto continued to face armed opposition from groups seeking independence for Aceh, Irian Jaya and East Timor. Government forces were used against workers, farmers, students and others striking or demonstrating in support of increased freedom of expression and association. Human rights organizations and other non-governmental organizations involved in peaceful political activities were threatened with legal sanctions by the government. Hundreds of thousands of former members of the Indonesian Communist Party (PKI) remained subject to restrictions affecting their freedom of movement and civil rights, and some were arbitrarily arrested and ill-treated. Candidates for elections scheduled for 1992 were required to undergo a political screening process to identify and disqualify possible communist sympathizers. A Presidential Decree regulating election campaigning, due to be issued in early 1992, would prohibit political parties from criticizing the state ideology *Pancasila* and the Constitution, and from "insulting" the government or its officials. At least 17,000 people, including Indonesian and foreign nationals, remained on an official government black list restricting entry to and exit from the country.

The United Nations (UN) Special Rapporteur on Torture visited Indonesia and East Timor for the first time in November and was in Dili, East Timor's capital, when troops fired on a peaceful procession killing about 100 people. The killings provoked an international outcry, the cancellation of a UN-sponsored meeting due to take place in Jakarta, and the threatened suspension of some foreign aid. The government at first said "only 19" had been killed but when this was widely disputed it appointed a National Commission of Inquiry. This issued a preliminary report in December in which the number killed was stated to be "about 50". Despite eye-witness and other evidence to the contrary, it concluded that the soldiers had been provoked into firing and had not been acting under orders to kill demonstrators.

In Aceh and North Sumatra, 35 alleged supporters of *Aceh Merdeka*, Free Aceh, an armed opposition group seeking independence for Aceh and parts of Sumatra, were sentenced to prison terms of up to 20 years. Some appeared to be prisoners of conscience, including Drs Nurdin

Abdurachman, a university professor. He received a nine-year sentence in May for attending "clandestine meetings" in 1990 at which an independent Acehnese state was discussed, although he had apparently advocated the use of diplomacy rather than violence to secure independence.

Arswendo Atmowiloto, the editor of a weekly magazine, was sentenced to five years' imprisonment by a Jakarta court in April. He was convicted of blasphemy for publishing the results of a popularity poll ranking the Prophet Muhammad alongside pop singers, President Suharto and others. In July the High Court reduced his sentence by six months. In December the four-and-a-half-year sentence was confirmed by the Supreme Court which ruled, however, that he had deliberately abused the press, not committed blasphemy. He was a prisoner of conscience.

More than 50 of an estimated 300 Islamic activists imprisoned for subversion in previous years, and serving sentences of up to life imprisonment, were also believed to be prisoners of conscience. They included people convicted of involvement with *usroh* groups, which advocate closer ties among Muslims and a stricter adherence to Muslim teachings. Others had been sentenced after unfair trials in 1989 and 1990 for undermining *Pancasila* and attempting to establish an Islamic state (see *Amnesty International Reports 1990 and 1991*).

Hundreds of people were arrested during and after the killings by troops in Dili in November. At least 61 were held awaiting trial at the end of the year, including 37 who were arrested during and after the incident in Dili and 21 arrested after a peaceful protest demonstration in Jakarta a week later. Four East Timorese students were also being held in Bali. The government said some of the 37 held in Dili and four of those arrested in Jakarta would be tried for subversion and others would be tried for "expressing feelings of hostility, hatred or contempt" towards the government. Seven other East Timorese political prisoners remained in prison in Jakarta and Dili serving sentences imposed after unfair trials in previous years.

At least 80 of the more than 130 political prisoners from Irian Jaya sentenced in previous years were believed to be prisoners of conscience. All were convicted of subversion, because they advocated independence for the province of Irian Jaya. In

January more than 70 of the 130 were transferred from Irian Jaya to East Java, making it extremely difficult for their relatives to visit them. Some had their sentences increased by between four and 11 years after appeals to the Supreme Court. Drs Jacob Rumbiak, who was arrested in early 1990 with three others after being refused asylum by the Papua New Guinea authorities, initially had his 17-year sentence for subversion reduced to six years by the High Court, but then restored to 17 years by the Supreme Court in May (see *Amnesty International Report 1991*).

More than 30 prisoners sentenced after unfair trials for alleged involvement in the 1965 coup attempt or for PKI membership remained in prison, seven of them on death row. Most were believed to be prisoners of conscience. They had been arrested in the late 1960s and most were elderly. Dr Subandrio, a 77-year-old former Foreign Minister arrested in March 1966, had been sentenced to death for subversion by an Extraordinary Military Court in October 1966 and denied a right of appeal. He was serving a life term following the commutation of his death sentence in December 1980.

Five prisoners of conscience jailed in previous years for their peaceful political activities in university groups remained in jail. In August the Supreme Court upheld the eight-and-a-half-year sentence of Bonar Tigor Naipospos who had been convicted of subversion in 1990 for disseminating Marxist teachings and distributing banned literature. Two Bandung Institute of Technology students also remained in prison. They had both been sentenced to three years' imprisonment in February 1990 for insulting the Minister of Home Affairs at a demonstration. The Supreme Court rejected their appeals in December 1990 (see *Amnesty International Reports 1990 and 1991*). The authorities announced in October that four other students from the same institute sentenced at the same time were to be conditionally released.

Ten other political prisoners, six of them prisoners of conscience, were released during the year; all had been sentenced in previous years after unfair trials. In April Drs Susilo, a veterinary surgeon, was released after serving 23 years in prison for subversion. Two other PKI prisoners, Marto Suwandi and Rewang, who had been detained for more than

three years after completing their sentences, were released in July. Professor Dr Oesmany al-Hamidy and Hasan Kiat, sentenced to six and seven years' imprisonment respectively in 1986 for delivering "seditious" sermons, were released in August. A prisoner of conscience from East Timor, David Dias Ximenes, was released at the same time after serving a 15-year sentence for his alleged links with *Fretilin*, the armed opposition group seeking independence for East Timor. Paulina Waingai, sentenced to two years' imprisonment in 1989 for taking part in a peaceful flag-raising ceremony in Irian Jaya, was also released (see *Amnesty International Reports 1990 and 1991*).

Serious doubts remained about the fairness of political trials, particularly those held under the vaguely-worded Anti-Subversion Law, which carries a maximum penalty of death. As in previous years, defendants were frequently held incommunicado for several months before being charged or tried, and denied access to legal counsel of their choice. Some were convicted on the basis of uncorroborated confessions and testimony allegedly extracted under torture. Drs Adnan Beuran-syah, who received an eight-year sentence in May for alleged involvement in *Aceh Merdeka*, was held incommunicado for several months during which he was burned with cigarettes and given electric shocks by his interrogators.

Torture and ill-treatment of political detainees and criminal suspects were widespread and sometimes resulted in death. In Aceh and North Sumatra hundreds of suspected supporters of *Aceh Merdeka* were reported to have been tortured or ill-treated, including a man named Syaifulah, who was held for at least five months at the Police Mobile Brigade headquarters in Medan. Witnesses said he was kicked and beaten, stripped naked and had his genitals squeezed with metal pliers while detained in February. He then "disappeared". In Irian Jaya, two political prisoners died in disputed circumstances in August after allegedly escaping from a military prison. Melkianus Salosa, sentenced to life imprisonment for subversion in March after being forcibly returned to Indonesia by the Papua New Guinea authorities, was found dead outside the military prison where he had been held. Military authorities said that he had died

of exposure after escaping from the prison; evidence suggested that he may have been tortured and extrajudicially executed (see *Amnesty International Report 1991*).

Criminal suspects were beaten and tortured by police and police auxiliaries seeking to extract confessions. Some died as a result. Beni, a Pontianak construction worker, died in police custody in March three days after his arrest. The police said he had died of natural causes but an eye-witness said three police officers had beaten him and relatives pointed to cuts and bruises on his corpse as evidence of torture. No official investigation was known to have been held.

A few members of the security forces were convicted of torturing or ill-treating criminal suspects and given short prison sentences, but virtually no action was taken against those accused of torturing political detainees. Despite repeated government assurances that prompt action would be taken against human rights violators, the soldiers allegedly responsible for the torture and extrajudicial execution of Candido Amaral in March 1990 (see *Amnesty International Report 1991*) had still not been brought to justice by the end of the year.

Hundreds of people were extrajudicially executed by government and government-backed forces in East Timor, Aceh and North Sumatra. About 100 people were killed and over 100 wounded in November when troops opened fire on a peaceful procession at the Santa Cruz cemetery in Dili, East Timor. Some were shot while attempting to flee and others were beaten and stabbed. There were unconfirmed reports that dozens of others, including witnesses to the Santa Cruz massacre, were extrajudicially executed in the following weeks. In Aceh, hundreds of people were reported to have been extrajudicially executed during counter-insurgency operations. By the end of the year, more than 2,000 people were estimated to have been extrajudicially executed in Aceh since 1989.

At least four people were sentenced to death for murder and one political prisoner was executed. Azhar bin Muhammad Safar, an Islamic activist sentenced to death in 1982 for subversion and involvement in an aircraft hijacking, was executed by firing-squad on 8 February. At least 33 people were on death row at the end of 1991, eight of whom were feared to be in

imminent danger of execution. These included seven elderly men sentenced for involvement in the 1965 coup attempt or for PKI membership.

Amnesty International appealed throughout the year for the release of prisoners of conscience, for the fair trial or release of other political prisoners, and for urgent government action to halt torture and extrajudicial executions. It protested against the execution in February and called for all death sentences to be commuted. The government responded to such appeals by asserting that it observed the rule of law and said Amnesty International should not interfere in Indonesia's domestic affairs.

In an oral statement to the UN Special Committee on Decolonization in August, Amnesty International included reference to serious human rights violations in East Timor, including extrajudicial executions, "disappearances", and a continuing pattern of short-term detention, torture and ill-treatment of alleged political opponents. Following the 12 November killings in Dili, Amnesty International appealed to the UN Secretary-General to initiate a prompt and impartial international investigation into the incident and its aftermath.

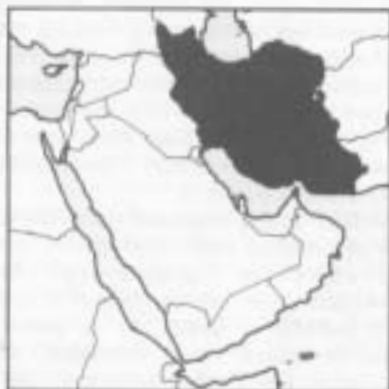
In meetings and correspondence with representatives of the government, Amnesty International reiterated its request, originally submitted in 1989, to visit Indonesia and East Timor. In August the government said that the organization had launched a campaign of "slander and lies" against Indonesia and that a visit was therefore "inconceivable".

IRAN

Hundreds of political prisoners, including prisoners of conscience, remained in prison and hundreds more were arrested and detained, some of them following mass demonstrations and civil unrest during the year. Some were held without charge or trial. Others, including nine prisoners of conscience, were sentenced to prison terms after unfair trials held *in camera* in the absence of defence lawyers. Torture of prisoners continued to be reported. At least 775 people were executed; most had been convicted of criminal offences, especially drug-trafficking.

Several government opponents living abroad were murdered in circumstances suggesting that they may have been victims of extrajudicial executions.

A law promulgated in September provided for defendants to be given legal assistance, but no cases were known in which political prisoners were given access to defence counsel in 1991.



Almost 10,000 prisoners were officially reported to have benefited from amnesties or reductions in their sentences to mark the 13th anniversary of the Iranian Revolution in February. It was not known whether any prisoners of conscience were among them.

Dozens of political prisoners, including prisoners of conscience, were released at other times during the year. However, to obtain release many of them were made to give video-recorded interviews or sign statements condemning their previous political activities and pledging support for the Islamic Republic. Following release, some were required to report regularly to the police and were periodically summoned for interrogation. Moreover, a relative was required to stand as guarantor, becoming liable for arrest if the former prisoner should fail to appear when summoned by the security authorities. The practice of holding relatives as "substitute" prisoners continued in 1991. In October, for example, Amnesty International was informed of the arrest of three relatives of a political prisoner released on leave of absence after spending more than seven years in prison, who failed to present himself to the authorities when required. The prisoner's mother, sister and brother were subsequently released, but were threatened with rearrest if the former prisoner failed to surrender himself within a certain time.

Hundreds of political prisoners, including prisoners of conscience, remained in prison. Dozens of women held since 1983 as suspected supporters of the Tudeh Party or the People's Fedaiyan Organization of Iran were still held at Evin Prison at the beginning of 1991. Some were detained without charge or trial; others had been held for several years and then sentenced at secret summary trials. Many were provisionally released for various periods. Mariam Firouz, a prisoner of conscience aged over 70 and former head of the Democratic Organization of Iranian Women, was reported in September to have been taken from Evin Prison with her husband, Nouredine Kianouri, and transferred to an apartment where they remained subject to physical restrictions.

Nine prisoners of conscience who had been arrested in 1990 after signing an open letter addressed to President Hashemi Rafsanjani (see *Amnesty International Report 1991*), were tried in May and June. The letter, signed by 90 people, had called for the implementation of constitutional guarantees and for freedom and justice. It had also criticized the government's handling of the economy. Some of the nine, almost all of whom were members of the Association for the Defence of Freedom and Sovereignty of the Iranian Nation, had served in the government headed by Mehdi Bazargan, the first Prime Minister of the Islamic Republic of Iran. They were all convicted: Hashem Sabbaghian received a six-month prison term; Mohammad Tavassoli Hojati and Abdolali Bazargan were sentenced to two years' imprisonment; and the six others received three-year sentences. All nine were also sentenced to between 10 and 30 lashes, although this part of the sentence had not been carried out by the end of the year.

The trial of the nine was grossly unfair. It was conducted *in camera* inside Evin Prison and in the absence of any defence counsel, despite repeated requests from at least some of the defendants for legal representation. The sentences began on the day that judgment was given although the nine had already been in prison for more than one year. Two of the nine, Ali Ardalán and Nezameddin Movahed, both former civil servants in their mid-seventies, were reported to be seriously ill and to have been moved to hospital in September and November respectively. Subsequently, Ali

Ardalan's prison sentence was apparently suspended, allowing him to return home when he left hospital.

The nine prisoners were reported to have appealed to the High Court against their sentences, but their appeal was rejected and in some cases new charges were apparently added. All proceedings took place in their absence and again they had no access to lawyers.

Mehdi Dibaj, a possible prisoner of conscience who had converted from Islam to Christianity many years previously, continued to be imprisoned. He was arrested in the mid-1980s and had been held since then at Rasht and Evin Prisons. It was not known whether he had been charged and tried.

Hundreds of political prisoners were still held at the end of the year following unfair trials. These included alleged members of opposition groups including *Forgan*, the People's Mojahedin Organization of Iran (PMOI) and *Rah Kargar*, as well as at least a dozen followers of Dr Shariati who had been held since mid-1990, and members of Kurdish and Baluchi organizations seeking various degrees of autonomy. Some had been in prison for many years and were serving sentences of life imprisonment.

Hundreds of new arrests were reported. Those held included women accused of failing to conform to the dress laws of the Islamic Republic of Iran, for which the punishment is flogging.

In October scores of people belonging to the Naroui tribe in Baluchistan were reported to have been arrested, including children and elderly men. At least 20 men were said to have been publicly executed in Zahedan shortly after their arrest. The others were apparently still held incommunicado there at the end of the year.

In December Iranian television was reported to have announced the arrest of some 300 political prisoners, including members of monarchist groups, members of Savak (the former secret police of the Shah) and members of the PMOI.

Torture of prisoners continued to be reported. Former political prisoners, including some released during 1991, were still suffering from the effects of physical and psychological torture. Common methods of torture were said to include suspension for long periods in contorted positions, burning with cigarettes, and,

most frequently, severe and repeated beating with cables or other instruments on the back and on the soles of the feet.

At least 775 people were executed. There were reports that among those executed were more than 60 political prisoners, including members of the Kurdish Democratic Party of Iran and the PMOI, but this could not be confirmed. According to Iranian press reports, the majority of death sentences were passed for drug-smuggling offences. At least one death sentence by stoning was passed on a woman convicted of adultery. At least five people were given between 74 and 100 lashes before execution. One man was reportedly executed by being thrown off a cliff after being sentenced to death for rape and murder. Basic safeguards for defendants facing charges punishable by death continued to be lacking.

Several opponents of the government were killed outside Iran in circumstances suggesting that they may have been extrajudicially executed. In April Dr Abdolrahman Boroumand, Secretary General of the National Movement of Iranian Resistance, an opposition group based in France, was stabbed to death outside his apartment in Paris by an unknown assailant.

In August former Prime Minister Shapour Bakhtiar was killed at his home in Suresnes, a Paris suburb, along with his personal secretary, Fouroush Katibeh. A French judge investigating the murders issued an order for the arrest of an Iranian national said to be an adviser to the Iranian Minister of Posts and Telecommunications. In December an Iranian official was arrested outside the Iranian Embassy in Switzerland for suspected involvement in the killing. The Iranian authorities denied any involvement in the assassinations.

Amnesty International pressed for the release of all prisoners of conscience and expressed grave concern to the government about the continuing use of the death penalty and about the large number of executions. As a minimum step, the organization called for all appropriate safeguards to be introduced for defendants facing charges punishable by death.

Prior to the trials of nine prisoners of conscience in May and June, Amnesty International repeatedly indicated to the Iranian authorities its wish to send an observer to the trials, but without response. The government did reply to certain other

inquiries. In September it stated that legislation was being introduced to require that legal counsel be available to defendants in all judicial procedures, although no further details were given. Amnesty International representatives visited Iran in May to interview Shi'a and Kurdish refugees fleeing from Iraq. During the visit Amnesty International's representatives met officials of the Foreign Ministry and indicated that the organization would welcome the opportunity to send a delegation to Iran to discuss human rights with the government.

Earlier, in a written statement to the United Nations (UN) Commission on Human Rights in February, Amnesty International described its concerns in Iran, including mass executions, unfair trials, torture and the detention of prisoners of conscience.

In an oral statement to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities in August, Amnesty International included reference to its concerns about the high number of executions and the lack of safeguards against torture and ill-treatment in Iran.

IRAQ AND OCCUPIED KUWAIT



Thousands of government opponents were detained without charge or trial during the year. They included prisoners of conscience, as did the thousands of government opponents arrested in previous years who remained in detention. Those held included Kuwaitis imprisoned after Iraq's invasion of Kuwait in August 1990, and members of Iraq's Kurdish and Shi'a Muslim communities arrested in the aftermath

of a mass uprising in Iraq in March. There were numerous reports of torture, hundreds of prisoners "disappeared" and many extrajudicial executions were carried out by government forces.

On 26 February Iraqi forces withdrew from Kuwait following their defeat by United States (us), United Kingdom (UK) and other allied military forces. Thousands of Iraqi soldiers and civilians were killed in the fighting and aerial bombardment of Baghdad and other cities. Thousands of further deaths occurred when government forces crushed a mass uprising by Kurds in the north and Shi'a Arabs in the south, which began on 1 March. An estimated two million people, mostly Kurds and Shi'a Arabs, fled from the fighting to Iran and Turkey and areas bordering Kuwait and Saudi Arabia.

The United Nations (UN) Security Council passed a cease-fire resolution on 3 April providing, among other things, for continued economic sanctions against Iraq. By May a 1,440-member UN Iraq-Kuwait Observation Mission (UNIKOM) was deployed to patrol a demilitarized zone along the Iraq-Kuwait border. On 5 April the UN Security Council passed Resolution 688, calling on Iraq to end "the repression of the Iraqi civilian population" and to grant "immediate access by international humanitarian organisations to all those in need in all parts of Iraq". By mid-April us, UK and other forces had been deployed in northern Iraq to establish "safe havens" for the Kurdish population. On 18 April Iraq signed a UN-sponsored Memorandum of Understanding, establishing humanitarian centres providing relief and assistance to civilians and displaced persons, and involving the deployment of a 500-member UN Guards Contingent throughout Iraq.

On 5 April the government declared an amnesty for Kurds accused of crimes committed during the March uprising. The amnesty was extended to all Kurds, except those accused of premeditated murder or rape, on 29 April. It was further extended in May to all Iraqis. The government said in October that 477,611 people had benefited from the amnesties, but this could not be independently confirmed. However, it was clear by the end of 1991 that a majority of those who had fled the country in March and April had returned, and that about 141,000 others remained in refugee camps in Iran, Turkey and Saudi

Arabia. Some of those who returned were reported to have "disappeared" or to have been executed.

In May the government and Kurdish political groups representing the Kurdistan Front began negotiations about greater autonomy for the Kurdish population in Iraq, but no agreement had been signed by the end of 1991. In May Iraq's ruling Revolutionary Command Council (RCC), headed by President Saddam Hussain, abolished the Revolutionary Court. A special court set up in 1968, its proceedings had consistently fallen short of international standards for fair trial. In September the RCC passed a law introducing a multi-party political system, but no elections had been held by the end of the year. Plans to hold a national referendum on a new draft constitution had also not been implemented.

Hundreds of Kuwaiti civilians were arrested in January and February and taken to Iraq as Iraqi forces retreated from Kuwait. Most were released within several weeks as a result of prisoner exchanges in which over 5,000 Kuwaitis and about 76,000 Iraqi soldiers captured during the conflict were released. The Kuwaiti Government said that 2,101 Kuwaitis, including children, were still being held in Iraqi custody at the end of the year. This could not be confirmed and was denied by the Iraqi authorities, who said that almost 4,000 people from Kuwait were in Iraq, at liberty, and were being denied entry to Kuwait by its government.

In March, 45 us, UK and other allied prisoners of war were released, as were 40 foreign journalists who had been captured by government forces near Basra and held for five days. By early November about 4,700 Iraqi military personnel who had been captured by Kurdish forces in the previous two months had been released.

In March government forces lost control of major cities and towns in northern and southern Iraq as opponents of the government rose in revolt and broke into government buildings, prisons and detention centres. An unknown number of detainees were freed as a result, including hundreds of political prisoners, some of whom had been held in secret detention centres without charge or trial for over 12 years. Among them were scores of women and children. Between March and May, as government forces succeeded in crushing the revolt, thousands of Kurds, Shi'a Arabs, Turcomans

and others were arrested on suspicion of having participated in anti-government activities. Many were later summarily executed.

Among those arrested in al-Najaf in March was 95-year-old Grand Ayatollah Abu al-Qassem al-Kho'i, Shi'a Islam's most senior cleric, together with several of his relatives and aides. He was placed under house arrest after three days' detention, but the fate and whereabouts of those arrested with him, as well as of at least 106 other Shi'a religious scholars and students who were arrested in al-Najaf, were unknown. Scores of arrests were also reported in Karbala' and other southern cities.

In northern Iraq, government forces detained an estimated 5,000 Kurdish men and boys from the Kirkuk area in March, apparently to deter further attacks on the city by Kurdish forces. They were held in Tobzawa and Béji garrisons in the north and later in Ramadi Camp south of Baghdad. Most were released by mid-April, but at least 28 were reportedly executed.

New information was received about many government opponents and others who had been arrested in previous years, including prisoners of conscience. Among them were over 1,300 political prisoners, including Arabs and Kurds, who were held in two communal cells in Abu Ghraib Prison near Baghdad. Many had been held for over 10 years following unfair trials before the Revolutionary Court, and were alleged to have been tortured and in some cases to have been held incommunicado since their arrest. In March two political prisoners escaped from Abu Ghraib Prison: Dr Hussain al-Shahristani, a nuclear physicist arrested in 1979 whom the government had previously said was released in 1983, and Sayyid Ja'far al-Hakim, whose detention since 1983 the government had repeatedly denied (see *Amnesty International Reports 1981 and 1984*).

There were many new reports of torture and ill-treatment of prisoners. Scores of Kuwaitis and other foreign nationals released from Iraqi custody after 26 February bore marks on their bodies consistent with methods of torture alleged by former detainees in 1990 (see *Amnesty International Report 1991*). US and UK prisoners of war alleged that they had been tortured during interrogation. David Waddington, a British airman, said he was repeatedly beaten with a truncheon until he lost

consciousness. Jeffrey Rice, a major in the US forces, said he had been subjected to electric shocks by Iraqi interrogators. Douglas Brand, a British engineer arrested in September 1990 as he tried to leave Iraq, also said he had been tortured: after a five-day trial in May he was sentenced to life imprisonment on charges of espionage, but was released in June.

Many of those arrested following the March uprising were also tortured. Eye-witnesses alleged that detainees had been mutilated prior to execution by having their eyes gouged out, their limbs severed or by being doused with petrol and set alight. The body of Falah Bilal, a Shi'a Arab, was found outside al-Najaf on 21 March: his tongue, ears and left hand had apparently been severed before he was executed. Two Kurdish children were said by eye-witnesses to have been mutilated before they were executed in the village of Qara Hanjir, near Kirkuk, in March: one had had both eyes gouged out, and the other's arm was severed. A former soldier who was imprisoned for 26 days in Abu al-Khasib, near Basra, said after his release in April that he had been subjected to electric shocks and had suffered a broken wrist as a result of beatings. He said that detainees had been deprived of food and water, and had been forced to drink urine to survive, and that he had witnessed over 100 executions at the prison.

Hundreds, possibly thousands, of people "disappeared" in the custody of the Iraqi authorities, including Kurds and Shi'a Arabs detained at the time of the uprising and families who returned to Iraq from Iran in May under the officially declared amnesties. Many Kuwaitis taken prisoner after the Iraqi invasion were also said to have "disappeared" and the fate of about 400 people, mostly Iraqis, forcibly expelled from Kuwait in April and May, was unknown. New information was received about the "disappearance" in previous years of over 6,000 Kurds, including whole families, who were among tens of thousands of Kurds who "disappeared" after being detained in a wave of arrests in 1988 known as the "Anfal operations". In some cases the victims had been detained after surrendering to the authorities in order to benefit from officially declared amnesties.

Hundreds of people were extrajudicially executed by government forces in the wake of the March uprising. They included

Kurdish civilians, among them women and children, who were shot from helicopter gunships as they fled towards Iraq's borders. At least 11 Kurds, including children, were extrajudicially executed in Qara Hanjir in March. At least 28 of the 5,000 Kurds arrested in Kirkuk in March were also said to have been extrajudicially executed: they included Ibrahim Qader Taha, who was shot by Republican Guards on 18 March. Twenty other Kurds shot in Arbil and Sulaimaniya in April reportedly included several doctors accused of treating wounded *Pesh Merga* (armed Kurdish units) fighters. In 'Arbat village, near Sulaimaniya, 40 civilians were reportedly burned to death by government forces in April.

In southern Iraq, many Shi'a Arabs were reportedly executed by firing-squad in al-Hilla, al-Samawa, al-Najaf, Karbala', Basra and other places in March and April. They included around 150 men and boys shot at al-Mahawil Garrison, near al-Hilla, on 16 March. Others were reportedly thrown to their death from the top floor of al-Hilla Hospital on 9 March, or pushed into the Tigris River and Shatt al-'Arab waterway while alive and with weights tied to their feet. Victims' bodies were said to have been dragged through the streets or left hanging from electricity pylons to terrorize the local population. Women and children were widely reported to have been used by government forces as "human shields" as they sought to quell the uprising, and to have been killed in cross-fire. Kurdish forces opposed to the Iraqi Government also committed human rights abuses, including summarily executing about 60 unarmed Iraqi soldiers in Sulaimaniya in October following attacks on residential areas by Iraqi government forces.

Amnesty International made renewed calls to the government for an end to human rights violations by Iraqi forces in Kuwait prior to their withdrawal. Similar appeals were sent to the government in April and May as hundreds of thousands of people fled Iraq in the aftermath of the uprising and widespread violations were committed against Kurdish and Arab civilians.

In July Amnesty International published a report, *Iraq: Human Rights Violations Since the Uprising*. Based on over 500 interviews with Iraqi refugees and others during fact-finding visits to Iran and

Turkey, the report detailed widespread torture and extrajudicial executions of suspected government opponents in the wake of the abortive March uprising. At the same time, Amnesty International appealed publicly to the UN to establish on-site human rights monitoring in Iraq with the authority to investigate alleged violations, protect victims and ensure adherence to international human rights standards in cooperation with the government.

In April the government invited Amnesty International to visit northern Iraq "to assess the situation for itself", but did not respond when the organization indicated the conditions which would need to be met before the visit could go ahead. In May Iraq's Ambassador to the UN in New York wrote to say that he doubted the accuracy of "most of the allegations" made by Amnesty International but acknowledged that, "given the prevailing circumstances", some violations "could have actually, perhaps inevitably, taken place".

Amnesty International appealed to neighbouring governments to shelter refugees fleeing from Iraq in the wake of the March uprising. It also expressed concern to the Kurdistan Front in October over the killing by *Pesh Merga* forces of some 60 Iraqi soldiers who had been captured and disarmed, and called for an investigation into the killings.

In an oral statement to the UN Commission on Human Rights in February, Amnesty International included reference to its concerns in Iraq. The Commission adopted a resolution appointing a Special Rapporteur to study Iraq's human rights record. In August, in an oral statement to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, Amnesty International called for further action by the UN in the light of widespread human rights violations following the March uprising.

IRELAND (REPUBLIC OF)



New evidence emerged in support of a former prisoner's allegations of ill-treatment in police custody.

Osgur Breatnach, Nicky Kelly and Brian McNally were convicted in 1978 of involvement in the 1976 Sallins mail train robbery, solely on the basis of confessions allegedly obtained by ill-treatment during incommunicado detention. Another man allegedly ill-treated, John Fitzpatrick, had initially been charged with involvement in the robbery but the charges against him had been dismissed. The Court of Criminal Appeal ruled in 1980 that the confessions of Osgur Breatnach and Brian McNally had been involuntary and quashed their sentences. Nicky Kelly was released on "humanitarian grounds" in 1984. All three attempted to bring civil actions for damages against the state (see *Amnesty International Reports 1990 and 1991*).

In October 1991 an Irish television documentary reported that linguistic analysis of Nicky Kelly's alleged confession cast further doubt on its authenticity. The speech pattern expert who carried out the analysis said that he was "perfectly confident" that the words allegedly spoken could not have come from Nicky Kelly. He declared that the alleged confession could not have been the work of one person, and that at least two people had been involved in its production.

In the light of the new linguistic analysis evidence in Nicky Kelly's case, in October Amnesty International renewed its call for an independent inquiry into all the allegations of ill-treatment in custody made in connection with the Sallins robbery case.

ISRAEL AND THE OCCUPIED TERRITORIES

About 18,000 Palestinians, including prisoners of conscience, were arrested in the context of the *intifada* (uprising) in the West Bank and Gaza Strip. Around 2,000 were administratively detained without charge or trial. The others were released without charge or brought to trial before military courts. Some 11,000 security prisoners and detainees were held at the end of the year, including about 350 administrative detainees. Scores of Israelis, mostly Druze and Jewish conscientious objectors to military service, were imprisoned as prisoners of conscience. Palestinians under interrogation were systematically tortured or ill-treated. About 90 Palestinians were shot dead by Israeli forces, often in circumstances which seemed unjustifiable. Investigations into torture or ill-treatment and killings of civilians appeared to be inadequate. One person remained under sentence of death.

The *intifada* in the West Bank and Gaza Strip continued, although with less intensity than in previous years (see *Amnesty International Reports 1988 to 1991*). Palestinian protests against the Israeli occupation included strikes and demonstrations, as well as attacks on Israeli soldiers and civilians using stones, petrol bombs, knives and, occasionally, firearms. At least one Israeli soldier and six civilians were killed in these attacks. About 170 Palestinians were killed apparently by other Palestinians, some after having been tortured: most were suspected of collaborating with the Israeli authorities.

The Israeli authorities used firearms extensively, as well as widespread arrests, restrictions of movement and closures of educational institutions. Eight Palestinian residents of the Gaza Strip were deported to Lebanon, a practice which had not been used since August 1989. The authorities also demolished or sealed about 90 Palestinian homes as punishment. During the Gulf conflict, in the course of which Iraq launched missile attacks on Israel, a prolonged curfew was maintained throughout the Occupied Territories and gas-mask

protection for Palestinian residents was late and inadequate.

In October Israel ratified the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Administrative detention, without charge or trial and for renewable periods of up to one year – reduced by the authorities to six months at the end of 1991 – was imposed on about 2,000 Palestinians. A two-step judicial review of detention orders was available, but appeals by detainees took place weeks or months after arrest. Crucial evidence about the reasons for detention was almost invariably withheld from detainees and their lawyers, thereby rendering existing legal safeguards largely meaningless. Almost all administrative detainees were held in the Ketziot detention camp in the Negev desert in Israel. In October family visits took place for the first time since the camp was opened in March 1988.



Prisoners of conscience held in administrative detention included Salah Iyad, a trade unionist released in September after seven months in detention, and Dr Sari Nusseibeh, a university professor and prominent political activist held for three months between January and April. Wafiq Abu Siddu, Radwan Abu 'Ayyash, Ziyad Abu Zayyad and Dr Ahmad Yazji (see *Amnesty International Report 1991*) were all released by July. The detention orders against some of these detainees were reduced on appeal. Other administrative detainees held during the year included Sami Abu Samhadanah, whose one-year detention order was renewed for a further year in May. He had been held in adminis-

trative detention almost continuously since September 1985.

Israeli prisoners of conscience included Abie Nathan. He began an 18-month prison sentence in October after a second conviction under a law forbidding unauthorized contacts with the Palestine Liberation Organization (see *Amnesty International Reports 1990* and *1991*). Also in October, David Ish Shalom was sentenced to nine months' actual imprisonment under the same law. Trial proceedings on similar charges against 11 other Israelis remained pending.

Palestinian prisoners of conscience serving sentences imposed after trial included 'Izzat Ghazzawi, a university teacher who was released in May after completing a sentence of 27 months' actual imprisonment. He had been found guilty in 1990 of drafting non-violent sections of leaflets issued by the clandestine Unified National Leadership of the *Intifada*. Dr Mamdouh al-'Aker, a surgeon and prominent political activist, was held and interrogated for 40 days in connection with leaflets distributed during the Gulf conflict. He was released in April without charge.

Dozens of Israeli Druze were imprisoned for refusing to perform military service, mostly for political or conscientious reasons. 'Adi Naffa' was sentenced to one month's imprisonment for refusing to serve on political grounds. Others received longer sentences. In October about 20 Druze objectors were reportedly released and discharged from further military service. At least 25 Israeli Jews served one or more periods of imprisonment of up to 35 days for refusing to perform certain types of military service such as duties in the Occupied Territories. Eli Gozansky was released in September after one month in prison, his fifth prison term for selective refusal.

Over 30 Lebanese and other foreign nationals were held under deportation or administrative detention orders after the expiry of their prison sentences. They had been apprehended between 1985 and 1987, mostly in South Lebanon, and tried in Israel for security offences. Four others, including Shi'a leader Shaikh 'Abd al-Karim 'Ubayd, were reportedly still held in administrative detention in Israel since their abduction in Lebanon in 1989.

Thousands of Palestinians were tried by military courts on charges including

membership of illegal organizations and throwing stones or petrol bombs. They were usually held in prolonged incommunicado detention, not brought before judges during the first 18 days after arrest and denied visits by lawyers or families for longer periods. Confessions allegedly extracted under duress were often the primary evidence against them. Many pleaded guilty apparently in order to avoid the pre-trial detention period lasting longer than a likely sentence. The much heavier sentences imposed on those convicted after trial also deterred many from contesting charges against them.

Palestinian detainees were systematically tortured or ill-treated during interrogation. Methods included beatings all over the body, often concentrated on sensitive areas such as the genitals; hooding with dirty sacks; sleep deprivation; shackling in painful positions; and confinement in small, dark cells called "closets" or, when kept cold, "refrigerators". At least some such methods may have been consistent with secret official guidelines issued in 1987 by the Landau Commission of Inquiry into the investigation methods of the General Security Service (GSS). The Commission endorsed the use of "non-violent psychological pressure" as well as "the exertion of a moderate measure of physical pressure" during interrogation.

In March Wa'el 'Afanah was allegedly punched and kicked, forced to count aloud while on his knees, and had his head repeatedly hit and banged against a wall while held in the Beach detention camp in the Gaza Strip. Twelve days after his arrest he was transferred to a hospital suffering from severe psychological trauma.

Other Palestinians were victims of brutality while in the hands of Israeli forces. In April Kadhem Dahabrah was reportedly beaten and kicked in the testicles at a road block near Jerusalem by soldiers who thought he had forged the date on a travel permit. He required surgery for a ruptured testicle.

Mordechai Vanunu, a former nuclear technician, petitioned the Israeli judiciary unsuccessfully to be taken out of solitary confinement (see *Amnesty International Reports 1988 to 1991*). Amnesty International believed that his isolation, since October 1986, constituted a form of cruel, inhuman or degrading treatment.

About 90 Palestinians, including children

and young people, were shot dead by Israeli forces using high velocity and special types of plastic and other bullets. Many were killed in the context of violent demonstrations; others were shot dead by Israeli undercover units apparently while trying to escape arrest. The use of firearms often appeared inconsistent with the internationally recognized principles of necessity and proportionality in the use of force. As a result, some killings were possibly summary executions or otherwise appeared to be unjustifiable. In March 'Adli al-Barghuti, a high school student, was shot dead by a soldier in Deir Ghassana apparently while running away in a school yard. The soldier is said to have opened fire without any warning and when no disturbance was taking place.

A judicial inquest conducted by judge Ezra Kama into the killings of 17 Palestinians by border police at the *Haram al-Sharif* (Temple Mount) in October 1990 (see *Amnesty International Report 1991*) ended in July. It concluded that police officers were initially endangered by demonstrators and retreated, but in a second phase of police action, which aimed to regain control of the area and during which most of the fatalities occurred, police officers used firearms without justification. Judge Kama recommended no prosecutions on the grounds that there was insufficient evidence linking specific victims to specific police officers.

In May Major-General (reserve) Rafael Vardi was appointed to investigate allegations of violence against detainees by soldiers. In his report in August he recommended that responsibility for interrogating residents of the Occupied Territories be transferred to non-military authorities and that orders prohibiting soldiers from using violence or threats against detainees be strengthened. However, apparently because of the opposition of other agencies, it was later announced that the armed forces would maintain responsibility for interrogating suspects through the Military Police. Major-General Vardi also recommended that eight of 16 specific complaints of violence by soldiers during interrogation be further investigated by the military authorities.

Three other official investigations into allegations of torture or ill-treatment were announced in May, involving the GSS and the Ministry of Justice, after the publication

in March of a report on the issue by the Israeli human rights organization *B'Tselem*.

A number of soldiers and security personnel were convicted or disciplined in connection with the killing or torture of Palestinians. In January an army colonel was given a suspended sentence of six months' imprisonment and a reprimand for opening fire with plastic bullets and killing Mahmud al-Sarraj, aged 15, in the Gaza Strip in July 1989. The colonel was then deputy commander of the Gaza Strip. In April another army colonel was demoted to private after a court-martial found him guilty of ordering punitive beatings of Palestinians in January 1988. In September the Supreme Court upheld prison sentences of six months each passed on two GSS interrogators convicted of causing death by negligence in connection with the torture and death of Khaled Shaikh 'Ali in December 1989 (see *Amnesty International Report 1990*).

It was announced in July that the Ministry of Justice was taking over responsibility from the police for internal investigations of police misconduct. There had been complaints about widespread police brutality against criminal suspects, aimed mostly at obtaining confessions.

The appeal before the Supreme Court in the case of John Demjanjuk continued. He remained under sentence of death after having been convicted in 1988 of offences including crimes against humanity (see *Amnesty International Reports 1989 to 1991*).

Amnesty International urged the release of prisoners of conscience, including administrative detainees and convicted prisoners. In July it published a report, *Israel and the Occupied Territories: The military justice system in the Occupied Territories: detention, interrogation and trial procedures*. The report focused on concerns including prolonged incommunicado detention, use of confessions allegedly extracted under duress and undue pressures to plead guilty. It also illustrated a pattern of torture or ill-treatment and assessed the recommendations of the Landau Commission Report. Amnesty International called for relevant safeguards - including publishing and reviewing the secret guidelines on interrogation - to be urgently introduced.

In an oral statement to the United Nations (UN) Commission on Human Rights

in January, Amnesty International included reference to its concerns relating to administrative detention, the use of firearms and tear-gas, and the treatment and trial of prisoners in the Israeli Occupied Territories.

Amnesty International delegates visited Israel and the Occupied Territories in May, July and August to gather information and meet officials.

The Israeli authorities provided information on a number of individual cases and commented in detail on the *Amnesty International Reports 1990 and 1991*. They criticized in particular Amnesty International's methodology and perceived partiality. Amnesty International publicized these comments and its response in October. The Israeli authorities also said that Amnesty International's oral statement to the UN was of a "tendentious nature", for example with regard to the allegations of deaths after misuse of tear-gas. In July the Israeli authorities said that Amnesty International's report on the military justice system belittled the seriousness of the security situation and Israel's "continuous efforts to protect the human rights of detainees", stating that "false allegations of maltreatment are common". They reiterated their condemnation of "all use of torture" but said that it would be "naïve" to expect them to make public the "existing guidelines relating to the use of pressure during interrogation". They added that "no government would reveal to the public ... the precise methods that are used to outwit its adversary".

ITALY

Reports of torture and ill-treatment in police custody and prisons continued. Several inquiries opened into such allegations in previous years remained unresolved. A judicial inquiry was under way into the killings of two criminal suspects by the police in disputed circumstances.

In July the Chamber of Deputies (lower house of parliament) approved a draft law which would reform the existing system of conscientious objection to compulsory military service (see *Amnesty International Reports 1989 to 1991*). Its proposals included widening the grounds on which conscientious objector status might be granted and reducing the length of alternative

civilian service from 20 to 15 months, three months longer than military service. However, it made no provision for conscientious objection developed after conscription into the armed forces. The draft law was awaiting approval by the Senate at the end of the year.

Further reports of ill-treatment in police custody and prisons were received.



On 23 January law enforcement agents evicted some 2,000 homeless immigrants, the majority of them from the Indian sub-continent and North Africa, from a disused factory in Rome. After preliminary checks on passports and residence permits, some 1,000 immigrants were taken to a *carabinieri* station where they were held for periods of up to 48 hours for further screening.

Members of parliament and town councillors who visited the station on 24 January stated that they had witnessed police officers striking immigrants, that many of the immigrants had visible injuries and that a number required medical treatment on release. In a public demonstration held on 25 January approximately 30 immigrants reportedly displayed bruised faces, bandaged arms and burn marks on their hands which they claimed were cigarette burns inflicted by the police. They announced their intention of lodging judicial complaints of ill-treatment.

In April inmates of Sollicciano prison alleged to the judge of surveillance attached to the prison and the Director General of Prison Services that prison guards regularly subjected prisoners to ill-treatment, including beatings. The majority of the allegations concerned prisoners of North African origin, constituting some 40 per cent of the prison's population. The

director of Sollicciano prison subsequently informed the press that the judge of surveillance was responsible for investigating the allegations. In December prison inmates claimed in a letter to the press that both male and female prisoners continued to be ill-treated.

A judicial inquiry was under way into the alleged torture and ill-treatment of inmates of Fuorni prison during a search operation apparently carried out by between 100 and 150 masked prison guards on 15 December 1990. Prisoners claimed that the guards forced them to strip and perform press-ups and repeatedly kicked and beat them with truncheons and batons. They alleged that they were held in a common room and made to kneel, facing the wall, with their arms in the air, and were beaten if they turned. They also alleged that some prisoners were sodomized with broom handles and that younger prisoners were forced to spit at and slap elderly prisoners.

In the days immediately following the search the prison infirmary reportedly issued around 100 medical certificates recording injuries which the medical staff estimated would require three, four or five days to heal. It was also claimed that one prisoner lost an eye, one sustained a burst ear-drum, one had the bones of one hand smashed and another had several teeth broken. Four or five prisoners were reportedly hospitalized but in January there were allegations that other injured prisoners had received inadequate medical treatment.

A judicial inquiry into allegations that prison guards ill-treated up to 20 inmates of Novara prison during and after their dispersal from the exercise yard in January 1990 (see *Amnesty International Report 1991*) ended in March when the judge of preliminary investigation ruled that the proceedings should be archived. She decided that the dispersal operation had conformed to legal requirements but was marked by the utmost disorganization; it had not even been possible to establish the names or number of guards participating. She stated that it had been impossible to either prove or disprove the prisoners' allegation that guards had beaten at least four of them after the dispersal operation. She concluded that there was therefore no proof that the prisoners were guilty of calumny against the guards, as had been alleged, and dismissed an allegation that

prisoners had attacked guards while being dispersed.

A judicial inquiry was under way into the fatal shooting by police officers of cousins Spaho and Sefik Halilovic, described as Romas (Gypsies) of Slav origin. They were among five occupants of a van suspected of carrying stolen goods, which was chased and stopped by two members of the highway police in November 1990. The Ministry of the Interior stated that the occupants ran off and one of the police officers fired a few warning shots in the air; when the fugitives fired some shots in reply, the second police officer fired the shots which killed Spaho and Sefik Halilovic.

However, reportedly no firearms were found in the vicinity of their bodies and the only spent cartridges discovered were apparently those used in standard police-issue firearms. The initial examination of the bodies reportedly found that one of them had been shot in the back, and that the other had been shot in the head three times at close range. A man described as one of the three people who had escaped from the police reportedly alleged that he had seen the police shoot Spaho Halilovic while he was lying on the ground, begging them not to fire.

Amnesty International expressed concern to the authorities about the alleged circumstances of the shootings and asked to be informed as to the progress and outcome of the judicial inquiry.

During a meeting with Prime Minister Giulio Andreotti in October, an Amnesty International representative presented a memorandum describing various cases of alleged torture and ill-treatment of detainees and prisoners between 1986 and 1991. The memorandum expressed concern about the number of such allegations and the persistent failure of the authorities to reply to the organization's requests for information on most of the cases cited in its memorandum. It also expressed concern about the apparent lack of progress in judicial inquiries opened into some of the allegations in previous years. These included an inquiry into the alleged ill-treatment of at least 47 detainees in Milan in 1988 and an investigation opened in 1986 into the alleged ill-treatment of around 30 detainees in Naples (see *Amnesty International Reports 1987 to 1991*). The Prime Minister gave assurances that he would ask for a

thorough examination of each case described in the memorandum and would inform Amnesty International of the results.

JAMAICA



Death warrants were issued for two prisoners but they were granted a stay of execution. The courts imposed at least 30 death sentences. At least 15 death sentences were commuted or overturned on appeal. Around 270 prisoners were on death row at the end of the year. The last executions were carried out in 1988. The Human Rights Committee, which supervises implementation of the International Covenant on Civil and Political Rights (ICCPR), adopted the view that there had been violations of the ICCPR in the cases of four prisoners under sentence of death.

Legislation to amend the Offences Against the Person Act, which provides a mandatory death sentence for murder, was being prepared. If the proposed amendments are approved, the death penalty would apply only to first degree murder; killings resulting from quarrels, fights or domestic disputes would not be punishable by death. The bill was to include a clause to allow the retroactive application of the new rules to the cases of those already sentenced to death.

Earl Pratt and Ivan Morgan were scheduled to be executed on 7 March despite an April 1989 recommendation by the Human Rights Committee that their sentences should be commuted because Jamaica had violated the ICCPR in their cases (see *Amnesty International Reports 1989 to 1991*). This was the third time warrants had been issued for their execution. Lawyers filed a constitutional motion on behalf of Earl Pratt and Ivan Morgan and a stay of execution was granted on 5 March

by the Governor General on the advice of the Committee on the Prerogative of Mercy pending a hearing by the Supreme Court. In late April the Court heard the motion, which alleged that the two men's constitutional rights had been violated, and rejected it on 18 June. The prisoners appealed the Supreme Court's decision to the Court of Appeal; a hearing was pending at the end of the year.

In April the Human Rights Committee adopted the view that Jamaica had violated the rights of Paul Kelly, who had been tried and sentenced to death in February 1983. The Court of Appeal rejected his appeal in April 1986 but did not issue a written decision. The Human Rights Committee found a violation of ICCPR Article 9(3), the right to be brought before a judge promptly after arrest; of Article 14, the right to a fair trial; and of Article 6, the right to life, since the death sentence had been imposed after judicial proceedings that fell short of international standards. The Committee concluded that he was "entitled to a remedy entailing his release". In November the Committee adopted similar views in the cases of Aston Little and Raphael Henry, sentenced to death in July 1984 and March 1985 respectively. The Committee found that the death sentences had been imposed in violation of their right to a fair trial and their right to life. The Committee recommended they be released. At the end of the year Paul Kelly, Aston Little and Raphael Henry were still on death row.

The Human Rights Committee adopted the view that ICCPR Articles 7 and 10(1) had been violated in the case of Willard Collins, sentenced to death in March 1983, on account of ill-treatment he had been subjected to on several occasions during his detention on death row. The Committee urged the Jamaican Government to take measures to ensure his "physical integrity and to grant him an appropriate remedy for the violations he had suffered".

Adrian Campbell, a juvenile offender sentenced to death in 1990, and his two co-defendants who may also have been under 18 when the crime was committed (see *Amnesty International Report 1991*) were released by the Court of Appeal in September. The court held that the trial judge had misdirected the jury.

A coroner's inquest started its task of determining criminal responsibility for the deaths of three prisoners during a prison

riot in May 1990 (see *Amnesty International Report 1991*). It had not been concluded by the end of the year.

Amnesty International wrote to the Governor General, Prime Minister Michael Manley, and other senior government officials in February expressing grave concern about the death warrants issued for Earl Pratt and Ivan Morgan. The organization noted that no country had ever executed a prisoner in direct contravention of the Human Rights Committee's views that the ICCPR had been violated. Amnesty International urged the government to respect its obligations under international human rights treaties by preventing the executions of the two men and by ensuring that their death sentences were commuted.

In March Amnesty International welcomed the stays of execution granted to Earl Pratt and Ivan Morgan and renewed its appeal for the commutation of their death sentences, as well as those of others under sentence of death including Adrian Campbell and his co-defendants. The letter also reiterated Amnesty International's concerns about the deaths of three prisoners during a riot in May 1990 at St Catherine's Adult Correctional Centre (see *Amnesty International Report 1991*) and at other places of detention, and requested information about the results of any investigations into those cases. There had been no reply by the end of the year.

JAPAN



The Supreme Court upheld four death sentences but for the second consecutive year there were no executions.

About 90 prisoners convicted of murder were believed to be under sentence of

death. The Supreme Court confirmed four of these sentences in 1991, bringing the total of finalized sentences to 50. No executions took place. Shortly after his appointment in November, the Minister of Justice told journalists that there "would probably be no executions for some time".

In August the Sendai District Court rejected a claim for damages for mental suffering filed by a former death row prisoner. Yukio Saito had spent 29 years in prison, most of it under sentence of death, before being acquitted and released in 1984 (see *Amnesty International Report 1985*).

In April the Tokyo High Court found that Ono Tetsuo had made a confession to police under duress and acquitted him of the criminal charges on which he had been sentenced to life imprisonment in 1984. Ono Tetsuo had confessed after being held in solitary confinement by police for 70 days.

In August Lin Guizhen, a Chinese student who said that she had fled China to avoid arrest for her participation in the 1989 pro-democracy movement, was forcibly returned to the People's Republic of China by the Japanese authorities. This occurred before her appeal against the refusal of her asylum request had been heard and despite fears that she might become a prisoner of conscience. Lin Guizhen was subsequently sentenced to two years' imprisonment, but the exact charges were not known.

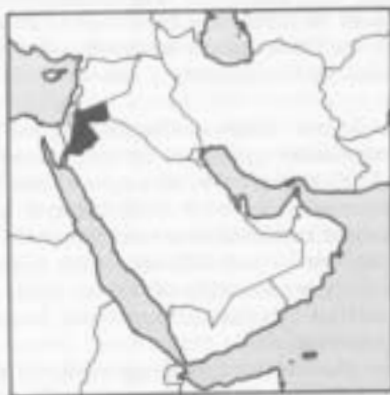
In January Amnesty International published a report, *Japan: The death penalty and the need for more safeguards against ill-treatment of detainees*, based on a memorandum it had submitted to the Japanese authorities in April 1990 (see *Amnesty International Report 1991*). In August the organization wrote to the National Police Agency requesting further information on measures in place to prevent the ill-treatment of detainees. There was no response by the end of the year. In its January report Amnesty International had recommended separating personnel in charge of custody from those responsible for interrogation, and had expressed concern about the procedures for investigating complaints of ill-treatment.

In August Amnesty International called for a review of asylum procedures following the forcible return to China of Lin Guizhen.

In September Amnesty International

representatives met Prime Minister Toshiki Kaifu and other ministers, and urged them to abolish the death penalty and introduce full safeguards against possible ill-treatment of detainees. Amnesty International also called on Japan to accede to international human rights treaties, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the optional protocols to the International Covenant on Civil and Political Rights.

JORDAN



Over 200 suspected opponents of the government, including possible prisoners of conscience, were detained without charge, trial or judicial review, or were tried by civilian and special military courts. These included the Martial Law Court and the State Security Court, whose procedures do not satisfy international standards of fair trial. Seventeen political prisoners sentenced by the Martial Law Court in 1991 and previous years were pardoned and released. Scores of detainees were allegedly tortured or ill-treated. At least six people were executed, some after unfair trials.

In July the government repealed martial law directives issued in 1967 giving the executive sweeping powers of arrest and detention without charge, trial or judicial review. Martial law, however, was not formally lifted and the existing Martial Law Court, before which unfair trials have been held, was authorized to complete its case load. In addition, sweeping powers of arrest and detention remained available to the authorities under the Defence Law in force since 1939. A new draft Defence Law

presented to Parliament in 1990 (see *Amnesty International Report 1991*) continued to be debated.

Other laws relevant to human rights were reviewed by the government and Parliament. They included a new law on political parties and a new law on the State Security Court. The court would take over much of the Martial Law Court's jurisdiction and allow the right of appeal to a higher tribunal. Also drafted was a Law Lifting Responsibility as a Result of the End of Martial Law, which would grant immunity from prosecution to officials who had been entrusted with enforcing martial law directives. The government's proposal to repeal the 1953 Law of Resistance to Communism had not yet been decided by Parliament by the end of the year.

In June a "National Charter" drafted by a commission appointed by King Hussein bin Talal was adopted at a special conference attended by some 2,000 citizens. The document included principles for political activity and a commitment to the rule of law and the protection of human rights as set out in relevant international human rights treaties.

In November Jordan acceded to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Over 200 suspected government opponents, including possible prisoners of conscience, were arrested on security grounds mostly by the General Intelligence Department (GID). Many were released after having been held without charge, trial or judicial review. Among them were suspected members of Islamic organizations, including the Islamic *Hizb al-Tahrir fi al-Urdun*, Liberation Party in Jordan (LPJ). One of them, Shaykh Taher 'Abd al-Hamid al-Taher, was detained for two months between March and May apparently after he had criticized the authorities in a Friday sermon. He had been detained for similar reasons in 1990 (see *Amnesty International Report 1991*). Eight men arrested in April apparently on suspicion of planning to carry out an attack across the Israeli border were released in October after they had gone on hunger-strike to protest at their detention without charge or trial. Also detained without charge for up to 16 days in June were 'Isam al-Tal, a journalist, and seven other suspected members of the

Jordan Communist Party – the Revolutionary Path. They had been arrested apparently in connection with the publication of a leaflet said by the authorities to contain a personal attack on the then Prime Minister, Mudar Badran. Bakr al-Khawalidah, President of the LPJ's Cultural Committee, was arrested with a dozen others in October, apparently for speaking publicly in opposition to the Madrid peace conference between Israeli and Arab representatives. He and four others were still held by the end of the year.

Other alleged LPJ members were brought to trial during the year. They included Musa Khalil Shehadah, who was convicted in March by the Martial Law Court of membership of an illegal organization: he was sentenced to 18 months' imprisonment. Arrested in December 1990, he was released in October after a special pardon.

Over 150 people were arrested, mostly in July, and accused of belonging to an illegal organization called *Jaysh Muhammad*, The Army of (the Prophet) Muhammad. The authorities said the group had been responsible for bomb attacks and other acts of violence in Jordan. They were detained incommunicado by the GID. About 80 of them were released in September; a number of others remained held without charge or trial; and 18 were charged with offences including membership of an illegal organization and acts of terrorism. They were tried by the State Security Court. Six of the 18 and two others who were tried *in absentia* were sentenced to death in November. The others received sentences of between four years' and life imprisonment. The death sentences passed on the six prisoners were commuted by the King in December. The State Security Court lacked basic safeguards for fair trial. An Amnesty International delegate observed sessions of the trial in Amman.

Seventeen prisoners convicted by the Martial Law Court in 1991 and previous years were pardoned and released in March and October. They included 'Abdullah and Muhammad al-Darduk, who had been under sentence of death in connection with a bomb attack in a shop in 1982.

Torture and ill-treatment, mainly by the GID, continued to be reported. About 30 of the suspected members of *Jaysh Muhammad* who were arrested at the end of July and held incommunicado for about three weeks by the GID said they were subjected

to *falaqa* (beatings on the soles of the feet) and other beatings. Others who were brought to trial in October also alleged that they had been subjected to *falaqa* and other forms of torture or ill-treatment to force them to confess. They had been denied access to lawyers throughout their pre-trial detention. They were examined by a forensic doctor who found on some of them injuries consistent with torture. In Swaqa prison, Husayn Jahalin was reportedly punitively beaten in June for a minor infraction of internal rules. He was taken to hospital for treatment but, despite a formal complaint, no measures were known to have been taken by the authorities.

At least six people were executed. In February two people, an air force pilot and a farmer, were executed after having been convicted of spying for Israel. Four others who had been convicted in separate murder cases were executed in May. One of these cases, involving the murder of an officer of the Public Security Directorate during an anti-drugs operation, resulted in the first execution to be carried out under the 1988 Law on Drugs and Stimulants. Five of those executed were reportedly convicted by the Martial Law Court and thus denied internationally recognized safeguards in capital cases, including the right of appeal. Five others sentenced to death by the Martial Law Court in March, including one sentenced *in absentia*, had their sentences commuted to prison terms in August. The five had been convicted of being members of an illegal organization, possession and use of explosives and other offences.

A number of people were expelled or faced expulsion to countries where they may have suffered human rights violations such as torture. In October Muhammad al-Fasi, a Saudi Arabian national who had been publicly critical of his government, was arrested in Amman and forcibly returned to Saudi Arabia apparently without any legal process. He was believed to be at risk of torture and possible execution in Saudi Arabia.

Amnesty International welcomed the repeal of martial law directives permitting detention without trial, the releases of prisoners and the commutation of death sentences. The organization remained concerned, however, about the continued use of prolonged incommunicado detention without charge, trial or judicial review of

political prisoners, including possible prisoners of conscience, and about trials by special military courts which lacked basic safeguards of fair trial. It was also concerned about the allegations of torture and about the use of the death penalty, including after unfair trials. Amnesty International sought assurances from the authorities that people would not be expelled to countries where they would be at risk of torture, execution or imprisonment as prisoners of conscience.

In August an Amnesty International delegation visited Jordan and discussed human rights issues with Prime Minister Taher Masri and other government ministers and officials, including the GDD Director General. While welcoming recent human rights reforms, Amnesty International called for the urgent introduction of safeguards against torture and ill-treatment of detainees, including routine medical examinations and access to lawyers; for the speedy completion of the review of cases of political prisoners sentenced by the Martial Law Court; and for fair trials for all political prisoners. Amnesty International also pressed for the commutation of all death sentences. Government officials denied the use of torture, provided information about impending prisoner releases and the commutation of five death sentences, and said the government intended to lift martial law shortly. Amnesty International was assured of the government's continuing commitment to human rights reforms and its willingness to consider Amnesty International's recommendations.

KENYA

Hundreds of pro-democracy activists were imprisoned for short periods. Four prisoners of conscience were convicted of sedition after a grossly unfair trial and sentenced to seven years' imprisonment; three other prisoners of conscience were released from administrative detention. About 20 political prisoners convicted after unfair trials in previous years continued to serve their sentences. Eight other government opponents charged with treason in 1990 remained in prison without being brought to trial. Treatment of political prisoners was deliberately harsh. Over 320 people were reportedly under

sentence of death, including over 40 convicted during 1991, but it was not known if there were any executions.

The government of President Daniel arap Moi faced renewed demands for an end to the one-party state. At first these were rejected: the National Democratic Party (NDP), an opposition party formed in February by Oginga Odinga, a former Vice-President, was banned and members of the Forum for the Restoration of Democracy (FORD), another group formed in August, were arrested. In December, however, after the country's main aid donors said they were provisionally stopping aid to Kenya for six months until democratic and human rights improved, the government announced that political parties other than the ruling Kenya African National Union (KANU) would be allowed. A constitutional amendment on 10 December formally ended the one-party state, allowing opposition groups such as the FORD to function openly.



Several government critics were arrested in early 1991 and charged with sedition. Gitobu Imanyara, a lawyer and editor of *The Nairobi Law Monthly*, was charged with publishing a seditious publication, after his journal accused the government of practising tribalism. It criticized the preponderance of Kalenjin – people of President Moi's ethnic group – in senior official posts. Gitobu Imanyara was held for three months, during which he became seriously ill and required hospital treatment, before the charge against him was dropped. Several others who were arrested and accused of possessing seditious publications were also freed when charges were dropped some weeks later.

In November three senior government figures were arrested after a judicial com-

mission of inquiry pointed to high-level involvement in an attempt to cover up the abduction, torture and murder of Foreign Minister Robert Ouko in February 1990, apparently to prevent him disclosing official corruption. However, the two main suspects, a former government minister and a senior civil servant responsible for security, were released without explanation a few weeks later. Jonah Anguka, a district commissioner, remained in custody, charged with Robert Ouko's murder.

Charges were brought against several FORD supporters arrested after its formation in August. They were accused of public order offences but the charges were dropped after their release on bail. Scores of other pro-democracy activists were arrested in November when a rally called by FORD in the Kamakunji area of Nairobi was banned by the government. Among them were FORD leaders, including Oginga Odinga and Gitobu Imanyara, and many FORD activists, who were arrested two days before the rally. On 16 November, the day of the rally, police sealed off the Kamakunji area, forcibly dispersed peaceful protesters with tear-gas and batons, and arrested as many as 300 people. Among them were Martin Shikuku, a former prisoner of conscience, and Paul Muite, Chairman of the Law Society of Kenya. Dozens of prominent FORD supporters throughout the country were promptly charged under the Public Order Act with "publicizing an illegal meeting", an offence punishable by six months' imprisonment. Most were at first remanded in custody, but a few days later all were released on bail. Scores of others were swiftly tried, convicted of offences such as "creating a disturbance", and fined. The arrests attracted considerable international criticism and by early December all charges had been dropped.

In July, four prisoners of conscience were jailed for seven years after a sedition trial lasting six months. They included George Anyona, a former member of parliament, and Edward Oyugi, a university professor. All four were convicted of holding a "seditious" meeting in 1990 in a Nairobi bar, a charge they denied. Their trial was unfair. The judge ignored their allegations that they had been tortured and admitted as evidence statements which they said had been made under torture. No evidence was produced by the prosecution about the subject of their meeting in the bar, nor was

there evidence that they had used or advocated violence. They lodged appeals but these had not been heard by the end of the year.

Three prisoners of conscience held in administrative detention without charge or trial since July 1990 under the Public Security Regulations were all released after becoming ill. Kenneth Matiba, a former government minister and a leading advocate of multi-party democracy, was released in June and allowed to seek medical treatment abroad after suffering a stroke. Charles Rubia, another former government minister, and Raila Odinga were released in April and June respectively. It appeared that all three had become ill because they were denied adequate medical treatment.

The Reverend Lawford Imunde, who was jailed for six years in March 1990 for making "seditious" notes in his private diary (see *Amnesty International Report 1991*), was released by the Court of Appeal in March. He continued with appeal proceedings against his conviction, maintaining that he had been tortured and given false inducements by the police to make him plead guilty to sedition, but the appeal had not been heard by the end of the year.

About 20 other political prisoners sentenced after unfair trials in previous years remained in prison. They were serving sentences of between three and 10 years for "sedition" or "membership of an illegal organization". Most had pleaded guilty at their trials as a result of torture or duress. Six were released during the year after receiving one-third remission of their sentences.

Koigi wa Wamwere, a leading government opponent, and seven others remained in prison awaiting trial on treason charges. The authorities said Koigi wa Wamwere had been arrested in October 1990 in Nairobi for possession of weapons. He denied this and alleged that he had been forcibly abducted from Uganda. The seven charged with him included Rumba Kinuthia and Mirugi Kariuki, both lawyers. All denied the charges, which carry a mandatory death penalty. They said they had been tortured to make false statements incriminating themselves or others, and were being ill-treated in prison. A key prosecution witness expected to be called at their trial was shot dead in July. Bernard Githinji Kiragu had been detained unlawfully since September 1990 by security

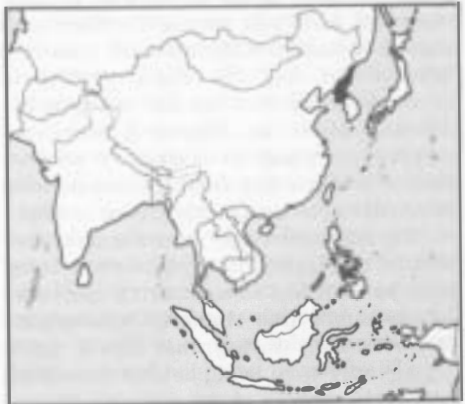
police belonging to the Department of Security and Intelligence (DSI), the former police Special Branch. He was killed while trying to escape from the DSI's Nairobi headquarters, during which he shot dead two security police officers. The Attorney-General reportedly initiated an investigation into the incident, but no findings were announced.

At least 40 people were sentenced to death after being convicted of robbery with violence or murder. Official statistics on death sentences and executions in Kenya are not disclosed but over 320 prisoners were reported to be under sentence of death. It was not known if any prisoners were executed or had their death sentences commuted in 1991.

Amnesty International appealed for the release of prisoners of conscience and investigated the cases of possible prisoners of conscience, including those facing trial on treason charges. The organization also urged the authorities to prevent the torture or ill-treatment of political detainees and sentenced prisoners, to investigate complaints of torture, and to commute all death sentences.

KOREA

(DEMOCRATIC PEOPLE'S REPUBLIC OF)



About 1,000 people were officially said to be held in "correction through labour" camps but it was not clear how many of these were held for political reasons or whether they included prisoners of conscience. The authorities denied holding thousands of political prisoners.

New information about legislation and legal procedures relating to human rights

was obtained in early May by Amnesty International representatives to the 85th Inter-Parliamentary Conference held in Pyongyang, the capital, when they met government officials, academics and others. Under the 1972 Constitution, the rights to freedom of assembly, association and demonstration, to freedom of speech and religious beliefs, and to freedom of the press are guaranteed. However, these are circumscribed by a requirement that all citizens "observe the socialist standards of life and the socialist code of conduct" and the state's mission to defend "the socialist system against the subversive activities of hostile elements at home and abroad." In practice, there were strict official controls on information exchange and expression, and free movement within the country, which continued to make it difficult to obtain information about human rights.

The Criminal Code, in force since 1987, provides for people convicted of offences to be sentenced either to "correction through labour" for up to 10 years or to death, as well as other punishments such as confiscation of property or deprivation of the right to vote. The death penalty is mandatory for treason "in collusion with imperialism" and optional for a range of other offences including subversion and homicide "in excessively aggravating circumstances." However, no one aged under 17 at the time of the crime may be sentenced to death and pregnant women may not be executed. Officials told Amnesty International that the death penalty is rarely imposed but would not provide statistics on its use. They said most cases involved espionage or sabotage. It was not known whether any death sentences were imposed or executions carried out in 1991.

The authorities also denied reports that tens of thousands of people were being held for political reasons in 12 corrective labour camps (see *Amnesty International Report 1990*), saying that about 1,000 people only were being held in three such camps. No details of these prisoners were provided, although it appeared that a number were people officially described as "outsiders" who were being held for "anti-state" crimes connected to the state of war with South Korea. Officials also denied reports that staff and students at colleges in Pyongyang had been arrested in 1988 for putting up political posters (see *Amnesty International Report 1989*).

KOREA (REPUBLIC OF)



More than 50 prisoners of conscience and at least 35 possible prisoners of conscience were imprisoned; most of them were arrested and imprisoned during the year, the others were serving lengthy sentences on national security grounds. Some prisoners were reportedly ill-treated. One person died as a result of beatings by riot police. Nine people were executed.

In May the government of President Roh Tae-woo amended the National Security Law (NSL). The amendments permit contact with communist organizations, except those allegedly linked to North Korea, and make "praising, encouraging or showing sympathy" to North Korea punishable only when committed "with the knowledge that it will endanger national security and survival of the free and democratic basic order".

Talks continued between the governments of North and South Korea. In December the prime ministers of the two countries signed an Agreement on Reconciliation, Non-aggression and Exchanges and Cooperation. Contacts between citizens of the two countries also increased, mainly through sports and academic exchanges. However, unauthorized contact with North Koreans continued to be punished by imprisonment.

Hundreds of people were reportedly arrested throughout the year on charges related to their political activities. Many were arrested under the NSL which covers offences such as contacting North Korea without government permission, allegedly pro-communist activities, or benefiting North Korea. Others were detained for

organizing or participating in demonstrations without prior police permission, for violence during demonstrations or for third-party intervention in labour disputes. Many of those arrested were believed still held at the end of the year.

Ten members of *Pomminnyon*, the Pan-National Alliance for the Reunification of Korea, were sentenced to prison terms for attempting to establish a *Pomminnyon* chapter in South Korea or for meeting North Korean *Pomminnyon* members without government permission. Sentences ranged from 18 months to two and a half years, in some cases suspended. Those still imprisoned at the end of the year, all of them prisoners of conscience, included Cho Song-woo, Lee Hae-hak, Lee Chang-bok and the Reverend Hong Keun-soo. The Reverend Moon Ik-hwan, also a leading *Pomminnyon* activist, was rearrested in June on the grounds that he had violated his parole by again becoming involved in political activities, and sent back to prison to serve the remainder of a seven-year sentence imposed in 1989 (see *Amnesty International Report 1991*).

Trade unionists were imprisoned for supporting strikes: under the Labour Dispute Mediation Act, third parties – people not directly connected with the workplace – are prohibited from intervening in industrial disputes. Seven officials of *Yondae-hoeui*, the Association of Large Factory Trade Unions, were arrested in February after a meeting in support of striking shipyard workers. Lee Eun-ku and two others, all prisoners of conscience, were sentenced to 18 months' imprisonment. A fourth, Park Chang-su, died in May in a fall from a prison hospital roof. He had been receiving hospital treatment for injuries sustained in custody. He was officially found to have committed suicide although trade union and human rights groups disputed this.

Several members of *Somiryon*, Seoul Regional Alliance of National People's Fine Arts Movement, were arrested and charged under the NSL with praising North Korea. They included three people arrested in March and sentenced to prison terms of between 18 months and two years in July after being convicted of possessing books and documents on socialism and North Korea, promoting socialist realism, praising North Korean art and inciting opposition to the government. The three, all prisoners of conscience, were still serving their sen-

tences at the end of 1991.

Park In-bae, the director of Seoul Labourers' Cultural Federation, was arrested in April for distributing tape recordings of labour movement songs without submitting an advance copy to the authorities. He was released in October on a suspended two-year sentence.

Other prisoners of conscience included six students at the Seoul Social Science Research Institute who were arrested in June for possessing and publishing books and articles praising North Korea – in fact mostly academic publications and university theses – which the authorities said contained “provocative and threatening ideas”. Two were released but four others were convicted under the NSL for allegedly praising North Korea, given suspended sentences and released.

Further arrests occurred in June and July following protests about the death of a student, Kang Kyung-dae, as a result of a beating by riot police during a demonstration in April. Hyon Ju-ok, the acting Chairman of *Chonnohyop*, National Council of Labour Unions, was arrested together with four leaders of *Chonkyojo*, Korean Teachers' and Educational Workers Union. Others belonging to *Chonminnyon*, National Democratic Alliance of Korea, were also arrested, as was Choi Jong-jin of the *Chon-nong*, National Farmers' Union. They were charged with organizing illegal protest demonstrations. One of them, Suh Junshik, the Director of the Human Rights Committee of *Chonminnyon*, was released in December with a suspended sentence.

Dozens of members of *Sanomaeng*, the Socialist Workers League, were also arrested and charged under the NSL with plotting to overthrow the government. By December around 50 had been sentenced to prison terms ranging from 18 months to life. They were alleged to have planned to use violence but it was not clear what evidence existed to support this accusation or whether some might be prisoners of conscience.

In September the Ministry of Defence announced that 34 military conscripts had been arrested between January and August. Most were charged with distributing “left-wing material” and attempting to “indoctrinate fellow draftees with communist ideology”. In one case Suh Jae-ho, Chong Ki-ho and Kang Sang-min, all soldiers based in Pusan, were sentenced to between eight

months and three years' imprisonment for distributing a pamphlet said to call for withdrawal of United States forces from Korea. They were prisoners of conscience.

Among the prisoners of conscience arrested in previous years were nine prisoners who met North Korean officials or alleged North Korean agents in third countries or illegally visited North Korea. Kim Song-man and Hwang Tae-kwon, who were arrested on such charges in 1985, continued to serve sentences of life and 20 years' imprisonment respectively. Five of the others had been arrested in 1989 (see *Amnesty International Report 1990*).

Hong Song-dam, a dissident artist arrested in 1989 for sending one of his paintings to North Korea (see *Amnesty International Report 1991*), had his seven-year sentence reduced to three years on appeal in 1991.

Another prisoner of conscience, Park Ki-rae, who had been imprisoned since 1974 (see *Amnesty International Report 1991*), was released in an amnesty in February together with other prisoners sentenced to long terms of imprisonment after unfair trials for alleged espionage for North Korea. In May, 74 prisoners who had been convicted under the NSL were released following the law's amendment and over 180 others either had their sentences reduced or charges suspended. Other prisoners who were not released had been convicted of alleged espionage in the late 1970s and 1980s despite allegations that they had been tortured to make false confessions.

Some prisoners were reportedly beaten or ill-treated, including by being subjected to sleep deprivation. Park Deuk-joon, who was arrested in March under the NSL, alleged that his interrogators had beaten him and threatened to kill him to force him to make a false statement admitting that he listened to North Korean broadcasts.

In April Kang Kyung-dae, a student, was killed in an assault by riot police during a demonstration in Seoul. Five police officers were convicted in August of causing his death. Four were imprisoned and one received a suspended sentence. In May Kwon Chang-su was severely injured by riot police while taking part in a demonstration in Kwanju. In this case too, five police officers were arrested and charged. In October two police officers were dismissed after an investigation found that they had tied three prisoners to cell doors with their hands handcuffed above their

heads and their feet barely touching the floor for nine hours.

Nine people convicted of murder were executed. The Supreme Court released statistics in October showing that the number of death sentences imposed by the courts had risen from 17 in 1989 to 36 in 1990. The rise was said to have resulted from an anti-crime campaign launched by the government in late 1989. No statistics about death sentences imposed in 1991 were published, but 30 prisoners convicted of murder were reported to be under finalized death sentences at the end of the year.

Amnesty International welcomed those amendments to the NSL which limited the scope of provisions which had previously led to the imprisonment of some prisoners of conscience but expressed concern to the government that the provisions could still allow the imprisonment of prisoners of conscience. Amnesty International continued to appeal for the release of prisoners of conscience and for a review of the cases of those prisoners sentenced for espionage who were believed to have been convicted after unfair trials. The authorities responded to some Amnesty International inquiries about specific prisoners, providing information about the charges against them and asserting that their arrests were necessitated by considerations of national security.

In September Amnesty International delegates visited South Korea and discussed human rights concerns with National Police Agency and Ministry of Justice officials.

KUWAIT

Hundreds of political prisoners, including possible prisoners of conscience, were detained following the withdrawal of Iraqi troops from Kuwait in February and held without charge or trial for several months. More than 100 were prosecuted before Martial Law Courts and convicted after unfair trials of "collaboration" with Iraqi forces during the occupation or other offences. Of these, 72 received prison sentences and 29 were sentenced to death, including 16 *in absentia*: their sentences were later commuted to life imprisonment. At least 84 others were awaiting trial before the State Security Court. Torture of political detainees was routine and widespread, and at least 80 Iraqis and

Palestinians "disappeared" in custody. Scores of extrajudicial executions were reported and at least 400 people were reported to have been forcibly expelled to Iraq despite fears for their safety there.



On 26 February Iraqi forces withdrew from Kuwait following their defeat in the Gulf War (see Iraq entry). The same day the returning Kuwaiti authorities declared martial law for a three-month period: it was not lifted, however, until 26 June. The Martial Law Regulations permitted the arrest and indefinite detention without charge or trial of anyone suspected of having "collaborated" with the Iraqi occupation forces, and established special courts to try such suspected "collaborators". In June the Amir, Sheikh Jaber al-Ahmad al-Sabah, announced that parliamentary elections would be held in October 1992.

In June an amnesty was declared for all people convicted of crimes before 2 August 1990, excluding premeditated murder. The amnesty benefited hundreds of prisoners who had escaped from Kuwait's prisons after Iraq's invasion, including at least 65 political prisoners. In July the 1969 State Security Law was amended, introducing the right of appeal on points of law only, ending the practice of indefinite detention and giving detainees the right to a periodic review of their pre-trial detention before a chamber of the State Security Court.

Hundreds of people were arrested by the armed forces, police and armed Kuwaiti civilians, the majority of them between late February and May. Most of the detainees were Palestinians, Jordanians, Sudanese, Iraqis and members of the "bidun" community (stateless Arabs) suspected of "collaboration" with Iraqi forces during the occupation. Some were arrested

apparently on account of their nationality, among them Kuwaitis mistaken for Palestinians. The majority were held incommunicado in secret detention centres for several months. In April the authorities acknowledged holding some 600 detainees, but the actual number of those held was believed to be significantly higher. Scores of detainees died as a result of torture or were victims of extrajudicial killings, while others "disappeared" in custody.

In May and June, 164 people were publicly tried before Martial Law Courts, the majority on charges relating to "collaboration with the enemy". The proceedings at these trials fell far short of international standards for fair trial. Lawyers often were either denied access to defendants or given insufficient time to prepare their defence, and many defendants were not permitted to see the evidence against them or to cross-examine prosecution witnesses. Some defendants were convicted solely on the basis of "confessions" reportedly extracted under torture and none of those appearing before Martial Law Courts was permitted a right of appeal. In all, 29 defendants were sentenced to death; 72 received prison sentences ranging between one year and life; 15 received non-custodial sentences; three had their cases referred to other courts; and 45 were acquitted.

By mid-November, 115 untried detainees accused of state security offences were said to have been discharged following a judicial review of their cases. However, many reportedly remained in detention pending deportation. According to the government, 84 others facing similar charges were awaiting trial before the State Security Court, but by December no dates for their trials had been announced.

Testimonies from former detainees, often supported by medical evidence, indicated that torture was routine and widespread, particularly during the period of martial law. Victims were beaten all over the body, burned with cigarettes or acid, given electric shocks, subjected to mock executions and had their skin slashed with knives. Most victims were Palestinian, Jordanian, Iraqi, Sudanese or "bidun" males, among them both boys and men aged over 70. John Athan, a Sudanese medical technician, was detained for two days in March. According to a forensic pathologist's report, he was subjected to "very extensive repetitive beating ... and cigarette

burns". Haidar Kadhim 'Abdallah, an Iraqi national, testified that while in detention in May, he was repeatedly beaten with rifle butts, kicked and subjected to electric shocks. Scores of victims required intensive medical care in hospital as a result of torture and some reportedly died.

At least 80 Iraqis and Palestinians reportedly "disappeared" in custody, mostly between the end of February and May: it was feared that many of them had been extrajudicially executed, although this was not confirmed and the fate and whereabouts of all those concerned remained unknown at the end of the year. They included Jamil al-Kadhimi, an Iraqi businessman, who "disappeared" in March; Khaled Rashid Agha Mir, an Iraqi Kurd who "disappeared" in April; and Bassam Ibrahim Musa, a Palestinian civil engineer who "disappeared" in June.

Other detainees were reported to have been extrajudicially executed, in some cases after being mutilated: some were said to have had their eyes gouged out or their limbs severed. Nazmi Khurshid, a Palestinian doctor, reportedly died in custody in March following severe beatings. Khalil Bahhur, a Jordanian whose relatives found his body at al-'Addan Hospital in April, 10 days after his arrest, had apparently suffered multiple stab wounds. His face had also been mutilated.

Scores of extrajudicial killings were carried out by the Kuwaiti armed forces and armed civilians during the martial law period. Most victims were killed while held in secret incommunicado detention, their bodies being dumped in the streets or buried in mass graves in al-Rigga Cemetery. The victims included Muhammad Shawkat Yusuf, a Palestinian, whose body was discovered on 25 May in a rubbish dump in the district of al-Jabiriyya. His eyes had been gouged out and there was a bullet hole in his cheek. A 13-year-old Palestinian boy, 'Iyad 'Aqrabawi, "disappeared" following his arrest in the first week of March. His body was found in al-Khaldiyya district several days later; he had been beaten and shot in the head.

In June, 29 death sentences were passed by Martial Law Courts, 16 of them *in absentia*. Six of those sentenced were accused of "collaboration" as employees of the Iraqi occupation newspaper, *al-Nida'* (The Call). Among them was Ibtisam al-Dakhil, a Kuwaiti woman. All 29 death

sentences were commuted to life imprisonment on 26 June.

In April the government refused to admit into Kuwait any of the estimated 15,000 Iraqi civilian refugees gathered in the Iraqi town of Safwan on the border with Kuwait. The refugees, mostly Shi'a Muslim Arabs from southern Iraq, were fleeing widespread human rights violations perpetrated by Iraqi government forces following the crushing of a mass uprising by Arab Shi'a Muslims and Kurds in Iraq (see Iraq entry). Most were subsequently transferred to camps in Iran and Saudi Arabia. By late May, an estimated 400 people had reportedly been forcibly expelled from Kuwait to Iraq, despite the risk that they would be subject to grave human rights violations there. It was believed that among them were opponents of the Iraqi Government, whose fate and whereabouts remained unknown at the end of the year. From early June, however, those due to be expelled from Kuwait were said to have been permitted interviews with delegates from the International Committee of the Red Cross to determine whether or not they were willing to be sent to Iraq.

Amnesty International publicly urged the government to investigate allegations of widespread human rights violations committed after the withdrawal of Iraqi forces, including arbitrary arrests, torture and extrajudicial killings. Following a fact-finding visit to Kuwait by an Amnesty International delegation in March and April, the organization publicly appealed to the Amir "to intervene personally to end the wave of arbitrary arrests, torture and killings". The organization also appealed to the government in April to grant protection to refugees and asylum-seekers fleeing from Iraq. In May and June an Amnesty International observer attended trial proceedings at Martial Law Courts, and discussed the organization's concerns with government officials. Amnesty International detailed its criticisms of the trials in a memorandum to the government in June and urged, among other things, that all trials be halted until they complied with international standards for fair trial. It also urged a review of all sentences already passed, including death sentences. Amnesty International later welcomed the commutation of the death sentences.

In June Amnesty International appealed to the government to halt the forcible

expulsion to Iraq of Iraqis and others at risk of serious human rights violations there, and to establish a fair procedure to identify those at risk. Amnesty International wrote to the Amir in October to reiterate its concern about unfair trials and to urge an official investigation into 35 specific cases involving torture or extrajudicial execution. It backed up these calls by sending a further delegation to Kuwait in November. The authorities provided information about four of the 35 cases which had been submitted, but denied any knowledge of the remainder.

Earlier in the year the government had acknowledged that human rights violations had been perpetrated immediately after the withdrawal of Iraqi forces, attributing this to the chaotic situation in the country and stressing that those responsible were not government officials. In May officials denied that violations were continuing, and said that several of the suspected perpetrators had been arrested and would be charged, but no further details had been provided by the end of the year. In an oral statement to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities in August, Amnesty International included reference to its concerns in Kuwait.

LAOS



Eleven critics or opponents of the government, including at least five prisoners of conscience, remained in detention without charge or trial or restricted for "re-education". However, 25 others, including prisoners of conscience, who had been held without charge or trial since the mid-1970s were released and the releases

of over 185 other political prisoners in earlier years were confirmed.

The political structure of the Lao People's Democratic Republic (LPDR) was reorganized, with Kaysone Phomvihane giving up the post of Prime Minister to become President in August. He continued to head the Lao People's Revolutionary People's Party, the country's only legal political party. A constitution, the country's first since 1975, was promulgated in August and confirmed a one-party system. Rights to freedom of expression, opinion and assembly were proclaimed in the Constitution. However, they were qualified by restrictions suggesting that people could still be imprisoned for attempting to exercise these rights peacefully.

Three prisoners of conscience, all former government officials, remained in Samkhe prison in Vientiane, the capital. Thongsouk Saysangkhi, Latsami Khamphoui and Feng Sackchittaphong had been arrested in October 1990 for criticizing the country's political and economic systems and for holding meetings advocating a multi-party system (see *Amnesty International Report 1991*). They were allegedly held in solitary confinement in small, dark cells. They reportedly asked to be brought before a court in order to contest the legality of their detention, to meet legal counsel and to be given access to documents to prepare their defence, but their requests were denied. In August a deputy foreign minister publicly reiterated accusations that the three had "acted against the law to overthrow the administration". However, it appeared that no charges were brought against them nor was any evidence presented to suggest that they had used or advocated violence. The Law of Criminal Procedure under which they were believed to be held prohibits detention without charge or trial for more than one year, suggesting that their continuing detentions at the end of the year were unlawful.

Eight people held without charge or trial since the mid-1970s were still restricted for "re-education" to the Sop Phan area of the northeastern province of Houa Phan. Two - Khamphan Pradith, 57, and Thuck Chokbengboun, 66 - were known to be prisoners of conscience. The six others also appeared to be prisoners of conscience. All were former officials of the administration that was overthrown when the LPDR was established. The deputy foreign minister

said in August that they had "committed some crime or committed some illegal action", but none of them had been charged with a criminal offence. They were reportedly told by local officials that they were being kept under restriction because they were "counter-revolutionaries" and "backward socialists".

Twenty-five other political prisoners sent without charge or trial for "re-education" in Houa Phanh in 1975 or 1976 were released between May and September. They included at least three prisoners of conscience – Houmphan Norasing, Salat Rajasak and Tiao Sisoumang Sisaleumsak. Amnesty International also learned that 185 political prisoners who had been detained without charge or trial and sent for "re-education" to the southeastern province of Attapeu in the mid- or late 1970s had been released in phases between 1987 and 1990.

In March Amnesty International wrote to Prime Minister Phomvihhan welcoming the release of political prisoners in Attapeu. It urged an end to the restriction without charge or trial of political prisoners held in Houa Phanh. In September Amnesty International welcomed the releases of political prisoners from Houa Phanh but expressed concern about those remaining there and called for the immediate and unconditional release of all prisoners of conscience.

LATVIA

Latvia gained independence after over 50 years' incorporation in the Union of Soviet Socialist Republics (USSR). Prior to this at least five detainees alleged that they had been ill-treated by USSR law enforcement officials (see USSR entry). Four people were sentenced to death, of whom three were executed.

In September, following the failed August coup in the Soviet Union, the State Council of the USSR recognized Latvia's independence. The new republic, headed by President Anatolijs Gorbunovs, became a member of the United Nations and the Conference on Security and Cooperation in Europe.

Prior to independence many Latvians had refused conscription into the Soviet army, or had deserted from it. An amnesty

was declared in Latvia on 18 September for those convicted of military crimes under the legislation of another state. From 1 October men aged 19 to 25 became liable to call-up for Latvian military service, lasting 18 months. Religious or pacifist objectors could apply for alternative service, lasting 24 months. There were no reports of people imprisoned for refusing conscription on grounds of conscience.



Nine offences in the criminal code carry a possible death sentence. During the year four people were sentenced to death, three of whom were executed. Statistics on the use of the death penalty have been made public since 1989. These record 18 people sentenced to death from 1989 to 1991, of whom 11 were executed and two had their sentences commuted. All had been convicted of premeditated murder under aggravating circumstances.

In April and October Amnesty International wrote to the authorities expressing its concern at the length of alternative service. The organization urged a moratorium on death sentences and executions, the commutation of all pending death sentences and the publication of full death penalty statistics. Following independence Amnesty International urged Latvia to ratify a number of international human rights instruments as a matter of priority. No reply to any of the letters had been received by the end of the year.

LEBANON

During the year hundreds of people, including possible prisoners of conscience, were arrested by government forces. Many were released, but scores were believed to

be still held at the end of the year. Over 1,400 detainees arrested in previous years and held in Syria were released. The torture of detainees continued to be reported. Two death sentences were commuted to terms of imprisonment. At least 113 detainees and hostages abducted or detained in previous years by various militias were released in prisoner exchanges, but the fate of thousands of others remained unknown.

A "government of national unity" was formed in January led by President Elias Al-Hrawi. It included representatives of seven groups, among them the Druze Progressive Socialist Party (PSP); the predominantly Shi'a Muslim Amal movement; the Lebanese Forces (LF), a Christian militia; and the pro-Syrian Ba'th Party. Some steps were taken to implement provisions of the 1989 Ta'if Accord (see *Amnesty International Report 1990*), including the appointment in June of 40 members of parliament, which was enlarged to provide an equal number of seats for both Muslims and Christians.

In March the government ordered all Lebanese and non-Lebanese militias to disband and to surrender their weapons to the central authorities in accordance with a set timetable. By December all such groups with the exception of Hizbullah (Party of God) and the South Lebanon Army (SLA) had surrendered part of their weaponry. The government also announced a plan for the phased integration of up to 20,000 former militia fighters into the army and other state institutions, but less than 4,000 had been integrated by December.

Areas previously controlled by groups such as the LF, Amal, the PSP and the Palestine Liberation Organization (PLO) were progressively placed under government control through the deployment of Lebanese army troops. However, the SLA retained control over the Jezzine region; Israeli military forces with the SLA maintained control of the so-called "security zone" along the Lebanese/Israeli border; and Syrian military forces remained deployed throughout most of the country.

In June Syria and Lebanon signed a Treaty of Brotherhood, Cooperation and Coordination, providing for cooperation between the two countries on military, security, economic and other matters. In September the two governments signed a Defence and Security Agreement that

provided for, among other things, the exchange of information about political suspects (see Syria entry).

In August the government announced a general amnesty covering a wide range of crimes committed before 28 March, including politically motivated killings. Ten categories of offences were excluded, among them offences against external state security and the murder or attempted murder of political, diplomatic or religious personalities. However, death sentences imposed for such offences were to be commuted to 20 years' imprisonment with hard labour. By October, 317 untried detainees and sentenced prisoners were reported to have been released under the amnesty.



Hundreds of people, among them suspected government opponents, were arrested by the army and military police. Some were possible prisoners of conscience, including six supporters of former president Amin Gemayel who were reportedly arrested by military police in May at B'abda after distributing leaflets criticizing the Treaty of Brotherhood, Cooperation and Coordination. All six were released after interrogation. In another case, Marie Rose Yusuf was arrested by the army in June in the al-Batrun region after distributing leaflets critical of the Ta'if Accord and of several Lebanese politicians. Her case was referred to a military court, but it was not known whether she was charged or released.

In early July Lebanese army units clashed with PLO forces near Sidon while attempting to regain control of the area. According to official figures, 574 people suspected of opposing or fighting against the army's deployment were arrested, the majority of them Palestinians. Of these, at least 213 had been released uncharged by

late August, but an unknown number were still held at the end of the year. Scores were apparently awaiting trial.

Other arrests in July involved scores of supporters of General Michel 'Aoun, the former interim prime minister whose forces were driven from their East Beirut bases by Syrian forces and Lebanese army units in October 1990 (see *Amnesty International Report 1991*). Those detained, who included possible prisoners of conscience, were arrested by military police in Beirut, al-Metn and Kesrouan. They were apparently suspected of distributing leaflets and of other actions in support of General 'Aoun. Some were reported to have been tortured, including Fadel al-Tayyar, who was held for five days in July, severely beaten and burned with cigarettes. Most of those arrested were released uncharged within a month, but four were still held at the end of 1991: Raymond 'Ad, Francis al-Qa'i, Ziad Karam and Jean Mu'awwad. They were believed to be awaiting trial on charges including the distribution of leaflets. General 'Aoun, who had obtained refuge in the French Embassy in October 1990, left Lebanon for France in late August following the announcement of the general amnesty.

In September, seven people were reportedly arrested by the Lebanese army and handed over to the military police after attending a carnival organized by the LF in the town of Harisa. Among them were Tony Khadra, Michel Salim and Joseph Francis. Their whereabouts were unknown by the end of the year.

Over 1,400 detainees arrested in Lebanon by Syrian forces and held in Syria were released during the year. At least 700 Palestinians previously taken prisoner by Syrian forces in Lebanon as suspected PLO supporters were among some 1,300 political prisoners released by the Syrian Government in March. Seven Lebanese army officers, supporters of General 'Aoun who had been held in Syria since October 1990, were also released in March (see *Amnesty International Report 1991*). They included Brigadier General Fu'ad 'Aoun and Colonel 'Amer Shihab. Further releases occurred in September and December when more than 120 Lebanese previously detained by Syrian forces were released. They included 40 supporters of *Harakat al-Tawhid al-Islami*, Islamic Unification Movement, and 70 members of the pro-Iraqi Ba'th Party in

Lebanon. None of them had apparently been charged or tried by the Syrian authorities.

At least two people were sentenced to death after being convicted of murder and attempted murder, but their sentences were commuted to imprisonment. No executions were reported.

Information about people taken captive in previous years by the various militias and armed political groups was difficult to obtain. At least three of these groups – the LF, the PSP and Amal – announced in 1991 that they were no longer holding prisoners, but the fate of those previously known to have been in their custody remained unclear.

Some prisoners who had been held as hostages by armed political groups were released. In July, 13 prisoners were freed as a result of a prisoner exchange between the LF and Hizbullah. Between August and December, six United States (US) and three British nationals who had been held hostage for up to six years were released by Islamic Jihad and other groups. Two German nationals abducted in 1989 – Heinrich Strübig and Thomas Kempfner – were still being held at the end of the year.

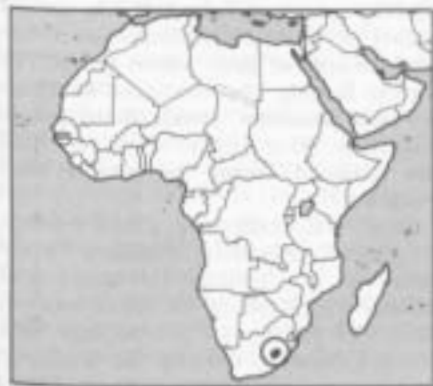
A number of Arab detainees held by the SLA at Khiam detention centre in South Lebanon were released in the same period. Between September and December, 91 detainees were released from Khiam, but at least 200 were still held there by the SLA at the end of 1991. The US and British hostages and the detainees released from Khiam reported that they had been subjected to beatings and ill-treatment during their captivity. Those freed from Khiam said that they and others had been tortured with electric shocks, beaten with cables and subjected to sleep deprivation and prolonged isolation. The US and British hostaeties also said that they were subjected to prolonged isolation, mock execution and being kept in chains for long periods.

Information was received during the year about some 2,000 people whose fate and whereabouts remained unknown following their abduction or detention by various Lebanese militias between 1975 and 1983. The victims included over 880 Lebanese, 840 Palestinians and 70 Syrians: women and children were among them. In all, however, thousands of people were believed to be still unaccounted for after

being detained by both government forces and armed political groups in Lebanon during the previous 15 years. Information was also received about 25 people who remain unaccounted for following their abduction by the LF in 1982 and 1983. All were members or supporters of the Syrian Social Nationalist Party (SSNP).

Between July and November, an Amnesty International delegate paid visits to Lebanon to assess the human rights situation there. During these visits, discussions were held about the organization's concerns with government officials, members of the judiciary and representatives of non-governmental groups. Amnesty International sought information about the detention of political activists, the fate of "disappearance" victims, places of detention and judicial procedures.

LESOTHO



At least 15 trade unionists who were briefly detained appeared to be prisoners of conscience. Eighteen soldiers were detained without charge after an attempted coup. New evidence of torture emerged and the authorities failed to investigate past torture allegations. Police shot dead a trade unionist in an apparent extrajudicial execution. Two prisoners were sentenced to death.

In April the Chairman of the ruling Military Council, Major General Metsing Lekhanya, was deposed and replaced by Colonel Phisoana Ramaema. The new government stated its commitment to existing plans to transfer power to an elected civilian government in 1992 and in May lifted a five-year-old ban on political activity. A constituent assembly drafted a constitution

incorporating a judicially enforceable bill of rights and in October a constitutional commission was created to solicit popular views on the draft.

In May communal riots erupted in the capital, Maseru, and other towns after Asian shopkeepers beat to death an African woman they suspected of theft. Police shot dead one rioter and the government imposed a curfew which remained in force for two months. Strikes and other industrial action continued throughout the year, particularly involving bank employees, teachers and construction workers at the Lesotho Highlands Water Project.

A number of trade unionists were arrested, including 214 building workers detained for a few hours at a May Day rally. In July three officials of the Lesotho Amalgamated Clothing and Textile Workers Union (LACTWU), including General Secretary Hofnie Lebene, were arrested in Maputsoe. They were held for two days in solitary confinement in the waterlogged lavatories of Maputsoe police station and refused access to a lawyer. On their release they were charged under the Internal Security Act with holding an illegal meeting – a gathering of workers at a local clothing factory. Under the Act public meetings can only be held with prior police permission. If convicted the three men face prison sentences of up to one year and would be prisoners of conscience. In September nine officials of the Lesotho Union of Bank Employees (LUBE), who had been on strike since July, were arrested and charged under the same law for holding a union meeting. Three other LUBE officials were detained without charge for several weeks.

In June, 18 soldiers were arrested after an unsuccessful attempt to restore General Lekhanya to power. They were detained for some weeks under a 1990 law giving the government the power to detain military personnel for up to one year without charge. From August to September General Lekhanya was held under house arrest by administrative order.

Twenty-three prisoners, all thought to be military personnel, were believed still held in military custody: they had been arrested in 1986 for opposing the coup which brought General Lekhanya to power. Their trial by a court martial in 1986 reportedly did not conform to internationally accepted standards for fair trial.

New evidence emerged of frequent

police torture of both political prisoners and criminal suspects. In September Mofokeng Makakole, a criminal suspect, died in police custody, apparently as a result of torture which included severe beatings and electric shocks. The officers responsible had not been identified or brought to justice by the end of the year.

In August a warder shot and wounded inmate John Ralengana during a disturbance at Maseru Central Prison. Reports indicated that the prisoner was not taking part in the disturbance when he was shot. He and five other injured prisoners were denied medical attention, stripped naked and kept in flooded cells for nearly two weeks after the incident.

A civil suit for damages suffered during alleged police torture, filed in 1990 by Michael Sefali, had not been heard by the end of the year (see *Amnesty International Report 1991*).

In an apparent extrajudicial execution in September, police shot dead Ngaka Sula, an official of the Construction and Allied Workers Union of Lesotho (CAWULE), at the Lesotho Highlands Water Project. Another CAWULE official alleged that the police told him that they had killed Ngaka Sula because of his hostile attitude towards the police.

In March two soldiers, one of them a former government minister, were convicted of the murder of former government ministers Desmond Sixishe and Vincent Makhele and their wives in 1986 (see *Amnesty International Report 1991*). However, there was no official investigation of other alleged extrajudicial executions in previous years, such as the police killings of two youths during anti-government protests in August 1990.

One of the soldiers convicted of the 1986 murder of government ministers was sentenced to death and another prisoner received the death sentence for murder in September. One other prisoner was believed to be under sentence of death. No executions were reported.

In August Amnesty International submitted to the government details of a number of cases of apparent extrajudicial execution or torture dating back to 1986 in which there had been no official investigation. It called for an impartial inquiry and for those responsible to be brought to justice. No reply had been received by the end of the year. The organization appealed for

the release of imprisoned trade unionists and the withdrawal of charges against them under the Internal Security Act.

LIBERIA



There were renewed extrajudicial executions of civilians and opponents by the different groups involved in the armed conflict in 1990. Most victims were targeted because of their ethnic group. The warring factions also continued to detain and beat prisoners. Hundreds of people from other West African states who had been detained during the conflict were released.

There was continuing armed conflict. The capital, Monrovia, remained in the hands of the Interim Government of National Unity led by Dr Amos Sawyer, which had the support of a military force sent to Liberia in 1990 by the Economic Community of West African States (ECOWAS) (see *Amnesty International Report 1991*) and of two apparently autonomous armed groups. Most of the rest of the country was under the control of the National Patriotic Front of Liberia (NPFL), headed by Charles Taylor, which set up the National Patriotic Reconstruction Assembly (NPRA) administration in Gbarnga to rival the Interim Government in Monrovia.

There was renewed fighting between the opposing parties but on a lesser scale than in 1990 when thousands were killed and hundreds of thousands displaced. In the east, there was fighting in Grand Gedeh County, former President Samuel Doe's home area, between troops loyal to the dead President and the NPFL. On 23 March a force comprising NPFL troops and opponents of the Government of Sierra Leone

invaded Sierra Leone from Liberia, attacking towns and villages and killing civilians. The NPFL denied involvement but the attack was launched from part of Liberia controlled by the NPFL. The attackers were met by Sierra Leone government forces, assisted by Liberian troops loyal to former President Doe belonging to various armed groups. In September these Liberian forces entered Liberia and fighting was continuing along the border at the end of 1991.

While thousands of refugees returned to Monrovia from neighbouring countries, thousands of others continued to flee from areas controlled by the NPFL, particularly from Grand Gedeh County into neighbouring Côte d'Ivoire. However, movement into and out of territory controlled by the NPFL was hampered by NPFL roadblocks.

Negotiations between the Interim Government and the NPRA administration resulted in an agreement in October. In preparation for national elections in 1992, the NPFL agreed to disarm and hand over military control of the areas under its authority to ECOWAS forces. However, this process had made little progress by the end of the year.

There were renewed killings and other abuses by armed groups supporting the Interim Government. These were the Armed Forces of Liberia (AFL), the remnant of the military force which had formerly supported President Doe, and the Independent National Patriotic Front of Liberia (INPFL), led by Prince Johnson, which had split from the NPFL in 1990. Both these groups had military camps in the Monrovia area and were responsible for abuses, despite orders by the Interim Government that they remain in their camps.

The INPFL, which had killed President Doe in 1990, was reported in March also to have killed Angeline Watta Allison (see *Amnesty International Report 1991*). She had been sentenced to life imprisonment for complicity in murder under the Doe government and had been held in Monrovia. It was also reported that her husband, Major-General Gray Dioh Allison, had been captured and executed by the NPFL. A former defence minister, he had been sentenced to death for murder after an unfair trial in 1989 and had been held at Belle Yallah prison camp awaiting a presidential decision on his clemency appeal.

The INPFL was also reported to have held one woman at its camp throughout 1991,

having taken her prisoner in November 1990, and to be holding a number of children at an orphanage within the camp to deter a possible attack by ECOWAS forces. In February the INPFL detained and ill-treated some seven members of the Interim Legislative Assembly for three days. At the end of the year the INPFL claimed to have freed all prisoners then held, including an NPFL official.

In July the INPFL executed four of its own men. One, Moses Varney, was said by the INPFL to have been secretly negotiating the surrender of arms by INPFL troops to the ECOWAS forces. Three others were said to have been sentenced for armed robbery. It was not clear whether they received any form of trial. Unconfirmed reports suggested that two other civilians were executed by the INPFL at this time.

There were further killings by the INPFL in September and October, leading the Interim Government to ask the ECOWAS forces to confine the INPFL to its camp. However, Prince Johnson threatened to resist with force any attempt to arrest him. He said that two INPFL soldiers executed in October had been convicted of trying to kill him by an INPFL court-martial.

The AFL was also responsible for human rights abuses in Monrovia. In June and July AFL soldiers reportedly attacked members of the Interim Government, the Interim Legislative Assembly and others. After this, the AFL announced the establishment of a board of inquiry to consider complaints of ill-treatment. However, it was not clear if any official action was taken against soldiers alleged to have committed abuses.

NPFL forces were also responsible for grave and widespread abuses in the large area of the country under their control, although not on the same scale as in 1990. In addition to killing Major-General Allison, the NPFL was responsible for further killings of hundreds of members of the Krahn ethnic group and the Muslim Mandingo community in Grand Gedeh County, who were targeted for formerly supporting the Doe government. NPFL troops continued to detain, torture and kill civilians in other areas under their control.

In September it was reported that a number of NPFL soldiers had been extrajudicially executed after attempting to assassinate Charles Taylor. However, these reports were denied by the NPRA administration. It said that an NPFL officer had been

executed after a special court-martial had convicted him of murdering five soldiers. There were unconfirmed reports of other executions of prisoners sentenced by courts established by the NPRA, although no details were known.

Nationals of other West African countries taken prisoner in 1990 and held in harsh conditions at NPFL detention camps were also reported to have been tortured or killed, apparently in retaliation for the role of ECOWAS member states in establishing the Interim Government. Hundreds of others, however, were eventually released and repatriated.

After the September incursion into western Liberia from Sierra Leone, and again in December, foreign and Liberian aid workers were detained for several days by the NPFL, assaulted and accused of spying.

Amnesty International continued to be gravely concerned about killings of prisoners and other abuses and early in the year intervened directly with the NPFL leader, Prince Johnson, about abuses committed by the NPFL, but with no response.

LIBYA



Five prisoners of conscience remained in prison since their arrest in 1973. At least 463 suspected government opponents, including possible prisoners of conscience, continued to be detained apparently without charge or trial. Seventeen political prisoners continued serving sentences imposed after unfair trials, and one remained in prison despite having been tried and acquitted. Scores of foreign nationals held in custody before being deported were reported to have been ill-treated: 16 of those held allegedly "disappeared" and one appeared to have been extrajudicially executed. No death sentences or executions were announced, but there were unconfirmed reports of at least five secret executions.

In September Law No. 20 on the Consolidation of Liberty was promulgated. Article

Four stipulates that the death penalty may be imposed "on those whose lives constitute a threat or cause depravity to society". Article Eight affirms every citizen's right to freedom of expression through "People's Congresses and through Jamahiri media". Also in September Law No. 21 on Mobilization was passed. It retains the death penalty for desertion from the armed forces and for disclosing information to the enemy in time of war.

Five prisoners of conscience, all suspected members of the prohibited Islamic Liberation Party (ILP), continued to serve life sentences in Abu Salim Prison in Tripoli (see *Amnesty International Report 1991*).

New information was received about suspected government opponents arrested in previous years. At least 463 people, including possible prisoners of conscience, continued to be detained apparently without charge or trial at the end of 1991. Of these, 407 were arrested in 1989 and 1990. Among the 407 were alleged members or supporters of banned Islamic opposition groups, including *Al-Da'wa al-Islamiyah*, Islamic Call; *Al-Jihad*, Holy War; *Al-Tabligh*, Preaching; the ILP; the Muslim Brotherhood; and followers of the *Wahabiyya* Islamic doctrine. However, many were said to have been arrested solely for expressing their personal religious beliefs. They included 'Abdul-Salam al-Duwadi, a secondary school teacher and a preacher in a mosque, who was arrested in Sibrata in January 1989; and Ahmad al-Busifi, a computer programmer working for Libyan Arab Airlines, who was arrested in Tripoli in January 1989.

At least 56 other suspected government opponents arrested between 1974 and 1986 also remained in detention without charge or trial. They had not benefited from the March 1988 amnesty in which 400 political prisoners were released (see *Amnesty International Report 1989*). Most were arrested following an armed clash in 1984 at Bab al-'Aziziya between the security forces and members of the opposition National Front for the Salvation of Libya (NFSL). They included Wanis Idris al-'Isawi, an employee of the Libyan National Oil Company arrested in al-Marj near Benghazi, and 'Umrán 'Umar al-Turbi, former Director of the Benghazi Central Dental Clinic. Both were believed to be held in Abu Salim Prison.

Confirmation was received during the year of the release in late 1990 of 'Usama al-Sanussi Shalluf, a former air force officer. He had been serving a life sentence. He had been among 18 suspected political opponents of the government sentenced after unfair trials between 1970 and 1987 on charges including plotting to overthrow the government and membership of banned opposition groups. The remaining 17 continued to be held, reportedly in Abu Salim Prison (see *Amnesty International Report 1991*).

'Abdullah Menina, a political prisoner held since 1984 despite being tried and acquitted in 1985, remained in detention, possibly in Abu Salim Prison (see *Amnesty International Report 1991*).

Scores of people were reportedly beaten and ill-treated by the security forces in August and September. They were among hundreds of Nigerian and Malian workers held in custody before being deported. Nigerians held in a camp near Tripoli said they were repeatedly beaten with sticks and rifle butts. Similar allegations were made by Malians detained in camps in Sabha. Sixteen of the Malians held reportedly "disappeared": after they were taken into custody their passports were said to have been returned to their families without any explanation as to their whereabouts. Another Malian, Adama Dramé, was said to have been shot dead by the security forces at a camp in Sabha, apparently the victim of an extrajudicial execution.

There were unconfirmed reports that two NSFL leaders had "disappeared" after allegedly being handed over to the Libyan authorities in 1990 by Egyptian security forces. Jaballah Hamid Mattar and 'Izzat Yussif al-Maqrif, both of whom had been living in Egypt for many years, had been questioned by Egyptian officials on several occasions in March 1990. On 13 March they were taken from their homes by State Security officials, and their fate and whereabouts have since remained unknown.

No death sentences or executions were known to have been announced during the year. However, there were unconfirmed reports of the secret execution of at least five alleged leaders of Islamic opposition groups and other political detainees arrested in 1989 and 1990.

Amnesty International continued to appeal for the immediate and unconditional

release of all prisoners of conscience. It also expressed concern about the continued imprisonment of hundreds of other political prisoners without trial or after unfair trials.

In June Amnesty International published a report, *Libya: Amnesty International's prisoner concerns in the light of recent legal reforms*. The report detailed the continuing imprisonment of hundreds of suspected government opponents either without trial or after unfair trials despite government promises to introduce legal reforms to safeguard human rights. The organization also recommended several measures to bring Libya's legislation and practice into line with international human rights standards, and urged the authorities to give immediate consideration to their implementation.

In a public statement in June, the government said that Amnesty International's report "depended on inaccurate information", but expressed willingness to discuss the organization's concerns. Amnesty International welcomed this and proposed that a delegation visit the country for this purpose. Preparations were under way for the visit to take place in 1992.

LITHUANIA



Lithuania gained independence after over 50 years' incorporation in the Union of Soviet Socialist Republics (USSR). Earlier, some detainees were allegedly ill-treated by USSR soldiers and 13 demonstrators were killed by USSR troops (see USSR entry). Lithuania abolished the death penalty for all offences except premeditated murder. No executions were reported.

In September Lithuania, headed by President Vytautas Landsbergis, became a member of the United Nations and the Conference on Security and Cooperation in Europe. Earlier that month the State Council of the USSR had recognized the republic's independence, following the failed coup in August in the USSR.

In November Lithuania acceded to the International Covenant on Civil and Political Rights and its first Optional Protocol, and the International Covenant on Economic, Social and Cultural Rights.

In the newly independent republic call-up for military service lasting 12 months began in November. According to the Law on Compulsory (Alternative) Labour Service of October 1990, the length of alternative service for conscientious objectors was 24 months. There were no reports of people imprisoned for refusing conscription on grounds of conscience.

On 3 December an amendment to the criminal code reduced the number of offences punishable by death from 13 to one — premeditated murder under aggravating circumstances. Official sources reported that three people had been sentenced to death since March 1990, when Lithuania first declared independence, but all the sentences were commuted.

Amnesty International wrote to the authorities in April and October expressing its concern at the length of alternative service. The organization urged an official moratorium on the use of the death penalty, the commutation of any pending death sentences and the publication of full death penalty statistics. In December President Landsbergis responded, affirming the republic's commitment to international human rights standards, and explaining recent changes in the application of the death penalty.

MADAGASCAR

Four leading critics of the government, all prisoners of conscience, were detained without charge or trial for brief periods. Peaceful pro-democracy demonstrators were shot dead by the security forces, victims of apparent extrajudicial executions.

The government of Admiral Didier Ratsiraka, President since 1975, faced increasing pressure from an opposition party

alliance, *Hery Velona*, Active Forces Committee, which mounted mass demonstrations and strikes demanding President Ratsiraka's resignation. In June *Hery Velona* named some of its leaders as members of a provisional government. In response, President Ratsiraka imposed a state of emergency in the capital, Antananarivo, which remained in force until September. The political deadlock was broken on 31 October, after the head of the armed forces called for a resolution of the crisis. The government and opposition reached agreement on transitional arrangements until the reintroduction of a multi-party political system and elections in 1992. President Ratsiraka remained head of state but his powers were reduced, and the Supreme Revolutionary Council and the People's National Assembly were dissolved. Their powers were transferred to a High State Authority, headed by Albert Zafy, leader of *Hery Velona*, and to Prime Minister Guy Razanamasy. A new government was appointed which by the end of the year included representatives of *Hery Velona*.



At the height of the dispute in July, four *Hery Velona* leaders who had been nominated as "provisional government ministers" were abducted by troops and detained for several days after they tried to occupy ministerial offices. They included Rahan-tavololona Andriamanjato, *Hery Velona*'s shadow Minister of Public Works, whose husband was also an opposition leader; she was detained by a force led by the official Minister of Public Works. Jean-Jacques Rakotonaiaina, designated by *Hery Velona* as shadow Minister of Industry and Mines, was also one of those detained. He was kept in a hut, in extreme cold and with

inadequate food, for over five days before being released, blindfolded and with his hands tied, in the streets of Antananarivo.

Scores of peaceful pro-democracy demonstrators, possibly more than 100 in all, were shot dead by the security forces in the period before the end of October. On 10 August at least 30 demonstrators were killed and 200 wounded when the Presidential Guard threw grenades and fired on a crowd of some 300,000 people marching on the President's palace to call for his resignation. Some reports suggested that up to 130 people might have been killed. President Ratsiraka denied that the Presidential Guard was responsible and blamed other branches of the security forces. However, the armed forces denied any involvement and the evidence available suggested that the Presidential Guard deliberately opened fire on the crowd. The newly appointed Prime Minister, Guy Razanamasy, ordered an inquiry into the killings but by the end of the year its findings had not been made public. There were also reports that demonstrators had been killed, also on 10 August, by government forces in the northern town of Mahajanga.

On 23 October at least two and possibly as many as 12 people were killed and about 70 wounded by the security forces during another peaceful demonstration in Antsirana. The armed forces reportedly threw tear-gas grenades and opened fire on *Hery Velona* supporters as they approached the provincial governor's residence.

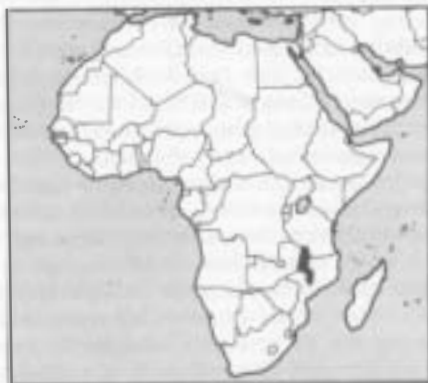
Amnesty International called for an inquiry into the killings of demonstrators, which appeared to constitute extrajudicial executions, and for those responsible to be brought to justice.

MALAWI

Eighty-eight untried political detainees, including prisoners of conscience, were released in the first half of the year – the largest number of releases of political prisoners since 1977. However, more than 20 political opponents of the government were left in detention or serving sentences after unfair trials, some of them prisoners of conscience. A 72-year-old prisoner of conscience was chained by his arms and legs as a punishment for sending letters out of prison. Torture and ill-treatment of

criminal prisoners continued. Executions of prisoners under sentence of death resumed in February.

Malawi's human rights record was the subject of extensive international criticism in 1990 and 1991. This probably contributed to the government's decision to release some political detainees, although the legal framework for administrative detention was left intact. Malawi remained a one-party state headed by Life-President Dr H. Kamuzu Banda.



George Mtafu, a neurosurgeon and prisoner of conscience held since 1989, was one of four administrative detainees released without charge in January. Also freed were Margaret Marango Banda, an official of the national women's organization, and Blaise Machira, a former university lecturer, both prisoners of conscience held since 1988. In February a further 83 political detainees were released, including medical instructor Ishmael Mazunda and sugar company official Thoza Konje, both prisoners of conscience (see *Amnesty International Report 1991*).

In May Jack Mapanje, the country's best-known poet, who had been a prisoner of conscience since his arrest in 1987, was also released without charge. No explanation was given for his detention, which appeared to be because his writings had offended the authorities.

The government stated that these releases followed a review of detainees' cases and that henceforth this process would be repeated every six months, as required by the 1965 Public Security Regulations. These provide the legal basis for indefinite administrative detention without charge. However, the review fell short of international norms, since it was carried out by

the detaining authority, not by an independent body. Furthermore, detainees had no opportunity to hear the allegations against them or to make representations to the review body. No more detainees were freed between Jack Mapanje's release and the end of the year.

Nineteen long-term political detainees remained in Mikuyu Prison, near Zomba, among them Machipisa Munthali, who had been imprisoned since 1965. They also included Laurenti Phiri, a tinsmith who was one of three men arrested in 1989 for buying tobacco from tenant farmers on land owned by the Press Group, a company controlled by Life-President Banda. The three were charged and fined for breaking the Press Group monopoly, then immediately rearrested and detained without charge under the Public Security Regulations. One of the three, named Msungama, died in Mikuyu Prison in 1990, apparently as a result of an asthma attack. He had not been allowed to keep his inhaler in his cell. The other, Brown Chabwera, was among the 83 prisoners released in February. Laurenti Phiri was one of a number of prisoners apparently detained because their actions conflicted with the economic interests of senior officials.

Possibly dozens of political prisoners were held without charge or trial in other places of detention. They included Mary Sikwese, who was arrested in 1989 after she had alleged that police were responsible for the death in detention of her brother, Fred Sikwese, a senior Foreign Ministry official (see *Amnesty International Report 1990*). She was apparently promised that she would be released in February if she retracted her allegations against the police, but she refused to do so.

The case of Goodluck Mhango, a veterinary surgeon detained since 1987, was apparently reviewed but he was not released. He was the brother of Mkwapatira Mhango, an exiled journalist who died after a fire-bomb attack on his home in Zambia in 1989 (see *Amnesty International Report 1990*). The Malawian authorities denied repeated allegations from the Malawian exile community that they were responsible for the killing, but refused to establish an inquiry into the incident.

There were frequent reports of short-term detention of alleged government critics. For example, in April a woman was briefly detained because she owned a shop

which sold culottes: Malawian law forbids women to wear trousers. Shortly afterwards a university law lecturer was detained for a few days for writing an article criticizing the arrest and the use of the law to lay down standards of dress.

Two warders at Zomba Central Prison, known only as Kumwenda and Chigwenembe, were arrested in May and accused of smuggling letters out of the prison from political prisoners Orton Chirwa and Gwanda Chakuamba. Political prisoners in Malawi are often denied the right to send or receive letters. Chigwenembe was believed to be held at Chichiri Prison, Blantyre. Kumwenda was reported to be held incommunicado in an underground cell at Kanengo police station, Lilongwe. He was reportedly held with two supporters of Orton Chirwa who had also been accused of smuggling his letters – Christopher Mwenelupembe and John Nyenga.

Orton Chirwa, the leader of the exiled Malawi Freedom Movement, was imprisoned in 1981 with his wife, Vera Chirwa, a lawyer. They were both sentenced to death in 1983, after a grossly unfair trial, but the sentence was commuted to one of life imprisonment in 1984 after widespread international appeals. Orton and Vera Chirwa, both prisoners of conscience, were kept in separate sections of Zomba Central Prison. In May, after his letters from prison had been intercepted, Orton Chirwa, then aged 72, was subjected to two days of "cell punishment". He was confined to his cell and forced to squat on the floor with his arms and legs in irons chained to a metal rod behind his knees. At the end of the year he was reported still to be suffering ill health as a result of this punishment.

There were continuing reports of the use of the "hard-core" regime for persistent criminal offenders (see *Amnesty International Report 1991*). Such prisoners were reported to be chained naked to the floor of a cell and denied food for long periods. Criminal prisoners were also reported to have been severely beaten with hammers and clubs by warders. There were no inquests into the deaths of prisoners and reportedly their bodies were usually buried within the prisons, rather than being released to their families. Frequent reports that prisoners had died as a result of these punishments were consequently difficult to verify.

Executions of prisoners under sentence

of death resumed in February when an unknown number were hanged at Zomba Central Prison. A further six men and two women were executed there in August. Executions had not taken place for some months, apparently because of a financial dispute between the authorities and the executioner, who visits periodically from South Africa. The death penalty is mandatory for murder and treason and may also be imposed for rape, robbery with violence, house-breaking or burglary. Although details were not published, the death penalty was believed to be frequently imposed, often after unfair trials in so-called "traditional courts".

Amnesty International welcomed the release of prisoners of conscience early in the year and continued to call for the release of those still held. It also called for the release of all other political detainees unless their cases were to be promptly reviewed by a judicial authority. The organization called for the prison authorities to conform to the United Nations Standard Minimum Rules for the Treatment of Prisoners. For the first time in many years, Amnesty International representatives held meetings with Malawian diplomats abroad. The organization asked in June and July to send a delegation to Malawi to discuss its concerns further with the government, but no response had been received by the end of the year.

MALAYSIA



Eight possible prisoners of conscience were detained without charge or trial: one was released in March but the others were still held at the end of the year. Over 130

other people were also reported to be detained without charge or trial for political reasons under the Internal Security Act (ISA). There were allegations of torture and ill-treatment of 15 people sentenced to death for drug offences, five of whom were executed. Caning continued to be used as a punishment for criminal offences. At least 67 death sentences were imposed and eight people were known to have been executed. At least 200 Acehnese asylum-seekers were in danger of forcible repatriation to Indonesia, where they risked torture and extrajudicial execution.

There was continuing tension between the federal government, which is dominated by the United Malays National Organization (UMNO) of the ruling National Front coalition, and the state government of Sabah, which is dominated by the *Parti Bersatu Sabah* (PBS), United Sabah Party. In August Prime Minister Mahathir Mohamad announced that a referendum to allow the people of Sabah to decide whether the state should secede from Malaysia would be unconstitutional.

At the end of the year seven people suspected of advocating the secession of Sabah state from Malaysia remained in detention without charge or trial and were possible prisoners of conscience. They were held under the ISA, which permits detention without charge or trial for up to two years, renewable indefinitely. Four of the detainees, including Albinus Yudah and Benedict Topin, had been arrested in 1990 (see *Amnesty International Report 1991*); they were held without charge or trial throughout 1991. Three others – Vincent Chung, Jeffrey Kitingan and Ariffin Haji Hamid – were arrested in May and July and still detained under the ISA at the end of 1991. The eighth possible prisoner of conscience, Maximus Ongkili, was arrested in January and detained under the ISA until March, when he was released. All eight, who were said to be close to the PBS, were publicly accused by the police of involvement in a conspiracy to take Sabah out of Malaysia. The Chief Minister of Sabah, Joseph Pairin Kitingan, brother of detainee Jeffrey Kitingan, was also arrested in January on corruption charges but was later released on bail.

The Deputy Home Minister told Parliament in January that a total of 150 people were then in detention without charge or trial under the ISA. Their identities were

not disclosed by the government but most were believed to be communists who had voluntarily renounced their involvement in armed opposition and surrendered to the authorities in December 1989. Among other ISA detainees were eight people accused of falsifying government documents, seven people accused of espionage and five Islamic religious activists.

Thirteen Filipinos and two Pakistanis who were sentenced to death for drugs offences were reportedly tortured and ill-treated in custody. They were also forced to sign statements written in *Bahasa Malaysia*, a language which they were unable to read or understand, and denied contact with their respective embassies.

Caning remained a supplementary punishment to imprisonment for dozens of crimes including drugs offences, rape and attempted rape, kidnapping, firearm offences, theft, child abuse, attempted murder and robbery. Caning constitutes a cruel, inhuman or degrading punishment. Roslan Latib, an Indonesian, was sentenced to life imprisonment and six strokes of the cane by a court in Kuala Lumpur in April for an offence under the Firearms Act. Another man, Abdul Razak bin Hariffin, a former manager of an engineering firm, was sentenced to 12 years' imprisonment and 10 strokes of the cane in August for possessing illegal drugs.

At least 67 people received death sentences for criminal offences – 63 for drugs offences, two for murder and two for firearms offences. The Supreme Court confirmed the death sentences on 20 people. Their last recourse was an appeal to the Pardons Board of the state where the offence was committed. At least eight executions were carried out. One person was hanged for murder and seven people were hanged for drugs offences, including five of the 13 Filipino prisoners reportedly tortured in custody.

At least 200 Acehnese asylum-seekers were in danger of being forcibly returned to Indonesia, where many or all of them would be at risk of torture or extrajudicial execution. Malaysia's Foreign Minister said in October that his country's primary concern was to maintain good relations with Indonesia and that Malaysia would return all the Acehnese asylum-seekers through persuasion, not force.

Amnesty International expressed concern about the detentions of political prisoners

under the ISA and called for them to be brought to trial on recognizably criminal charges, or released. It called for an inquiry into the alleged torture or ill-treatment of prisoners sentenced to death and urged the commutation of all death sentences. Amnesty International pressed the government not to return the Acehnese asylum-seekers to Indonesia against their will, and to provide all of them with a full and fair examination of their reasons for fearing to return to Indonesia, as required by international standards for the protection of refugees.

MALDIVES



One prisoner of conscience, a member of parliament, was banished to a remote island for six months. At least 29 other people arrested on political grounds in 1990 were still held at the end of 1991, including several possible prisoners of conscience.

Mohammad Latheef, a member of parliament arrested in September 1990, was brought to trial in January. He was charged with planning a vote of no confidence in President Maumoon Abdul Gayoom, and with other activities deemed critical of the government. In April he was convicted and banished to Muladhoo Atoll, a small island 120 miles from Male, the capital, for six months. Three weeks before the end of his sentence, he was pardoned by President Gayoom and released.

The government announced in May that 54 people, including a number of journalists, editors and cartoonists, had been arrested in 1990 on suspicion of violent political crimes (see *Amnesty International Report 1991*). In October it said that eight

of the 54 had been tried, 23 had been released and another 23 were awaiting trial. Mohammad Shafeeq, editor of the banned news magazine *Sangu*, was brought to trial in August and charged with causing an explosion in a Male park and planning to explode a home-made bomb during the South Asian Association for Regional Cooperation (SAARC) meeting in November 1990. It was unclear whether he received a fair trial: an Amnesty International observer was prevented from entering the court. Some of the charges were brought under the Prevention of Terrorism Act (No. 10/90) introduced in December 1990, which may be applied retroactively. Mohammad Shafeeq reportedly said that he had been forced to confess under duress. He was sentenced to 15 years' imprisonment in December.

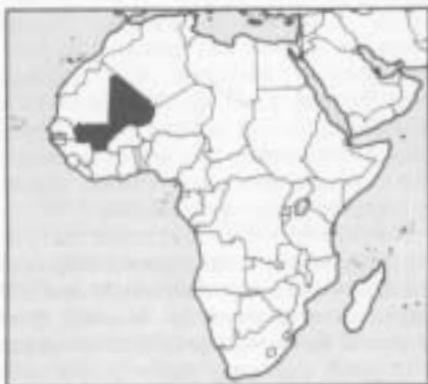
Amnesty International expressed concern to the government about the detention and banishment of Mohammad Latheef and pressed for his unconditional release. The government said in July that he had been arrested "not for voicing his opinions or criticizing the government, but for having committed certain offences that are not covered by his parliamentary immunity". In November an Amnesty International representative visited the country to attend the trials of Mohammad Shafeeq and other political prisoners accused of arson and to discuss with government officials and others matters relating to the protection of human rights. The observer met several government officials but was not permitted to enter the court.

In May Amnesty International published a report, *Republic of Maldives: Arrests of possible prisoners of conscience*, detailing arrests made during 1990. A copy was sent to the government for comment. The government replied in October reiterating that "it has not detained any individual who can even marginally be termed as a prisoner of conscience". It also informed Amnesty International that eight of the 29 political prisoners arrested in 1990 had been sentenced but failed to provide further details.

MALI

Hundreds of people were arrested and over 150 killed by the security forces during demonstrations and unrest before the

overthrow of President Moussa Traoré's government in March. Detainees arrested in this period, including children, were tortured and ill-treated. Dozens of members of the Tuareg ethnic group were detained and extrajudicially executed by the army after attacks by armed rebel groups throughout the year.



Large pro-democracy demonstrations took place in Bamako, the capital, and towns throughout Mali in the first months of the year. They were violently suppressed by the security forces. On 26 March the government of President Moussa Traoré, who had ruled Mali for 23 years, was overthrown by army officers.

The new government, the *Comité de transition pour le salut du peuple*, Transitional Committee for the Salvation of the People, was headed by Lieutenant-Colonel Amadou Toumani Touré. It promised to hold elections and named both military and civilian interim ministers to run the country. A National Conference of government, political and community leaders agreed a draft constitution and a multi-party political system.

Conflict between the government and armed Tuareg rebels continued throughout the year. In January a peace accord was signed at Tamanrasset in Algeria by the Malian Government and two of the rebel groups seeking autonomy for Tuareg and other peoples of northern Mali. Prisoners were released by both sides and in February a state of emergency in force in the north was lifted. However, armed Tuareg groups continued to attack and loot towns and villages in northern and central Mali, killing government officials and civilians and taking prisoners. Government forces and local people retaliated and some

members of the Tuareg and Moor communities were extrajudicially executed. Thousands of Tuareg and Moors then fled to neighbouring countries, primarily Mauritania and Algeria. In December rebel and government representatives started peace negotiations again, but further Tuareg attacks were reported.

Soldiers and civilians were taken hostage in attacks by insurgent Tuareg groups. In August one group, the *Front populaire de libération de l'Azaouad* (FPLA), Popular Front for the Liberation of Azawad, said it was holding over 150 prisoners. In November Tuareg rebels named nine prisoners they were holding, including captured government officials.

The demonstrations and unrest that preceded the March coup were accompanied by hundreds of arrests. In January over 200 people were arrested in Bamako. Most were held incommunicado without charge for 10 days and some for longer, in violation of Malian law. In late February, 34 remaining detainees were charged and released provisionally.

Several members of pro-democracy organizations were briefly detained in February and March. Two leading members of the *Comité national d'initiative démocratique* (CNID), National Democratic Initiative Committee, were arrested on 23 March along with at least 20 other people. They were held without charge until after the coup.

Following the March coup, President Traoré, his wife, children and grandson were arrested, together with a number of former ministers and officials in his government, and army officers. In all they numbered at least 60. In late May and early June all except the children were charged with criminal offences, including conspiracy to murder, corruption and illicit enrichment, and remanded in custody. The conspiracy to murder charges related to extrajudicial executions of demonstrators in March 1991. In October a court action was brought on behalf of President Traoré's five children and six-year-old grandson, held without charge under house arrest since March. The outcome of the court action was not known by the end of the year but the children remained in detention.

In June, 15 Tuareg were reportedly arrested near Ménaka after an attack by armed Tuareg rebels. On 15 July the new

authorities announced that a conspiracy to overthrow the government had been thwarted: Major Lamine Diabira, Minister of the Interior, and seven other army officers were arrested. All 23 were reportedly still detained incommunicado and without charge or trial in December.

Detainees arrested in the weeks before the March coup were tortured or ill-treated by police while held incommunicado. They included children under 12 arrested in January. Many of the 200 men, women and children detained at this time were reported to have been severely beaten, others left outside for long periods in the full heat of the sun and denied water. They were reported to have been held in one large cell without toilet or washing facilities.

Eight prisoners who had been under sentence of death since at least 1988 had their sentences commuted to terms of imprisonment in September. They had all been sentenced between 1980 and 1988 by the Special State Security Court. Established in 1976, this had been empowered to impose the death penalty for embezzlement of state funds or threatening the security of the state, and had done so at least 57 times. The court was formally abolished in October.

Over 200 people were killed and more than 1,000 injured by the security forces in January and in the weeks preceding the March coup. Many of those killed were said to have been shot in the back.

Over 40 people were killed in Bamako on 22 March after a student demonstration was stopped by the security forces and rioting broke out. A state of emergency was declared but at least a further 40 people were killed the next day. Some were shot dead when thousands of women protesting against the killings tried to march on President Traoré's residence. Up to 65 protesters were reported to have been burned to death in a shopping centre in which they were seeking refuge when the security forces set fire to it. Soldiers also shot at mourners burying the dead at two cemeteries in Bamako.

According to the authorities, 150 soldiers were killed by Tuareg rebels between June 1990 and August 1991. The army responded to rebel attacks on towns and villages in northern Mali by arresting, torturing and killing members of the Tuareg and Moor communities. Most of

the victims were traders and community leaders not involved in the attacks, who were apparently killed solely because of their ethnic origin.

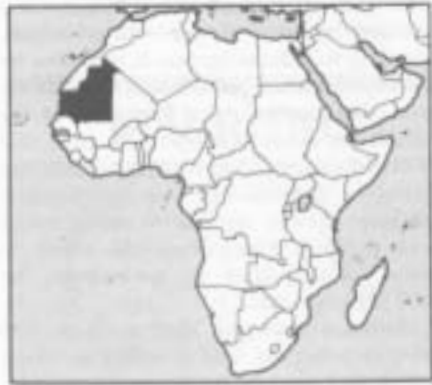
On 12 May about 50 Moors were arrested and taken to a military camp in Timbuktu where four were allegedly shot dead the same day. A further 19 were reported to have died in the following days, either by being shot or suffocating to death, or as a result of their harsh conditions of detention. They were reportedly kept for several days without food or water, in extreme heat and cramped conditions without ventilation. Twenty-five were transferred to Timbuktu prison on 20 May; although they were charged with threatening the security of the state and criminal association, they were later discharged for lack of evidence and released.

On 20 May at least 35 men, mostly Tuareg, were killed by soldiers in or near Léré, southwest of Timbuktu. Some were shot after being arrested and taken to a military camp. Others were reportedly shot at their homes, including Alhousseiny Ag Mohamed Elmehdi, a community leader, and his eight brothers.

Further killings were reported throughout the year. In late July, soldiers at Agouny Well were reported to have fired indiscriminately on vehicles containing Tuareg civilians, killing at least 15 and possibly as many as 50 people including children. In November and December over 20 Tuareg civilians were reportedly killed by soldiers in reprisal for armed attacks by Tuareg rebels.

Before the coup, Amnesty International called on President Traoré's government to investigate reports of torture, to take action to stop the killings, and to release all prisoners of conscience. Later in the year it called on the new government to halt extrajudicial executions by the security forces, to safeguard detainees from ill-treatment and to establish an independent investigation into the killings. In response, the new government said that armed forces officers had been removed from their posts and punished in connection with the killings in Timbuktu and Léré, although no details were made available. Amnesty International also made inquiries about further killings and about detainees arrested after the March coup and expressed concern at the detention without charge of President Traoré's children and grandson.

MAURITANIA



Evidence emerged that more than 300 political detainees had died in police and army custody between November 1990 and March 1991 as a result of torture or extrajudicial execution. More than 1,000 other political prisoners, all black Mauritians detained apparently because of their ethnic origin, were released by April. Many had been tortured and subjected to particularly harsh prison conditions. Later, seven opposition party leaders were placed under house arrest for seven weeks: they were prisoners of conscience. There were renewed reports of extrajudicial executions of members of the black Halpulaar ethnic group in the south of the country.

Black Mauritians, in particular members of the Halpulaar ethnic group (also known as Fulani) in the south of the country, continued to face arbitrary arrest and detention, torture and extrajudicial execution at the hands of government forces in the early part of the year. Since April 1989 the government, which is dominated by Moors, had forcibly expelled thousands of black Mauritians to neighbouring countries, especially Senegal (see *Amnesty International Report 1991*).

However, following growing criticism of its human rights record, the government of President Maaouiya Ould Taya took a number of steps in April to reform the political system. The President announced that all political prisoners would be released, that a new draft constitution providing for free elections would be put to a national referendum in July, and that for the first time since the government took power in 1984, political parties would be authorized.

Following the April announcement, new political parties and national human rights organizations were formed.

In July the draft constitution was endorsed by over 95 per cent of voters, according to official figures. It provides for the establishment of a bicameral parliament, the election of a President of the Republic by universal suffrage in 1992, and the establishment of separate executive and legislative powers and an independent judiciary. It was unclear to what extent these political changes would result in greater participation in government by black Mauritians.

Evidence emerged that at least 339 political prisoners, and possibly as many as 500, had died in police and army custody between November 1990 and March 1991. Some were executed without trial; others were tortured to death. The victims had been among about 3,000 black Mauritians arrested in November and December 1990 in the capital, Nouakchott, and in Nouadhibou. Most of those detained were members of the armed forces or civil servants belonging to the Halpulaar ethnic group from the south, but others belonged to the Soninké or other black ethnic groups (see *Amnesty International Report 1991*). About 1,500 were still held incommunicado at the beginning of 1991. Eye-witnesses said that 142 of the 339 had been tortured to death or executed without trial, including 33 soldiers who were hanged at Inal barracks north of Nouadhibou on the night of 27 November 1990. Information about the 197 others was less certain: they were unaccounted for when the government announced in April that no political prisoners remained in prison and were feared to have died as a result of torture or ill-treatment.

The mass arrests of late 1990 occurred after the authorities said they had discovered a plot to overthrow the government, but no evidence of such a plot emerged and it appeared that most had been detained because of their ethnic origin.

Civilians as well as soldiers were held without trial in military barracks in or near Nouakchott and Nouadhibou. Some 50 detainees still held at J'Reida barracks, near Nouakchott, at the end of February were said to be kept permanently chained in small cells with no toilet facilities. Some were kept in cells which were underground or unlit.

Many detainees were tortured in military barracks or police stations. Methods included the "jaguar", where victims are hung upside-down and beaten on the soles of their feet; electric shocks; and being burned on the body with hot coals. An army officer, who survived his detention at Inal barracks, said that he had been stripped, bound hand and foot and urinated on, tortured in a room containing corpses and then chained up and beaten in a large room. Another officer was blinded in one eye by having a lighted cigarette pressed into it. On several consecutive days in late November 1990 detainees had been hanged. In the south, 60 soldiers reportedly died after being tortured, first at a barracks in Aleg and then at Akjoujt, where some were buried up to the neck in sand and left to die.

Some detainees were released in March but at the end of that month the government said that 64 of those still held were to be tried *in camera* by a military tribunal on state security charges. However, the trial did not take place: it was postponed and the 64 were released in April together with others who had survived. In mid-April President Ould Taya announced that all political prisoners were being freed. In July a further amnesty permitted the release of all prisoners either convicted or awaiting trial on state security or press offences. In August those convicted *in absentia* were pardoned. It was not known how many people benefited from these measures.

The failure of the authorities to release or account for several hundred detainees led to protests in April by relatives and others demanding to know what had happened to them. The protesters demonstrated publicly, demanding that the government open an independent inquiry into the fate of their missing relatives. Some were briefly detained and a number of gatherings, which were mostly peaceful, were forcibly dispersed by the security forces. On 12 August about 40 out of some 150 protesters were injured by security forces.

Despite the government's promise to permit political parties, seven opposition leaders were arrested on 5 June, after the formation of an opposition coalition, the *Front démocratique uni des forces du changement*, United Democratic Front of the Forces for Change. Those held, all of whom appeared to be prisoners of conscience, included Moustapha Ould

Bedredine, leader of the *Mouvement national démocratique* (MND), National Democratic Movement, and Ladjji Traoré, a former prisoner of conscience (see *Amnesty International Report 1991*). No charges were brought but they were placed under house arrest in remote areas of the country until late July, when they were released under a presidential amnesty.

Trade unionists were also arrested and held for short periods. Sidi Ould Mohamed Vall and three other leaders of the *Union des travailleurs Mauritaniens* (UTM), Union of Mauritanian Workers, were detained briefly in June after a strike which resulted in violent demonstrations in Nouadhibou.

New extrajudicial executions of black Mauritians in villages and towns along the Senegal river border were reported, but on a lesser scale than in 1989 and 1990. There was a reduced military presence in the area and an end to expulsions of black Mauritians. In July, four people who had previously been expelled to Senegal were killed, reportedly by government soldiers, at Diiriol village in Mbagne Department when they returned to Mauritania. The victims included a one-year-old child, Aminata Hamady Sow, and a pregnant woman, Aïssata Souleymane Sow.

From January onwards, Amnesty International called on the government to investigate the reports of political prisoners' deaths in custody, but received no response. However, the authorities apparently did order a secret inquiry which was conducted entirely by military personnel, some of whom were alleged to have been directly involved in the interrogation of detainees in late 1990. No details of the inquiry or its findings were disclosed and none of those responsible for killing prisoners was known to have been brought to justice. Reiterating its call for an independent and impartial inquiry whose findings and methods of investigation should be made public, Amnesty International published in August the names and other details of the 339 detainees believed to have died or been killed in custody. It also urged investigation of other extrajudicial executions and "disappearances" in previous years. Amnesty International called for the release of the seven political leaders arrested in June.

In oral statements to the United Nations Commission on Human Rights in February and to its Sub-Commission on Prevention

of Discrimination and Protection of Minorities in August, Amnesty International included reference to its concerns about unlawful detentions, torture of prisoners and extrajudicial executions in Mauritania.

MAURITIUS



Two journalists continued to face charges which could result in them becoming prisoners of conscience. A prisoner in police custody was reported to have been beaten. One person was sentenced to death but there were no executions.

Two journalists were charged with publishing or giving out false news information in connection with an article they had published in 1990. The article wrongly suggested that the government had dropped charges against a sea captain accused of illegal fishing in Mauritian waters. Sydney Selvon, Vice-President of the Mauritius Union of Journalists and editor of *Le Mauricien* (The Mauritian), and Harish Chundunsing, a *Le Mauricien* journalist, were expected to stand trial in early 1992. If convicted, they could become prisoners of conscience.

Two other people, Harish Boodhoo, leader of the *Parti socialiste mauricien* (PSM), Mauritian Socialist Party, and Vedi Ballah, editor of the PSM newspaper, *Le Socialiste* (The Socialist), were prosecuted on similar charges, convicted and fined in September. They had been charged in 1989 after calling for an inquiry into the alleged involvement of government ministers in the sale of Mauritian passports (see *Amnesty International Reports 1990 and 1991*).

Rajesh Boojawon, a criminal suspect, was admitted to hospital in September

suffering from face injuries reportedly inflicted by police officers. The police reportedly initiated an internal inquiry but its outcome was not known at the end of the year.

A Kenyan national was sentenced to death by the High Court in June after being convicted of drug-trafficking. This brought to five the number of prisoners under sentence of death on drugs-related charges. Two other people were under sentence of death for murder, including Roger France de Boucherville, who was convicted in 1986. In July the Supreme Court refused to reopen his case despite new evidence from his alleged accomplice that Roger France de Boucherville had been wrongly convicted. No executions were carried out.

Amnesty International appealed for the commutation of all death sentences and for the abolition of the death penalty.

MEXICO



The widespread use of torture and ill-treatment by law-enforcement agents continued to be reported. At least one prisoner of conscience was held for several weeks. Hundreds of people were arbitrarily detained and ill-treated by the security forces during forced evictions of peasants. At least one person "disappeared" and little progress was reported in clarifying hundreds of "disappearances" from previous years. A journalist was believed to have been killed because of his articles accusing the police of human rights abuses. Most of those responsible for human rights violations were not brought to justice. Prison conditions continued to be harsh.

The government adopted further measures intended to protect human rights and

to ensure that human rights violations did not go unpunished. Legislative reforms prepared by the governmental National Human Rights Commission and endorsed by President Carlos Salinas de Gortari were approved by Congress and enacted in December. They included a new law against torture, replacing the 1986 Federal Law to Prevent and Punish Torture (see *Amnesty International Report 1987*), under which no official had ever been convicted. The National Human Rights Commission received thousands of complaints of human rights abuses and issued dozens of recommendations to the relevant authorities. Few of the recommendations were fully implemented.

Mid-term elections held in August resulted in a landslide victory for the ruling *Partido Revolucionario Institucional* (PRI), Institutional Revolutionary Party. Allegations of electoral fraud triggered widespread but mostly peaceful protests. As a result of these, two elected PRI governors resigned. Following complaints presented in previous years by the right-of-centre *Partido de Acción Nacional* (PAN), National Action Party, the Inter-American Commission of Human Rights issued new recommendations in February calling on the government to "effectively guarantee the exercise of political rights" to those participating in elections (see *Amnesty International Report 1991*).

Torture was frequently used throughout the country by law-enforcement agents, principally the state and federal judicial police. Most cases were reported in the context of criminal investigations, including police operations against drugs. Confessions extracted under duress continued to be admitted as evidence in courts. Torture methods reported included beatings, electric shocks, near-asphyxiation in foul water or by covering the head of the victim with a plastic bag containing ammonia or other irritants, forcing carbonated water with chilli pepper into the nose, and psychological torture. Official forensic doctors frequently failed to document cases of torture adequately, in some cases allegedly because of threats from those in charge of the investigations. Medical treatment for detainees who suffered torture was frequently unavailable or inadequate.

Among the scores of cases of torture reported was that of Amir Aboud Sattar, who was arrested without warrant on 14

June at his home in San Luis Potosí by federal judicial police officers and a delegate of the Republic Attorney General's Office. During his transfer to prison he was reportedly tortured by being beaten, kicked and raped. Amir Aboud was released later that month, but those responsible for his torture were not brought to justice. In another case, José Adrián Rosales Ochoa was arrested without warrant on 19 June by the judicial police in Mexico City. He was transferred to a local police station, where he was reportedly tortured by beating and by being nearly suffocated with a plastic bag. He died later that day. Five police agents were charged with murder, but several others allegedly responsible, including a police commander, faced only minor charges and were released on bail.

Five people detained for 18 months on charges based on confessions extracted under torture were released without charge in June. Francisco Antonio Valencia Fontes, Enrique Machi Ramírez and three others arrested in connection with the same case had reportedly been beaten and nearly suffocated. They received no compensation and those responsible for their torture had not been brought to justice.

Also in June, Magdalena Vera and Carlos Valencia Morfín, the last of those allegedly tortured in Aguililla in May 1990 who remained in detention, were released without charge (see *Amnesty International Report 1991*).

Very few of those responsible for torture and other human rights violations were brought to justice, despite hundreds of complaints filed with the relevant authorities. For example, those responsible for the killing of Rubén Oropeza Hurtado, who died in October 1990 in Tijuana as a result of torture, remained at large (see *Amnesty International Report 1991*).

In one of the few cases where official action was taken against state agents responsible for torture, eight police officers were convicted in June of the murder of Emiliano Olivas Madrigal, who died under torture in the town of San Francisco de la Joya in October 1989.

At least one prisoner of conscience was held. In September Joel Padrón, a Catholic priest from the community of Simojovel, was arrested without warrant. He was held on several charges, including theft and "advocacy of the offence". His claims that he was not present when the incident took

place were confirmed by several witnesses. It is believed he was imprisoned solely for his peaceful support of local peasants' demands for land. The authorities offered to release him if he agreed to leave the state and to certain other conditions, but he refused. He was unconditionally released in November, following a national and international campaign for his freedom.

Hundreds of people, including members of indigenous communities, were arbitrarily detained and ill-treated by security forces, usually aided by local landowners and *pistoleros* (gunmen), in the context of land disputes. In April police using helicopters, together with *pistoleros*, forcibly evicted hundreds of peasants from the communities of Paso Achote and Emiliano Zapata II in the state of Chiapas. Men, women and children were ill-treated during the evictions and many were injured. Many were arrested for a short period and seven community leaders were held for over four months. Members of both communities had suffered similar abuses the previous year (see *Amnesty International Report 1991*). They had resettled on communal land after the local authorities had awarded land titles to the Paso Achote community in May 1990 and had promised to award them to the Emiliano Zapata II community.

At least one person "disappeared" in 1991, this time at the hands of the Guatemalan army. On 3 June Joaquín López López, a Mexican peasant, was abducted by Guatemalan soldiers, before witnesses, from the southern border community of Nuevo Progreso in Mexico. Despite complaints to the Mexican and Guatemalan authorities, the whereabouts of Joaquín López López remained unknown, and those responsible for his "disappearance" were not brought to justice either in Mexico or in Guatemala (see *Guatemala* entry).

Little progress was reported in investigations into past "disappearances", most of which occurred during the 1970s and early 1980s, and no officials have been held accountable.

The whereabouts of José Ramón García (see *Amnesty International Report 1990*) remained unknown. In January the National Human Rights Commission published a report revealing serious irregularities in the investigation into José Ramón García's 1988 "disappearance". Despite reports that

members of the security forces were responsible for his "disappearance", none was brought to justice.

In March the body of Francisco Quijano García, who "disappeared" in June 1990, was discovered in Mexico City (see *Amnesty International Report 1991*). The Federal District Attorney General's Office announced that a former business partner of the victim had confessed to his abduction and murder. However, days later, this individual complained to a judge that he had been forced to confess to the crime. No investigations were reported into witnesses' accounts that Francisco Quijano García had been seen in police detention after his "disappearance".

A renowned journalist and human rights activist, Dr Víctor Manuel Oropeza, was stabbed to death on 3 July in Ciudad Juárez. He had received several death threats after he published articles accusing the police of abuses. The investigations into his killing were marred by irregularities, including the arrest and torture of several suspects, some of whom were released without charge after widespread complaints. Those responsible for Dr Oropeza's murder had not been brought to justice by the end of the year.

Despite recommendations by the National Human Rights Commission that police officers allegedly responsible for the killings of Hector, Jaime and Erik Quijano Santoyo in January 1990 (see *Amnesty International Report 1991*) should be suspended pending trial, the officers remained at large, and at least one was promoted. In November the Republic Attorney General's Office claimed that the brothers had died in an armed confrontation, despite eyewitness and forensic evidence to the contrary. There were serious irregularities in the investigation into the killings.

In September a federal judicial police commander was arrested and charged with the May 1990 murder of Norma Corona Sapién (see *Amnesty International Report 1991*) and the killing of at least one other person. Amnesty International remained concerned that several others allegedly involved in her killing remained at large.

Prison conditions continued to be harsh, in some cases constituting cruel, inhuman or degrading treatment. Most prisons were severely overcrowded, with inadequate sanitary facilities. A large number of prisoners awaiting sentence had

been held far beyond the constitutional limits for their detention. In May, 18 people were killed and several wounded during an armed confrontation between rival gangs in the prison of Matamoros. Several officials, including the prison director, were subsequently dismissed on charges of corruption, having allowed arms to be smuggled into the prison. In an effort to reduce prison overcrowding, a number of prisoners were granted pardons, were paroled or benefited from early release programs.

Amnesty International repeatedly called for full and impartial investigations into human rights violations in Mexico and urged the authorities to bring all those responsible to justice. In June the President of the National Human Rights Commission met Amnesty International representatives to discuss the Commission's work. Amnesty International welcomed the Commission's activities but expressed concern about its limited independence, its lack of effective legal powers, and the fact that many of its recommendations were not fully implemented.

In September Amnesty International published *Mexico: Torture with impunity*. The report, which examines the use of torture by law-enforcement agents and the lack of accountability for such abuses, was sent to President Carlos Salinas de Gortari, along with a series of recommendations for the prevention of torture and other human rights abuses. Although Amnesty International did not receive an official response to the report, several officials referred to it. The Attorney General welcomed the report and stated that abuses would not be tolerated. The National Human Rights Commission acknowledged in September that torture existed in Mexico, but said that its frequency was diminishing. Amnesty International welcomed these statements, but continued to call for an end to torture and other human rights abuses, and for those responsible to be brought to justice.

MONGOLIA

At least 19 death sentences were imposed and a total of 10 people were executed. A draft Constitution extended human rights guarantees but did not abolish the death penalty.

The draft Constitution, which was expected to be approved in early 1992, incorporates a number of human rights guarantees found in the principal international human rights instruments. It includes for the first time an explicit prohibition of torture.



On 16 April Mongolia acceded to the first Optional Protocol to the International Covenant on Civil and Political Rights.

Official statistics indicated that at least 19 people were sentenced to death in 1991 and a total of 10 people were executed. Execution is by shooting. Statistics given to Amnesty International by the State General Procurator's Office in September indicated that a total of 118 executions took place between 1980 and 1990. The number of executions peaked at 22 in 1985, declining to five in 1990.

In June the Foreign Minister met representatives of Amnesty International in London. At his invitation, Amnesty International sent a memorandum on human rights provisions in the draft Constitution to the standing parliament, the *Baga Hural*, in August. Amnesty International wrote to the government headed by President Punsalmaagiyn Ochirbat in August recommending that draft legislation on compulsory military service should provide for an alternative civilian service for conscientious objectors.

In September Amnesty International representatives visited Mongolia for the first time. They attended an international conference on the draft Constitution and raised with government ministers and other officials the issues of the death penalty and conscientious objection to military service.

MOROCCO AND WESTERN SAHARA

Over 60 long-term political prisoners were released, including more than 50 prisoners of conscience. However, hundreds of other political prisoners, including dozens of prisoners of conscience, continued serving prison sentences imposed after unfair trials, and around 1,000 of more than 1,400 people arrested in late 1990 and early 1991 were imprisoned after unfair trials during the first half of the year. Over 260 "disappeared" Sahrawis (Western Saharans) and 11 others, many of whom had been held in secret detention centres for up to 15 years, were released, but no steps were taken by the authorities to clarify hundreds of other "disappearances" of Moroccans and Sahrawis reported between 1963 and 1987. Over 20 former military men detained since 1973 in a secret detention centre in which 30 out of 61 of them had died, were released or moved to regular prisons. Reports of torture and ill-treatment of detainees held in pre-trial incommunicado (*garde à vue*) detention were frequently received, particularly following the mass arrests early in the year. At least five people died in custody, possibly as a result of torture. At least 152 people were believed to be under sentence of death but no executions were known to have been carried out.



A cease-fire in the Western Sahara came into effect on 6 September, supervised by United Nations (UN) military observers. The cease-fire had been agreed in 1990 under UN auspices by the Moroccan Government and the Popular Front for the Liberation of Seguia el-Hamra and Rio de Oro, known as the Polisario Front (see *Amnesty International Report 1991*). A referendum on the territory's future was scheduled for January 1992.

The government took several steps to improve human rights. Hundreds of long-

term political prisoners including Western Saharans and others who had "disappeared" in previous years were released. The *Conseil consultatif des droits de l'homme* (CCDH), Human Rights Advisory Council, appointed by King Hassan II in 1990 (see *Amnesty International Report 1991*), presented further memoranda to the King. In December 1990 it had recommended various reforms to the law on *garde à vue* detention, including a 48-hour limit to such detention. In early 1991 it proposed reforms to the prison system and improved safeguards for detainees. On the basis of these memoranda, Parliament approved a bill in April amending several laws relating to penal procedure, including a reduction in the permissible duration both of *garde à vue* detention and of remands in custody. The bill was promulgated on 30 December 1991.

Over 60 long-term political prisoners were released, including over 50 prisoners of conscience. In August, 40 political prisoners, including at least 24 prisoners of conscience, were released in a royal amnesty. They included Mohamed Sriff and several others who had been convicted following an unfair trial in 1977 on charges relating to membership of an illegal Marxist organization, *Ila'l-Amam*, Forward, and endangering state security (see previous *Amnesty International Reports*). Other prisoners of conscience released in the amnesty included Noureddine Jouhari and Hassan Aharrat, who had been force-fed while on hunger-strike for more than six years, and Ali Idrissi Kaitouni, a poet and painter sentenced in 1982 to 15 years' imprisonment (see *Amnesty International Report 1991*). In September Abraham Serfaty, one of the leaders of *Ila'l-Amam*, was released after 17 years' imprisonment. However, he was immediately expelled from Morocco and sent to France.

Between September and November over 20 former military men held at a secret detention centre at Tazmamert were released or removed to regular prisons. M'barek Touil was released in September and the others in October and November: two, Mohamed Raiss and Achour Ghani, were transferred to Kenitra Central Prison and were still held at the end of 1991. In all, 61 military officers had been transferred secretly to Tazmamert in 1973 (see *Amnesty International Report 1991*): of these, 30 had reportedly died over the

years owing to the harsh conditions and lack of medical care. Other former military men from the same group remained unaccounted for; they included Lieutenant-Colonel Mohamed Ababou and Ahmed Mzireq, sentenced to 20 years' and 12 years' imprisonment respectively in 1972.

Despite these releases over 700 political prisoners, including dozens of prisoners of conscience and possible prisoners of conscience, continued to serve sentences imposed after unfair trials. The prisoners of conscience still held included members of *al-'Adl wa'l-Ihsan*, Justice and Charity, an Islamic group, who were sentenced in 1990, and the three remaining prisoners from the *Ila'l-Amam* group who were sentenced in 1977.

Suspected opponents of the government continued to be arrested and imprisoned in large numbers. Over 1,000 people were arrested following riots in mid-December 1990, in which about 50 people were killed and 200 injured (see *Amnesty International Report 1991*). In the following six weeks, more than 30 trials were held in towns throughout the country. Over 850 people were sentenced to up to 15 years' imprisonment in trials which were grossly unfair; of these, more than 500 remained in prison at the end of the year.

Between mid-January and the end of February over 400 people were arrested in 25 towns after protests against Morocco's involvement in the Gulf War. Many arrests took place after police dispersed peaceful demonstrations, sometimes with violence. Most of those arrested, the majority of whom were students and school children, were released after a few hours or days. Around 100, most of them prisoners of conscience, were sentenced after unfair trials to up to 15 months' imprisonment on charges which included unauthorized assembly on the public highway and disturbing public order.

Nearly all prisoners of conscience and political prisoners serving sentences were convicted in unfair trials. The minimum fair trial standards most often violated were the use of police statements extracted under torture or other coercion to obtain convictions, and the refusal by courts to investigate torture allegations or permit defendants to call witnesses in their defence. The failure of courts to address breaches of pre-trial procedures and to allow the defence similar rights to those

given to the prosecution also put their impartiality into question.

Many of the trials held in the first half of the year suffered from these shortcomings. Most of those arrested in connection with the riots were tried in collective trials of up to 85 defendants. They were rarely, if ever, accused of specific criminal acts. Many of the accused alleged that they had been tortured or ill-treated in *garde à vue* detention and denied medical treatment for injuries sustained during police and army actions against the rioters. In many cases defence lawyers complained about irregularities in pre-trial procedures, but their complaints were almost always rejected by judges and some defence lawyers withdrew from trials in protest. In one trial in January, lawyers representing 81 defendants before the Criminal Court in Fes formally complained about the court's refusal to allow medical examination or treatment for some of the defendants, misuse of *flagrant délit* procedure (used when a suspect is arrested while committing the offence), and the prosecution's failure to produce evidence that any of the accused had committed any offence. Nevertheless, 48 of the accused were sentenced to between six months' and 10 years' imprisonment, and 30 others to 15 days' imprisonment. Three were acquitted.

In February eight members of the Oufkir family were released: they had been held virtually incommunicado and without charge for over 18 years apparently because of their family relationship to General Mohammed Oufkir who had died in unclarified circumstances following a failed coup attempt in 1972 (see *Amnesty International Report 1991*). The three Bourequat brothers, of French nationality, who "disappeared" in 1973 and since 1981 were detained in Tazmamert, were released in December and allowed to go immediately to France.

Over 260 "disappeared" Sahrawis, who had been held in secret detention centres in Qal'at M'gouna and Laayoune for up to 15 years, were released in mid-June. However, the authorities refused to account for several hundred others who were said to have "disappeared" between 1975 and 1987.

The releases were connected with the UN settlement for the Western Sahara, which provided for an amnesty for all Sahrawi political prisoners. Those freed

from Qal'at M'gouna described the conditions as extremely harsh during the first decade of their captivity. Many were suffering from severe physical or psychological illnesses: at least 43 inmates had died in the centre since 1976.

Among those freed were three elderly brothers of the Mayara family, among the first of the Sahrawis to "disappear" in 1975, and Magboula ment Bouchraya ould Mohamed Yahdih, who "disappeared" after arrest in 1981. Several people who had "disappeared" during the visit of a UN technical mission in 1987 were also freed, including Embarca ment Taleb ould Husein. In every case, the authorities had flatly denied prior to their release that the individuals were being held.

Moulay Ahmed ould Mohamed el-Hasan el-Leili, the father of the first prime minister appointed by the Sahrawi Arab Democratic Republic set up by the Polisario Front in 1976, reportedly died the day after his release. Other released members of the Leili family were said to have been moved after 15 years of secret detention to Tan Tan in Morocco. All those released were apparently kept under surveillance and not allowed to travel or meet others as they chose.

Other Sahrawis remained "disappeared", including Baidari ould Sidi Mohamed ould Barbouchi, a student from Saguia who was arrested in February 1976, and Fatimatou ment Baad, who was 65 when she was arrested in April 1984.

About 100 "disappeared" Moroccans were still unaccounted for by the end of the year. Among them was Houcine El-Manouzi, a trade union activist, allegedly kidnapped by Moroccan agents in Tunis in 1972. He had escaped with the Bourequat brothers in 1975 before being recaptured two weeks later.

Torture and ill-treatment of prisoners, notably detainees held incommunicado in *garde à vue* detention, remained common. Methods included beatings, especially on the soles of the feet (*falaqa*), often while being suspended in contorted positions; partial suffocation, frequently with rags soaked in chemicals; and electric shocks.

Hundreds of people arrested following the riots and Gulf War demonstrations alleged that they had been tortured. For example, eight people tried in Fes in late January for involvement in Gulf War demonstrations said they were tortured

while held in *garde à vue* detention. All of them were transferred to hospital three days after their arrest on the orders of the public prosecutor. One was kept in hospital, apparently suffering from broken bones in his hand and foot. During the trial the court reportedly refused to allow defendants to be examined by medical experts, although marks of torture were visible on their bodies. Six of them were sentenced to one month's imprisonment and two were acquitted.

At least five people died in custody in circumstances suggesting that torture or ill-treatment had caused their deaths. Driss Touati, a cobbler, died in Rachidiya Police Station on 18 April a few hours after he was arrested. The authorities said that he had committed suicide, but refused to respond to repeated requests by the family and their lawyer for an independent autopsy and for an inquiry to be held.

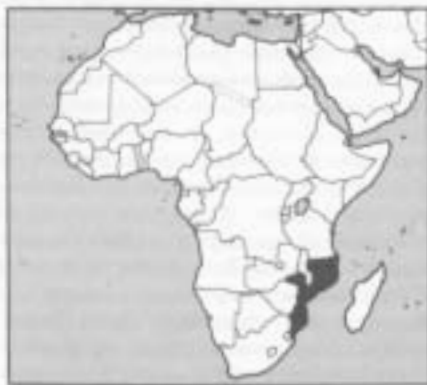
Five people were sentenced to death but no executions were recorded. At least 152 prisoners under sentence of death reportedly remained in Kenitra Central Prison. Fifteen of them were political prisoners, including five possible prisoners of conscience.

Amnesty International welcomed the releases of prisoners of conscience, including the Oufkir family, of those who had "disappeared", and of those detained at Tazmamert. However, it continued to press the government to release the remaining prisoners of conscience and to clarify the hundreds of "disappearances" that remain unresolved. In February Amnesty International representatives met members of the CCDH in Geneva; later it wrote several times to the Moroccan Government and the CCDH seeking further meetings to discuss Amnesty International's concerns but did not receive a response.

In March Amnesty International published a major report, *Morocco: A Pattern of Political Imprisonment, "Disappearances" and Torture*, and launched an international campaign to highlight its concerns. The report was supplemented later in the year by two further reports updating the organization's concerns. No official response was received from the government to any of the reports or communications sent to it during the year, and the organization's requests for access to the country for research continued to be denied.

In April Amnesty International submitted information about its concerns in Morocco for UN review under a procedure established by Economic and Social Council Resolutions 728F/1503, for confidential consideration of communications about human rights violations.

MOZAMBIQUE



Hundreds of people arrested in 1991 and previous years were detained without trial on suspicion of committing crimes on behalf of the armed opposition *Resistência Nacional Moçambicana* (RENAMO), Mozambique National Resistance; others were tried. At least 20 people were detained, of whom 15 were charged with plotting to overthrow the government; they had not been tried by the end of 1991. The security forces were accused of responsibility for numerous assaults and other human rights violations; some were prosecuted as a result.

Negotiations about a settlement to Mozambique's 15-year-long internal conflict continued throughout 1991. In October and November representatives of the government of President Joaquim Chissano and of RENAMO signed preliminary agreements designed to lead to further negotiations for a cease-fire and to allow RENAMO to compete for power in elections. However, fighting between the two sides continued both before and after the agreement, adding hundreds of deaths to the pre-1991 total of nearly a million people killed and five million displaced during the conflict.

As in previous years, RENAMO forces

were reported to have carried out violent attacks on villages and road convoys and to have abducted or killed hundreds of civilians. However, some attacks on food stocks were attributed to government soldiers and to criminals wearing military uniforms. New cases of mutilations of prisoners held by RENAMO were reported. In July RENAMO forces who captured the town of Lalaua in Nampula province were said to have killed dozens of people and to have displayed portions of severed human remains on shop shelves. In other incidents, people captured by RENAMO were said to have been decapitated, or to have had their genitals, noses, ears, or lips hacked off. The victims reportedly included children and the elderly.

The government passed new laws to implement provisions of the 1990 Constitution (see *Amnesty International Report 1991*), including those allowing the formation of political parties and demonstrations. Several new political parties were formed but official permission to hold demonstrations remained difficult to obtain and one was forcibly dispersed.

A new law on crimes against the security of the state was adopted in July, replacing a previous 1979 law. It reduced the range of offences and prescribed less draconian punishments. The following month, the *Serviço Nacional de Segurança Popular* (SNASP), People's National Security Service, was replaced by the *Serviço de Informações e Segurança do Estado* (SISE), State Intelligence and Security Service, which, unlike SNASP, has no powers of arrest or detention without trial.

Few details were available about the number of prisoners detained on suspicion of committing crimes on behalf of RENAMO. Military sources announced that they had captured over 400 in 1991, including combatants and other RENAMO supporters, but did not say how many were released. Others were believed to be still held following their arrest or capture in previous years. Some were reported to have been tried during the year but few details were available about these trials.

More than 20 people were arrested between June and August in connection with an alleged plot to overthrow the government. Fifteen, including Colonel-General Sebastião Mabote, a former army chief of staff, Colonel Manuel Antonio, the Interior Minister, and three brothers of former

President Samora Machel, were charged in September, while the others were released. The 15 were charged under the 1979 law on security offences which was in force at the time of their arrest but which was repealed in July. However, in accordance with a constitutional provision, if convicted, their punishments cannot exceed those provided in the new law on security offences. They had not been tried by the end of the year.

Seven members of new political parties were arrested in Maputo in October and prosecuted for preparing to hold a demonstration, although they were not actually imprisoned. Six of them were members of the *Frente de Acção Patriótica* (FAP), Patriotic Action Front, and the seventh belonged to the *Congresso Independente Moçambicano*, Mozambican Independent Congress. They were arrested shortly before the demonstration was to be held, on the grounds that they had given the authorities only two days' notice instead of the four days required by law. In late October the FAP members received suspended sentences of two months' imprisonment and the seventh defendant was fined. Appeals to the Supreme Court against the sentences were lodged but not heard before the end of the year.

There were numerous reports of assaults on prisoners by soldiers, police and prison staff. In most cases it was not clear whether any official action had been taken against the perpetrators. In February Fernando Fumo was reportedly beaten and then shot dead by soldiers who stopped his car near Maputo, but no action was reported to have been taken against those responsible. However, several members of the militia were arrested after they reportedly tied and beat a suspected black marketeer, who died in hospital in Nampula province in October, and an inquiry was launched after guards in Maputo's Civil Prison opened fire on protesting prisoners in November, wounding at least one.

Earlier, two Maputo police officers were each jailed for 16 years in May for illegally arresting and ill-treating market traders. In July a soldier was sentenced to eight years' imprisonment in Cabo Delgado for ill-treating prisoners in December 1990.

There was no further news of dozens of people who "disappeared" after their arrest in the mid-1970s (see previous *Amnesty International Reports*).

Amnesty International urged the government to ensure that those accused of plotting its overthrow should receive a fair trial and be guaranteed immediate access to legal counsel. It urged the authorities to undertake thorough investigations into reports that the security forces had ill-treated civilians.

MYANMAR (BURMA)



More than 1,500 opponents of the government were prisoners of conscience or possible prisoners of conscience, but in all thousands were believed to be held for political reasons. Some were detained without charge or trial and others were serving sentences imposed after unfair trials. There were new allegations of torture and ill-treatment of prisoners. Government troops continued to seize arbitrarily, ill-treat and extrajudicially execute members of ethnic minorities in areas affected by armed insurgency. Over 100 people were under sentence of death, but no executions were known to have been carried out.

The ruling State Law and Order Restoration Council (SLORC), headed by Senior General Saw Maung, continued to enforce martial law provisions enacted in 1988. These included Martial Law Order 2/88, which prohibits gatherings of more than five people, and Notification 8/88, which prohibits public criticism of the military. In August the SLORC issued Law No 11/91, which amended the 1975 State Protection Law to allow up to five years' detention without charge or trial.

The SLORC had still not convened the People's Assembly elected in May 1990 by the end of 1991, and refused to hand over power to the National League for Democracy (NLD), which had won the election. The SLORC repeatedly declared its intention to "destroy" NLD politicians and other members of the civilian opposition if they persisted in calling for a transfer of power.

At least one armed opposition group was responsible for abuses. In August the Democratic Alliance of Burma (DAB) sentenced two people to death for allegedly passing information to the SLORC. They were said to have received a form of trial, although details were not provided. Amnesty International appealed to the DAB in September not to proceed with its plans to execute the two men, citing its total opposition to the torture or killing of prisoners. Amnesty International subsequently learned that both men had been executed.

Information about human rights violations was limited, owing to government imposed restrictions on access to Myanmar by human rights monitors and others. Information was further limited by martial law provisions curtailing freedom of expression. However, more than 1,500 people could be identified as prisoners of conscience or possible prisoners of conscience, including almost 600 who were arrested for opposition to the SLORC in the first seven months of 1991 alone. In all, the number of people imprisoned for opposing the SLORC was believed to be several thousand.

U Nu, a former prime minister, and the NLD leader Aung San Suu Kyi, who was awarded the 1991 Nobel Peace Prize, continued to be held without charge or trial under the 1975 State Protection Law. NLD leader Tin U, who was sentenced in December 1989 to three years' imprisonment by a military tribunal for sedition, remained in custody, and 56 elected members of parliament, who were arrested in 1990, were still in detention at the end of the year. More than 80 Buddhist monks arrested in 1990 were also believed to be still held at the end of 1991. U Oo Tha Tun, an 82-year-old prisoner of conscience, died in detention. All other prisoners of conscience arrested in 1990 were apparently still being held at the end of 1991 (see *Amnesty International Report 1991*).

Those arrested during 1991 included members of legally registered political

parties and clandestine political groups, as well as members of ethnic minority, communist and student armed opposition groups. Some were believed to have been involved in violence. However others, including some charged with treason or inciting unrest, or accused of having links with armed opposition groups, were believed to be advocates of a peaceful transfer of power from the military to the elected civilian government.

Prisoners of conscience included U David Hla Myint, an elected member of parliament for the NLD, who was arrested in January for flying the NLD flag at the same height as the Myanmar flag. He was convicted of violating the State Flag Law. Nai Nawn Dho, a Buddhist monk and member of the Mon minority, was imprisoned for using the Mon language in a university examination. He was believed to have been tried by a civilian court and to have received a seven-year prison sentence. Daw Cho Cho Kyaw Nyein, the General Secretary of the Anti-Fascist People's Freedom League (AFPFL), was arrested in January and reportedly sentenced in May to seven years' imprisonment, although no details were available. U Kyi Myint, General Secretary of the Burma United Democratic Party, was arrested in March after reportedly comparing Senior General Saw Maung to Iraqi President Saddam Hussein, and was still held at the end of 1991. Other prisoners of conscience included U Khin Maung Win and two other NLD leaders from Bago Division, who were arrested after making anti-government speeches at the time of the Martyrs' Day anniversary in July.

Hundreds of students were reportedly arrested in December at the Yangon (Rangoon) Arts and Sciences University in connection with apparently peaceful protests calling for the release of previously detained students and Aung San Suu Kyi. Those held were detained by military intelligence personnel and included Bo Bo Htun, Zaw Min Khing and Ba Htoo Maung, all of whom appeared to be prisoners of conscience.

At the end of 1991, it remained unclear in some cases whether those arrested during the year were still being detained without charge or trial or had been tried and sentenced by military tribunals. These tribunals, which were established in July 1989 to try people accused of martial law

offences, use summary procedures and do not satisfy international fair trial standards. They can waive "unnecessary" witnesses, and defendants have no right of appeal to a higher court. Those convicted are liable to one of three sentences: at least three years' imprisonment with labour, life imprisonment or the death penalty. The civilian courts, before which some political prisoners have been tried, also fail to satisfy international fair trial standards: the defendant's right to legal counsel is restricted and the independence of the judiciary is in doubt.

At least 46 people, including 32 elected members of parliament, were sentenced to prison terms by military tribunals in May on treason or related charges. Khin Maung Swe and Chan Aye, both NLD members of parliament arrested in October 1990, reportedly received 10-year sentences for allegedly failing to report treason. Two other senior NLD officials, Kyi Maung and Chit Khaing, were said to have had their earlier sentences of 10 and seven years' imprisonment doubled after being convicted on similar charges. Few details of the trials or the evidence against the defendants were available, but it appeared that many or all of those sentenced could be prisoners of conscience. About 33 other political prisoners were sentenced during the year to long terms of imprisonment.

The death in custody in January of U Tin Maung Win, an NLD member of parliament arrested in October 1990, was attributed to natural causes by the authorities, but relatives and others suspected that his death may have resulted from ill-treatment. No official inquiry into the death was known to have been carried out.

Members of ethnic minority groups in rural areas in which armed opposition groups were active continued to be subjected to human rights violations by government troops. Some, who were forcibly conscripted as porters, were made to walk in front of army patrols in order to detonate any land-mines laid by opposition guerrillas. Among the cases reported was that of a Buddhist belonging to the Karen minority who was punched and stabbed in February by soldiers who had seized him and made him drive his cart along a path they feared might be mined. A Muslim Indian woman seized as a porter in April was beaten to death by soldiers after suffering an epileptic seizure and a Mon farmer

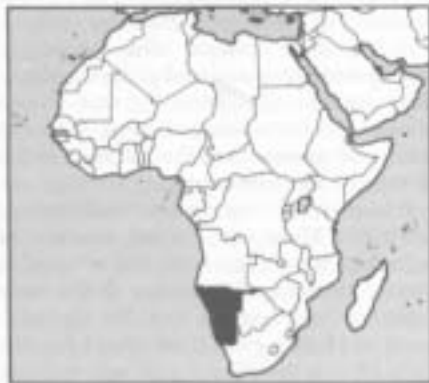
was beaten in April because he could not speak Burmese when soldiers questioned him. In May a Karen Buddhist made to act as a porter was killed by soldiers because they discovered that his brother was an insurgent.

Over 100 people were known to be under sentence of death at the end of the year, including seven people who were sentenced in 1991. Myo Aung Htwe was one of five people sentenced to death in March, although he was only 17 years old when convicted. No executions were reported: none was known to have been carried out for some years.

Amnesty International called repeatedly for the release of all prisoners of conscience, for the fair trial or release of other political prisoners and for the commutation of all death sentences. It pressed too for a full investigation of all reports of torture, ill-treatment and extrajudicial executions. In August Amnesty International published a report, *Myanmar: Continuing killings and ill-treatment of minority peoples*, and in September, *Myanmar: Unfair Political Trials*. In December Amnesty International published a further report detailing recent arrests of opposition activists and the trials of some 80 political prisoners between January and July.

In oral statements to the United Nations (UN) Commission on Human Rights in February and to its Sub-Commission on Prevention of Discrimination and Protection of Minorities in August, Amnesty International included reference to its concerns about prisoners of conscience, mass political arrests, torture, extrajudicial executions, arbitrary detention of minority groups and unfair trials in Myanmar. In April Amnesty International submitted information about its concerns in Myanmar for UN review under a procedure established by Economic and Social Council Resolutions 728F/1503, for confidential consideration of communications about human rights violations. The SLORC responded to Amnesty International's reporting of human rights violations in Myanmar by categorically denying that torture was used or that those held were political prisoners.

NAMIBIA



Several criminal suspects were reportedly tortured in police custody. Steps were initiated to clarify the fate of hundreds of people who "disappeared" before independence in the custody of the South African authorities in Namibia or in detention camps run by the South West Africa People's Organisation (SWAPO) in Angola.

Six of the white men arrested in 1990 for plotting to overthrow the government (see *Amnesty International Report 1991*) escaped after being released on bail. The remaining three were convicted of high treason in August: two were jailed, for two and four years; the third was fined.

Several criminal suspects were reportedly tortured by the police. Eunice Molestan, a suspected drugs offender arrested in March, alleged that members of the police Narcotics Division had handcuffed her, beaten her with a hose-pipe and suspended her on a pole thrust between her elbows and knees while holding her incommunicado. She petitioned the High Court, which ruled that a legal provision allowing police to hold suspected drugs offenders incommunicado for up to 14 days was contrary to the Constitution and issued a restraint order against the police. The Attorney General subsequently indicated that the law would be revised but no action was known to have been taken to investigate Eunice Molestan's allegations.

In another case three miners detained on suspicion of stealing uranium complained they were tortured during interrogation at a police station in Swakopmund in August. One of them, Ewerhardt

Mokatu, alleged that police officers had placed a plastic bag over his head five or six times and suspended him by the elbows and knees. A police investigation was initiated but its outcome had not been made public by the end of the year.

The government of President Samuel Shaafishuna Nujoma, which had come to office at independence in March 1990 following a SWAPO election victory, continued to face pressure for an inquiry into "disappearances", torture and killings of Namibian prisoners both by SWAPO in Angola and by South African forces in Namibia in the years before independence. However, no further information came to light during 1991 about the victims of such abuses. The National Assembly, which in November 1990 had resolved to ask the International Committee of the Red Cross (ICRC) to investigate the "disappearances" (see *Amnesty International Report 1991*), again debated the matter in May. It rejected a proposal to establish a judicial commission of inquiry into the "disappearances", torture and killings, opting instead for measures intended to facilitate investigation by the ICRC. In particular, the Assembly asked the government to request the cooperation of the Angolan, Botswana, South African and Zambian governments in seeking information about missing Namibian prisoners. In October the Assembly nominated a SWAPO liaison officer to provide information about prisoners who had been held by SWAPO. The ICRC's role was to be to trace those missing, not to investigate the circumstances in which prisoners had "disappeared" or been killed. The ICRC said it would only continue to trace the missing people if satisfactory progress was made in investigations into a first group of about 100 cases, but it was not clear at the end of the year what progress had been made.

Amnesty International continued to urge the government to undertake an independent and impartial inquiry to clarify the fate of Namibians reported to have "disappeared" or been killed in South African or SWAPO custody before independence. While welcoming the steps taken to initiate some investigation, Amnesty International remained concerned that those responsible for perpetrating grave human rights abuses in the past might once again be in positions where they are responsible for prisoners and could again violate human rights. It urged the authorities to

ensure that members of all law-enforcement agencies are given adequate training in upholding human rights.

NEPAL



Hundreds of civil servants campaigning for higher wages were detained without charge or trial for up to several weeks; they included many prisoners of conscience. The fate of scores of victims of "disappearance" and possible extrajudicial execution in previous years remained unclarified, despite the completion of two commissions of inquiry. Four people sentenced to death *in absentia* were pardoned.

Multi-party elections took place in May, following the lifting in April 1990 of a 30-year ban on party political activity and the subsequent promulgation by the interim government of a new constitution providing increased human rights protection (see *Amnesty International Report 1991*). They were won by the Nepali Congress Party, which stated a commitment to human rights protection in its election manifesto, and a new government took office on 26 May under Prime Minister Girija Prasad Koirala.

In May, shortly before the interim government of Prime Minister Krishna Prasad Bhattarai relinquished office, Nepal acceded to the International Covenant on Civil and Political Rights (ICCPR), the first Optional Protocol to the ICCPR, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

During July and August hundreds of

members of the Nepal Civil Servants Organization (NCSO) were detained after launching a nationwide campaign for higher wages and increased benefits. Most were held without charge or trial under the 1970 Public Offences Act for periods of up to one month pending investigation. However, they were all released after the NCSO called off its campaign at the end of August. The leader of the parliamentary opposition and three opposition members of parliament were also briefly detained after they had visited four NCSO hunger-strikers in hospital.

Two independent commissions established by the interim government in 1990 to inquire into allegations of torture, "disappearances" and extrajudicial executions under previous governments submitted their reports, one in January and the other in May. The investigations of the two commissions spanned the previous 30 years and included the suppression of the 1990 campaign for multi-party democracy (see *Amnesty International Report 1991*). The government had not published either of the reports by the end of the year, nor had it announced any actions that it would take in response to their findings.

Isolated reports of torture and ill-treatment in police custody, involving both political and criminal detainees, were received throughout the year.

In July a possible extrajudicial execution was reported in Khotang district, where one person was shot dead by police. The government sent two Nepali Congress Party members to investigate: their findings reportedly supported an earlier statement by the Home Minister that the police had fired at people breaking a local curfew. However, others, including human rights workers and opposition parliamentarians, alleged that the death had occurred earlier during a demonstration in support of NCSO strikers. No independent, official inquiry was known to have been held.

The death penalty was retained for exceptional crimes, despite apparent provision for abolition in the 1990 Constitution (see *Amnesty International Report 1991*). Four people convicted in 1987 of causing bomb explosions in 1985 and sentenced to death *in absentia* (see *Amnesty International Report 1988*) were pardoned in June.

Amnesty International wrote to the government in August urging the release of all civil servants held solely for the peaceful

exercise of their rights to freedom of expression and association. Amnesty International also urged the government to establish an independent and impartial investigation into the shooting of an NCSO member in Khotang. Amnesty International repeatedly requested information from the government about the fate of six prisoners detained after the 1985 bomb explosions who reportedly "disappeared" from police custody. Their cases were among those investigated by one of the two government-appointed commissions investigating torture, "disappearances" and extrajudicial executions. In June, and again in August, the government informed Amnesty International that the report of the commission was being studied by the government. Amnesty International repeatedly urged the government to publish in full the reports of the two commissions and to ensure that any person implicated in human rights violations was brought to justice.

NETHERLANDS

(KINGDOM OF THE)



There were reports of torture and ill-treatment in police custody in the Netherlands Antilles and Aruba, Caribbean islands which form part of the Kingdom of the Netherlands.

On 26 March the Netherlands ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

Some of the allegations of torture and ill-treatment in the Netherlands Antilles and Aruba related to 1990 and previous years.

In June 1990 Henry K. Every died before reaching hospital in Curaçao in the Netherlands Antilles, after police allegedly kicked and beat him in the street during his arrest. In May 1991 Moreno Fabias required medical assistance for injuries he alleged were inflicted by a police officer who beat him with a truncheon on a street in Curaçao. In August the press reported that the Minister of Justice for the Netherlands Antilles had agreed to establish a commission of inquiry into allegations of ill-treatment.



Detainees in Aruba alleged they were subjected to severe beatings and other forms of torture and ill-treatment. José Luis Mengual Arriza was arrested in October 1990. He alleged that he was kicked and beaten in the stomach and kidneys by three officers in a police station. After he began to spit and urinate blood he was transferred to hospital where he required 17 days' medical treatment.

In November Amnesty International wrote to the Kingdom Minister for Justice and Netherlands Antilles and Aruban Affairs for information about the mandate of the commission of inquiry in the Netherlands Antilles. Amnesty International urged that all the allegations of ill-treatment should be investigated promptly, fully and impartially and that the commission's methods of work and findings be made public. Amnesty International also urged the Minister to take the necessary steps to investigate the allegations in Aruba.

NICARAGUA

A number of demobilized *contra* rebels were alleged to have been killed by individuals linked to the security forces although the circumstances in many cases were disputed. There were no prosecu-

tions in connection with the killing of a former army officer by one of the Vice-President's bodyguards and the death of a youth allegedly shot by military escorts. Relatives of several people who had "disappeared" under the previous government identified remains found in four clandestine graves. The National Police was alleged to have used excessive force in the context of labour disputes. An amnesty law passed in December provided continued immunity from prosecution for human rights violations and other acts of political violence committed before that date.

Political violence escalated during 1991, generated by increasing friction between the forces which had been at war during the previous government of the *Frente Sandinista de Liberación Nacional* (FSLN), the Sandinista National Liberation Front. Several hundred former rebels of the *Resistencia Nicaragüense*, Nicaraguan Resistance, (known as *contra*), which had demobilized following the coming to power of President Violeta Barrios de Chamorro in 1990, took up arms again. They alleged that they were being persecuted by Sandinista sympathizers and soldiers of the *Ejército Popular Sandinista* (EPS), the Sandinista Popular Army, the official Nicaraguan army. The rearmed *contra* rebels, known as *re-contra*, were allied to certain sectors within the ruling coalition *Unión Nacional Opositora* (UNO), the National Opposition Union. During 1991 the *re-contra* attacked police and army units and carried out targeted killings of police and military personnel, as well as killing Sandinista opposition activists.



Conflicts over land sparked off further violence in the countryside, aggravated by the government's failure to provide demobilized combatants of both sides with land after the war. Former *contra* rebels, demobilized soldiers and landless peasants

carried out occupations and armed attacks on agricultural cooperatives and state farms. In ensuing clashes with *campesinos* (peasant farmers) defending the land, dozens of people were killed or wounded. Very few of the killings attributed to either side in the context of agrarian clashes were thoroughly investigated. In only one case, in which five reportedly unarmed former *contra* rebels were shot dead in February by pro-Sandinista workers defending a state farm in Jinotega, did investigations lead to the arrest of those allegedly responsible.

UNO politicians suffered threats and attacks on their homes, allegedly carried out by Sandinista supporters, following the proposed repeal of property laws passed during the Sandinista administration. Demobilized members of the EPS joined civilians to form armed groups (known as *re-compas*) which staged violent protests in defence of agrarian and other Sandinista reforms. In November the bombing of the tomb of FSLN founder Carlos Fonseca provoked protests by Sandinista activists who set fire to the house of the UNO mayor of Managua.

The government created broad-based disarmament commissions to defuse the increasing conflict between rearmed groups of former rebels and of Sandinista supporters. In mid-November representatives of the rival groups signed a peace pact after talks mediated by members of the international commission set up in 1989 to monitor the demobilization process (see *Amnesty International Report 1990*). Nevertheless, according to reports at the end of the year, armed groups which had shunned the negotiations continued to carry out attacks and killings.

Dozens of demobilized *contra* rebels were killed in the period since the end of the war in 1990, some allegedly by individuals linked to the EPS or to the FSLN. Many of the deaths appeared to have occurred in the course of armed confrontations, and the circumstances of other killings were disputed. In February former *contra* commander Enrique Bermúdez was shot dead by unidentified gunmen outside a Managua hotel. Former rebels attributed the killing to the Sandinista opposition acting in complicity with the security forces. However, in a letter written two months before his death Enrique Bermúdez himself suggested that former rebel factions conciliatory towards the FSLN would be responsible for

any attempt on his life. A presidential commission found serious anomalies in the initial police investigation into the killing, but said it found no evidence that could lead to the identification of suspects.

In August a former EPS officer, Francisco Lacayo Montenegro, was shot dead by a former *contra* allegedly acting as bodyguard to Vice-President Virgilio Godoy during a public meeting organized by the UNO in Matagalpa. According to most witnesses, the victim, who had been drunk and abusive towards the UNO representatives, was unarmed and was shot in cold blood. The man identified as responsible for the killing had not been arrested by the end of the year. The judicial authorities claimed that proceedings could not move forward as the suspect was in hiding.

In March police investigations concluded into the death of 16-year-old Jean Paul Genie Lacayo, shot dead in his car in October 1990 as he attempted to overtake a military escort near Masaya. Evidence indicated that the military escort was that of Humberto Ortega, head of the armed forces. However, the police investigation failed to name any suspects and was marked by numerous irregularities, including reportedly failing to follow up possible leads and the death in suspicious circumstances of a police sub-commander responsible for the initial investigations. In August Venezuelan judicial police officers, requested by a specially appointed National Assembly commission to assist its inquiries, identified Humberto Ortega's escorts as prime suspects in the wilful murder of Jean Paul Genie Lacayo.

Over 50 bodies were exhumed between February and April from four mass graves in Jinotega, Madriz and Bluefields. The *Asociación Nicaragüense Pro-Derechos Humanos* (ANPDH), the Nicaraguan Association for Human Rights, which carried out the exhumations, stated that three of the graves contained the bodies of people who were killed or "disappeared" at the hands of the army under the Sandinista government and that the other contained the remains of two people murdered by the *contra* in 1988. Not all the bodies were identified and, as had been the case with similar exhumations in 1990 (see *Amnesty International Report 1991*), the procedures used to identify the remains were criticized by other human rights groups. Many of the 44 bodies unearthed in April from the

grave in Santa Matilde, Bluefields, were thought to have been those of *contra* soldiers killed in combat. However, in other cases, remains were identified by local residents as relatives who had reportedly been killed or seized by the EPS. In April four bodies found in San Juan del Río Coco, Madriz, were identified by relatives as men who had been arrested and killed by the EPS in 1981. The bodies of three men were exhumed in El Bojazo in March and identified by relatives. According to local residents, the three had been detained in Jinotega in 1988 by members of the *Dirección General de Seguridad del Estado* (DGSE), General Directorate of State Security, and extrajudicially executed on suspicion of being *contra* collaborators.

The results of the four exhumations were presented to the departmental Attorney General's Office. The cases of Santa Matilde and El Bojazo were also presented to the Military Auditor's Office. Neither the military nor judicial authorities were known to have taken steps to investigate the deaths, nor was any progress reported in investigations initiated in 1990 by the Military Auditor's Office following the discovery of a mass grave in Mokorón, Jinotega (see *Amnesty International Report 1991*).

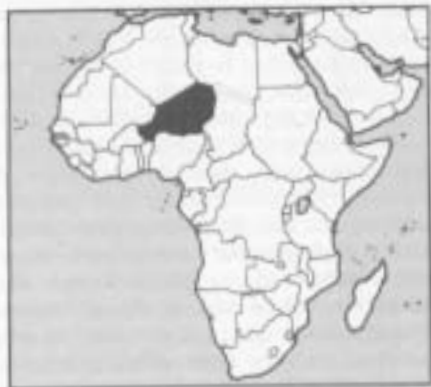
The National Police was accused of using excessive force during a wave of strikes called in March and April by unions protesting against the effects of the government's economic structural adjustment policy. In April at least 16 people were injured when riot police forcibly evicted striking workers from a conference centre in Managua. In testimonies to the *Centro Nicaragüense de Derechos Humanos* (CENIDH), Nicaraguan Centre for Human Rights, several workers said they had been beaten severely with batons and kicked. Two pregnant women were said to have miscarried as a result of the use of tear-gas. Although the CENIDH presented a complaint to the police monitoring body, the *Inspección Civil*, no investigation was known to have been carried out. There were further complaints that the police used excessive force against workers involved in protest occupations in Granada and Managua in October and November.

The amnesty law passed in 1990 continued to shield those responsible for past abuses from being brought to justice (see *Amnesty International Report 1991*). The

pattern of impunity was consolidated in 1991 by the paucity of effective investigations into alleged human rights violations and other politically motivated acts of violence committed after the amnesty law came into force. In December President Chamorro decreed another amnesty law covering political and related common crimes committed since the passing of the 1990 amnesty law, with the stated aim of encouraging armed rebels and promoters of violence to abandon criminal acts. President Chamorro warned that the amnesty did not mean criminal actions in the future would be tolerated.

Amnesty International monitored the cases of possible extrajudicial executions, the investigations into past human rights abuses and allegations of ill-treatment by the National Police. The organization was concerned that the propagation of amnesty laws preventing investigations into alleged human rights violations would prevent efforts to bring the truth to light and bring the perpetrators to justice, and would encourage the persistence of human rights violations.

NIGER



More than 70 members of the Tuareg ethnic minority arrested in 1990 were released. Some appeared to be prisoners of conscience; many had been tortured in custody. Three political trials took place; although the defendants were acquitted, the proceedings did not meet international standards for fair trial.

New political parties were established following political reforms in 1990 which had ended the one-party state. In the first half of 1991, opposition parties, trade

unions and others campaigned for a National Conference, which began in late July. In August the Conference suspended the government. President Ali Saïbou remained in office, but the conference elected a prime minister empowered to appoint an interim government to rule the country until January 1993, when an elected government is expected to take power.

In October the Conference announced an amnesty for all crimes connected with the October 1983 coup attempt (see *Amnesty International Reports 1989 and 1990*). As the last prisoners arrested in connection with this coup attempt were released in December 1989, the amnesty's main purpose was to allow the former security adviser to the head of state, Amadou Oumarou, known as "Bonkano", and three others to return to Niger to testify before the National Conference. Amadou Oumarou alone returned and was placed under house arrest, ostensibly for his own safety, after appearing before the National Conference. He apparently remained under house arrest at the end of the year.

The Conference set up a commission to investigate past political crimes and abuses. This began its inquiries during the Conference and was to continue during the transitional period. It was empowered to initiate its own inquiries, even into cases already judged by the courts. The Commission is to publish a summary of its conclusions and pass the details to the *Haut Conseil de la République*, High Council of the Republic, which may, if it considers it appropriate, pass them to the relevant procuracy for investigation and possible prosecution. The Conference also established a High Court of Justice to try former government or security officials, which, like the existing State Security Court, denies those convicted any right of appeal. It also abolished the time limit which had previously been set on initiating prosecutions.

The commission's first investigation was into the killings of three student demonstrators in February 1990 and the large scale arrest, torture and killing of Tuareg between March and May 1990 (see *Amnesty International Report 1991*). The government had previously failed to initiate any inquiry into the killings of Tuareg. President Ali Saïbou appeared before the Conference and, while accepting responsibility for the student deaths in February 1990, denied ordering the security forces to

use live ammunition against the demonstrators. The President also denied ordering the killings of Tuareg in 1990; he expressed horror at the information presented by some of those who testified to the commission about extrajudicial executions of Tuareg. The commission presented a number of conclusions and recommendations before the end of the Conference. Delegates at the National Conference rejected some of the commission's proposals concerning the killings of Tuareg; the commission had recommended that President Ali Saïbou resign because of his role and that leading members of the armed forces implicated in the repression of Tuareg be charged. The Conference dismissed the recommendation concerning the President, instead confirming that President Ali Saïbou should remain in office during the transitional period. Only one army officer was arrested: Captain Maliki Boureima, who testified before the Conference that he had killed Tuareg detainees. Tuareg organized demonstrations against the Conference's decision. At the end of the year it was still unclear whether any action was to be taken against others implicated in the killings of Tuareg.

Over 70 Tuareg arrested both before and after attacks on government buildings in Tchín-Tabaraden in May 1990 were still held at the start of the year. Many appeared to be prisoners of conscience, detained because of their ethnic origin. However, about 36 of them, including prisoners of conscience, were released uncharged on 7 February. They had spent between nine and 11 months in detention before their cases were reviewed by a magistrate, despite a legal requirement that this should occur within two months of arrest, and some had reportedly been tortured while detained incommunicado.

More than 40 other Tuareg prisoners were tried in April during a three-day session of the State Security Court held in a sports stadium before thousands of people. The trial of seven Tuareg who were accused of involvement in an attack on Tchín-Tabaraden prison in May 1990 was attended by an Amnesty International observer. The defendants were acquitted and released, as were 26 others who had been arrested mostly in March 1990 in the Iférouane area, and who were accused of attacking uranium mining installations at Arlit. Thirteen people from Abalak were

acquitted on charges of planning an attack on government targets, and released.

Many of the defendants in the three trials appeared to be prisoners of conscience, and had spent a year or more in custody. They told the court that they had been detained unlawfully for months and some said they had been tortured. However, no action was taken by the court to investigate these allegations. One defence lawyer initiated a civil case to try to establish who was responsible for the torture and a magistrate was appointed to investigate, but no progress had been reported by the end of the year, although the National Conference had endorsed the view that torture victims should receive compensation.

The composition of the State Security Court compromised its independence. The President of the Court and two judges were members of the *Conseil supérieur d'orientation nationale*, Higher Council for National Orientation, the country's supreme governing body. Trial procedures fell short of international standards. None of the defendants was allowed legal counsel during pre-trial legal proceedings and when defence lawyers were appointed they were allowed access to the lengthy trial dossier only three days before the trial and were not permitted to have their own copy.

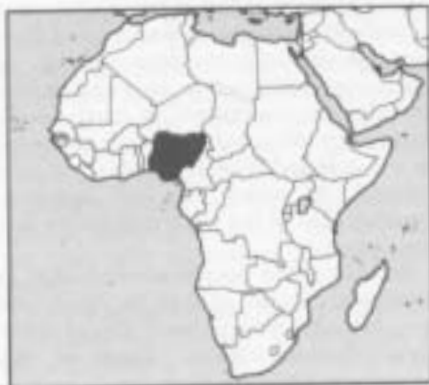
New information was received during the year about some of the hundreds of extrajudicial executions of Tuareg carried out at In-Gall and around Tchén-Tabaraden in May 1990. For example, it was learned that Abdoulmoumine Ag Mohamed (see *Amnesty International Report 1991*) had been tortured and then shot dead by soldiers while in detention in Tahoua in May 1990. The authorities claimed he had been shot while trying to seize a guard's gun.

An Amnesty International delegation visited Niger in February and discussed the organization's concerns with the Ministers of the Interior and Foreign Affairs and other officials. While welcoming the releases of 36 Tuareg, Amnesty International called for the prompt, fair trial or release of other Tuareg prisoners and for a full investigation into the killings of and other violations against Tuareg in the Tchén-Tabaraden area in May 1990. Government ministers maintained that the security forces had not committed any human rights violations, and that all those arrested had been involved in endangering the security of the state. They refused to

investigate specific cases of torture and extrajudicial execution. Following new violence and killings of Tuareg by the security forces in December, representatives of a new independent human rights organization visited the affected area and investigated the circumstances in which the killings had occurred. They had not announced their conclusions by the end of the year.

In October Amnesty International published *Niger: Summary of Amnesty International's Concerns during 1991*. The report concluded that grave human rights violations had occurred in 1990 despite the steps taken in the previous four years to strengthen the rule of law and human rights protection, and called for additional measures to be introduced to safeguard human rights.

NIGERIA



Former government officials and political leaders, and student leaders, were held as prisoners of conscience. At least nine relatives of people sought by the authorities after an unsuccessful coup attempt in 1990 remained in detention without charge or trial. Eight people sentenced to death after secret, unfair trials had their sentences commuted. At least 20 people were sentenced to death during 1991 and 15 were executed.

In December civilians were elected to replace military governors in Nigeria's 30 states, which had been increased from 21 in August. The military government, headed by General Ibrahim Babangida, then lifted the 1987 ban prohibiting former government officials from involvement in politics.

Thirteen former government officials and political leaders were arrested on 2 December shortly before the state gubernatorial elections. Most had held government office during the 1979 to 1983 period of civilian government. All prisoners of conscience, they were charged with unlawful involvement in politics. Two were then released on health grounds but the others were remanded in custody until 20 December, when they were released after the prohibition on their political activity was lifted.

Tam David-West, a university professor and former Minister of Petroleum Resources in the previous military government, was released in August after nine months' imprisonment apparently motivated by his non-violent criticism of the government. He had been briefly detained in October 1989 after giving an interview which apparently displeased the authorities. He was then sentenced to two concurrent 10-year prison sentences in November 1990 by the Special Military Tribunal for the Recovery of Public Property for corruption and damaging the country's economy, although no convincing evidence was produced against him. He was imprisoned in harsh conditions over 1,500 kilometres from his home. He was released after the Special Appeals Tribunal, to which he had appealed, acquitted him of the main charges for lack of evidence.

At least seven people arrested after an unsuccessful coup attempt in April 1990 (see *Amnesty International Report 1991*) were detained without charge or trial throughout 1991. All appeared to be prisoners of conscience, held because they were relatives of alleged coup conspirators being sought by the authorities. Two more were reportedly arrested in December. They were held under the State Security (Detention of Persons) Decree No. 2 of 1984, which permits administrative detention for renewable periods of six weeks, thereby providing for indefinite detention without charge or trial. None of the seven was known to have had their cases examined by the Review Committee established in 1990 to review such detentions. The authorities thwarted or ignored High Court orders challenging their detentions. Gloria Mowarin remained in detention despite a Lagos High Court ruling in February that it was illegal and unconstitutional, and that she should be released. The High Court

ruled in June that it had no jurisdiction to order the release of two sisters, Gloria Anwuri and Rhoda Heman-Ackah, whose brother had fled the country after the coup attempt. Initially held at the Directorate of Military Intelligence, they were moved in August to Kirikiri Women's Prison, where conditions were poor. A legal action seeking the release of two other detainees – Christine Osamede Oziegbe and Pat Obahor, wives of armed forces officers believed to have fled after the coup attempt – was dismissed in September by the High Court on the grounds that it had not been brought within 12 months of their arrest.

Three students were killed and about 200 others were arrested in late May after clashes between rival student groups and between police and students. The violence occurred during demonstrations in support of calls by the banned student body, the National Association of Nigerian Students (NANS), for changes in government policy. Mahmud Aminu, the NANS President, and six other student leaders among those arrested were reportedly beaten severely by security police. No charges were brought against them and they were released in August. However, they were required to sign agreements that they would not divulge publicly any information about their detention or take any action against the government over it.

Another student leader, Kayode Ogundahunsi, was allegedly stripped, beaten and exposed to tear-gas by police for several days after his arrest in June. He was then charged in connection with a demonstration at the University of Jos and released in October to await trial.

Nine army officers and two civilians were convicted of treason and concealment of treason in October after a third *in camera* trial before a Special Military Tribunal. All 11 had been charged in connection with the April 1990 coup attempt. Eight were sentenced to death but later had their sentences commuted to terms of imprisonment; the three others received life sentences. Some or all of the 11 had apparently been acquitted at two previous trials; a third was then held with different members of the military government presiding. This trial was grossly unfair: the court could not be considered independent, the earlier acquittals were ignored and the defendants had no right of appeal. Following conviction, they continued to be held incommunicado.

At least 20 people were sentenced to death during 1991 for armed robbery and murder. At least 15 of them were convicted by Robbery and Firearms Tribunals, special courts whose procedures do not guarantee a fair trial and against whose rulings there is no appeal. In July police and military officers were removed from these tribunals. At least five others were sentenced to death for murder by state High Courts. They had the right to appeal to a higher, federal court.

Fifteen people were executed during 1991. Eleven prisoners sentenced to death by Robbery and Firearms Tribunals in Akwa Ibom State were publicly executed by firing-squad in March. The executions were carried out on four sites in front of scores of spectators. In April two people convicted of armed robbery were executed before hundreds of people in Nguru, Borno State. In May two Chadian nationals convicted of armed robbery were executed in public in Jos, Plateau State.

Amnesty International appealed to the government to release immediately prisoners of conscience. It urged the authorities to release the detainees held without charge or trial since the April 1990 coup attempt if they were not to be charged and tried. It expressed concern about secret, unfair trials before the Special Military Tribunal and urged the government to allow those convicted by it to appeal to a higher, independent court. The organization urged the government not to use the death penalty and appealed for the commutation of all death sentences.

NORWAY

Three prisoners of conscience, all conscientious objectors to military service, began serving prison sentences. All three completed their sentences and were released. A Palestinian student was allegedly ill-treated in police custody. Two Iranian asylum-seekers were imprisoned in Iran after being returned there against their will by the Norwegian authorities.

In September Norway ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

The three prisoners of conscience were Petter Thaulow, imprisoned in January for

120 days; Sverre Høegh Krohn, imprisoned in July for 90 days; and Torbjørn Brandeggen, imprisoned in October for 90 days. All refused to perform military service because of their political beliefs. Their political objections were judged not to fulfil the requirements of Norwegian law on exemption from military service.



In January Hassan Salem, a Palestinian student at the University of Oslo, was allegedly ill-treated by the police after he participated in a demonstration against the Gulf War. At the time of his arrest, the police allegedly threw him to the ground and trampled on him. While in custody, he was allegedly kicked, beaten and subjected to verbal abuse by the police. At one point, they reportedly referred to him as "Little Saddam".

Following an investigation by the Special Committee for the Investigation of Police Conduct a police officer was fined in May for acts of negligence in Hassan Salem's case. When the officer refused to accept the fine, the case was taken to the Oslo Municipal Court. In October the officer was acquitted by the Municipal Court. The court decided that the grip used by the officer when apprehending Hassan Salem was a common police practice and was regarded as relatively safe. The court also ruled that Hassan Salem's injuries could not have been caused by this grip, and that "... it is more likely that Salem's injury was inflicted after he had been laid to the ground by the defendant".

In March the Norwegian Government forcibly returned to Iran a supporter of a left-wing Iranian opposition group after her asylum claim was rejected. Her husband had reportedly been imprisoned twice and tortured in recent years in Iran for

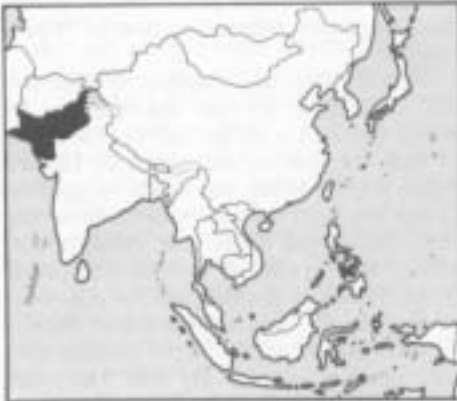
campaigning for workers' rights. She was imprisoned for 45 days on her return to Iran. Another Iranian asylum-seeker, a supporter of a monarchist opposition group, was returned to Iran in May after his claim was also rejected; he was reportedly detained for 10 days on arrival and interrogated.

Amnesty International expressed concern to the government in December that the Municipal Court's decision in Hassan Salem's case did not resolve the matter of how his injuries were sustained. The organization also raised questions about the fairness of proceedings against him, noting that he had not been present at the court hearing and had been denied access to documents relating to his case.

In June Amnesty International expressed concern to the government about the forcible return of the two Iranian asylum-seekers who were reportedly detained as possible prisoners of conscience and placed at risk of torture after their return to Iran.

The organization also called for the release of Petter Thaulow, Sverre Høegh Krohn and Torbjørn Brandeggen.

PAKISTAN



Dozens of prisoners of conscience were held, including Ahmadis imprisoned for practising their faith and non-violent opponents of the government. Hundreds of people were detained for short periods on political grounds, some of whom may have been prisoners of conscience. Torture of criminal and political suspects was widespread: at least 30 prisoners were alleged to have died as a result. Flogging and the

use of fetters persisted. Reports of extrajudicial executions by police in "encounter killings" were frequent. The number of death sentences rose and one execution was reported.

Political and criminal violence continued throughout the year, particularly in Sind and Punjab provinces. The government of Prime Minister Mian Nawaz Sharif held the opposition Pakistan People's Party (PPP) responsible, a charge it denied. In July the government ordered the rearrest of all opposition activists released in a December 1988 amnesty (see *Amnesty International Report 1989*). However, no one was rearrested under this order and 20 petitions challenging it were pending before the Lahore High Court at the end of 1991.

The trials on charges of corruption of former PPP Prime Minister Benazir Bhutto and others associated with the previous government continued. Special courts, empowered to disqualify from public office but not to imprison, convicted two former ministers and a former member of parliament. The trial of Asif Ali Zardari, Benazir Bhutto's husband, arrested in October 1990 on criminal charges, also continued (see *Amnesty International Report 1991*).

The Enforcement of Shari'ah Act 1991, adopted by parliament in May, proclaimed the supremacy of Shari'ah (Islamic) law and ordered the state to ensure the Islamization of every sphere of life, including the judicial system.

An amendment to the Constitution adopted in July empowered the federal government to establish Special Courts for Speedy Trials for a period of three years. These courts can condemn prisoners to death after trials lasting only a few days. Eleven such courts were set up and began operating in September. The Special Courts do not conform to international standards for fair trial and people convicted by them can only appeal to specially established Supreme Appellate Courts which do not afford the safeguards provided in regular appeal courts.

President Ghulam Ishaq Khan promulgated in July and again in August the Terrorist Affected Areas (Special Courts) Ordinance 1991. This empowered the federal government to declare any area "terrorist-affected" and to set up speedy trial courts there. Regulations governing the use of firearms by police in such areas were amended to permit them to shoot to kill

without further authorization, even in circumstances where there was no risk to life.

The Chief Justice of the Supreme Court proposed the establishment of a Central Council for Awareness and Enforcement of Human Rights and Obligations and that a Supreme Court judge should hear cases of human rights violations.

At least 14 prisoners of conscience were held on account of their religious beliefs or activities. They included Tahir Iqbal, who had been arrested in December 1990 after converting from Islam to Christianity. He was held throughout 1991 on an apparently false charge of having used blasphemous language. Conversion itself is not an offence under Pakistan law.

Members of the Ahmadiyya community were sentenced to prison terms solely for the peaceful exercise of religious beliefs. In July an Ahmadi place of worship in Sambrial was raided. Six Ahmadis were charged with writing Islamic expressions of faith on the building's walls. They stated that the writings, painted over by police in 1986, had been exposed by recent heavy rains. In October parliament adopted an amendment to the Pakistan Penal Code (PPC), already introduced by ordinance in July, increasing the maximum punishment for "offending anyone's religious feelings" from two to 10 years. Ahmadis have been frequently tried and sentenced for this offence.

Trade unionists and journalists were detained for the peaceful exercise of their civil rights. Following a national strike in mid-February four trade union leaders were detained in Karachi under the Maintenance of Public Order Ordinance (MPO). This allows detention without trial for up to three months, which may be extended to eight or 12 months, depending on the grounds of detention. The four were released in April. Shabbir Bhutto, correspondent of the *Frontier Post*, was reportedly held in unacknowledged detention for four days in November for having written articles critical of the Sind provincial government. He alleged that he was tortured to disclose his sources by police officers in Abad police station. No official investigation was known to have been ordered.

Large numbers of PPP and other opposition activists were arrested, apparently because of their political affiliations, following a number of violent incidents. Approximately 600 PPP members were

reportedly arrested in June after the murder of Nabi Sher Junejo, the judge trying the case of Asif Ali Zardari. Most were subsequently released. Rajab Ali Brohi, one of three PPP members charged with the murder, was reportedly severely tortured. In August more than 30 PPP members were reportedly arrested in connection with the murder of a Criminal Investigation Agency (CIA) officer working on the Asif Ali Zardari case.

During a peaceful national hunger-strike on 4 August, organized by the PPP, several hundred PPP members were arrested. Most were released after a few days. Dr Khatumal Jeevan, a member of parliament belonging to the Hindu minority, remained in unacknowledged detention for a month, during which he was apparently held in different police stations.

After mass arrests in late November, several hundred PPP activists were detained, mostly on charges of breach of the peace, and most were still held at the end of the year.

Successive false charges were apparently frequently used to imprison political opponents of the government. When the charges could not be substantiated in court, detainees were sometimes placed under 30-day detention orders under the MPO. Former member of parliament Afaq Shahid, cleared of a succession of criminal charges in late 1990 (see *Amnesty International Report 1991*), was detained in January under the MPO. He was finally released in July after being cleared of further criminal charges.

Torture of criminal and political suspects in police custody continued. Rahila Tiwana, a member of the People's Student Federation arrested in December 1990 by the CIA in Karachi, was allegedly tied with ropes and hung upside-down to force her to incriminate Benazir Bhutto and others. A medical examination substantiated her allegations. Nearly two weeks after her arrest she was charged with possession of illegal weapons and with involvement in a 1987 murder case. She was released on bail in June. No known action was taken against the alleged torturers.

Rape and sexual harassment of women in police custody were frequently reported. Khurshid Begum, wife of an arrested PPP activist, was allegedly stripped and sexually abused in a police station in Karachi in November. By the end of the year no

action had apparently been taken against those responsible.

Death from torture in police and judicial custody was alleged in at least 30 cases. One victim was Naseer Ahmed Qureshi, who was arrested by the CIA in Karachi in November in connection with the murder of Judge Nabi Sher Junejo. He died in police custody, allegedly as a result of torture. He had apparently been arrested by mistake, instead of someone with a similar name. His body reportedly bore marks of torture, but the post-mortem report was not disclosed. Three police officers were reportedly suspended but no arrests were reported, and by the end of the year a judicial inquiry which was ordered had not made public any results.

Flogging – a cruel, inhuman or degrading punishment – continued to be imposed for rape and drugs offences. In October thousands of people in Okara, Punjab province, reportedly watched the public flogging of three men convicted of rape.

The use of iron crossbars as fetters on prisoners and detainees in police custody persisted. The bars keep the prisoners' legs apart and severely restrict movement. Such restraints constitute a form of ill-treatment and violate international standards for the treatment of prisoners.

Staged killings of criminal suspects after arrest by police, known as "encounter killings", were reported frequently. In January three men were seen being dragged out of Kotri police station and taken away in a vehicle. The following day the local press reported their deaths in an "encounter" with the police. No official investigation was reported. The Sind authorities in August reportedly declared that police officers involved in "encounter killings" would not be charged with murder and that legal aid to defend police personnel against complaints would be provided by a special trust.

The government extended the application of the death penalty and moved to restore its active use. In February parliament approved the introduction of the death penalty for kidnapping for ransom and empowered courts established under the Suppression of Terrorist Activities (Special Courts) Act of 1975 to try this offence (see *Amnesty International Report 1991*). In July the federal government decided to amend the PPC to make the death penalty mandatory for defiling the

name of the Prophet Mohammad. Orthodox Muslims consider reference to the Prophet's name by Ahmadis to constitute a defilement.

In March the Lahore High Court ruled that the commutation of death sentences by President Ghulam Ishaq Khan in 1988 was applicable only to those whose sentence had been confirmed by a High Court at the time and that to extend the amnesty to people awaiting confirmation had been "wrongful". It confirmed death sentences imposed before December 1988 on four people "erroneously" released from death row. In July the Lahore High Court began to hear some 100 petitions by relatives of murder victims to restore death sentences commuted in 1988. The prisoners concerned were reportedly transferred back to cells on death row before the petition hearings had ended.

About 200 death sentences were reported. They included over 70 imposed by Special Courts for Suppression of Terrorist Activities and 30 by Special Courts for Speedy Trial. The actual number was believed to be considerably higher. Most were imposed for murder or drug offences. In one reported case a person sentenced to death was acquitted when the victim's family forgave the murderer and accepted *diyat* (compensation). One person sentenced to death for murder was reportedly below the age of 16 at the time of the crime.

One execution was reported during 1991. A man was executed by stoning in February in the Khyber Agency, a tribal area with a separate judicial system. Bahadur Khan had been convicted of rape by a *jirga*, a council of tribal elders. Another sentence of death by stoning imposed in Punjab was overturned in August by the Federal Shari'ah Court on grounds of insufficient evidence.

In October Prime Minister Nawaz Sharif announced that people sentenced to death by Special Courts for Speedy Trials would be executed in public. On 31 October the imminent public hanging of Zafar Iqbal in Chakwal, Punjab, was announced. He had been sentenced to death for rape and murder in September after a trial lasting only three days and his appeal had been dismissed in October. However, the execution was postponed in November by the Supreme Court, pending a ruling on the issue of public executions.

Amnesty International pressed for the release of all prisoners of conscience, including Ahmadis imprisoned for practising their faith, and urged the government not to make the death penalty mandatory for defiling the name of the Prophet. In April it raised its concern about new forms of cruel, inhuman or degrading punishments introduced under Islamic law and called for the abolition of judicial floggings and amputations. In July the organization submitted to the government recommendations for the prevention of torture and deaths in police custody and urged it to investigate cases of torture and bring the perpetrators to justice. In November Amnesty International called on the government to ensure the release of Abdul Rahim Chinzai, a former senior Afghan government official who was reportedly abducted in Peshawar in mid-1991, and to bring to justice those responsible for his abduction (see **Afghanistan** entry).

Amnesty International expressed concern about extending the use of the death penalty and about the procedures of the Special Courts for the Suppression of Terrorist Activities and Special Courts for Speedy Trial. In November it protested against the proposed resumption of public executions, citing the brutalizing effect on those present.

PANAMA



Three leaders of a disbanded paramilitary auxiliary force continued to be held on charges which appeared to be politically motivated rather than for a specific criminal act. There were reports of torture and ill-treatment in several prisons. At least two prisoners reportedly died in custody in unclear circumstances. Prison conditions were reported to be very harsh.

In August Panama ratified the Inter-American Convention to Prevent and Punish Torture.

In January, in an effort to tackle prison overcrowding, the government of President Guillermo Endara Galimany issued Law No. 3, which required judges to allow those accused of offences for which the minimum penalty was less than two years' imprisonment to benefit from one of several alternatives to pre-trial prison custody, including house arrest. Law No. 3 often appeared to be applied inconsistently and the criteria by which courts granted or refused bail to defendants who had formerly been government officials or Panamanian Defence Forces (PDF) members caused political controversy and conflict between the government, the Attorney-General's office and the courts. Many of the defendants granted bail under the new law faced charges of corruption, embezzlement or misuse of public funds, or charges relating to human rights violations. In February Judge Guillermo Salazar ordered the release from prison of former Attorney-General Carlos Augusto Villalán Barrios, who was accused of embezzlement and other offences, and he was allowed to return home under house arrest. However, following President Endara's public objection to the decision and an outcry in the press, Carlos Villalán was rearrested and returned to prison, and Judge Salazar was dismissed by a higher court. Similar public objections led to the rearrest in June of Marcos Justine, a former PDF colonel held on corruption charges who had been granted bail by a judge earlier that month. In October, however, the Supreme Court upheld a request for bail on behalf of Omar Miranda Vega, who was co-accused of the murder of opposition leader Hugo Spadafora Franco in September 1985 (see *Amnesty International Report 1991*), despite the fact that bail is not available under Panamanian law to those charged with murder.

Three former leaders of the disbanded Dignity Battalions continued to be held on vaguely defined charges which appeared to be politically motivated, rather than being charged with having committed a specific criminal act. The Dignity Battalions had been created by the former *de facto* ruler General Manuel Noriega as paramilitary auxiliaries to the PDF. Benjamín Colamarco Patiño, Enrique Carlos Thompson Morales and Arturo Martínez Franco were among

approximately 50 other Dignity Battalion and PDF members still held in pre-trial detention since their arrests shortly after the United States invasion of Panama in December 1989. The three were the only prisoners held solely on charges of endangering national security: they had originally been accused of advocacy of crime but this charge was dropped in June. The remaining charges against them related solely to their role in recruiting government employees to the Dignity Battalions and another civilian "defence" group, the *Comités Institucionales de Defensa de la Patria y la Dignidad*, Institutional Committees for the Defence of the Fatherland and Dignity. This was considered by the prosecutor to have "exposed Panama to the risk of a war or the rupture of international relations" under Article 312 of the Penal Code.

There were reports of torture and cruel, inhuman or degrading treatment in several prisons. In August the government appointed a special commission, including a church representative, to investigate allegations of torture by military personnel in the penal colony on Coiba island. According to the allegations, prisoners had been hung for long periods by their thumbs or feet from posts and beaten with hoses or clubs as punishment for insubordination or unsatisfactory work. One prisoner, Amelio Ameth, was alleged to have died in July as a result of such beatings, although the official cause of death was a drugs overdose. In August the Attorney-General stated that the commission's report following its visit to Coiba had confirmed that torture had taken place. The military official in charge of the colony was dismissed and replaced by a civilian director. In September four prison guards were reported to have been detained in connection with the abuses.

In November Rudy Fajardo Rodríguez, 18, an inmate in *Cárcel Modelo*, Modelo Prison, died. Prison authorities reportedly stated that he had sustained muscular injuries after slipping in the bathroom and died while being transferred to hospital for treatment. However, other inmates alleged that he died on a stretcher in the prison's infirmary. According to reports, Rudy Fajardo had been given insufficient medical attention for a serious illness he reported, and was only taken to the prison infirmary after he and other inmates insisted. The death certificate stated the cause

of death was a "gigantic intercerebral tumour". His body showed a significant gash wound, which reportedly was not registered in the death certificate.

Prison conditions were reported to be very harsh, particularly because of severe overcrowding, dilapidated facilities, inadequate medical provisions and endemic violence. According to government statistics issued in October, 1,050 prisoners were held in Modelo Prison, in Panama City, which was built to house only 300 inmates. Sanitary and medical provisions were reported to be deficient, and because of overcrowding prisoners had to sleep without bedding on the concrete floor, often in corridors.

During a research visit to Panama in October, an Amnesty International representative met the Attorney-General, the President of the Supreme Court, members of the Court's penal division and officials of the prison department of the Ministry of Government and Justice to discuss the organization's concerns.

PAPUA NEW GUINEA



Dozens of suspected supporters of a secessionist group were reportedly extrajudicially executed by government forces; others were detained and reportedly tortured and ill-treated. Torture and ill-treatment of criminal suspects was also common. Parliament restored the death penalty for wilful murder.

The government of Prime Minister Rabbie Namaliu announced a series of proposals in March aimed at stemming violent crime, including the tattooing of convicted criminals, the imposition of curfews and the restoration of the death penalty.

Legislation restricting public assembly was introduced in June. In October the Minister of Justice expressed concern at the "widespread abuse of human rights" in the country and urged the establishment of a judicial commission of inquiry into human rights violations.

The political status of Bougainville, where an interim government declared independence in May 1990, remained unresolved. In January representatives of the national government and Bougainville's interim government signed the Honiara Declaration, which provided for the restoration of essential services to the island under the supervision of a Multinational Supervisory Team. However, in April government troops landed in Bougainville and sporadic fighting with the Bougainville Revolutionary Army (BRA) resumed. There were persistent reports of human rights violations by government forces in northern Bougainville and neighbouring Buka Island. There were also reports of human rights abuses by the BRA, including the torture and killing of civilians.

The military commander for Bougainville, Colonel Leo Nuia, was dismissed in June after he confirmed a report, earlier documented by Amnesty International, that soldiers had extrajudicially killed a parish priest and five others in February 1990 and dumped their bodies at sea. The government promised to investigate all human rights violations on Bougainville since 1989, but later said it would not do so until the Bougainville crisis was resolved.

Dozens of suspected BRA supporters were reportedly extrajudicially executed by government forces on Buka Island; the bodies of many of the victims were badly mutilated or burned. Eleven young men from Hetan village were reportedly tortured and then killed by Papua New Guinea Defence Force soldiers on 12 March. Eye-witnesses said that some appeared to have been burned to death.

More than 130 people were held without trial by security forces for several months on Buka Island and in Rabaul. A number of suspected BRA members were reportedly arrested on Buka Island in December 1990 and in January. Most were reportedly released without charge in May.

Political detainees and criminal suspects were routinely ill-treated and tor-

tured by government security forces and prison officials. According to one eye-witness, dozens of BRA suspects arrested on Buka Island in January were stripped, beaten and burned with cigarettes by soldiers.

In November nine criminal suspects held at Keravat jail in East New Britain alleged that they had been assaulted and ill-treated by prison officials. Wayake Komane said that he had been forced to drink toilet-water, to eat dirt and ash, and to suck and swallow the pus from other prisoners' open sores. Prison officials reportedly prevented a judge from entering the jail when he returned for a second visit to investigate the allegations.

The death penalty, abolished for all crimes except treason and piracy in 1974, was restored for wilful murder in August. No death sentences had been handed down by the end of the year.

Four asylum-seekers from Irian Jaya, Indonesia, who had been forcibly returned by the Papua New Guinea authorities in December 1989 despite fears that they would be at risk of serious human rights violations, became prisoners of conscience in Indonesia (see **Indonesia/East Timor** entry). After unfair trials there, they received sentences ranging from 12 to 17 years.

Amnesty International again urged the government to initiate thorough investigations into human rights violations committed by government forces on Bougainville since 1989, and to bring the perpetrators to justice. The government replied in September saying that it had "no immediate plan" to conduct investigations. Amnesty International also expressed concern to the government about the forcible return of asylum-seekers to Indonesia and in September expressed deep regret at the restoration of the death penalty.

PARAGUAY

Scores of members of peasant communities involved in land disputes were detained and some were ill-treated. The torture by police of criminal suspects, including minors, continued and official inquiries into allegations of ill-treatment made little or no progress. Judicial investigations into past human rights violations continued, although no sentences were

212 handed down. Two lawyers representing victims of past human rights violations received death threats.

Landless peasant families continued to invade and occupy large landholdings, often the property of absentee landlords, throughout the country. Many such occupations ended in the violent expulsion of the peasants by the *Policía de Operaciones Especializadas* (POE), Special Operations Police, at times acting without a court order. In addition to evicting the squatter families, the police frequently burned houses and crops, destroyed property and carried out mass arrests. The majority of peasants were released by court order after several weeks in detention. Some, particularly community or peasant organization leaders, were charged with criminal offences and faced prolonged trials. Several were ill-treated when they were arrested.



Peasant leader Marcelino Corazón Medina was arrested on a march to commemorate the Universal Declaration of Human Rights on 10 December in the capital, Asunción. An arrest warrant had reportedly been issued by a criminal court judge in November on charges of "instigating land invasion", in connection with an occupation by peasant families in General Resquin, San Pedro department. Marcelino Corazón Medina was reportedly beaten severely when he was arrested, before being taken to Tacumbú prison. According to doctors, he suffered fractured ribs and severe bruising. The peasant squatters were expelled from the property in General Resquin and 45 were arrested and taken to Tacumbú prison.

Torture and ill-treatment of criminal suspects in police custody, including minors, continued to be reported. In

October Prisciliano Cabral Gutiérrez told the Chamber of Deputies Human Rights Commission that he had been beaten and kicked for hours by policemen in San Lorenzo police station, on the outskirts of Asunción. He said he had been arrested at the beginning of October when he went to the police station to ask about his nephew who was detained there, and who had also allegedly been beaten in custody. Prisciliano Cabral, who was released without charge after several days, said he also witnessed the torture during interrogation of several 13- and 14-year-old youths detained in San Lorenzo police station. An investigation into the allegations was opened by a criminal court judge.

The courts failed to pursue allegations of torture by police made by several youths before a criminal court judge at the end of 1990 (see *Amnesty International Report 1991*). Although several police officers allegedly responsible were identified during the course of the investigation, no charges had been brought by the end of 1991 and no steps were taken to suspend from duty those implicated.

Investigations into human rights violations committed during the former government of General Alfredo Stroessner continued to be delayed. In several cases defence lawyers argued that charges of human rights violations against former senior police and government officials should be dropped because the maximum period for prosecution under the statute of limitations on the alleged crimes, many of which took place in the 1960s and 1970s, had expired. In January the Attorney General recommended that the Supreme Court should reject a petition presented on behalf of several former members of the *Departamento de Investigaciones de la Policía* (DIP-C), Police Investigations Department, on trial for the illegal detention and torture of political prisoners. The Attorney General ruled that the statute of limitations was not applicable in cases of human rights violations committed by members of the former government, because they enjoyed special privileges until the government of General Stroessner was overthrown in February 1989.

In April a criminal court judge ordered that former President Stroessner – in exile in Brazil – should be detained on charges of moral responsibility for the death of Celestina Pérez de Almada. According to a

criminal complaint presented in 1989 by her husband, Martin Almada, Celestina Pérez died of cardiac arrest as a result of being forced to listen repeatedly to a tape recording of her husband's screams under torture in the DIP-C. During her husband's detention in 1974, Celestina Pérez also received his blood-stained clothes and was repeatedly told by telephone that her husband was about to be executed. Arrest warrants were also issued against several senior police officials, including the former head of DIP-C, Pastor Coronel, and the former chief of police, Francisco Brítez Borges, who were already detained on other charges relating to human rights violations. In August the judge declared that Alfredo Stroessner was in contempt of court for deliberately failing to appear before the court to answer charges relating to the death of Celestina Pérez.

In October the Supreme Court informed Congress that 26 trials of senior members of the former government accused of serious human rights violations were under way. With few exceptions, the trials, the majority of which opened in 1989, were still in the investigative stage of the proceedings.

Two lawyers representing victims or relatives of victims of human rights violations under the previous government received repeated death threats. In March Pedro Dario Portillo and Rodolfo Manuel Aseretto, lawyers with the human rights organization *Comité de Iglesias, Inter-Church Committee*, formally complained to the Attorney General that they had received death threats through anonymous telephone calls and written messages. In their written complaints, the lawyers said they believed the threats were related to their legal activities in judicial investigations of past human rights violations.

Amnesty International appealed to the government of President Andrés Rodríguez to ensure that all past human rights violations were thoroughly and impartially investigated and to guarantee the safety of all those working in defence of human rights in Paraguay. The organization continued to investigate allegations of ill-treatment of detainees in police custody.

PERU



Over 300 people "disappeared" and at least 60 were extrajudicially executed by the security forces or by paramilitary groups allegedly operating with their support. Dozens of cases of torture and ill-treatment were reported. Two prisoners of conscience were believed to remain in prison. The government failed to clarify thousands of human rights violations documented since 1983.

The security forces violated human rights throughout Peru in the context of continuing fighting with and atrocities by the armed opposition groups the *Partido Comunista del Perú "Sendero Luminoso"*, Communist Party of Peru "Shining Path" and the *Movimiento Revolucionario Túpac Amaru (MRTA)*, Túpac Amaru Revolutionary Movement.

In response to international criticism, President Alberto Fujimori and members of his administration acknowledged that human rights violations had been committed by the security forces, but defined these as occasional excesses. In statements published in May and September the government referred to the need to eliminate "disappearances", extrajudicial killings and torture. On both occasions the government announced that it would be setting up a high-level commission on human rights to conduct preliminary investigations into alleged violations. However, by the end of the year such a commission – initially proposed by President Fujimori in July 1990 – had not been established.

In July a secret military document dated June 1991 which was leaked to the news media appeared to encourage extrajudicial executions. The document contained

orders permitting troops to "carry out killings without trace" and not to take prisoners. The Ministry of Defence admitted that the document existed but claimed that it had not been approved by the Armed Forces Joint Command. Also in July, the Minister of Defence announced that during the preceding 12 months 48 military personnel had been disciplined for human rights violations but gave no details of any charges or punishment faced by the accused. In the face of thousands of cases of "disappearance", summary killings and torture documented since 1983, the armed forces continued to enjoy almost total impunity, despite overwhelming evidence of their responsibility for such violations.

In September the government authorized Public Ministry prosecutors to enter military and police installations throughout Peru to investigate alleged "disappearances" and the condition of detainees. Also in September the International Committee of the Red Cross was granted access to military bases and police detention centres in the emergency zones.

In a document entitled "Presidential directive on respect for human rights" published in September, the government stated that "... 5,000 'disappeared' persons have been reported since 1981". The document also stated that President Fujimori, as Commander-in-Chief of the security forces, had reiterated that members of the forces would be severely punished for violating human rights.

Under powers delegated to it by Congress, in mid-November the executive issued a series of legislative decrees aimed at strengthening the government's counter-insurgency strategy. The measures included a new National Defence System and National Intelligence System, and a Law of National Mobilization designed to mobilize the population to combat the armed opposition. Peruvian human rights organizations and some members of parliament warned that the measures could lead to an increase in human rights violations. By mid-December the measures had come into effect, while an attempt by Congress to modify or repeal the decrees was held over until January 1992.

In March Peru ratified the Inter-American Convention to Prevent and Punish Torture.

As in previous years, large areas of Peru were subject to emergency regulations and

direct rule by political-military commands.

Sendero Luminoso committed widespread atrocities, threatening and killing both government officials and civilians. Among those killed, sometimes after mock trials, were peasants accused of collaborating with the authorities, members of religious orders, welfare and development workers and municipal mayors.

On 23 May Paul Loblet Lind, independent mayor for the district of Pachacamac, Lima department, was stopped on the road, reportedly by four members of *Sendero Luminoso*. His wife and children were ordered out of the car. Paul Loblet was then shot dead and his body blown up with dynamite. On 23 July an official vehicle carrying a medical team in the province of Apurímac was reportedly ambushed by members of *Sendero Luminoso*. A doctor, three health workers and four other civilians, including a 10-year-old child, were all killed. During August Polish priests Zbigniew Strzalowski and Michal Tomaszek and Italian priest Alessandro Dordi Negroni were killed in Santa province, Ancash department. *El Diario Internacional*, believed to be a *Sendero Luminoso* newspaper, claimed that "Maoist forces executed [the] three priests".

On the basis of information obtained mainly from the security forces and the press, a report by the Senate Special Commission on Violence stated that 1,314 people were killed by *Sendero Luminoso* and a further 139 by the MRTA during 1991.

Amnesty International documented the cases of 306 people who "disappeared" during 1991 after being detained by the security forces. Of these, 23 were subsequently found dead and 40 were eventually released or transferred to the police; 243 remained unaccounted for. Most of the victims were from rural areas, although students, trade unionists, teachers and workers from urban centres also "disappeared". Of the unresolved "disappearances", 200 were perpetrated during the first seven months of the year. From August onwards, following international criticism and the government's efforts to improve its human rights record, "disappearances" fell markedly.

Among the "disappeared" were three officials from the town of Chuschi, Ayacucho department - Manuel Pacotaype Chaupín, Martín Cayllahua Galindo and Marcelo Cabana Tucno - and a community

member, Isafas Huamán Vilca. On 14 March all four were detained by the police and transferred to the custody of soldiers who took them to the Pampa Cangallo military base. Five days later a delegation led by the Cangallo prosecutor unsuccessfully inquired at the barracks as to their whereabouts. The military authorities denied their detention and threatened the delegation. In July the Attorney General announced that Ayacucho's chief public prosecutor would investigate the "disappearances" and threats.

Between August and December Amnesty International documented 12 "disappearances" and nine extrajudicial executions attributed to soldiers stationed at the military base in the riverside town of Aucayacu, Huánuco department. Among them was Camilo Alarcón Espinoza, who "disappeared" on 8 August after being detained in Aucayacu. Sara Luz Mozambique Quiñones, detained with him, was killed; her severed head was later found on a river bank. In February the Supreme Court annulled a *habeas corpus* writ previously issued by a lower court and upheld by a higher court in favour of "disappeared" student Ernesto Castillo Páez (see *Amnesty International Report 1991*). The Supreme Court ruled that there were procedural irregularities in the lower court judge's investigations. The annulment was strongly criticized by Peruvian human rights defenders on the grounds that it was unconstitutional to overrule a *habeas corpus* petition upheld by two courts.

Extrajudicial executions by the military and the police continued to be reported. On 4 July, 15 people from the community of Santa Bárbara, Huancavelica department, were abducted by a combined military and civil defence patrol and killed. Several days later their bodies, including that of a six-year-old boy, were found in a mine shaft. In an apparent attempt to conceal the evidence, the bodies were subsequently blown up by the military. However, a delegation headed by a judge retrieved used explosives, human remains and clothing for forensic analysis. In October the Ministry of Defence announced that six soldiers had been charged with the murder of 14 of the 15 victims. The case was to be heard by a military tribunal, which normally conducts its proceedings in secret.

Following their arrest on 21 June, broth-

ers Rafael Samuel Gómez Paquiyauri and Emilio Moisés Gomez Paquiyauri, aged 17 and 14, and student Freddy Carlos Rodríguez Pighi were apparently killed by the police. A journalist recorded their detention on video. A few hours later their bodies were discovered in a morgue in Callao, the port area of Lima, the capital. Initially the police claimed the victims had died in an armed confrontation. Following a television broadcast of the video and a public outcry, five police officers were arrested pending investigations. Proceedings were opened by both the civilian and military justice systems but the Supreme Court ruled that the case came under civilian jurisdiction.

Other victims included human rights defenders, critics of the government, journalists and suspected members of armed opposition groups. They were threatened, attacked or killed, sometimes by paramilitary death squads said to be operating with the support of the security forces. On 15 March Dr Augusto Zúñiga Paz, a lawyer working for the independent *Comisión de Derechos Humanos*, Commission for Human Rights, was the victim of a letter-bomb attack which severed his left forearm. Dr Zúñiga had received several death threats during his work on the "disappearance" of student Ernesto Castillo Páez (see above). In October a Senate Commission of Inquiry initiated an investigation into the attack on Dr Zúñiga.

Luis Antonio Morales Ortega, a journalist based in the city of Ayacucho well known for his reports on human rights violations, was shot dead on 13 July. Earlier in the month a paramilitary group calling itself the *Comando de Liberación Anti-terrorista* (CAT), Anti-terrorist Liberation Command, had threatened his life. The CAT, which first emerged in June, also issued death threats in August against Ayacucho journalists Magno Sosa and Necías Taquiri.

On 3 November, 12 men, three women and one child were shot dead at a social gathering in Lima, in circumstances which suggested they were extrajudicially executed by the security forces or a death squad acting with security force cooperation. The victims, suspected sympathizers of *Sendero Luminoso*, were in a building near two police establishments and had apparently been under surveillance by the intelligence services. Witnesses stated that the

assailants, who arrived in two government vehicles which the authorities claimed had been stolen, entered the building and shot them with guns with silencers.

Torture and ill-treatment by the security forces were frequently reported. Juan Salomé Aduato claimed to have been tortured at the military barracks in Huancayo, Junín department. He escaped on 10 June, after six weeks' detention. The political-military command in Huancayo published a communique claiming that Juan Salomé had never been detained and that his allegations of torture were part of a campaign to discredit the armed forces. In his testimony to a provincial prosecutor Juan Salomé described being suspended by his feet and lowered into a washtub until he lost consciousness. He said he had been beaten and given electric shocks. Independent judicial investigations were not known to have been conducted into this or other cases of torture.

In June the Supreme Council of Military Justice absolved two army officers of any responsibility for the killing of journalist Hugo Bustíos in 1988 (see *Amnesty International Report 1989*). In May a Senate commission of inquiry concluded that soldiers and members of a civil defence patrol were responsible for the summary killing of 17 peasants in the district of San Pedro de Cachi, Ayacucho department in 1990, but by the end of the year no one had been convicted of the killings (see *Amnesty International Report 1991*).

Two prisoners of conscience were believed to remain in prison. Another, Noé Pastor Romo, was conditionally released in July and obliged to report to prison officials once a month (see *Amnesty International Report 1991*). Two prisoners of conscience were freed.

Amnesty International appealed to the authorities on numerous occasions to investigate thoroughly and impartially cases of "disappearance", extrajudicial execution and torture and to bring the perpetrators to justice.

The authorities replied on several cases but failed to clarify the fate of the victims. The organization also appealed for the unconditional release of prisoners of conscience and continued to investigate the cases of 12 possible prisoners of conscience.

Amnesty International representatives held talks with President Fujimori and

other government officials and members of the security forces in July. The authorities stated that allegations of human rights violations were investigated and expressed a willingness to maintain a dialogue with the organization.

Amnesty International wrote to President Fujimori in October and November expressing its grave concern that he had publicly accused human rights organizations in Peru of colluding with the armed opposition. The organization urged the President to reconsider his statements and to protect human rights defenders.

In November Amnesty International published a report, *Peru: Human Rights in a Climate of Terror*. It drew attention to the pattern of gross human rights violations perpetrated by the security forces and to widespread atrocities by the armed opposition. The report concluded with a comprehensive set of recommendations aimed at stopping human rights violations.

In oral statements to the United Nations (UN) Commission on Human Rights in February and to its Sub-Commission on Prevention of Discrimination and Protection of Minorities in August, Amnesty International included reference to its concerns in Peru.

PHILIPPINES



Scores of people were believed to have been extrajudicially executed and dozens reportedly "disappeared" in police or military custody. At least 12 prisoners of conscience remained in prison; possible prisoners of conscience were among about 700 other political prisoners held. Some

political detainees were reportedly tortured or ill-treated. The Senate again postponed a vote on legislation seeking the restoration of the death penalty.

The government continued to face armed opposition from the New People's Army (NPA), the armed wing of the banned Communist Party of the Philippines (CPP), as well as from the Moro National Liberation Front and other groups seeking independence for predominantly Muslim areas of Mindanao. Unofficial paramilitary forces and vigilantes engaged in counter-insurgency operations with the support or acquiescence of security forces. Members of lawful political and social organizations were publicly accused of being members of armed opposition groups and their organizations labelled by the authorities as "fronts" for the CPP/NPA.

Tens of thousands of people were forced to leave their homes and widespread destruction from bombings and military operations occurred in the Cordillera region of northern Luzon, northern Mindanao, and other areas reportedly occupied by armed opposition groups.

The NPA was apparently responsible for the deliberate and arbitrary killing of dozens of police officers, government officials, trade unionists and others. Cerilio Cariaga, a former town mayor, and two others died in May when suspected NPA members fired upon a group seeking peace talks with insurgents in Camarines Sur. In July the official Commission on Human Rights (CHR) reported that Eduardo Federico, a trade union leader killed in December 1990, had previously received death threats from the NPA.

The government took some steps to protect and promote human rights. The Philippine Constabulary (PC), previously under direct military control, ceased to exist in January. A new force, the Philippine National Police (PNP), was established under formal control of the civilian authorities. A Witness Protection Act, signed into law in April 1991, provided for protection and material assistance to witnesses in serious criminal cases, although it remained unclear whether the act would protect witnesses testifying in human rights cases. Presidential Decree 1850, granting military personnel immunity from prosecution in civil courts, was repealed in June. A July presidential guideline reportedly specified that Philippine Army (PA)

officers required clearance from the CHR before being considered for promotion.

The Presidential Human Rights Committee was instrumental in drafting guidelines on the release of detainees. The guidelines were signed in June by the Secretaries of the Departments of National Defense and Justice, and the Chief of Staff of the Armed Forces of the Philippines. They specify that the release of detainees must be witnessed by family members, an independent lawyer or a CHR representative. Security forces must also prove that those reported to have "disappeared" or been found dead after abduction by security forces had been released according to the established procedures.

However, effective investigation of alleged human rights violations and related prosecutions continued to be obstructed by security forces. This included intimidation of judges, lawyers, witnesses and complainants; and refusal of access to information, personnel or military premises. CHR investigations continued to be impeded by cumbersome, lengthy procedures and by the CHR practice of placing the burden of evidence on complainants or witnesses, despite the risk of reprisals or the lack of resources at their disposal.

Failure by the authorities to exert effective control over tens of thousands of official and semi-official paramilitary forces also impeded human rights protection.

Scores of people were victims of apparent extrajudicial executions by government and government-backed forces. Many were accused of supporting armed opposition groups. The victims included priests, peasant and urban activists, trade unionists and civilians living in zones of armed conflict.

Narciso Pico, a parish priest of the Philippine Independent Church, was shot dead by two armed men believed to be members of the paramilitary Citizen Armed Force Geographical Unit (CAFGU) in Pontevedra, Negros Occidental, on 10 January. Active in a number of religious and human rights organizations and an advocate of land reform, he had received death threats, apparently from military sources. A CHR investigation found three witnesses who identified the alleged killers, one reportedly connected with the PNP. In April the CHR submitted a resolution to the public prosecutor asking for murder charges to be filed against the two alleged killers. One of the suspects reportedly surrendered to

police authorities in July, but was released on bail in August. The other remained at large.

Edilberto Bensen, his pregnant wife, Haydee, and their 10-year-old daughter, Mary Grace, were shot dead by alleged members of the 61st Infantry Battalion (IB) of the PA on 28 August in Murcia, Negros Occidental. Neighbours believed that the family was killed because of trade union activities.

Renato Tabasa Zabate, a member of the United Farmers' Organization, was abducted on 8 September by unidentified armed men in Mandaue City, Cebu, and reportedly taken to the Cebu District headquarters of the PNP for questioning. His body was found on 13 September by school children some 62 kilometres north of Cebu City. He had been tied with electrical wire and gagged with his own towel. The body bore signs of torture and an autopsy indicated that strangulation was the probable cause of death.

A number of people, including priests and human rights lawyers, received death threats believed to have been issued by the security forces or vigilantes acting with their support. In January Gregorio Patino, a priest in Bacolod City, Negros Occidental, received a death threat signed by the Concerned Citizen Group Fighting Insurgency. At a public meeting held in his neighbourhood, he had been accused by the military of being a communist. Also in January human rights lawyer Nerio Zamora was reportedly threatened with death by the provincial commander of the PC in Bohol Province while being denied access to three clients who had allegedly been ill-treated in custody at the Bohol PC centre in Tagbilaran City. Attorney Wilfred Asis, acting as defence counsel for six suspected NPA members, received a death threat in August believed to have been issued by members of the security forces.

At least 25 people "disappeared" or were held incommunicado by members of government or government-backed security forces; at least six were believed to have been killed in custody. The fate and whereabouts of the majority had not been clarified by the end of the year.

Manuel Capitulo, Almar Lusong and Antonio Bondoc were abducted on 8 February by PA soldiers in Pampanga province. Military authorities denied the arrests until 13 February, when they revealed that the three were at an army camp in Angeles

City. A military official at the camp reportedly told a relative, "if [he] and his friends are members of the NPA, then we just kill them, not keep them". The CHR reported in April that Manuel Capitulo and Antonio Bondoc had been released from detention. The whereabouts of Almar Lusong remained unknown at the end of the year. Despite the authorities' initial denial of custody and the military official's threat to kill the detainees, the CHR concluded that there had been no "disappearance" and closed the case.

Ronaldo Regencia, a farmer who had "disappeared" after abduction by 42nd IB soldiers and CAGU members in December 1990, was reportedly seen in February at an army camp in General Luna City, Quezon province. Military officials had consistently denied that he was in custody. According to a CHR report, military officials acknowledged "inviting" Ronaldo Regencia for questioning on 22 December 1990, but said they had released him the same day. His whereabouts remained unknown at the end of 1991. Relatives and local human rights advocates believed he was in military custody.

The charred bodies of Nory Aballa and Leonardo Plohimon, both farmers, were found on 4 March, two days after their abduction by members of the 66th IB. Marks on the bodies indicated that they had been stabbed and shot before being burned.

At least 12 prisoners of conscience remained in prison in Cebu City. They and one other, released on bail in December 1990, were among a group of 25 farmers from Leyte charged with rebellion in 1988 (see *Amnesty International Reports 1989 and 1991*). Despite a number of court hearings, no final verdict had been reached by the end of the year.

Hundreds of people were arrested for suspected political offences, the majority under provisions of a July 1990 Supreme Court decision authorizing the arrest without warrant of suspects in crimes of rebellion or subversion (see *Amnesty International Report 1991*). Most were released after brief periods in detention. Some of about 700 political prisoners remaining in detention were believed to be prisoners of conscience. Most were accused of supporting the armed opposition and charged with criminal acts such as illegal possession of firearms in furtherance of rebellion.

There were continued reports of torture or ill-treatment of those detained for their real or imputed political views. In January Edmundo Mission, chairman of an urban poor organization and a former political detainee, alleged that he and five others had been severely beaten while in police custody in Metro Manila. Cherry Mendoza, a political prisoner accused of subversion and released on bail in March, alleged that she had been raped in December 1990 while in military custody in Bataan province. At least six other women alleged rape by members of government or government-backed forces conducting counter-insurgency operations. In June a pregnant woman, Julia Espiritu, reported being raped after CAGU members had entered her home in Bayombong, Nueva Vizcaya. The family was apparently suspected of supporting the NPA.

In May Amnesty International sought clarification from the Department of National Defense and from the CHR of a government list of 43 military personnel reportedly convicted for human rights violations (see *Amnesty International Report 1991*). It was unclear whether the convictions were for human rights-related offences or common crimes. No reply was received from the Department of National Defense but the CHR responded by stating that it could not provide "very accurate information ... since all offences, with very few exceptions ... are triable by courts martial". A further list, naming 15 different military officials "convicted in human rights cases", received from the Department of Labor and Employment in July, also failed to specify the exact nature of the convictions.

A bill introducing the death penalty for certain drugs-related offences was debated by the Senate during August and September although no vote was taken. There were continued calls for restoration of the death penalty for certain "heinous crimes".

Amnesty International appealed to the government to ensure independent and impartial investigations into all reported extrajudicial executions or "disappearances", and called for those responsible for such violations to be brought to justice. It called for the release of all prisoners of conscience and for all other political prisoners to be given fair trials, or released. It urged the government to dismantle civilian paramilitary forces, prohibit the use of vigi-

lante groups in counter-insurgency operations and stop the practice of political labelling of real or suspected political opponents. It appealed to all senators to respect constitutional provisions abolishing the death penalty and to vote against the proposed legislation.

In an oral statement to the United Nations (UN) Commission on Human Rights in February, Amnesty International referred to the "disappearance" of Maria Nonna Santa Clara and Angelina Llenares in April 1989. In August an oral statement to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities included reference to Amnesty International's concern at the use of paramilitary groups and to the government's failure to bring to justice those responsible for human rights violations.

An Amnesty International report entitled *Philippines: "Disappearances" in the Context of Counter-insurgency*, published in February, described a pattern of enforced "disappearances" in 1990 and provided details of some 25 victims of "disappearance" including three who died or were killed while in custody. A further report, *Philippines: Human Rights Violations and the Labour Movement*, was published in June documenting the cases of 34 trade unionists believed to have suffered human rights violations, including killing, "disappearance" and arbitrary detention by government or government-backed forces.

POLAND



Many people were reportedly ill-treated in custody. The death penalty remained in force although there were no executions.

Investigations and prosecutions continued into human rights violations which occurred under former (communist) governments, including the murder and torture of opposition activists.

Poland became a member of the Council of Europe in November. In the same month Poland signed the European Convention on Human Rights; it had not yet ratified this instrument by the end of the year. Also in November Poland acceded to the first Optional Protocol to the International Covenant on Civil and Political Rights.

In March the Ministry of Justice ordered the Regional Procurators to investigate all allegations of ill-treatment in detention between January 1990 and February 1991. Official sources reported 756 such complaints in this period. They said that in most cases no action was taken owing to lack of evidence. However, in 33 cases 52 police officers were prosecuted, including six officers from Słupsk Region sentenced to six to eight years' imprisonment for the 1990 beating of Henryk Twardowski, who had died as a result (see *Amnesty International Report 1991*).

In October Amnesty International requested information on the outcome of the investigations into allegations of ill-treatment in custody. No reply had been received by the end of the year. It also called for the abolition of the death penalty.

PORTUGAL



There were reports of torture and ill-treatment in police custody and in military and civilian prisons. Judicial and administrative inquiries into these allegations were often slow and inconclusive.

Reports of torture and ill-treatment of criminal suspects in police custody continued throughout the year; some of the incidents took place in 1990. Officers of the *Polícia Judiciária* (PJ), Judiciary Police, the *Polícia de Segurança Pública* (PSP), Public Security Police, and the *Guarda Nacional Republicana* (GNR), National Republican Guard, were cited in the allegations.

In July Pedro Mariz Pires Neves Martins complained to the PJ in Lisbon that he had been beaten by four officers of the PSP after he had been detained in *Parque da Liberdade* (Liberty Park) in Sintra on 30 June. He stated that they hit him with truncheons and punched and kicked him in the face and stomach. He was taken to the PSP station where he claimed he was punched, slapped and beaten by two officers who also threw water over him. He was then handcuffed and taken on a stretcher to Sintra hospital for treatment. He appeared in court the next morning and was charged with attempted assault on a police officer. The judge immediately released him because of his physical condition. In August he was reported killed in an accident, but his family said they would continue with a criminal action against the police.

In September two PSP officers were charged with the ill-treatment of two youths in Oporto in September 1990 (see *Amnesty International Report 1991*). One officer charged with causing bodily harm was reported to have slapped and punched José Luis Barros in the face and stomach while questioning him. The other officer was charged with causing grievous bodily harm, resulting in serious disfigurement, to Paolo Jorge Gomes Almeida.

Judicial inquiries were opened into other allegations of torture or ill-treatment but these were often slow and inconclusive, even in cases where there was substantive medical evidence.

One such case was that of Isidro Albuquerque Rodrigues, who had been arrested by the PJ on 26 June 1990 in Alcântara on suspicion of assault, robbery and being an accessory to murder. He alleged that during interrogation in Setúbal he had been stripped naked and handcuffed, kicked in the stomach and punched in the face. He also claimed that a shampoo bottle had been forced into his anus and that he had been whipped with a length of flexible metal hose-pipe. Two of his teeth were

broken, his ribs were scarred and over a year later he was still suffering from back pain. After committal to prison he received medical treatment in the prison hospital at Caxias. A judicial inquiry into his allegations was still open in August 1991, when the Director General of the PJ reportedly stated in a radio interview that the allegations had been investigated but were considered unfounded. No further news on the progress of the judicial inquiry had been reported by the end of the year.

A number of allegations of torture and ill-treatment concerned inmates of military and civilian prisons. In April Seaman First Class António Rodrigues Louro was serving a sentence for desertion and petty crime in the Naval Prison of Alfeite. He stated that on 16 April he was taken to a small cell with a bed but no mattress or bedclothes and no external light. He alleged that two senior non-commissioned officers beat him with a rubber hose-pipe until he was unconscious. He was later taken in handcuffs to the infirmary, then returned to the same cell. Two days later, a civilian doctor examined him and reported extensive bruising, cuts and swellings on his body. His father asked the naval authorities to initiate a full inquiry but no inquiry appeared to have opened by the end of the year.

On 6 September José Paulo Santos Silva, an inmate of the civilian prison of Linhó, was sentenced to 10 days' isolation in a punishment cell for fighting with another prisoner. He stated that before he was taken to the punishment cell, two guards punched and kicked his head and back, injuring him. He alleged that although he was an epileptic, he was denied essential medication and any medical assistance for his injuries. This report followed other allegations of torture and ill-treatment in Linhó prison which had led to disciplinary proceedings against prison officers (see *Amnesty International Reports 1990 and 1991*). The Director General of Prison Services reportedly announced an internal inquiry into José Paulo Santos Silva's allegations.

Amnesty International sought information on inquiries into individual allegations of torture and ill-treatment and asked to be kept informed of the progress and outcome of any judicial or administrative proceedings.

In April Amnesty International wrote to

the Minister of Justice to express concern about persistent reports of torture and ill-treatment of detainees and prisoners. Among the cases cited were some where inquiries had been slow and inconclusive. No reply had been received by the end of the year.

ROMANIA



There were allegations that police tortured and ill-treated detainees. Police reportedly targeted and attacked journalists during demonstrations. Security force collusion was alleged in attacks by "unknown assailants" on another journalist. Further information about torture and ill-treatment by police under the Ceauşescu government came to light. The authorities failed to clarify a "disappearance" case.

In September at least four people died in violent street clashes after thousands of miners from the Jiu valley in western Romania hijacked trains and arrived in the capital, Bucharest, to protest at government policies. They attacked government buildings, invaded parliament and forced the resignation of Prime Minister Petre Roman and the National Salvation Front government. In October a coalition government under Prime Minister Theodor Stolojan took office. Throughout the year work continued on the drafting of a new constitution, which was adopted by the Constituent Assembly in November and was endorsed in a referendum on 8 December.

In February Romania ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. In

March the United Nations Commission on Human Rights extended for a further year, with the Romanian Government's agreement, the mandate of the Special Rapporteur appointed in 1989 to examine the human rights situation in Romania.

In January parliamentary commissions of inquiry set up to investigate disturbances in Tîrgu Mureş in March 1990 and Bucharest in June 1990 published their reports (see *Amnesty International Report 1991*). However, their findings appeared inconclusive. Two rival preliminary conclusions were published about the disturbances in Bucharest: one by members of parliament supporting the ruling National Salvation Front, which exonerated the authorities; the other by members of the main opposition parties, which criticized the government's role in the violent events. The report on the Tîrgu Mureş events confirmed that those prosecuted for violence were exclusively members of the ethnic minorities – 12 Roma (Gypsies) and two ethnic Hungarians.

There were allegations of torture and ill-treatment in police custody. For example, in April Mircea Scarlatescu reportedly called the police after witnessing an incident in Constanţa. When they arrived the police allegedly hit him on his face and head. He was then taken into custody, where he was allegedly severely beaten after asking for his lawyer. A medical certificate obtained immediately after his release reportedly stated that he needed hospital treatment for "wounds caused by blows with hard objects".

In January police apparently targeted and attacked journalists during anti-government protests in Bucharest. On 11 January five journalists from opposition publications, including Andrei Dumitru and Simion Buia of *România Libera*, were themselves beaten by police when they tried to photograph them beating two young protesters. The following day police attacked another group of journalists covering the continuing demonstrations, injuring one – Andrei Iliescu of *agence France-Presse* – who was hospitalized as a result. The authorities admitted that excessive violence had been used against the journalists and said that five police officers had been dismissed.

Members of the police force in Braşov were alleged to have colluded in attacks on Marius Oprea, a journalist who had

revealed the identity of a member of the *Securitate* – the secret police of the previous (communist) authorities responsible for widespread human rights abuses. He reportedly recognized a former *Securitate* officer, who had previously interrogated him, working as the chief editor of a magazine. In November 1990 he signed a declaration to this effect and was subsequently attacked in the street by three unidentified people. The police apprehended one attacker, but reportedly he was freed the following day without having been charged with any offence. Marius Oprea then reportedly received death threats because of his continuing attempts to expose past actions of the *Securitate*. In February he was reportedly again attacked and beaten in the street by "unknown assailants". He said he did not report this attack to the police as he believed his assailants were members of the officially disbanded *Securitate* with links to the current security forces.

Information became available on a number of cases of torture and ill-treatment of detainees by police in Suceava county before the overthrow of President Ceauşescu in December 1989. They had apparently not been investigated and those allegedly responsible remained in their jobs.

The whereabouts of Viorel Horia, a school pupil, remained unknown: he was reportedly arrested during the violent events in Bucharest in June 1990. Two witnesses reported seeing him in the Magurele military base until at least 16 June 1990. They also reported that he had been severely beaten by security officials who accused him of throwing stones at soldiers during the disturbances of 13 June. His mother and human rights groups in Bucharest contacted the Magurele base and other official institutions, but all denied any knowledge of him.

In March Amnesty International called for specific human rights safeguards to be included in the new Constitution.

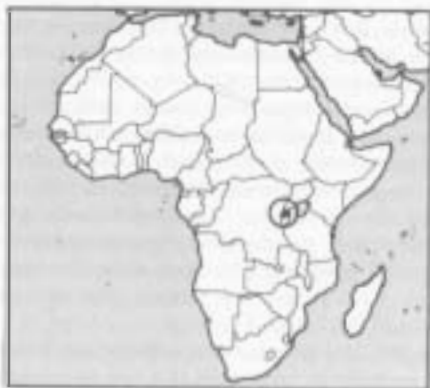
In April the organization responded to information provided by the Procurator General in January on actions by the authorities after the Tîrgu Mureş and Bucharest events of 1990. Amnesty International welcomed the steps taken to investigate some allegations of ill-treatment, but again called on the government to initiate comprehensive investigations into the

Tîrgu Mureş and Bucharest events.

Amnesty International also called for full and impartial investigations into allegations of abuses by the police, including the attacks on journalists and the ill-treatment of Mircea Scarlatescu. It urged the authorities to ensure the protection of Marius Oprea and to investigate the alleged links between his attackers and the Braşov police force. Amnesty International also called for thorough investigations into allegations of past cases of torture and ill-treatment and for those responsible to be brought to justice. It urged the authorities to undertake a full and impartial investigation into the "disappearance" of Viorel Horia and to make the findings public.

In October the authorities informed Amnesty International that an inquiry into Mircea Scarlatescu's allegations had been conducted by the Constanţa Military Prosecutor, who concluded that the police had "acted in full compliance with the Romanian legal provisions in force, meeting the relevant international standards". At the end of the year Amnesty International was seeking further information about the case.

RWANDA



Several thousand political detainees were held without trial until April, when most were released. Dozens of members of the minority Tutsi ethnic group, including possible prisoners of conscience, were arrested. At least 12 journalists, apparently prisoners of conscience, were detained. Twenty people were convicted of political offences after unfair trials, and eight of them were sentenced to death. There were

reports of torture and "disappearances". Hundreds of extrajudicial executions by members of the security forces and vigilante groups were reported. All death sentences were commuted in April.

Fighting continued throughout the year between government troops, drawn predominantly from the majority Hutu population, and the *Front patriotique rwandais* (FPR), Rwandese Patriotic Front, an armed opposition group dominated by members of the Tutsi minority. A cease-fire agreed in March between the government and the FPR was largely ignored. Both the FPR and government forces were said to have abused human rights, including by killing captives.

An agreement reached with neighbouring countries in February allowed Rwandese refugees to return home.

The Constitution was amended in June to introduce a multi-party system in place of the one-party state. Nine new political parties were formed and elections were scheduled for 1992. A state of siege, declared after the FPR attempted to overthrow the government in October 1990, remained in force throughout the year: there was a night-time curfew and travel between regions was restricted.

About 4,000 suspected FPR supporters, mostly Tutsi, were being detained without charge or trial at the beginning of the year. Many appeared to be prisoners of conscience held on account of their ethnic origin, although they also included Hutu critics of the government. About 300 Ugandans were being held on account of their nationality. They and others had been arrested following an FPR incursion into Rwanda from Uganda in October 1990 (see *Amnesty International Report 1991*).

Dozens of further arrests, mostly of Tutsi, occurred in Gisenyi and Ruhengeri regions, after the FPR briefly occupied Ruhengeri town on 23 January. Those arrested were accused of being FPR supporters but they appeared to be prisoners of conscience arrested because of their ethnic origin. They were reportedly beaten in custody and denied medical treatment and visits.

In May five journalists were arrested and charged with defamation or endangering the security of the state. One was Vincent Rwabukwisi, who had been sentenced in 1990 to 15 years' imprisonment but released in early May pending his appeal

(see *Amnesty International Report 1991*). In July two of them were convicted in the High Court of defaming government officials: one was sentenced to one year's imprisonment, but remained free pending appeal. The sentence was confirmed in December by the Kigali Court of Appeal but suspended for three years. The other, François-Xavier Hangimana, a former prisoner of conscience, was sentenced to two years' imprisonment. However, he was released in September pending appeal. The other three journalists had also been freed by September but the charges against them were not dropped. At least seven journalists were detained for short periods in December because they had written articles critical of government policy or officials. One of them, Jean-Pierre Mugabe, was arrested on 31 December.

In March the government began a program of mass releases which saw around 4,000 political detainees released by mid-April. Others released included several sentenced political prisoners, among them Innocent Ndayambaje, a prisoner of conscience (see *Amnesty International Report 1991*). Those still held at the end of the year included at least 30 civilians and several dozen soldiers who the authorities said were to face charges, and 15 captured insurgents. In December the government approved a law authorizing an amnesty for all political prisoners arrested before mid-December but no prisoners were released as a result.

Two trials of civilians accused of supporting the FPR took place before the State Security Court. At the first, on 3 January, 12 of the 13 defendants, including a 16-year-old youth, faced capital charges, but none was assisted by legal counsel. The trial, which lasted less than five hours, was attended by an Amnesty International observer, and was grossly unfair. All but one of the defendants were convicted although no prosecution witnesses were produced and several of the accused alleged that they had been beaten or threatened in pre-trial custody to force them to confess. The court did not investigate these allegations. Its five judges were serving military officers and senior civil servants. One defendant was convicted of being an FPR agent and sentenced to death. Nine were convicted of allowing themselves to be trained to use firearms and sentenced to prison terms of between 15 and 20 years.

Two – including the 16-year-old – were sentenced to shorter prison sentences.

In a second trial which ended on 1 February, the 12 defendants were allowed defence counsel, but not to call witnesses. The court did not permit a doctor to testify in support of allegations that the defendants had been tortured in pre-trial detention. Two defence lawyers withdrew from this case after receiving death threats. Eight of the defendants were convicted of being members or accomplices of the FPR: seven were sentenced to death and one to 10 years' imprisonment. All eight lodged appeals but they were turned down.

No further political trials took place before the mass releases in March and April. However, in mid-1991 government soldiers, some accused of treason, were reportedly secretly tried by courts-martial. Few details of the trials were available, but they did not appear to meet international standards for fair trial. Major François Sabakunzi, for example, was tried by a court-martial in July and acquitted, but kept in custody on the grounds that he also had to be tried by the State Security Court. He was released in September when all charges against him were dropped.

Torture, which was widespread in the aftermath of the mass arrests of October 1990, continued to be reported. Detainees held by the *Service central de renseignements* (SCR), Central Intelligence Service, and at the gendarmerie detention centres and the armed forces' headquarters, both in Kigali, were reportedly beaten with electric wire, hoe handles and other implements, given electric shocks and made to drink urine and eat vomit. Prisoners in military custody were also reportedly tied in a deliberately painful and sometimes permanently damaging position, with the arms tied tightly together above the elbows, behind the back.

Political prisoners reportedly continued to be held in unlit cells (known as *cachots noirs*, black cells) in Ruhengeri prison and in small, poorly lit punishment cells in Kigali Central Prison.

The situation of at least eight people reportedly arrested in Nyamata, Kanzenze district, for political reasons in October was unclear at the end of the year. The authorities said two of them had joined the FPR and others had returned to their homes, outside Kanzenze district, but there was no independent confirmation of the releases

and it was feared that they may have "disappeared".

Many extrajudicial executions reportedly followed the FPR's brief occupation of Ruhengeri town in January. Hundreds of Tutsi, mostly members of the Bagogwe clan, were killed by government soldiers or Hutu assisting them. Government appeals to the civilian population to prevent FPR attacks appeared to be interpreted by some Hutu as a call to attack any Tutsi suspected of supporting the FPR. Dozens of people were killed by soldiers. Fourteen people from four families were reportedly killed at Gisenyi barracks on 4 February, and then buried in a mass grave nearby.

Members of the security forces were reported to have extrajudicially executed former prisoners after their release. For example, Jean Munyakazi, a driver, and Apolinaire Niyonzima, an agronomist, were released from Kigali prison on 27 February. However, they were apparently rearrested shortly afterwards and clandestinely killed at Kanombe barracks near Kigali.

President Juvénal Habyarimana commuted all death sentences in April, including the eight passed by the State Security Court in January and February. It was not clear how many prisoners benefited from the amnesty but it was believed to be dozens.

Amnesty International urged the release of all prisoners of conscience and the fair trial or release of other political prisoners. It welcomed the releases early in the year and the commutation of all death sentences in April. The organization continued, however, to press for an impartial investigation into alleged extrajudicial executions and other human rights violations, and called for the introduction of safeguards to prevent their recurrence.

In June an Amnesty International delegation visited Rwanda and met the Minister of Justice and other government officials. The delegation expressed concern about recent arbitrary arrests and detentions, torture, unfair trials and extrajudicial executions. In response, officials denied the use of torture and attributed the killings in the northwest to civilians, not the security forces. Senior officials of the Procuracy said no inquiries had been initiated into reported human rights violations but in August the Minister of Justice told Amnesty International that the procuracy

had begun to investigate alleged extrajudicial executions. By the end of 1991 no findings had been made public and it was not clear whether any independent investigations were taking place.

ST VINCENT AND THE GRENADINES



One prisoner was executed and one death sentence was commuted. At the end of the year there were three people – a woman and two men – under sentence of death.

Phillip Saunders was hanged on 16 August. He had been sentenced to death for murder in 1986 and the Court of Appeal dismissed his appeal in 1988. The last execution had taken place in 1988.

In August the Governor General commuted the death sentence of Cleus Horne on the recommendation of the Advisory Committee on the Prerogative of Mercy; he had been sentenced to death for murder in 1987 and his appeal was dismissed in 1988.

Amnesty International wrote to Prime Minister James Mitchell in October to register its deep concern at the execution of Phillip Saunders. He had not appealed to the Judicial Committee of the Privy Council (JCPC) in London, which acts as the final court of appeal for St Vincent and the Grenadines. The organization was concerned that he may not have been aware of the possibility of appealing to the JCPC or of requesting financial assistance for doing so. Amnesty International said that any prisoner sentenced to death should be provided with all possible safeguards, including appeals to the JCPC. Amnesty International reiterated its concern that the country's laws allow people aged under 18 to be sentenced to death, in clear contravention of

international standards. The organization welcomed the commutation of Cleus Horne's death sentence and urged the Prime Minister to commute pending death sentences and to initiate procedures for the total abolition of the death penalty. Amnesty International had not received a reply by the end of the year.

SAUDI ARABIA



Over 350 Christian worshippers and Shi'a Muslims were arrested, most of whom were prisoners of conscience. At least seven were still held at the end of the year. Twenty political detainees arrested in previous years, including nine prisoners of conscience, were held without charge or trial throughout 1991. However, 34 political prisoners, including 19 prisoners of conscience, were released. Details emerged of unfair political trials. The torture of detainees continued to be reported, including the imposition of judicial punishments of flogging and amputation. Twenty-nine people were executed.

Plans to set up a consultative system of government, promised by King Fahd bin 'Abdul-'Aziz in November 1990, had not been implemented by the end of the year (see *Amnesty International Report 1991*). Several petitions demanding political reform were submitted to the King by religious leaders and prominent members of the business and intellectual communities.

About 265 Filipino and Korean Christian worshippers were arrested by members of the Committee for the Propagation of Virtue and Prevention of Vice (CPVPV), an official body which supervises the observance of *Shari'a* (Islamic law as interpreted

in Saudi Arabia). In January, five Filipinos were arrested following a raid on the Pentecostal Church in Riyadh, the capital. They were held in Malaz Prison in Riyadh and reportedly subjected to 150 lashes each. All were released by May. In August between 70 and 80 other Filipinos were arrested at a private house in Riyadh. Most were released after questioning, but four were detained in Malaz prison for over one month. Three of them were reportedly released and deported, but it was not clear what had happened to the fourth by the end of the year. In October about 180 Koreans were arrested in a raid on their place of worship in a camp in Wadi Hanifa on the outskirts of Riyadh. The majority were released the same day, but 38 of them, including women and children, were held for up to four days.

In March over 100 Saudi Arabian Shi'a Muslims were arrested in al-Qatif after demonstrations protesting against the arrest in Iraq of the Grand Ayatollah al-Sayyid Abul-Qassem al-Kho'i (see *Iraq* entry). All were released uncharged within a few days.

Between January and July, nine suspected opponents of the government, including seven prisoners of conscience, were arrested in the Eastern Province. All were Shi'a Muslims and suspected supporters of the Organization of Islamic Revolution in the Arabian Peninsula (OIRAP) and *Hizbullah fil Hijaz*, Party of God in Hijaz. Two were released uncharged but six remained in detention, apparently without charge or trial, at the end of the year. The ninth was Zuhair al-Safwani, a student and freelance journalist, held since January at al-Mabahith al-'Ammah Prison in al-Dammam. He was held incommunicado for five months, and was reportedly sentenced to four years' imprisonment and 300 lashes.

At least 20 political detainees arrested in previous years remained in detention, apparently without charge or trial. Nine were prisoners of conscience: five students from King Sa'ud University in Riyadh arrested in 1989 and four suspected OIRAP supporters arrested in 1990. Eleven were alleged *Hizbullah fil Hijaz* supporters arrested in 1988. Four other suspected *Hizbullah fil Hijaz* supporters continued to serve prison terms imposed after unfair trials in late 1989 or early 1990 (see *Amnesty International Reports 1989, 1990 and 1991*).

It was not possible to obtain additional

information about thousands of Yemeni nationals arrested in 1990, nor to ascertain how many remained in detention at the end of the year, although most were believed to have been deported to Yemen (see *Amnesty International Report 1991*).

Between January and August, 34 political detainees and sentenced prisoners arrested in previous years were released. Among them were 19 prisoners of conscience – Salih al-'Azzaz, a well-known journalist, and 18 suspected OIRAP supporters – and two possible prisoners of conscience, all arrested in 1990 (see *Amnesty International Report 1991*). Nine Saudi Arabian nationals sentenced to prison terms after unfair trials in 1982 in Bahrain, who had been transferred to Saudi Arabia to serve their sentences, were released in June and August. They had been charged with participating in a coup attempt in Bahrain in 1981.

Information was received about the unfair trial of four Kuwaiti nationals sentenced in 1989 to prison terms ranging from 15 to 20 years' imprisonment, and to between 1,000 and 1,500 lashes (see *Amnesty International Reports 1990 and 1991*). One said they had been forced to sign "confessions" under torture in a detention centre in Jeddah. They were denied lawyers, received no notice that they were to be tried, and appeared for less than 20 minutes before three people whom they were told were judges. They did not realize a trial had taken place and learned that they had been "tried" and sentenced only after their release in March.

The torture of detainees continued to be reported. Rosano Gopez, a Filipino national arrested by members of the CPVPV in September, was reportedly suspended from the ceiling, beaten and kicked in the stomach and forced to "confess" to being a male prostitute. He was reportedly sentenced to four months' imprisonment and 180 lashes. In October Noel Lubag, another Filipino national, was arrested in Jeddah and reportedly subjected to *falaga* (beatings on the soles of the feet) for several hours while suspended from the ceiling. He remained in detention without trial in Breeman Prison in Jeddah at the end of 1991.

The death in custody of Sa'id al-Farash in November 1990 was confirmed during the year. He died 10 hours after his arrest by members of the CPVPV in Mecca. Following protests by his family, a committee

composed of members of the CPVPV was set up by the Ministry of the Interior to investigate the death. The committee reportedly refused to accept the findings of several doctors that Sa'id al-Farash had died of a fractured skull caused by beatings, and concluded he had died of natural causes. The family reportedly raised the case with King Fahd bin 'Abdul-'Aziz, but the outcome was not known by the end of 1991.

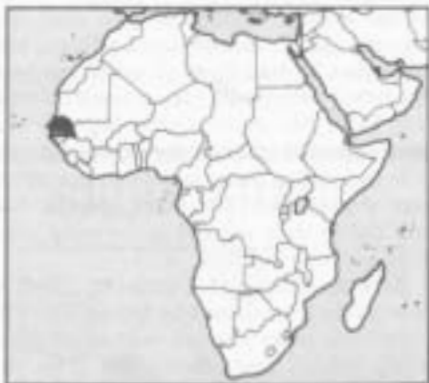
In December, three judicial amputations were carried out. The three victims had their right hands severed at the wrist, after being convicted of theft.

Between May and December, 29 men were publicly executed by beheading. The executions were carried out in Riyadh, Jubail, Jeddah and other cities. The victims were Sudanese, Pakistani and Saudi Arabian nationals convicted of murder, drug-trafficking, kidnapping and sexual offences.

In October Muhammad al-Fasi, a Saudi Arabian businessman, was detained by Jordanian security forces in Amman and subsequently handed over to the Saudi Arabian authorities (see *Jordan* entry). His arrest was reportedly linked to statements he had made in support of Iraq during the Gulf crisis. Officials of the Saudi Arabian Embassy in Jordan denied knowledge of his forcible return. He remained in incommunicado detention at the end of the year, reportedly at a secret location in Riyadh.

During the year, Amnesty International expressed concern about the arrest of Christians and Shi'a Muslims for the peaceful expression of their religious beliefs. It reiterated its request for information on prisoners of conscience and other political detainees, including Yemeni nationals, arrested in previous years. The organization asked about the trial proceedings in the cases of four Kuwaiti nationals sentenced in 1989, and expressed concern about the torture of detainees and the continued imposition of cruel, inhuman or degrading punishments: floggings, amputations and the death penalty. Amnesty International also expressed concern about the apparent unacknowledged detention of Muhammad al-Fasi. The organization reiterated its request to visit Saudi Arabia, which the government had accepted in principle in 1990 (see *Amnesty International Report 1991*). No response was received from the government during the year.

SENEGAL



More than 300 prisoners suspected of supporting a separatist movement were held for political reasons at the beginning of the year; among these were possible prisoners of conscience. New cases of imprisonment, torture and extrajudicial execution were reported during the first months of the year. All political prisoners were released in an amnesty announced on 28 May. Past cases of torture, some of which had resulted in the victims' deaths, and alleged extrajudicial executions carried out by government soldiers were not investigated adequately.

The post of *Médiateur de la République*, Ombudsman, was created in February to investigate complaints against public services, but it was not clear how far its role would extend into protection of human rights.

President Abdou Diouf appointed Habib Thiam to the newly restored post of Prime Minister in April and asked him to form a government composed of opposition party members as well as members of the ruling Socialist Party.

At the beginning of the year, the government faced continuing armed opposition in the Casamance region, largely from the separatist *Mouvement des Forces Démocratiques de la Casamance* (MFDC), Movement of Casamance's Democratic Forces. Several arrests were reported: some of those held may have been prisoners of conscience. However, a cease-fire was announced on 31 May after negotiations between the government and MFDC representatives. A few days earlier the government announced an amnesty for all those imprisoned in con-

nection with the events in Casamance. This resulted in the release of more than 300 people awaiting trial on charges of endangering the security of the state, which arose out of the Casamance conflict. None of those arrested in 1990 or early 1991 had been brought to trial by the time of these releases. The far-reaching nature of the amnesty also seemed to grant immunity from prosecution to those responsible for committing human rights violations in connection with the Casamance conflict, although this was not stated explicitly.

Torture and ill-treatment of detainees suspected of supporting the MFDC continued to be reported early in the year and at least two were reported to have died as a result. Others were alleged to have been extrajudicially executed. All these reports preceded the cease-fire agreement.

In January Amnesty International published a report, *Senegal: An escalation in human rights violations in Casamance Region*. This expressed concern about the deterioration in the human rights situation which had occurred in Casamance over the previous year. It also detailed cases of alleged torture and extrajudicial executions of suspected government opponents and other human rights violations. In response, the government issued an official report entitled: *Les faits en Casamance - Le droit contre la violence*, The Facts about Casamance - Law against violence. This included some information on cases raised by Amnesty International. The report said that judicial investigations had been initiated into several deaths in 1990 which Amnesty International had suggested were extrajudicial executions. It also said that torture allegations would be investigated even if the victims had not formally made complaints - previously the authorities had said they were unable to investigate such cases unless they had received a formal complaint. However, Amnesty International received no response to its subsequent request for information about the outcome of these inquiries: it appeared that the May amnesty had effectively halted any investigations then under way and prevented any new ones being started.

SEYCHELLES



Two advocates of multi-party democracy who were briefly detained were prisoners of conscience. Criminal prisoners were allegedly ill-treated in a prison for civilians run by the army.

In December the Constitution was amended to allow the formation of political parties other than the ruling Seychelles People's Progressive Front (SPPF). The SPPF, led by President France-Albert René, had been the sole legal political party since 1979.

Jean François Ferrari, an advocate of multi-party democracy, was arrested and held overnight in April for distributing anti-government leaflets. Another opposition activist, Frank Kilindo, was detained in May under the Public Security (Detention) Regulations 1981, which permit indefinite administrative detention. He was detained for possessing leaflets urging support for the *Parti Seselwa*, Seychellois Party, an illegal opposition party. He was released uncharged in mid-June.

Convicted criminal prisoners held at Grand Police camp, a high security prison run by the army on the island of Mahé, were alleged to have been ill-treated. It was said that inmates were made to undertake excessively strenuous labour and some were reportedly beaten. However, reports that one prisoner had required hospital treatment as a result of a beating by prison guards were strongly denied by the government and appeared not to be well-founded.

Amnesty International appealed for the release of Frank Kilindo, and in November wrote to the government after receiving

reports that a criminal prisoner had been beaten and ill-treated. The authorities responded by firmly denying this and providing details of his health and medical treatment. In December the Minister of Planning and External Affairs discussed human rights concerns during a visit to Amnesty International's International Secretariat.

SIERRA LEONE



Up to 130 captured insurgents and their suspected supporters were detained. Others were extrajudicially executed, some after torture or ill-treatment. Several possible prisoners of conscience were detained without charge or trial. Two death sentences were passed but no executions were reported.

In March a Constitutional Review Commission appointed in October 1990 to draft a new constitution recommended a return to multi-party democracy. After approval by referendum, the new constitution came into force in October. Several political parties were subsequently registered and parliamentary elections were expected in 1992.

Sierra Leone was invaded on 23 March by an armed force from Liberia, which attacked towns and villages in the south-east of the country and killed, tortured and imprisoned hundreds of civilians. At least 200 Liberian refugees living in the border area were captured and taken back to Liberia by the invaders, while thousands of others, together with Sierra Leonean civilians, fled to neighbouring Guinea or to other parts of Sierra Leone.

The invasion force, apparently several

hundred strong, was led by members of the National Patriotic Front of Liberia (NPFL), headed by Charles Taylor, which had controlled most of Liberia since the 1990 civil war there. It included Sierra Leoneans opposed to the government of President Joseph Saidu Momoh, as well as soldiers from Burkina Faso and Sierra Leoneans forcibly conscripted after their towns and villages were recaptured by the invasion force. The NPFL apparently sought to destabilize the Sierra Leone Government in retaliation for its support in 1990 for military intervention in Liberia by troops from the Economic Community of West African States, which had prevented the NPFL from taking control of the Liberian capital.

The invasion force was opposed by the Sierra Leone armed forces assisted by troops from Nigeria and Guinea, as well as by Liberian soldiers loyal to the former Liberian President, Samuel Doe. Although most of the NPFL force was pushed back into western Liberia by September, rebels opposed to the government retained control of parts of the southeast.

Government officials and supporters – including traditional chiefs, members of the ruling party, and Muslim businessmen from the Fullah ethnic group and the Lebanese community – were particularly targeted by the NPFL-dominated invading forces. Many were tortured or killed. In April Alhaji Jalloh-Timbo, President of the Supreme Islamic Council and leader of Sierra Leone's Sunni Muslims, was killed with four other people in an ambush near Zimi.

In the same month Alhaji Omaru Koroma, President of the Farmers' Association, and his family were killed in Jojoima. Also in April the invasion forces reportedly slaughtered 60 civilians in Koindu, most of them Fullah traders, and 46 people in Pujehun. In May they reportedly killed at least five Lebanese men in Sumbuya and beheaded 16 Fullah traders in Pujehun.

Government forces captured some members of the invasion force, who were then imprisoned in Freetown. However, many people suspected of supporting the rebels were seized by the army, interrogated, and either released or summarily killed. Most were Sierra Leoneans living in areas recaptured from the rebels. Some were reportedly first interrogated by local traditional rulers and government officials before being handed to the army to be killed.

Some were tortured or beaten or paraded in public before being killed.

At least 26 people from Jorma were apparently arrested in May on suspicion of collaborating with the insurgents and killed while being taken to Freetown. Later, suspected rebels were reported to have been executed in Pujehun, Kenema and other towns in the southeast. They included about 50 said to have been executed outside a police station near Takombo, Tongo area.

A number of critics and suspected opponents of the government were detained without charge or trial for up to several months, and the absence of legislation permitting administrative detention suggested that they were held unlawfully. They included possible prisoners of conscience.

Keikura Bayoh Kpoto, a Liberian businessman and former politician, was arrested in April after a captured member of the invasion force apparently accused him of supporting the invaders. He was detained incommunicado for over six months without charge or trial. He was released in October on the order of the High Court, after the authorities failed to provide any reason for his detention in response to a *habeas corpus* action.

Franklin Bunting-Davies, editor of the *New Shaft* newspaper and President of the Sierra Leone Association of Journalists, was arrested in June and briefly detained. He was then charged with "publication of a false statement which was likely to cause or instil fear or panic" and released on bail. He was subsequently also charged with libel for criticizing the government's response to the invasion. The prosecution had not proceeded by the end of the year.

Up to 130 people were arrested in connection with the invasion, half of whom were still held without charge or trial at Pademba Road Prison in Freetown at the end of the year. Most were Liberian nationals captured during the fighting but they included some Sierra Leoneans. Others were said to be Sierra Leoneans who had been forced to assist the rebels or Liberians who had been arrested in Freetown and were apparently suspected of links with the invaders. The detainees were reportedly beaten and ill-treated following arrest and held in harsh conditions.

In December two policemen were sentenced to death following their conviction

for murder by the High Court. No executions were reported.

Amnesty International monitored reports of torture and killings. The organization made inquiries about the detention of possible prisoners of conscience, and appealed for them to be released if they were not to be charged or brought to trial.

SINGAPORE



A long-term prisoner of conscience remained under restriction orders confining him at night to an off-shore island. Restrictions on freedom of association and expression continued to be imposed on five former prisoners of conscience. Criminal offenders were sentenced to caning. At least three people were sentenced to death and three were executed.

Following elections which returned the People's Action Party (PAP) to power with a reduced majority, Prime Minister Goh Chok Tong announced that the Internal Security Act (ISA), which allows for indefinite detention without charge or trial, would remain on the statute books.

Chia Thye Poh, a former member of parliament detained without charge or trial under the ISA from 1966 to 1989, continued to be regarded as a prisoner of conscience (see *Amnesty International Report 1991*). On release from prison in 1989 he was exiled to an offshore island, and throughout 1991 he remained under a restriction order requiring him to be confined there at night.

Restriction orders on five former political detainees released from detention without charge or trial in 1989 lapsed during

the year and were not renewed by the authorities. The former prisoners included Kevin Desmond De Souza and Wong Souk Yee. However, restriction orders limiting freedom of expression and association remained in force against Vincent Cheng, Teo Soh Lung and three other former prisoners of conscience. They were among 22 people who had been detained under the ISA in 1987 and 1988 and held for up to three years without charge or trial (see *Amnesty International Report 1990*).

Caning remained a mandatory punishment for some 30 crimes, including attempted murder, armed robbery, rape, illegal immigration and drug-trafficking. In March Qwek Kee Chong, a convicted prisoner, brought a court action against the government claiming damages for "grievous injury" suffered as a result of caning. He had been convicted of armed robbery in 1987 and sentenced to 10 years' imprisonment and 48 strokes of the cane – twice the maximum number permitted by law. He required hospital treatment as a result of the caning. In June M. Kanagasantharam, an unemployed man, was sentenced to 24 strokes of the cane in addition to 22 years' imprisonment after his conviction on rape charges.

At least three people were sentenced to death. They included Lim Ah Poh, who was sentenced to death by the Singapore High Court in May for a drugs offence; and Wong Kim Poh, whose death sentence for murder was upheld by the Appellate Court in August. Three other people were reported to have been executed, all for drugs offences.

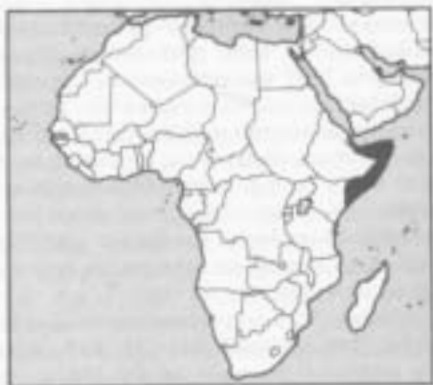
Amnesty International continued to appeal for the immediate and unconditional release of Chia Thye Poh and the lifting of restrictions on the five former prisoners of conscience. It also called for the elimination of caning, which constitutes a form of cruel, inhuman or degrading treatment, and for the commutation of all death sentences.

SOMALIA

Thousands of people, including children, were killed in bitter fighting between rival political groups following the overthrow of President Mohamed Siad Barre's government in January. Some were victims of

deliberate and targeted killings by the contending forces, including those of the interim government based in Mogadishu.

The government of President Siad Barre, in power since a coup in 1969, was overthrown in January. President Siad Barre fled to Gedo, in the south of the country, shortly before forces supporting the opposition United Somali Congress (usc) captured Mogadishu, the capital. In the north, another opposition group, the Somali National Movement (SNM), defeated the government's forces and took control of the territory comprising former British Somaliland. On 18 May the SNM unilaterally declared this area independent as the Somaliland Republic, although this was not recognized internationally.



In Mogadishu the usc chairman Ali Mahdi Mohamed was sworn in at the end of January as interim President of the renamed Somali Republic. However, his authority was not recognized by the SNM or other groups. The following months saw intense fighting in both Mogadishu and the south, where groups opposed to the usc government included troops loyal to Siad Barre.

Following the capture of Mogadishu by the usc, most of whose members belong to the Hawiye clan, usc forces summarily killed hundreds of people in February and March. The victims were mostly members of the Darod clan, to which former President Siad Barre's Marehan sub-clan belongs, but not all were supporters of the former president. For example, one of those killed was Ibrahim Mohamed Abyan, a former prisoner of conscience. The identities of many others could not be confirmed owing to the turmoil in Mogadishu. Other killings occurred outside Mogadishu. On

21 February usc forces killed up to 200 unarmed civilians in Belet Weyne, a Darod clan area 200 kilometres north of the capital. There were other reports of summary executions of civilians in the south, where there was continuing conflict during the year.

The situation within Mogadishu deteriorated further following a split within the usc in May between supporters of President Ali Mahdi and those of the usc's military commander, General Mohamed Farah Hassan (known as "Aideed"). The factions, representing different Hawiye sub-clans, were responsible for widespread destruction, looting and other abuses, including killings of unarmed civilians. The fighting and destruction escalated towards the end of the year, with an estimated 5,000 killed and 15,000 wounded in Mogadishu, mainly as a result of apparently indiscriminate shelling of civilian areas by both sides. The dead and injured included many children. Hundreds of thousands of people fled from the violence and ensuing food shortages to the rival areas or to neighbouring countries.

Some political prisoners were still held by the Siad Barre government at the beginning of 1991 despite a general amnesty in November 1990. One of them, Mohamoud Ismail Guled, an army officer jailed since 1981, escaped from the Central Prison in Mogadishu in mid-January. All other prisoners were freed when President Siad Barre's forces fled, but two long-term prisoners were unaccounted for: Hussein Mohamed Nur, an Eritrean aircraft technician detained in Labatan Jirow prison since 1976, and Ahmed Dore Farah, a judge held in the same prison since 1979.

It was unclear whether any political prisoners were held by the usc government headed by President Ali Mahdi, or by the other usc faction led by General "Aideed". No details of any prisoners were available and it appeared that captives were summarily executed by both sides to the conflict.

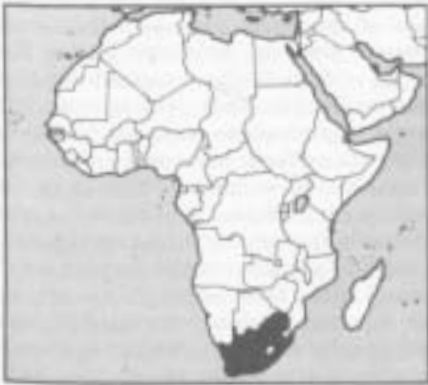
In the north, SNM forces took an unknown number of prisoners, mostly army personnel and civilian officials, when they captured Berbera and other towns in January. Some were said to have been released later but this could not be confirmed. Others, including some officials of the former government, were said to have been executed in Hargeisa after summary

trials for alleged criminal offences.

Amnesty International was greatly concerned by the widespread abuses which accompanied the spiralling violence in Mogadishu and attempted to obtain information about the victims of extrajudicial executions and other gross human rights violations. The general breakdown of order in the country, and especially in Mogadishu, made it particularly difficult to get detailed information or to identify who was responsible for specific abuses.

In April Amnesty International submitted information about its concerns in Somalia for United Nations review under a procedure established by Economic and Social Council Resolutions 728F/1503 for confidential consideration of communications about human rights violations.

SOUTH AFRICA



Hundreds of opponents of the government were victims of politically motivated killings carried out by the security forces or with their acquiescence. Some were assassinated, others were killed in mass attacks on residents of black townships and squatter camps. The authorities announced various inquiries into such killings but rarely brought those responsible to justice. Over 800 critics and opponents of the government were detained under security legislation, including many prisoners of conscience. There were new reports of torture and ill-treatment of prisoners, with at least 17 deaths in police custody in suspicious circumstances. At least 420 prisoners remained under sentence of death. Two prisoners were executed.

The government of President F. W. de Klerk continued the process of dismantling *apartheid* by repealing the Group Areas and Land Acts. It also amended the Internal Security Act, reducing but not eliminating police powers of arbitrary arrest and detention without trial. There were further negotiations between the government and the African National Congress (ANC), led by Nelson Mandela. In December a multi-party Convention for a Democratic South Africa (CODESA) was convened to consider proposals for a future constitution, including a Bill of Rights.

Despite a 1990 agreement by the government to release all political prisoners by April, at least 400 were still held at the end of 1991. Others were released only after going on hunger-strike to protest against the delays, including prisoners in the nominally independent Bophuthatswana "homeland", which was not covered by the 1990 agreement.

In September the government agreed to the return of political exiles under the auspices of the United Nations High Commissioner for Refugees. However, the government reserved the right to exclude certain returnees from a general amnesty.

There was a continuing high level of political violence in Natal, the Johannesburg and Cape Town areas and elsewhere. Over 2,500 people were killed, mostly as a result of conflict between supporters of Chief Mangosuthu Buthelezi's Inkatha Freedom Party (IFP) and supporters of the ANC and its allied organizations. Evidence of the government's role in the violence emerged when it transpired that the IFP had received secret security police funding for some years. It also transpired that several hundred IFP members had secretly received military training from the South African Defence Force between 1986 and 1989. The authorities denied that those IFP members who had been trained had been involved in politically motivated killings, but press reports in December indicated that some had carried out killings of government opponents in Natal and elsewhere.

Following various unsuccessful attempts to stem the violence, a peace accord was signed in September by the government, the ANC, the IFP and other political parties. This established procedures for resolving conflicts at local level and for monitoring violence at regional and local level. A commission chaired by a senior judge was set

up to investigate the causes of the violence. By the end of the year, sub-committees of the commission had begun hearings on several major incidents involving mass killings and individual assassinations. The peace accord established a new code of conduct for the police, and "police reporting officers", who were to be independent of the police, to investigate allegations of police misconduct. These officers had still to be appointed at the end of the year.

The police and military Special Forces units were widely alleged to have taken part in political assassinations and to have assisted those responsible for such killings. The police were also alleged to have acted in a biased manner in favour of the IFP and against the ANC by failing to protect ANC supporters from attack, and by not investigating killings or bringing those responsible to justice. The government denied these allegations, but a growing body of evidence emerged during the year which pointed to official responsibility for or acquiescence in a series of political killings, largely of ANC supporters.

In January the Supreme Court concluded that newspaper reports accusing a senior police general of supplying poisons to police operatives to kill ANC members were credible. The general, however, remained in his post pending an appeal and no official investigation was mounted.

Chief Mlabunzima Maphumulo, president of the ANC-aligned Congress of Traditional Leaders of South Africa (CONTRALESASA), was shot dead in February. An inquest court was later told by former members of the security forces that they had been involved in a security police "death squad" which was responsible for Chief Maphumulo's death, as well as the deaths of other political activists in Natal. The inquest was still continuing at the end of the year.

Among other cases, in May two ANC members were shot dead in Soweto by the police who said that they had acted in self-defence. However, according to the findings of an autopsy, one of the two, Samuel Padi, was shot while lying down. The police officers involved were previously alleged to have threatened to kill Samuel Padi when interrogating his father three months earlier. Former political prisoners and others who returned to South Africa from exile abroad went into hiding after finding that their homes were under

surveillance by armed men, including their former police interrogators.

In addition to targeted killings, it was widely alleged that the police and military were implicated in attacks by armed IFP supporters on township communities believed to support the ANC. There were persistent reports that the security forces failed to intervene to prevent or stop such attacks. For example, at least 27 people were killed at Swannieville squatter camp in May by a large force of IFP supporters. The police stood by while the attackers travelled some 10 kilometres to Swannieville and afterwards escorted them, still armed, while they left. Eye-witnesses alleged that uniformed police and white men in civilian clothes actively participated in the attack. Eye-witnesses also accused police of participating in a series of night attacks on the homes of ANC supporters at Khayelitsha near Cape Town between July and September, in which at least 15 people were killed. In October a team of apparently professionally trained gunmen fired on mourners leaving the funeral of Sam Ntuli, an assassinated East Rand community leader, killing at least 18 people. Eye-witnesses said they had identified police officers amongst the attackers.

Despite the weight of evidence to the contrary, the Minister of Law and Order repeatedly denied any police involvement in politically motivated killings. In general the authorities failed adequately to investigate reports of police complicity in such killings or to ensure that those responsible were brought to justice. In one case, however, seven police officers were put on trial for the murder in 1988 of 11 people in Natal. They were alleged to have carried out the murders at the behest of a local IFP leader.

Peaceful demonstrators were also killed in shootings by the security forces. In March Johannes Mafatshe, a teacher, was shot dead in Bophuthatswana. The authorities announced an investigation, but it had not been held by the end of the year. In May, 12 demonstrators were shot dead by police in Daveyton township. An inquest court later recommended prosecution of the police officers responsible. However, they had not been brought to trial by the end of 1991: neither had nine other police officers who the Minister of Justice announced in February were to be prosecuted for killing 12 demonstrators at

Sebokeng in March 1990 (see *Amnesty International Report 1991*).

The Internal Security Act was amended in June, removing police powers of indefinite incommunicado detention without trial. However, the police remained empowered to hold uncharged political detainees incommunicado for up to 10 days without informing their relatives or lawyers, and to hold detainees for 14 days for "preventive" purposes. In specifically designated "unrest areas", the security forces were empowered to detain people without charge for up to 30 days. There were arrests and detentions in these areas and in the Ciskei and Bophuthatswana "homelands", where separate security legislation was in force. More than 350 people were detained briefly during a three-week state of emergency in Ciskei in November and hundreds of others, mostly ANC supporters, were detained in Bophuthatswana.

There were new reports of torture of political detainees and others by police and military personnel. In one case, Isaac Padi was reportedly subjected to electric shocks in February at Protea police station in Soweto. In another case, Israel Mabote, an ANC activist in Thokoza township, was reportedly abducted by 12 police officers in September and beaten, kicked and nearly suffocated with rubber tubing while they interrogated him. In the same month, Tusha Manzini and five other residents of northeastern Zululand were allegedly tortured with electric shocks, beaten and partially suffocated by soldiers. There were also numerous reports of prisoners being assaulted in Bophuthatswana.

At least 17 people died in suspicious circumstances while in police custody, including Solly Maele Mogashoa, a teacher who died the day after his arrest by Lebowa "homeland" police in October. An autopsy revealed that he had sustained a fractured skull following his arrest.

In most cases the authorities failed to investigate adequately reports of torture and deaths in custody. In several cases families and lawyers of detainees who had died in custody were either not notified or were not given sufficient notice of when inquests were to occur, resulting in verdicts based on police evidence only. In one case a high-level investigation was ordered, after allegations of systematic torture and killings at Welverdiend police station near Carletonville. Human rights activists and

witnesses who made statements against the police were harassed, falsely charged in court, threatened with death and, in one case, shot and wounded by a suspended police officer.

The moratorium on executions announced by the government one year earlier (see *Amnesty International Report 1991*) was ended in February. One execution was scheduled but legal action resulted in a stay of execution and there were no hangings in 1991 other than in the Venda "homeland", where two people were executed in February. At the end of the year at least 420 prisoners were under sentence of death, 294 in Pretoria and the remainder in the Bophuthatswana, Venda and Transkei "homelands". However, a moratorium remained in effect in Transkei and the death penalty was abolished in the Ciskei "homeland" in February.

A review tribunal continued to consider death sentences imposed before July 1990, when legislation granting an automatic right of appeal was introduced. It confirmed the death sentences in most cases. However, death sentences imposed in 1989 on the "Upington 14" (see *Amnesty International Report 1990*) were overturned by the Appeal Court in May and murder convictions on all but three defendants quashed.

Amnesty International appealed for the release of prisoners of conscience. It also appealed on behalf of detainees at risk of torture and prisoners facing imminent execution. When proposed amendments to the Internal Security Act went before Parliament for consideration, Amnesty International campaigned for the incorporation of provisions which would protect those in custody from ill-treatment and torture.

Amnesty International appealed for action by the authorities to prevent political killings, in particular to protect individuals at risk of assassination. The organization urged the government to ensure effective investigations into reports of unlawful conduct by members of the security forces, including their direct or indirect complicity in assassinations, and to bring those found to have acted unlawfully to justice.

In a written statement to the United Nations (UN) Commission on Human Rights in February and in an oral statement to the UN *Ad Hoc* Working Group of Experts on southern Africa in July, Amnesty

International described its concerns about human rights violations in South Africa.

Amnesty International representatives visited South Africa on several occasions. An observer attended the May appeal hearing of the "Uppington 14". In July another observer attended part of the inquest proceedings into the death in 1990 of Internal Security Act detainee Donald Madisha. In December an Amnesty International delegation visited the Johannesburg area, Natal and Cape Town to investigate the role of the police in political killings in those areas. The delegates visited black townships affected by the violence and met human rights monitors, as well as police and justice department officials, and the Deputy Minister of Law and Order.

SPAIN



At least six conscripts were imprisoned as deserters after declaring their conscientious objection to further military service. There were reports of torture and ill-treatment by members of the security forces. Inquiries into such allegations were often slow and inconclusive. Inquiries were under way into the killings in disputed circumstances of members of an armed Basque group by security forces.

The armed Basque group, *Euskadi Ta Askatasuna* (ETA), Basque Homeland and Liberty, carried out attacks on members of the security forces and civilians throughout the year. The press estimated that by the end of the year 45 people had been killed by ETA, of whom 19 were civilians.

Special legal procedures applicable to detainees suspected of belonging to armed groups remained in force. These allow

extended incommunicado detention of up to five days by judicial order. They also allow the detainee's lawyer to be appointed by the court. In April the Ombudsman informed parliament that he was concerned about the continued use of torture and ill-treatment by members of the security forces. He also drew attention to the denial of procedural rights to detainees.

In April Spain deposited its instrument of ratification for the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

In December parliament approved a bill which reduced the length of military service from 12 to nine months. It also stipulated that a Royal Decree would fix the length of the alternative civilian service available to recognized conscientious objectors. The bill made no provision for conscripts to apply for conscientious objector status after they had been incorporated into the armed forces.

Manuel Blázquez Solís and José Manuel Escalada were among six conscripts imprisoned after declaring their conscientious objection to further military service. They had carried out approximately four months' service in the navy, but left their posts in January, after learning that their ships had been ordered to the Gulf zone. They stated that participation in the Gulf conflict was incompatible with their conscientiously held beliefs and applied for conscientious objector status on moral and philosophical grounds. In April, after presenting themselves voluntarily to the military authorities, they were detained for desertion. In July they were released into provisional liberty pending trial. Hours before their release, they confirmed to the military authorities that they refused all further military service. Within a week new arrest warrants were issued against them on charges of refusing to perform military service. They had not been rearrested by the end of the year and were awaiting the outcome of appeals to the Constitutional Tribunal.

Allegations of torture and ill-treatment were made by detainees held under anti-terrorist legislation and by criminal suspects in police custody.

On 16 February seven people were arrested by the Civil Guard in Eibar, in the Basque country. The seven were held in extended incommunicado detention for

periods of up to five days under anti-terrorist legislation. They subsequently alleged that they had been physically and psychologically tortured. Three made formal complaints, supported by medical certificates recording injuries consistent with their allegations. Maria Victoria Aierbe and Iñigo Akaiturri were arrested in a bar by Civil Guards. They alleged that they were thrown to the floor, beaten, kicked and punched. They were interrogated in police stations in the Basque country before being taken to Madrid. They claimed that, during initial interrogations, they were systematically beaten and repeatedly hooded so that they could not breathe. They said their treatment improved in Madrid. They both had visible injuries on their faces when they appeared in the *Audiencia Nacional* (National Court) on 20 and 21 February. Maria Eugenia Gracia, who was arrested outside the bar, alleged that she was beaten, given electric shocks and repeatedly hooded. A medical examination in prison found bruising to her feet and burned areas of skin on her stomach which could have been caused by electric shocks. The court opened an investigation into their allegations.

In September Mohamed Mahmoud Amer Hegazy and Emad Raed Shibli, both resident in Denmark, alleged that a Civil Guard officer assaulted them in Ibiza where they were on holiday after they spoke to him in the street. They claimed that they were taken in handcuffs to a Civil Guard station, severely beaten with rubber truncheons, and punched and kicked all over their bodies. They alleged that they were threatened with a knife held to their throats and that their personal possessions were destroyed. They were then strip-searched and held in a cell until they appeared in court three days later. They were charged with resisting and disobeying public officials and released into provisional liberty. A forensic surgeon examined them in custody and recorded multiple bruising to all parts of their bodies; photographs of Mohamed Hegazy taken after his release showed severe injuries to his buttocks, back, arms and legs. They made formal complaints about their treatment to the court in Ibiza before returning to Denmark. There was no news of the progress of the investigation by the end of the year.

Numerous inquiries into allegations of torture and ill-treatment had still not con-

cluded after many years. Eight youths had made a detailed judicial complaint of torture and ill-treatment by the Civil Guard following their arrest in Zornotza in the Basque country in December 1980. Their statements were supported by medical evidence and they were able to identify some of the officers they claimed had ill-treated them. Since 1980 one of the officers had twice been convicted of torturing detainees, including Tomás Linaza (see *Amnesty International Report 1991*). However, in April the judge in charge of the inquiry attempted to close the case on grounds of lack of evidence. The outcome of an appeal against this decision was still pending at the end of the year.

Inquiries were opened into the shooting of alleged ETA members by security forces in Lliça d'Amunt, Catalonia, in May and in Bilbao in August. Lawyers acting for their families claimed that the security forces had killed them illegally.

In September a police officer was charged with the homicide of an ETA member, Mikel Castilló, in September 1990 (see *Amnesty International Report 1991*).

In November the National Court in Madrid concluded its inquiry into the deaths of one Civil Guard and two ETA members in the Foz de Lumbier in June 1990 (see *Amnesty International Report 1991*). The court charged Germán Rubenach with killing a Civil Guard and assisting a fellow member of ETA to commit suicide. The court decided that Germán Rubenach was then wounded in a suicide attempt with another member of the group. Lawyers acting for the families of the dead ETA members appealed against the conclusions of the investigating judge.

Amnesty International, emphasizing that conscripts should be able to claim conscientious objector status at any time, appealed for the release of conscientious objectors it considered to be prisoners of conscience, including Manuel Blázquez Solís and José Antonio Escalada.

Amnesty International urged prompt and impartial investigations into the allegations of torture and ill-treatment and into the disputed killings. It requested information about the progress of relevant judicial inquiries.

SRI LANKA



Hundreds of people were extrajudicially executed and several hundred "disappeared". Torture of detainees was common. Thousands of people were detained without trial under emergency regulations and the Prevention of Terrorism Act (PTA). The government took steps to protect those currently in detention, but failed to account for thousands who "disappeared" in previous years.

The armed conflict between government forces and the Liberation Tigers of Tamil Eelam (LTTE) continued in the northeast. In Amparai, Batticaloa and Trincomalee, government forces retained control of towns and main roads, but there was sporadic fighting in the countryside and tension between the Tamil, Muslim and Sinhalese communities of the area remained high. Fighting in Vavuniya and elsewhere resulted in heavy casualties on both sides. Jaffna peninsula, controlled by the LTTE, was intermittently bombed and shelled by government forces, leading many civilians to flee. The government and the LTTE both made offers to negotiate but no negotiations took place. Under the state of emergency, which remained in force throughout the year, the security forces were empowered to arrest and detain people without charge or trial.

President Ranasinghe Premedasa prorogued parliament in September after some members of parliament sought to impeach him for alleged abuse of power, corruption and failure to protect human rights.

The LTTE was responsible for gross human rights abuses, including torture and killing of prisoners. It was believed to be

holding about 2,000 prisoners and to have publicly executed more than 30. It was also responsible for widespread killings, of Muslim and Sinhalese civilians amongst others.

The government took several steps to improve human rights protection. A Presidential Commission of Inquiry into the Involuntary Removal of Persons was established in January to investigate "disappearances" occurring between 11 January 1991 and 11 January 1992. A Human Rights Task Force (HRTF) was established in July to maintain a central register of all those held under the PTA and Emergency Regulations, and to monitor their fundamental rights. At the government's invitation the United Nations (UN) Working Group on Enforced or Involuntary Disappearances visited Sri Lanka in October.

The military, police and Special Task Force (STF) police commando unit were responsible for scores of extrajudicial executions in the northeast. The victims included a railway worker who was detained and shot dead for no apparent reason by an army patrol at Siththandikuddy, Batticaloa district, in June. Other civilians were killed in apparent reprisals for LTTE attacks on the security forces. In June, for instance, at least 67 civilians, including women and children, were killed when local army personnel rampaged through the villages of Mahiladithivu and Muthalaikuda after two soldiers had been killed in a landmine explosion nearby. The President initiated a commission of inquiry into the incident but it had not reported by the end of the year.

The victims of extrajudicial executions included people who reported violations by government forces. In April Mangaleswary Kanthasamy, a teacher at Tampalakamam, Trincomalee district, was shot dead at her home by soldiers together with her two-year-old son and elderly parents. Five days earlier she had complained to the police about harassment by soldiers, who had then been punished. She was apparently killed in retaliation. The soldiers involved were reportedly arrested.

In the east of the country suspected LTTE members were seized, abducted and killed by men in plain clothes who were believed to be connected with the security forces. Victims' bodies were left in public places, often in a mutilated state. In April a number of headless bodies were found in

Batticaloa: at least one was accompanied by a notice claiming responsibility signed by the "Black Cobras". In Trincomalee town dozens of abductions were carried out by unidentified men believed to be associated with the army.

Extrajudicial executions were also reported from the south, although on a lesser scale than in previous years. The victims included three young men from Dikkapitiya, Welimada, in Badulla district, two of whom had been released from detention a few months earlier. They were reportedly taken from their homes in October by men who identified themselves as police officers. Their bodies were later found burning in a culvert.

Hundreds of people in the east reportedly "disappeared" after being detained by government forces. Many were feared to have been killed in custody; others were believed to be held in incommunicado detention. In Batticaloa town alone, over 400 people reportedly "disappeared" between early January and the end of November.

At least 32 prisoners reportedly "disappeared" in police custody in the south. Some were said by police to have escaped or to have been released – despite official directives that prisoners should only be released to relatives or responsible members of the community. Nanayakkarage Don Mahinda Abeywickrama Gunaratne of Yatiyana, Matara district, was seized on 15 February in Colombo by armed men reportedly connected with a ruling party politician, then taken to Gandara police station in Matara district. His relatives were not permitted to see him and he "disappeared". Police said he was released on 2 April, but others reported seeing him in police custody after that date.

Muslim Home Guards and armed members of Tamil groups opposed to the LTTE who operated alongside government forces were also held responsible for "disappearances" and other violations. Subramaniam Ketheeswaran "disappeared" after he was taken from a refugee camp at Bambalapitiya, Colombo, in September by members of the Eelam People's Democratic Party. About 10 days later he was taken to an army camp in Batticaloa and questioned about his involvement with the LTTE. He reappeared when he was released unchanged in November. The authorities failed to clarify the fate of Kumaraguru

Kugamoorthy, a Tamil radio producer and human rights activist who had "disappeared" in 1990 after being abducted by an armed group believed to be connected with the security forces (see *Amnesty International Report 1991*).

Detainees in the northeast were systematically tortured. Victims were beaten, stabbed, burned and scalded, partially buried or had nails driven through the soles of their feet. Dozens of people reportedly died as a result, particularly in the east. In Colombo a prisoner awaiting trial at New Magazine prison died in January after being beaten with iron rods by prison staff. Several inquiries into his death were announced but their outcome was not revealed. In June a *Janatha Vimukthi Peramuna* (JVP), People's Liberation Front, suspect died after being beaten with wire, rubber belts and clubs at Bulathsinhala police station. Four police officers and a Home Guard were subsequently arrested and charged with causing his death.

Three police officers accused of murdering Wijedasa Liyanarachchi in September 1988 (see *Amnesty International Reports 1989 and 1991*) were convicted in March after the charges against them were reduced to illegal detention and conspiracy to detain illegally. They received suspended sentences and were fined. Little progress was reported in other cases involving human rights violations by government forces. In February a proposal for an independent inquiry into the killing of Richard de Zoysa (see *Amnesty International Report 1991*) was defeated in parliament. In November one of the police officers facing trial on charges of murdering 12 prisoners in Nittambuwa, Gampaha district, in February 1990 (see *Amnesty International Report 1991*) was killed inside the courtroom by an unidentified gunman. The trial was subsequently discontinued.

More than 1,200 fundamental rights applications were filed in the Supreme Court by prisoners alleging illegal detention or torture. The court awarded compensation and ordered the release of 42 untried detainees whose complaints it upheld. In May a lawyer representing untried political detainees held at Boosa detention camp informed the Supreme Court that six of them had "disappeared" since starting their legal action. Lawyers expressed concern that dozens of other suspected government opponents remained in detention for

months without charge or trial despite Supreme Court orders for their release.

In late September the government announced that 5,294 people were being detained without trial in the south under the Emergency Regulations or the PTA and a further 1,080 in the northeast. Those figures did not include hundreds of LTTE and JVP suspects taken into custody at army barracks or police stations. Many of the prisoners held in the south since between 1988 and 1990 continued to be detained for "rehabilitation" under Emergency Regulations 18A and 10C, as a result of administrative decisions against which there is no right of appeal.

The LTTE was responsible for gross human rights abuses. Members or sympathizers of rival Tamil groups and people suspected of providing information to government forces were held captive, particularly in the Jaffna area. An estimated 2,000 prisoners were held by the LTTE, including about 50 reportedly detained solely for their "dissenting" views. There were increasing reports from the east of people being detained for ransom by the LTTE. Thirty-two Muslim businessmen similarly detained in 1990 in Jaffna continued to be held. Prisoners were held incommunicado and relatives received no information about their whereabouts. Some of those held by the LTTE were reportedly tortured.

The LTTE also attacked Sinhalese and Muslim civilians living in or near the northeast. In June, for example, at least 11 passengers were deliberately shot dead by LTTE forces after their bus was halted by a mine explosion at Hulanuge, Amparai district. Their bodies were then put into the bus and burned. In late August and early September the decomposed bodies of police officers, reportedly among several hundred taken prisoner by the LTTE in June 1990 (see *Amnesty International Report 1991*), were found in mass graves in Batticaloa district. In October unofficial sources reported that the LTTE had publicly executed at least 32 prisoners in Jaffna peninsula. Reportedly bound and blindfolded, the prisoners were made to confess to a "crime" and then shot. Death threats were reportedly made against inhabitants of Muslim villages in the east. Tens of thousands of members of the Muslim community fled the northeast during 1990 following similar threats by the LTTE (see *Amnesty International Report 1991*).

The LTTE was also widely suspected of responsibility for killings outside the northeast, including the assassination in May of former Prime Minister Rajiv Gandhi of India, in Tamil Nadu, India. The LTTE denied responsibility for his death.

In January Amnesty International commented on proposed amendments to the fundamental rights chapter of the Constitution. It monitored the work of the Presidential Commission of Inquiry into the Involuntary Removal of Persons, which started public hearings in August. It repeatedly called on the government to extend the commission's mandate to include the thousands of "disappearances" that occurred before 11 January 1991, and made other recommendations to strengthen its work and that of the HRTE. Concern was expressed that people in the northeast and in rural areas had insufficient access to these institutions.

Amnesty International requested information from the Minister of Justice about investigations into the death of a prisoner at New Magazine prison, Colombo, in January. No reply was received.

Amnesty International also issued direct appeals to the LTTE: in January for the humane treatment of police officers held at unknown places in the Jaffna peninsula; in February to reiterate appeals for an immediate halt to killings of civilians and prisoners; in August to urge that all LTTE cadres be instructed to desist from torturing or killing defenceless people and to allow the International Committee of the Red Cross regular access to prisoners; and in November for a halt to execution-style killings and for steps to be taken to protect prisoners from torture.

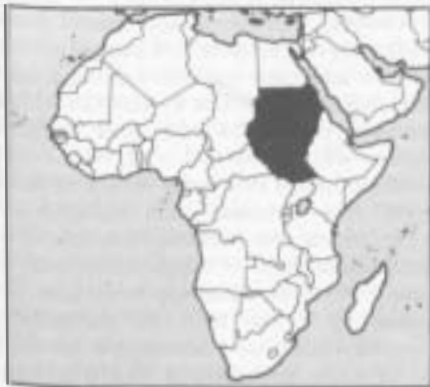
In March Amnesty International delegates were permitted access to Sri Lanka for the first time since 1982 to attend a human rights conference in Colombo. The delegates met government officials to discuss future access and steps being taken by the government to improve human rights. An Amnesty International delegation visited Sri Lanka in June to discuss human rights with government officials, local human rights activists and others.

In September Amnesty International published a major report, *Sri Lanka - The Northeast. Human rights violations in a context of armed conflict*, documenting its concerns since June 1990. In December the government announced that it would bring

into effect 30 of the 32 recommendations made in the report, including initiating independent investigations into human rights violations and guaranteeing prompt access to lawyers and relatives to all detainees. The two recommendations not included were the extension of the mandate of the Presidential Commission of Inquiry into the Involuntary Removal of Persons to include "disappearances" that occurred prior to 11 January 1991, and the repeal of the Indemnity (Amendment) Act (see *Amnesty International Report 1989*). In November the LTTE wrote to Amnesty International but did not respond to any of the allegations of human rights abuses by the LTTE documented in the report.

In oral statements to the UN Commission on Human Rights in February and to its Sub-Commission on Prevention of Discrimination and Protection of Minorities in August, Amnesty International expressed grave concern about continued "disappearances" and extrajudicial executions and the high degree of impunity with which the security forces were able to operate.

SUDAN



More than 300 prisoners of conscience were released but there were hundreds of new arrests of suspected opponents of the government. Almost 200, including at least 40 prisoners of conscience, were still held at the end of the year. More than 40 were serving sentences after unfair military trials but others were detained without trial, often in secret detention centres. Torture was common and cruel punishments including amputations and floggings were enshrined in a new penal code. At least 21

detainees reportedly "disappeared" and government troops and militia committed extrajudicial executions. At least 30 people were sentenced to death and there were at least 14 executions.

The ruling National Salvation Revolution Command Council (NSRCC), headed by President Omar Hassan al-Bashir, continued to face armed opposition from the Sudan People's Liberation Army (SPLA) in southern and western Sudan. The army mounted attacks on the Fur and Zaghawa ethnic groups in Darfur in the west. The SPLA, which effectively controlled much of southern Sudan, was responsible for human rights abuses: civilians were summarily executed and dissidents within the organization were imprisoned.

The nationwide state of emergency, imposed after the military coup that brought the NSRCC to power in June 1989, remained in force and continued to permit government opponents to be detained indefinitely without charge or trial. In May the government said that all detentions would be under judicial supervision, but in practice detainees continued to be held without reference to the judiciary, often in secret detention centres known as "ghost houses". Detainees were often given no information about the basis of their detention and no opportunity to challenge it. Only a small proportion were charged and brought to court.

A new penal code, based on the NSRCC's interpretation of *Shari'a* (Islamic) law, was introduced in March. Applicable in northern Sudan only, it reintroduced various forms of cruel, inhuman or degrading punishment including judicial amputations and floggings, and provided for execution by stoning or by hanging followed by public crucifixion. Apostasy – the renunciation of Islam – became a capital offence. In October the government announced that the death penalty was to be introduced for drug smuggling.

Hundreds of political prisoners, including prisoners of conscience, were still held at the beginning of 1991, virtually all of them detained without charge or trial. In April, however, the government announced that all political prisoners were being released. Those freed included 299 prisoners of conscience. Ushari Mahmud, a university lecturer and human rights activist, and many others, including politicians, academics, lawyers and trade

unionists, had been held since 1989 (see *Amnesty International Reports 1990 and 1991*).

Despite the government's announcement, more than 60 political prisoners, including prisoners of conscience, continued to be held. One prisoner of conscience, Ahmad Osman Siraj, a prominent critic of the government, was serving a 15-year sentence after an unfair trial in December 1990. His trial before a military court lasted only a few minutes and apparently resulted in a death sentence, although he was not told this. It was subsequently commuted. He was convicted of participation in a coup plot. Albino Akol Akol, a retired army officer, remained in prison until October 1991, although he had apparently been acquitted in the same trial. Thirty-nine others arrested with him in September 1990 were held throughout 1991, including 11 sentenced after an unfair trial.

Others who continued to be held without trial included southern Sudanese arrested as suspected supporters of the SPLA, such as Deng Mesham Angai, a prisoner of conscience and chairman of the banned Southern Sudan Farmers' Union. Arrested in January 1990, he was still detained without charge or trial at the end of 1991.

There were hundreds of new political arrests after the releases announced in April. Detainees were held in "ghost houses" for weeks or months by Security of the Revolution secret police. Many were tortured, including Omar Adlan al-Mek, a trade unionist and member of the banned Sudan National Party. He was one of at least six government opponents to be rearrested within days of their release. Omar Adlan al-Mek was released in December, but there was no information on the other five. Adnan Zahir Surur, a lawyer, was also tortured after he was rearrested in August. He was also released in December.

Dozens of students and others were arrested in July after members of the Security of the Revolution police opened fire on demonstrators at Khartoum University, killing one. Most were released within days, but 12 student leaders were detained and beaten during questioning. Nine were released after two weeks, but three remained in detention until August. Students were again arrested after further disturbances at Khartoum University in September, but all were reported to have been released in October.

In August the government announced that it had thwarted a new coup attempt. At least 81 supporters of banned political parties and former and serving army officers were detained. They included 'Abd al-Rahman 'Abdallah Nugdalla and Sid Ahmad al-Hussein, both former government ministers and members of the banned Umma and Democratic Unionist parties.

Fifty-three of the 81 arrested in August were tried *in camera* before a military tribunal in October. None had legal representation and each case lasted only a few minutes. The verdict and sentences in each case were not revealed until December, when it was announced that 46 defendants had been convicted and the rest acquitted. Eleven received death sentences, although these were commuted to life imprisonment, and 35 received prison terms ranging from six months to 20 years. At least 15 of those arrested but not tried were released in October and November, but seven others remained detained in "ghost houses". There was no information about the others.

Torture of detainees was common in "ghost houses", in the headquarters of various security services in Khartoum and in provincial detention centres. Victims included many of those arrested in August. Some detainees were whipped or beaten with rubber truncheons and one of those arrested in August was first burned with a hot iron and then made to roll on a concrete surface baked hot by the sun. Other detainees reportedly had their testicles crushed with pliers and were bound and suspended from cell walls for up to three nights. One detainee, Zein al-Abdin al-Tayib Osman, was beaten and subjected to electric shocks in October, while held at Sinnar. Political detainees were also ill-treated by being held in particularly cramped conditions, sometimes in cells full of water, or by being locked in cupboards or dirty latrines. Criminal suspects were also tortured: in November a trader arrested on suspicion of hoarding petrol died in El Obeid after being beaten by security officers.

Three people were sentenced to have limbs amputated after being convicted of theft in September. These were the first such sentences reported under the new penal code, but it was not clear whether they had been carried out by the end of the year. Earlier, the authorities had announced that all sentences of amputation passed

before the introduction of the new penal code in March had been commuted.

Many people were subjected to public floggings, including unlicensed street vendors, often women, who were sentenced after summary trials in market places by Public Order Courts. Some women were also publicly flogged in Khartoum and Wad Medani in October after courts ruled their dress "indecent".

At least 21 people belonging to the Nuba ethnic group reportedly "disappeared" after being detained by security police or Popular Defence Force (PDF) militia, which operated under army control. Among the victims were Hassan Koury, a lawyer, and Mohamed Nowar Aso, a dental assistant. They were apparently suspected of sympathizing with the SPLA. The situation of about 100 other Nuba arrested in September was unclear at the end of the year.

Government forces committed extrajudicial executions in areas affected by armed conflict. In March troops were said to have extrajudicially executed many civilians – some unconfirmed reports suggested over 300 – at the town of Mundri in southern Sudan because they refused to act as a human shield to deter attacks by the SPLA. Many killings were also reported from Darfur where, in one incident in April, 17 people belonging to the Zaghawa ethnic group were shot dead by soldiers in the courtyard of a mosque in Khazan Jadid. Soldiers were reported to have extrajudicially executed 19 suspected SPLA sympathizers at Lagowa in the Nuba mountains in November. PDF militia were also responsible for extrajudicial executions in the Nuba mountains: the victims included Jibreel Salah and Jibreel Sendica, who were detained, beaten, then killed in April in the Kallandi area.

At least 30 people were sentenced to death but 13, including 11 political prisoners, later had their sentences commuted. At the end of 1991, over 100 people were believed to be under sentence of death.

Five Palestinians, who had been sentenced to death in 1988 following attacks on a hotel and club in Khartoum in which several people were killed, were released in January. In 1989 the Supreme Court had ruled that the relatives of those killed should decide whether the death sentences should be carried out (see *Amnesty International Reports 1989 and 1990*).

At least 14 people were executed, 13 in Khartoum and one in Darfur. The latter was one of 11 people who had been sentenced to be hanged and then publicly crucified for armed robbery. The 11 appeared to have no right of appeal.

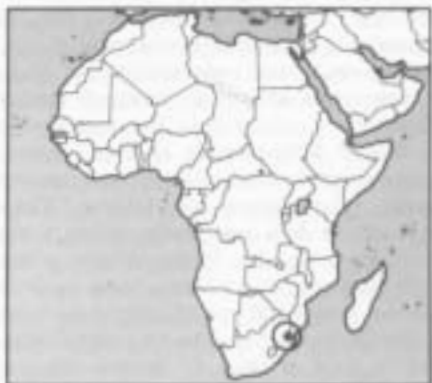
The SPLA was responsible for grave human rights abuses in southern Sudan. There was a split within the organization in August following an attempt by SPLA commanders in Upper Nile to oust the SPLA leader John Garang de Mabior. Those opposed to him reportedly killed many civilians from the Dinka ethnic group, including over 30 at Akobo town in October and over 1,000 in and around the town of Bor in November. The SPLA also continued to hold at least 47 people detained after disputes within the SPLA in previous years (see *Amnesty International Report 1991*).

Amnesty International welcomed the April releases but urged the government to release all prisoners of conscience. It called for the release or fair trial of other political prisoners, for an end to the use of "ghost houses", and for effective measures to stop torture. Amnesty International also raised its concern about judicial amputations and other cruel punishments, and called for all death sentences to be commuted. In June Amnesty International published a report, *Sudan: Human rights violations during the military government's second year in power*, covering the period between June 1990 and May 1991.

In an oral statement to the United Nations (UN) Commission on Human Rights in February, Amnesty International included reference to its concerns about the torture and detention of non-violent opponents of the government in Sudan. In April Amnesty International submitted information about its concerns in Sudan for UN review under a procedure established by Economic and Social Council Resolutions 728F/1503, for confidential consideration of communications about human rights violations.

In October an Amnesty International communication about the violation of human rights guaranteed by the African Charter on Human and Peoples' Rights was declared admissible by the African Commission established under the Charter. Earlier, in March Amnesty International had submitted further information to the African Commission.

SWAZILAND



Five prisoners of conscience were released from administrative detention in March. One prisoner was partially paralysed, allegedly as a result of beatings in police custody, and juveniles convicted of criminal offences were subjected to whippings. At least three prisoners were sentenced to death but there were no executions.

International and domestic criticism was directed against the government's use of administrative detention. After the release of detainees in March, Prime Minister Obed Dlamini stated that the government would review the 1978 law which permits detention without charge for successive 60-day periods. However, by the end of the year no changes had been announced. In August King Mswati III set up a committee to review the workings of the *tinkhundla*, the country's system of indirectly elected government. The committee's hearings led to increased demands from sections of the population for the legalization of political parties. All political activity, including attending meetings, continued to be outlawed by the King's Proclamation of 1973.

In March 60-day detention orders against five prisoners of conscience were lifted. Four of the five – Sabelo Dlamini, Dominic Mngomezulu, Ray Russon and Mphandlana Shongwe – had been among six people convicted in October 1990 of attending an illegal political meeting (see *Amnesty International Report 1991*). They were on bail pending appeal when they were detained in November 1990 after disturbances at the University of Swaziland. The fifth, Boy Magagula, was on bail on the

original charge when he was detained. The 60-day detention orders against the five were renewed twice, in January and March. The five undertook successive hunger-strikes to protest against their detention.

In October the Court of Appeal set aside the convictions of all six people convicted in 1990 of attending an illegal meeting. By then, however, three of the released prisoners of conscience and five others had been arrested and charged with attending another illegal meeting. The government withdrew charges in the second case in November.

Prince Mfanasibili Dlamini, who had been detained under a 60-day order in August 1990 immediately after being acquitted of treason, was also released in March. At the end of the year no other prisoner was known to be detained without charge.

Sibusiso Simelane, a criminal suspect, was partially paralysed, apparently as a result of beatings in police custody. He alleged that he had been kicked, punched and beaten with electric cable and hose-pipe. He laid formal charges of assault against two police officers, but the case had not been heard by the end of the year.

According to research carried out by the Swaziland Association for Crime Prevention and Rehabilitation of Offenders, some 42 per cent of convicted juveniles received sentences of whipping. Many of these sentences were imposed by the "traditional" Swazi National Courts, which allow no right of appeal.

In March the government established a commission of inquiry chaired by a High Court judge to investigate events at the University of Swaziland in November 1990, when police and soldiers had beaten students, leaving at least 80 needing hospital treatment (see *Amnesty International Report 1991*). Earlier reports that some students had died at the hands of the police could not be confirmed. The commission of inquiry had apparently completed its investigations by the end of the year, but its findings had not been made public.

The death penalty remained mandatory for murder if there were no extenuating circumstances. At least three prisoners were sentenced to death in 1991, but no executions had been carried out since 1983.

An Amnesty International delegation visited Swaziland in March to meet the Prime Minister and other senior government

officials and to press for the release of the prisoners of conscience. In the event, these prisoners were released unconditionally shortly before Amnesty International's delegates arrived. Amnesty International called for a review of the detention law to bring it into line with international human rights standards and for the withdrawal of charges related to attendance at political meetings.

SWITZERLAND



Scores of conscientious objectors to military service were sentenced to prison terms. Many served prison sentences during the year and were considered prisoners of conscience. Following a change of legislation in July, some conscientious objectors were sentenced to periods of compulsory work.

Military service remained a binding obligation under the Constitution, with male citizens carrying out approximately 10 months' service between the ages of 20 and 42. There was limited access to unarmed military service but no provision for alternative civilian service. Parliament approved an amendment to the Constitution which would introduce alternative civilian service. The amendment did not come into force during 1991 as it still required the approval of a national referendum.

The Federal Council and the National Council approved a proposal to eliminate the death penalty from the Military Penal Code and thus for all offences. It was awaiting approval by the Council of States (the second chamber of parliament) at the end of the year.

A national referendum in June amended the Military Penal Code, altering the penalties available for certain categories of conscientious objection. Under these new provisions, which came into force in mid-July, refusal to perform military service remained a criminal offence. However, when a military tribunal concluded that a conscript was unable to reconcile military service with his conscience because of "fundamental ethical values", he was sentenced to a period of work in the public interest, which did not entail a criminal record. The law provided for sentences of compulsory work ranging from one and a half times the total length of military service refused to two years. However, some tribunals reportedly imposed sentences equal to the length of service refused.

No sentences of compulsory work were served during the year as the enabling legislation had not been completed. A number of conscientious objectors whom the tribunals considered eligible for a sentence of compulsory work announced during their trials that they would not serve any such sentence. They did not consider that a sentence imposed by a military tribunal following a trial for a criminal offence constituted a genuine alternative civilian service. There were also reports that some tribunals used a rather narrow interpretation of what constituted "fundamental ethical values" irreconcilable with military service. Conscientious objectors who failed to convince the tribunals that they qualified for a sentence of compulsory work and those who declared they would not carry out such a sentence were liable to up to three years' imprisonment. In practice, sentences of up to 10 months' imprisonment were imposed.

The majority of conscientious objectors sentenced to imprisonment under the amended Military Penal Code entered appeals and did not serve their sentences during 1991. Conscientious objectors tried before the Code was amended continued to enter prison up to the end of the year to serve sentences of up to 10 months' imprisonment. If a military tribunal recognized that a conscript had a "severe conflict of conscience" on religious or ethical grounds, the maximum sentence was six months' *arrêts répressifs* or *semi-détention*, allowing approved work outside prison during the day.

Amnesty International continued to

appeal for the release of prisoners of conscience. Before the June referendum it distributed to the Swiss public a statement of its position on conscientious objection. This expressed concern that the amendment to the Military Penal Code would continue to punish people refusing military service on grounds of conscience and would not provide a genuine alternative service outside the military system. It urged the government to support proposals aimed at introducing such a service.

SYRIA



New arrests of suspected government opponents were reported and thousands of others, including hundreds of prisoners of conscience, continued to be detained without charge or trial under state of emergency legislation in force since 1963. Others remained in prison after the expiry of their sentences. However, at least 2,400 untried political detainees, including 140 known prisoners of conscience, were released. Of those released, more than 1,000 were pardoned in December. Torture of political detainees was reported to be widespread and routine, and some detainees were held incommunicado for long periods. At least two people were executed.

In June Syria and Lebanon signed a Treaty of Brotherhood, Cooperation and Coordination providing for cooperation between the two countries on military, security, economic and other matters. In September the two governments signed a Defence and Security Agreement which provided for, among other things, the

exchange of information about political suspects (see **Lebanon** entry).

Thousands of people arrested in previous years as suspected government opponents, including at least 230 prisoners of conscience, remained in detention without charge or trial throughout 1991. Many were suspected members of prohibited political parties such as *Hizb al-'Amal al-Shuyu'i*, Party for Communist Action (PCA); *al-Hizb al-Shuyu'i al-Maktab al-Siyassi*, Communist Party-Political Bureau (CPPB); *Ittihad al-Nidal al-Shuyu'i*, Union for Communist Struggle (UCS); *al-Tanzim al-Sha'bi al-Nasiri*, Popular Nasserist Organization (PNO); *al-Ikhwān al-Muslimun*, Muslim Brotherhood; and the Arab Socialist Ba'th Party. Others were members of medical, engineering and other professions arrested in 1980 and 1981 after publicly demanding improvements in human rights in Syria. Some detainees had been arrested in place of relatives being sought by the authorities, or to punish further those already in detention. Hundreds of Palestinians, including suspected supporters of the Palestine Liberation Organization (PLO), continued to be detained.

At least 11 PNO supporters, among them lawyers, doctors and teachers, were arrested in May and held without charge or trial. They included 'Abd al-Majid Manjouneh, a prominent lawyer and former cabinet minister, who had been previously held in untried detention for nine years. He was released in July, together with Hassan Isma'il 'Abd al-'Azim, a lawyer and former member of the Syrian People's Assembly. The nine others were released at the end of the year. The arrests were believed to have been carried out in several cities by *al-Amn al-'Askari* (Military Security). At least 10 other PNO members or supporters, most of whom were arrested in 1986, remained in detention without charge or trial. Some of them were reported to be in poor health and to have been denied essential medical care.

Six members of a family of Syrian Jews were arrested in May on suspicion of attempting to flee the country. Subhe and Lisa Kastika and their two infant sons, together with Subhe's brother, Sa'id, and his wife, Shafiqā, were held incommunicado for two weeks at a military base. All four adults were said to have been severely beaten. The two women and the infants were released after three weeks, but the

brothers were transferred to 'Adra Civil Prison near Damascus and subsequently released from untried detention in November. Two other Syrian Jews arrested in 1990 on suspicion of attempting to flee the country remained in untried detention in Aleppo Central Prison.

Aktham Nu'aysa, a lawyer from Lataqiyya, together with at least six others, was arrested on 18 December by members of *al-Mukhabarat al-'Askariyya* (Military Intelligence). They were reportedly arrested in connection with a written statement issued on 10 December by the Committees for the Defence of Democratic Freedoms and Human Rights in Syria, which contained criticism of the re-election of President Hafez al-Assad to a seven-year term of office. All were said to have been tortured. One of the detainees was released after a few days, five were reported to be held incommunicado in the Military Interrogation Branch in Damascus, and Aktham Nu'aysa was admitted to Harasta Military Hospital as a result of torture, where he was reported to be held incommunicado.

At least 300 members of the PCA, many of them prisoners of conscience arrested between 1980 and 1988, were believed to have remained in detention without trial. Among them were three brothers. Yasser Mulhim was arrested with his pregnant wife, Bayan 'Allaf, in 1987. Mundhir Mulhim and his wife, Asia al-Saleh, were also arrested in 1987. A third brother, Munif Mulhim, had been detained without charge or trial since 1981 in Tadmur Military Prison: he was said to have been severely tortured. Bayan 'Allaf and Asia al-Saleh were released in December.

Scores of other people arrested in previous years in place of relatives sought by the authorities, or to punish political opponents by imprisoning their relatives, remained in detention without charge or trial. Among them was Bara al-Sarraj, a student at Damascus University who was arrested at the Faculty of Engineering in March 1984 by *al-Mukhabarat al-'Askariyya* and detained in Tadmur Military Prison. The precise reason for his arrest was not known, but it was believed to be related to his family connection with 'Adnan Sa'ad al-Din, a leader of the Muslim Brotherhood living abroad.

Up to 100 members of the CPPB, many of them prisoners of conscience arrested since 1980, were believed to have remained in

detention without trial. Among them were many of the party's leaders, including its First Secretary, Riad al-Turk, who remained in incommunicado detention (see *Amnesty International Report 1989*). His health deteriorated further in April and he was reportedly transferred to Tishrin Hospital in Damascus. He was returned to the Military Interrogation Branch two weeks later.

More than 140 members of the medical and engineering professions, including at least five prisoners of conscience, continued to be detained without charge or trial. They were arrested in 1980 and 1981 following a one-day national strike in support of political reforms. Some of the prisoners of conscience were held in 'Adra Civil Prison, others in Saidnaya Prison or Tadmur Military Prison. The whereabouts of most of the others remained unknown.

Seventeen Ba'th Party members, among them former government ministers, continued to be detained without charge or trial: some had been held for over 20 years. All were reported to be in poor health, suffering mainly from stomach ulcers and high blood pressure, owing to prolonged imprisonment and inadequate medical care. Other long-term political detainees included suspected supporters of the pro-Iraqi Arab Socialist Ba'th Party.

More than 2,400 untried political detainees, including 140 known prisoners of conscience, were released during 1991. In April, 41 PCA members, all prisoners of conscience, were released. They included Wa'il al-Sawwah, 'Ali al-Kurdi, 'Imad Naddaf and 'Izzat al-Mahmud, all writers and journalists arrested in 1981 and 1982. In December more than 60 women prisoners of conscience associated with the PCA were released. They included Hind Qahwaji, arrested in 1984, and Shafiq al-'Ali and Fatima 'Abbas, both arrested in March 1986. Many others had been arrested between 1987 and 1988, some in place of family members being sought by the authorities, others who had relatives already in detention (see *Amnesty International Report 1991*). Eight CPPB members were released in April and September, among them Badr al-Din Shanan, who had been held since 1983. He was said to be suffering from a damaged heart muscle in 1988 as a result of torture during interrogation (see *Amnesty International Report 1989*). Another prisoner of conscience,

Salman al-'Abdallah, a former member of the National Command of the Ba'th Party in Syria, was released in September after 20 years in untried detention. Two young Syrian Jews, Ramoun Ibrahim Darwish and Joseph Rafoul Sabato, were released from untried detention in November. They had been arrested in September 1990 on suspicion of attempting to flee the country.

In March an estimated 1,300 untried political prisoners were released, the majority of them Palestinians. At least 700 of them, all PLO supporters, had been arrested by Syrian forces in Lebanon in previous years (see *Amnesty International Report 1988*). Seven officers loyal to the former interim prime minister of Lebanon, General Michel 'Aoun, who were arrested by Syrian forces in Lebanon in October 1990 and taken to Syria, were released in March (see *Amnesty International Report 1991*). The fate of six other army officers and scores of supporters of General 'Aoun, who had been arrested at the same time, remained unknown.

The government announced on 14 December that 2,864 prisoners "who committed crimes against national security" had been pardoned and were to be released immediately. By 31 December more than 1,000 political prisoners, including 20 prisoners of conscience, were known to have been released. At least 600 of them were said to be members of the Muslim Brotherhood; an estimated 370 were Ba'thists, among them 70 Lebanese nationals; and 40 were suspected members of *Harakat al-Tawhid al-Islami*, the Islamic Unification Movement, all Lebanese nationals. The remainder were members of the CPPB and the PCA, or former members of the Syrian Engineers' Association.

Two members of the Jewish community, brothers Eli and Selim Swed, who had been held in untried detention for over three years, were tried *in camera* and sentenced in May to six-and-a-half-year prison terms reportedly on charges of treason or espionage (see *Amnesty International Report 1991*).

The torture and ill-treatment of untried political detainees continued to be reported. A Palestinian, Muhammad Dawud (also known as Abu Dawud), died in custody in January reportedly after being denied medical treatment for injuries resulting from torture during his detention and from ailments contracted as a result of prolonged

detention and poor prison conditions (see *Amnesty International Report 1990*). He was a senior PLO member who had been held incommunicado since 1985. The authorities reportedly refused to release his body for burial. Information was also received about the torture of political detainees in previous years.

At least two people were executed during the year. One was publicly hanged in Aleppo and the other in Lataqiyya, both in February; they had been convicted of murder. Reports that four other executions were carried out in Aleppo in October remained unconfirmed. Confirmation was received that two people convicted of murder had been executed in October 1990.

Amnesty International welcomed the releases of prisoners of conscience and other political prisoners but expressed its concern to President al-Assad about new political arrests and the continued detention without charge or trial, or after unfair trials, of hundreds of prisoners of conscience and other political prisoners. Amnesty International was also concerned about new reports of torture and the continuing use of the death penalty.

Amnesty International wrote to the government in October and December to renew its proposal that a delegation from the organization should visit Syria to discuss human rights, but there was no response. In January, however, the Defence Minister had replied to Amnesty International's appeals in October 1990 in relation to arrests and extrajudicial executions of supporters of General 'Aoun by Syrian forces in Lebanon (see *Amnesty International Report 1991*), denying that such violations had occurred. He added, "It's not in our traditions and our custom to point a gun on civilians. You can visit personally the arrested Lebanese who are loyal to General 'Aoun and you can see that they are under good care. We will hand them to the friendly Lebanese Army [at] the earliest opportunity."

In oral statements to the United Nations Commission on Human Rights in February and to its Sub-Commission on Prevention of Discrimination and Protection of Minorities in August, Amnesty International included reference to its concerns about the continued detention without trial of thousands of suspected government opponents and the torture of detainees resulting in deaths in custody in Syria.

TAIWAN



One prisoner of conscience continued to serve a 10-year sentence imposed in 1989. About a dozen people were arrested for advocating an independent Taiwan state or for entering Taiwan in defiance of a government ban on their return. Some of them were prisoners of conscience. Fifty executions were reported.

An extraordinary session of the National Assembly in April voted to repeal emergency provisions which since 1948 had permitted the government to ignore certain provisions of the Constitution. President Lee Teng-hui rescinded the Temporary Provisions Effective During the Period of Communist Rebellion on 1 May. Later that month he repealed the Statute for the Punishment of Sedition and the Statute Governing the Prosecution and Elimination of Communist Spies. Since 1949 hundreds of political prisoners had been executed or imprisoned under these laws.

The Legislative Yuan (Council) debated whether to revise or repeal Article 100 of the Criminal Code, which punishes acts which aim to "destroy the organization of the State, seize State territory, by illegal means change the Constitution, or overthrow the Government". No decision had been taken by the end of the year.

Huang Hua, a prisoner of conscience and a leading opposition activist convicted of promoting the creation of an independent Taiwan state, remained in prison serving a 10-year sentence imposed in December 1989. As a repeat offender, serving his fourth term of imprisonment for political reasons, he was excluded from the 1 January 1991 presidential amnesty (see

Amnesty International Report 1991).

About a dozen people, some of them prisoners of conscience, were arrested and tried under Article 100 of the Criminal Code for activities supporting the creation of an independent Taiwan state and for rejecting the government's goal of reunification with China. Among them were five people accused of belonging to the banned Tokyo-based Association for an Independent Taiwan, charges which they denied. Four of them were arrested on 9 May but released on bail one week later after a series of public demonstrations protesting against their arrests. Their trial concluded in December: Chen Cheng-ran and Wang Hsiu-hui were sentenced to two years' imprisonment; Lin Yin-fu was sentenced to 18 months' imprisonment; the other two were released, one on a suspended sentence, the other after his acquittal.

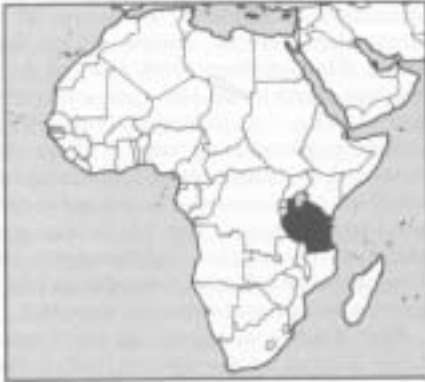
Four leading members of the United States chapter of the World United Formosans for Independence (WUFI) were arrested in the second half of the year on charges of illegally entering the country and promoting the creation of an independent Taiwan state. Three of them – Kuo Pei-hung, Lee Ying-yuan and Wang Kang-lu – were prisoners of conscience. The fourth, Chang Tsan-Lung, was accused of involvement in terrorist activities and Amnesty International was investigating his case. Three local members of WUFI were also arrested for their pro-independence views and activities. The trials of all seven had not been completed by the end of the year.

Fifty people convicted of criminal offences were reported by the press to have been executed but no official figures were available. An unknown number of prisoners had their death sentences commuted under the January presidential amnesty. Amnesty International was concerned that physicians were participating in executions since legislation was introduced in 1990 permitting the organs of executed prisoners to be used for research and transplants.

Amnesty International urged the government to release Huang Hua and other prisoners of conscience and called for an end to executions. An Amnesty International representative who visited Taiwan in March met Ministry of Justice officials and others to express concern about the use of the death penalty. In response to the

organization's concerns about the use of organs of executed prisoners, the authorities stressed that the written consent of the prisoners was required.

TANZANIA



Twenty-seven peaceful protesters who were briefly detained were prisoners of conscience. A prominent government opponent held on Zanzibar since 1989 was released on bail in December. South African nationals were held prisoner in camps controlled by the African National Congress (ANC) of South Africa: the Tanzanian authorities cooperated with the ANC to permit these apparently unlawful detentions. Fourteen Burundi nationals detained for political reasons in 1989 were released. At least four people were sentenced to death and there were believed to have been at least three executions.

The Union Government faced intensified demands for the reintroduction of a multi-party political system to replace the one-party state in place since 1977. In March a presidential commission was set up to collect views on political pluralism, but the government warned independent groups advocating multi-party democracy that the ruling *Chama cha Mapinduzi* (CCM), Party of the Revolution, remained the only legal arena for political activity.

Union Government powers of internal banishment without trial were extended to Zanzibar in March, allowing the authorities to restrict anyone deemed a threat to public order to any district of the country. The banishment powers were not known to have been used by the end of the year.

Twenty-seven supporters of the Civil

and Legal Rights Movement, founded by former prisoner of conscience James Mapalala to advocate multi-party democracy, were arrested in September. They were charged with unlawful assembly after a peaceful demonstration in Dar es Salaam against the authorities' refusal to grant their organization legal status. The 27, all prisoners of conscience, were released on bail after 11 days and the charges were dropped shortly afterwards. James Mapalala and Rajab Usaseme were briefly detained by police in November on suspicion of forming an unlawful society.

Seif Shariff Hamad, a former chief minister of Zanzibar and leading advocate of secession for the island (see *Amnesty International Reports 1990* and *1991*), was released on bail in December. He had been held since 1989 on charges of illegal possession of government documents. His trial was delayed by legal arguments over whether it should be heard in the High Court or the Regional Magistrate's Court.

Musa Membar, leader of the opposition Tanzania Youth Democratic Movement, who had been detained without charge or trial since September 1990 (see *Amnesty International Report 1991*), was released in May but served with a deportation order. He died two days later. The government attributed his death to natural causes but failed to carry out an autopsy or order an inquest.

At least 11 South African nationals were held prisoner, apparently illegally, by members of the ANC with the complicity of the Tanzanian authorities. Samuel Mngqabisa, an ANC member who had sought protection from the Tanzanian authorities following an internal dispute, was reportedly handed over to ANC security officials who kept him prisoner until he escaped one month later. Ten other South African men were handed over to the ANC in June after being arrested by Tanzanian security officials, who reportedly assisted the ANC to torture at least one of the 10. Five of them were released at the Prime Minister's office in August, but the other five were believed to be still unlawfully detained by the ANC at the end of the year.

Fourteen members of a Burundi opposition group, the *Parti pour la libération du peuple hutu* (PALIPEHUTU), Party for the Liberation of the Hutu People, were released from detention in July. They had been held pending deportation since 1989 for

allegedly engaging in political activities detrimental to Tanzania's relations with Burundi (see *Amnesty International Reports 1990 and 1991*).

Four people were sentenced to death for murder and at least four other death sentences were confirmed by the Court of Appeal. At least three people were executed although the executions were not officially announced.

Amnesty International representatives visited Tanzania in March and met government officials in both Dar es Salaam and Zanzibar. The representatives expressed concern about the continued detention for political reasons of the 14 refugees from Burundi. Subsequently, Amnesty International expressed concern to the government about apparently unlawful detentions by the ANC and the reported torture of one detainee by the ANC and Tanzanian officials, and sought clarification of the whereabouts of those not released. No response was received.

Amnesty International also appealed for the commutation of all death sentences.

THAILAND



Two prisoners of conscience imprisoned for "lese majesty" were released but a third apparently remained imprisoned. More than 50 people arrested after a military coup, or for violating subsequent martial law restrictions on civil liberties, were prisoners of conscience, but all were released within a few months. Police allegedly tortured or otherwise ill-treated Thai criminal suspects and refugees from Myanmar (Burma). A Thai labour leader "disappeared", and two Burmese refugees

were the victims of possible extrajudicial executions. Seven people were sentenced to death, but there were no reported executions. Burmese refugees were detained for "illegal immigration" and forcibly returned to Myanmar where they were at risk of serious human rights violations.

On 23 February the military overthrew the elected government of Prime Minister Chatichai Choonhavan, accusing it of establishing a "parliamentary dictatorship" and of corruption. The military abolished the Constitution, imposed martial law and banned political gatherings of more than five people and activities by political parties. The military proclaimed an interim constitution and appointed an interim government in March. Martial law and restrictions on civil liberties were lifted in May. The interim constitution empowered the authorities to detain without charge or trial and to execute summarily anyone deemed to "undermine national peace and security", but these powers were not exercised.

At the time of the coup the military detained deposed Prime Minister Chatichai and several of his ministers and aides without charge or trial. Some of them were apparently held to prevent them from speaking out against the military's seizure of power. All were released by early March. In late February and March, 15 students, other young people and a trade union activist were detained for peacefully protesting against the coup. Also in March, 42 farmers were arrested for continuing to stage peaceful gatherings begun before the coup demanding better compensation for land that was to be affected by a government irrigation project. Legal proceedings against these 58 people for violating martial law were dropped in May when martial law was lifted.

Montri Aksorn-in and Sanit Janduang-sri, who had been arrested in 1988 for criticizing the Royal Family (see *Amnesty International Report 1989*), were released in May, but Chana Srikiatsak, a third prisoner of conscience who had been arrested with them, was apparently still being held at the end of 1991. In September a warrant was issued for the arrest of prominent social critic, Sulak Sivaraksa, on charges of "lese majesty" after a speech in which he described members of the Royal Family as "ordinary people". He fled the country.

Eighty members of the Santi-Asoke religious congregation remained on trial for

practising what they believe is the correct form of Buddhism. They would be considered prisoners of conscience if convicted and imprisoned (see *Amnesty International Report 1990*). Also still on trial were about 30 people arrested in connection with political demonstrations in 1989 and 1990 and later released on bail (see *Amnesty International Report 1991*). At least one of them, Prasert Sapsunthorn, would be considered a prisoner of conscience if convicted and imprisoned.

Some of the 20 political prisoners sentenced after unfair trials in previous years for "communistic activities" and Muslim separatism remained in prison but the precise number was not known.

In at least 10 different incidents involving more than 20 reported victims, police officers and detention centre guards were accused of ill-treating Thais detained on criminal charges and Burmese "illegal immigrants". At least two people, Tongtod Yuenyong and Somsak Wongnatee, were said to have died as a result of severe beatings.

In June Thanong Po-arn, President of the Labour Congress of Thailand, "disappeared" after criticizing the military for dissolving unions in state-owned enterprises. By the end of the year, his whereabouts had not been established and there were fears that he may have died from untreated diabetes while illegally detained by the military.

In August a Burmese asylum-seeker was shot dead in suspicious circumstances: police said he was attempting to escape from their custody. In November police allegedly beat and shot dead another Burmese refugee, Ye Soe Aung. He was arrested in a village on the Thai side of the Myanmar border and his body was discovered dumped nearby shortly after.

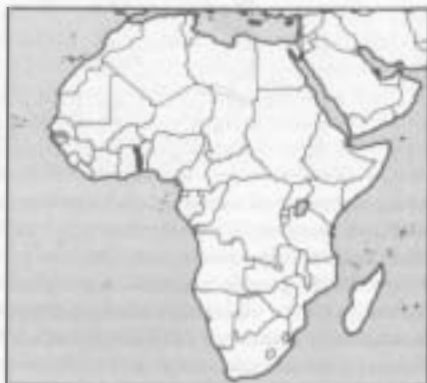
At least seven people were sentenced to death: four Thais convicted of murder and three Nigerians convicted of drug-trafficking. One of these death sentences and one imposed in 1990 were commuted to life imprisonment. There were no reports of death sentences being finalized by the Supreme Court or of any executions being scheduled or carried out.

On at least six occasions during the year, the Thai authorities forcibly returned Burmese refugees and asylum-seekers to Myanmar despite fears that they would be at risk of serious human rights violations

there. At least five of those returned were detained on arrival by the Myanmar authorities. At the end of 1991 more than 100 Burmese recognized as refugees by the United Nations High Commissioner for Refugees were being detained in Thailand for "illegal immigration".

In February and March Amnesty International urged the authorities to release all prisoners of conscience arrested after the coup and to release other political prisoners unless they were to be promptly charged with recognizably criminal offences and given fair trials. It also urged the authorities not to use the provisions of the interim constitution to detain prisoners of conscience and other political prisoners without charge or trial or to summarily execute anyone. Amnesty International urged the authorities to drop charges against two members of the Santi-Asoke religious congregation, Prasert Sapsunthorn and Sulak Sivarksa, to prevent them becoming prisoners of conscience. It welcomed the releases of Montrii Aksorn-in and Sanit Janduang Sri, and continued to urge the release of Chana Srikiatsak. Amnesty International also called for all allegations of torture and killings of prisoners to be investigated, and for those responsible to be brought to justice. It urged that Burmese asylum-seekers not be forcibly returned to Myanmar, and expressed concern at the practice of detaining them for "illegal immigration".

TOGO



Major political reforms were accompanied by detailed revelations about past human rights abuses. At least 20 political prisoners were released in an amnesty

announced in April. Before the reforms started in April, some demonstrators were extrajudicially executed and many others were subjected to ill-treatment.

Following demonstrations and strikes in support of political reform, and an upsurge in human rights violations, President Gnassingbé Eyadéma agreed in April to summon a National Conference to discuss the country's future and the introduction of a multi-party political system. Opposition political parties were legalized, an amnesty was announced for government opponents and the National Conference was convened in July. It elected Joseph Kokou Koffigoh, a human rights activist, as Prime Minister and he nominated a transitional government to hold power until elections planned for early 1992. President Eyadéma remained as head of state and retained the backing of the army. Relations between the new government and the army were tense and the army twice threatened to seize power in October. On 1 December the army finally took control, surrounding the Prime Minister's residence, taking him prisoner and killing his guards. Prime Minister Koffigoh then undertook to rescind a ban imposed on President Eyadéma's political party and to appoint a new government including members of President Eyadéma's party.

The first months of the year saw widespread anti-government protests and renewed human rights violations. In March soldiers broke up a peaceful students' meeting called to discuss the lack of facilities at a technical school in Adidogomé, near Lomé, and assaulted a number of the students. On 5 April soldiers opened fire on demonstrators who were trying to topple a statue of President Eyadéma, killing two of them. There were violent street protests during the following week and on 11 April, 28 bodies were discovered in the Bè lagoon near Lomé. The security forces were accused of responsibility for the killings: they denied any involvement and said that criminals had been responsible. The National Commission of Human Rights (NCHR), established by the government in 1987, mounted an investigation. This concluded, on the basis of forensic and other evidence, that the victims had been extrajudicially executed by the security forces. Some of the victims had been killed in the water; others had apparently been killed before their bodies were

thrown into the lagoon.

The NCHR and subsequently the National Conference both called on President Eyadéma to punish the perpetrators of the lagoon killings, but no action was apparently taken. Similarly, the authorities apparently failed to respond to revelations of past human rights violations which came to light during the year, mostly during the National Conference, in which the army, in particular, had been implicated.

One series of revelations concerned the treatment of inmates at a prison within the *Centre de réinsertion sociale*, Centre for Social Reintegration, at Kaza, a village in central Togo between Kazaboua and Agombio. Many prisoners, some of whom were political detainees and most of whom were held without charge or trial, were said to have died there in previous years. Some died from exhausting hard labour, ill-treatment or medical neglect; others were reported to have been extrajudicially executed. Some of those who survived had become paralysed and others were blind as a result of being forced to look directly at the sun.

Former prisoners also came forward during the National Conference to reveal that former Vice-President Idrissou Antoine Meatchi had been deliberately starved to death while detained in March 1984 (see *Amnesty International Report 1985*).

Serious human rights violations were also reported to have occurred over several years at Pya, President Eyadéma's home village, where a number of people had been arbitrarily arrested and accused of practising sorcery. Some had apparently been drowned or beaten to death. Others were arbitrarily banished to Mandouri, a town near the country's northern border, in some cases for up to 12 years. There, they had been forced to report regularly to and work for the local governor and police chiefs, and had not been allowed to leave the area. The NCHR investigated some of their cases in February, following which an unspecified number of people who had been banished to Mandouri were released.

New information also came to light about extrajudicial executions and arbitrary detentions in the vicinity of game parks near Sansanne Mango, in northern Togo, where the security forces operated a shoot-to-kill policy against people entering the parks. Soldiers who detained suspected

poachers instead of killing them were said to have been punished themselves. One of those killed was a man who was fishing with his teenage son when he was shot dead by five soldiers in December 1990. The boy was taken to the Civil Prison at Sansanne Mango where he was held until the NCHR obtained his release in February 1991.

The National Conference called for these past human rights violations to be investigated, and for the government to acknowledge what had occurred and to seek the people's forgiveness. No steps were taken, however, by the authorities or the courts to investigate past violations.

Amnesty International called for an independent investigation into the lagoon killings and for the perpetrators to be brought to justice. In December Amnesty International expressed concern about the attack by the army on Prime Minister Koffigoh's residence and urged President Eyadéma to take all possible steps to safeguard the human rights of anyone taken into custody by the army.

TRINIDAD AND TOBAGO



A preliminary inquiry into the cases of 114 people charged with treason was held. There were over 100 prisoners under sentence of death. There were no executions during the year; the last hanging was carried out in 1979. At least one flogging sentence was imposed.

In May the government accepted the recommendations made by the Commission of Inquiry into the effectiveness and status of the death penalty (see *Amnesty International Reports 1990 and 1991*). The Commission's report, submitted to President Noor Hassanali in September 1990,

recommended retaining the death penalty, commuting death sentences imposed more than 10 years before to life imprisonment, and executing other prisoners sentenced to death who had exhausted their appeals. The Commission also recommended that the cases of all prisoners under sentence of death should be reviewed. By the end of the year no steps were known to have been taken to implement any of the Commission's recommendations.

In May Trinidad and Tobago ratified the American Convention on Human Rights and recognized the jurisdiction of the Inter-American Court of Human Rights.

A preliminary inquiry continued into the cases of 114 people charged with treason, murder and other offences, as a result of the July 1990 attempt to overthrow the government (see *Amnesty International Report 1991*). However, it was stayed in December pending other procedures (see below). The accused argued that they could not be tried because the Acting President had promised them a pardon during negotiations to end the overthrow attempt. They also lodged a *habeas corpus* petition challenging the legality of their imprisonment. The High Court and the Court of Appeals dismissed their submissions on the grounds that a pardon would only be possible at the beginning of the trial or after conviction. The Court of Appeals also questioned the validity of a pardon granted while the Prime Minister and others were being held hostage. The accused then appealed to the Judicial Committee of the Privy Council (JCPC) in London, the final court of appeal for Trinidad and Tobago, claiming that their constitutional rights had been violated. The JCPC heard the petition in November, and on 10 December ruled that the detainees should have a new hearing before the Supreme Court of Trinidad and Tobago.

Following the government's acceptance of the recommendations of the Commission of Inquiry on the death penalty there was concern that executions could resume, after a 12-year unofficial moratorium, but none was carried out. Daniel Pinto remained on death row at the end of the year, although the Human Rights Committee, which supervises implementation of the International Covenant on Civil and Political Rights (ICCPR), had concluded in July 1990 that his right to a fair trial under Article 14 of the ICCPR had been violated.

and had recommended that he be released (see *Amnesty International Report 1991*). More than 100 prisoners, including two women, remained under sentence of death at the end of the year.

A 53-year-old man convicted of rape in April was sentenced to 25 years in prison and 20 strokes with a birch rod. It was not known whether this and other flogging sentences imposed in the past had been carried out.

In June Amnesty International wrote to Prime Minister Arthur Napoleon Raymond Robinson expressing serious concern about the Commission of Inquiry's recommendation to retain the death penalty and subsequent reports that executions were to be resumed. Amnesty International welcomed the recommendation to commute the death sentences of prisoners who had been on death row for more than 10 years and urged its immediate implementation. The organization urged that all other death sentences be commuted, and asked for information about any steps the government was taking to implement the Human Rights Committee's decision on Daniel Pinto's case. There was no reply by the end of the year.

TUNISIA



Four government critics who were held were prisoners of conscience. Thousands of Islamic activists, including possible prisoners of conscience, were arrested. Some were released uncharged but thousands were sentenced to prison terms. Hundreds of political detainees were tortured in illegally prolonged incommunicado detention; at least seven died in custody reportedly as a result. Five people were executed.

Despite laws legalizing political parties, the Islamic movement *Hizb al-Nahda* and several left-wing groups were not authorized by the government. The authorities accused *Hizb al-Nahda* of violence and of plotting to overthrow the government.

In April the government established a human rights council, the *Comité supérieur des droits de l'homme et libertés fondamentales*, Higher Committee for Human Rights and Fundamental Freedoms. In June President Zine El Abidine appointed a Special Presidential Adviser for Human Rights and set up a commission of inquiry into torture allegations raised by Amnesty International and the *Ligue tunisienne des droits de l'homme* (LTDH), Tunisian Human Rights League. The commission presented its report to the President in August but it was not accepted. A second report was submitted in October but its contents were not made public.

Four critics of the government were prisoners of conscience. Two of them were sentenced in 1991 for violations of the Press Code. Hamadi Jebali, editor of *Al Fajr* (Dawn), a weekly newspaper of the Islamic organization *Hizb al-Nahda*, Party of the Renaissance, was sentenced in January to one year's imprisonment by a military court. He was charged with defamation for publishing an article calling for the abolition of military courts. The author of the article, Mohamed Nouri, a lawyer, was sentenced to six months' imprisonment and *Al Fajr* was banned. Mohamed Nouri's sentence expired on 8 September but he was kept in detention on new charges of being implicated in a coup plot.

Moncef Triki, head of the Tunis branch of the *Association pour la défense des droits de l'homme et des libertés publiques*, Association for Human Rights and Public Freedoms, was sentenced to 15 months' imprisonment in August. He was charged with belonging to an unauthorized organization and holding unauthorized meetings. Moncef Ben Salem, a university professor, remained in prison serving a three-year term. He was sentenced in 1990 for criticizing the government in a newspaper interview.

Beshir Essid, a possible prisoner of conscience, continued to serve a four-year sentence imposed in 1990 for defaming the President and other offences (see *Amnesty International Report 1991*).

Thousands of suspected supporters of *Hizb al-Nahda* were arrested and held incommunicado in pre-trial (*garde à vue*) detention, often beyond the maximum 10-day period allowed by Tunisian law. In the first half of the year, many of those arrested were released uncharged. In May hundreds

of suspected *Hizb al-Nahda* supporters were arrested after the government said it had discovered a plot to overthrow the state. Many of them were sentenced to up to three years' imprisonment for belonging to an unauthorized organization, holding unauthorized meetings, participating in illegal demonstrations and distributing leaflets. They included possible prisoners of conscience. Some were arrested violently at their homes by police officers who failed to produce arrest warrants. In other cases, wives and other relatives of those being sought by the authorities were detained to pressure them into giving themselves up. In September Hayya Khardani, the 17-year-old sister of Mohammed ben Ali Khardani, who was being sought by the police, was detained for four days at Bardo police station to pressure her brother to surrender. She was released on 1 October, when her brother gave himself up.

The legal rights of defendants in political trials were often not respected and in some cases detainees were not informed of their right to legal representation. Defence lawyers raised allegations of prolonged *garde à vue* detention and torture of defendants at a number of trials, but these were ignored by the courts. During Moncef Triki's trial his defence lawyer told the court that his client had been tortured during incommunicado detention but the judge ignored the complaint.

Torture of political detainees held incommunicado in *garde à vue* detention, often illegally prolonged by the police, was routine. Most victims were suspected members of *Hizb al-Nahda* who were tortured when being interrogated about the organization and its members. Methods included the "poulet rôti" (roast chicken), where detainees are suspended upside-down with an iron bar behind the knees and the hands and feet tied together; beating on the soles of the feet; burning with cigarettes; electric shocks; and sexual abuse with sticks and bottles. Fatima Guittouni was held for 29 days in *garde à vue* detention at Nabil police station in May and reportedly severely beaten on the sole of her foot. A subsequent medical examination and the testimony of other detainees supported her allegation. She was sentenced in June to one month's imprisonment for providing a room for illegal meetings.

No investigations were known to have been undertaken into the allegations of torture of Hedi Ben Allala Bejaoui, Raouf Mthlouthi and Abdellatif Tlili in 1990 (see *Amnesty International Report 1991*). However, several members of Hedi Ben Allala Bejaoui's family were detained briefly and reportedly ill-treated when he went into hiding in late 1990. Raouf Mthlouthi's father, who had complained about his son's ill-treatment, was fined for slandering the police.

At least seven people were reported to have died in custody as a result of torture. Among them were Abdel Raouf Laaribi and his brother-in-law, Fathi Khiari, who died in custody in May and August respectively. Faisal Barakat, a well-known member of *Hizb al-Nahda* and of the banned student union, *Union générale tunisienne des étudiants* (UGTE), General Union of Tunisian Students, died in custody in October, allegedly as a result of torture. At the beginning of October his brother Jamal Barakat was arrested by the police, apparently in an attempt to press Faisal, who was then in hiding, to give himself up. Jamal Barakat was still detained without charge at the end of 1991. No public inquiries were held into any of these deaths in custody.

Five people were executed by hanging in October immediately after the President refused appeals for clemency. Three had been convicted of murder and arson in an attack on the office of the ruling *Rassemblement constitutionnel démocratique* (RCD), Constitutional Democratic Rally, in Bab Souika in February. They had initially been sentenced by the Criminal Court to between 20 years' and life imprisonment but the Court of Appeal increased their sentences to the death penalty. This was upheld by the Court of Cassation. The other two men executed had been convicted of rape and murder in 1988 and 1989.

At the same time as the five executions were carried out, five other death sentences were commuted, including that on Lamari Dali (see *Amnesty International Report 1991*).

Amnesty International continued to express concern to the government about the prolonged incommunicado detention and alleged torture of Islamists and other political detainees and called for urgent official action to end such abuses. In February the Foreign Affairs Ministry responded

to a report published by Amnesty International in September 1990. The Ministry denied that detainees had been held in prolonged *garde à vue* detention or tortured and expressed willingness to cooperate with the organization.

An Amnesty International delegation visited Tunisia in May and in meetings with the Prime Minister and other government officials reiterated the organization's concern about an increasing pattern of human rights violations in Tunisia. The delegation sought information about 70 cases of political detainees reported to be held incommunicado. The authorities asserted that they were keen to cooperate, while denying any widespread violations of human rights, but did not provide the detailed information sought by Amnesty International. Following this visit, Amnesty International publicly appealed to the government in June to halt the continuing and widespread abuse of *garde à vue* detention provisions and to take action to prevent torture. In October Amnesty International published a report, *Tunisia: Deaths in custody during garde à vue detention*, which detailed five recent cases of deaths in detention allegedly as a result of torture.

TURKEY



Dozens of prisoners of conscience held since the early 1980s were among an estimated 29,000 prisoners released under the new Anti-Terror Law. However, scores of prisoners of conscience were held for short periods in police custody during the Year. Hundreds of political prisoners were sentenced by State Security Courts to terms of imprisonment after legal pro-

ceedings that did not meet international standards for fair trial. Torture and ill-treatment of detainees, both political and criminal, continued to be practised throughout Turkey, sometimes resulting in death. There were reports of extrajudicial executions and "disappearances". The death penalty remained in force, but all existing death sentences were commuted.

A general election in October resulted in a coalition government with Süleyman Demirel, leader of the *Doğru Yol Partisi* (DYP), True Path Party, as Prime Minister and Erdal İnönü, leader of the *Sosyal Demokrat Halkçı Partisi* (SHP), Social Democratic Populist Party, as Deputy Prime Minister. In November Prime Minister Demirel introduced his government's program, which included a number of plans for reform in the area of human rights. He said, "Torture is a crime against humanity ... It is our duty to prevent this."

At the end of the year a state of emergency was still in force in 10 provinces of southeast Turkey where the security forces were engaged in counter-insurgency operations against Kurdish secessionist guerrillas of the *Partiya Karkeren Kurdistan* (PKK), Kurdish Workers' Party. Many human rights violations by the security forces were alleged to have taken place in the context of this conflict. There were also many reports of guerrillas killing civilians, taking hostages and executing prisoners.

The Anti-Terror Law, passed in April, contains several positive measures which commuted death sentences and repealed laws previously used to convict prisoners of conscience. However, it also contains several retrograde measures. These concern the treatment of prisoners arrested for offences within the law's very broad definition of terrorism. Allegations that detainees held under the Anti-Terror Law have been tortured are subject to a preliminary investigation by the local civil administration. This investigation has the power to rule that legal action should not be taken against the alleged torturer. Article 16 of the Anti-Terror Law specifies that all those arrested or convicted for offences under this law are to be held in special prisons in solitary confinement or small group isolation, a regime which medical experts have established can endanger physical and mental health.

None of the draft legislation for safeguards against torture became law. Turkish

law continued to permit detention in police custody for up to 15 days, and up to 30 days in a region under state of emergency legislation. Even these very long periods were exceeded in a number of well-documented cases. In May the Justice Ministry issued the latest of a succession of circulars requiring police and prosecutors to ensure that detainees were allowed access to a lawyer. Nevertheless, with only very few exceptions, detainees in police custody continued to be denied access to legal counsel.

Articles 140, 141, 142 and 163 of the Turkish Penal Code (TPC) and Law 2932, under which many prisoners of conscience had been convicted, were repealed by the Anti-Terror Law. As a result, all known prisoners of conscience were released in April. Approximately 29,000 other prisoners convicted of political and ordinary criminal offences were also conditionally released under this law.

However, during 1991 scores of other prisoners of conscience were arrested. Some were tried under Article 8 of the Anti-Terror Law which forbids all separatist propaganda. In August the Turkish singer Yeliz İpek was arrested under this provision for shouting a slogan in Kurdish. She was acquitted by Diyarbakır State Security Court in September. In August Demet Demir, a transvestite and activist for homosexual rights, was detained and allegedly beaten at Beyoğlu Police Station in Istanbul. He was charged under Statute 5816 with insulting the memory of Mustafa Kemal Atatürk, founder of the Republic of Turkey. Demet Demir was released in October but his trial continued at the end of the year. In August Sinami Orhan, editor of the Islamic political magazine *Ak-Doğuş* (Bright Dawn), was prosecuted under Statute 5816 and served four months' imprisonment for publishing controversial historic documents concerning Mustafa Kemal Atatürk.

Hundreds of political prisoners were sentenced to terms of imprisonment by State Security Courts in proceedings that did not meet internationally recognized standards for a fair trial. In particular, these courts continued to allow statements allegedly extracted under torture in police custody to be used in evidence, while making no attempt to investigate the torture allegations.

Torture and ill-treatment continued to

be widely and routinely inflicted on political and criminal detainees. Methods frequently described by detainees included squeezing the testicles, electric shocks, *falaka* (beating on the soles of the feet), and being suspended by the arms or by the wrists tied behind the back. In many cases these allegations were supported by medical reports.

Among hundreds of political prisoners tortured was Erdoğan Kızılkaya who was detained in Kayseri in August. He stated that during five days of interrogation at Kayseri Police Headquarters he was blindfolded and that electric shocks were applied to his penis, hands and feet, that he was suspended by the wrists and that his testicles were twisted and his penis beaten. On the last day of police detention a doctor issued a medical report stating that an examination had shown "no marks of blows or force". The same day Erdoğan Kızılkaya was charged by Kayseri State Security Court with membership of an illegal organization and committed to prison. There he was examined by a prison doctor who reported signs of blows on various parts of his body. He was referred to Kayseri State Hospital where a further report described bruising to the face, arms, legs and penis, and second-degree burns, "possibly caused by electrical current". At the end of the year the complaint was being examined by the local administrative council.

In August Mediha Curabaz, a nurse, was detained in Adana and taken to the Anti-Terror Branch of Adana Police Headquarters. She remained there incommunicado detention for five days before being charged with membership of an armed organization and committed to prison. She was acquitted of the charge in November. Mediha Curabaz made an official complaint stating that while in police custody she had been beaten, given electric shocks to her fingers, sexual organs and nipples, and that she had been raped with a truncheon adapted to give electric shocks. Medical certificates were issued describing injuries to her right arm and sexual organs. Her complaint against five police officers was referred to the local administrative council, a non-judicial body.

Fourteen people died in custody allegedly as a result of torture and ill-treatment. In January Birtan Altunbaş, a

medical student, was detained at the Political Branch of Ankara Police Headquarters. He died seven days later after being transferred to hospital. An autopsy was performed but the results had not been disclosed to his family or lawyers by the end of the year. A fellow detainee reported that for four days and nights he heard Birtan Altunbaş's cries and saw him being made to run naked, supported between two policemen, up and down the corridor outside the cells, a method of diminishing the traces left by *falaka*. The government stated that Birtan Altunbaş died of "heart disease caused by malnutrition", although he had been on hunger-strike for only seven days before his death. In July Osman Ekinci, a Kurdish shepherd, was detained and severely beaten by gendarmes near Görendoruk security post in southeast Turkey, according to an eye-witness. Apparently as a result of this ill-treatment, Osman Ekinci died. At the end of the year, no prosecution had been opened.

There were also allegations of ill-treatment in prison. Prisoners who were transferred in November to Eskişehir Prison, the first special prison set up under the Anti-Terror Law, were severely beaten. Independent medical examination revealed that 119 of the 198 prisoners bore injuries and traces of ill-treatment. On the orders of the newly appointed Justice Minister later in November, all the prisoners were moved out of the prison, which was then closed.

There were a number of alleged extrajudicial executions and "disappearances", particularly in the southeast of the country. In June and July members of the unofficial Human Rights Association were injured by bombs planted by unidentified assailants. At the same time a number of local politicians were murdered in suspicious circumstances giving rise to allegations that they had been extrajudicially executed. On 8 July Vedat Aydın (see *Amnesty International Report 1991*) was taken from his house in Diyarbakır by several armed men who said they were plainclothes police officers. Vedat Aydın was a member of the Human Rights Association and President of the Diyarbakır branch of the *Halkın Emek Partisi* (HEP), People's Labour Party - a party perceived as representing the interests of Turkey's large Kurdish minority. Three days later his body was found at a roadside bearing signs of torture and eight gunshot wounds. The body was buried

under police supervision within hours of being found and without a full autopsy.

In the Midyat/Nusaybin area of Mardin province, 13 Kurdish villagers were killed and one "disappeared". All were from villages that had refused to enrol in the government-organized corps of village guards. On 3 October Mehmet Selim Aslan, Süleyman Aslan, and Abdul Aziz Güçlü were killed at the village of Bahçebaş near Nusaybin. Witnesses saw the five people responsible for the killings drive towards the local commando post about one kilometre away and stop there, apparently to change a tyre. However, soldiers at the commando post subsequently denied seeing the vehicle. Hüseyin Toraman, a political activist wanted by the police, "disappeared" following his detention in Istanbul on 27 October. He was seen being detained outside his home, apparently by members of the Anti-Terror Branch of Istanbul Police Headquarters. The police subsequently denied all knowledge of his whereabouts. In December three members of the Parliamentary Human Rights Commission were appointed to investigate his "disappearance".

The Anti-Terror Law commuted all death sentences imposed for crimes committed before 8 April 1991, including those of more than 300 prisoners under sentence of death who had exhausted all legal appeals.

Following the crushing of an uprising in northern Iraq in March and April, over 650,000 Iraqi Kurds, Assyrians and others fled into Turkey or to the Turkish border. On 3 April the Turkish Government announced that it had closed its borders with Iraq, in violation of international standards for the protection of refugees. It threatened to use force to prevent refugees from entering the country.

On 4 April Amnesty International appealed to the government to allow Iraqi refugees to enter Turkey and to the international community to assist the Turkish Government so that all those at risk would be protected. In a number of cases during the year, Amnesty International also called on the Turkish Government not to return Iranians forcibly to Iran, where they risked imprisonment as prisoners of conscience, torture or execution.

Amnesty International continued throughout the year to call for the release of prisoners of conscience, for fair and

prompt trials for all political prisoners, for an end to torture, extrajudicial executions and the death penalty, and for investigations into the whereabouts of the "disappeared".

In June an Amnesty International delegate observed a hearing in the trial of six members of the independent Human Rights Association who had been arrested and allegedly tortured in March. The trial had not concluded by the end of the year.

The authorities responded to the majority of cases of alleged extrajudicial execution and torture raised by Amnesty International. Some government replies gave information about the status of investigations or court actions. Others claimed that detainees had not asked to see a lawyer, or that no signs of torture had been found.

In April the organization submitted information about its concerns in Turkey for United Nations (UN) review under a procedure established by Economic and Social Council Resolutions 728F/1503, for confidential consideration of communications about human rights violations. In October Amnesty International submitted information about its concerns regarding torture in Turkey to the UN Committee against Torture, pursuant to Article 20 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

UGANDA



Eighteen people charged with treason were prisoners of conscience and other possible prisoners of conscience were held on similar charges. Thousands of other

suspected opponents of the government were detained briefly by soldiers during counter-insurgency operations in the north. Some were quickly released but others were detained illegally in military barracks for months and over 1,000 were sentenced administratively to prison terms by military panels. Torture and ill-treatment of detainees in military custody remained common and there were numerous reports of extrajudicial executions by government troops during military operations. Both military and ordinary courts passed death sentences and at least 23 people were executed.

Preparations for a new constitution continued, but political parties, while allowed to exist, were still not allowed to organize any activities. The National Resistance Movement government of President Yoweri Museveni continued to face armed opposition in various parts of the country, particularly the north and northeast. Many of the human rights violations committed by the government's National Resistance Army (NRA) took place in these areas. Rebel groups were themselves reported to have abducted civilians, including 43 schoolgirls from Gulu, and to have mutilated and killed captives.

Uganda acceded to the 1977 Additional Protocols I and II of the Geneva Convention of 12 August 1949 in March.

In March and April, 18 prominent politicians from the north of the country were arrested. They included three members of parliament, Daniel Omara Atubo, then Minister of State for Foreign Affairs, Irene Apiu Julu and Zachary Olum. After being held in military barracks for between three and six weeks, the 18 were charged with treason on 7 May. When they appeared in court, they were bruised and dishevelled, having been beaten by soldiers. An inquiry into their treatment was mounted by the Inspector General of Government, Uganda's human rights Ombudsman. Although officials stated that the inquiry would be prompt and its conclusions made public, its outcome had not been revealed by the end of the year.

The treason charges automatically prevented the defendants from applying for bail for 16 months, although three were in fact released on bail on health grounds before the end of 1991. The charges did not indicate what specific acts by the accused were considered to constitute treason. The

High Court ruled in August that the charges were defective but refused to dismiss them. This increased concern that the charges had been brought as a pretext to justify the imprisonment of suspected opponents of the government. Since 1987 the courts had failed to challenge this practice.

Treason charges were used to hold 43 soldiers and civilians arrested in 1988. They had been held in military custody for over 15 months before being charged and were then held for a further 19 months. Thirty-four were released in August when the state acknowledged that they had no case to answer. The remaining nine were charged with more precise offences.

Around 136 other people were believed to be held on treason charges. It appeared possible that many were prisoners of conscience. Among them was Moses Ali, former Minister of Youth, Culture and Sports, who was released on bail in December after being held for 19 months on remand.

Thousands of civilians were detained for "screening" during counter-insurgency operations by the army in the northern districts of Gulu, Kitgum, Lira and Apac between March and July. According to a government minister, by mid-May 3,000 rebels had been captured in one sub-county alone. Several hundred were detained without charge or trial in military barracks in Gulu and Lira for up to four months, while the majority were released after a few days or weeks. Some, including possible prisoners of conscience, remained in detention at the end of the year. One was William Thomas Otto, a community leader from Gulu District, arrested in April and held in army custody. In contrast to previous years, a number of detainees arrested in the north were referred to the courts. On 18 October, for example, 63 people apparently arrested between March and July were charged with treason in Gulu.

Unlike previous years, relatively few of those arrested by the army were detained without trial as "lodgers" in civil prisons. However, over 1,000 young men from the north were reportedly sentenced to between five and 10 years' imprisonment, without being permitted a fair trial, for alleged desertion from the NRA or allied militia known as Local Defence Units. Many were of fighting age, but not all were NRA soldiers. Individual prisoners did not appear before a military tribunal, but were

allotted sentences in groups by military panels as an administrative measure rather than at the conclusion of a hearing.

Torture and ill-treatment of detainees by the NRA remained common and new information was received about cases of torture in 1990. For example, Haji Abdu Mbogo, a suspected armed robber, was reported to have been suspended by his arms and legs and beaten while held at Lubiri barracks in Kampala in June 1990. In March 1991 military police were reported to have severely beaten several youths who were among 435 people rounded up in Kampala following the killing of four police officers during a riot.

NRA soldiers engaged in "screening" operations in rural areas were also frequently accused of committing rape and other abuses. For example, between 16 and 18 April, soldiers at Bucoro in Gulu District were reported to have raped three women, beaten two men to death and suffocated four captives in a smoke-filled pit.

Many prisoners taken by the NRA in the north, notably in Gulu and Kitgum Districts, were said to have been extrajudicially executed, although details were available only in a few cases. For example, on 10 April army units based at Atanga in Kitgum District reportedly detained several hundred men and women and shot dead 35 of them. Among the victims were a local community leader, Santo Alero, and his son, Ochieng. In another incident, a schoolboy was reported to have been extrajudicially executed in Kitgum town in late May.

No official action was known to have been taken against the soldiers responsible for these killings, despite repeated government assurances that a commission of inquiry had been established into alleged NRA killings in Gulu District in late 1988. After a period of inactivity, this commission was apparently reconvened in August 1991 to investigate killings reported between 1988 and April 1990, but not after that. However, no details were available about its proceedings or findings. Other investigations into reported extrajudicial executions, announced by the army in 1989 and 1990, also failed to make any findings public.

In June nine prisoners convicted of murder and aggravated robbery were hanged in Luzira Maximum Security Prison. The Supreme Court dismissed the

appeals of at least nine other prisoners sentenced to death, while the High Court condemned another eight to death when they were convicted of murder or aggravated robbery, both of which carry mandatory death sentences. In December Isaac Newton Ojok, Minister of Education in the government of former President Milton Obote, was sentenced to death for treason. At least 26 other civilian prisoners on death row were in imminent danger of execution after decisions by the Committee on the Prerogative of Mercy not to advise President Museveni to exercise clemency.

At least 14 soldiers convicted under the NRA's Code of Conduct were executed by firing-squad. Many such executions since 1986 have been in public and have followed summary trials which failed to meet international standards for fair trial. Three of those executed in 1991 were shot by firing-squad in June, immediately after an NRA field court-martial found them guilty of rape and robbery. More than 100 other soldiers were believed to be under sentence of death in Luzira Prison. In May two civilians, illegally tried by military tribunals in Kitgum District, were saved from execution by firing-squad after the intervention of the Army Commander.

Amnesty International urged the government to release all prisoners of conscience including the 18 charged with treason, and sought information about the outcome of the inquiry into their alleged ill-treatment. The organization also criticized the use of apparently false treason charges to imprison suspected government opponents and called for a review of the cases of all those charged with treason and for the release or fair trial of all political prisoners. Amnesty International called for better safeguards against torture or ill-treatment and for the commutation of all death sentences.

In August two Amnesty International delegates who visited Uganda met the government minister responsible for northern Uganda and other officials to discuss human rights. The minister said she had personally visited one village after receiving reports of torture and extrajudicial executions, but had found no evidence to substantiate the allegations. Amnesty International nevertheless continued to urge thorough, prompt and independent investigations into all reports of extrajudicial executions by government forces.

UNION OF SOVIET SOCIALIST REPUBLICS



At the end of the year there were at least 14 known or probable prisoners of conscience. Scores of people seeking to exercise their human rights were detained for short periods, especially in the first half of the year. There were numerous allegations of torture or other ill-treatment in detention, and at least two people were said to have died as a result of torture. Over 20 people were reported to have been killed in circumstances suggesting they had been extrajudicially executed by the army or police. According to newly published official statistics, 445 death sentences were passed in 1990 and 195 executions were carried out. The USSR parliament passed legislation restricting the scope of the death penalty.

Following the failed August coup against President Mikhail Gorbachov, the trend towards independence of the former constituent republics of the USSR gained further impetus. In September the State Council recognized the independence of Latvia, Lithuania and Estonia, over 50 years after they had been incorporated into the USSR, and they became members of the United Nations (UN) and the Conference on Security and Cooperation in Europe (CSCE). In December all but one of the remaining 12 republics agreed to form a Confederation of Independent States, declaring that the USSR no longer existed. Inter-ethnic violence continued to claim hundreds of lives in some southern republics.

The USSR and republican parliaments continued reforms aimed at bringing laws closer to international standards on human rights. In May the USSR parliament passed a law, to be implemented fully by 1993,

which recognized for the first time in domestic Soviet law the right of citizens to enter and leave the country. Reforms were incorporated in the revised Fundamentals of Criminal Legislation of the USSR and Republics adopted in July. However, its provisions were not due to come into force until 1992, with the exception of the article on the death penalty, which entered into force in July. This reduced the number of crimes punishable by death and exempted women. In September the USSR parliament adopted a *Declaration on Human Rights and Freedoms* whose guarantees included the rights to freedom of expression, conscience, religion, association and assembly. In October the Russian Federation abolished two laws which restricted religious activity ("violating the laws separating church and state" and "engaging in antisocial religious activity"), under which hundreds of people had been imprisoned in the past. In December Ukraine amended its criminal code so that consenting homosexual activity between adult males was no longer punishable.

Ukraine, which has a separate seat at the UN, acceded to the first Optional Protocol to the International Covenant on Civil and Political Rights in July. The USSR did the same in October.

At least 14 people were believed to be imprisoned or forcibly confined in psychiatric hospital at the end of the year for peacefully exercising their human rights. The majority of known prisoners of conscience were conscientious objectors to military service. Almost all had been sentenced before 1991 and were serving up to three years' imprisonment for "evading regular call-up to active military service". One of those prosecuted during the year was Sergey Osnach, arrested in Ukraine in April and sentenced in June to 18 months' compulsory labour. He had refused his call-up papers on the grounds that the Soviet Army "does not defend the motherland and the nation, but the 'socialist choice'".

Although it was announced in February that a civilian alternative to military service would soon be discussed by the USSR parliament, by the end of the year there was still no legal provision under all-union law for conscientious objectors. Some republics had adopted their own provisions, but these were not recognized by the central authorities. In November there

was an amnesty for soldiers who had left military units without permission. Those imprisoned for desertion were released and pending prosecutions discontinued. However, only deserters who returned within the following month to complete their military service were eligible.

At least three people served prison sentences during the year for attempting to leave the USSR without permission, reportedly on grounds of conscience. They had all been arrested before 1991. Vladimir Lebedev, for example, was sentenced to two years' compulsory labour in January 1990 for "illegal exit abroad" and "evading regular call-up to military service". He had refused to perform military service on grounds of conscience and was arrested after attempting to seek asylum abroad. All three were at liberty by the end of the year.

According to reports, at least one person was sentenced during the year solely for consenting homosexual activity between adults. A court in Moscow sentenced Vladimir Mironov to three years' imprisonment in May on a charge of "sodomy", but full details of the case were not known. The absence of official statistics and stigmatization of offenders made it difficult to assess the total number of prosecutions.

Some probable prisoners of conscience were arrested on criminal charges they alleged had been fabricated to punish them for their political activities. Georgy Chanturiya, for example, head of the National Democratic Party, was arrested in Georgia in September after organizing meetings calling for the resignation of the republic's government and president. He was charged with violating public order. Shirali Nurmuradov, a poet and playwright, was sentenced in July to three years' imprisonment in Turkmenia for swindling. He had been publicly threatened with imprisonment by the President of Turkmenia in 1990, after publishing poems critical of the republic's government.

At least one person was confined in a psychiatric hospital on what were believed to be political grounds. Kurbanberda Karabalakov was forcibly confined in a psychiatric hospital in Ashkhabad, capital of Turkmenia, in October 1990. He had reportedly tried to organize local support for the Democratic Platform, a grouping of reformist members of the Communist Party. He had been released by the end of February.

Short-term preventive detention and administrative arrest (see *Amnesty International Report 1990*) continued to be used to detain scores of people seeking to exercise their human rights, particularly before the August coup attempt. On 24 June, for example, brothers Andrey and Yevgeny Knyazhev were detained and allegedly beaten by police in Tyumen in the Russian Federation. They had attended a protest with the Democratic Union (DU) party against holding a major CSCE human rights meeting in Moscow. Other DU members were detained after mounting a subsequent protest picket. In September Edgor Obidov, a writer, was detained following a rally in Tashkent, Uzbekistan, to celebrate the failure of the August coup. He was placed under administrative arrest for 15 days.

Soviet troops and special police (OMON) from Azerbaydzhan conducted an operation in April and May in the disputed region of Nagorno-Karabakh. Scores of Armenians alleged that they were detained for short periods solely because of their ethnic origin. A state of emergency, introduced in January 1990 in response to inter-ethnic violence, made it difficult to investigate further allegations of human rights violations. It was alleged that troops had committed rape and carried out extrajudicial executions and that scores of Armenians remained imprisoned on ethnic grounds, not because they had participated in violence.

Numerous allegations of torture and other ill-treatment of detainees emerged throughout the year. Many of the detained Armenians alleged that they were beaten, and at least two were said to have died in June after being tortured in Azerbaydzhani custody. One of the dead, Yury Gulyan, reportedly had his skull fractured in 15 places, broken fingers and numerous stab wounds. The official cause of death was internal bleeding. The second person who died was a police officer, Grachy Shakhbazyan. His cries as he was being tortured were said to have been relayed by police radio to his ethnic Armenian colleagues as a threat.

Earlier in the year Soviet troops and members of OMON units were said to have beaten detainees in Lithuania and Latvia. In January, for example, journalists reported seeing soldiers punch, kick and slap six Lithuanians, five of whom were subsequently hospitalized.

Over 20 people were alleged to have been deliberately and unlawfully killed by troops and police. In January, for example, 13 reportedly peaceful, unarmed demonstrators died in the Lithuanian capital of Vilnius when Soviet troops dispersed a crowd that eye-witnesses claimed offered only passive resistance. In June the preliminary report of an investigation by the USSR procuracy concluded that the troops had acted lawfully. In November KGB (state security police) Major Viktor Tolstenev was killed in the self-proclaimed Chechen Republic, allegedly in the custody of the local OMON, one of whose members had stated that the major would be tried by the people rather than a court. The local procuracy initiated an investigation, but the result was not known by the end of the year.

In May three people were sentenced to up to 15 years' imprisonment by a court in Azerbaydzhan in connection with events in the capital, Baku, in January 1990. Over 30 Armenians had been killed in what was reported to be a pogrom (see *Amnesty International Report 1991*).

Death penalty statistics were published for the first time since 1934. According to the USSR Ministry of Justice, 445 people were sentenced to death in 1990, 29 had their death sentences commuted and 195 were executed, mainly in Ukraine and the Russian Federation. The majority of those executed had been convicted of aggravated murder. Others executed had been convicted of rape, attempted murder of a police officer, treason, banditry and disrupting the work of corrective-labour institutions. In July the USSR parliament passed legislation reducing the scope of the death penalty to five offences: treason, premeditated murder with aggravating circumstances, rape of a minor with aggravating circumstances, kidnapping of a minor with especially grave consequences and grave crimes against the peace and security of humanity. Women were exempted from the death penalty and minors continued to be exempted. However, with legislative initiative passing to individual republics it was unclear if they would automatically adopt similar legislation. In January, for example, it was announced that Uzbekistan had made rape during mass disturbances a possible capital offence. Georgia abolished the death penalty for economic crimes in March. In September Boris Yeltsin, President of the

Russian Federation, commuted 24 death sentences and in December the Russian Federation abolished the death penalty for three economic offences.

Twenty-five asylum-seekers from Iraq were detained at Moscow airport in March after refusing to board a plane they believed was travelling to Syria, rather than Sweden as they had been informed. Some alleged that they were beaten by Soviet officials. All were believed to be still held at the end of the year.

Throughout the year Amnesty International appealed to the all-union and republican authorities for the release of all known prisoners of conscience and sought information on others thought likely to be prisoners of conscience. The organization urged the authorities to commute all death sentences, impose a moratorium on the death penalty and publish death penalty statistics for each republic. It also continued to urge the introduction of a non-punitive civilian alternative to military service.

Amnesty International urged the authorities to undertake comprehensive and impartial investigations into all allegations of extrajudicial executions and of torture or ill-treatment in detention. It called for the results to be made public and the perpetrators to be brought to justice. It also urged the authorities to ensure that all law-enforcement officials were aware of, and conformed to, international standards on the use of force and firearms.

In March Amnesty International urged the USSR Government to ensure that none of the Iraqi asylum-seekers held at Moscow airport would be returned to Iraq without full and detailed consideration of each case and of the risks they might face if returned. It also asked for each detained asylum-seeker to be granted a prompt and fair hearing to determine whether such detention was legitimate under international standards.

In June an Amnesty International delegate travelled to Kiev, Ukraine, to observe part of the trial of Stepan Khmara, a former prisoner of conscience arrested in November 1990 after an altercation with a police officer. However, the trial was adjourned and proceedings against Stepan Khmara were eventually dropped in August.

UNITED KINGDOM



The Court of Appeal quashed convictions in a number of controversial cases, some dating back to the mid-1970s. A Royal Commission on the Criminal Justice System was set up by the government. Official investigations continued into police misconduct in connection with the "Guildford Four" and "Birmingham Six" cases. After war broke out with Iraq, about 90 Arab nationals were detained pending deportation on national security grounds, many of whom were prisoners of conscience. One prisoner of conscience, a conscientious objector to military service, was imprisoned for 14 months on charges including desertion. Several people were killed in suspicious circumstances by the security forces in Northern Ireland. Detainees were reportedly ill-treated in police custody in Northern Ireland.

The number of killings in Northern Ireland by both Republican and Loyalist armed groups increased. Republican armed groups, notably the Irish Republican Army (IRA), are predominantly Catholic and seek a British withdrawal from Northern Ireland and a united Ireland. Loyalist armed groups, notably the Ulster Volunteer Force (UVF) and the Ulster Freedom Fighters (UFF), from the Protestant community, want Northern Ireland to remain a part of the United Kingdom (UK). During the year 40 people were reportedly killed by the IRA, including 16 active members of the security forces. Seven people were killed by other Republican armed groups and 41 in attacks attributed to Loyalists. Many of those killed were civilians – victims of deliberate and arbitrary killings by reason

of their religion or political views. British soldiers and Royal Ulster Constabulary (RUC) personnel reportedly killed six civilians.

In March the Court of Appeal quashed the convictions of the "Birmingham Six" on the grounds that fresh evidence had undermined both the scientific and confession evidence against them, the latter because of police misconduct (see *Amnesty International Reports 1987 to 1991*). The six were released after 17 years' imprisonment. The Home Secretary subsequently established a Royal Commission into the Criminal Justice System in England and Wales.

In June the Court of Appeal quashed the convictions of seven members and friends of the Maguire family after crucial forensic evidence was re-examined and rejected. They had been arrested in connection with the "Guildford Four" cases and convicted in 1976 of possessing and handling explosives: six of them served sentences of between five and 14 years' imprisonment and one died in custody.

In June a magistrate dropped the charges against three police officers accused of conspiracy to pervert the course of justice in the "Guildford Four" cases. The prosecution appealed the decision. In November four detectives were charged with perjury and conspiracy to pervert the course of justice in the "Birmingham Six" cases.

The May Inquiry, a judicial inquiry into the circumstances surrounding the convictions of the "Guildford Four" and the Maguire family and friends, resumed its hearings in October to look into the procedures used by the Home Office to reinvestigate cases of possible miscarriage of justice. The report of these hearings had not been issued by the end of the year.

In September the Home Secretary requested the Court of Appeal to review the case of Judith Ward, particularly the forensic evidence. Judith Ward had been imprisoned since 1974 after an IRA bombing of a bus in England which killed 12 people.

A police investigation, supervised by the Police Complaints Authority, into allegations of police misconduct by members of the West Midlands Serious Crimes Squad between 1986 and 1989 was completed (see *Amnesty International Reports 1990 and 1991*). A report was issued in

November. By October convictions had been quashed in eight criminal cases investigated by the West Midlands Serious Crimes Squad, mainly because of alleged police misconduct in obtaining confessions.

On 25 November the Court of Appeal quashed the conviction of Winston Silcott, who had been given a 30-year minimum prison sentence for the 1985 murder of a policeman during riots on the Broadwater Farm housing estate in London (see *Amnesty International Reports 1988 to 1991*). New evidence indicated that police officers had falsified notes of interviews with Winston Silcott. His two co-defendants, Engin Raghip and Mark Braithwaite, were released and their convictions were quashed on 5 December after the court heard that their confessions were unreliable because of "the apparent dishonesty" of the senior investigating police officer.

During the Gulf War about 90 Arab nationals, mainly Iraqis, were detained pending deportation on national security grounds. Many of them were prisoners of conscience. Thirty-five of them, including 32 students, were classified by the government as prisoners of war. All of the detainees were released by 8 March. Under the 1971 Immigration Act the government was not obliged to give detailed reasons for these detentions, and the detainees had no right of judicial appeal. Detainees were allowed to make representations to an advisory panel of three people, appointed by the Home Office. The hearings were closed and the detainees were not entitled to legal representation.

The same procedure was used in the case of Karamjit Singh Chahal, a Sikh separatist who had lived in the UK for 20 years. In August 1990 he was arrested and detained pending deportation to India. He sought asylum in the UK, claiming that he would face torture if forcibly returned and alleging that he had already been tortured by the security forces during a 1984 visit to India. His asylum application was rejected in March; he appeared before the advisory panel in June after which his deportation order was confirmed. In a judicial review of this decision in November the High Court ordered the Home Secretary to reconsider the case.

In September Vic Williams, a soldier in the Royal Artillery who declared his conscientious objection to military service in

the Gulf War, was sentenced to 14 months' imprisonment for desertion and public statements against the war. He said he had seen no alternative to desertion because the information on how to apply for conscientious objector status was not available to soldiers. The lack of such information was acknowledged by the judge advocate at the court-martial.

Kevin McGovern, a student, was shot dead on 30 September by police officers in Northern Ireland. He was neither armed nor involved in any illegal activities. The RUC first claimed he ran away when challenged and was shot after an object was thrown at police officers, but later said he was shot after he "appeared" to throw something at the police, which eye-witnesses denied.

On 3 November Gerard Maginn, aged 17, was shot dead by the RUC in Belfast while he was sitting in the back of a stolen car. The RUC claimed that they fired at the car during a high-speed chase. However, eye-witnesses stated that the car had already stopped when two RUC officers approached it and fired without warning.

In July six British Army soldiers were charged in connection with the killing in Belfast of two unarmed teenagers, Karen Reilly and Martin Peake, who had been shot dead in September 1990 in a stolen car (see *Amnesty International Report 1991*). One soldier was charged with murdering Karen Reilly, two with attempting to murder Martin Peake, and all six with attempting to pervert the course of justice and obstructing the police investigation into the shooting. One soldier faced an additional charge of attempting to pervert the course of justice by permitting himself to be struck on the leg by a colleague in order to support their account of a soldier being struck by the car moments before the shooting.

In three other cases in which soldiers in Northern Ireland had killed people in disputed circumstances in previous years, financial settlements were agreed out of court with the victims' families.

Five House of Lords judges heard an appeal in November concerning the Coroner's Rules in Northern Ireland on whether written statements by security force personnel allegedly involved in killings should be admitted as evidence at inquests if the security force members refuse to give verbal testimony or submit to questioning.

The judgment was not available by the end of the year. No inquests into disputed killings took place during the year because of this pending appeal case.

People stopped on the street or detained in police custody under emergency legislation in Northern Ireland alleged that they were ill-treated. Some people detained at Castlereagh interrogation centre in Belfast alleged that they had been coerced into making confessions in the absence of lawyers. In May and June at least 12 young men and women were arrested and interrogated in connection with the IRA killing of a police officer. Five of them, including two 17-year-olds, were charged with murder. The five alleged that they were ill-treated, including being hit, punched and threatened during interrogation in the absence of their lawyers and families. Damien Austin, also 17, was arrested at the same time and alleged ill-treatment, but was released without charge; he was rearrested in August and was reportedly ill-treated and threatened. In August a number of young men were arrested in the Ballymurphy area of Belfast in connection with a bomb attack on the security forces. Five of them were charged with murder, but alleged that their confessions were obtained under duress in the absence of their lawyers.

In November the United Nations Committee against Torture expressed serious concerns about interrogation and detention procedures in Northern Ireland. The Committee referred specifically to the practice of preventing suspects arrested under emergency legislation from having their lawyers present during interrogation.

Several people were convicted in Northern Ireland because judges drew an inference of guilt from the defendants' refusal to testify to either the police or the courts about circumstantial evidence. The trials were held in "Diplock Courts", single-judge courts without juries, which operate only in Northern Ireland.

Amnesty International sent observers to the appeal hearings in the Broadwater Farm cases, and those of the "Birmingham Six" and the Maguire family and friends. The organization welcomed the release of people who had been wrongly convicted. It called for an immediate review of the cases of all those who had been convicted of offences connected with the Broadwater Farm riots on the basis of uncorroborated and contested confessions obtained in the

absence of lawyers. In addition the organization submitted a paper to the Royal Commission on the Criminal Justice System, highlighting Amnesty International's concerns about convictions based on uncorroborated and contested confessions obtained in the absence of lawyers, and making specific recommendations for bringing legislation and practice into conformity with international standards. The organization regretted that the Royal Commission's terms of reference did not extend to Northern Ireland.

Amnesty International wrote to the government in February about the detention of Arab nationals during the Gulf War, urging that such detention be subject to judicial scrutiny, as required by international standards, and expressing concern that many had been prisoners of conscience arrested and detained solely because of their non-violent political views or activities or their nationality.

In April Amnesty International urged the government not to forcibly return Karamjit Singh Chahal to India so long as he risked torture or ill-treatment.

In June Amnesty International published a paper entitled *United Kingdom: Human Rights Concerns*. Among the issues it raised were ill-treatment, unfair trials and killings by security forces in disputed circumstances in Northern Ireland.

Amnesty International wrote to the government in July about killings by members of the security forces in Northern Ireland, expressing grave concern that the government continued to rely on procedures shown to be inadequate either to elicit essential information or to make it publicly available. Families of the deceased had not been kept informed of the investigations into the killings and were refused access to autopsy reports. Investigations carried out did not meet the minimum requirements set out in international standards.

Amnesty International wrote to the government on several occasions concerning allegations of ill-treatment in police custody, including an appeal in August on behalf of Damien Austin. In November Amnesty International published a paper on allegations of ill-treatment of suspects held in special interrogation centres for people arrested under emergency legislation. It concluded that existing safeguards were inadequate to prevent ill-treatment. The organization called on the government

to institute urgent reforms of interrogation and detention procedures.

Amnesty International called for the immediate release of Vic Williams because it considered him to be a prisoner of conscience, imprisoned without having been given reasonable access to information about procedures for registering his conscientious objection to military service.

Amnesty International observed court proceedings in Northern Ireland because it was concerned about the withdrawal of the defendant's right to silence in light of international standards guaranteeing the presumption of innocence and the right not to be compelled to testify against oneself.

UNITED STATES OF AMERICA



At least 32 members of the United States (us) armed forces were held as prisoners of conscience during the year for refusing to participate in the Gulf conflict. More than 2,500 people were under sentence of death in 34 states and 14 prisoners were executed. There were new appeals in the cases of two prisoners who alleged that their prosecutions were politically motivated. There were complaints of torture and ill-treatment in custody of asylum-seekers and criminal suspects.

At least 32 members of the US armed forces were imprisoned for refusing to obey orders to serve in the Gulf conflict on grounds of conscience. Most were reservists from the army, air force or marine corps who had become opposed to war (or to the Gulf conflict in particular) as

a result of conscientiously held beliefs developed after they enlisted. US law recognizes the right to discharge from the army on grounds of conscientious objection. However, directives issued during the Gulf conflict made conscientious objector (CO) status more difficult to obtain. Objectors whose units were placed on active service duty were told that they could not apply for CO status until after their units had been deployed, usually to Saudi Arabia. Most of the imprisoned conscientious objectors were tried by court-martial on charges of desertion or "missing movement" (failing to report for active duty) and sentences ranged from four to 30 months' imprisonment. Twenty-five were released during the year.

Fourteen prisoners were executed under state laws, bringing the number of executions since 1977 to 157. Five executions were carried out in Texas; two in Florida; two in Virginia; and one each in Georgia, Louisiana, Missouri, North Carolina and South Carolina.

Jerry Bird suffered a stroke eight days before he was executed in Texas in June. He was treated in hospital but according to reports was still partially paralysed at the time of his execution. Appeals to commute the death sentence or postpone the execution on humanitarian grounds were rejected.

Warren McCleskey was executed in Georgia on 25 September. His lawyers learned nine years after his trial that the state's key witness was a police informer who had been offered favourable treatment in return for testifying against Warren McCleskey, who was convicted of murdering a police officer. However, in April the US Supreme Court narrowly denied his appeal on the technical ground that this information was submitted too late. Two members of the trial jury later told the Georgia Board of Pardons and Paroles that they would not have sentenced him to death had they known about this evidence. Warren McCleskey's 1987 appeal to the US Supreme Court – which argued that the application of the death penalty in Georgia discriminated on the basis of race – had been denied by a majority of one vote (see *Amnesty International Report 1988*).

Before leaving office in January, Governor Richard Celeste commuted the death sentences of eight prisoners in Ohio. He said that strong racial bias had put a

disproportionate number of black people on Ohio's death row.

In February Governor Douglas Wilder of Virginia commuted Joseph Giarratano's death sentence. Doubts had been raised about the evidence used to convict him and about his mental competence during his trial in 1979.

In June a motion for a new trial was filed in the case of former Black Panther Party (BPP) leader (Elmer) Geronimo Pratt, convicted of murder in 1972 and serving a life sentence in California. Geronimo Pratt had long claimed that he was "framed" as a result of a Federal Bureau of Investigation (FBI) covert counter-intelligence program against domestic political groups (see *Amnesty International Reports 1982, 1986 and 1989*). The motion was based on new evidence that the key prosecution witness had been an FBI and state police informer, as well as witness testimony supporting Geronimo Pratt's contention that he was at a BPP meeting 400 miles away when the murder took place. The Superior Court of San Francisco issued an order requiring the State of California to respond to the new evidence. However, the state successfully applied for the case to be transferred to a court in Los Angeles, where the petition for a new trial was summarily dismissed in August. An appeal against this decision was pending at the end of the year.

In November a federal magistrate dismissed an appeal for a retrial in the case of Leonard Peltier, a leader of the American Indian Movement convicted in 1977 of the murder of two FBI agents during a gunfight in 1975 (see *Amnesty International Reports 1985, 1986, 1987 and 1990*). Lawyers for Leonard Peltier had argued that his conviction should be overturned because the government had now abandoned the theory it had presented at his trial. An Amnesty International observer attended the court hearing in October.

There were developments in two other cases of concern to Amnesty International. In December the Louisiana Board of Pardons unanimously recommended that Gary Tyler, convicted of murder in 1975, should have his sentence reduced to 50 years and his parole eligibility restored (see *Amnesty International Reports 1990 and 1991*). An appeal in the case of David Rice was dismissed in January (see *Amnesty International Report 1991*).

An Haitian asylum-seeker alleged that

she was raped by an Immigration and Naturalization Service (INS) guard in January while she was detained at the Krome North Service Processing Center in Miami, Florida. The allegation was forwarded to the Civil Rights Division of the US Department of Justice which was also investigating complaints of abuses of inmates by guards at the Krome centre in 1989 and early 1990.

The alleged beating of an Haitian asylum-seeker by INS Border Patrol guards in July was referred to the FBI for investigation.

In April the FBI told Amnesty International that its investigation into allegations of ill-treatment in two Harrison County institutions in Mississippi had been completed and the findings sent to the Civil Rights Division of the Justice Department for final determination (see *Amnesty International Report 1991*). The results were not known by the end of the year.

An Independent Commission on the Los Angeles Police Department (LAPD) was formed after a black motorist was seen on a videotape being beaten by three LAPD officers in March while other officers watched. In its report published in July, the Commission found that a significant minority of LAPD officers repeatedly used excessive physical force and that procedures for investigating complaints and disciplinary measures against officers guilty of misconduct were inadequate. The Commission made a number of recommendations which were under consideration by the Los Angeles City Council at the end of the year. Four officers were due to be tried in February 1992 for assault and other charges arising from the March incident.

There were also allegations that suspects were subjected to excessive force, including physical ill-treatment and shootings, by members of the Los Angeles Sheriff's Department. A court action on behalf of more than 70 alleged victims of ill-treatment by sheriff's deputies from the Lynwood station in 1990 and 1991 was pending at the end of the year.

The Chicago police department's Office of Professional Standards recommended the dismissal of three police officers after reinvestigating allegations that a murder suspect was tortured at the Area 2 police station in 1982 (see *Amnesty International Report 1991*). The three officers were suspended without pay; a hearing before the

Police Board was pending at the end of the year.

Amnesty International appealed for clemency on behalf of prisoners sentenced to death. In October it published a report, *United States of America: The Death Penalty and Juvenile Offenders*, and launched a campaign to combat the use of the death penalty against people who were aged under 18 at the time of the offence. Thirty-one juvenile offenders were under sentence of death in mid-1991.

The report described Amnesty International's findings in the cases of 23 juvenile offenders sentenced to death, and suggested that safeguards in capital punishment law had not been met in many cases. The majority of juvenile offenders on death row came from acutely deprived backgrounds. Many had been seriously physically or sexually abused. Most were of below-average intelligence and many also suffered from mental illness or brain damage.

Amnesty International called on the 24 US states which permit the execution of 15- to 17-year-old offenders to bring their legislation into line with international standards which stipulate that no one may be executed for crimes committed below the age of 18.

In December Amnesty International wrote to the Attorney General of Pennsylvania about apparent unfairness in a 1982 sentencing hearing in which Mumia Abu-Jamal was sentenced to death and urging a review of the case.

In November Amnesty International wrote to the Louisiana Board of Pardons, reiterating its concerns about the case of Gary Tyler and urging that his petition for pardon be granted.

In letters to the US Justice Department and the INS Commissioner, Amnesty International urged that an investigation be conducted into the allegations of ill-treatment of asylum-seekers in the Krome centre. Amnesty International also expressed concern that undocumented Haitian asylum-seekers were frequently detained for prolonged periods without adequate judicial review. The US Justice Department replied in June that the allegations of ill-treatment were under investigation.

In September an Amnesty International delegation visited Los Angeles to research allegations of ill-treatment of suspects by police officers and sheriff's deputies. The delegation met officials and lawyers

representing complainants.

In February Amnesty International expressed concern to the federal Bureau of Prisons (BOP) that a proposed transfer of Dr Alan Berkman to a maximum security penitentiary in Marion, Illinois, could be detrimental to his health in the light of conditions there and medical recommendations regarding his treatment for cancer (see *Amnesty International Report 1991*). The BOP replied that Dr Berkman would remain at the Federal Medical Center at Rochester, Minnesota.

Amnesty International wrote to the Oklahoma Department of Corrections in December about conditions in Unit H Block, a new unit of the Oklahoma State Penitentiary at McAlester. The unit was built virtually underground, with small, windowless concrete cells allowing no natural air or light, which could have a detrimental effect on the physical and mental health of prisoners. The Correction Department replied, denying that the prison provided an inhumane environment.

In April Amnesty International wrote to the us Attorney General to express concern that the government had relied in part on foreign policy considerations in denying Joseph Doherty (an alleged member of the Irish Republican Army convicted of murder in the United Kingdom) a hearing on the merits of his claim for political asylum. An appeals court had ordered that Joseph Doherty was entitled to such a hearing but the us Government had appealed against this decision to the Supreme Court. The Supreme Court's ruling was still pending at the end of the year.

URUGUAY

Several detainees alleged they were tortured or ill-treated in police custody and there were reports of ill-treatment in prison. At least five police personnel were prosecuted for ill-treatment of detainees or unlawful killings, but other cases of torture and ill-treatment reported under the current administration remained unresolved. The impunity conferred by the Expiry Law on those who had committed human rights violations under the military government continued to prevent the clarification of the fate of the "disappeared".

Several criminal suspects held in police custody in Montevideo presented formal complaints alleging that they had been tortured or ill-treated. In many of the cases of torture reported since President Luis Alberto Lacalle took office in 1990, judicial proceedings did not result in the identification and prosecution of those responsible, although considerable forensic evidence in support of specific allegations was presented to the courts. A complaint against the *Comisaría de la Primera Seccional de Policía*, the First District Police Station in Montevideo, was submitted to the courts on behalf of 17-year-old Alejandro Maidana and 18-year-old Julio Correa, who were allegedly beaten, kicked and hooded by police officers during interrogation there on 9 January. The complaint named the sergeant allegedly responsible for their ill-treatment and included a forensic doctor's report consistent with the allegations. However, by the end of the year both cases had been temporarily closed and those responsible had not been brought to justice.



Following several reports of ill-treatment and other police abuses at the beginning of the year, the Minister of the Interior announced the establishment of the *Fiscalía Letrada Nacional de la Policía*, the National Police Prosecutor's Office, to monitor internal administrative proceedings against members of the police accused of abuses. Major changes were made to the police hierarchy in March, following statements by the Interior Minister that neither the Ministry nor the police hierarchy would cover up for officials acting outside the law.

Isolated cases of torture and ill-treatment were reported towards the end of

the year, but there appeared to be an improvement in the effectiveness of official investigations into such abuses. In November Juan Carlos González was arrested in a Montevideo bar and taken to the *Jefatura de Policía*, Police Headquarters, where he was allegedly hooded, stripped and beaten. A forensic examination reportedly revealed injuries consistent with the allegations. Shortly after his release, two agents and an officer of the Narcotics Brigade were charged in connection with the ill-treatment. Several weeks later the Interior Minister announced that the head of the Narcotics Brigade had been dismissed from his post because it had been his responsibility to ensure compliance with the Ministry's express instructions that detainees should not be ill-treated.

The reported suicide in February of 16-year-old Rafael Berón Charquero in the Cárcel de Miguelete, a maximum security prison in Montevideo, drew attention to inadequate guarantees for the physical security of inmates. Rafael Berón Charquero was sent to Miguelete on 10 February on charges of sexually harassing his two younger sisters. Fellow inmates claimed that on his first day in prison he was beaten and suffered several attempts at rape. While the role played by prison guards in these events was unclear, they appeared to have done little to prevent the attacks. The next day, Rafael Berón Charquero apparently attempted to commit suicide and was found hanging in his cell, still conscious. He died in hospital after two weeks in a coma. An autopsy revealed severe bruising and cuts on his body, as well as signs consistent with allegations of attempted rape. To Amnesty International's knowledge, there was no investigation into his death, nor were measures taken to guarantee the physical safety of minors in Miguelete, despite reports of another suicide there in May.

Although the Interior Ministry had taken preliminary steps in late 1990 to investigate allegations of ill-treatment in Libertad prison and to monitor conditions there (see *Amnesty International Report 1991*), none of the prison deaths which occurred in disputed circumstances in 1990 appeared to have been clarified. Conditions in Libertad and certain other prisons reportedly continued to be harsh.

In March a policeman was convicted of the killing of Néstor Castillo Romero, shot

on arrest in the Capurro district of Montevideo in 1989 (see *Amnesty International Reports 1990* and *1991*). A policeman was also prosecuted for the killing of another resident of Capurro, textile worker Raul Alberto González, who was shot dead at a party in March.

The 1986 Expiry Law (see *Amnesty International Report 1988*) continued effectively to block investigations into killings, torture and "disappearances" committed in the period of military rule between 1973 and 1985, and relatives of the "disappeared" who persisted with their attempts to clarify the fate of their loved ones faced additional obstacles. In May a civil appeal court ruled against carrying out blood tests to ascertain the identity of an adopted 14-year-old boy whom Sara Méndez believed to be her "disappeared" son Simón (see *Amnesty International Reports 1990* and *1991*). The appeal court stated that the blood test should be carried out in the course of a civil action questioning the legality of the adoption. Sara Méndez had requested that a criminal court investigate the possible illegality of the adoption in 1989, but this avenue had been barred to her in 1990 following the government's decision that the case was covered by the Expiry Law. In September Sara Méndez presented a request for nullification of the boy's adoption to a civil court, where proceedings were continuing at the end of the year.

Although fresh evidence had come to light in 1990 regarding government involvement in the "disappearance" of teacher Elena Quinteros in 1976 (see *Amnesty International Report 1991*), the authorities took no measures to investigate her fate nor that of other people who "disappeared" under military rule.

In November Amnesty International published a report, *Uruguay: Torture and ill-treatment after six years of civilian rule*. The report stated that while torture and ill-treatment did not appear to be a widespread practice nor part of government policy, the lack of effective investigations into some of the cases reported under the current administration may have served to encourage the persistence of such practices. The report welcomed the measures introduced to prevent police abuses and urged the government to implement an effective program to eradicate torture.

VENEZUELA



There were further allegations of torture and ill-treatment, in some cases leading to death. Prison conditions remained harsh. At least 29 people were killed by security forces in circumstances suggesting that at least some of them may have been extrajudicially executed. The body of a person who "disappeared" in 1990 was found. Most investigations into reported human rights violations by members of the security forces made little progress.

Economic measures introduced by the government, including a rise in the cost of public transport, prompted widespread protests and demonstrations by students and others. Action by the security forces to suppress the protests, some of which were violent, were increasingly criticized as the number of people killed or injured by the security forces rose.

In July Venezuela ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In August Venezuela ratified the Inter-American Convention to Prevent and Punish Torture.

As in previous years during widespread social unrest, the security forces arrested student and political leaders by illegal means and held them for short periods. In November the police intelligence agency, *Dirección de los Servicios de Inteligencia y Prevención* (DISIP), arrested at least 35 student and political activists, among them former political prisoner Gabriel Puerta Aponte. They were arrested at their homes without a warrant and held for a few hours before being released without charge.

The arbitrary detention, torture and ill-

treatment of alleged criminal suspects continued to be reported. Large numbers of people were arrested in October during police operations in several poor neighbourhoods in Caracas following the killing of two policemen in separate incidents. Police, some reportedly hooded, raided homes without search or arrest warrants and were said to have used unnecessary violence in a number of instances. Some detainees were reportedly tortured, including Yorfán José Escobar Berrios who was arrested by members of the *Guardia Nacional*, National Guard, and held for five days. They reportedly beat him and walked on his stomach. He was rearrested by the National Guard in December and, according to a complaint presented to the courts, he was subjected to electric shocks, cut with a knife and burned with an iron.

Prison conditions throughout the country continued to be extremely harsh. Serious overcrowding, the arbitrary use of punishment cells, and poor sanitary conditions prompted protests in several prisons. In May a 16-year-old youth died after setting fire to bedding in his cell: he had reportedly been held in a punishment cell for 25 days and had repeatedly asked to be let out. In October at least three prisoners in the *Penitenciaría General*, General Prison, in San Juan de los Morros died in unclear circumstances when prison guards moved in to quell protests about overcrowding and ill-treatment.

At least nine people, eight of them students, were reportedly killed during street demonstrations and numerous others needed medical attention after receiving buck-shot wounds and beatings. There were allegations that the killings had been deliberate and arbitrary. On 21 March Magdiel Páez García, a student at Mérida University, was shot dead by an army corporal who fired on a group of students outside the Faculty of Medicine. She had gone to help a street vendor shot and injured by the corporal. On 29 October Raúl Contreras, a student at the University College "Cecilio Acosta" in Los Teques, was killed by a member of the state police of Miranda during a demonstration. Reports indicate that he was standing on the 10th floor of the university and had gone to help a fellow student affected by tear-gas when the policeman opened fire in an unprovoked attack. Investigations into his death were

reportedly continuing at the end of the year.

There were reports of at least 20 other killings by members of the security forces, particularly in the *barrios* (poor urban neighbourhoods), in circumstances suggesting they may have been deliberate, arbitrary killings. Among the victims was Hugo Hernández Guillén, a student. He was shot on 25 January by members of the state police of Bolívar. Police claimed that the victim was a dangerous criminal who had been shot dead in an armed confrontation, but people living nearby said they had heard the victim pleading for mercy. On 3 August José Salas Mendoza was shot by the Metropolitan Police. Witnesses said that a policeman shot him as he lay wounded and defenceless on the ground. There were allegations that police tried to fabricate evidence of a shoot-out by planting a weapon on the victim.

In July a military court formally charged 15 members of a military patrol involved in the massacre of 14 fishermen in 1988 with intentional homicide (see *Amnesty International Report 1991*). The judicial investigations, which had suffered a series of delays and contradictory rulings, were continuing at the end of the year.

Work continued to exhume from unmarked graves in a Caracas cemetery the bodies of a number of people reportedly killed by the police and army during widespread disturbances in 1989 (see *Amnesty International Report 1991*). By the end of the year forensic scientists had recovered a total of 68 bodies and had identified three of them. However, there was little reported progress in establishing responsibility for the killings.

The remains of Fidel José Jiménez Fuentes, who "disappeared" following his detention in March 1990 by the state police of Anzoátegui (see *Amnesty International Report 1991*), were found in a lake by his father in September. The seven policemen arrested in connection with this case in 1990 but later released were rearrested. The charges of "abandoning a disabled person in a solitary place" were reportedly reinstated.

In July three officers of the state police of Zulia who had been imprisoned in 1986 for killing Jorge Rogelio López Silva were released. The decision was reportedly appealed by a representative of the Attorney General's Office. Jorge López Silva had

been arrested in November 1985 and subsequently "disappeared". His family had received information that his body was in one of the *Pozos de la Muerte*, Death Wells, found in Zulia in March 1986 where the remains of other people reportedly arrested by police had been retrieved and later identified.

Judicial investigations into reported human rights violations, including arbitrary killings by members of the security forces and deaths in custody, continued to make little progress in the majority of cases. More than 200 cases of unclarified deaths and serious injury reported during the period of suspended constitutional guarantees in 1989 remained unresolved.

In June Amnesty International published *Arbitrary Killings in February/March 1989: Victims Exhumed from Mass Graves*. The report described the exhumations of bodies from mass graves in a Caracas cemetery. The organization expressed its serious concern at the courts' failure to properly investigate the complaints of arbitrary killings by the security forces that had occurred during the suspension of constitutional guarantees. It called on the government to bring those responsible to justice. In December Amnesty International wrote to President Carlos Andrés Pérez calling for thorough and impartial investigations to clarify the circumstances surrounding the deaths of six people shot by members of the security forces during demonstrations in October and November.

VIET NAM

More than 80 known and possible prisoners of conscience remained imprisoned throughout 1991, and at least 15 others were arrested during the year. Dozens of tribal people, some of whom may have been prisoners of conscience, were also held throughout the year. Over 100 former military personnel and others continued to be detained without trial for "re-education"; some had been held since 1975. Six people were reportedly sentenced to death and there may have been unreported death sentences. The Criminal Code was amended to extend the application of the death penalty to additional economic offences. The government increased efforts

to halt "illegal departures" and reached an agreement providing for the compulsory repatriation of thousands of Vietnamese asylum-seekers already in Hong Kong.

At its Seventh Congress in June the ruling Communist Party of Viet Nam reaffirmed its commitment to socialism. Do Muoi was elected General Secretary and replaced as Prime Minister by Vo Van Kiet. The new General Secretary pledged to continue the reform policy of *doi moi*, "renovation", announced in 1986, calling on the party to "vigorously accelerate renovation in the political system, implement democratization in social activities, and renovate all aspects of daily life and social conditions". However, despite this reaffirmation of the *doi moi* policy, there were signs of increasing restrictions on political dissent during the year.



In August the National Assembly approved amendments to the Criminal Code to extend the application of the death penalty to certain economic crimes, including defrauding socialist property, defrauding the people's property and receiving bribes.

More than 80 prisoners of conscience or possible prisoners of conscience remained in prison throughout 1991, including 84-year-old Dominic Tran Dinh Tu, a Catholic priest; Thich Tri Sieu, a Buddhist monk; Tran Xuan Tu, a Protestant pastor; Nguyen Dan Que, a medical doctor; and Le Van Tien, a writer.

Le Van Tien was reportedly arrested with 17 other writers, poets, academics and journalists in a crackdown on known and suspected critics of the government in November and December 1990. Some of them were accused of "crimes against the state" and "contact with foreign countries

and 'hostile' foreign groups", but none of them was brought to trial.

Dozens of members of the Protestant Evangelical Church of Viet Nam from the Jeh, Jerai and Koho tribes were believed to be still imprisoned since their arrests in 1989 and 1990. Some appeared to be prisoners of conscience held on account of their alleged association with unofficial Christian groups. Some were said to have been sentenced to three years' imprisonment after unfair trials. Among them were Siu Phan and Ro Cam Sieng, elders of the Jeh and Jerai tribes respectively, and Ha Wan and Ha Hak, pastors belonging to the Koho tribe. At least 11 of them were reported to be detained in Pleibong (T15) "re-education" camp in Gia Lai-Kon Tum province.

At least 15 people arrested in 1991 appeared to be prisoners of conscience. Ngo Van An, a former teacher, was arrested in February for allegedly signing an open letter criticizing the officially recognized Catholic Church in Viet Nam. The letter was said to have been written by two other prisoners of conscience, Chan Tin and Nguyen Ngoc Lan (see *Amnesty International Report 1991*). Ngo Van An was reportedly sent to a "re-education" camp for three years. Dinh Thien Tu and Tran Dinh Ai, both Protestant pastors and leaders of the unofficial "house church movement", were reportedly detained in February on charges of "abusing religious duties, being involved in social work without permission and with political ambition" and "making contacts with foreigners". Dinh Thien Tu was reportedly sentenced to three years' imprisonment with hard labour and Tran Dinh Ai to three years' imprisonment. Eight other pastors, including Mai Tran and Pham Phu Anh, were reportedly detained without charge or trial.

Duong Thu Huong, a writer, was arrested in April for allegedly trying to send sensitive documents out of the country — the manuscript of a book she had written and letters containing political criticism from Communist Party members to officials preparing the Seventh Party Congress. She was held without charge or trial for seven months before being released. Bui Duy Tam, a medical doctor with United States citizenship, was also arrested in April when customs officials in Ha Noi found documents allegedly received from Duong

Thu Huong in his luggage. He was released on 31 May.

It was reported in June that Doan Thanh Liem, Do Ngoc Long, Nguyen Van Tan and five others detained in 1990 for alleged espionage and involvement in the drafting of an unauthorized constitution (see *Amnesty International Report 1991*) would be tried in Ho Chi Minh City. However, no date for the trial was given and it was not known to have taken place by the end of the year.

In November prisoner of conscience Nguyen Dan Que (see *Amnesty International Report 1991*), a medical doctor, was sentenced to 20 years' imprisonment followed by five years' house arrest after the People's Court in Ho Chi Minh City convicted him of "activities aimed at overthrowing the People's Government". He was also reportedly accused of "using his capacity as a member of Amnesty International to translate documents into English and send them abroad". A co-defendant, Nguyen Van Thuan, was reportedly sentenced to 10 years' imprisonment at the same trial.

There was no news about other long-term political prisoners, including prisoners of conscience, reported to have been detained since the 1970s. They included Thich Thien Tan, a Buddhist monk, Ly Nghiep Phu, an accountant, and Nguyen Dinh Luong, a politician (see *Amnesty International Reports 1989 to 1991*). Information was received in October and November, however, that at least 19 political prisoners had been released. They included Father Joseph Le Thanh Que, Doan Quoc Sy and Nguyen Chi Thien, all prisoners of conscience (see *Amnesty International Reports 1986 to 1991*), and two former army officers of the pre-1975 Republic of Viet Nam (RVN-South Viet Nam), Tran Duy Hinh and Cao Nguyen Khoa.

Former Minister of the Interior Mai Chi Tho confirmed in April that more than 100 former soldiers and officials of the RVN were still being held without trial in "re-education" camps. They included Le Xuan Diem, a former air force officer in the RVN, and Nguyen Van Hao, a pharmacist and former lieutenant in the RVN medical corps. They remained detained without charge or trial under Resolution 49/TVQH, which provides for indefinite detention without trial for "re-education".

At least six people were sentenced to

death after being convicted of murder or offences such as corruption and printing and circulating counterfeit banknotes. One of the six was a soldier, Nguyen Duc San, who was sentenced to death by a military court in August after being convicted of destroying important national security projects. There were no reports of executions. In January the official publication *Tuan Tin Tuc* reported that 56 death sentences had been imposed by the courts during the first nine months of 1990.

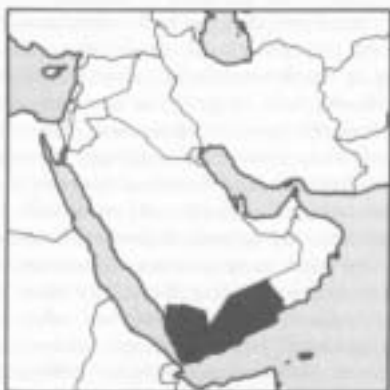
Attempting to leave the country without official permission remained a crime. Arrest for attempted "illegal departure" may result in detention without charge or trial under Articles 85, 88 and 89 of the Criminal Code. In March the government pledged to step up efforts to stem "illegal departures" and to persuade "boat people" seeking refuge in first-asylum countries to return home by reiterating its guarantees against prosecution and discrimination. In October the Vietnamese and United Kingdom governments reached an agreement providing for Vietnamese asylum-seekers in Hong Kong who have been "screened out" to be compulsorily returned to Viet Nam (see *Hong Kong* entry).

Amnesty International continued to call for the release of all prisoners of conscience, for the fair trial or release of other political prisoners and for an end to the use of the death penalty. It welcomed the releases of prisoners but received no response when it sought information about those known to have been arrested for political reasons between November 1990 and April.

In June Amnesty International published a report, *Viet Nam: Long-term political prisoners*, which detailed its continuing concerns about prisoners of conscience held without trial, or on vague charges such as endangering national security or after unfair trials, and the use of the death penalty. The report was sent to the Vietnamese authorities but they did not respond.

Amnesty International wrote to the government in December to express concern about the imprisonment of Nguyen Dan Que after what may have been an unfair trial, explaining the role and responsibilities of an international member of Amnesty International and urging his immediate and unconditional release.

YEMEN



Over 130 people were arrested following violent anti-government protests. At least 36 suspected opponents of the government arrested in previous years in the former Yemen Arab Republic (YAR) continued to be held. It was not possible to confirm the release or continued detention of one prisoner of conscience and 15 political detainees also arrested in the former YAR in previous years. Five amputations were carried out and the use of shackles to restrain or punish prisoners continued to be reported. The cases of 11 people who "disappeared" in the former YAR remained unresolved. Five judicial executions were carried out and 34 death sentences were pending ratification by the Presidential Council.

In January the Presidential Council ratified the Judicial Authority Law which defined the role of judges and outlined the court system. In May the Constitution of unified Yemen was approved in a referendum which was boycotted by the principal Islamic political parties. In November Yemen became a State Party to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

At least 135 people were arrested in October after violent anti-government protests in Sana'a, in which at least two demonstrators were killed. The protests followed the killing of a traffic officer in which an army officer who is a member of the President's tribe was implicated. The demonstrators shouted anti-government slogans and called for the trial of the army officer. Most of the detainees were released

uncharged within a month, but at least 17 were still detained without trial at the end of the year.

At least 36 political opponents of the government who had been arrested in the former YAR between 1981 and 1989 continued to be held. All were suspected members of the National Democratic Front (NDF). Four had been detained without trial since their arrest in 1989. Sixteen were serving prison terms or had been sentenced to pay *Diyya* (a fine imposed in accordance with tribal tradition in Yemen). Sixteen others were under sentence of death following trials which may have been unfair. They had reportedly been denied access to lawyers, not given adequate time to prepare their defence and had been convicted of murder, kidnapping and other charges on the basis of contested "confessions" and witness testimony. All the sentences were pending appeal before the Dhamar Court of Appeal and the Supreme Court of Cassation in Sana'a.

The situation of 'Ayesh 'Ali 'Ubad, a prisoner of conscience who was only 12 years old when he was arrested in 1987, and of 15 other suspected NDF members (see *Amnesty International Reports 1990 and 1991*), remained unclear. It was learned that six other members of this group were in prison after being convicted of murder and that four had been released.

In August, five people convicted of repeated theft had their right hands amputated in Sana'a. The amputated hands were publicly displayed in the city centre. These were the first judicial amputations known to have been carried out since the unification of Yemen in May 1990.

Despite a decision by the government in November 1990 to abolish the use of shackles in prison (see *Amnesty International Report 1991*), these continued to be in use in the northern provinces which formerly comprised the YAR, and were particularly used on women prisoners. In al-Hudaïda Province, for example, women prisoners were kept shackled for long periods in prisons in al-Zubaid, Bajil, al-Marawi'a, Bayt al-Faqeeh and al-Hays.

Information was received about 39 detainees who had "disappeared" in previous years in the former YAR and People's Democratic Republic of Yemen (PDRY) (see below). However, the fate of 11 suspected members of the NDF, who "disappeared" between 1978 and 1985 while in detention

in the former YAR, remained unclear. The 11 included 'Abdul-Majid 'Abdul-Qadir, a restaurant-owner from Ta'iz Province. He was arrested by agents of *al-'Amn al-Watani*, National Security, at his restaurant in Sana'a in February 1983 and held at an *al-'Amn al-Watani* detention centre in Hadda in the suburbs of Sana'a, where he subsequently "disappeared".

In September Hassan al-Huraibi was killed in Sana'a, apparently for political reasons. At the time of his murder, Hassan al-Huraibi was with 'Omar al-Jawi, former head of the Union of Yemeni Writers, who many believed had been the real target of the killers. 'Omar al-Jawi had been an outspoken critic of conservative forces and had voiced strong criticism of the Iraqi Government during the Gulf crisis. There were allegations that factions within the military and security authorities were responsible for the attack which resulted in Hassan al-Huraibi's death. The government announced an investigation, but its findings had not been made public by the end of the year.

In August, five people convicted of premeditated murder were executed in Sana'a, Ibb and other cities after their sentences had been ratified by the Presidential Council. These were the first executions known to have been carried out in unified Yemen. At the end of the year, 34 death sentences which had been upheld by the Supreme Court of Cassation were awaiting ratification by the Presidential Council. All had been imposed for criminal offences committed before the unification of Yemen, 25 of them in the YAR and nine in the PDRY. The scheduled execution of Hassan Yussif al-Bishri, postponed in November 1990 (see *Amnesty International Report 1991*) had not been carried out by the end of 1991. Hamza Abu Zaid, a Palestinian found guilty by a tribunal of the Palestine Liberation Organization (PLO) of killing three PLO officials in Tunis in January, was taken to Yemen and executed by PLO forces.

Amnesty International expressed its dismay to the government about the continued imposition of the death penalty and the judicial punishment of amputation. It appealed to the government to prevent the execution of Hamza Abu Zaid by the PLO. It called for a judicial review of all pending death sentences and urged their commutation. The organization also requested information about the arrests of demonstra-

tors in October and the legal basis for the continued detention of 17 of them. It reiterated its request for information about political detainees arrested in previous years and about people who had "disappeared". Amnesty International urged the government to implement its decision to end the use of shackles in prisons, and called for an independent investigation into the killing of at least two demonstrators and the assassination of Hassan al-Huraibi.

Amnesty International received no response to its appeals regarding the death penalty and amputations. However, in October the government informed the organization that 35 detainees who had "disappeared" in previous years (see *Amnesty International Report 1991*) had "died in prison after exceptional trials in circumstances related to the security and political situation [prevailing] between the two parts of Yemen at the time". Information received from the government in December 1990 that four others from this group had been released was confirmed during the year.

YUGOSLAVIA



Following the outbreak of armed conflict in Croatia in July, there were reports of extrajudicial executions of civilians and unarmed combatants by federal army and Croatian governmental forces, and by Croatian and Serbian paramilitary forces. People detained in connection with the fighting were reportedly tortured. Several thousand civilians were detained, usually without charge; many were released in prisoner exchanges. In recent years most convicted prisoners of conscience serving

long-term sentences were ethnic Albanians from Kosovo province in southern Serbia and from Macedonia; in 1991 their numbers continued to decrease and by the end of the year there were probably fewer than 10. However, in Kosovo province, several hundred ethnic Albanians were imprisoned for up to 60 days for peacefully expressing nationalist views. There were frequent reports that police in Kosovo province had tortured and ill-treated ethnic Albanians in custody, allegedly resulting in at least two deaths. No death sentences or executions were reported.

On 25 June the Republics of Croatia and Slovenia declared independence, a move opposed by the Republic of Serbia and its allies. Units of the Jugoslovenska Narodna Armija (JNA), the Yugoslav National Army, were sent into Slovenia where fierce fighting followed. They withdrew after an agreement was signed in Brioni on 7 July. JNA reinforcements were sent to areas of Croatia where enclaves of the Serbian minority had clashed with Croatian forces after setting up self-proclaimed "Serbian autonomous districts", which refused to recognize Croatian authority and demanded to be joined with Serbia. The armed conflict in Croatia spread to border areas of Bosnia-Herzegovina. By 7 September, when a European Community-sponsored peace conference opened, Serbian paramilitary forces and JNA units had gained control of about a third of Croatian territory, and Yugoslavia's federal institutions had largely ceased to operate. These developments were marked by a breakdown of law and order in many areas and atrocities in war zones. Information was often contradictory, one-sided and hard to obtain: over 20 journalists were killed while reporting on the conflict.

In September Yugoslavia ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

There were numerous allegations that parties to the conflict had committed atrocities, including massacres of civilian populations. Many such allegations could not be substantiated, but there was evidence to support others. On 21 September, for example, 13 JNA soldiers who had surrendered in Karlovac were shot dead and others wounded by a special unit of the Croatian police force of Karlovac. The Croatian Ministry of Internal Affairs later

stated that a police officer had fled after this incident, and that a warrant for his arrest on charges of murder and attempted murder had been issued. On 20 November refugees from the villages of Škabrnja and Nadin near Zadar alleged that during the two previous days JNA troops and Serbian paramilitaries had attacked the villages and massacred unarmed civilians. According to a list of 45 people killed in the two villages issued by the pathology department of Zadar Medical Centre, all but 14 died as a result of being shot at close range. They included six women, aged between 40 and 70. Serbian paramilitary forces were reported to have deliberately and arbitrarily killed civilians and unarmed or wounded combatants in villages in Croatia, including Struga, Banija region, and Cetekovac, Slavonia.

There were frequent allegations that people detained in connection with the fighting had been beaten and ill-treated, and that in a number of cases they had died as a result. Čedomir Biga, a Serb from the village of Rakovica near Slunj, was arrested in August and died on 2 September in police custody in Drežnik. According to a police report he died of a heart attack. However, an autopsy reportedly found that his body was severely bruised with several ribs broken and concluded that he had died from injuries caused by blows.

On 15 October a group of 10 Croatians from the Slunj area, including two Roman Catholic priests and two nuns, were travelling under JNA escort with a guarantee of safe passage in order to carry out burials. They were handed over to Serbian paramilitaries who took them to Titova Korenica, held them in a local police station and beat them. The next day the two nuns and one of the priests, Father Mile Pecić, were released. Father Pecić was treated for his injuries at a hospital in Rijeka, which issued a certificate stating that he bore "traces of blows all over his body and limbs, particularly on the left side of his chest".

Several thousand civilians were taken prisoner in areas of armed conflict. They included Dr Vesna Bosanac, the acting head of Vukovar hospital, and Dr Juraj Njavro, chief surgeon, who were among some 500 medical staff and patients from the hospital who were detained by JNA troops following the capture of Vukovar in

November. The two doctors were among a number of prisoners held by the JNA who were released in prisoner exchanges in December. Many other civilians arrested in Vukovar, including the journalist Siniša Glavašević, had not been released by the end of the year.

The number of long-term prisoners of conscience (all of them ethnic Albanians) continued to drop. In July at least six prisoners of conscience were released and nine others had their sentences reduced by an amnesty law. The law reduced by a quarter sentences imposed on people convicted under the federal criminal code (with the exception of drug-dealers). By the end of the year, probably fewer than 10 long-term prisoners of conscience remained in prison.

In February the trial of six ethnic Albanians opened before the district court of Peć. Arrested in November 1990, Isat Mushkolaj and five co-defendants were charged with preparing "to change the borders between republics and autonomous provinces in an unconstitutional way". They had written a draft statute for the town council of Dečane based on a constitution adopted in September 1990 by ethnic Albanian deputies of the suspended Kosovo assembly (see *Amnesty International Report 1991*). This constitution, regarded by the Serbian authorities as illegal, proclaimed Kosovo province (part of the Republic of Serbia) an independent republic. The trial was adjourned after defence counsel challenged the composition of the court. It was resumed in March when all the accused were found guilty and sentenced to between two and four and a half years' imprisonment. They were freed pending appeal and had not started to serve their sentences by the end of the year.

Several hundred ethnic Albanians were administratively sentenced and imprisoned for up to 60 days for peacefully expressing nationalist views. They were charged with "disturbing public order" or "offending the socialist and patriotic sentiments of citizens". Among them were the journalists Rexhep Rifati, Xhemal Rexhepi, Jonuz Fetahu and Blerim Shala, who were all convicted in connection with their writings. In September over 40 ethnic Albanians were imprisoned for up to 60 days for organizing an unofficial referendum in Kosovo province. The referendum pro-

posed proclaiming the province as a sovereign and independent state with the right to take part in an association of sovereign states within Yugoslavia. In the second half of the year up to 6,000 ethnic Albanian school and university staff in Kosovo were dismissed from their posts for refusing to teach according to curricula laid down by the Serbian authorities. Many schools were closed. In October some 30 school directors and teachers were among those imprisoned for up to 60 days for their part in demonstrations by ethnic Albanian pupils and staff protesting against the school closures. On 11 November, 17 members of the Democratic League of Kosovo (the main ethnic Albanian opposition party in Kosovo) were arrested at a party meeting in Lipljan. They were taken to a local police station, where they were questioned and allegedly beaten. Four were sentenced to 60 days' imprisonment on charges of having "incited national hatred". On 29 November three were released after a higher court annulled their sentences.

There were almost daily reports that police in Kosovo province beat or ill-treated ethnic Albanians in detention or while searching their homes. For example, in September police allegedly beat the wife, son and 12-year-old daughter of Nazif Dubova, in his absence, at their home in the village of Gornje Livoc after a search failed to produce any weapons. On 31 October Mikel Marku, a lawyer from Peć, was stopped by a police patrol while driving. On the grounds that the car was not registered in his name, he and two passengers were taken to the local police station in Peć. There they were held overnight and reportedly beaten by the police. Mikel Marku lost consciousness, but despite the pleas of his companions, he was not taken to hospital until the next day. He remained in a coma until his death on 11 November. On 25 November Ali Haxhiu, a refugee from Albania, was arrested and held overnight in Uroševac. The following day he was taken to Priština prison to serve a 30-day sentence previously imposed on him for making a political gesture deemed to be an offence. He was reportedly found dead by a prison guard two hours later. On 27 November his body, allegedly severely bruised and with several teeth broken, was returned to his family.

Police in Belgrade were also reported to have beaten and ill-treated people they

arrested on 9 March during clashes between police and demonstrators protesting against the control of the Serbian news media by the ruling Socialist Party. During the demonstrations two people were killed – a police officer and a young man – and many others were injured. Several hundred were arrested, most of whom were released within a few days. Students who had been arrested said that they were taken to a police station and made to run the gauntlet, with police officers beating them with truncheons.

In November a new constitution adopted in the Republic of Macedonia abolished the death penalty. Laws in Serbia, Bosnia-Herzegovina and Montenegro continued to provide for the death penalty. In October four members of the federal Presidency ruled that military courts were to apply provisions in federal law covering offences committed in time of war or immediate danger of war. Under these provisions, various military offences, including desertion and avoiding military service, could be punished by the death penalty. Military sources stated in December that up to 10,000 men had committed such offences, but to Amnesty International's knowledge, no death sentences were imposed for military or any other offences.

Following the outbreak of armed conflict in Croatia, Amnesty International repeatedly raised with all parties to the conflict its concern about reports of extrajudicial executions and the torture and ill-treatment of prisoners. It appealed to them to treat all prisoners in their custody humanely and to protect them and other non-combatants under their control. In October Amnesty International wrote to members of the federal Presidency expressing its total opposition to the death penalty and urging the authorities to recognize the right to conscientious objection to military service. In November Amnesty International published a report, *Yugoslavia – Torture and deliberate and arbitrary killings in war zones*.

In February Amnesty International delegates observed the opening of the trial of Isat Mushkolaj and five co-defendants before the district court of Peć.

Throughout the year Amnesty International repeatedly expressed its concern about allegations of police abuses in Kosovo province and called for thorough and impartial investigations into them. In

March it wrote to the Serbian authorities about reports that police had beaten demonstrators in Belgrade and called for the release of all those detained for their peaceful political activity.

ZAIRE



Hundreds of suspected opponents of the government were detained without charge or trial, including prisoners of conscience and possible prisoners of conscience, but most were released after short periods. Hundreds of others were killed or injured when the security forces attacked demonstrations. Torture of detainees was reported to be common and some deaths under torture were alleged. At least 24 people were under sentence of death but no executions were reported.

Following a series of strikes and other protests, President Mobutu Sese Seko gave way to opposition demands and agreed in June to summon a Sovereign National Conference to review and reform Zaire's political system. The conference opened in August but was halted in September when an army mutiny led to widespread disorder in Kinshasa and other parts of the country. After procedural disagreements among the participants in November it resumed in December with Roman Catholic Bishop Laurent Monsengwo Pasinya as its President.

There were numerous changes of government as President Mobutu sought to reach agreement with individual opposition leaders, naming several of them Prime Minister in turn. Tshisekedi wa Mulumba, a leading government opponent who had been repeatedly imprisoned as a prisoner

of conscience since 1980, was twice appointed Prime Minister but did not actually take office owing to disagreements with President Mobutu. President Mobutu resisted attempts to transfer responsibility for the security forces away from his supporters.

An army mutiny which broke out in Kinshasa on 23 September precipitated widespread violence throughout the country. Soldiers protesting against inadequate and irregular pay engaged in widespread looting of property. At least 250 people were killed nationwide, many of them shot by soldiers. Some of the killings appeared to be extrajudicial executions. In October the army Chief of General Staff authorized members of the security forces to use firearms if they felt that their lives were threatened. No steps were taken to prevent unlawful killings.

The Ministry for the Rights and Freedoms of the Citizen, which had been established in 1986 to investigate alleged human rights violations and other abuses, was abolished in April: its responsibilities were transferred to the Ministry of Justice.

Hundreds of suspected government opponents were detained, in virtually all cases without being charged or having their cases referred to the courts. Some were held only briefly but others were detained incommunicado for weeks or months in breach of legislation limiting police custody to no more than a few days.

Those detained included about 15 members of the *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social Progress, who were arrested in Kinshasa in January and held for a week. About 200 supporters of the UDPS and the *Parti lumumbiste unifié* (PALU), Unified Lumumbiste Party, were held for a day in April, severely beaten and then released.

Scores of students were also detained for suspected involvement in anti-government protests, some of them violent. Most were released after a few days but about 40, including students detained in both January and April, were held together with criminal prisoners in Kinshasa's Makala central prison. Few details were available, although some were said to have been tortured, and it was unclear at the end of the year whether they were still being held.

Journalists working for the *Elima* newspaper, whose Kinshasa headquarters was destroyed by a bomb in October, were also

subject to harassment and arrest owing to the newspaper's anti-government stance. Nsasse Ramazani, *Elima's* director for eastern Zaire, was held for two weeks in February and its editor, Essolomwa Nkoy ea Linganga, was held for about 10 days in May. He had previously been detained in October 1990. Both were prisoners of conscience.

A number of releases of prisoners of conscience and possible prisoners of conscience were reported during the year. Among them were seven senior army officers who were known or suspected supporters of opposition parties. They were arrested in late December 1990 and accused of plotting to overthrow the government. They were held incommunicado by the security services before being released uncharged in January. Five PALU members arrested in November 1990 while trying to join a peaceful demonstration were released untried in April.

General Mukobo Mundende Popolo, a former army chief of staff, was released in May from a four-year period of internal banishment (see *Amnesty International Report 1991*). It was unclear whether several other military officers banished at the same time were also freed.

The year was marked by a series of violent attacks by the security forces on opposition supporters. In April troops in the southern town of Mbuji-Mayi opened fire on UDPS supporters who were protesting at earlier arrests of UDPS members and looting by soldiers. In all, 42 people were believed to have been killed, although the authorities acknowledged only nine deaths. Dozens of other UDPS supporters were injured and one woman reportedly killed when the security forces took violent action to prevent a UDPS demonstration in Kinshasa on 24 April.

Further killings of government opponents occurred in Kinshasa on 2 September when troops fired at people protesting against price rises. Two days later members of the paramilitary Civil Guard and supporters of the ruling party attacked the offices of two opposition parties, killing at least three people, including Augustin Kapendi, a member of the *Union des fédéralistes et des républicains indépendants* (UFERI), Union of Federalists and Independent Republicans.

There were two trials before the Supreme Court of Justice arising from an

attack on Lubumbashi university campus in May 1990 in which up to a dozen students were reportedly killed by the security forces (see *Amnesty International Report 1991*). The incident had led to widespread protests and calls by human rights groups and others for an independent and impartial inquiry. Seven officials, including the former governor of Shaba region, were convicted in May of complicity in the attack and sentenced to prison terms ranging from three to 15 years. Charges against four others had been dropped before the trial. However, the trial, which was attended in part by an Amnesty International observer, failed to throw light on the identities of the attackers, or on the extent of official complicity, or to clarify precisely how many students had been killed. The government continued to maintain that only one student had died and refused to order a further inquiry.

In the other trial Digekisa Piluka, a student leader, was charged in connection with assaults on three students suspected of being government informers, which had precipitated the attack on the campus. Charges against 26 other students, none of whom had been arrested, were dropped. Digekisa Piluka escaped while the trial was in progress and was sentenced *in absentia* to 13 years' imprisonment.

Beatings of demonstrators by the security forces were frequently reported and torture of detainees was reportedly widespread. Some deaths as a result of torture were alleged.

Information was received suggesting that 10 Ugandans had died in the custody of Zairian security forces at Lhume in North Kivu region as a result of torture. The 10, who included Yakobo Balye, were said to have been arrested in December 1990, and to have died later that month. No inquest or other official investigation into these reported deaths was known to have been held.

Bikela Mafuila, a trade unionist arrested with 11 others in early June, was reported to have died after being beaten by the security forces. Again, no inquiry was known to have been carried out.

Twenty-four people convicted of murder and robbery in 1989 remained under sentence of death. There were no reports of new death sentences or executions.

Amnesty International urged the government to establish an independent

inquiry into killings by the security forces and repeatedly pressed for limits to be imposed on the use of firearms. It also expressed concern to the authorities about cases of apparently unlawful detention, urging that political detainees should be brought to trial or released. It expressed concern about alleged deaths in custody and called for the introduction of full safeguards to protect detainees from torture or ill-treatment.

ZAMBIA



A newly elected government lifted the state of emergency which had allowed indefinite detention without trial. More than 200 prisoners remained under sentence of death, although no executions were reported.

In October the government of President Kenneth Kaunda and the United National Independence Party (UNIP) was defeated in the country's first multi-party elections for 23 years. President Kaunda had held power since Zambia's independence in 1964. The new President, Frederick Chiluba, leader of the Movement for Multi-Party Democracy (MMD), had been briefly detained without charge in 1981 and 1990 while a trade union official. One of the new government's first reforms was to lift the state of emergency which had been continuously in force since 1964. This nullified the Preservation of Public Security Regulations, which had allowed indefinite detention without trial, although these powers had been only infrequently used since an official amnesty for political prisoners in August 1990 (see *Amnesty International Report 1991*).

A South African national, Katiza Cebekhulu, was detained in April, after arriving in Zambia in February. He had been accused of murder and kidnapping in the trial of Winnie Mandela and others in South Africa. He reportedly claimed that he had been taken from South Africa by members of the African National Congress of South Africa (ANC) to prevent him from testifying. The Zambian authorities refused to make any public statement about the legal basis for Katiza Cebekhulu's detention at Lusaka Central Prison. A witness in the same South African trial, Gabriel Megkwe, was reportedly being held as a prisoner by the ANC in Zambia, with the apparent acquiescence of the Zambian Government, after having been abducted from South Africa.

More than 200 prisoners were believed to be under sentence of death at Kabwe Maximum Security Prison but no executions were reported in 1991. Those sentenced to death in 1991 included Kambage Kaunda, son of President Kaunda, who was convicted of murder. In May a prisoner under sentence of death, Peter Lloyd Mwape, petitioned the President for clemency. He had been arrested in 1980 and charged with aggravated (armed) robbery. The judge decided that he was mentally unfit to plead and referred him to a psychiatric hospital. When he left hospital he was rearrested on the same charge and in 1987 sentenced to 15 years' imprisonment. On appeal the Supreme Court substituted the death penalty – despite his mental illness and the fact that the gun used in the robbery was faulty and could not be fired.

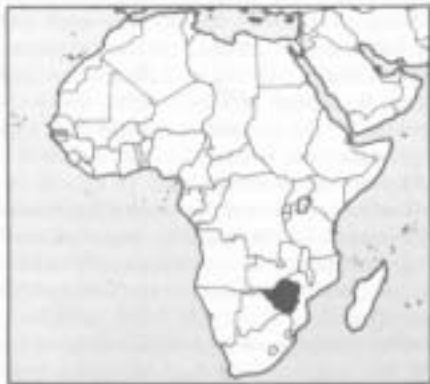
Amnesty International welcomed the lifting of the state of emergency and the lapsing of powers of indefinite administrative detention. The organization sought clarification of the legal basis and grounds for the detention of Katiza Cebekhulu and appealed for the sentences on Peter Lloyd Mwape and other prisoners facing the death penalty to be commuted.

ZIMBABWE

More than 100 opponents of the government were briefly detained and then released uncharged. At least three prisoners died in custody, allegedly as a result of

ill-treatment. No independent investigations were conducted into at least three deaths in custody dating from 1990, nor into the alleged extrajudicial execution of an army officer in 1989. An intelligence officer was charged in connection with the "disappearance" of a prisoner. A constitutional amendment explicitly permitting hanging was enacted, but a draft law was introduced limiting the scope of the death penalty. At least 18 people were sentenced to death but no executions were reported.

In April an amendment to the constitutional Declaration of Rights came into force, stating that neither hanging as a method of execution nor the corporal punishment of male juveniles constitutes a form of inhuman or degrading punishment (see *Amnesty International Report 1991*). Human rights groups criticized the amendment not only for its substance, but also because it appeared to be an attempt to remove discretion from the Supreme Court to rule on constitutional cases.



Zimbabwe acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in May.

Zimbabwean troops maintained their presence in neighbouring Mozambique. Insecurity continued along the country's eastern border where guerrillas fighting the Mozambican Government committed abuses against Zimbabwean villagers.

In May police arrested 113 members of the opposition Zimbabwe Unity Movement (ZUM) who were attending an internal party meeting in Gweru. They were held for two days before being released on bail, but they were not charged.

At least three prisoners died in police or military custody, allegedly as a result of

torture or other ill-treatment. One was Shepard Chisango, an army lieutenant, who died in military custody in Harare. He had apparently been arrested because he had tried to stop soldiers from smuggling goods from Mozambique into Zimbabwe. One inquest was held into a death in custody but no independent investigation was initiated into any of the other deaths in custody in 1991, nor into three others in 1990.

On a number of occasions courts found that police had tortured or ill-treated prisoners. In March the High Court awarded a former prisoner 7,000 Zimbabwe dollars (about US \$4,000) in damages for a "prolonged sadistic assault" by police officers in 1987. The following month a total of eight police officers were convicted and sentenced to prison terms for assaults on prisoners in three separate incidents.

The authorities failed to bring to justice those responsible for the death in 1989 of Captain Edwin Nleya, whose body was found on a hillside in Hwange. An internal army inquiry concluded that he had committed suicide but an inquest found that he had been murdered. Shortly before his death he had claimed that senior army officers were engaged in smuggling goods from Mozambique and poaching ivory. There were allegations that Captain Nleya was killed by military personnel to stop him making these allegations public. According to new information which emerged in 1991, shortly before his death Captain Nleya had given his family details of individuals who were keeping him under surveillance.

According to official figures, anti-poaching patrols made up of wildlife department personnel and members of the security forces killed 145 suspected poachers between July 1984 and September 1991. Amnesty International's concern was that the 1989 Protection of Wildlife (Indemnity) Act gave national park and security force officials immunity from prosecution for acts carried out in the suppression of poaching. There were fears that this indemnity was encouraging the use of lethal force in the suppression of poaching, including possible extrajudicial executions.

In December a former official of the Central Intelligence Organization (C/O) was charged with kidnapping Rashiwe Guzha, who had "disappeared" from C/O custody in May 1990. Later the same month the

High Court ruled that nine men from the Silobela area who had "disappeared" in 1985 should be presumed dead. Witnesses had described them being abducted by members of the security forces, but the court did not establish what had happened to them afterwards.

In November the government published a draft law limiting the application of the death penalty to the offences of murder and treason and certain military crimes. It had previously been in force for attempted murder, rape, armed robbery and a variety of offences related to political violence. Most of the death sentences imposed since independence in 1980 had been for murder. At least 18 prisoners were sentenced to death during the year; none was known to have been executed.

Amnesty International urged the government not to prosecute ZUM members for attending a peaceful political meeting. The organization called on the authorities to initiate independent inquiries into a number of deaths in detention in 1990 and 1991. Amnesty International urged President Robert Mugabe not to give his assent to amendments to the Declaration of Rights but welcomed proposals to limit the scope of the death penalty.

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APPENDIX

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APPENDICES

APPENDICES

APPENDIX I. LIST OF SPECIES

AMNESTY INTERNATIONAL VISITS BETWEEN 1 JANUARY AND 31 DECEMBER 1991

DATE	COUNTRY	PURPOSE	DELEGATE(S)
January	Brunei	Research	- Two staff members of International Secretariat
January/February	Malaysia	Research/Discuss Amnesty International's concerns with government authorities	- Two staff members of International Secretariat
January/February	United Kingdom	Observe court hearing	- Lynne A. Wurzburg (USA) - Staff member of International Secretariat
February	Niger	Discuss Amnesty International's concerns with government authorities	- Franca Sciuto (Italy) - Two staff members of International Secretariat
February	Yugoslavia	Observe trial	- Jan Jansen (Netherlands) - Wolfgang Rainer (Austria)
February	United Kingdom	Research/Observe court hearing	- Koen de Feyter (Belgium) - Staff member of International Secretariat
February/March	Germany	Research	- Herbert Budka (Austria) - Daniel Hell (Switzerland) - Staff member of International Secretariat
February/March	United Kingdom	Observe appeal hearing	- Paul Hoffman (USA) - Karsten Luthke (Germany) - Staff member of International Secretariat
March	Swaziland	Discuss Amnesty International's concerns with government authorities	- Daniel Nsereko (Uganda) - John G. Healey (USA)
March	Tanzania	Research/Discuss Amnesty International's concerns with government authorities	- Two staff members of International Secretariat
March	Chad	Discuss Amnesty International's concerns with government authorities	- Bacre Waly Ndiaye (Senegal) - Two staff members of International Secretariat
March	Hong Kong	Research	- Staff member of International Secretariat
March	Taiwan	Research	- Staff member of International Secretariat
March	Niger	Observe trial	- François Roux (France)
March/April	Kuwait	Research/Discuss Amnesty International's concerns with government authorities	- Bernard Knight (UK) - Valérie Chrétien (France) - Four members of International Secretariat
April	Ghana	Research/Discuss Amnesty International's concerns with government authorities	- Nicolas Ulmer (Switzerland) - Staff member of International Secretariat
April	Niger	Observe trial	- François Roux (France)
April/May	Zaire	Research/Observe trial	- Biram Sy (Senegal) - Staff member of International Secretariat
April/May	Djibouti	Discuss Amnesty International's concerns with government authorities	- Amand d'Honclt (Belgium) - Hussein Bahsoun (France) - Staff member of International Secretariat

APPENDIX I

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DATE	COUNTRY	PURPOSE	DELEGATE(S)
April/May	Turkey	Research	- Amke Diertert-Scheuer (Germany) - Staff member of International Secretariat
April/May	Tunisia	Research	- Staff member of International Secretariat
May	Colombia	Discuss Amnesty International's concerns with government authorities	- Secretary General of Amnesty International - Wolfgang Heinz (Germany) - Ligia Bolívar (Venezuela) - Staff member of International Secretariat
May	Haiti	Research/Discuss Amnesty International's concerns with government authorities	- Michael Levy (USA) - Staff member of International Secretariat
May	Brazil	Research	- Two staff members of International Secretariat
May	South Africa	Research/Observe appeal hearing	- Geoffrey Robertson (Australia) - Staff member of International Secretariat
May	Tunisia	Discuss Amnesty International's concerns with government authorities	- Franca Sciuto (Italy) - Deputy Secretary General of Amnesty International - Staff member of International Secretariat
May	Israel/Occupied Territories	Research	- Staff member of International Secretariat
May/June	Egypt	Research	- Two staff members of International Secretariat
May/June	United Kingdom	Observe appeal hearing	- Reinier TerKuile (Netherlands) - Staff member of International Secretariat
May/June	Kuwait	Observe trial	- Staff member of International Secretariat
June	USSR	Observe trial	- Roman Wieruszewski (Poland)
June	Rwanda	Discuss Amnesty International's concerns with government authorities	- Bacre Waly Ndiaye (Senegal) - Staff member of International Secretariat
June	USA	Observe trial	- David Malas (Canada)
June	Brazil	Discuss Amnesty International's concerns with government authorities	- Ezzat Fattah (Canada)
June	Sri Lanka	Research/Discuss Amnesty International's concerns with government authorities	- Two staff members of International Secretariat
June	Chile	Research	- Two staff members of International Secretariat
June	United Kingdom	Research/Observe appeal hearing	- Koen de Feyter (Belgium) - Staff member of International Secretariat
June	Romania	Research	- Staff member of International Secretariat
June	Turkey	Observe trial	- Maryam Elahi (USA)
June/July	Peru	Discuss Amnesty International's concerns with government authorities/Research	- Secretary General of Amnesty International - Two staff members of International Secretariat
June/July	Thailand	Research	- Two staff members of International Secretariat

DATE	COUNTRY	PURPOSE	DELEGATE(S)
July	Austria	Research	- Staff member of International Secretariat
July	South Africa	Observe inquest	- Derrick Pounder (UK)
July	Ethiopia	Research	- Two staff members of International Secretariat
July/August	Israel/Occupied Territories	Research	- Joost Hillermann (Netherlands)
July/August	Grenada	Discuss Amnesty International's concerns with government authorities	- Charles Henry (USA) - Laurence Kershen (UK)
July/September	Lebanon	Research	- 'Abdul Hussain 'Aziz (France)
August	Tunisia	Observe trial	- Asma Khader (Jordan)
August	Jordan	Discuss Amnesty International's concerns with government authorities/Research	- Two staff members of International Secretariat
August	Uganda	Research/Discuss Amnesty International's concerns with government authorities	- André Kamstra (Netherlands) - Staff member of International Secretariat
August	Algeria	Research	- Hoshmand Othman (France/Iraq) - Staff member of International Secretariat
August/September	El Salvador	Research	- Two staff members of International Secretariat
August/September	Albania	Research	- Jan Jansen (Netherlands)
September	South Korea	Research/Discuss Amnesty International's concerns with government authorities	- Paul Hoffman (USA) - Two staff members of International Secretariat
September	USA	Research/Discuss Amnesty International's concerns with government authorities	- Rod Morgan (UK) - Staff member of International Secretariat
September	Bolivia	Research	- Yvon Le Bot (France) - Staff member of International Secretariat
September	United Kingdom	Observe trial	- Martin Scheinin (Finland) - Staff member of International Secretariat
September	Turkey	Research	- Amke Dietert-Scheuer (Germany)
September	Mongolia	Discuss Amnesty International's concerns with government authorities/Research	- Two staff members of International Secretariat
September	United Kingdom	Research	- Staff member of International Secretariat
September/October	Togo	Research	- Stephen Ellis (UK)
September/October	Lesotho	Research	- Staff member of International Secretariat
September/October	Greece	Research	- Staff member of International Secretariat
September/October	El Salvador	Observe trial	- Staff member of International Secretariat
October	USA	Observe court hearing	- Staff member of International Secretariat
October	Swaziland	Research	- Staff member of International Secretariat
October	Panama	Research	- Sebastian Brett (UK)
October	South Africa	Research	- Staff member of International Secretariat

DATE	COUNTRY	PURPOSE	DELEGATE(S)
October	Lebanon	Research	- Joost Hiltermann (Netherlands)
October	Jordan	Observe trial	- Radhia Nasrawi (Tunisia)
October	Yemen	Research	- Staff member of International Secretariat
October/ November	Colombia	Research	- Marta Fotsch (Switzerland)
October/ November	Turkey	Research	- Staff member of International Secretariat
October/ November	Lebanon	Research	- 'Abdul Hussain 'Aziz (France)
October/ November	Tunisia	Observe trial	- Asma Khader (Jordan)
November	Maldives	Observe trial	- A. Jawid Yusouf (Sri Lanka)
November	Kuwait	Research/Discuss Amnesty International's concerns with government authorities	- Two staff members of International Secretariat
November	United Kingdom	Observe appeal hearing	- Douwe Korff (Netherlands) - Staff member of International Secretariat
November	United Kingdom	Observe appeal hearing	- Thomas Johnson (USA)
November/ December	Tunisia	Research/Discuss Amnesty International's concerns with government authorities	- Two staff members of International Secretariat
December	Ethiopia & Eritrea	Discuss Amnesty International's concerns with government authorities/Research	- Bacre Waly Ndiaye (Senegal) - Two staff members of International Secretariat
December	Cambodia	Discuss Amnesty International's concerns with government authorities	- Roger Clark (Canada) - Christophe Peschoux (France) - Staff member of International Secretariat
December	South Africa	Research/Discuss Amnesty International's concerns with government authorities	- Stephen Owen (Canada) - Piet van Reenen (Netherlands) - Two staff members of International Secretariat
December	Pakistan	Research/Observe trial	- Staff member of International Secretariat

STATUTE OF AMNESTY INTERNATIONAL

Articles 1 and 2

As amended by the 20th International Council,
meeting in Yokohama, Japan, 31 August to 7 September 1991

Object and Mandate

1. The object of AMNESTY INTERNATIONAL is to contribute to the observance throughout the world of human rights as set out in the Universal Declaration of Human Rights.
- In pursuance of this object, and recognizing the obligation on each person to extend to others rights and freedoms equal to his or her own, AMNESTY INTERNATIONAL adopts as its mandate:
- To promote awareness of and adherence to the Universal Declaration of Human Rights and other internationally recognized human rights instruments, the values enshrined in them, and the indivisibility and interdependence of all human rights and freedoms;
- To oppose grave violations of the rights of every person freely to hold and to express his or her convictions and to be free from discrimination by reason of ethnic origin, sex, colour or language, and of the right of every person to physical and mental integrity, and, in particular, to oppose by all appropriate means irrespective of political considerations:

- a) the imprisonment, detention or other physical restrictions imposed on any person by reason of his or her political, religious or other conscientiously held beliefs or by reason of his or her ethnic origin, sex, colour or language, provided that he or she has not used or advocated violence (hereinafter referred to as "prisoners of conscience"; AMNESTY INTERNATIONAL shall work towards the release of and shall provide assistance to prisoners of conscience);
- b) the detention of any political prisoner without fair trial within a reasonable time or any trial procedures relating to such prisoners

that do not conform to internationally recognized norms:

- c) the death penalty, and the torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons, whether or not the persons affected have used or advocated violence;
- d) the extrajudicial execution of persons whether or not imprisoned, detained or restricted, and "disappearances", whether or not the persons affected have used or advocated violence.

Methods

2. In order to achieve the aforesaid object and mandate, AMNESTY INTERNATIONAL shall:
- a) at all times make clear its impartiality as regards countries adhering to the different world political ideologies and groupings;
 - b) promote as appears appropriate the adoption of constitutions, conventions, treaties and other measures which guarantee the rights contained in the provisions referred to in Article 1 hereof;
 - c) support and publicize the activities of and cooperate with international organizations and agencies which work for the implementation of the aforesaid provisions;
 - d) take all necessary steps to establish an effective organization of sections, affiliated groups and individual members;
 - e) secure the adoption by groups of members or supporters of individual

prisoners of conscience or entrust to such groups other tasks in support of the object and mandate set out in Article 1;

- f) provide financial and other relief to prisoners of conscience and their dependants and to persons who have lately been prisoners of conscience or who might reasonably be expected to be prisoners of conscience or to become prisoners of conscience if convicted or if they were to return to their own countries, to the dependants of such persons and to victims of torture in need of medical care as a direct result thereof;
- g) provide legal aid, where necessary and possible, to prisoners of conscience and to persons who might reasonably be expected to be prisoners of conscience or to become prisoners of conscience if convicted or if they were to return to their own countries, and, where desirable, send observers to attend the trials of such persons;
- h) publicize the cases of prisoners of conscience or persons who have otherwise been subjected to disabilities in violation of the aforesaid provisions;
- i) investigate and publicize the "disappearance" of persons where there is reason to believe that they may be victims of violations of the rights set out in Article 1 hereof;
- j) oppose the sending of persons from one country to another where they can reasonably be expected to become prisoners of conscience or to face torture or the death penalty;
- k) send investigators, where appropriate, to investigate allegations that the rights of individuals under the aforesaid provisions have been violated or threatened;
- l) make representations to international organizations and to governments whenever it appears that an individual is a prisoner of conscience or has otherwise been subjected to disabilities in violation of the aforesaid provisions;
- m) promote and support the granting of general amnesties of which the beneficiaries will include prisoners of conscience;
- n) adopt any other appropriate methods for the securing of its object and mandate.

The full text of the Statute of Amnesty International is available free upon request from: Amnesty International, International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom.

AMNESTY INTERNATIONAL NEWS RELEASES 1991

10 January

Senegal: Torture escalates in south and extrajudicial executions reported for first time in recent years, says Amnesty International

24 January

Japan: Amnesty International calls for end to executions, and safeguards against ill-treatment

1 February

United Kingdom: Amnesty International challenges national security detention procedures and investigates possible prisoners of conscience

7 February

USA: Amnesty International takes up conscientious objector as prisoner of conscience

8 February

Human rights under increasing attack during **wartime**, says Amnesty International

21 February

Amnesty International highlights range of human rights violations in the shadow of **war**

5 March

Kuwait: Civilians at risk from reprisals – Amnesty International fears torture and executions

8 March

Women on the front line: Amnesty International report details “barbaric” **abuses of women** in more than 40 countries

18 March

Amnesty International calls for investigations into allegations of human rights violations in **Kuwait**

27 March

Morocco: Torture and unfair trials during 30 years of repression, reports Amnesty International

4 April

Amnesty International calls for protection of **people fleeing Iraq**

5 April

Mauritania: Amnesty International calls for investigation into reported deaths of over 200 political prisoners

19 April

Kuwait: Amnesty International calls on Emir to intervene to stop continuing torture and killings

8 May

Amnesty International challenges **African governments** to abolish the death penalty

9 May

Bahrain: Government is taking no steps to stop human rights abuses, says Amnesty International

10 May

India: Amnesty International calls for end to “rampant” abuses by security forces in Punjab

28 May

Amnesty International calls on **all governments** to stop making excuses for human rights abuses

31 May

Ethiopia: Authorities must act now to avoid “human rights disaster”, says Amnesty International

4 June

China: Crackdown on pro-democracy activists continues, reports Amnesty International

7 June

United Kingdom: Human rights safeguards “seriously undermined” by the government, says Amnesty International

11 June

Kuwait: Amnesty International calls for halt to unfair trials

19 June

Torture and other human rights abuses continue in **Honduras**, says Amnesty International

26 June

Human rights situation in **Libya** deteriorates after failure of reforms, says Amnesty International

10 July

Amnesty International's annual report highlights how governments risk sabotaging **hopes for human rights**

16 July

Iraq: Amnesty International calls for on-site human rights monitoring operation

30 July

Israel and the Occupied Territories: Odds stacked against fair trials for Palestinians, says Amnesty International

21 August

Amnesty International names 339 detainees killed in **Mauritania**

28 August

Morocco: Hundreds of "disappeared" Sahrawis still unaccounted for, reports Amnesty International

7 September

Amnesty International's biennial council in Yokohama: tough stand against killings, hostage-taking by protest groups

18 September

Mexico: Torture in custody a daily fact of life, says Amnesty International

26 September

China: Hundreds of thousands of people held unjustly under unfair detention system, reports Amnesty International

October

Amnesty International urges governments to ratify **African human rights charter**

8 October

USA: Juvenile offenders still sentenced to death, reports Amnesty International

23 October

Egypt: Ten years of torture documented by Amnesty International

6 November

Djibouti: Hundreds tortured after mass arrests, reports Amnesty International

8 November

Pakistan: Amnesty International calls for stay of execution of 20 people convicted after unfair trials

14 November

Indonesia/East Timor: Amnesty International condemns massacre and calls for impartial inquiry

21 November

Peru: Killings and "disappearances" continuing despite government's human rights pledges, says Amnesty International

25 November

Yugoslavia: All sides in fighting have tortured prisoners and deliberately killed non-combatants, reports Amnesty International

4 December

Uganda: Army violates human rights while government evades responsibility, says Amnesty International

5 December

Austria: Amnesty International welcomes measures to combat ill-treatment by Austrian police, but calls for further action

10 December

Myanmar: Hundreds more arrested in campaign to "destroy" opposition, reports Amnesty International

12 December

Guinea: Human rights safeguards still lacking, says Amnesty International

18 December

Ghana: Political imprisonment used to silence government critics, says Amnesty International

AMNESTY INTERNATIONAL AROUND THE WORLD

There are now more than 6,000 local Amnesty International groups in over 70 countries around the world. In 47 countries these groups are coordinated by sections, whose addresses are given below. In addition,

there are individual members, supporters and recipients of Amnesty International information (such as the monthly *Amnesty International Newsletter*) in more than 150 countries and territories.

SECTION ADDRESSES

Argentina:

Amnistía Internacional,
Sección Argentina,
Avenida Colón 56, 6° Piso,
Oficina "A"
Córdoba 5000

Australia:

Amnesty International,
Australian Section,
Private Bag 23, Broadway,
New South Wales 2007

Austria:

Amnesty International,
Austrian Section,
Wiedner Guertel 12/7, A-1040 Wien

Barbados:

Amnesty International,
Barbados Section,
PO Box 872, Bridgetown

Belgium:

Amnesty International,
Belgian Section (*Flemish branch*),
Kerkstraat 156, 2060 Antwerpen 6

Amnesty International,
Belgian Section (*francophone branch*),
9 rue Berckmans, 1060 Bruxelles

Bermuda:

Amnesty International,
Bermuda Section,
PO Box HM 2136, Hamilton HM JX

Brazil:

Anistia Internacional,
Seção Brasileira,
Rua Coropé 65,
05426 - São Paulo - SP

Canada:

Amnesty International,
Canadian Section (*English-speaking branch*),
130 Slater Street, Suite 900,
Ottawa, Ontario, K1P 6E2

Amnistie Internationale,
Section canadienne (*francophone branch*),
6250 boulevard Monk,
Montreal,
Quebec, H4E 3H7

Chile:

Amnistía Internacional,
Casilla 4062, Santiago

Côte d'Ivoire:

Amnesty International,
Section de Côte d'Ivoire,
04 BP 895, Abidjan 04

Denmark:

Amnesty International,
Danish Section,
Dyrkoeb 3, 1166 Copenhagen K

Ecuador:

Amnistía Internacional,
Casilla 17-15-240C, Sucursal 15, Quito

Faroe Islands:

Amnesty International,
Faroe Islands Section,
PO Box 1075,
FR-110 Torshavn

Finland:

Amnesty International,
Finnish Section,
Ruoholahdenkatu 24,
SF-00180 Helsinki

France:

Amnesty International,
French Section,
4 rue de la Pierre Levée,
75553 Paris (CEDEX 11)

Germany:

Amnesty International,
German Section,
Heerstrasse 178, 5300 Bonn 1

Ghana:

Amnesty International,
Ghanaian Section,
PO Box 1173, Koforidua E.R.

Greece:

Amnesty International,
Greek Section,
30 Sina Street, 106 72 Athens

Guyana:

Amnesty International,
Guyana Section,
Palm Court Building, 35 Main Street,
Georgetown

Hong Kong:

Amnesty International,
Hong Kong Section,
Unit C, Third Floor,
Best-O-Best Building,
32-36 Ferry Street, Kowloon

Iceland:

Amnesty International,
Icelandic Section,
PO Box 618, 121 Reykjavík

India:

Amnesty International,
Indian Section,
C10 South Extension Part II,
New Delhi 110049

Ireland:

Amnesty International,
Irish Section,
Sean MacBride House, 8 Shaw Street,
Dublin 2

Israel:

Amnesty International,
Israel Section,
PO Box 14179, Tel Aviv 61141

Italy:

Amnesty International,
Italian Section,
viale Mazzini 146, 00195 Rome

Japan:

Amnesty International,
Japanese Section,
Daisan-Sanbu Building 2F/3F,
2-3-22 Nishi-Waseda, Shinjuku-ku,
Tokyo 169

Luxembourg:

Amnesty International,
Luxembourg Section,
Boîte Postale 1914,
1019 Luxembourg

Mauritius:

Amnesty International,
Mauritius Section,
BP 69, Rose Hill

Mexico:

Sección Mexicana de Amnistía Internacional,
Ap. Postal No. 20-217, San Angel,
CP 01000 México DF

Netherlands:

Amnesty International,
Dutch Section,
Keizersgracht 620, 1017 ER Amsterdam

New Zealand:

Amnesty International,
New Zealand Section,
PO Box 793, Wellington 1

Nigeria:

Amnesty International,
Nigerian Section,
PMB 59 Agodi, Ibadan, Oyo State

Norway:

Amnesty International,
Norwegian Section,
Maridalsveien 87, 0461 Oslo 4

Peru:

Amnistía Internacional,
Sección Peruana,
Casilla 659, Lima 18

Philippines:

Amnesty International,
Philippines Section,
PO Box 286, Sta Mesa Post Office,
1008 Sta Mesa, Manila

Portugal:

Amnistia Internacional,
Secção Portuguesa,
Apartado 12081, 1057 Lisboa Codex

Puerto Rico:

Amnistía Internacional,
Sección de Puerto Rico
Calle Robles No. 54 Altos,
Oficina 11, Río Piedras,
Puerto Rico 00925

Sierra Leone:

Amnesty International,
Sierra Leone, PMB 1021, Freetown

Spain:

Amnesty International,
Sección Española,
Paseo de Recoletos 18,
Piso 6, 28001 Madrid

Sweden:

Amnesty International,
Swedish Section,
Cyllenstiernsgatan 18,
S-115 26 Stockholm

Switzerland:

Amnesty International,
Swiss Section,
PO Box, CH-3001 Bern

Tanzania:

Amnesty International,
Tanzanian Section,
National Secretariat,
PO Box 4331, Dar es Salaam

Tunisia:

Amnesty International,
Tunisian Section,
Secrétariat National,
48 Avenue Farhat Hached, 3ème Etage,
1001 Tunis

United Kingdom:

Amnesty International,
British Section,
99-119 Rosebery Avenue,
London EC1R 4RE

United States of America:

Amnesty International of the USA (AIUSA),
322 8th Ave, New York, NY 10001

Uruguay:

Amnistía Internacional,
Sección Uruguaya,
Yi 1333 Apto. 305,
Montevideo

Venezuela:

Amnistía Internacional,
Sección Venezolana,
Apartado Postal 5110,
Carmelitas 1010-A,
Caracas

**COUNTRIES AND TERRITORIES WITHOUT SECTIONS
BUT WHERE LOCAL AMNESTY INTERNATIONAL GROUPS EXIST
OR ARE BEING FORMED**

Albania	Dominican Republic	Pakistan
Algeria	Egypt	Papua New Guinea
Aruba	Estonia	Paraguay
Bangladesh	Grenada	Poland
Bahamas	Hungary	Romania
Benin	Jordan	Russia
Bolivia	Kazakhstan	Senegal
Bulgaria	Korea (Republic of)	Slovenia
Cameroon	Kuwait	Taiwan
Colombia	Latvia	Thailand
Costa Rica	Lithuania	Togo
Croatia	Macau	Ukraine
Curaçao	Malaysia	West Bank and Gaza Strip
Czech and Slovak Federal Republic	Mongolia	Zambia
	Nepal	Zimbabwe

Amnesty International groups in Sudan have ceased activities following the banning of all political parties, trade unions and non-governmental organizations including the Sudanese Amnesty International Organization, under which the Sudanese groups were officially registered in Sudan. Kuwaiti group activities resumed in July 1991 after the Gulf War.

APPENDIX V

INTERNATIONAL EXECUTIVE COMMITTEE

Ligia Bolivar/Venezuela
Claudio Cordone/International Secretariat
Ross Daniels/Australia
Anette Fischer/Denmark
Elizabeth Jenkins/United Kingdom
Sofia Macher/Peru
Gerry O'Connell/Italy
Ahmed Othmani/Tunisia
Marie Staunton/United Kingdom

SELECTED INTERNATIONAL HUMAN RIGHTS TREATIES

States which have ratified or acceded to a convention are party to the treaty and are bound to observe its provisions. States which have signed but not yet ratified have expressed their intention to become a party at some future date; meanwhile they are obliged to refrain from acts which would defeat the object and purpose of the treaty.

(AS OF 31 DECEMBER 1991)

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Afghanistan	x			x	x(28)
Albania	x			x	
Algeria	x	x		x	x(22)
Angola					
Antigua and Barbuda					
Argentina	x	x		x	x(22)
Australia	x	x	x	x	x
Austria	x	x	s	x	x(22)
Bahamas					
Bahrain					
Bangladesh					
Barbados	x	x		x	
Belarus (the Republic of)	x			x	x(28)
Belgium	x		s	x	s
Belize					x
Benin					
Bhutan					
Bolivia	x	x		x	s
Botswana					
Brazil					x
Brunei					
Bulgaria	x			x	x(28)
Burkina Faso					
Burundi	x			x	
Cambodia	s			s	
Cameroon	x	x		x	x
Canada	x	x		x	x(22)
Cape Verde					
Central African Republic	x	x		x	
Chad					
Chile	x			x	x
China					x(28)
Colombia	x	x		x	x

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Comoros					
Congo	x	x		x	
Costa Rica	x	x	s	x	s
Côte d'Ivoire					
Cuba					s
Cyprus	x	s		x	x
Czech and Slovak Federal Republic	x	x		x	x(28)
Denmark	x	x	s	x	x(22)
Djibouti					
Dominica					
Dominican Republic	x	x		x	s
Ecuador	x	x		x	x(22)
Egypt	x			x	x
El Salvador	x	s		x	
Equatorial Guinea	x	x		x	
Estonia	x	x		x	x
Ethiopia					
Federated States of Micronesia					
Fiji					
Finland	x	x	x	x	x(22)
France	x	x		x	x(22)
Gabon	x			x	s
Gambia	x	x		x	s
Germany, Federal Republic of	x		s	x	x
Ghana					
Greece				x	x(22)
Grenada	x			x	
Guatemala				x	x
Guinea	x	s		x	x
Guinea-Bissau					
Guyana	x			x	x
Haiti	x				
Holy See					
Honduras	s	s	s	x	
Hungary	x	x		x	x(22)
Iceland	x	x	x	x	s

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
India	x			x	
Indonesia					s
Iran	x			x	
Iraq	x			x	
Ireland	x	x		x	
Israel	x			x	x(28)
Italy	x	x	s	x	x(22)
Jamaica	x	x		x	
Japan	x			x	
Jordan	x			x	x
Kenya	x			x	
Kiribati					
Korea (Democratic People's Republic of)	x			x	
Korea (Republic of)	x	x		x	
Kuwait					
Latvia					
Lao People's Democratic Republic					
Lebanon	x			x	
Lesotho					
Liberia	s			s	
Libyan Socialist People's Arab Jamahiriya	x	x		x	x
Liechtenstein					x(22)
Lithuania	x	x		x	
Luxembourg	x	x	s	x	x(22)
Madagascar	x	x		x	
Malawi					
Malaysia					
Maldives					
Mali	x			x	
Malta	x	x		x	x(22)
Marshall Islands					
Mauritania					
Mauritius	x	x		x	
Mexico	x			x	x
Monaco					x(22)
Mongolia	x	x		x	

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Morocco	x			x	s(28)
Mozambique					
Myanmar (Burma)					
Namibia					
Nauru					
Nepal	x	x		x	x
Netherlands	x	x	x	x	x(22)
New Zealand	x	x	x	x	x(22)
Nicaragua	x	x	s	x	s
Niger	x	x		x	
Nigeria					s
Norway	x	x	x	x	x(22)
Oman					
Pakistan					
Panama	x	x		x	x
Papua New Guinea					
Paraguay					x
Peru	x	x		x	x
Philippines	x	x		x	x
Poland	x	x		x	x
Portugal	x	x	x	x	x(22)
Qatar					
Romania	x		x	x	x
Russian Federation	x	x		x	x(22)
Rwanda	x			x	
St Lucia					
St Christopher and Nevis					
St Vincent and The Grenadines	x	x		x	
Samoa					
San Marino	x	x		x	
São Tomé and Príncipe					
Saudi Arabia					
Senegal	x	x		x	x
Seychelles					
Sierra Leone					s
Singapore					
Solomon Islands				x	
Somalia	x	x		x	x

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
South Africa					
Spain	x	x	x	x	x(22)
Sri Lanka	x			x	
Sudan	x			x	s
Suriname	x	x		x	
Swaziland					
Sweden	x	x	x	x	x(22)
Switzerland					x(22)
Syria	x			x	
Tanzania	x			x	
Thailand					
Togo	x	x		x	x(22)
Tonga					
Trinidad and Tobago	x	x		x	
Tunisia	x			x	x(22)
Turkey					x(22)
Tuvalu					
Uganda				x	x
Ukraine	x	x		x	x(28)
United Arab Emirates					
United Kingdom	x			x	x
United States of America	s			s	s
Uruguay	x	x	s	x	x(22)
Vanuatu					
Venezuela	x	x	s	x	x
Viet Nam	x			x	
Yemen	x			x	x
Yugoslavia	x	s		x	x(22)
Zaire	x	x		x	
Zambia	x	x		x	
Zimbabwe	x			x	

s – denotes that country has signed but not yet ratified

x – denotes that country is a party, either through ratification or accession

(22) denotes Declaration under Article 22 recognizing the competence of the Committee against Torture to consider individual complaints of violations of the convention

(28) denotes that country has made a reservation under Article 28 that it does not recognize the competence of the Committee against Torture to examine reliable information which appears to indicate that torture is being systematically practised, and to undertake a confidential inquiry if warranted

SELECTED REGIONAL HUMAN RIGHTS TREATIES

(AS OF 31 DECEMBER 1991)

ORGANIZATION OF AFRICAN UNITY (OAU) AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS (1981)

Algeria	x	Gambia	x	Rwanda	x
Angola	x	Ghana	x	Saharawi Arab	
Benin	x	Guinea	x	Democratic Republic	x
Botswana	x	Guinea-Bissau	x	São Tomé and Príncipe	x
Burkina Faso	x	Kenya		Senegal	x
Burundi	x	Lesotho	s	Seychelles	
Cameroon	x	Liberia	x	Sierra Leone	x
Cape Verde	x	Libya	x	Somalia	x
Central African Republic	x	Madagascar		Sudan	x
Chad	x	Malawi	x	Swaziland	
Comoros	x	Mali	x	Tanzania	x
Congo	x	Mauritania	x	Togo	x
Côte d'Ivoire		Mauritius		Tunisia	x
Djibouti	x	Mozambique	x	Uganda	x
Egypt	x	Namibia		Zaire	x
Equatorial Guinea	x	Niger	x	Zambia	x
Ethiopia		Nigeria	x	Zimbabwe	x
Gabon	x				

s – denotes that country has signed but not yet ratified

x – denotes that country is a party, either through ratification or accession

This chart lists countries which were members of the OAU at the end of 1991.

ORGANIZATION OF AMERICAN STATES (OAS)

	American Convention on Human Rights (1969)	Inter-American Convention to Prevent and Punish Torture (1985)		American Convention on Human Rights (1969)	Inter-American Convention to Prevent and Punish Torture (1985)
Antigua and Barbuda			Haiti	x	s
Argentina	x (62)	x	Honduras	x (62)	s
Bahamas			Jamaica	x	
Barbados	x		Mexico	x	x
Belize			Nicaragua	x (62)	s
Bolivia	x	s	Panama	x (62)	x
Brazil		x	Paraguay	x	x
Canada			Peru	x (62)	x
Chile	x (62)	x	St Christopher and Nevis		
Colombia	x (62)	s	St Lucia		
Costa Rica	x (62)	s	St Vincent and The Grenadines		
Cuba			Suriname	x (62)	x
Dominica			Trinidad and Tobago	x (62)	
Dominican Republic	x	x	United States of America	s	
Ecuador	x (62)	s	Uruguay	x (62)	s
El Salvador	x	s	Venezuela	x (62)	x
Grenada	x				
Guatemala	x (62)	x			
Guyana					

s – denotes that country has signed but not yet ratified

x – denotes that country is a party, either through ratification or accession

(62) denotes Declaration under Article 62 recognizing as binding the jurisdiction of the Inter-American Court of Human Rights (on all matters relating to the interpretation or application of the American Convention)

This chart lists countries which were members of the OAS at the end of 1991.

COUNCIL OF EUROPE

	European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)	Article 25	Article 46	Protocol No. 6*	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)
Austria	x	x	x	x	x
Belgium	x	x	x	s	x
Cyprus	x	x	x		x
Czech and Slovak Federal Republic	s			s	x
Denmark	x	x	x	x	x
Finland	x	x	x	x	x
France	x	x	x	x	x
Germany, Federal Republic of	x	x	x	x	x
Greece	x	x	x	s	x
Hungary	s			s	
Iceland	x	x	x	x	x
Ireland	x	x	x		x
Italy	x	x	x	x	x
Liechtenstein	x	x	x	x	x
Luxembourg	x	x	x	x	x
Malta	x	x	x	x	x
Netherlands	x	x	x	x	x
Norway	x	x	x	x	x
Poland	s				
Portugal	x	x	x	x	x
San Marino	x	x	x	x	x
Spain	x	x	x	x	x
Sweden	x	x	x	x	x
Switzerland	x	x	x	x	x
Turkey	x	x	x		x
United Kingdom	x	x	x		x

s – denotes that country has signed but not yet ratified

x – denotes that country is a party, either through ratification or accession

Article 25: denotes Declaration under Article 25 of the European Convention, recognizing the competence of the European Commission of Human Rights to consider individual complaints of violations of the Convention

Article 46: denotes Declaration under Article 46 of the European Convention, recognizing as compulsory the jurisdiction of the European Court of Human Rights in all matters concerning interpretation and application of the European Convention

* Protocol 6 to the European Convention on Human Rights: concerning abolition of the death penalty (1983)

This chart lists countries which were members of the Council of Europe at the end of 1991.

OVERDUE REPORTS

A) BY STATES PARTIES TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Governments that have ratified or acceded to the International Covenant on Civil and Political Rights (ICCPR) are referred to as "States Parties" to that treaty. Article 40 of the ICCPR requires States Parties to submit reports to the United Nations "on the measures they have adopted which give effect to the rights recognized [in the ICCPR] and on the progress made in the enjoyment of those rights". The reports are supposed to "indicate the factors and difficulties, if any, affecting the implementation of the present Covenant".

The initial report is due within one year after the ICCPR enters into force for the particular state; subsequent reports are due every five years. They are reviewed by the Human Rights Committee, the body of 18 experts which monitors implementation

of the ICCPR.

The Human Rights Committee has repeatedly expressed concern about the non-compliance of states with their reporting obligations.

The Committee noted that there may be various reasons for reports being overdue, including a shortage of resources, the assignment of insufficient priority, and in some cases the reluctance of states to expose themselves to scrutiny.

The UN General Assembly has urged States Parties to the ICCPR which have not yet done so "to submit their reports as speedily as possible".

As of 31 December 1991 the following states were at least one year late in submitting their initial, second or third periodic reports.

INITIAL REPORTS

State Party	Date due	Number of reminders sent
Gabon	20 April 1984	15
Equatorial Guinea	24 December 1988	6

SECOND PERIODIC REPORTS

State Party	Date due	Number of reminders sent
Libyan Arab Jamahiriya	4 February 1983	17
Iran (Islamic Republic of)	21 March 1983	17
Bulgaria	28 April 1984	16
Cyprus	18 August 1984	16
Syrian Arab Republic	18 August 1984	16
Cook Islands (New Zealand)	27 March 1985	5
Gambia	21 June 1985	14
Suriname	2 August 1985	13
Lebanon	21 March 1986	13
Kenya	11 April 1986	12
Mali	11 April 1986	12
Jamaica	1 August 1986	10
Netherlands-Antilles	31 October 1986	4
Guyana	10 April 1987	10
Iceland	30 October 1987	9
Democratic People's Republic of Korea	13 December 1987	8
Egypt	13 April 1988	7
El Salvador	31 December 1988	6
Central African Republic	9 April 1989	5
Gabon	20 April 1989	5
Congo	4 January 1990	5

Zambia	9 July 1990	3
Togo	23 August 1990	3
Republic of Cameroon	26 September 1990	3

THIRD PERIODIC REPORTS

State Party	Date due	Number of reminders sent
Libyan Arab Jamahiriya	4 February 1988	8
Iran (Islamic Republic of)	21 March 1988	8
Lebanon	21 March 1988	8
Bulgaria	28 April 1989	5
Romania	28 April 1989	5
Cyprus	18 August 1989	5
Syrian Arab Republic	18 August 1989	5
Trinidad and Tobago	20 March 1990	4
New Zealand (including Cook Islands)	27 March 1990	4
Gambia	21 June 1990	3
Mauritius	18 July 1990	3
Suriname	2 August 1990	3
Italy	1 November 1990	3

The Committee has extended the deadline for submission by the following countries whose reports were originally due on the dates indicated:

Second Periodic Reports

St Vincent and the Grenadines	8 February 1988
Bolivia	11 November 1988
Viet Nam	23 December 1988

Third Periodic Reports

Zaire	30 January 1988
Panama	6 June 1988
Madagascar	3 August 1988
Yugoslavia	3 August 1988
Dominican Republic	3 April 1989
India	9 July 1990
Costa Rica	2 August 1990

B) BY STATES PARTIES TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Governments which have ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are referred to as "States Parties" to that treaty. Article 19 of the Convention against Torture requires States Parties to submit reports to the United Nations "on the measures they have taken to give effect to their undertakings [under the Convention against Torture]".

The initial report is due within one

year after the Convention against Torture enters into force for the particular state; supplementary reports are due every four years and should cover "any new measures taken". The reports are reviewed by the Committee against Torture, the body of 10 experts which monitors implementation of the Convention against Torture.

As of 31 December 1991 the following states were at least one year late in submitting their initial reports.

INITIAL REPORTS

State Party	Date due	Number of reminders sent
Afghanistan	25 June 1988	5
Uganda	25 June 1988	5
Togo	17 December 1988	5
Guyana	19 August 1989	3
Peru	7 October 1989	3
Italy	10 February 1990	2
Portugal	10 March 1990	2
Poland	24 August 1990	1
Brazil	27 October 1990	1
Guinea	8 November 1990	1

C) BY STATES PARTIES TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

Governments which have ratified or acceded to the African Charter on Human and Peoples' Rights are referred to as "States Parties" to that treaty. Article 62 of the African Charter requires States Parties to submit reports every two years to the African Commission on Human and Peoples' Rights, established under the African Charter to monitor implementation

of that treaty, "on the legislative or other measures taken with a view to giving effect to the rights and freedoms recognized and guaranteed by the [African Charter]".

The Commission, composed of 11 experts, reviews these reports. As of 31 December 1991 the following States Parties were at least one year late in submitting their initial or second periodic reports.

INITIAL REPORTS

State Party	Date due	Number of reminders sent
Benin	21 October 1988	2
Botswana	21 October 1988	2
Burkina Faso	21 October 1988	2
Central African Republic	21 October 1988	2
Comoros	21 October 1988	2
Congo	21 October 1988	2
Equatorial Guinea	21 October 1988	2
Gabon	21 October 1988	2
Gambia	21 October 1988	2
Guinea	21 October 1988	2
Guinea-Bissau	21 October 1988	2
Liberia	21 October 1988	2
Mali	21 October 1988	2
Mauritania	21 October 1988	2
Niger	21 October 1988	2
Saharawi Arab Democratic Republic	21 October 1988	2
São Tomé and Príncipe	21 October 1988	2
Senegal	21 October 1988	2
Sierra Leone	21 October 1988	2
Somalia	21 October 1988	2
Sudan	21 October 1988	2
Uganda	21 October 1988	2
Zambia	21 October 1988	2

Zimbabwe	21 October 1988	2
Chad	11 February 1989	2
Algeria	20 June 1989	2
Zaire	28 October 1989	2
Cape Verde	6 November 1989	2

SECOND PERIODIC REPORTS

State Party	Date due	Number of reminders sent
Benin	21 October 1990	1
Botswana	21 October 1990	1
Burkina Faso	21 October 1990	1
Central African Republic	21 October 1990	1
Comoros	21 October 1990	1
Congo	21 October 1990	1
Egypt	21 October 1990	1
Equatorial Guinea	21 October 1990	1
Gabon	21 October 1990	1
Gambia	21 October 1990	1
Guinea	21 October 1990	1
Guinea-Bissau	21 October 1990	1
Liberia	21 October 1990	1
Mali	21 October 1990	1
Mauritania	21 October 1990	1
Niger	21 October 1990	1
Nigeria	21 October 1990	1
Rwanda	21 October 1990	1
Saharawi Arab Democratic Republic	21 October 1990	1
São Tomé and Príncipe	21 October 1990	1
Senegal	21 October 1990	1
Sierra Leone	21 October 1990	1
Somalia	21 October 1990	1
Sudan	21 October 1990	1
Tanzania	21 October 1990	1
Togo	21 October 1990	1
Tunisia	21 October 1990	1
Uganda	21 October 1990	1
Zambia	21 October 1990	1
Zimbabwe	21 October 1990	1

SELECTED STATISTICS

AMNESTY INTERNATIONAL MEMBERSHIP

At the beginning of 1992 there were more than 6,000 local Amnesty International groups in over 70 countries. There were more than 1,100,000 members, subscribers and regular donors in over 150 countries.

PRISONER CASES AND RELEASES

At the end of 1991 Amnesty International was working on more than 2,400 cases involving over 3,300 individuals adopted as prisoners of conscience or under investigation as possible prisoners of conscience. During the year action began on 975 new cases involving more than 1,100 individuals. A total of 1,338 cases involving the release of prisoners of conscience or those under investigation as possible prisoners of conscience was recorded.

URGENT ACTION APPEALS

During 1991 Amnesty International initiated 605 different types of appeal for urgent action on behalf of people in 79 countries, plus 238 calls for further action on appeals already issued – a total of 843. Of the 605 new appeals, 128 were prompted by torture concerns and 25 were made on behalf of prisoners in a critical state of health and urgently in need of medical treatment. Some 62 appeals were issued in cases of arbitrary arrest, prolonged incommunicado detention, detention without charge or trial, or unfair trial. Some 145 appeals related to extrajudicial killings and "disappearances" and 114 were made on behalf of prisoners sentenced to death. Forty-two appeals related to death threats and 22 to ill-treatment. Others were issued in cases of arrests or rearrests, unlawful killings, intimidation, deaths in custody, abductions, fears for safety, harassment, *refoulement* (forcible repatriation), amputations, asylum-seekers and administrative detentions.

REGIONAL ACTION NETWORKS

Amnesty International's Regional Action Networks are poised to deal with human rights abuses in every country of the world. During 1991 participants in these 21 networks remained ready to take action when abuses occurred in Africa, the

Americas, Asia and the Pacific, Europe, and the Middle East and North Africa. In 1991 the Regional Action Networks worked on the cases of thousands of victims of human rights violations.

AMNESTY INTERNATIONAL FUNDING

The budget adopted by Amnesty International for 1991 was £12,691,300. This sum represents approximately one third of the estimated income likely to be raised during the year by the movement's national sections. Amnesty International's national sections and local volunteer groups are responsible for funding the movement. There is no central fund-raising program and no money is sought or accepted from governments. The donations that sustain Amnesty International's work come from its members and the public.

RELIEF

During 1991 the International Secretariat of Amnesty International distributed £288,130 in relief (financial assistance) to prisoners of conscience and recently released prisoners of conscience and their dependants, and to provide medical treatment for torture victims. In addition, the organization's sections and groups distributed about half as much again, much of it in the form of modest payments by local groups to their adopted prisoners of conscience and dependent families.

The provision of relief is just one of the means by which Amnesty International works against human rights violations. It is not intended to be a substitute for the primary objective of securing the release of prisoners of conscience and putting an end to torture and executions, nor to try to compensate such individuals for the human rights violations they have suffered. Rather, it aims simply to alleviate some of the suffering caused by human rights violations.

When Amnesty International asks another body or individual intermediary to distribute relief payments on its behalf, it stipulates precisely the intended purpose and beneficiaries and requires the intermediary to report back on the expenditure of the funds.



Human rights are more prominent in international relations than ever before. But despite fine words and promises, the reality is that governments around the world have created an atmosphere in which the perpetrators of torture, killings and other abuses by the state believe they can act with impunity.

The torturers, the state assassins and those who give the orders all too often act with a free hand and have no reason to fear investigation or punishment.

The human suffering and injustice recorded in this report is the result. Covering 142 countries, it reports on prisoners of conscience, political prisoners denied fair trials, victims of torture, "disappearance" and political killings, death sentences and executions.

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