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Republic of Korea Worldwide campaign launched

A worldwide campaign for the release of prisoners of conscience in the Republic of Korea was launched by *AI* on 2 March 1981; the campaign was also directed against unfair trials of political prisoners and the use of torture and the death penalty.

In a news release on 2 March, *AI* said it had the names of more than 500 political prisoners in the Republic of Korea and believed there were more. *AI* said many of these people had been imprisoned under successive governments for the peaceful exercise of their rights to free speech and association; it called for their immediate release.

As the campaign started, the South Korean Government announced that a total of 5,221 prisoners—both political and non-political—were to benefit from a presidential amnesty on 3 March. The announcement followed the lifting of martial law on 25 January 1981. In a cable to President CHUN Doo-hwan on 4 March, *AI* welcomed the promised releases and asked to be informed by the government of the names of political prisoners included in the amnesty.

Among those whose release has been confirmed are two prisoners of conscience whose cases are described in the *AI* Report, *Republic of Korea: violations of human rights*, published at the start of the campaign; they are LEE Bu-young and SONG Kon-ho. *AI* is seeking information on the release of other prisoners of conscience.

It is concerned about reports that prisoners convicted of "anti-state activities" will not benefit from the amnesty—they are believed to include all political prisoners held under the Anti-Communist Law (rescinded in January 1981) and the National Security Law, and most of the prisoners whose cases have been taken up by *AI*.

The organization continues to be concerned that many political prisoners in the Republic of Korea have been tortured, tried on vaguely worded charges behind closed doors and given long prison sentences or, in some

cases, have been sentenced to death—often on the basis of forced confessions—and that defendants were generally denied the chance to present a proper defence in court. *AI*'s report on the Republic of Korea includes testimony from prisoners who alleged that they had been tortured by having water forced into their nostrils, being burned, hung upside down and beaten or abused in other ways.

In a letter to President Chun on 27 February, *AI* urged his government to review the cases of all political prisoners as many of them had been convicted on the basis of confessions obtained under considerable duress and sometimes torture.

AI noted in its appeal that the exclusion of coerced confessions from evidence is guaranteed by the South Korean constitution promulgated in October 1980, which also guarantees the right to freedom from torture and the right to a public and speedy trial.

AI's most immediate concern is that 10 political prisoners are now under sentence of death. In a cable to President Chun welcoming his decision on 23 January 1981 to commute the death sentence on the opposition leader KIM Dae jung (see February 1981 *Newsletter*), *AI* appealed to him to exercise his power of clemency to commute all death sentences submitted to him after they had been confirmed by the Supreme Court.

President Chun is reported to have said that he would consider commuting the death sentences passed on three prisoners alleged to have been involved in the Kwangju disturbances in May 1980.

Among the seven other political prisoners under sentence of death in the Republic of Korea (see December 1980, February 1981 *Newsletters*), four have had their sentences confirmed by the Supreme Court and could be executed at any time□

United Kingdom Irishman held in 'solitary' for 11 months

In a letter sent to the United Kingdom (UK) Government on 9 March 1981, *AI* expressed concern about certain deprivations imposed on an Irish prisoner, Patrick HACKETT, in an English prison during 1980; he is serving a 20-year sentence for conspiracy to cause explosions and has been refusing to wear prison uniform in support of a demand for "political" status.

Although *AI* has not adopted Patrick HACKETT as a prisoner of conscience and does not support demands for any special status for prisoners, it expressed its concern about the authorities' response to the prisoner's protest, which had led to the deprivation of many facilities and amounted in *AI*'s view to cruel, inhuman and degrading treatment.

The prisoners' punishment included solitary confinement in the prison's segregation unit, loss of all association with other prisoners and denial of personal possessions. Exercise outside his cell, visits and attendances at religious services were conditional on his wearing prison uniform and were not allowed as long as he maintained his protest.

As a result of these punishments and conditions, the prisoner spent 11 months in constant solitary confinement in his cell, with no exercise in the open air or even outside his cell, no access to any person other than prison staff (apart from a minister of religion), no visits and no religious services. His lack of contact with the outside world was increased by the denial of personal possessions, such as a radio.

In November 1980 Patrick Hackett was moved to the prison hospital for treatment—an artificial leg fitted after his arrest had been causing him discomfort. The UK Government told *AI* that he was not being punished while in hospital but would again be punished if he continued to refuse to

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Western Sahara Inquiry into Polisario 'arrests'

On 10 February 1981 *AI* made public the fact that it had been investigating detailed allegations about political arrests by the Polisario Front, which is fighting for the independence of Western Sahara.

According to these allegations, hundreds of Polisario members have been arrested since 1975 on the orders of the Front's Executive Committee. The arrests are said to have begun in the Polisario-controlled refugee camps near Tindouf, in Algeria. Thousands of Saharans fled to these camps when Moroccan forces occupied the Western Sahara as Spanish colonial troops withdrew.

Among those reported to have been arrested in 1975 were people critical of some of Polisario's internal policies. It is alleged that those arrested were forced to do hard labour (digging pits in rocky hills) and that many were deliberately ill-treated, with at least one person dying as a result. Most of the prisoners were freed in December 1975, although one is alleged to have been executed to intimidate

the others.

A further wave of arrests is reported to have taken place shortly before the Front's Third Congress in August 1976; those arrested included people who had been held the year before. Arrests of individuals are reported to have continued since 1976, and to have included people inquiring about those already detained. It is alleged that those arrested have not been seen in the refugee camps again.

AI has received detailed information about a number of those alleged to have been arrested, who include a former film-maker for the Front, a radio broadcaster, people who had worked for the Sahrawi Red Crescent and people who had been active in Polisario military units.

AI has on several occasions raised the allegations with representatives of the Polisario Front, who have denied the allegations without refuting them in detail or providing supplementary information. Because the allegations are so detailed and consistent, *AI* is persisting with its investigations □

Madagascar Teachers held

Following student demonstrations in the capital, Antananarivo, on 3 February 1981—in which four students and two soldiers died—the authorities have arrested a number of university teachers suspected of showing sympathy with the students' demands, which have included calls for improved work and study conditions.

Those detained included Professor RANDRIAMAMPANDRY, head of the teachers' union and President of the Madagascar Human Rights Commission. He is expected to be brought to trial soon on charges relating to the students' action. Malagasy magistrates are said to have threatened protest action if the authorities proceed with the case.

A university teacher and teachers' union official, Regis RAKOTONIRINA, has not been seen since he was dragged from his car in the capital on 10 February. Other teachers, too, are said to be missing and are thought to be either under arrest or in hiding.

On 25 February *AI* issued an urgent appeal on behalf of these and other teachers and university researchers

believed to have been arrested, calling for them to be charged and brought to trial or released unconditionally without delay □

UN DECISION ON 'DISAPPEARANCES' GROUP

The United Nations Commission on Human Rights has decided to extend for another year the term of the mandate of its Working Group on Enforced or Involuntary Disappearances (see March 1981 *Newsletter*). The commission, at its 37th session, ending 13 March, adopted the resolution by consensus on the basis of a text introduced by the French delegation.

AI had made an oral intervention in favour of the extension and several of its national sections had sought support for this from their governments □

BARBADOS

At a meeting in March 1981, the IEC approved the establishment of a national section in Barbados. The address is: Amnesty International, Barbados Section, PO Box 65B, Brittons Hill, Bridgetown, Barbados.

Malaysia Nine die in Security Act executions

Nine young Malaysian men were executed by hanging in a seven-day period ending on 4 March 1981, after being convicted of illegal possession of arms under Malaysia's Internal Security Act (ISA). The ISA provides for a mandatory death sentence for murder or illegal possession of arms.

The most recent executions known to *AI* took place on 4 March, when three men were hanged. Three others had been hanged on 2 March and three on 26 February on similar charges.

These latest executions mean that 20 people have now been hanged since March 1980, when executions resumed after a lapse of 11 years.

About 50 other condemned prisoners are said to be awaiting execution in Pudu Prison. Eleven of them have exhausted their legal appeals—their one hope rests in Malaysia's Pardons Board; only five death sentences are said to have been commuted in the past two years.

Cable to Prime Minister

AI cabled the Malaysian Prime Minister on 27 February and 4 March expressing deep concern at the resumption of executions in the country, particularly since the nine men most recently hanged were convicted under a section of the ISA according to which conviction of the illegal possession alone of a firearm results in a mandatory death sentence.

AI told the Prime Minister that it opposed the death penalty in all cases without reservation and it urged that the government, on humanitarian grounds, commute the sentences of all those sentenced to death.

- Most of those under sentence of death were convicted under the ISA. One of the features of this law is that the state does not have to prove "beyond all reasonable doubt" that an accused committed an offence, but rather that he or she is guilty "on the balance of probabilities" □

Prisoner Releases and Cases

The International Secretariat learned in February of the release of 98 prisoners under adoption or investigation; it took up 156 cases.

Campaign for Prisoners of the Month



Each of the people whose story is told below is a prisoner of conscience. Each has been arrested because of his or her religious or political beliefs, colour, sex, ethnic origin or language. None has used or advocated violence. Their continuing detention is a violation of the United Nations Universal Declaration of Human Rights. International appeals can help to secure the release of these prisoners or to improve their detention conditions. In the interest of the prisoners, letters to the authorities should be worded carefully and courteously. You should stress that your concern for human rights is not in any way politically partisan. In no circumstances should communications be sent to the prisoner.

Ismael SENA, Uruguay

A 43-year-old telephone engineer and trade union leader, arrested with his wife on 29 October 1975 and later sentenced by a military court to nine years' imprisonment. He is suffering from intestinal trouble.

Ismael SENA and his wife, Alicia REZZANO de Sena, were arrested in the middle of the night after Uruguayan security agents had forced Alicia Rezzano's mother at gunpoint to lead them to the couple's new home.

Alicia Rezzano, an agronomist, had previously been dismissed from her job for engaging in trade union activities. Her two children were aged six months and one year when she was arrested and taken from them. She spent three years in prison, starting off with a period of incommunicado detention.

Ismael Sena was held blindfold and tortured in an unknown place for six months before eventually being sentenced by a military court of first instance to nine years' imprisonment for "subversive association". His release would be due in October 1984 but the sentence has still to be ratified by the Supreme Military Tribunal, which may either increase or confirm it. He is now held in Libertad Prison, *Establecimiento Militar de Reclusión No. 1—Penal de Libertad*, San José.

Ismael's Sena's six months of incommunicado detention resulted in a deep wound of the rectum, presumably caused by torture. Treatment in 1977 damaged the sphincter muscle and resulted in anal incontinence. The muscle was repaired in 1978 but Ismael Sena's condition requires a strict diet to avoid constipation, which could seriously harm his sphincter function. *AI* is concerned that he may not be receiving such a diet and the appropriate medical attention in Libertad Prison.

During the five and a half years of his imprisonment so far, his health has deteriorated to such an extent that there is concern about the effects on him of the three and a half years at

least which he has still to serve.

Please write courteously worded letters appealing for Ismael Sena's release to: Exmo. Sr. Presidente de la República del Uruguay, Dr Aparicio MENDEZ, Casa de Gobierno, Montevideo, Uruguay.

Nguyen Sy TE, Viet Nam

A writer and educationalist arrested over five years ago, when he was reportedly writing an essay critical of the government. He is officially classified as a "reactionary" and all his writings have been banned.

Nguyen Sy TE, who was born in northern Viet Nam in 1922, was a secondary school teacher in Hanoi before moving to the south in 1954, when the country was partitioned. He continued to teach, and joined a group of writers which established the literary review *Sang Tao*, Creation. He was a professor in the Faculty of Higher Education at Saigon University from 1965 until April 1975, when the government changed. The new authorities undertook a revaluation of the works of prominent writers in South Vietnam and the *Sang Tao* group was singled out for especial attack. Nguyen Sy Te was among a number of intellectuals to be arrested.

From 1976 to 1978 he was detained in Chi Hoa, the main prison of Ho Chi Minh City (formerly Saigon). He was then moved to a re-education camp at Gia Trung, in Gia Lai-Cong Tum province, where he remains imprisoned without charge or trial. It is reported that his health is deteriorating rapidly.

Nguyen Sy Te is married with four children. Before his arrest he was a member of the South Vietnamese branch of the writers' association PEN International.

Please write courteously worded letters appealing for his release to: His Excellency Prime Minister Pham Van DONG, Office of the Prime Minister, Hanoi, Socialist Republic of Viet Nam.

Youssif Himat HASSAN, Sudan

An assistant bank manager, aged 40, detained without charge or trial since May 1979 for alleged membership of the banned Arab Ba'athist Socialist Party (ABSP); married with one daughter.

Hundreds of government opponents—members of or alleged sympathizers with banned political parties—have been arrested since 1979, under the National Security Law, which permits unlimited detention without charge or trial. Although there have been some releases, almost 100 prisoners of conscience adopted by *AI* are still being held under this law. The ABSP, to which Youssif Hassan was alleged to belong, opposes the terms of the Camp David agreement between Egypt and Israel, which is supported by the Sudanese Government.

Since his arrest Youssif HASSAN has been held in Kober Prison, Khartoum. In January 1981 *AI* learned that he was suffering from a peptic stomach ulcer and a hiatus hernia, causing him to vomit more than six times a day, with blood. He is unable to sleep lying down because this results in uncontrollable vomiting.

Late in 1980 he had been treated in the Military Hospital in Omdurman but when he was returned to Kober Prison he was suffering from the same complaints. Medical facilities in Kober Prison are known to be inadequate.

Although doctors are said to have recommended an operation, he is understood to have refused because the authorities would not agree to release him for treatment under conditions of his own choice.

Please write courteously worded letters asking for the release of Youssif Himat Hassan to: His Excellency Field Marshal Gaafar Mohamed NUMEIRI, President of the Democratic Republic of the Sudan, Presidential Palace, Khartoum, Sudan.

During the past five years AI has repeatedly expressed to the Argentine Government its concerns about persistent violations of human rights by security forces and other government agents. AI took the occasion of the inauguration of the President-designate, General Roberto VIOLA, scheduled for 29 March 1981, to write to the new head of state to inform him of some of the organization's concerns about the protection of human rights in his country. AI's letter contained four recommendations to the Government of Argentina. This article is based on the letter.

Human rights violations in Argentina

Armed men in plain clothes are reported to have abducted a factory worker, Jorge MAGRINO, from his home in Haedo, Buenos Aires Province, on 11 March 1981. The abduction took place soon after one in the morning and was witnessed by his wife. When she reported it to the local police later in the day they refused to register the abduction.

At about the same time, a tanner, Héctor Rafael PIÑON, was seized at his home in the same province and abducted, again by a group of armed men.

The authorities refused to acknowledge the detention of either of the men. Both were later released—reportedly after they had been tortured with electric shocks. Jorge Magrino is reported to have been taken to hospital afterwards.

On 13 March between 40 and 60 members of the *Madres de Plaza de Mayo*—relatives of “disappeared” Argentinians who demonstrate peacefully in the capital once a week—are reported to have been detained and held for questioning for some hours before being released.

These incidents are the latest in a wave of arrests and abductions reported to AI that illustrate the continuing problem of human rights violations in Argentina, where, since 1975, successive governments have manifestly failed to adhere to internationally recognized standards for the treatment of citizens.

In November 1980 a resolution was adopted by the Organization of American States calling on Argentina and five other member states to take immediate steps to halt the grave violations of fundamental human rights, in particular the right to life, liberty and physical integrity.

In January 1981, the United Nations Working Group on Enforced or Involuntary Disappearances reported that it had received specific information on between 7,000 and 9,000 cases of “disappearance” in



Alejandra JAIMOVICH (right), a student, one of the thousands of cases of “disappearance” which AI has asked the Argentine Government to investigate. On 1 June 1976 police officers seized the 18-year-old girl at the house of a friend in the city of Córdoba. They told witnesses they were taking her away for interrogation. Her parents reported her failure to return home to the local police—but her name was not entered in the official register. Inquiries to the provincial Governor of Police were fruitless, as were writs of *habeas corpus* filed with the Second Federal Court in Buenos Aires. AI later received evidence from two people who had been detained in the buildings of the Second Section of Special Operations—also known as *La Perla* detention camp—that Alejandra Jaimovich had been held there, tortured and raped. She was said to have been taken away later to an unknown destination. The photograph shows her with her father, six months before she “disappeared”.

Argentina and it listed the names of 16 secret detention centres there (see March 1981 *Newsletter*).

With this situation in mind, AI included in its letter to General Viola

four recommendations it hoped might contribute to respect for human rights and a return of the rule of law in Argentina:

- That the government account for those prisoners listed as “disappeared”. AI has frequently communicated its concern to the military authorities about those who have “disappeared”, a concern shared by the UN, the OAS and human rights organizations within Argentina, which have registered more than 6,800 “disappearance” cases. Despite detailed evidence showing that many people “disappeared” after being seized by the security forces or other government agents, the military authorities have repeatedly failed to account adequately for even a single case.

- That prisoners detained *a la disposición del Poder Ejecutivo Nacional* (PEN), at the disposal of the National Executive Power, be either released or brought to trial.

The Argentine authorities have said that 900 prisoners are held in preventive detention by presidential decree under the provisions of the state of siege. Most of those individuals adopted by AI as prisoners of conscience fall into this category and the organization is concerned that their prolonged detention effectively denies them their constitutional right to defence and due process.

The state of siege has in effect been used to justify extensive arbitrary detention of non-violent opponents of the military government, although the authorities have stated that there is no longer a serious threat to national security.

Furthermore, many prisoners who have completed sentences for infringing national security laws have not been released but remain in prison in preventive detention. Although the Argentine authorities gave assurances in September 1979 to the Inter-American Commission on Human Rights of the Organization of American States that the problem of such prisoners would be “gradually resolved”, there is no indication that

any steps have been taken to reduce substantially their number.

In addition, there has been a virtual suspension of the "right of option" (to go into exile rather than

Antonio Miguel PITURA

Antonio Miguel PITURA, aged 30, was arrested on 31 October 1975 in Córdoba and charged under Article 2c of Security Law 20.840, which refers to possession and distribution of subversive materials. He was tried and given the minimum sentence of two years' imprisonment.

After his sentence expired in November 1977, he was placed at the disposal of the National Executive Power and is still being detained.

He has obtained visas for a number of countries of exile, including the United States of America, Belgium and Switzerland, and has made three applications for the right of exile; all have been refused without explanation, the latest in July 1980.

remain in detention)—only four people in December 1980 were granted the option to leave the country.

AI is particularly disturbed by substantial evidence that many of the prisoners have been subjected to torture or to cruel, inhuman and degrading treatment or punishment. It would appear that such abuses still occur. In December 1980 and in January 1981 AI received alarming reports that prisoners transferred from Unidad No. 6, Rawson, and Unidad No. 1, Caseros, were subjected to severe beatings by military personnel.

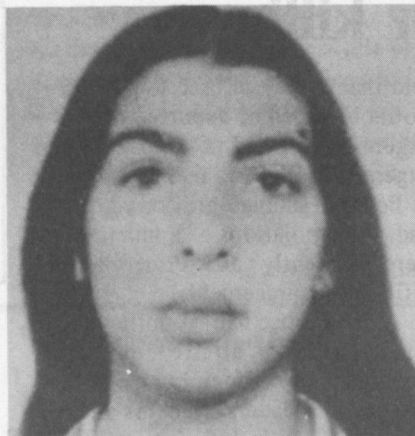
- That the legal proceedings of military tribunals which have convicted political prisoners be reviewed.

Some 300 political prisoners have been convicted by military tribunals under regulations set by the Code of Military Justice. AI is concerned that proceedings before these courts have not been conducted according to international standards for fair trial.

Defendants have not been permitted defence by lawyers of their own choosing but have been represented by court-appointed officers of the armed forces. The defence has commonly amounted to nothing more than an appeal for clemency.

AI considers that the first step towards setting up the proper machinery with which to review these legal proceedings would be to permit the

prisoners to be visited by private civilian lawyers.



Ana Maria MOHADED, now aged 24, was arrested in Córdoba in October 1976 by armed men in plain clothes and initially held in *La Perla* detention camp, where she was reportedly severely tortured. Her parents were not told where she was until December 1976, when they were able to visit her in Córdoba Penitentiary.

She was held at the disposal of the National Executive Power without charge or trial until October 1978, when her case was transferred to the jurisdiction of a military court in Córdoba. This court declared itself incompetent to hear her case, which was then transferred to the civilian Federal Court No. 2 in Córdoba. The charges against her refer to "illicit association".

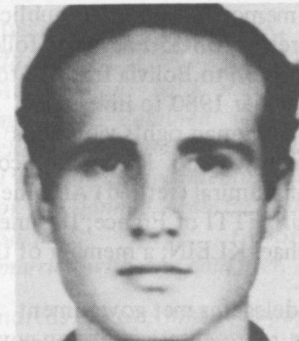
In April 1980, in view of the lack of evidence against her, a judge placed her in preventive detention and she is still being held under the court's jurisdiction.

- That illegal operations by security forces and other government agents be brought to an end and that an independent commission be established to investigate allegations of such abuses.

Over the past five years a number of irregular procedures have been adopted by the armed forces in order to confront what the military government has described as an "emergency situation". This has led directly to the abduction, secret detention and torture of thousands of people. AI is concerned that, although the number of reported abductions decreased over the past year, incidents continue to be reported which suggest that illegal methods of repression which violate the Argentine constitution remain in force.

AI's letter pointed out that it was disturbing that individuals and

organizations inside Argentina who have attempted to investigate and monitor human rights problems and to present their findings to the authorities have themselves been victims of harassment, intimidation and arrest. The letter noted with great concern the arrest in February this year of six members of the *Centro de Estudios Legales y Sociales*, Centre for Legal and Social Studies, who are now facing possible charges under security legislation.



Gabriel Oscar MAROTTA, a skilled worker at the *Astilleros Navales del Estado*, State Shipyards, in Ensenada, Buenos Aires Province, was arrested by uniformed men on 29 April 1976 in La Plata. Although he was unarmed, he was shot, receiving serious bullet wounds in his head and arm, and had to undergo a five-hour operation. Afterwards he was transferred to Olmos Prison but was found to be haemorrhaging on arrival, and underwent a second operation. During this period, he was reported to have been tortured with the *picana*, electric prod, on his eyes; his vision has been impaired ever since.

In May 1976 he was taken for interrogation to Güemes Police School, where his wife Graciela Alicia DELLATORE, a university lecturer, was briefly detained in a neighbouring cell. She said her husband was repeatedly taken out for questioning for several hours at a time. Once she saw him with bandages covering his head, chest and a leg.

From 14 October 1976 to 27 September 1980 Gabriel Marotta was held in Caseros Prison, which was built as a transit prison in which prisoners were to have been held for a matter of days or weeks only. In October 1980 he was moved to La Plata Prison.

Since his arrest in 1976, he has been held at the disposal of the National Executive Power without charge or trial. He has applied three times for his right to exile but has been turned down each time.

Bolivia

Troops blamed for killings

Bolivian troops and government agents were responsible for killing, torturing and abducting people in total disregard of the law and constitutional principles after the military junta took power in July 1980, according to a memorandum *AI* sent to President Luis GARCIA Meza on 13 February 1981.

The memorandum, made public in a news release on 25 February, followed an *AI* mission to Bolivia from 16 to 25 November 1980 to investigate reports of human rights violations after the July coup. The mission consisted of Admiral (retired) Antoine SANGUINETTI of France; IEC member Michael KLEIN; a member of the IS staff.

The delegates met government officials, representatives of non-governmental organizations and of churches, and private people. They also collected information from exiles in neighbouring countries.

The mission found that arrests in Bolivia were taking place without warrants; political prisoners were being held without trial or formal charges; some 100 people had "disappeared" after being arrested and others were known to have been killed summarily by troops.

The memorandum quotes detailed accounts of torture given by ex-prisoners who were interviewed after leaving the country. They testified to tortures that included savage beatings, electric shocks, being forced to drink boiling water and being subjected to mock executions.

Many people were arrested and forced to leave their country after being

told that if they refused to go they would be killed or deported to Argentina (this did not apply only to Argentinians).

Political killings, arbitrary arrests and other violations of human rights were apparently carried out with official encouragement.

Among those named in the memorandum as killed, arrested, exiled or tortured were trade union, political and peasant leaders, students and teachers. They include Severo TORRES, miner and trade union leader, who described having been tortured before he was sent into exile, and Diego MORALES Barrera, painter and art teacher who escaped after long torture sessions.

Among those reported missing after being arrested are the sociologist Elias RAPHAEL Flores; Renato TICONA Estrada, student; and Raul CORONEL Soto, a peasant leader. The government denies any knowledge of their whereabouts.

The memorandum sent to President García Meza spells out some of the provisions of the Bolivian constitution and international conventions which were violated by the acts described. They include the American Convention on Human Rights—ratified by Bolivia—and the United Nations International Covenant on Civil and Political Rights.

The memorandum calls on the government to stop perpetrating the abuses described, to release people imprisoned for the non-violent exercise of their human rights and to adopt a series of measures to protect people from the abuses listed □

Mali

Internal exile for 32 teachers

According to reports reaching *AI*, 32 Malian teachers have been put at the disposal of the Ministry of the Interior and sent into internal exile in the remote northern desert regions of Gao and Tombouctou, where they are working as clerks or teachers.

They were in a group of 35 teachers

and a student—all now under adoption by *AI*—who were arrested between July 1980 and January 1981 in a crackdown on a union set up independently of the government-controlled teachers union.

A number of those arrested are reported to have been tortured with electric shocks while being held in police stations or by the Criminal Investigation Squad in the capital, Bamako.

In a letter received by *AI* in early March, the Malian authorities denied that any teachers were still being detained; they said they were "working freely", either for the civil service or as teachers □

Brazil

Union leader sentenced

A military court in Brazil sentenced the President of the São Bernardo and Diadema Metal Workers' Union, Luis Inacio DA SILVA (known as "Lula") and 10 other trade unionists to up to three and a half years' imprisonment on 25 February 1981, after convicting them *in absentia* on charges in connection with a six-week strike in São Paulo in April and May 1980.

The men were charged under the Law of National Security. All are free pending their appeal to a higher military court.

On 23 February 1981 the judge in the case announced that the trial would take place in São Paulo on 25 February. Defence lawyers called, unsuccessfully, for a postponement after the judge had ruled that: each defendant was to be allowed only one lawyer and one relative in court; only 14 Brazilian journalists were to be allowed in; no foreign journalists and no foreign observers were to be admitted.

The judge suspended the start of the trial for one hour when neither the defendants nor their lawyers appeared. He then named new defence lawyers and the trial began in the absence of the defendants. Sentences were passed that same evening □

Syrian detainees

Ten detained members of the prohibited Syrian Communist Party Political Bureau (CPPB)—including its Secretary-General, Riad al-TURK—have been adopted as prisoners of conscience by *AI*. They were among a group of about 300 CPPB members arrested in October 1980. Some of those detained were released shortly afterwards; there are no definite reports on how many are still being held.

In February 1981 *AI* received reports that Riad al-Turk had been severely tortured and had been rushed to an intensive care unit in a Damascus hospital for urgent treatment. *AI* groups sent appeals on his behalf to the Syrian authorities but so far have received no response from them, and the party leader's whereabouts are still not known □

Basque dies in police custody

New allegations of torture in Spain

A 30-year-old Basque held under Spain's anti-terrorist laws—José ARREGUI Izaguirre—died in police custody in Madrid on 13 February.

He is alleged to have been severely tortured and a post-mortem examination revealed injuries to his lungs, burns on his feet, bruises to his body, eye injuries and severe internal bleeding. The cause of death was given as pneumonia.

José Arregui is reported to have died in the lift of the Carabanchel Prison hospital. He had been transferred to the prison from the *Dirección General de Seguridad*, General Directorate of Security, in Puerta del Sol on 4 February with a companion, Isidro ECHAVE Urrestrilla, after a gun battle with members of three police agencies, the *Policía Nacional*, *Cuerpo Superior de Policía* and *Policía Municipal*, and the paramilitary *Guardia Civil*, who were stationed outside the Prado Museum in Madrid. Two other occupants of the car in which the Basque pair were travelling escaped. The police have stated that all four men were members of an *ETA Militar* commando operating in the capital.

The two detained men had been held for nine days incommunicado without legal assistance, under anti-terrorist-law provisions for extended detention. All detentions under the anti-terrorist laws are within the judicial control of a high court, the *Audiencia Nacional*, in Madrid. The Spanish constitution stipulates that a person must

be released or brought before a magistrate within 72 hours of arrest. Under anti-terrorist law the magistrate may grant a seven-day extension of this period if the police apply for it—and during the resulting 10-day period detainees may be held totally incommunicado without legal assistance.

Following the autopsy report, the authorities suspended both the head of the police unit *Brigada Regional de Información*, Regional Intelligence Squad, responsible for Madrid and the doctor in charge of medical services for prisoners in police stations. Five police inspectors responsible for José Arregui's interrogation were detained pending further judicial investigations.

On the basis of the available evidence, *AI* believes that José Arregui died as a result of torture. It is also concerned about the health of Isidro Echave, who is reported to have been wounded in the gun battle outside the Prado Museum. The police have said he had a bullet removed from his shoulder on 16 February.

In September 1980 *AI* submitted a series of recommendations to the Spanish Government designed to protect political detainees from torture (see January 1981 *Newsletter*). The recommendations were included in a report based on the findings of an *AI* mission to Spain, which described maltreatment amounting to torture by police and civil guard officers in Madrid, Barcelona and Bilbao between September 1978 and June 1979. After

being sent to the Spanish Government, the report was published in December 1980; in March *AI* was still awaiting a reply from the government.

- *AI* members have appealed to the government for the full forensic report following the post-mortem to be made public and for the Minister of the Interior to make a public statement on Isidro Echave's present health and legal status □

CONSULS RELEASED

The honorary consuls of Austria, El Salvador and Uruguay, kidnapped on 20 February 1981 and held hostage by the Basque group *ETA (poli-mili)*, were released in Spain by their captors on Saturday 28 February.

On Wednesday 25 February *AI* had publicly appealed for the release of the hostages. The appeal—on humanitarian grounds—followed a demand by *ETA (poli-mili)*, as a condition for the hostages' release, that leading Spanish newspapers and TV and radio stations publish and broadcast the full text of the December 1980 report of *AI*'s mission to Spain.

In its appeal, *AI* pointed out that the report was freely available to both press and public. *AI* stated that the organization opposed the arbitrary arrest and detention of any person for political reasons, whether by government or non-governmental bodies □

Laos

Civil servants released

More former civil servants of the previous Laotian administration are reported to have been released from re-education camps in early 1981 and by early March *AI* had received confirmation of the release of 15 prisoners of conscience taken up by the organization who had been held in the camps—in northeast Laos—since 1975.

Releases on a significant scale started in November 1980, when the first group of former officials and military officers was reported to have returned to the capital, Vientiane. About 200 detainees are said to have been released since late 1980 and the names of more

than 130 are known.

Those released were held in various camps, including Camps 03, 04, 05 and 06. Some are reported to have rejoined the civil service and others to have applied for administrative posts. A number of former military officers and technically skilled civil servants are said to be in the Public Works services in Xiangkhouang, north of Vientiane □

Botswana

Refugees deported

Four political refugees were forcibly returned to South Africa by the Botswana authorities in January 1981.

The four, Joseph MINARE, Michael LETHOKO, Strike MASHILOANE and Winston MAMASHABA, were immediately detained for questioning by the South African police; they are believed to have been released afterwards.

On 25 February South Africa's Minister of Police, Louis LE GRANGE, told the House of Assembly in Cape Town that no refugees deported from Botswana were then in detention and that no charges had been brought against those returned.

Earlier in February *AI* had expressed concern to the Botswana Government about the *refoulement* of the refugees and had asked for clarification of the number of those involved and their identities because of fears that they would be imprisoned as prisoners of conscience in South Africa □

Yugoslav 'hostile propaganda' trial Prison sentence for historian

The historian and writer Dr Franjo TUDJMAN, aged 59, was sentenced by the District Court of Zagreb on 20 February 1981 to three years' imprisonment, after he had been convicted on charges of "hostile propaganda", under Article 133 of the Yugoslav Penal Code.

Dr Tudjman was also prohibited from publishing his writings and from making public appearances for five years. He is free pending appeal. His trial was observed on behalf of *AI* by Sotiris DEDES, a lawyer and *AI* member from Greece.

Dr Tudjman, a former prisoner of conscience, was accused by the court of having "maliciously and untruthfully represented the social and political situation" in Yugoslavia, with aid from abroad.

The charges were based on statements by Dr Tudjman in the course of interviews and discussions in which he spoke of economic, cultural and political issues affecting Croatia and urged that these issues be discussed openly. He had complained that attempts by Croats to discuss Croatia's national interests and problems were condemned by the authorities as



Dr Franjo Tudjman

"separatism" and "nationalism". Dr Tudjman, a veteran partisan and former general in the Yugoslav army, made these statements in three interviews with foreign journalists between 1977 and 1980.

On another occasion, in a discussion with a Serbian student, Vladimir MARKOVIC (see February 1980 *Newsletter*), Dr Tudjman had said that official statistics exaggerated the number of victims of war crimes committed in Croatia during the Second World War by Croatian nationalist forces, although he strongly condemned the crimes.

During his trial in February, Dr

Tudjman declared: "Everything I said and of which I am accused was in accordance with my personal convictions and with the ideals for which I fought in the socialist revolution and anti-fascist war, and was based on my life experience and on the scientific conclusions I reached in the course of many years of research work in the field of contemporary history."

• On 16 February, the eve of Dr Tudjman's trial, the Yugoslav news agency *Tanjug* announced the rejection of two petitions for amnesty to the State Presidency by groups of intellectuals from Belgrade and Zagreb (including Dr Tudjman). One petition, in June 1980, was for prisoners convicted of verbal offences; the other, in November 1980, was for political prisoners (see January 1981 *Newsletter*). Although the Yugoslav constitution guarantees the right of petition, the *Tanjug* statement said that the petitions had been rejected as "legally and politically unacceptable". *Tanjug* charged the authors of the petitions with "evil and immoral intentions" and with having deliberately organized a "campaign to discredit Yugoslavia's high reputation in the world" □

DEATH PENALTY

AI has learned of 21 people being sentenced to death in six countries and of 24 executions in six countries during February 1981.

UNITED KINGDOM

Continued from page 1

wear prison uniform after his treatment.

In its letter, *AI* expressed concern that he might again be subjected to unacceptable conditions of confinement should he continue his protest after leaving hospital. It reminded the UK Government of its obligations in international law to ensure that punishments or deprivations resulting from a prisoner's refusal to conform to prison rules did not fall short of minimum standards of humane treatment, and the organization urged the government to ensure that Patrick Hackett would not be subjected again to such conditions □

Swaziland South African agents kidnap refugee

South African security agents are reported to have abducted a South African refugee in Swaziland and taken him across the border by car on the night of 19 February 1981.

The kidnap victim, Dhaya PILLAY, aged 33, was employed as a teacher at a Roman Catholic mission high school near Manzini; he had been in Swaziland since November 1977, when he was granted political asylum. He comes originally from the South African city of Durban, in Natal, and is believed to have been a member of the Natal Indian Congress and a supporter of the African National Congress, banned in South Africa since 1960.

Dhaya Pillay's abduction is believed to have been carried out by black South

African security police officers working with several Mozambicans living in Swaziland and alleged to be members of the Mozambique Resistance Movement.

Shortly after the abduction, the Swazi police arrested four men, whose identities were not revealed. They later appeared *in camera* in Manzini Magistrate's Court and were released on bail.

On 5 March *AI* appealed to the South African Prime Minister, P.W. BOTHA, to clarify whether or not Dhaya Pillay was now detained in South Africa and to request a full investigation into the circumstances of his removal from Swaziland.

Dhaya Pillay was returned to Swaziland by South African authorities on 11 March. He said his captors had told him: "We made a mistake" □

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